

# Social care registration handbook

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This guidance sets out the processes for registering voluntary adoption agencies, adoption support agencies, children's homes, holiday schemes for disabled children, independent fostering agencies and residential family centres (establishments and agencies).

Please note that this guidance is for Ofsted staff.

There is guidance for providers on the registration process in our *Guide to registration for children's social care services* (<https://www.gov.uk/government/publications/guide-to-registration-for-childrens-social-care-services>), and guidance about what providers need to tell us about once they are registered in *Changes to children's social care services that are registered and/or inspected by Ofsted* (<https://www.gov.uk/government/publications/changes-to-childrens-social-care-services-that-are-registered-andor-inspected-by-ofsted>).

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## List of abbreviations

### **A**

ARC Applications, Regulatory and Contact team

### **C**

CFC Cause for concern

COGC Certificate of good conduct

CQC Care Quality Commission

### **D**

DAF Disclosure application form (from the Disclosure and Barring Service)

DBS Disclosure and Barring Service

DFE Department for Education

DHC Document handling centre

### **F**

FPI Fit person interview

### **H**

HDB Health declaration booklet

HM Health Management Ltd

HM40 Consent form to sign for permission to approach a specialist or consultant.

### **I**

IMA Independent Medical Assessment. (when an applicant is referred for further investigation)

IMS Inspection Management Support

### **N**

NOD Notice of decision

NOI Notice of intention (notice of proposal)

### **O**

OSR Outcome summary report (report from health management with the decision on suitability)

OfficeBase Ofsted's database for all social care services (both registered and those we inspect only). It holds information, including data relating to applications, inspections and enforcement action; on proposed, registered, resigned, cancelled and refused registrations and registered individuals.

### **S**

SOP Statement of purpose

SPI Suitable person interview

SCRI Social Care Regulatory Inspector (generally referred to in this handbook as 'inspectors')

### **U**

URN Unique Reference Number

## About this guidance

1. This guidance is to assist all Ofsted staff in understanding the processes of registering voluntary adoption agencies, adoption support agencies, children's homes, holiday schemes for disabled children, independent fostering agencies and residential family centres. Ofsted provides separate guidance on the registration of social work providers.<sup>1</sup>
2. The guidance covers the registration of new managers of adoption support agencies, children's homes, holiday schemes for disabled children, independent fostering agencies and residential family centres where the service is already registered with us.
3. The registration handbook is made up of:
  - Part 1. Information about registration
  - Part 2. Information about the registration process
  - Part 3. Changes to services that are registered or inspected by Ofsted.
4. See Annex E for a list of relevant publications where you can find more information about social care registration.

## Part 1. About registration

5. Ofsted registers providers and managers in order to:
  - protect children, young people and vulnerable adults
  - ensure that children's social care establishments or agencies meet any relevant regulations and national minimum standards
  - ensure children and young people are safe, well cared for and take part in activities that contribute to their development and learning
  - promote high quality children's social care
  - provide reassurance to children and young people, adults using adoption support agencies or residential family centres, parents, parties responsible for placing children and young people, the government and the public.

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<sup>1</sup> *Guide to registration for providers of social work services* (130234), Ofsted, 2013;  
<http://www.ofsted.gov.uk/resources/guide-registration-for-providers-of-social-work-services>

## Children's social care services that must register with Ofsted

6. The following children's social care services require registration with Ofsted:
- adoption support agencies
  - children's homes, including secure children's homes and residential schools that look after one child or more for more than 295 days<sup>2</sup> (establishments)
  - independent fostering agencies
  - residential family centres (establishments)
  - voluntary adoption agencies
  - residential holiday schemes for disabled children (establishments).

These are collectively referred to as establishments and agencies throughout this handbook.<sup>3</sup>

7. Voluntary adoption agencies only have one principal office, but they may also have separate branches. These branches form part of the same registration and are listed on the same certificate. The principal office and each branch require separate applications and each incur a separate registration fee.

## Children's social care services that do not need to register with Ofsted

8. The following children's social care services do not require registration with Ofsted:
- boarding schools<sup>4</sup>
  - Local authority children's services including their adoption and fostering services, and private fostering arrangements
  - residential special schools<sup>5</sup>
  - secure training centres.<sup>6</sup>

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<sup>2</sup> For more information, please see *Registering as a refuge for young people at risk – guide for applicants (residential homes)*, DfE, 2010; [www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00356-2010](http://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00356-2010).

<sup>3</sup> [Guide to registration for providers of social work services](#).

<sup>4</sup> All schools that provide boarding or residential care must register this particular aspect of their service with the DfE. If the school provides accommodation for pupils for more than 295 days a year, it must also register with Ofsted as a children's home.

<sup>5</sup> Ibid.

<sup>6</sup> Secure training centres are contracted to the Youth Justice Board to provide services.

## People disqualified from registering as a provider or manager of a children's home

9. Some individuals are not allowed to register as a provider or manager of a children's home because they are disqualified.<sup>7</sup> Reasons for disqualification include:
  - being convicted of certain offences
  - being convicted of any offence which involved bodily injury to, or death of a child
  - being made the subject of an order relating to the care of children, such as a child being removed from their care
  - having registration as a childcare provider or childminder refused or cancelled
  - having registration as a provider or manager of a children's home refused or cancelled.
  
10. In some circumstances, disqualified people may apply to Her Majesty's Chief Inspector (HMCI) to grant them written consent to apply for registration. If Ofsted receives such a request, we decide whether or not to grant the person the right to apply to register. If we refuse to grant them the right to apply, the applicant has a right to appeal to the Health, Education and Social Care Chamber of the First-tier Tribunal. However, we cannot grant consent to apply for registration to anyone who is included on the Disclosure and Barring Service's (DBS) list of individuals barred from working with children. For more information, please refer to the *Social care compliance handbook*.<sup>8</sup>
  
11. If you become aware that an applicant may have employed a disqualified person before becoming registered, see paragraphs 125 to 128 for information about what to do.
  
12. For guidance about concerns relating to Disclosure and Barring Service (DBS) offences that do not disqualify someone from becoming registered, see paragraphs 115 - 117.

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<sup>7</sup> A full list of all the circumstances that disqualify people from working with children is available under sections 65 and 68 of the Children Act 1989; <http://www.legislation.gov.uk/ukpga/1989/41/contents>; and the Disqualification from Caring for Children (England) Regulations 2002 as amended; <http://www.legislation.gov.uk/uksi/2002/635/contents/made>.

<sup>8</sup> Social care compliance handbook; <https://www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014>.



## Applications and checks

### Information for applicants and application packs

13. Anyone who wishes to register should read all the information in Ofsted's Guide to registration for children's social care services carefully before deciding whether or not to make an application.
14. To make an application, a person must:
  - obtain a Disclosure and Barring Service (DBS) check via Capita's online DBS service (and join the DBS update service and give their consent for Ofsted to re-check their DBS status at least once every six months)<sup>9</sup>
  - apply to register online at <https://online.ofsted.gov.uk/onlineofsted/Default.aspx> hard copy application packs will remain available until Summer 2015 on [www.gov.uk/Ofsted](http://www.gov.uk/Ofsted).
  - submit all the necessary documents as part of their application. For online applications you will need to scan the documents, upload these and submit them as part of your application.

### Information for children's homes applications in relation to directors and those people who carry on a children's home with other individuals but are not a partnership

#### *Directors*

15. Regulation 26(4)(i) of the Children's Homes (England) Regulations 2015 provides that an organisation (which includes a body corporate, see regulation 2(1) may only carry on a home if each director (except the director nominated as the responsible individual) who is involved in the carrying on of a home by that organisation satisfies the requirements in regulation 26(6) of the Children's Homes (England) Regulations 2015.
16. Each director must be of integrity and good character and full information must be available in respect of the matters set out in paragraphs 1 to 3 to 6 of Schedule 2 of the Children's Homes (England) Regulations 2015. However, for directors no DBS check is required. The test is whether the director is 'involved in the carrying on of a home by the organisation'. This means any director of an organisation who has an active role of some kind in the carrying on a home be it finance, HR or in some other capacity. 'Director' includes individuals who perform the functions of or functions similar, or equivalent to directors; see regulation 26(9) of the Children's Homes (England) Regulations 2015. For more information about children's homes directors please refer to Annex J

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<sup>9</sup> Ofsted DBS Application Portal; <http://ofsteddbapplication.co.uk>.

### *Individual providers*

17. Registration as an individual provider can consist of more than one person. If an individual carries on a home with another individual but there is no partnership as such then each individual will be registered (Regulation 26(2) of the Children's Homes (England) Regulations 2015). For more information about individuals who carry on a children's home with other individuals please refer to Annex K.

### **Applications**

18. A person who wishes to register as a social care provider or manager must apply to Ofsted, giving all the information requested. It is an offence to knowingly make a false or misleading statement in an application.<sup>10</sup> See Annex B for more information about the different types of registered persons.
19. An application is not complete until we receive the relevant application forms and documentation and the application fee. Incomplete hard copy applications are returned and have to be re-submitted. Online applications cannot be submitted unless all of the necessary documentation is provided and checked by our application team.
20. Once we have agreed that the application is complete, the applicant will be asked to pay the full application fee. Once this has been received we will commence processing the application.
21. An application fee cannot be refunded once we have started processing it. This includes when:
  - the applicant decides to voluntarily withdraw their application (to register as a children's social care provider or a manager)
  - we refuse to grant registration
  - the applicant is disqualified from becoming registered as a children's home provider or manager.
22. Where a proposed manager withdraws their application before the establishment or agency is registered, we will require a new application for the new manager and this requires a new fee. Withdrawing a manager's application form and then submitting a new form for a different manager is a new and separate application.
23. Where the nominated responsible individual changes before the establishment or agency is registered, a new fee is not required but an application form for the new nominated responsible individual is required. Regulations do not

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<sup>10</sup> Under section 27 of the Care Standards Act 2000;  
<http://www.legislation.gov.uk/ukpga/2000/14/contents>.

make separate fees for registering individuals who are being assessed as part of the application to register a children's social care provider.

24. Providers must make a separate application for each establishment or agency that they wish to register. Guidance online explains how you can make multiple applications. Please see the section 'Applications made by a provider who already has a registered service with Ofsted' (paragraphs 400–404).

### **Checks on applicants or those connected with the application**

25. We carry out a series of checks for everyone who applies to register as a provider or manager of a social care service. These include a DBS (Disclosure and Barring Service) check (carried out by Capita, on our behalf) against police records for each person we are required to check, unless that person can demonstrate proof of a recent disclosure carried out through Ofsted. There is more information about this in paragraph 86 and in the Guide to registration for children's social care services. For guidance on applications from people who are already registered, see paragraphs 400–404.
26. Applicants are responsible for checking that all other staff (including agency staff) or volunteers they intend to employ are suitable to work at their proposed establishment or agency. The registration regulations require an applicant to provide us with a list of staff posts, including duties and responsibilities,<sup>11</sup> and, on request of Her Majesty's Chief Inspector:
  - evidence about how they recruited any staff during the application process<sup>12</sup>
  - whether anyone will be living on the premises
  - whether anyone working or intending to work at the premises is related to any other person working or intending to work at the premises.
27. Inspectors must sample any staff records during the registration visit to ensure these meet the requirements in the registration regulations and the relevant service regulations, and protect children from unsuitable people working at the service.
28. An application for an adoption support agency, children's home, residential holiday scheme for disabled children or residential family centre must include an application to register a manager, unless the provider is in day-to-day charge of the provision and has the necessary skills, qualifications and

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<sup>11</sup> Under regulation 3(2)(a) schedule 1, part 2, paragraph 18 of The Care Standards Act 2000 (Registration) (England) Regulations 2010; <http://www.legislation.gov.uk/ukxi/2010/2130/contents/made>.

<sup>12</sup> Under regulation 6(b), part 2 of The Care Standards Act 2000 (Registration) (England) Regulations 2010.

experience.<sup>13</sup> If the application to register a manager is not included where necessary, we will return the whole application to the applicant or if the application is made online, the applicant will be unable to submit this.

29. The provider of an independent fostering agency must always appoint an individual to manage the agency.<sup>14</sup> This cannot be the person who is applying to be the responsible individual. An application for an independent fostering agency must therefore include an application to register a manager. If the application to register a manager is not included we will return the whole application to the applicant or if the application is made online, the applicant will be unable to submit this.
30. We do not register the manager of a voluntary adoption agency.
31. The table below summarises who we check during our assessment of the application and whose names appear on the registration certificate. These checks contribute towards our decision as to whether applicants are fit for registration. We register an individual applicant or organisation when we decide that they and the premises and services they intend to provide are fit. Otherwise, we refuse registration. Whenever refusal is considered an option, inspectors should consult with the Social Care Compliance inspector and a Regulatory Inspection Manager.

<b>Type of provider</b>	<b>Description of the entity or person(s) we register as the provider</b>	<b>The application form (SC1) must be signed by:</b>	<b>Those connected with the registration who must be assessed as part of it</b>	<b>Name on the certificate</b>
Individual owner	The individual owner is a person who is the sole owner of an establishment, agency or residential holiday scheme for disabled children.	The individual owner	The individual owner and the registered manager	The names of the individual owner and the registered manager
<b>Type of provider</b>	<b>Description of the entity or person(s)</b>	<b>The application form (SC1) must</b>	<b>Those connected</b>	<b>Name on the</b>

<sup>13</sup> Under regulation 8(2) of The Adoption Support Agency (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; <http://www.legislation.gov.uk/uksi/2005/2720/contents/made#9>; regulation 27(1) of The Children's Homes (England) Regulations 2015; <http://www.legislation.gov.uk/uksi/2001/3967/contents/made#8>; and regulation 6(1) of The Residential Family Centre Regulations 2002; <http://www.legislation.gov.uk/uksi/2002/3213/contents/made#6>.

<sup>14</sup> Under regulation 6 of The Fostering Services (England) Regulations 2011; <http://www.legislation.gov.uk/uksi/2011/581/contents/made>.

	<b>we register as the provider</b>	<b>be signed by:</b>	<b>with the registration who must be assessed as part of it</b>	<b>certificate</b>
Company <sup>15</sup>	<p>Companies:</p> <ul style="list-style-type: none"> <li>■ are legally constituted</li> <li>■ have a company name</li> <li>■ have a company registration number</li> <li>■ are registered with Companies House.</li> </ul>	<p>1) If the company has no registration with Ofsted:</p> <ul style="list-style-type: none"> <li>■ a director of the company</li> </ul> <p>2) If the company is already registered with Ofsted:</p> <ul style="list-style-type: none"> <li>■ a director of the company</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>■ a responsible individual who already represents the company</li> </ul>	<p>The person applying to be the responsible individual and the registered manager. For children's homes only directors of children's homes. (For further information on which directors must apply please refer to Annex J</p>	<p>The company name and the name of the responsible individual and the registered manager</p>
Statutory body <sup>16</sup>	<p>A statutory body is an organisation where the main purpose of the organisation is provided for under legislation, for example a local authority.</p>	<p>1) If the statutory body has no registration with Ofsted:</p> <ul style="list-style-type: none"> <li>■ a senior official responsible for the statutory body</li> </ul> <p>2) If the statutory body is already registered with Ofsted:</p> <ul style="list-style-type: none"> <li>■ a director of the statutory body</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>■ a responsible individual who already represents the</li> </ul>	<p>The person applying to be the responsible individual and the registered manager For children's homes only directors of children's homes. For further information on which directors must apply please refer to Annex J</p>	<p>The name of the statutory body and the name of the responsible individual and the registered manager</p>

<sup>15</sup> Throughout this guide, the term 'organisation' covers company, statutory body, limited liability partnership and charity.

<sup>16</sup> Ibid.

		statutory body		
Partnership	A partnership is where two or more people are together but are not registered as a limited company.	<ul style="list-style-type: none"> <li>■ A partner on behalf of all partners</li> </ul> or <ul style="list-style-type: none"> <li>■ two or more partners on behalf of all partners</li> </ul> or <ul style="list-style-type: none"> <li>■ all partners</li> </ul>	All partners and the registered manager	The partnership name or the names of each of the partners and the registered manager
Limited liability partnership	Limited liability partnerships are partnerships that are registered with Companies House and therefore hold a separate legal identity from the individuals that make up the partnership. These fall within the definition of 'organisation' (their organisation 'type' is company). Their company name (on the Companies House website) will have the prefix 'LLP'.	1) If the limited liability partnership has no registration with Ofsted: <ul style="list-style-type: none"> <li>■ a partner on behalf of all partners</li> </ul> or <ul style="list-style-type: none"> <li>■ two or more partners on behalf of all partners</li> </ul> 2) If the limited liability partnership is already registered with Ofsted: <ul style="list-style-type: none"> <li>■ a partner on behalf of all partners</li> </ul> or <ul style="list-style-type: none"> <li>■ two or more partners on behalf of all partners</li> </ul> or <ul style="list-style-type: none"> <li>■ a responsible individual who already represents the limited liability partnership</li> </ul>	The person applying to be the responsible individual and the registered manager For children's homes only directors of children's homes. For further information on which directors must apply please refer to Annex J	The name of the limited liability partnership (company) and the name of the RI and the registered manager

<b>Type of provider</b>	<b>Description of the entity or person(s) we register as the provider</b>	<b>The application form (SC1) must be signed by:</b>	<b>Those connected with the registration who must be assessed as part of it</b>	<b>Name on the certificate</b>
Charity <sup>17</sup>	Charitable bodies may be: <ul style="list-style-type: none"> <li>■ charitable trusts</li> <li>■ unincorporated associations</li> <li>■ limited companies.</li> </ul> Registered charities have a 'registered charity number' and may also have a registered company number.	1) If the charity has no registration with Ofsted: <ul style="list-style-type: none"> <li>■ a director or trustee of the charity</li> </ul> 2) If the charity is already registered with Ofsted: <ul style="list-style-type: none"> <li>■ a director or trustee of the charity</li> </ul> or <ul style="list-style-type: none"> <li>■ a responsible individual who already represents a charity that is registered with Ofsted</li> </ul>	The RI and the registered manager For children's homes only directors of children's homes. For further information on which directors must apply please refer to Annex J	The name of the charity and the name of the responsible individual and the registered manager

### **Applicants who have lived abroad**

32. If the applicant has lived abroad in the past five years, we ask them to tell us the countries they have lived in.
33. The Disclosure and Barring Service (DBS) has reciprocal arrangements with some countries that allow it to check on the criminal history of those who have lived there.
34. Where there is no such arrangement, we require additional evidence of an applicant's fitness if they do not have a continuous history of living in this country. The types of evidence we require depend on someone's history and what they can supply to demonstrate their fitness.

<sup>17</sup> Ibid.

35. We are mindful of the level of evidence required from applicants who are resident in England to demonstrate fitness, and we strive to gain as much evidence from those who have lived abroad.
36. The Regulatory Inspection Manager should advise on the type of evidence required, and make all registration decisions regarding applicants from abroad. This is because we need extra assurance where someone does not have a full history in this country.
37. If inspectors have questions about whether the level of evidence is satisfactory, they should discuss this with their Regulatory Inspection Manager and the Social Care Compliance inspector.

### **Certificates of good conduct**

38. A certificate of good conduct is the most common form of evidence we require where people have lived abroad. This should be obtained from the embassy of the country in which the person has lived, and accompanied, where necessary, by a certified translation into English. We need a certificate of good conduct from every country an applicant has resided in.
39. It is not appropriate to require a certificate of good conduct when:
  - a person is a refugee
  - a person is a UK resident who has been working or travelling abroad, for example on a gap year
  - a person has travelled extensively and has not remained in any country for sufficient time to establish a history.
40. Where we cannot obtain a certificate of good conduct, we must consider what other information is available. This may include:
  - a reference from someone of standing in the country in which they lived, such as a doctor or lawyer
  - employer references, particularly those relating to children's social care
  - evidence to support any work permit.
41. Any such check should include verification of the person's identity, for example phoning a doctor at the hospital he or she work at after checking the hospital's existence.

### **Making the decision about certificates of good conduct**

42. Where we are not able to obtain a certificate of good conduct, the Regulatory Inspection Manager must consider all of the information available prior to making a decision. If there is sufficient information available, the Regulatory Inspection Manager may decide to grant registration, although we need to



ensure that we have received all other relevant information, such as information from a Disclosure and Barring Service (DBS) check.

43. In making the decision, the Regulatory Inspection Manager should consider how long a person has been in this country. A few years may provide sufficient information but if it was only a few months, it is unlikely that we will have enough background information to make a fitness decision.
44. If inspectors do not think they have sufficient information relating to the applicant, they should ask the applicant for any other information to support their application. If none is forthcoming, the inspector should consider refusing registration as the applicant is unable to demonstrate their fitness.
45. If we refuse an application from an individual to provide or manage a children's home the applicant is disqualified from applying for such registration in the future. However, if someone writes to ask us for written consent to apply, we are likely to allow them to do so if it is on these grounds alone. Normally we require applicants to live in the UK for at least 12 months before we will reconsider any application, and longer in some circumstances such as where there are no employer references.
46. If applicants provide us with a certificate of good conduct after we grant registration, we will treat this in the same way as any other information we receive in relation to a person's continued fitness. See paragraphs 224 –230 for more information about making individual fitness decisions.
47. The Application team will obtain a certified translation of a certificate of good conduct or of any other information provided in another language. The Application team hold information about who we use for such translations and verify the qualifications of those we ask to translate.
48. If inspectors have questions about whether the certificate of good conduct is satisfactory, they should discuss this with their team manager and the Social Care Compliance inspector.

### **Right to work in the United Kingdom**

49. The registration process does not include asking applicants about their entitlement to work in the UK. Inspectors should not routinely ask applicants whether they have permission to work in the UK or give advice or guidance on this matter.
50. If, in the course of checking the applicant's identification documents, however, inspectors see evidence that suggests the person may not be entitled to work in this country, they must not ignore it. Inspectors should ask the person to confirm that they now have the right to work here, for example with a letter from the immigration authorities. If they cannot provide any such evidence, inspectors should consider refusing registration.

51. Inspectors should refer any cases where we might need to refuse registration to the Regulatory Inspection Manager, who will consider them on a case-by-case basis and taking the circumstances into account; for example, the applicant may be in the process of applying for permission to work in the UK. If the only reason for refusal is that the person does not have the right to work in the UK, the Social Care Regulatory Inspector should refer the case to a Regulatory Inspection Manager, who decides whether to seek further legal advice via the Social Care Compliance inspector. This process ensures that our decisions are based on the prescribed requirements for registration and kept clearly within Ofsted's legal powers.
52. If Ofsted staff have a concern about an applicant's identification documents in relation to their right to work in the UK, they should advise the applicant in writing to contact UK Visas and Immigration for advice.<sup>18</sup>

### **Applicants who have worked in Northern Ireland, Scotland and Wales**

53. Where an applicant has indicated that he or she has worked in Northern Ireland, Scotland or Wales, the Application team will check the following relevant website.
  - Ireland: <http://myNISCC.hscni.net/en-gb/home/searchtheregister.aspx>
  - Scotland: [www.sssc.uk.com/sssc/search-the-register.html#](http://www.sssc.uk.com/sssc/search-the-register.html#)
  - Wales: [www.mycarecouncil.org.uk/en-gb/searchtheregister.aspx](http://www.mycarecouncil.org.uk/en-gb/searchtheregister.aspx)
54. The Application team member will check to see if there is any information about the applicant and will memo the inspector to either state that no information is held or that information is held. Where information is held then the memo should request the inspector checks the details on the website.

### **Keeping a robust audit trail of decisions about someone's fitness**

55. We must maintain a robust audit trail of all the processes we undertake during registration so we can reach a decision on someone's fitness to provide or manage a children's social care service. A robust audit trail enables us to demonstrate that we have followed the correct procedures and taken appropriate steps to determine an applicant's fitness. The principles and approach outlined in this section apply to all social care registration applications.
56. This means keeping a proper record of our decision-making, including evidence of:
  - who made the decision

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<sup>18</sup> [www.gov.uk/government/organisations/uk-visas-and-immigration](http://www.gov.uk/government/organisations/uk-visas-and-immigration)

- what circumstances we took into account
  - how we evaluated and assessed the evidence.
57. We must keep a robust audit trail whenever we gather evidence during the registration process, especially if it gives us cause for concern. For example, a DBS disclosure or other intelligence may reveal an offence or other information that does not automatically disqualify a person but causes concern about a person's fitness. Whenever there is a concern about a person's fitness, a case discussion should be called with the Social Care Compliance inspector. If a case discussion is held, this must be recorded on Office Base.
58. All staff involved at all stages (ARC, inspectors, Regulatory Inspection Managers and, where necessary, Social Care Compliance inspector staff) should record each stage of the registration process in Officebase. Where we need to alert colleagues to information, we should use the memo system on OfficeBase.
59. If a decision to refuse is made, the Social Care Compliance inspector must open a compliance case, and a case review must be held.
60. Inspectors must always record relevant events as they happen or directly afterwards: for example, if they:
- refer an application to a Regulatory Inspection Manager or a Social Care Compliance inspector
  - undertake a visit or make a telephone call to the applicant; this must include details of who made the call and when, why the call was made and the results of the call.
61. The Application team record any telephone calls and letters they receive relating to checks. The Application team send a memo to inform the inspector and Regulatory Inspection Manager when they need to take further action or make a fitness decision. Contact centre advisers also use memos to record any telephone calls they receive from applicants. We retain the information from checks until any appeal period is over.
62. We must not normally copy anything from a Disclosure and Barring Service disclosure form other than the number and date of the disclosure. The only place on OfficeBase where information regarding a particular individual's convictions, medical checks or children's services information can be kept is on a compliance case record.
63. Where individuals have not declared information on a Disclosure and Barring Service form or other check, inspectors must record the precise details of such information in a compliance case record on Office Base.

64. We can also record information disclosed by the applicant or individual themselves, including information relating to convictions, in registration records. Inspectors must record this so that it is clear that the individual shared this information with them: for example, 'Mrs Smith said...'. Where this is sensitive, personal information, it should be recorded in the person's fit person interview record where possible. Other sensitive information should be recorded in the registration records.
65. Inspectors must discuss any concerns found at registration visits or interviews with the Social Care Compliance inspector and, where this affects a decision to register, refer convene a case discussion.
66. The record must set out how we came to make our registration decision. See paragraph 279 for more information about who makes the decision, and Annex D for what information should be recorded. Where we are refusing an application please refer to the Social care compliance handbook.<sup>19</sup>

### **Retention of records**

67. The Application team retain scanned versions of original documents – such as DBS disclosure forms with a cause for concern – on Office Base on a compliance case record, according to Information use: code of practice.<sup>20</sup>
68. It is the responsibility of the Social Care Compliance inspector, inspectors and Regulatory Inspection Managers to destroy any scanned documents they hold once a fitness decision has been made. If the decision is to refuse, staff must upload any additional documents to the compliance case record.

### **Retaining information regarding applications**

69. The Care Standards Act 2000 Registration (England) Regulations 2015 state that should an applicant provide information once they do not need to do so again if it has not changed. We therefore retain all copies of registration forms and information. These will be stored on OfficeBase.

### **Granting registration**

70. Registration allows an individual, partnership or organisation to provide children's social care services and, in some circumstances, services for adults.<sup>21</sup> It is our responsibility to ensure that our registration decisions protect and promote children, young people's and adult service users safety and welfare. We must therefore ensure that the registration process is

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<sup>19</sup> Social care compliance handbook; [www.ofsted.gov.uk/resources/140136](http://www.ofsted.gov.uk/resources/140136).

<sup>20</sup> Information use: code of practice, Ofsted, 2011;  
[http://ofstedintranet/Life\\_at\\_Ofsted/Pages/Life%20at%20Ofsted.aspx](http://ofstedintranet/Life_at_Ofsted/Pages/Life%20at%20Ofsted.aspx).

<sup>21</sup> Adoption support agencies and voluntary adoption agencies may provide services for adults and/or children. Residential family centres provide services for adults.

rigorous so that we only register those who can demonstrate they can protect and promote children and adult's safety and welfare and meet all of the fitness criteria effectively.

71. The law requires applicants to prove that they have the skills, knowledge and understanding to operate or manage the establishment or agency they are applying to be registered to provide or manage. The burden of proof is on the applicant to demonstrate that they are fit, rather than on us to prove that an applicant is unfit. From the time an applicant first applies to Ofsted, the way they present their application should provide an initial indicator about how they meet the requirements of registration. It is important to note that responsibility for supplying us with the full, correct and suitable information to support an application lies with the applicant. Therefore, it is important that applicants ensure any information they supply demonstrates these criteria. In general we do not ask applicants to resubmit information if this is incorrect or shows the person has a poor understanding of the establishment or agency they are intending to provide. We also do not generally ask an applicant to provide additional information. We make our registration decisions based on the original information they provide. The quality of the information the applicant supplies is taken into account when we make our judgement about their fitness to register with Ofsted to provide or manage a children's social care establishment or agency.
72. Before an applicant can be registered, Ofsted must be satisfied that:
- every person who provides or manages a children's social care establishment or agency is fit to provide services to children and young people and, where applicable, adults
  - the premises, where applicable, are fit for the type of establishment or agency they are applying to register
  - the applicant complies, or is likely to comply, with the relevant regulations under the Care Standards Act 2000, the relevant national minimum standards or for children's homes, the *Guide to the children's homes regulations including the quality standards*, any conditions of registration imposed by Ofsted and the requirements of any other legislation which apply. For example, has the provider got planning permission if this is required?
73. Making sure that only people who have the right knowledge, skills and training are granted registration reduces the risk of registered providers and managers not meeting the requirements of legislation, and not being able to properly safeguard and promote children's, young people's and adults' well-being. If we are concerned about an applicant's fitness, then we must not grant registration unless those concerns have been followed up and resolved to our satisfaction. In any case where high level concerns about an applicant exist and refusal of registration is proposed a case review must be called to decide on the course of action required and consider the evidence which supports

refusal. See the compliance handbook for more information on refusing registration.

### **Timescales for completing our registration decision**

74. We have a target timescale of 16 weeks in which to complete our checks, visit the premises, complete fitness interviews and make a decision about the registration of a new establishment or agency. This timescale starts from the date we enter the details of the application on the OfficeBase.
75. On the day that an online application or hard copy application is entered onto OfficeBase, the social care Application team send an acknowledgement letter (standard letter SCL301) to the individual who signed the application (SC1).
76. Wherever possible, we must make our decision within 16 weeks. Occasionally, registration decisions take longer because the applicant does not supply us with all of the necessary information we require to make our registration decision or the premises are not ready.
77. Whenever we cannot meet our registration timescale of 16 weeks, we should send the applicant the standard letter EYL31 (amended as appropriate). This explains the reasons why we cannot complete our registration decision and outlines the action needed to complete our decision.
78. Applications are not subject to tacit approval under the EU Services Directive. Tacit approval relates to a situation in which an authority does not process an application for registration within the published timescales and the application as a result becomes deemed as having been granted. It does not apply to applications to Ofsted for registration as a children's social care provider because different arrangements are in place because of overriding reasons relating to the public interest, namely the need to safeguard and protect children's welfare.<sup>22</sup>

### **The register**

79. Under the Care Standards Act 2000, Ofsted must keep a register of all the establishments or agencies registered under the Act. We have to supply certain details<sup>23</sup> from the register to anyone who asks us for this information. The register is required to contain information specified in regulations.<sup>24</sup>
80. To be entered on to the social care register, applicants must send a complete application that we process, assess and grant registration for. Anyone whose

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<sup>22</sup> Provision of Services Regulations 2009, Regulations 19(5) and (6); [www.legislation.gov.uk/uksi/2009/2999/contents/made](http://www.legislation.gov.uk/uksi/2009/2999/contents/made).

<sup>23</sup> Under section 36 of the Care Standards Act 2000.

<sup>24</sup> Under regulation 7(2), schedule 5 of the Care Standards Act 2000 (Registration) (England) Regulations 2010.

registration is refused is not entered on the register. However, records of those we have refused registration remain logged on OfficeBase.

## Part 2. The registration process

### Introduction

81. This part of the registration handbook supports the registration business process. It explains the process of registration and how we use the registration and fit person interview records. See Annex D for more detail on fit person interviews and registration records.
82. We register an individual applicant, partnership or organisation when we decide that they and the premises and services they intend to provide are fit. Otherwise, we refuse registration.
83. A key part of the registration process is the registration visit inspectors make to assess the fitness of the applicants (provider and manager), services and premises. See paragraphs 161 – 164 for guidance to help you carry out that visit.
84. We have clear lines of accountability and decision-making for all decisions relating to registration. These are set out in the decision-making tables in paragraph 279.
85. All staff must adhere to the civil service code when carrying out any part of the registration process. Inspectors must also adhere to Ofsted principles for inspection and regulation, code of conduct for inspectors and code of practice for providers<sup>25</sup> when carrying out the registration visit. Staff must also comply with Ofsted's information assurance guidance in handling information related to applicants and others associated with an application.

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<sup>25</sup> Ofsted principles for inspection and regulation, code of conduct for inspectors and code of practice for providers, Ofsted, 2008;  
[http://ofstedintranet/Our\\_Work/Adoption\\_and\\_Fostering/Pages/Adoption%20and%20Fostering.aspx](http://ofstedintranet/Our_Work/Adoption_and_Fostering/Pages/Adoption%20and%20Fostering.aspx).

## Disclosure and Barring Service (DBS) certificates

86. Every person applying to register as a provider or manager of an agency or establishment (except directors of children's homes) must either:
- apply online for a Disclosure and Barring Service (DBS) disclosure certificate via the Capita website and be in receipt of a certificate before submitting their application (and join the DBS update service and give their consent for Ofsted to re-check their DBS status at least once every six months)<sup>26</sup> or
  - provide Ofsted with an enhanced certificate carried out via another organisation and be a subscriber to the DBS update service.

## Rechecking people who are registered with Ofsted

87. We will check the DBS status of people who registered with us from 1 September 2014, at least once every six months.<sup>27</sup> Where this check shows that a person's DBS status has changed, we will require that person to obtain a new DBS certificate.
88. If we find that a registered person does not continue his or her subscription to the DBS update service, inspectors will convene a case review to consider what action we intend to take regarding this matter. For more information on case reviews please refer to our Social care compliance handbook.<sup>28</sup>
89. We do not routinely repeat checks on people who are already registered with Ofsted. However, we have the right to re-check a registered person if we have concerns about whether they remain fit for registration. This may include asking for a new DBS certificate to be obtained where the person does not subscribe to the DBS update service.

## DBS online update service

90. Since 1 July 2013, people who apply for a Disclosure and Barring Service (DBS) certificate can also pay a subscription to join the DBS online update service. This service allows an employer to go online, with the consent of the individual, and carry out a free, instant status check to find out if the information released on the DBS certificate is current and up-to-date. It is mandatory for applicants to join the DBS online update service and give their consent for Ofsted to re-check their DBS status at least once every six months.

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<sup>26</sup> Please see the *Guide to registration for children's social care providers* for information on how applicants should apply for a DBS disclosure.

<sup>27</sup> All applicants who submitted an application after 31 August were required to subscribe to the DBS online update service and give consent for Ofsted to check their DBS status regularly.

<sup>28</sup> Social care compliance handbook; [www.ofsted.gov.uk/resources/140136](http://www.ofsted.gov.uk/resources/140136).



91. Ofsted's declaration and consent form (SC2) ask an applicant to state if he or she has subscribed to the DBS update service and includes a declaration from the applicant that gives Ofsted permission to carry out an online status check.

**Concerns relating to offences or other information that raises concerns on DBS disclosures that do not disqualify a registered person or manager**

92. This guidance does not relate to children's homes providers and managers. Disqualification from applying for registration only applies to children's homes (see paragraphs 9 to 12). For adoption support agencies, independent fostering agencies, residential family centres, residential holiday schemes for disabled children and voluntary adoption agencies please refer to the information below.
93. When coming to a decision about the fitness of an individual where there are offences or other information that raise concerns, but do not disqualify an applicant, we must consider the:
- seriousness of the offence or other information
  - accuracy of the person's self-disclosure on the application
  - age of the individual at the time of the offence or other information
  - length of time that has passed since the offence or other information
  - relevance of the offence or information to working with or being in regular contact with children.
94. Inspectors must seek advice from the Regulatory Inspection Manager before undertaking any interviews or additional checks. The Regulatory Inspection Manager must authorise all additional checks.

**Checks that the social care application team undertake on receipt of an application**

95. Applications are only deemed complete when all the necessary parts of the application forms (SC1 and SC2s) have been completed and submitted, the required supporting documents have been received and the full fee has been paid.
96. Applications will not be able to proceed unless all of the required information is enclosed with the application as follows:
- a statement of purpose  
This must relate to the specific service and must not be a statement about any other service already in operation.
  - a children's guide or resident's guide

- a behaviour management policy  
This is only required for children's homes and residential holiday schemes for disabled children.
  - the registration fee<sup>29</sup>  
The amount submitted must be correct according to the list of current fees. It will depend on the type and size of service, and whether a manager's fee is payable. All cheques are made payable to Ofsted.
  - an original Disclosure and Barring Service (DBS) certificate (not required for children's homes' directors)  
For each person who must complete information about themselves as part of an application Ofsted must receive an original DBS certificate, unless the individual applied for their DBS certificate via the Capita website, and the certificate shows no recorded information.<sup>30</sup>
  - a financial reference  
This must be completed and stamped by the applicant's bank. We should not accept photocopies of this document.
  - a cash-flow forecast
  - the last two annual reports
  - a business plan  
As a minimum, this should cover the following five major areas: background information; a marketing plan; an operational plan; a financial plan; and a discussion of the decision-making criteria that should be used to approve the plan.<sup>31</sup>
  - annual accounts  
These must cover the last two years.
97. Please note: local authorities and organisations known to Ofsted which have applied for registration in the 12 months prior to any further application and been granted registration, do not need: a financial reference; a cash-flow forecast; the last two annual reports; a business plan; or annual accounts. New companies do not need to submit annual accounts.
98. The Application team also check the response to question E10 (about any current registration or application with the Care Quality Commission (CQC)). Where an applicant has answered 'yes' to this question, the Application team will search the CQC website for details of any current registration and will inform the inspector if there is a current registration. The inspector takes any

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<sup>29</sup> Fees are set out in The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007 as amended; <http://www.legislation.gov.uk/uksi/2007/694/contents/made>.

<sup>30</sup> The certificate will state 'none recorded' in each section.

<sup>31</sup> For more information about business plans, please see the glossary.

information provided on the CQC website into consideration when making a decision about suitability.

## Deciding if an application is complete

99. The Application team will only find a social care application complete, and start to process it, if it contains all the information listed in paragraph 96, bearing in mind the exceptions in paragraph 97. The table on the next three pages sets out the legislative requirements for who has to register for adoption support agencies children’s homes, residential family centres, residential holiday schemes for disabled children and independent fostering agencies and voluntary adoption agencies. It details when a responsible individual and registered manager can be the same person. However, it should be noted that decisions about whether a person can be the responsible individual and registered manager are rare and only made on a case by case basis. We have guidance on the role and responsibilities of the responsible individual for all establishments and agencies in annex G.
100. When making an application the following people must meet the fitness tests and are required to submit information which demonstrates this.<sup>32</sup>

Service type	Provider type	Legislative requirement
Children’s home <sup>33</sup>	Organisation (including limited companies, statutory bodies and charities) <sup>34</sup>	The organisation must appoint a <b>responsible individual (RI)</b> who is the director, manager, secretary or other officer of the organisation. The RI must satisfy the fitness requirements.  The registered provider must appoint a <b>registered manager</b> . This should be a different person from the RI, as the law views the roles as distinct with the RI supervising the management of the service on behalf of the organisation or partnership.  For directors please refer to Annex J
Children’s home	Partnership	For partnerships, <b>all of the partners must satisfy the fitness requirements</b> .  The partnership must appoint a <b>registered manager</b> to manage the fostering agency. This can be one of the partners if he or she meets the fitness test for a manager.
Children’s home	Individual	The <b>registered manager and the registered</b>

<sup>32</sup> Regulation 3 of [The Care Standards Act 2000 \(Registration\)\(England\) Regulations 2010](#)

<sup>33</sup> Under regulation 26 of [The Children’s Homes \(England\) Regulations 2015](#).

<sup>34</sup> An unincorporated body may not make applications to register a voluntary adoption agency.

Service type	Provider type	Legislative requirement
		<p><b>provider can be the same person.</b></p> <p>For groups of individuals who make up an individual provider please refer to Annex K</p>
Adoption support agency	Organisation (including limited companies, statutory bodies and charities)	<p>The organisation must appoint a <b>responsible individual</b> (RI) who is the director, manager, secretary or other officer of the organisation. The RI must satisfy the fitness requirements.</p> <p>The registered provider must appoint a person to manage the agency and, where the agency has a branch, an individual to manage that branch (the 'branch manager').</p> <p>The RI and the agency manager should not be the same person as the regulations require the appointment of a RI who is 'responsible for supervising the management of the agency'.</p>
Adoption support agency	Partnership	<p><b>Each of the partners must satisfy fitness requirements.</b></p> <p>The partnership must appoint a <b>registered manager</b> to manage the adoption support agency.</p>
Adoption support agency	Individual	<p>The <b>registered manager and the registered provider can be the same person.</b></p>
Voluntary adoption agency <sup>35</sup>	Organisation (including limited companies, statutory bodies and charities)	<p>The organisation must appoint a <b>responsible individual</b> (RI) who is the director, manager, secretary or other officer of the organisation. The RI must satisfy the fitness requirements.</p> <p>The registered provider must appoint a person to manage the agency and, where the agency has a branch, an individual to manage that branch (the 'branch manager').</p> <p>The RI and the agency manager should not be the same person as the regulations require the appointment of a RI who is 'responsible for supervising the management of the agency'.</p>
Fostering agency <sup>36</sup>	Organisation (including limited	<p>The organisation must appoint a <b>responsible individual</b> (RI) who is the director, manager,</p>

<sup>35</sup> Regulations 5 and 6 of [The Voluntary Adoption Agencies and the Adoption Agencies \(Miscellaneous Amendments\) Regulations 2009](#).

Service type	Provider type	Legislative requirement
	companies, statutory bodies and charities)	secretary or other officer of the organisation. The RI must satisfy the fitness requirements. The registered provider must appoint a <b>registered manager</b> to manage the fostering agency. The RI and the registered manager <b>cannot</b> be the same person.
Fostering Agency	Partnership	<b>Each of the partners must satisfy fitness requirements.</b> The partnership must appoint a <b>registered manager</b> to manage the fostering agency. The registered manager <b>cannot</b> be one of the partners.
Fostering agency	Individual	The <b>registered manager and the registered provider can be the same person.</b>
Residential family centre	Partnership	For <b>partnerships, all of the partners must satisfy the fitness requirements.</b> The partnership must appoint a <b>registered manager</b> to manage the fostering agency. This can be one of the partners if he or she meets the fitness test for a manager.
Residential family centre	Individual	The <b>registered manager and the registered provider can be the same person.</b>
Residential holiday scheme for disabled children <sup>37</sup>	Organisation (including limited companies, statutory bodies and charities)	The organisation must appoint a <b>responsible individual</b> (RI) who is the director, manager, secretary or other officer of the organisation. The RI must satisfy the fitness requirements. The registered provider must appoint a <b>registered manager</b> . This should be a different person from the RI, as the law views the roles as distinct with the RI supervising the management of the service on behalf of the organisation.

<sup>36</sup> Regulations 5 and 6 of The Fostering Services (England) Regulations 2011.

<sup>37</sup> Regulations 5 and 6 of [The Residential Holiday Schemes for Disabled Children \(England\) Regulations 2013](#).

Service type	Provider type	Legislative requirement
Residential holiday scheme for disabled children	Partnership	<p><b>For partnerships, all of the partners must satisfy the fitness requirements.</b></p> <p>The partnership must appoint a <b>registered manager</b>. This can be one of the partners if he or she meets the fitness test for a manager.</p>
Residential holiday scheme for disabled children	Individual	<p>The <b>registered manager and the registered provider can be the same person.</b></p>

### Two managers for one registered establishment or agency

101. Employment law permits two people to job-share. There is also nothing in the Care Standards Act 2000 or associated regulations that prevent two people from being a registered manager of an individual establishment or agency. Therefore, we may receive an application to register two people as the registered manager of an individual establishment or agency.
102. In these cases, both proposed managers must apply for registration by making individual applications, each paying the registration fee. We cannot find the application complete unless both people complete an application. Each applicant is interviewed separately and must meet the fitness requirements as set out in the relevant regulations. They must demonstrate how their joint management of the establishment or agency meets all the criteria in the service specific regulations, and that there are appropriate arrangements in place to ensure that the care of children or services to adults is not compromised, including time for management exchange of information. Once registered, both managers will be held accountable for meeting the requirements of the Care Standards Act and associated regulations. For children's homes both managers will be required to demonstrate how they meet the Quality Standards for children's homes.

### One manager for two establishments or agencies

103. The Care Standards Act 2000 (under section 12(4)) permits a person to apply to be registered as the manager of more than one establishment or agency at a time. However, managers must be in 'full-time, day to day charge of the establishment or agency'. Therefore, we expect the person appointed as manager to be in full-time, day-to-day charge. Registration to manage more than one establishment or agency is possible. However this is only the case if the provider and manager can demonstrate the circumstances realistically allow the manager to be in such full-time, day-to-day charge of each establishment or agency. All managers will need to demonstrate at interview

how they will meet the Quality Standards in two children's homes if this is what they are applying to manage.

104. Where an individual is applying to register as the manager for two establishments or agencies, they must submit application forms (SC2) and pay an application fee for each one. However, an applicant does not need to provide us with the same information more than once. In the second SC2 form, if the applicant answers yes to question B7, the remainder of the form only needs to be completed where the information is different to that supplied in the first SC2 form. The two applications must be cross-referenced in OfficeBase, so that the information from the fully completed SC2 can be found from either URN. Those applying online will only need to complete one application.

### **Multi-site children's homes applications**

105. For information about our policy and procedures regarding multi-site children's homes, see Guidance on the registration of multi-site children's homes.<sup>38</sup>

### **Schools registering as children's homes**

106. Anyone applying to be the registered manager of a children's home which is also registered as a school, must have qualifications as laid out in The Children's Homes (England) Regulations 2015 or have met the qualifications within the prescribed timescales.

### **Incomplete applications**

107. The online system prevents an applicant from submitting their application if this is incomplete or any supporting documents required at initial application are missing.
108. The Application team immediately return incomplete hard copy applications – with cover letter SCL21 – to the applicant by registered post when:
- the application form (SC1) or any of the declaration and consent forms (SC2s) are incomplete or unsigned
  - there is no SC2 form for a proposed registered manager
  - the wrong person has completed an SC2 form on behalf of a proposed provider
  - not all of the people who form part of the proposed provider and are required to submit an SC2 have done so

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<sup>38</sup> Guidance on the registration of multi-site children's homes (080239), Ofsted, 2008; [www.ofsted.gov.uk/resources/080239](http://www.ofsted.gov.uk/resources/080239).

- an individual has not applied for, or is not in possession of, a DBS enhanced disclosure in accordance with the guidance in Ofsted's guide to registration for children's social care providers. Applications will also be returned if the individual has not joined the DBS update service and given their consent for Ofsted to re-check their DBS status at least once every six months.

### **When to retain applications for five days for applicants to provide additional information**

109. Where a hard copy application is incomplete for any other reason, the Application team contact the applicant and ask them to supply the missing documents within five working days. The Application team follow up their telephone conversation with the applicant in writing, using standard letter SCL20, which sets out which documents an applicant must supply for us to accept the application as complete. The letter also states that if we do not receive the missing documentation within five working days from the date of the letter, we will return the whole application.
110. Where the missing information is received within five working days, the application is processed as normal. Where it is not received, the Application team return the whole application, with cover letter SCL22, by registered post.

### **Non-mandatory documents and other information**

111. We cannot refuse to accept and process an application on the basis that it is missing:
  - a fit person questionnaire for a manager and/or a registered provider: the fit person questionnaires are not required by regulation. However, the Application team should, in any correspondence, encourage applicants to send these in.
  - an alternative communication form: this form is not chased if it is not submitted with the online or hard copy application.<sup>39</sup> This is a form for applicants to tell us if they intend to use a particular additional communication system such as Makaton or Widgit in their proposed service. Where appropriate, inspectors should request it at the registration visit.
  - a copy of planning permission granted, a certificate of lawfulness or evidence from the local authority planning department that no planning permission is needed. This is needed but it does not have to be supplied as part of the initial application. Please see paragraphs 156 - 159 for more information about planning permission. However, we ask this is provided

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<sup>39</sup> *Types of communication systems used at our service form*, Ofsted, 2009; [www.ofsted.gov.uk/resources/types-of-communication-systems-used-our-service-form-childrens-social-care-providers](http://www.ofsted.gov.uk/resources/types-of-communication-systems-used-our-service-form-childrens-social-care-providers).



as soon as possible if it cannot be submitted as part of the applicant's initial application. This is to ensure that this does not hold up the application later in the process. Where it is clear that gaining planning permission, is not going to be straight forward and may take some time to resolve, potential applicants are strongly advised to wait for planning permission to be granted before applying for registration as we have a three month timescale for completing an application decision.

- a copy of a certificate of insurance: an applicant must provide this, but it does not have to be received as part of the initial application
- any information previously supplied to us on an application made after 1 September 2010 that has not changed. This will be checked by the Application team from our records.
- information in an alternative format that provides us with all the detail required. For example, a financial reference that provides all the detail on our form but is submitted in a different format, such as a letter.
- a missing child policy (Children's homes and independent fostering agencies only).

However, it is helpful for all of the above to be submitted at the time of application.

## **Recording the detail of a complete application**

### **Processing the fee**

112. The Application team receive fees paid by cheque. This information is then logged on to a fees information spreadsheet. The cheque is then sent to our finance department.
113. Applicants sometimes pay by method of the Bankers Automated Clearing System (BACS). This is sent straight to the fees team who notify the Application team. We do not normally encourage payments by BACS as it is difficult to match payments with applications.

### **Checking individual applicants**

114. The Application team checks all applicants unless all the following apply. The person applying:
  - is known to Ofsted
  - has been deemed fit
  - has not had a break in service or registration with Ofsted for a period of more than three months.

## Disqualified applicants

115. Before an application is processed, the Application team check whether an individual is disqualified by checking:
  - information provided within an applicant's declaration and consent
  - our records on OfficeBase if the individual is known to Ofsted.
116. If the Application team know that an applicant is a disqualified person when they enter their information into Ofsted or if this becomes evident through other checks we undertake, they send an email classified as 'confidential' to the inspector and the Social Care Compliance inspector about this.
117. There is more information in the Guide to registration for children's social care services and the *Social care compliance handbook*.

## Disclosure and Barring Service (DBS) certificates

118. Applicants (apart from children's homes directors) must have a DBS certificate before they submit an Ofsted application to register an establishment or agency, or apply to be the registered manager of an already registered establishment or agency. Applicants who require a DBS check must also join the DBS update service and give their consent for Ofsted to check their DBS status at least once every six months. Paragraph 86 provides information about how applicants obtain a DBS certificate.
119. Applicants must record their Disclosure and Barring Service reference number within the online application and send their original certificates to the Application Team in ARC. If they are completing a hard copy declaration and consent form (SC2) they should record the reference number in the form and include their original certificate with their application form. However, if the applicant applied for their certificate via the Capita website, and there is no information recorded<sup>40</sup> on the certificate, he or she does not have to provide their certificate.
120. Where there is no need for an original DBS certificate to be provided to Ofsted, the Application team uses the DBS reference number provided to check online with Capita if a certificate has been issued, and checks that it contains no recorded information. The Application team record this on OfficeBase to show that the DBS check is complete and is 'clear' because there is no information. If the Capita system shows the certificate did include information, the Application team contact the applicant to explain they must send their original certificate to Ofsted. This request is recorded by the Application team.

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<sup>40</sup> The certificate will state 'none recorded' in each section.

121. Where an original DBS certificate is sent to Ofsted, the Application team check its contents. If there is no recorded information, this is logged on OfficeBase to show that the DBS check is complete and is 'clear' because there is no information.
122. If there is information recorded, the Application team scan the certificate and email it to the inspector to review. The original certificate is returned by post to the applicant.
123. If the DBS certificate was not issued through Ofsted or via the Capita website, but the applicant has indicated in their application that they subscribe to the DBS update service, the Application team carries out a status check using the update service.
124. If the status check confirms that the certificate remains current and up-to-date, the Application team record this on OfficeBase to show that the DBS check is complete. If the status check shows that the information included on the certificate has changed and therefore the certificate is no longer up-to-date, the Application team contacts the applicant to explain they must apply for a new certificate via the Capita website.
125. If an original DBS certificate is not provided to Ofsted where required, we will not commence processing the application. Where the original DBS certificate is not included with the SC2 form the Application team will return the entire application pack.

### Children's services check

126. It is Ofsted's policy to undertake checks with local authority children's services.<sup>41</sup> The Application team request the check from each local authority the applicant has lived in during the past five years (this information is provided within the application).
127. Where the children's services check comes back **clear**, the Application team change the Ofsted Online Status to 'suitable' and the status to clear in OfficeBase.
128. Where the check reveals that further investigation is necessary, the Application team update the check to 'received' and change the status to 'further scrutiny'. A workflow will automatically be set up. This workflow will be allocated to the inspector to review the concerns. When the inspector has reviewed the information, they can either clear the check or change the status

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<sup>41</sup> Under part 2, regulation 3(6) of The Care Standards Act 2000 (Registration)(England) Regulations 2010, we can ask the applicant for any additional information we consider necessary to come to a registration decision. Under paragraph 6 of part 1, schedule 12 of the Education and Inspections Act 2006, HMCI can rely upon his ancillary powers to do what he considers necessary or expedient in relation to his functions.

to 'pass to compliance'. At this stage, they will need to link a warning to the applicant.

129. The inspector must update the record on OfficeBase to either 'suitable' or 'not suitable' when a decision is made.
130. If, when the chase procedures end at 11 weeks, we have received no written response, inspectors should telephone the local authority to ask for this as a matter of urgency and request a verbal response. Inspectors must record what the local authority says on OfficeBase. If inspectors do not have the local authority contact details, they should contact the Application team who have a list of these.
131. Should the telephone call reveal that the local authority has information that would be important to our decision about registration we should wait for them to provide this information before we make a final registration decision.

## References

132. The Application team check that each applicant provides details of two referees who meet the criteria in the Guide to registration for children's social care services. Wherever possible, the applicant should supply us with references from different organisations.
133. Where the Application team check the criteria and find a referee's details do not conform to this guidance, they contact the applicant and ask them to supply us with details of an additional referee within five working days. They will inform the applicant that we will return the application to them if we do not receive this.
134. If the details of referees are satisfactory, the Application team apply for these references on the day the application is accepted.
135. The Application team upload all reference replies to OfficeBase which generates a workflow for an inspector to review the response. In all cases, the inspector should telephone the referees to verify the information provided.<sup>42</sup> The inspector must make a decision about whether the reference is satisfactory.
136. Where the inspector finds the reference satisfactory they can close the workflow.
137. When a reference is not satisfactory, the inspector must leave the workflow open and consider what action is appropriate. For example:

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<sup>42</sup> NMS 16.1 of the national minimum standards for children's homes.

- if the reference does not provide sufficient information, they should speak to the referee and ask for more detail
- in some cases they may ask the Application team to request an additional reference
- where the reference and any additional information supplied indicate a cause for concern, the inspector should hold a preliminary discussion with the Social Care Compliance inspector and record what is agreed on OfficeBase.

### **Health Declaration Booklet**

138. The health declaration booklet (HDB) is usually returned by the applicant. The Application team check the HDB to ensure that the applicant and their GP have completed all the sections, and that the GP has stamped the HDB.
139. Occasionally, the Application team receive HDBs before we receive an application. These are logged on a spread sheet and electronic copies are stored until they are matched to an application. Hard copies of the HDB are destroyed.

#### *Initial assessment by the Application team*

140. The Application team assess the Health Declaration Booklet (HDB) to make sure it is complete, obtain any missing information and conduct an initial review against clearly defined medical protocols. If the HDB is 'clear', they update the health check on OfficeBase to 'Suitable'. Where a cause for concern is identified, or if anything is vague or unclear, the Application team refer the HDB to the regulatory managers within ARC.

#### *Review by regulatory managers at the ARC*

141. The regulatory managers in the ARC review the HDB in the context of information obtained from other checks. For complex or difficult medical decisions, we have access to qualified medical practitioners. We have appointed Health Management Limited as our medical advisers; they will provide a medical recommendation in such cases. If we require medical advice to make a decision about the medical suitability of an applicant, they will refer the case to Health Management Limited with details of our specific concerns. This will help our medical advisers to decide on any additional tests, interviews or direct questioning.

#### *Medical assessment by an occupational health physician*

142. An occupational health physician assesses the HDB and if there is sufficient information, he or she makes a medical recommendation. Where further information is required, our medical advisers carry out one or more of the following actions:

- obtain clarification from the applicant or his or her doctor by telephone
- request further medical evidence from the applicant’s doctor or specialist
- arrange a face-to-face appointment between the applicant and an occupational physician
- refer the applicant to a specialist, such as a psychiatrist, for assessment.

143. For each health check, the medical advisers provide a medical suitability recommendation of suitable or not suitable and indicate which of the categories below apply to their recommendation.

Cat.	Recommendation	Description
A	Medically suitable	I recommend, from the information supplied, that this person is medically suitable to be registered as a provider of childcare or children’s social care or be employed to work with children and/or young people in a registered provision.
B	Medically suitable with certain restrictions	I recommend, from the information supplied, that this person is medically suitable to be registered as a provider of childcare or children’s social care or to be employed to work with children and/or young people in a registered provision with the following restrictions: [See attached letter dated...]
C	Not medically suitable at present – to be reviewed at a future date	I recommend that this person is not medically suitable at present to be registered as a provider of childcare or children’s social care or to be employed to work with children and/or young people in a registered provision. The applicant’s medical suitability may be appropriate to review in: [no less than three months]. Please note that this is extremely unlikely to be used for social care and would not prevent us from continuing to decide an application within the timescales.
D	Not medically suitable	I recommend that this person is not medically suitable to be registered as a provider of childcare or children’s social care or to be employed to work with children and/or young people in a registered provision.
E	Not enough information to make a recommendation	This person has not co-operated with the process and I have not received enough information to make a recommendation.

144. The medical advisers complete and return an outcome summary report, which includes their medical recommendation as well as a summary of the evidence and reasoning behind it. The Application team member will receive the outcome summary report and update the health check on the OfficeBase to reflect the medical recommendation. ARC is the single point of contact with Health Management Limited.

*Medical conferences for complex cases*

145. For complex cases, it may be useful to have a case review with our medical advisers. This may be conducted face to face or as a teleconference and there is a fee for this service. Requests for a medical advisor to attend a case review must be sent to the Ofsted contract manager.

*Making the overall fitness decision*

146. The social care inspector will make a decision about the applicant's overall fitness in the normal way. Where the medical recommendation is anything other than suitable (category A) the Application team will provide a copy of the outcome summary report to the Regulatory Inspection Manager.

**Schedule for following up requests for information**

147. The Application team are pro-active when we do not receive a response to our request for information about an applicant. They chase missing documentation at regular intervals in line with the grid in paragraph 150.
148. The Application team 'chase' the applicant if a response to their request for information is not forthcoming. They put a memo on OfficeBase detailing what was chased and how. This allows all staff involved in dealing with the application to view its progress.
149. Once all the checks have been returned, the allocated inspector will have a workflow item to review all the information. The inspector can then arrange the registration visit and fit person interviews.

**The Application team's timescales for following up requests for information**

150. The following grid outlines the Application team's timescales for chasing outstanding checks.

Phase number	Weeks since application was accepted	Action
1	2	Reference reminders (SCL30) sent to referees. Reminder (EYL07) sent to children's services.
2	4	Send letter to applicant to chase referees/provide alternative references (SCL304). Reminder sent to children's services (EYL07).
3	6	Reference reminders sent to referees (SCL30). Reminder sent to social services (EYL07).
4	8	Telephone contact with applicant/social services
5	10	Telephone contact with applicant/social services
6	13	The Application team ask inspector to make telephone contact with referees/children's services to obtain information verbally. The inspector must record this contact and the outcome on OfficeBase and update the checks as appropriate. Where possible, the inspector should ask for potential concerns to be put in writing by the referee or children's services.
7	16	Memo inspector/Regulatory Inspection Manager asking decision to be made with available information
Out of Target (OOT)	Every three weeks after 16 weeks have passed	

## Allocating a social care inspector to progress an application

151. The Application team allocate the application to a designated Regulatory Inspection Manager in the region where the establishment or agency is to be located. The regional Regulatory Inspection Manager decides which inspector has the availability and understanding to complete the registration.
152. The target timescale for allocating an application to an inspector is three days of it being put on OfficeBase.

## Progressing an application once this is allocated to an inspector

### Forwarding copies of registration documents to an inspector

153. Once an inspector is allocated, the Application team notify the inspector if any additional documents of any additional documents that have been uploaded to OfficeBase.



## Receiving application forms from the Application team

154. The inspector must always review the application and supporting documentation when they receive it from the Application team. He or she should undertake this check within two weeks of the application being allocated to them. They must check that this is complete (see paragraphs 96–97). If during this checking process the inspector notes any areas of concern, he or she should ask for a compliance case to be opened and hold a case discussion with the Regulatory Inspection Manager. This approach helps to ensure that we have a clear plan of how we will look into these concerns and to ensure that we keep a full audit trail. See the 'Refusal of registration' section of the Social care compliance handbook for further details. The inspector should also check each application document as follows.

- **The application:** all the necessary parts of the form must be completed and signed appropriately, and the details of the application must be relevant to the type of service the applicant is applying to register. The details must be about the service the applicant is applying for and not another service.
- **The declaration and consent form:** the details of the two referees must be consistent with the guidance in our Guide for registration for providers and managers. All parts must be completed and signed appropriately.
- **Disclosure and Barring Service certificate:** the Application team includes a copy of this where there is recorded information on it. See paragraphs 92 - 94 for more information about concerns relating to offences or other information on DBS disclosures that do not disqualify a registered person or manager.
- **Statement of purpose:** the statement of purpose contains all the information required by regulations and in the relevant national minimum standards. It must be for the proposed service, not one they have copied from another service. See paragraph 155 for more information about statements of purpose.
- **The children's or residents' guide:** this is in an appropriate format for the needs of their potential service users and meets legislative requirements and details in the national minimum standards.
- **The behaviour management policy:** this is only required for children's homes and residential holiday schemes for disabled children.
- **The equality and diversity policy:** this is not required as part of the initial application but we should encourage applicants to provide this as soon as possible and explain that we must see this before we undertake the registration visit and any fit person interviews.
- **The missing child policy:** this is only for children's homes and independent fostering agencies. This is not required as part of the initial application but we should encourage applicants to provide this as soon as

possible and explain that we must see this before we undertake the registration visit and any fit person interviews.

- **The safeguarding policy:** this is only for children's homes. This is not required as part of the initial application but we should encourage applicants to provide this as soon as possible and explain that we must see this before we undertake the registration visit and any fit person interviews.
- **The bullying policy:** this is only for children's homes. This is not required as part of the initial application but we should encourage applicants to provide this as soon as possible and explain that we must see this before we undertake the registration visit and any fit person interviews.
- **The complaint's procedure:** this is only for children's homes. This is not required as part of the initial application but we should encourage applicants to provide this as soon as possible and explain that we must see this before we undertake the registration visit and any fit person interviews.
- **The steps the responsible individual has taken to assess that the home is appropriately located, in line with regulation 26 of The Children's Homes (England) Regulation 2015:** this is only for children's homes. This is not required as part of the initial application but we should encourage applicants to provide this as soon as possible and explain that we must see this before we undertake the registration visit and any fit person interviews.
- **Details of the type of communication system the service uses:** this form is only applicable for those who use different communication forms such as Makaton or British sign-language. It is not required as part of an application. Where this form has not been provided as part of the initial application, the inspector should check before or at the registration visit whether the applicant needs to supply this information, and request it if applicable.
- **A copy of planning permission granted, a certificate of lawfulness or evidence from the local authority that planning permission is not needed:** this is not required as part of the initial application but we should encourage applicants to provide this as soon as possible and explain that we must see this before we undertake the registration visit and any fit person interviews. The inspector should follow this up as part of their initial assessment of the application. See paragraph 156 for more information about planning permission.
- **A copy of a certificate of insurance:** it is a requirement to provide this, although it does not have to be included as part of the initial application. This is not required as part of the initial application but we should encourage applicants to provide this as soon as possible and explain that we must see this before we undertake the registration visit and any fit person interviews.

- **Financial documentation:** for more information on assessing financial viability see annex F (part 1).
- **Copies of qualifications:** these are not required as part of the initial application, but must be supplied for our records. Inspectors must always check the original versions at the fit person interview.

## The statement of purpose

155. The statement of purpose is a critical document for every establishment or agency. Each is required by law to have and maintain a statement of purpose that accurately depicts the service provided at any given time.<sup>43</sup> It must be produced as part of an initial application of registration. It is a live document that must be understood by all staff who apply its contents on a daily basis to situations and circumstances that occur. It must also be available on request. For more information about the statement of purpose see the *Guide to registration for social care services*.

## Planning permission

156. Applicants must supply Ofsted with information about whether planning permission is required for all applications except residential holiday schemes for disabled children. They are responsible for checking with the local authority planning department whether or not planning permission is required. The applicant must provide us with a copy of one of the following:
- evidence that planning permission was required and granted
  - evidence from the local authority planning department that no planning permission is needed. Where a local authority issues a certificate of lawfulness this must be supplied to Ofsted.
157. If an applicant is applying to register a residential holiday scheme for disabled children, they do not have to obtain planning permission, but must check that the use of the premises as a residential holiday scheme does not require any changes to existing planning permission. Inspectors must ask about this at the registration visit.
158. We strongly recommend that providers obtain the evidence listed in paragraph 154 before they make application to Ofsted and submit it as part of their initial application. Ofsted generally only makes a registration decision when we have all the information required. Later submission has at times delayed the registration decision. If an applicant experiences any problems whilst

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<sup>43</sup> Under regulation 16 of The Children's Homes (England) Regulations 2015; regulation 5 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; regulation 3 of The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2009; regulation 4 of The Residential Family Centres Regulations 2002; and regulation 3 of The Fostering Services (England) Regulations 2011.

obtaining planning permission or evidence that permission is not required, they are advised to contact us.

159. Inspectors should consider whether any restrictions imposed by the council when granting planning permission or listed on a certificate of lawfulness impact upon the applicant's ability to meet their responsibilities under the Care Standards Act 2000. Examples of this might include the numbers of staff that must be on duty at any time and the ages of children that can be accommodated. Where concerns are identified, these should be discussed with a Regulatory Inspection Manager.

### **Making sure that completed checks are recorded on OfficeBase**

160. The Application team inform the inspector of any checks that are not clear by sending them a *memo*. The inspector must review the information on OfficeBase and consult with the Regulatory Inspection Manager if they consider the information relevant to the application. All staff must take care that they do not share confidential third-party information in email or other written exchanges.

### **Arranging the registration visit**

161. The inspector should usually complete the registration visit as the final part of assessing an application after we have received all the necessary documentation from the applicant and completed all the relevant checks. This allows the inspector to assess all the information about an applicant before undertaking the fitness interview and viewing the service the applicant intends to provide. It reduces the number of interviews we have to carry out and supports robust registration decision-making.
162. Registration visits should be completed within 12 to 14 weeks of the date the application was entered on OfficeBase. This is so that there is enough time to process the application within our 16-week target for arriving at a registration decision. The inspector must balance completing the registration process within Ofsted's target timescale with ensuring that the registration visit is timed so it is purposeful and effective. Please see paragraph 78, which explains that applications are not subject to tacit approval under the EU Services Directive.
163. If an inspector considers that the registration visit should take place before 12 weeks or be delayed beyond 14 weeks, the reason must be clearly recorded on OfficeBase. For example, an inspector might decide to complete a visit before 12 weeks where an applicant is buying an already registered service and we want to reach a registration decision as soon as possible so that we do not destabilise children and young people's care. We might delay a registration visit beyond 14 weeks where building works have been delayed and the premises are not yet ready for inspection. In the latter example, we must have detail of when the premises will be ready for inspection and must

not agree any extension without the agreement of the Regulatory Inspection Manager.

164. Where an application for a children's home or an independent fostering agency includes an application to the DfE to provide education, we should conduct a single registration visit that covers the education and social care registrations. The Application team also ensure schedulers are aware of the need to coordinate this inspection event by sending them a *memo*.

### **Contacting the applicant/proposed registered manager to arrange a registration visit/fitness interview**

165. The inspector must telephone the applicant(s) to agree the time and date for the registration visit. This must be confirmed in writing to the applicant(s). Inspectors must memo the Application team member to request EYL 32 is sent and provide the date and time.
166. Before making the telephone call to an applicant, an inspector should check on OfficeBase that all checks have been completed and whether the applicant has provided a contact number they prefer to be contacted on.
167. During the telephone call, the inspector should ask the applicant a number of specific questions to check that they are prepared for the registration visit. A telephone checklist is provided as Annex A for this purpose. This will ensure inspectors:
- consistently ask for the same information when they telephone an applicant
  - complete registration visits efficiently and effectively; for example, the checklist covers questions about the readiness of the premises, service provision and personal preparation of applicants to help inspectors plan the visit.
168. Additional questions from those listed in the checklist can arise from an inspector's planning or from the applicant. The inspector uses their professional judgement to decide if they should ask the applicant additional questions.
169. An inspector must record important information from the conversation on OfficeBase.
170. If the applicant is unavailable when an inspector telephones to arrange the registration visit, the inspector should leave a message asking the applicant to call them on 0300 123 1231. The inspector must leave a memo on OfficeBase to help the contact centre staff put the applicant through to the correct colleague when they call back.

171. If the applicant does not call back in a few days, the inspector should call again, possibly at a different time of the day. The inspector must record all attempts to contact an applicant as well as any contact they might have with an applicant on OfficeBase.
172. If on the third attempt an inspector is unable to contact the applicant, he or she must send a memo to the Application team stating:
- 'Unable to contact applicant to arrange registration visit due to <reason>. Please issue 'Registration visit arrangements letter EYL32' to applicant for <date of visit> at <time of visit>. Please request that the applicant has the following documents available at the visit <list documents>.'
173. An inspector must make their request to the Application team at least **seven** working days ahead of the proposed registration visit date, so that the applicant will receive the letter prior to the visit date.

### Preparing for the registration visit

174. Inspectors should keep the number of registration visits they make to a minimum but ensure that they have the necessary information to arrive at a recommendation about registration. Consequently, it is important that an inspector plans for a registration visit so that they know what questions to ask and which matters to explore.
175. To prepare for a registration visit, an inspector should read:
- the service's proposed statement of purpose
  - other required policies<sup>44</sup>
  - any applicant's declaration and consent form and their pre-registration questionnaire if supplied
  - the proposed children or service user guide
  - any other information supplied
176. information about any other registrations that the applicant has registered with Ofsted or any other registration body, such as the Care Quality Commission (CQC).
177. If the applicant has not supplied copies of the required policies (not all have to be submitted with the application) the inspector should ask for these to be made available to them as soon as possible in order that these can inform their preparation for the registration visit and fit person interviews.. If these

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<sup>44</sup> Under regulation 3(4), schedule 4 of The Care Standards Act 2000 (Registration) (England) Regulations 2010 and amendments.

documents remain unavailable, a registration decision will be made on the information decision and the impact of any omissions taken into consideration.

178. The inspector should also:

- view the checks screen on OfficeBase to:
  - update themselves and the applicant about any outstanding checks
  - review any information from the checks received that may cause concern and plan how they will check this out during the interview (If necessary, the inspector may take advice before visiting, for example from a Regulatory Inspection Manager.)
- review all information from the application and information in Office Base
- check comments and memos on OfficeBase and note any points that they may need to follow up
- make notes of any information they may want to discuss/or question at the registration visit on Office Base.

### **The registration visit**

179. The registration visit is crucial to our decision whether to grant or refuse registration. It is the main opportunity we have to assess an applicant's ability to provide the service they have applied to register. Therefore, the inspector must allow sufficient time for completing:

- a full inspection of all of the premises
- an inspection of the service's policies and procedures required for the type of service the applicant is applying to register
- an identity check for all individuals who are required to supply personal information as part of the application (see paragraph 100 for detail of which people must submit personal information)
- a fitness interview for all individuals who are required to supply personal information as part of the application (see paragraph 100 for detail of which people must submit personal information). For children's homes we do not interview a director unless we have cause for concern. We do interview the responsible individual and manager however.

## Checking the detail of an application

180. The inspector must verify that the details of an application are correct during the registration visit. It is important to establish that the application has been made correctly and we register the correct person or organisation so that we can take any necessary future action.
181. If the application is incorrect the inspector must ask the applicant to write to Ofsted to explain the mistake and ask us rectify it, or to explain why he or she believes the application is correct. The inspector will need to decide if it is possible to continue the registration visit if the application is incorrect. Their decision will depend on the level of difference between the details in the application and the actual detail the applicant says they applied for. Where there is a major discrepancy such as a complete difference in category of registration it would be prudent to delay the visit until the applicant writes to clarify the application details. For guidance on conditions of registration please refer to Annex H.

## Checking premises<sup>45</sup>

182. In certain circumstances, it may be necessary for the applicant to obtain planning permission, usually where there is a change of use of premises. For more information on planning permission please refer to paragraph 156. An applicant is asked to provide this information when they first make an application or to supply this as quickly as possible. Where an applicant experiences problems obtaining planning permission or evidence that permission is not required, they are advised to contact Ofsted early in the application process to avoid any delay to the registration decision. Any issue raised by the applicant should be forwarded to the relevant Regulatory Inspection Manager for consideration. At the registration visit, the inspector must ask the provider to confirm how any planning permission or certificate of lawfulness has been complied with.
183. If building works have been carried out, we require the applicant to obtain confirmation that the local authority building control departments are satisfied that the building work has been carried out to an acceptable standard. It is not sufficient to have the building contractor's confirmation that the work has been completed to schedule. The applicant must supply us with this information before we can make a final registration decision. The inspector must also see written confirmation from a local authority that any building works undertaken meet buildings regulations if this was not supplied as part of the application.

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<sup>45</sup> This section on checking premises (paragraphs 182 to 197) does not apply to holiday schemes for disabled children.



184. Applicants must provide details of how they comply with the requirements of their local authority environmental health department (for children’s homes and residential family centres only) and local fire authority. Appropriate details must be recorded in OfficeBase.
185. Environmental health officers do not visit prior to registration as there is no operating food business to inspect. It is the responsibility of the provider to ensure they meet environmental health legislation and have up to date information on the requirements. Where an inspector is concerned that the premises do not meet environmental health requirements they must ask the Application team to send out EYL18 so that an environmental health officer can carry out an inspection when the business is operating, should they consider it necessary.
186. Fire authorities do not routinely check all premises where an application has been made to register with Ofsted. The protocol with local authority fire authorities does not require Ofsted to wait until there is a fire safety inspection before granting registration. An inspector should assess the fire safety arrangements, for example:
- equipment such as fire extinguishers, fire blankets and smoke detectors
  - procedures for emergency evacuation of the premises
  - whether fire exits are clearly marked and fire doors are unobstructed.
187. The applicant should demonstrate that they have taken advice from the fire brigade or a private consultant and have in place a fire safety officer who has had fire safety training. This person should have completed a fire risk assessment of the premises and should be able to describe what fire procedures will be in place. Any staff already appointed should be able to describe the fire procedures and the manager should be able to explain how they will ensure children and young people know about fire procedures.
188. Where an inspector is concerned about the applicant’s fire safety arrangements they should ask the Application team to request the local fire authority to check the premises. Where we have requested information we should not make a registration recommendation and this should form part of our feedback at the end of the registration visit.
189. At the registration visit, the inspector must check that all parts of the premises to be used are safe, secure and fit for the purpose of the service, as set out in the statement of purpose.
190. The inspector does not have to check parts of the premises that are not going to be used and, within children’s homes and residential family centres, cannot be accessed by children being cared for. However, in establishments, if the applicant says that some of the premises will be out of bounds but that children could access them, these areas should be checked, for example: staff sleeping-in rooms.

191. The national minimum standards provide guidance on what the premises for each type of service should be like. The building should always be suitably designed, in good condition and provide a pleasant environment. For children's homes the inspector must consider regulation 6 of The Children's Homes (England) Regulations 2015 and section 3.7 to 3.26 of the *Guide to the Children's Homes Regulations including the quality standards* (the 'guide'). The inspector should also consider whether:
- the proposed environment supports its proposed aims and objectives as well as its models of care
  - internal and external space is located and organised to meet the children and young people's needs and promote their development.
  - there is a bedroom for each child that meets the guidance in national minimum standards or in 'the guide' for children's homes, the environment is well maintained and decorated, and risks have been removed as you would expect for a domestic premises.
192. It is not necessary for the premises to be completely ready for use at the time of the registration visit. However, there must be sufficient evidence that the premises will be suitable to meet the aims of the service as set out in the proposed statement of purpose.
193. Where the premises are not yet ready for use, an inspector should record any:
- evidence that the premises are satisfactory and will be ready at the point of registration
  - issues that should be followed up at the first inspection of the service if registration is agreed.
194. Inspectors should record this in OfficeBase.
195. If the provider needs to take further action to improve the premises before registration can be granted, the inspector must issue an 'actions' letter. See paragraphs 245-257 for information about actions letters.
196. If the premises and/or equipment are unsafe, especially where the inspector has serious concerns that the applicant will not be able to meet the relevant premises regulations or the national minimum standards, the inspector must recommend that registration is refused.
197. Regulations require that an applicant must provide a certificate of insurance in respect of death, injury, public liability, damage or other loss.<sup>46</sup> The certificate must show that there is public liability insurance cover for the service. Where

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<sup>46</sup> Under regulation 3(2)(b), schedule 2, paragraph 8 of The Care Standards Act 2000 (Registration) (England) Regulations 2010.

an organisation has a corporate insurance policy, the certificate may not list every premises that is covered. As long as the provider can demonstrate that the service is covered (even if the name and the address of the service is not included on the certificate), this can be accepted.

### **Where provision does not require registration**

198. During the registration process, an inspector may find that the provision does not require registration. There is more information about when a service needs to register in our information sheets about adoption support agencies, children's homes, independent fostering agencies and residential family centres.
199. If the inspector considers registration is not necessary he or she should discuss this with their Regulatory Inspection Manager and, where appropriate, the Social Care Compliance Inspector. The inspector must record the outcome and decision of their discussions on the OfficeBase. Please refer to the *Social care compliance handbook* for more information.
200. Where an applicant does not need to register with Ofsted we must confirm this to them by letter using SCL310. The letter must confirm all the reasons why registration is not required.
201. The inspector must send a *memo* to the Application team outlining the reasons why registration is not required so that the Application team can insert this into EYL999. However, if the applicant continues to believe that the service requires registration, then the inspector must proceed with the registration and come to a registration decision.

### **Checking identity**

202. The inspector must check the identity of any individual who is required to supply personal information as part of the application (see paragraph 100 for detail of which people must submit personal information). For children's homes this does not necessarily need to be directors involved in the carrying on of the home, but does apply to the responsible individual and proposed manager. The inspector undertakes the check at the registration visit or during any fitness interview which is undertaken separately. As a responsible regulator we must satisfy ourselves that the applicant is who they say they are and that they are not seeking to hide information that may prove they are unsuitable to be in contact with children. We also need to ensure that we have a complete history of the person's name/s and address details so that we can undertake other checks effectively, such as checks with local authority children's services departments. If a person refuses to provide evidence of their identity, the inspector should consider refusing registration and discuss the matter with the Regulatory Inspection Manager and the Social Care Compliance inspector.

203. The range of documents we accept to support identity and name change are similar to those required by the Disclosure and Barring Service (DBS) and other government departments to prove identity. We do not insist on any particular piece of evidence but overall we need to see a range of information which satisfies us, in line with that required by the DBS.
204. The inspector must view sufficient identity documents (normally two or three), which must:
  - show proof of the applicant's current name and any other names they have used
  - preferably include one photographic ID, such as a current passport or a photo driving licence. If the applicant does not have photographic ID, the inspector must see his or her full birth certificate.
205. Identity documents must be originals and not copies.
206. If the applicant has changed his or her name by marriage, deed poll, adoption, statutory declaration, or by any other means, the inspector must see a complete audit trail of the name changes, for example a marriage certificate or decree.
207. In addition, the inspector must see two pieces of evidence confirming an applicant's current address, for example:
  - a utility bill (gas, telephone, electricity)
  - a credit card, bank or mortgage statement
  - any recent communication from the local authority or a government agency such as the Department for Work and Pensions (DWP).
208. The inspector makes a note of the identity documents they see and enters the details on OfficeBase.

### **Fit person interview general information**

209. Fit person interviews should be planned and generally last no more than 90 minutes.
210. The interview is usually conducted by one inspector, unless there are concerns. A Regulatory Inspection Manager must approve more than one inspector interviewing an applicant and the applicant must be told why more than one inspector is conducting the interview.
211. The purpose of the fit person interview is to allow an applicant to demonstrate their knowledge, understanding and ability to operate the proposed service in accordance with the law. It is not a job interview.

212. When registering an establishment or agency, where the prospective manager is a different person to the prospective provider, the inspector must conduct individual interviews with each applicant. The inspector records evidence from each interview. Please refer to Annex D for more information on completing fit persons and registration records.
213. It is helpful to carry out the interview with the prospective responsible individual/provider/partners before the interview with the prospective manager so that the inspector can clearly establish their roles and responsibilities. It is appropriate for a prospective provider with no direct experience of providing a similar service to delegate some or all of the responsibility for ensuring that the regulations and national minimum standards or the Quality Standards for children's homes are met to a responsible individual and/or a registered manager. However, delegation does not absolve the provider from responsibility and enforcement action or criminal prosecutions may be brought against the provider. The interview must draw out how these responsibilities are delegated, and the inspector must judge whether the arrangements are satisfactory.
214. Where possible the inspector must carry out a fit person interview with the prospective manager and prospective responsible individual/partner or individual provider during the registration visit. Occasionally it is necessary to use other premises and an inspector will need to make alternative arrangements, possibly in the applicant's office or by booking a room.
215. Where an inspector has doubts about an individual's fitness before undertaking the interview, they should seek advice from the Regulatory Inspection Manager, the Social Care Compliance inspector or, where appropriate, Ofsted's medical advisers about how to proceed during the interview.

### **Preparing for a fitness interview**

216. Inspectors should review all information we hold about the applicant before undertaking a fit person interview. This includes information about other registrations they are linked to, and details of the application, including their pre-registration assessment form.
217. The inspector's interview questions should be based on their analysis of the information an applicant provided as part of their application and information from checks and references. If questions arise from these documents, the inspector must put these to the applicant during the interview.
218. An inspector should not ignore any information about fitness that comes to light before, during or after the interview. Where concerns arise during an interview, these should always be brought to the attention of the person concerned unless the inspector is authorised not to by a senior manager or the Social Care Compliance inspector. The only reasons not to mention such

information are where it refers to a third party who has not yet been interviewed or where mentioning the concern places any future investigation in jeopardy.

### **Undertaking a fitness interview**

219. At the beginning of a fitness interview the inspector should explain to the applicant that he or she must demonstrate how they meet the requirements of the registration regulations and the relevant service specific regulations, such as the Fostering Services (England) Regulations 2011 and the service specific national minimum standards or *Guide to the children's homes regulations including the quality standards*.
220. During a fitness interview with a prospective registered manager, the inspector should establish whether the applicant is aware of their personal accountability to ensure how the relevant regulations and national minimum standards or *Guide to the children's homes regulations including the quality standards* are met if their registration is approved. Do they understand the implications for not complying with regulation? This should be recorded on OfficeBase.
221. It is very important that an inspector does not guide applicants to give the correct responses. The inspector should ask open-ended questions that encourage the applicant to explain what he or she intends to do: for example, 'tell me how you will ...' and 'what if ...'.
222. Funnelling techniques are useful to probe the previous response. Here are some examples.
- Q. How will you ensure you work in partnership with parents?  
A. I will share information with parents.
- Q. How will you do this?  
A. By putting a system in place for regular exchange of information.
- Q. Explain the system you will use.  
A. I will make sure staff telephone parents regularly to keep them up to date with how their son or daughter is getting on. I also want to encourage parents to visit the home and stay for tea.
- Q. How will all staff know this is your intention?  
A. Through my written policy of working in partnership with parents.
- Q. How can you be sure that all staff know, understand and implement your policy?  
A. Through my induction procedures and by discussion at monthly staff meetings and in my 1-2-1 meetings with staff.

223. If information comes to light during the interview and an inspector is unsure about how to proceed, they should tell the interviewee that they intend to withdraw to seek advice before continuing with the interview and/or making their decision about whether to recommend registration. Inspectors must be confident to take this step even where it means delaying the overall registration decision. Registration decisions must always take into account all of the relevant and necessary information to protect children and young people's safety and welfare.

### How we make fitness decisions

224. Ofsted has developed clear lines of accountability and decision-making for all its decisions in relation to registration. These are set out in the decision-making table in paragraph 279.
225. If the applicant demonstrates insufficient knowledge of the regulations or national minimum standards, the inspector must judge the significance of any omissions. The inspector must either:
- raise an action (using letter SCL 318) requiring the applicant to improve their knowledge and understanding and call back to check once the date of the action has passed. Once the applicant has replied to SCL 318 inspectors must decide whether to recommend or refuse registration. Only upon receipt of satisfactory information that any action is closed can we proceed to a registration decision. Any improvements required must be minor and able to be completed within a couple of weeks. Otherwise a decision to recommend refusal must be made. If an applicant does not respond to this letter, inspectors should also recommend refusal of registration.
- or:
- recommend that we refuse registration on the grounds that the applicant is not able to demonstrate how he or she will meet the relevant regulations or national minimum standards or the *Guide to the children's homes regulations including the quality standards*. In these cases, the inspector must follow the procedures in the Social care compliance handbook<sup>47</sup> for refusing an application.
226. A fit person interview (FPI) decision contributes to the overall fitness decision. The decision arising from a FPI may be different to the overall decision about the registration of an establishment or agency. However, if we do not consider that the manager or responsible individual, individual provider or partner is fit, this usually results in our refusing the application of the establishment or agency.

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<sup>47</sup> Social care compliance handbook, 2014, <https://www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014>.

227. When an inspector has concluded the interviews for all the applicants for a particular establishment or agency, he or she should judge whether the applicants have demonstrated that they have a satisfactory understanding of their individual roles and responsibilities. Applicants must demonstrate that they understand each other's roles and responsibilities. The record of registration on OfficeBase should show the inspector's assessment, conclusions and evidence as to whether, overall, the applicants work co-operatively as outlined and together are likely to provide satisfactory leadership and management.
228. The individual fitness decision,<sup>48</sup> made about whether the applicant is suitable to work or have regular contact with children, is based on the outcome of a number of checks. In some cases we may decide that a person is fit to work with children but not fit to be a registered manager because, for example, the person lacks management qualifications and/or experience.
229. Judgements on the fitness of a manager need to take account of a number of factors and should not be based on qualifications alone. We cannot refuse an application solely on the grounds that someone does not currently hold the qualifications specified in the service specific national minimum standards. For children's homes the proposed manager must either hold the qualifications as laid out in regulation 28 of The Children's Homes (England) Regulations 2015, or provide evidence that they will have gained the qualification within three years of appointment. We assess a person's fitness to manage the establishment or agency by considering their qualifications and experience in relation to the nature of the service. With the exception of children's homes, the national minimum standards set a benchmark against which we can measure a manager's qualifications and experience when we make judgements about fitness. For children's homes guidance is provided in the *Guide to the children's homes regulations including the quality standards*. Further details on the aspects of fitness that we should consider in making registration decisions are in the 'Refusal of registration' and 'Decision-making' sections of the *Social care compliance handbook*.
230. An inspector must not ignore any information that comes to light as part of their fit person assessment. All information must be fully investigated, evidenced in OfficeBase and must always be taken into consideration when an inspector makes a recommendation about registration.

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<sup>48</sup> Under regulations 26 and 28 of The Children's Homes (England) Regulations 2015; regulations 7 and 9 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; regulations 5, 7, 8 and 9 of The Fostering Services (England) Regulations 2011; and regulations 5 and 7 of The Residential Family Centres Regulations 2002.



## **Giving verbal feedback at the end of a fit person interview**

231. When the inspector has completed the fit person interview with the manager/responsible individual/provider/partners, they make one of the following decisions:
- recommend registration (suitable)
  - recommend refusal (not suitable).
232. The inspector should communicate their decision and findings to the individual applicant at the end of the interview. They should ensure that the interviewee is clear that this is a decision about their personal fitness and not a decision to register the establishment, agency or residential holiday scheme for disabled children. This is especially important when the interview is completed at a different time to the registration visit. Applicants must also be clear that the inspector only has the power to recommend refusal, the final registration decision will be made by a senior manager in Ofsted. Inspectors must tell applicants that their role of the inspector is to gather evidence and present a recommendation about registration. Therefore, inspectors must tell applicants what process is followed when he or she recommends refusal.
233. We send a letter (EYL439) to managers to confirm the outcome of the interview because this is a personal registration decision. We do not send a letter to a provider, responsible individual or partner following their fitness interviews. The fitness of the registered provider is confirmed through the issue of the registration certificate, notice of proposal/notice of decision to register, or notice of proposal to refuse registration.
234. Where a fitness interview is conducted as the final part of a registration visit it is possible to combine the applicant's fitness decision with a recommendation about registration.

## **False statements in applications or interviews**

235. It is an offence for an applicant to make a false or misleading statement in an application or interview.<sup>49</sup> If a member of the Application team believes someone has done so then they should send a memo to the allocated inspector. If an inspector believes that an applicant has made a false or misleading statement they should seek advice from the Social Care Compliance inspector or Regulatory Inspection Manager.

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<sup>49</sup> Under section 27 of the Care Standards Act 2000.

## Failed registration visits and fitness interviews

236. If the applicant is not available at the registration visit, the inspector should leave a note to state that they visited as arranged. The note should ask the applicant to contact Ofsted on 0300 123 1231.
237. The inspector should send a memo to the Application team to inform them of the failed visit or fitness interview.
238. If the applicant makes no contact within five working days the inspector should ask the Application team to send a letter ([SCL309](#)) to the applicant with the options to have a visit within 10 days or for Ofsted to make a registration decision without being able to visit. The decision is likely to be to refuse registration, as the applicant has not satisfied us that they are fit.
239. If the applicant calls, the contact centre will put them through to the allocated inspector. During the telephone call, the inspector must:
- ask why the applicant did not attend the visit/interview
  - emphasise the importance of the applicant being available at the registration visit and point out that further non-attendance may lead to us deciding to refuse registration on the basis that he or she has not demonstrated his or her fitness to provide children's social care
  - rearrange the visit
  - record the conversation and its outcome on Office Base. See paragraphs 282 - 287 about recording information.

## Referral to the Disclosure and Barring Service

240. Where we have a concern that a person poses a threat to vulnerable groups we have a duty to make a referral to the Disclosure and Barring Service (DBS).<sup>50</sup>

## Making the registration recommendation (inspectors)

241. It is not always possible, during a registration visit, for an applicant to demonstrate how they meet a particular regulation or standard. This is because there is usually little or no evidence at this point to show how outcomes for service users will be met. Instead, so that we can grant registration, a provider must demonstrate how the service they intend to provide meets the regulations national minimum standards or the *Guide to the children's homes regulations including the quality standards*. An inspector should establish these intentions by:

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<sup>50</sup> See the DBS guidance on referrals; <http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/services/dbs-referrals/>.

- considering how well an applicant presents their application, for example by providing all the necessary information in a well organised and timely manner. When an applicant or manager provides detailed information that demonstrates their understanding of the service they are applying to run, the inspector can see more easily how that applicant will achieve positive outcomes for children, young people and, where applicable, adults.
- discussing the service, how it will operate and any proposed member of staff recruited to work at the service if registration is granted
- reviewing any other documents an applicant presents about their registration application, such as qualifications, sample records, plans and policies and procedures.

242. When an inspector has collected all their evidence, he or she makes one of the following registration decisions and records this on OfficeBase:

- recommend registration
- recommend refusing registration.

### **Giving verbal feedback at the end of the registration visit**

243. Before providing feedback, the inspector should consider whether he or she will need to confirm any actions that must be taken before registration can be decided and whether a follow-up visit may be required to assess that these actions are complete.

244. During feedback, inspectors should:

- Thank the applicant(s) for attending the interview.
- Invite note taking.
- Be clear that senior managers make registration decisions.
- Confirm that the applicant must not consider that registration has been granted or refused following this interview and/or registration visit. The purpose of feedback at this point is to ensure the inspector confirms what he or she has understood from the registration visit and/or fitness interview.
- Ensure applicants are clear about what happens next, including, where applicable:
  - The letter they will receive explaining the actions they must take before a registration decision can be made.
  - How they can inform Ofsted of the actions they have taken in response to any actions they must take.
  - The types of notices they will receive to inform them of the outcome of their application. This depends on the registration decision made. A notice of proposal will be sent where we are proposing to grant

registration which is not agreed with the applicant or if we intend to refuse registration. A notice of decision will be sent if we agree registration which is in line with the application made.

- Agree the detail of the paragraph on information about the establishment or agency wherever possible.
- Check the conditions of registration that the applicant has applied for are correct, including numbers of children or families where required.
- Ask whether the applicant agrees that the inspector's summary of the evidence the inspector has collected is correct.

## **Actions before registration**

245. We expect applicants to meet all requirements of regulation in full. We give an applicant an opportunity to address minor points where they do not meet regulations unless we have serious concerns about their fitness. Generally, this is rare and will only be used when the applicant has demonstrated that they have the ability and capacity to run the service they have applied for but do not quite meet registration requirements: for example, the applicant does not have all of the necessary policies and procedures in place. However, they have demonstrated a good knowledge of the issues relating to these and provided us with written confirmation that they will complete the written policies required before registration is granted.
246. The inspector must inform the applicant of any actions they need to complete **before** registration.
247. An inspector can only set actions if:
- an applicant does not meet the requirement of regulations
  - there are significant concerns that the applicant will not meet a requirement in the regulations when they begin to operate.
248. The inspector must set actions which an applicant must complete within an appropriate timescale which is generally no longer than two weeks.
249. As part of the feedback at the end of the registration visit the inspector should explain to the applicant any actions that they must complete and the timescale set for completion. The inspector should also ask the applicant to write to Ofsted when they have completed the required actions. In all cases, **applicants must complete all actions** before they make a recommendation regarding registration.

250. If an applicant indicates they are unlikely to complete the actions set in the time required, an inspector must explain the options available. These are:
- to complete the actions in the time stated, so that the inspector can decide whether to recommend registration
  - that Ofsted continues to decide registration unless the applicant provides a valid reason for failure to complete the actions in the time stated, but it is likely we will refuse registration because the applicant is not able to demonstrate their fitness. The applicant would need to write to us and provide good reasons why they cannot complete the actions in the given timescale if they want to extend this
  - to withdraw the application, and apply again when ready to do so. Inspectors must remind applicants that if they withdraw, the application fee they paid is not refunded.

Please note we must not advise or put pressure on an applicant to withdraw their application.

251. An inspector should not expect an applicant to carry out actions prior to a registration decision being made to remedy:
- small improvements where an applicant demonstrates they already meet, or are likely to meet the headline standard of the relevant national minimum standards, or the *Guide to the children's homes regulations including the quality standards*, for example, in a children's home changing the colour of a wall or ensuring plug sockets are covered
  - things that an applicant cannot, or may not be able to achieve before registration, for example, in a children's home providing a full range of leisure or sports equipment that the applicant might prefer the children and young people to choose themselves.
252. If an applicant does not reply to the letter within the allocated timescale required in the letter, the Application team issue a reminder letter. If the applicant still fails to respond the applications team must notify the inspector.
253. The inspector must telephone the applicant to discuss why they have not completed the actions or not completed the actions to a satisfactory standard or no response has been received.
254. The inspector should consider whether the applicant has a reasonable excuse for not completing the actions. If the applicant has a reasonable excuse inform the applicant that:
- they have only one further opportunity to provide a satisfactory response
  - if they do not respond in writing to the actions we have required them to complete prior to registration, it is likely that we will decide to refuse registration.

255. If the applicant has no reasonable excuse inform the applicant that we will make our registration decision based on the information provided and it is likely that we will refuse their application.
256. Any telephone call made to the applicant must be followed up in writing by the inspector. There is no standard letter for this. The inspector should use EYL999 and write a relevant letter covering their telephone conversation and outlining what action the applicant agreed to take.
257. An inspector should add comments to the registration record on OfficeBase to log any matters for action that they discuss with the applicant.

### **Quality assuring actions a provider must complete prior to a registration decision being made**

258. Inspectors must ensure all actions an applicant must take prior to registration decision being made are clear, correctly worded so that the applicant can understand what they need to do to meet the requirements of registration and do not contain any spelling or grammatical errors.

### **Review response from action letter**

259. The inspector must ensure that the applicant has completed all actions **before** he or she recommends registration. In general inspectors should undertake a follow up visit to confirm the actions have been completed.
260. On receipt of a response from the applicant, the Application team record the response on Office Base which automatically sets off a workflow for the allocated inspector to review the information.
261. If an inspector is satisfied that the response indicates the applicant has completed the actions appropriately, he or she closes the workflow.
262. If an inspector is not satisfied with a response, he or she must contact the applicant to discuss the matter and hold a case discussion. For information about case discussions please refer to our *Social care compliance handbook*. This discussion is to decide whether to refuse registration because the provider has not completed the actions set.

### **Follow-up visit**

263. There can be a number of reasons for a follow-up visit, including:
  - concern that an applicant has not satisfactorily completed the actions we set. This may pose a high level of risk for the safety of children: for example, the applicant did not appear to take the appropriate level of action to make the garden safe
  - to check that the premises are furnished and equipped to an appropriate level

- to collect further evidence to support the registration decision following a quality assurance review by managers within Ofsted
  - to carry out an interview following information received from checks.
- 264. Any decision that a follow-up visit is required must be discussed with a Regulatory Inspection Manager.
- 265. An inspector should record any actions he or she requires an applicant to take at the on OfficeBase.
- 266. Completing the registration decision
- 267. Inspectors decide whether they can recommend registration to their managers once they have all of the information. This is because this should usually be the last part of our assessment, provided that all checks have been received. In this case, the Application team will alert the inspector and the Regulatory Inspection Manager stating 'please refer to the Regulatory Inspection Manager for a registration decision. This indicates that all:
  - actions that an applicant must take prior to a registration decision being made are complete and closed
  - necessary fitness decisions are made
  - requested premises checks are complete.
- 268. If we are still awaiting further information, the Application team alert the allocated inspector and the Regulatory Inspection Manager when all outstanding information is received. No decision should be made if outstanding information has not been received.
- 269. The inspector must review all the information that has been received before recommending the overall registration decision. The information which must be reviewed is accessible on OfficeBase as follows:
  - Individual checks
  - Premises checks
  - Actions which an applicant must complete prior to a registration decisions being made
  - List visits
  - Detail registration.
- 270. The inspector must review all of the information available and make their recommendation about registration within **five** days of receiving the Application team's confirmation that checks are complete. Where there are no concerns about an individual applicant's fitness, the inspector sends a memo to the Regulatory Inspection Manager.

271. The Regulatory Inspection Manager must:
- check that any requirements raised have been completed satisfactorily
  - check that evidence gathered supports the registration and fitness decisions
  - make sure all required checks are complete, clear and/or any concerns have been resolved
  - check that the conditions of registration are appropriate and consistent with our Guidance on conditions of registration
  - sign off the registration decision on OfficeBase when:
    - we register exactly what the applicant requests (including any agreed conditions of registration please see Annex H for more information about conditions of registration)
    - we register with imposed conditions of registration.
272. Where the Regulatory Inspection Manager has questions about the registration decision, evidence or any other matter that they need to be resolved before making the final registration decision, they must ask the inspector about these as soon as possible.

### **Registration decision – not fit**

273. If the inspector finds that the establishment or agency is not fit for registration, he or she must open a compliance case, hold a case review and provide their evidence as part of the compliance case. A senior HMI must attend to make the decision about whether to refuse the application. He or she must make their decision based on the inspector's evidence. He or she may decide that more evidence is required in order to make their decision.
274. Once a decision to refuse is made we must follow our processes in 'Refusal of registration' section of the *Social care compliance handbook*. If a recommendation to refuse is reached, the inspector must record this on OfficeBase. The decision whether to refuse the application for registration is made by a senior HMI at a case review.
275. Any review of a decision to refuse registration includes checking the information on OfficeBase checks undertaken and memos.
276. Following the case review, the inspector drafts the notice of proposal (NOP) without delay and consults with the Social Care Compliance inspector about its contents. The Social Care Compliance inspector should send the NOP to Ofsted's legal advisers for advice.
277. A copy of the Notice of Proposal must be agreed and signed by the Senior HMI who made the refusal decision. The full reasons for the decision must be recorded in the minutes from the case review and detailed in the Notice of



Proposal. The Regulatory Inspection Manager is responsible for ensuring that timescales for completion of any Notice of Proposal to refuse are kept to a minimum.

278. The Application team should ensure that a copy of the notice is sent to the Social Care Compliance inspector so that they can place this on the case file for reference. They should also keep a copy to refer to in the notice of decision to refuse registration.

279. The following is a decision-making matrix for social care applications.

<b>Registration visit</b>		
<b>Judgement about whether the premises and services are fit for registration</b>	<b>Recommendation to register or refuse registration</b>	<b>Decision</b>
Fit	Inspector	Regulatory Inspection Manager
Not fit	Inspector	Senior HMI at case review

<b>Premises checks (recorded on OfficeBase)</b>		
The following decision must be made for each of the following premises checks		
<b>Judgement about whether the premises and services are fit for registration</b>	<b>Recommendation to register or refuse registration</b>	<b>Registration decision</b>
Fit (check clear)	Inspector checks during the registration visit	Regulatory Inspection Manager checks that all checks are suitable before confirming their registration decision
Fit (premises issue)	Inspector writes an action for provider/manager to complete (see decision matrix responses to actions set)	Regulatory Inspection Manager checks that all checks are suitable before confirming their registration decision
Not fit (premises issue)	Inspector	Regulatory Inspection Manager at a case review or case discussion

<b>Decisions about individuals who are required to supply personal information as part of the application (see paragraph 100 for detail of which people must submit personal information)</b>		
<b>Judgement about the fitness interviews for a provider, responsible individual and manager</b>	<b>Recommendation to register or refuse registration</b>	<b>Registration decision</b>
Fit	Inspector	Regulatory Inspection Manager
Not fit	Inspector	Senior HMI at case review

<b>Decisions about the checks completed individuals who are required to supply personal information as part of the application (see paragraph 100 for detail of which people must submit personal information)</b>		
<b>Medical checks</b>		
<b>Judgement</b>	<b>Recommendation</b>	<b>Decision</b>
Suitable (check clear). The Application team record as suitable on OfficeBase	Inspector checks box is recorded as suitable on OfficeBase before making recommendation	Regulatory Inspection Manager checks that all checks are suitable before confirming their registration decision
Health Declaration Booklet (HDB) contains concerns	Inspector refers HDB to Ofsted’s medical advisers for review and recommendation regarding fitness. Inspector then makes a recommendation to Regulatory Inspection Manager	Regulatory Inspection Manager
Health Declaration Booklet (HDB) not suitable. Not suitable based on the recommendation of Health Management Limited – registered provider/registered manager/responsible individual	Inspector	Regulatory Inspection Manager at a case review
<b>Disclosure and Barring Service checks</b>		
<b>Judgement</b>	<b>Recommendation</b>	<b>Decision</b>
Suitable (check clear) The Application team record	Inspector checks box is recorded as fit on OfficeBase	Regulatory Inspection Manager checks that all

on OfficeBase	before making recommendation	checks are suitable before confirming their registration decision
Concerns identified on the DBS certificate	Inspector reviews information in the Disclosure and Barring Service notice and recommends action	Regulatory Inspection Manager
Not suitable (unsuitable information identified)	Inspector	Regulatory Inspection Manager at a case review
<b>Children's services checks</b>		
<b>Judgement</b>	<b>Recommendation</b>	<b>Decision</b>
Suitable (check clear) The Application team record on OfficeBase	Inspector checks box is recorded as suitable on OfficeBase before recommending recommendation	Regulatory Inspection Manager checks that all checks are suitable before confirming their registration decision
Information identified	Inspector refers to the Social Care Compliance Inspector and inspector's manager and may ask questions at interview. Inspector then makes recommendation.	Regulatory Inspection Manager
Not suitable (information identified)	Inspector	Regulatory Inspection Manager at a case review

<b>Responses to actions set prior to a registration decision being made</b>		
<b>Judgement about an applicant's response to actions set which must be completed prior to a registration decision being made</b>	<b>Recommendation</b>	<b>Decision</b>
Adequate action taken	Inspector	Regulatory Inspection Manager at a case review or case discussion
Inadequate action taken	Inspector	Regulatory Inspection Manager at a case review or case discussion
No response in timeframe	Inspector discusses with Social Care Compliance inspector and Regulatory Inspection Manager about next action	Regulatory Inspection Manager at a case review or case discussion

<b>Registration decision</b>		
<b>Judgement about an applicant's response to actions set</b>	<b>Recommendation</b>	<b>Decision</b>
Register	Inspector	Regulatory Inspection Manager
Register (following resolved concerns)	Inspector refer to Social Care Compliance Inspector for advice	Regulatory Inspection Manager, Social Care Compliance Inspector
Refuse	Inspector and inspector's team manager refer to Social Care Compliance Inspector to consider registration decision – see Social Care Compliance team decision-making chart	Senior HMI at case review

## Conditions of registration

280. A condition is a restriction to a provider's registration. It is an offence for a registered person to breach their conditions of registration without reasonable excuse.<sup>51</sup> For more information about conditions of registration for each type of establishment or agency please refer to Annex H.
281. The Application team check the wording on each certificate for accuracy and policy consistency. Inspectors should refer any questions they have to the Social Care Policy team.

## Recording evidence in OfficeBase

282. At the visit, the inspector should:
- check the accuracy of the details we hold on OfficeBase about the provider and manager
  - note details of the proposed manager and any individuals who make up the proposed registered provider so they can check this detail.
283. If the inspector finds that there are individuals who make up the proposed registered provider who should have provided information to Ofsted but have not done so, they must remind the applicant that Ofsted cannot make a registration decision until we are sure these individuals are fit. In addition, the applicant's fitness is in question because they have made a false statement in the original application. The inspector must terminate the registration visit and discuss what action to take with the Social Care Compliance inspector and the Regulatory Inspection Manager.

## Recording evidence in registration and fit person records on OfficeBase

284. The inspector uses OfficeBase to collect and organise evidence, make judgements, raise actions an applicant must complete prior to a registration decision being made, feed back to the provider, agree conditions, and confirm the information regarding the establishment or agency. The inspector records the evidence and judgements in the registration record on OfficeBase.
285. The principles of Her Majesty's Chief Inspector's (HMCI's) quality standard must be applied to ensure that judgements are fair and accurate, and that evidence:
- is clear
  - supports the overall registration decision
  - supports any conditions of registrations the applicant is applying for or that Ofsted intends to impose.

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<sup>51</sup> The Care Standards Act 2000 (Registration) (England) Regulations 2010, section 25

286. The inspector must record the applicant's responses in sufficient detail to provide robust evidence that supports their recommendation about the applicant's fitness for registration.
287. Please see Annex D for more information on completing fit persons and registration records.

## **Following the registration visit**

### **What to record in the registration record on OfficeBase**

288. The inspector should record on OfficeBase any information leading to decisions to grant or refuse registration where there is cause for concern about the individual fitness of an applicant, and the inspector has discussed it with him or her.
289. We can only retain so much of the information as is necessary to provide an accurate and relevant record of the basis of our decision to grant or refuse registration. So the information the inspector records must be accurate and only what is considered relevant to the decision, or taken into account during the decision-making process.

### **Updating OfficeBase following a registration visit**

290. After the registration visit, the inspector must update any changes to information held on OfficeBase. This will ensure the provider's records on the OfficeBase are up to date and that the correct details appear on the certificate of registration.
291. Inspectors should memo the Application team and/or the Regulatory Inspection Manager and applications team as required to inform them of any specific issue from the visit.

### **Recording the final registration decision (Regulatory Inspection Managers)**

292. When a Regulatory Inspection Manager records the overall registration decision as 'Register', a workflow is initiated for the Application team to send a letter granting registration and the certificate of registration.
293. The inspector should set the first inspection deadline and prompt dates on OfficeBase as follows:
  - for children's homes the deadline is seven months after the decision date; the prompt date should be 12 weeks before the deadline date
  - for residential holiday schemes during the first period of time that they are operational
  - for residential family centres, voluntary adoption agencies, adoption support agencies and independent fostering agencies, the deadline is

within 12 months after the decision date; the prompt date should be seven months after the decision date.

294. A Regulatory Inspection Manager can record an overall registration decision to refuse at any stage in the registration process. If a Regulatory Inspection Manager makes a final registration decision to 'Register with imposed conditions of registration', an inspector must send a memo to the Application team requesting that an NOP is sent to the provider.
295. The Application team send the NOP to register with conditions by recorded delivery to the applicant with a copy of the *How to make representations and appeals*<sup>52</sup> leaflet. Chapter 7 of the *Social care compliance handbook* sets out the process we follow for dealing with written representations.
296. If no response or representation is received within **28 days**, OfficeBase automatically creates a *Notice of decision to register* letter. The Application team creates the *Notice of decision* letter and certificate, and then sends them to the applicant by recorded delivery.
297. Where the overall *Registration decision* is set to 'Refuse registration', the Regulatory Inspection Manager must sign off and record the reason on OfficeBase and memo the applications team to confirm this decision.
298. The Social Care Compliance Inspector sends the NOP to refuse to the applicant by recorded delivery. If the applicant chooses to make representations against the NOP to refuse, refer them to the representation and appeals process in the compliance handbook and in the notice itself.<sup>53</sup> If no response or written representations are received within 28 days, OfficeBase a *Notice of decision to refuse* is sent. The inspector creates the notice and sends it to the applicant by recorded delivery.

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<sup>52</sup> *How to make representations and appeals* (110041), Ofsted, 2011; [www.ofsted.gov.uk/resources/110041](http://www.ofsted.gov.uk/resources/110041).

<sup>53</sup> *How to make representations and appeals* (110041), Ofsted, 2013; [www.ofsted.gov.uk/resources/how-make-representations-and-appeals](http://www.ofsted.gov.uk/resources/how-make-representations-and-appeals).

## **Part 3. Changes to services that are registered or are inspected by Ofsted**

299. This section provides guidance about: what changes a registered provider has to tell us about; how registered providers can request changes to their registration; what changes a local authority fostering and adoption services are required to tell us about; and what changes we can impose.

### **Changes to registered providers and managers or those that represent a local authority**

300. Once registration has been granted to an adoption agency, adoption support agency, children's home, fostering agency or residential family centre, there are a number of changes a provider can make that they have to tell us about and changes that provider must or ask us to agree to.

301. The changes which occur or a provider/manager makes but, must tell Ofsted about are:

- a manager is appointed to manage a children's home, adoption support agency, residential family centre, residential holiday scheme for disabled children, independent fostering agency.
- a change to the identity of the responsible individual
- a change to the provider's statement of purpose for an individual establishment or agency
- a change to the head office address of an organisation or partnership
- the premises are significantly altered, extended or additional premises are acquired.

302. The changes a provider/ manager can apply to Ofsted to approve are:

- a change to the establishment or agency's conditions of registration (provider only)
- to register a new establishment or agency (provider only)
- to buy an establishment or agency which is already registered (provider only)
- to voluntarily cancel their registration (provider and manager).

303. Fostering services and local authority adoption services also have legal obligations to tell us about some changes to their organisation, including changes to the people who manage the service.



304. There are also a number of changes that Ofsted can make. These include:
- imposing a change to, removal of or addition to conditions of registration
  - restricting admissions to a children’s home or a residential family centre.<sup>54</sup>
305. For information on action that we may take when a provider fails to comply with regulations or requirements please refer to the *Social care compliance handbook*.<sup>55</sup>

## Changes to individuals associated with the registration of a provider

306. A registered provider must notify Ofsted in writing when any of the following individuals change:<sup>56</sup>
- anyone who makes up the registered provider, for example, a director,, secretary, trustee, treasurer, clerk or other similar officer of the organisation (organisations only). See paragraphs 308 and 309 below.
  - the responsible individual. There is more information about what Ofsted considers the role and responsibilities of the responsible individual to be and what Ofsted will check when this person changes in a children’s home in annex G. Where a responsible individual’s suitability has never been checked by Ofsted we will do this if the person is nominated as a responsible individual of a new establishment or agency. They will be required to submit an SC2 form and a DBS certificate but will not be required to join the DBS Update Service.
307. Local authority adoption and fostering agencies must notify Ofsted in writing when a manager changes. We also request that they notify us if their nominated person changes, but they are not required to do so. These records can be updated on OfficeBase.
308. Where a new partner wants to join an existing partnership or a new person wants to become involved in carrying on a children’s home with other individuals (please refer to Annex K) they must submit an SC2 form and have their registration granted before they can carry on the children’s home.
309. Where a new children’s home director is appointed please refer to Annex J.

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<sup>54</sup> The Children and Young Persons Act 2008 inserted section 22B into the Care Standards Act 2000. This insertion gives us the power to serve a notice on a person who is registered in respect of a children’s home or residential family centre to restrict the accommodation of children in the premises.

<sup>55</sup> *Social care compliance handbook (130242)*, Ofsted, 2013; [www.ofsted.gov.uk/resources/social-care-compliance-handbook](http://www.ofsted.gov.uk/resources/social-care-compliance-handbook).

<sup>56</sup> Under regulation 49 of The Children’s Homes (England) Regulations 2015; regulation 27 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous) Regulations 2005; regulation 39 of The Fostering Services (England) Regulations 2011; and regulation 28 of The Residential Family Centres Regulations 2002.

## How to make a change to a provider association

310. The following providers may complete an SC3 form to tell us about a change of individual:
- Local authority fostering and adoption services
  - Adoption support agencies
  - Children's homes
  - Independent fostering agencies
  - Residential family centres
  - Voluntary adoption agencies
  - Residential holiday schemes for disabled children.
311. The regulations stipulate in footnote 57 that 'the registered person shall give notice in writing to the Chief Inspector (Ofsted) as soon as it is practicable to do so' about the changes to individuals listed in paragraph 306. The term as 'soon as reasonably practicable' is not defined in law. We expect all providers to notify Ofsted within **14 days** when an individual who makes up the registered person changes.<sup>57</sup> We ask that local authorities notify us of any change within 14 days.
312. The SC3 form is available online or from our website or can be requested in hard copy. There is additional guidance about making such a notification in our guide to registration for social care providers and managers. Providers should post completed forms to the Applications, Regulatory and Contact team.
313. When the Document Handling Centre receives a hard copy of an SC3 form, they forward it to the Application team who upload this to OfficeBase on one registration only and inform relevant inspectors involved with the organisation, partnership or individual provider of this change.
314. The Application team enter an end date to an individual's association with a registration on OfficeBase for every person that is leaving, as detailed on the form. This step must be repeated for all the URNs that the individual is associated with.
315. A responsible individual must not have their association ended on OfficeBase without Ofsted having been notified of the new responsible individual. If a provider tells us that a responsible individual has left that role without providing the detail of another person to take it on this should be referred to the allocated inspector so that they can discuss the situation with the

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<sup>57</sup> Unless Ofsted is satisfied that any delay was unavoidable in the circumstances.

provider. There is specific guidance in annex G about changes to the identity of a responsible individual for a children's home.

316. The Application team search OfficeBase to check whether each of the new individuals listed on the form is known to Ofsted. If the Application team find an association, they add the individual's OfficeBase code to all the URNs that they are newly associated with. If an individual is not known to Ofsted, a new individual code is created on OfficeBase and the new code added to all of the establishments and agencies the individual is associated with.

### **Changes to the certificate when there is a change to individuals associated with the registration**

317. Changes to certificates are necessary when a:
- responsible individual changes
  - manager of a voluntary adoption agency changes
  - registered manager of a children's home, independent fostering agency, residential family centre and adoption support agency stops being the registered manager
  - new manager has been appointed and registered.
318. Where a manager has left and a new manager has not been appointed and registered, the Application team must send an updated certificate with the manager's position recorded as 'POST VACANT'. Where two managers have been job-sharing and one manager leaves, the certificate should be updated to show:
- the name of the person who remains
  - POST VACANT.
319. Before sending an updated registration certificate to the provider, the Application team must check that:
- no variation is in progress nor NOP/NOD pending on the registration.
  - there is no reason why the manager's name should not be removed, for example the manager has not voluntarily cancelled their registration (this should be checked with the social care regulatory inspector or their manager).
320. Changes to the make-up of the registered provider must be implemented across all of an organisation's registrations. The Application team should seek clarification from the provider if some of their registrations are not listed in the information provided.

## Change of responsible individual

321. The regulations clarify that where a provider is an organisation, the organisation must supply us with the name, address and position of a responsible individual and then inform us of any change to who holds the position of responsible individual.<sup>58</sup> Full guidance on Ofsted's expectations and actions regarding changes to the identity of a responsible individual is available at Annex G. This is also available to providers in Changes to children's social care services that are registered and/or inspected by Ofsted.<sup>59</sup>
322. Each time there is a change of the responsible individual, a provider must provide Ofsted with details of their assessment of the person's ability to meet the requirements of the role and details of the checks they undertook in relation to that person's suitability to work with children.
323. It is a breach of regulations for a provider to fail to inform Ofsted that the responsible individual has changed 'as soon as practicably possible'. If a provider fails to inform us, the inspector should explore the reasons why with the provider. In the case of adoption agencies, adoption support agencies and residential family centres, this is also an offence.
324. The inspector should consider whether there is any adverse impact on children, young people or adult service users because there is no responsible individual in post or because the provider has not informed Ofsted that the responsible individual has changed. This may lead to concerns about the overall fitness of the provider. If this is the case, inspectors must arrange a case discussion with the Social Care Compliance inspector to decide what actions should be taken. In any case, a lack of responsible individual should be reflected within any inspection judgement.

## Change of registered manager

325. This section relates to the following establishments or agencies:
- adoption support agencies
  - children's homes, including secure children's homes, children's homes registered as schools and children's homes which provide education.
  - independent fostering agencies

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<sup>58</sup> Under regulations 26 and 49 of The Children's Homes (England) Regulations 2015; under regulations 7 and 27 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; regulations 5 and 39 of The Fostering Services (England) Regulations 2011; and regulations 5 and 28 of The Residential Family Centres Regulations 2002.

<sup>59</sup> *Changes to children's social care services that are registered and/or inspected by Ofsted (100253)*, 2014; [www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted](http://www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted).

- residential family centres
- residential holiday schemes for disabled children.

326. A manager of a voluntary adoption agency is not legally required to register.

### What the law says

327. The legal basis for the guidance is set out in the Care Standards Act 2000, which states in section 11(1):

‘Any person who carries on or manages an establishment, agency or residential holiday scheme for disabled children of any description without being registered under this Part in respect of it shall be guilty of an offence.’

328. This means that when a registered provider appoints a new manager for the establishments and agencies listed in paragraph 325, the manager must apply to us for registration. If a manager does not make an application for registration within 26 weeks we must open a compliance investigation. It is an offence under Section 11(1) of the Care Standards Act 2000.

329. Regulations made under the Care Standards Act 2000 describe the instances where a provider must appoint a registered manager.<sup>60</sup>

330. The specific service regulations require the provider to notify us in writing without delay when they appoint a new manager to manage an already registered establishment or agency.<sup>61</sup> We expect all providers to write to Ofsted within **14 days** of appointing a manager.

331. This helps to protect children and young people by ensuring:

- that the length of time registered establishments or agencies remain without a registered manager is minimised
- managers do not operate for excessive periods of time before applying for registration.

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<sup>60</sup> Under regulation 6(1) of The Fostering Services (England) Regulations 2011; regulation 27(1) of The Children’s Homes (England) Regulations 2015; regulation 6(1) of The Residential Family Centre Regulations 2002; and regulation 8(1) of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, The Residential Holiday Schemes for Disabled Children (England) Regulations 2013, Regulation 6(1)

<sup>61</sup> Under regulations 27(2) and 49 of The Children’s Homes (England) Regulations 2015; regulation 6 of The Fostering Services (England) Regulations 2011; regulations 8(2), 27(1)(a) and 29(1) of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; and regulations 6(2), 28(a) and 31(1) of The Residential Family Centre Regulations 2002.

## What happens when a registered manager leaves

332. The registered manager must apply to voluntarily cancel their registration when they decide to leave their manager's position. The registered manager must use the voluntarily cancellation form to do so. The voluntary cancellation form is available from our website.<sup>62</sup>
333. If we discover, for example at inspection, that a registered manager is to cease managing a registered establishment or agency, we must ensure the registered manager knows that he or she is legally responsible for voluntarily cancelling their registration.
334. The inspector asks the Application team to send letter SCL 202 to the manager to explain that they must apply to voluntarily cancel their registration (if the manager has not already done this) and letter SCL82 to the provider advising them that they will need to appoint a new manager within 28 days of the registered manager leaving their post.
335. Annex I provides guidance on when Ofsted accepts and does not accept interim arrangements, if a registered manager ceases to manage a children's home.
336. If we find out that a registered manager has stopped managing an establishment or agency and we have not been informed, inspectors must request that a compliance case is opened. The Social Care Compliance inspector or Social Care Regulatory Inspector should write to both the registered manager and registered provider separately to inform them that they may have breached regulations, using standard letter SCL80 (Failure to notify Ofsted that a manager has ceased to manage an establishment or agency; and subsequent appointment of a new manager). There is more information for the provider in the letter about the timescale they have for putting a new manager in place. This information should be deleted in the version to the manager. If it is in relation to an adoption support agency the case review must consider what to do regarding the potential offence.
337. The case review will consider the individual circumstances in order to decide whether to take action and, if so, what action to take. Information about what action Ofsted can take is available in the Social care compliance handbook.<sup>63</sup>

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<sup>62</sup> *Application for cancellation of registration form*, Ofsted, 2015;

[www.gov.uk/government/publications/social-care-apply-to-cancel-registration](http://www.gov.uk/government/publications/social-care-apply-to-cancel-registration)

<sup>63</sup> *Social care compliance handbook (130242)*, Ofsted, 2013; [www.ofsted.gov.uk/resources/social-care-compliance-handbook](http://www.ofsted.gov.uk/resources/social-care-compliance-handbook).

338. If a registered manager leaves and does not apply to voluntarily cancel their registration and we have no concerns about their registration we will write to them asking them to voluntarily cancel their registration. If no reply is provided we will keep this on record and no application to register at another establishment or agency will be accepted until this registration has been voluntarily cancelled.

### **How long can an establishment or agency operate without a manager?**

339. A provider should ensure that a manager's contract of employment gives a sufficient period of notice to allow for the provider to recruit and register a new manager before the current manager leaves, allowing time for handover. There is separate guidance for interim management arrangements of children's homes which can be found at Annex I.
340. We expect a provider to appoint and have a new manager in post within 28 days from the date the previous registered manager stops managing a service.
341. As soon as an inspector becomes aware that the manager will be leaving, or has left, they must ask the Application team to send the provider our standard letter SCL 82 (Notification that a manager has ceased managing an establishment or agency) to explain the timescale for registration of a new manager.
342. We recognise that it is not always possible for a new manager to take up their post immediately after a registered manager leaves. This may be the case where, for example, the previous registered manager has died<sup>64</sup> or been dismissed.
343. If a provider gives a valid, timely reason as to why they cannot meet the 28-day deadline, then we have the discretion to extend this as there is no legal timeframe within which a registered provider must appoint a manager. The provider must put any reasons for an extension to this timescale to us in writing, and tell us the date by which the new manager will be in post and we will receive an application for registration from them.
344. We will only agree extensions in exceptional circumstances and any such request must be signed off by a Regulatory Inspection Manager. In all cases, the provider must ensure that any delay between when one registered manager stops and a new manager is appointed and registered, is minimal.
345. The inspector should consider the particular circumstances of the case and the impact on the organisation of not having a registered manager. This may lead

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<sup>64</sup> A personal representative of the registered provider may be able to operate lawfully without registration for up to 28 days, under regulation 51 of the Children's Homes (England) Regulations 2015 and regulation 30 of The Residential Family Centres Regulations 2002.

to concerns about the overall fitness of the provider and concerns for the children's welfare and safety. If the inspector is concerned about children's safety and welfare he or she must arrange a case discussion with the Social Care Compliance inspector.

346. If there is no registered manager in post and no application in progress at the interim inspection of a children's home, a judgement of 'inadequate progress' will be given if the previous full inspection was judged overall as 'inadequate'. Where there has been a registered manager vacancy of 26 weeks or more, or where the vacancy has an impact on the welfare of children, this will lead to a judgement of inadequate for leadership and management (and where leadership and management is judged inadequate, the judgement for progress and experience is likely to be inadequate).

### **What happens where the registered manager is absent?**

347. The provider must notify us when the registered manager (or the provider if they are in day-to-day charge) will be absent for a continuous period of 28 days or more.<sup>65</sup> In this scenario, for example due to a sabbatical, maternity leave or sickness absence, the provider must give us information on the length of the absence and the interim arrangements for running the establishment or agency. There is separate guidance for interim management arrangements of children's homes which can be found at Annex I.
348. Any interim manager must be suitably qualified and experienced, and the provider must ensure they are supported in their role. We retain the registered manager's details on OfficeBase and inspectors should record details of the interim arrangements on OfficeBase as well.
349. If at any point the manager's post becomes vacant or it is known that the manager is to leave, urgent action must be taken to recruit to it. It is the registered provider's responsibility to have a manager in post, and failure to do so is a breach of regulations. The manager himself or herself is responsible for applying for registration with Ofsted and it is an offence not to be registered.
350. We should not allow independent fostering agencies, residential family centres or residential holiday schemes to operate for long periods with their registered manager absent. This should be judged on a case-by-case basis, but if the registered manager's return keeps being delayed or postponed, we should

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<sup>65</sup> Under regulation 48 of The Children's Homes (England) Regulations 2015; regulation 38 of The Fostering Services (England) Regulations 2011; regulation 27 of The Residential Family Centre Regulations 2002; and regulation 26 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.



point out to the acting manager that it is an offence to manage an establishment or agency<sup>66</sup> without being registered.

351. The inspector should always take into consideration whether it is a planned or unplanned absence, the length of time the manager has been absent and, most importantly, what risk it poses to children and young people.<sup>67</sup>

### **When does a new manager have to apply for registration?**

352. Legislation does not specify a timeframe by which a manager must apply to us for registration. We expect the manager of a registered establishment or agency to apply to Ofsted for registration as soon as possible but always by 28 days from the first date of their employment. This is to minimise the risk that unsuitable people may manage establishments or agencies for vulnerable children, young people and service users. When a provider notifies us they have appointed a new manager, the inspector should ask the Application team to send standard letter SCL81.
353. Where there is no application from a manager within the above timescale, the inspector should contact the Regulatory Inspection Manager or Social Care Regulatory Inspector for advice and record this discussion on OfficeBase

### **Registering a new manager**

354. When a new manager is appointed to manage an establishment or agency that is already registered, he or she must apply to Ofsted to be the registered manager and pay a fee. We must undertake fitness checks, interview the applicant and make a robust registration decision. The applicant must meet the same requirements as a proposed registered manager of a new establishment or agency. He or she has the same rights to make written representations and appeal about our decision to refuse registration.
355. The procedure for registering a manager for an active establishment or agency is generally the same as the registration process for a manager of a proposed service as set out in Part 2. Please also refer to Annex D for more information on completing fit persons and registration records and what checks we undertake in these circumstances. The differences and points to note are below.
- The inspector should carry out a fit person assessment of the applicant as detailed in annex D. The registration record is available on OfficeBase for completion from the time the application is accepted. If an interview is to take place it should usually be undertaken at the premises of the

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<sup>66</sup> Please note this is not the case for voluntary adoption agencies as these do not need to register a manager with Ofsted.

<sup>67</sup> This point relates to adoption support agencies, independent fostering agencies, residential family centres and residential holiday schemes for disabled children.

establishment or agency. Once the fit person assessment is complete, the registration record is updated and checks updated to display the results of the fit person assessment to allow the overall fitness decision to be recorded.

- Where a registered manager moves to manage another establishment or agency he or she must make a new application to be the registered manager of that establishment or agency. How we carry out the fit person assessment for a second or subsequent application will depend on the information we already hold about the individual who is applying, see annex D for more detail.
- Once the Regulatory Inspection Manager has made a decision about the registration a workflow will be generated prompting the application team to generate the relevant correspondence.
- Before sending the notice of decision (NOD) and certificate (if agreed), the Application team should check whether an application for a variation is in progress. If a variation request is in progress, the Application team should check with the inspector whether to delay sending the NOD and the certificate. This may be agreed if it is likely that the variation will be granted shortly and that the delay will not negatively impact the establishment or agency.
- The Application team send the NOD to grant the registration, together with a new certificate if registration has been agreed, or a notice of proposal (NOP) to refuse, if registration has been refused. If, for any reason, a specific condition is set about the manager, an NOP should be sent.
- For any applicant registered prior to 1 September 2014 we will require a new DBS certificate to be submitted as part of the initial application with confirmation that they have subscribed to the DBS Update Service. If the applicant already subscribes to the DBS Update service they will need to provide us with their reference number and permission for Ofsted to check their DBS status at least every six months.

356. Where a recommendation to refuse a manager is proposed, the inspector must also submit information to their Regulatory Inspection Manager by OfficeBase memo, about how this affects our view of the fitness of the provider and whether this should lead to immediate action in respect of their registration. If a decision to take action against a manager is agreed, the subsequent case review should decide whether this affects our views of the provider and whether action against a provider is required.

## **Changes to the statement of purpose**

357. Each registered establishment or agency is required by law to have and maintain a statement of purpose that accurately depicts the service provided at any given time.

358. It is a breach of regulations for a provider (apart from the provider of a voluntary adoption agency) to operate their service in a manner that is not consistent with their statement of purpose.<sup>68</sup> Providers and managers are required to notify Ofsted within 28 days when they make any change to their statement of purpose.<sup>69</sup> The *Guide to registration for social care services* provides more information about statements of purpose.

## Applying to vary or remove conditions of registration

359. A registered provider can apply to vary, remove or change a condition of registration by making a written request and paying a fee.

360. We only apply conditions of registration that do not:

- duplicate any requirements placed on providers and/or managers by the Care Standards Act 2000, or regulations made under this Act
- conflict with or exempt a provider or manager from complying with any of the regulations made under the Care Standards Act 2000
- name an individual other than the registered person(s), as we have no powers to make or enforce conditions other than those that apply to registered person(s).<sup>70</sup>

361. Refer to Conditions of registration for all regulated social care services and categories of registration for children's homes and voluntary adoption agencies (please see Annex H)

## Minor and major variations

### *Minor variation*

362. Minor variations are agreed where the inspector decides a visit to the service is not necessary and where the change to the registration is minimal. An example would be an additional child/young person being accommodated at a children's home that we know has the facilities to provide for this number, and where the provider's supporting documentation shows they have considered all the necessary factors, such as staffing.

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<sup>68</sup> Under regulation 29(1) of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; regulation 31(3) of The Residential Family Centres Regulations 2002; and regulation 3 of The Fostering Services (England) Regulations 2011.

<sup>69</sup> Under regulation 16(3)(b) of The Children's Homes (England) Regulations 2015; regulation 6(b) of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; regulation 4(b) of The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2009; regulation 4(4)(b) of The Residential Family Centres Regulations 2002; and regulation 4(b) of The Fostering Services (England) Regulations 2011.

<sup>70</sup> 'The registered person' covers both the registered provider and registered manager.

### *Major variation*

363. A provider must apply for a major variation where an inspection of their service is necessary to determine whether it complies with regulation. An example would be when the application is for a significant increase in numbers and/or we need to check that any premises alterations are satisfactory.

### **Making a variation application and decision**

364. To apply for a variation, the provider contacts the Applications, Regulatory and Contact (ARC) team who record the details of the provider's request. The contact centre informs the inspector of the provider's request by memo.
365. The inspector should check the service's latest inspection report, any recent or current compliance cases and other information available on OfficeBase before contacting the provider to discuss the variation request.
366. The inspector must make a decision as to whether the request constitutes a minor or major variation in line with paragraphs 362 and 363 above. The decision about whether the request is a major or minor variation should **not** be made by the provider or the Application team. The inspector should consult with a Regulatory Inspection Manager if he or she is unsure.
367. After speaking to the provider, the inspector emails the Application team to ask them to send an *Application to vary or remove conditions of registration form* (SCL118) to the provider. The inspector's email must state whether it is a minor or major variation and provide details of any supporting documentation the inspector requires, for example a revised statement of purpose. The Application team send the application form – amended to state 'Minor' or 'Major' and including details of the supporting documentation – to the provider or responsible individual.
368. The provider returns the completed application to the ARC.
369. On receipt, the Application team check that the variation application is:
- accompanied by the appropriate fee<sup>71</sup>
  - accompanied by the requested supporting documentation
  - completed in full
  - signed by the responsible individual or someone who makes up the provider whose details are logged on the OfficeBase.

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<sup>71</sup> The required fees are set out in part 3 of The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007 as amended.

370. If an incomplete application is received, the Application team will seek to obtain any missing information. If necessary, they will return the application to the provider with a cover letter (SCL310) stating why it is incomplete.
371. The registered manager cannot sign an application unless he or she is part of the registered provider. The Application team must return an application as incomplete if it is signed by a registered manager who is not part of the registered provider
372. Applications team upload the completed application form and accompanying documentation to OfficeBase. This generates a workflow for inspectors to review the request.
373. Once the inspector and the Regulatory Inspection Manager have agreed to grant the application, they should send a notice of proposal (NOP), if applicable, and a notice of decision (NOD). If a decision to refuse the application is made, a case discussion must be held with the Social Care Compliance inspector.
374. An inspector only needs to issue an NOP if the provider is requesting a condition that we do not agree with or we are imposing a condition that the provider has not requested.
375. Before sending the NOD and certificate (if agreed), the Application team should check whether a registered manager is in post. If not, the name on the certificate should read 'POST VACANT'. If a manager's application is in progress, the Application team should check with the inspector whether they should delay sending the NOD and the certificate. This may only be agreed if it is likely that a new manager's application will be granted shortly, and that the delay will not negatively impact on the establishment or agency.

### **Young people becoming 18 years old in a children's home**

376. Where a children's home accommodates young adults aged 18 or over, we impose a standard condition to state that the registered person 'must reduce the number of children by the number of people aged 18 and over for which it also provides care and accommodation'. Because we are imposing this condition, we do not charge a variation fee.

## Accommodating a child or young person in an emergency

### Introduction

377. There are occasions where providers request permission to act outside their conditions of registration to cover a short-term emergency situation. This guidance applies to children's homes but not to secure children's homes.
378. If a provider wishes to accommodate a child or young person in an emergency this must be written as part of their statement of purpose. The statement of purpose must detail how such situations will be managed and how the effects on those children already living at the home will be minimised. All policies and procedures should demonstrate that this aspect of provision is considered. For example, the fire risk assessment must include detail of how a child or young person who comes to the home in an emergency will be taken into consideration.
379. Occasionally registered children's homes' providers request permission to act outside their conditions of registration to cover a short-term emergency situation. Each request is considered on a case-by-case basis which is based on a need to protect the children and young people living at the home and the child / young person who the provider wishes to admit.
380. We must not endorse a provider's decision to breach a condition of registration. We must however, consider whether any provider requesting to accommodate a child in an emergency is able to manage the needs of any additional child as well as those children and young people already living at the home.

### Process

381. When receiving a call from the provider requesting to accommodate a child in an emergency, ARC's contact centre must transfer the call to the Application team who will ask the provider to email or fax the request to them. When making this request, the Application team should ask the provider for:
- the gender and date of birth of the child
  - the proposed length of time the child/young person will be living at the children's home (if known)
  - the date the child/ young person will start living at the children's home
  - details of the emergency which has meant the child/young person needs to live at the children's home
  - the child's needs
  - any other relevant factors.

382. The Application team telephones the allocated inspector and sends the relevant information by email. If the inspector is unavailable, the application team contacts the Regulatory Inspection Manager. Once the application team has contacted a relevant inspector or Regulatory Inspection Manager, that person must assess the request. If necessary, the Social Care Regulatory inspector/Regulatory Inspection Manager must speak to the provider to gain any additional information they need to decide whether to recommend/grant the variation application.
383. The inspector must also determine whether the request is a genuine emergency. If it is not, the normal process for applications to vary conditions of registration must apply.
384. In considering the request for to accommodate a child or young person in an emergency, the inspector must take into account:
- the information we hold about the children’s home
  - the home’s statement of purpose and whether it includes them accepting children or young people in an emergency, or whether they are going to supply us with a new statement of purpose (if the statement of purpose does not include that they accept emergency admissions, we should treat this as a breach of regulations)
  - whether the provider will be able to meet the needs of the child and other children present in the home
  - whether any additional changes are required to meet the child and other children’s needs – such as physical care needs – or additional facilities that must be provided.
385. If the assessment deems the request appropriate, the inspector can agree it. Otherwise, he or she must refuse the request. The inspector must ask the Regulatory Inspection Manager to approve their decision to agree the variation. Where the request is to be refused, the inspector must request a C case to be opened.
386. The inspector should phone the provider to inform them of the decision.
387. The inspector must log the decision to approve or not and the reasons for making the decision on OfficeBase.
388. If the request has been **agreed**, the inspector should arrange for the Application team to send a letter (SCL350) agreeing to the request and setting out the time limit. The letter may be faxed or emailed where necessary. Where the child or young person will live at the children’s home for more than five days the letter should ask the provider to apply to vary their conditions of registration in the usual way.

389. If the request has been **refused**, the inspector should write the letter content, agree this with the Social Care Compliance inspector and arrange for the Application team to send a letter (SCL355) refusing the request and stating the reasons why. The Application team must copy and paste the reason for refusal from the case review decision. The Application team must upload a copy of the letter to OfficeBase.
390. If the provider wishes to challenge our decision, he or she can apply to vary their conditions of registration in the usual way. This allows them to use the representations and appeals process.

## Notice of change

391. The registered person is required by regulations<sup>72</sup> to inform Ofsted when:
- someone other than the registered person carries on or manages the service (SC3)
  - a person ceases to carry on or manage the service (SC3)<sup>73</sup>
  - where the provider is an individual, he or she change their name (SC3)
  - where the provider is a partnership, the membership changes (SC3)
  - where the provider is an organisation:
    - the name or address of the organisation changes
    - a director, manager, secretary or similar officer changes
    - the identity of the registered person changes (SC3)
  - where the provider is an individual, he or she becomes bankrupt or makes an arrangement with their creditors (personal letter)<sup>74</sup>
  - where the provider is a company, it goes into liquidation or receivership (personal letter)<sup>75</sup>
  - the premises of the service are significantly altered or additional premises are acquired (children's homes and residential family centres only) (SC3).
392. The registered person must inform us as soon as possible but always within 14 days of the changes outlined in paragraph 391 taking place.

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<sup>72</sup> Under regulation 49 of The Children's Homes (England) Regulations 2015; regulation 28 of The Residential Family Centres Regulations 2002; regulation 39 of The Fostering Services (England) Regulations 2011; regulation 27 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; and regulation 32 of The Residential Holiday Schemes for Disabled Children (England) Regulations 2013.

<sup>73</sup> When a new manager is appointed, they apply for registration by completing an SC2.

<sup>74</sup> This does not apply to holiday schemes for disabled children.

<sup>75</sup> This does not apply to holiday schemes for disabled children.



393. Notices of change do not require re-registration or an application to vary or remove conditions of registration.

### **Notice of change process**

394. A notice of change can be made online or in writing and sent to the Applications, Regulatory and Contact team. Providers may also use form SC3 to provide information about the changes listed in paragraph 391 or any other format that provides the information in writing.
395. Where the notice relates to changes to the registered provider and/or manager, the Document Handling Centre (DHC) forwards it to the Application team. The Application team check whether the notice of change requires further action: for example, where there has been a change of registered manager and the new manager will need to register with us. If the change requires further action, the Application team must telephone the provider to inform them of the action they should take, update OfficeBase with what has been required and inform the inspector by memo.
396. The Application team take any further action, update OfficeBase as appropriate, inform the inspector by memo.
397. For other changes, the DHC forward the notice to the relevant regional Inspection Management Support (IMS) team. The IMS team update OfficeBase as appropriate, and confirm with the inspector that changes have taken place and that an updated certificate may be sent.
398. The inspector reviews the information to determine whether any further action should be taken, for example he or she might decide to bring forward an inspection because the premises have been substantially altered.
399. We must review notices of change carefully so that the correct action is taken. Sometimes, re-registration may be required. In other cases, the inspector may have to consult with the Social Care Compliance inspector to decide whether action is necessary.

## **Applications made by a provider who already has a registered service with Ofsted**

### **Introduction**

400. This guidance is intended to clarify and simplify registration where registered providers: buy existing or acquire new establishments or agencies; move premises; or change their legal entity.

401. The law requires anyone who submits an application to register a social care establishment or agency to supply specific information to Ofsted.<sup>76</sup> This information is intended to help us ensure that those providing care for children are fit to do so.
402. Registered providers often choose to expand their business either by applying to register a new establishment or agency or by buying an existing business. They also sometimes move the premises they use for an establishment or agency.
403. We should make the registration process as simple as possible where we already hold some of the information required for an application. We cannot require an applicant to supply information that they have already supplied to us after 30 September 2010.<sup>77</sup>
404. If an organisation has multiple establishments or agencies, they must be assigned to the same responsible body on OfficeBase.

For information about which children's homes directors will need to submit SC2s please refer to Annex J

### **Circumstances when a new application is required from an existing provider**

405. To protect children's welfare, our registration procedures and decisions must be robust for every application we receive. The following guidance sets out how we register new establishments or agencies when we know the applicant, taking information we already hold about them into account.

*An existing registered provider (organisation, partnership or sole trader) sells a franchise*

406. We require a new application and fee for each franchise. The franchisee (buyer) must register as the provider, not the franchisor (seller).

*An existing registered provider (organisation, partnership or sole trader) wishes to set up a new establishment or agency not previously registered*

407. We require a new application and fee for each new establishment or agency which has not previously registered. If the applicant is providing hard copy applications they must complete forms (SC1 and SC2) for each new establishment or agency. They do not need to submit annual accounts, a business plan or a financial reference if they have supplied these to us in the previous 12 months.

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<sup>76</sup> Under regulation 3 of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

<sup>77</sup> Under regulation 3(5) of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

*An existing registered provider (organisation, partnership or sole trader) sells a franchise*

408. We require a new application and fee for each franchise. The franchisee (buyer) must register as the provider, not the franchisor (seller).

*An existing registered provider (organisation, partnership or sole trader) acquires one or a number of already registered establishments or agencies*

409. We require a new application and fee for each registered establishment or agency that an existing registered provider buys or acquires. Where this involves an organisation, partnership or sole trader buying a number of existing establishments or agencies, we do not require a full application form (SC1) for each establishment or agency. The provider can complete one SC1 in full, including details of the provider, and leave this blank in any other SC1 forms they submit.
410. Ofsted will take legal advice where necessary to ensure that company mergers and acquisitions are correctly processed. A copy of any legal advice received must be emailed to [socialcare@ofsted.gov.uk](mailto:socialcare@ofsted.gov.uk). All of these cases require a case discussion with the Social Care Compliance inspector as a minimum.
411. The following apply in all cases.
- An application for registration is required where there is a change in the legal identity of the owner (see below).
  - The buyer cannot take on responsibility for an establishment or agency until registration is complete.
  - The buyer must provide evidence of planning permission or evidence that this is not required.
  - Where the existing establishment or agency has requirements placed upon it by Ofsted which have not been completed, the buyer must provide an action plan that demonstrates how he or she will meet those requirements.<sup>78</sup>
  - The seller remains responsible for the establishment or agency until he or she applies to cancel their registration in writing (see paragraphs 431–447). Where continuity of care for children is an issue, the existing registered provider should not voluntarily cancel their registration until the new registration takes effect (the date on the certificate).

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<sup>78</sup> Under regulation 3(6) of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

412. Inspectors do not need to carry out a full assessment of:
- the premises<sup>79</sup>, if:
    - there are no changes to the premises
    - there have been no concerns about the premises at or since the last inspection
  - the manager, if:
    - there is no change of manager of the service
    - there is no compliance investigation about which concerns remain, or inadequate overall judgement and/or inadequate progress for children’s homes.

### **Changes of legal entity once registered**

413. Where an organisation changes its legal entity, for example an individual becomes a registered company, a new application and application fee is required for each establishment or agency.
414. We follow the process for acquiring new provision when an organisation changes its legal entity but providing we have no concerns about the fitness of the provider, premises or manager, we should have no reason to carry out any visits or re-checking. As above (see paragraph 412) where this involves an organisation, partnership or sole trader buying a number of existing establishments or agencies, we do not necessarily require a fully completed application form for each one.
415. If a company changes its Companies House registration number, it needs to submit a new application.

### **Move to new premises**

416. Where a registered provider changes the location of premises used as a children’s home or residential family centre, they must apply and pay an application fee for registration at the new premises and, at an appropriate point, apply to voluntarily cancel their registration in respect of the old premises. This is because the registration of an establishment (children’s homes and residential family centres) is in respect of particular premises.
417. The new registration cannot take effect until registration is granted. This is the case even where such changes of premises are temporary and short term due to problems at the main premises: for example where there has been flooding or there is building work taking place.

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<sup>79</sup> This does not apply to holiday schemes for disabled children.

- 418. There may be issues of continuity of care surrounding the children living in a children's home that is closing. Where this is the case, these applications should be prioritised and the Application team should be prompt in providing inspectors with the information they need to make decisions quickly.
- 419. Where an independent fostering agency or voluntary adoption agency moves to new premises, the registered provider should confirm the details in writing. If there are no substantial changes to the operation of the agency then a variation or new application is not required.

*Guidance on the application process for a change of residential premises*

- 420. The application must be completed in full and the Application team will check whether decisions about fitness have been made in the past.
- 421. Where we have completed checks on the applicant for a previous application or registration within the last three years, we may decide not to carry out checks again. The inspector takes this decision in conjunction with the Regulatory Inspection Manager. It is based on evidence of how well the individual/s and provider have met their statutory obligations since the previous checks and whether we have any concerns relating to an individual's fitness. Any decision reached must be documented and the inspector must confirm that the focus of inspection is on the new premises.
- 422. When allocating the registration(s), the Application team should notify the inspector by memo that this is an existing registered provider, and, where possible, identify the target opening dates. We should work towards the target date when completing the registration. Where there are no significant changes, registration should normally be achieved in less than 16 weeks. Please see paragraph 78 for information about why applications are not subject to tacit approval under the EU Services Directive.
- 423. The Application team should also check if there are other significant changes identified in the application. The Application team should notify Social Care Regulatory Inspectors/Regulatory Inspection Managers of any changes that might affect registration.
- 424. The Regulatory Inspection Manager must ask the scheduling team to avoid scheduling the current URN for an inspection. This is because the newly registered establishment or agency will need to be re-visited for inspection within seven months of registration.
- 425. The registration visit should concentrate on the fitness of the new premises and the registered person's understanding of related safety issues. It may not be necessary to carry out a full registration visit and fit person interview. Where there are no significant changes to: people working on the premises; the manager; or other aspects of the provision, inspectors must, as a minimum:

- interview the applicant and manager about the intentions for service
  - review the policies and procedures the applicant wishes to put in place, and how these are different from what is already in place, before recommending registration
  - check the date of the last inspection and review the last inspection report
  - review any conditions imposed
  - check any outstanding actions and any points carried forward from the last inspection to discuss with the applicant.
426. The inspector records in OfficeBase any points arising from the inspection of the new premises and discussion with the proposed registered provider and proposed registered manager. The inspector must complete every mandatory field in OfficeBase but can cross-reference with evidence recorded elsewhere: for example the last inspection or a fit person interview. As in any registration visit, the inspector must make sure the applicant is aware of any outstanding actions and recommendations, and of the proposed conditions of registration.
427. Where no visit is made, the inspector/Regulatory Inspection Manager completes OfficeBase using this (or an amended) form of words:
- ‘This application has been completed under the corporate application process and for the following reasons:
- The applicant XXXXXX is currently a registered provider and there are no concerns about their continued fitness. There are no known reasons to be concerned about the fitness of the premises. There are no changes to the service being provided, the numbers, types of need and age ranges of the children or the [add service type] manager.’

### **Circumstances where a new application is not required**

#### *Acquiring a company and running it under the existing company name*

428. Sometimes an organisation acquires a company and chooses to continue to run it as that company, for example the registered company name and registered company number remain the same and it continues to trade under the existing company name. In these circumstances, we do not require a new application (or applications) as the existing company remains liable as the registered person.
429. In these circumstances, follow guidance on changes to registered persons in paragraphs 317–331. If there is any change to the responsible individual or registered manager, please follow guidance in annex G.

### *Changes of name and registered addresses*

430. Sole traders or organisations may decide to change their name or the registered address.<sup>80</sup> As the registered provider remains the same, neither of these actions results in a new application for registration.

### **Applying to voluntarily cancel a registration**

431. When a provider or manager<sup>81</sup> no longer wishes to carry on running an establishment or agency, he or she must apply to voluntarily cancel their registration with Ofsted. A provider cannot:
- sell an establishment or agency without applying to voluntarily cancel his or her registration, which must align with the date of sale
  - stop meeting registration requirements without applying to voluntarily cancel their registration.
432. If a provider does either of the above, we may cancel their registration, which will have a negative impact on any future application they may make for registration
433. Where a provider has sold an establishment or agency without applying to voluntarily cancel their registration, inspectors must request that a compliance case be opened.
434. If a provider wishes to cancel their registration with Ofsted, they must:
- apply in writing on a form approved by Ofsted
  - make the application no less than three months before the date they want the cancellation to take effect
  - provide specific information detailed in regulation 13 of The Care Standards Act 2000 (Registration)(England) Regulations 2010.
435. No fee is payable for the application.
436. If the registered provider does not complete the steps outlined in paragraph 434 we may decide to cancel the registration. Where we take such action against a registration relating to a children's home, this will result in certain individuals becoming disqualified from carrying on, being concerned in the management of, having a financial interest in, or working at, a children's

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<sup>80</sup> This is the address where we service legal notices, and not the address of the establishment or agency's premises.

<sup>81</sup> See paragraphs 332 – 338 for information about when a registered manager leaves.

home in the future. See the 'Disqualification and written consent' section of the *Social care compliance handbook* for further details.<sup>82</sup>

437. The provider can download the *Application for cancellation of registration (social care provision)* form<sup>83</sup> from our website. If a provider contacts Ofsted to apply to cancel their registration, the contact centre tells them how to access the application form or sends it to them. The provider must send the completed form back to the Applications, Regulatory and Contact team who forwards it electronically to the Application team. The Application team must alert the inspector and Regulatory Inspection Manager as soon as possible in order for them to consider whether there is any reason why we would not accept this application to voluntarily cancel a registration.
438. There are circumstances where a registered person is not permitted to apply to voluntarily cancel their registration or where Ofsted may not accept their application for voluntary cancellation. This usually occurs where we are taking compliance action against the person or where we have serious concerns about the person. In these circumstances, we must follow the procedures set out in the 'Cancellation of registration' section of the *Social care compliance handbook*.<sup>84</sup>
439. Where we decide to accept a person's application to voluntarily cancel their registration, the inspector telephones the provider to confirm:
- the date of closure
  - the arrangements made for the future care of the children and young people
  - that information about the proposed closure has been given to:
    - the children or young people
    - any representatives of the children or young people
    - the local authority in whose area the home is situated.
440. Where the provider has not given this information, the inspector finds out why and forms a view as to whether the provider's actions have been reasonable. Where the provider has given less than three months' notice, they must provide a report as to whether the service will stop being financially viable within the next 12 months.<sup>85</sup>

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<sup>82</sup> *Social Care Compliance Handbook 2014* [www.ofsted.gov.uk/resources/140136](http://www.ofsted.gov.uk/resources/140136).

<sup>83</sup> *Application for cancellation of registration (social care provision)* (070094), Ofsted, 2011; [www.ofsted.gov.uk/resources/070094](http://www.ofsted.gov.uk/resources/070094).

<sup>84</sup> *Social Care Compliance Handbook, 2014*; [www.ofsted.gov.uk/resources/140136](http://www.ofsted.gov.uk/resources/140136).

<sup>85</sup> Under section 13(4)(f) of The Care Standards Act 2000 (Registration)(England) Regulations 2010.



441. The inspector enters information obtained through this discussion in OfficeBase.
442. When enquiries are complete, the inspector sends a memo to the team manager to inform them. The team manager reads the relevant entries in OfficeBase and requests any more information that is required.
443. Once the information is complete, the Regulatory Inspection Manager sends a memo to the Application team and the inspector to confirm that cancellation can proceed, including the date we agree that cancellation can take effect. The application team send letter SCL354 stating that the application to cancel registration has been agreed. The letter asks the provider to return their certificate of registration on the agreed date of cancellation. The Application team must also send an email to inform the scheduling team of the date the registration will be cancelled, so that no future inspections are scheduled.
444. The Application team keep a diary record of the date for cancellation. On the agreed date for the cancellation, the Application team send letter SCL352 and inform the Regulatory Inspection Manager to request that the OfficeBase status is set to 'resigned'. If the certificate of registration has already been received, the letter should be amended to reflect this.
445. The letter asks the provider to return their registration certificate by registered post or recorded delivery. If the certificate has not been received within 14 days of the date of the SCL352, the Application team issues letter SCL353 chasing the return of the certificate. If no response has been received after another 14 days, they issue another copy of SCL353.
446. Where no certificate is returned, inspectors should seek advice from the Regulatory Inspection Manager and the Social Care Compliance inspector. If no further action is agreed, this should be recorded on OfficeBase, including why no further action is to be taken.
447. When the application team receive the registration certificate, they note the date received OfficeBase and destroy the certificate.

## Glossary

### **Adoption and Children Act 2002<sup>86</sup>**

The primary piece of legislation about adoption. It amended the Care Standards Act 2000<sup>87</sup> to include adoption support agencies.

### **The Adoption Agencies Regulations 2005<sup>88</sup>**

Regulations under the Children Act 1989<sup>89</sup> and the Adoption and Children Act 2002 that go into more detail than the respective Acts about the regulation of adoption agencies.

### **The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005<sup>90</sup>**

Regulations under the Care Standards Act 2000 and the Adoption and Children Act 2002 that go into more detail than the respective Acts about the regulation of adoption support agencies.

### **Agency**

A universal term used and defined in the Care Standards Act 2000 and regulations to refer to social care services that arrange and provide care and support. Sections 4(4), 4(7) and 4(7A) of the Care Standards Act 2000 define the agencies within Ofsted's remit (fostering agencies, adoption support agencies<sup>91</sup> and voluntary adoption agencies).

### **Annual accounts**

A detailed disclosure of the financial position of an organisation, typically including a balance sheet and profit and loss account. Companies and charities are legally required to submit annual accounts to Companies House and/or The Charity Commission.

### **Applicant**

A person who applies for registration as a registered provider or registered manager, or a registered person who applies to vary their existing registration.

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<sup>86</sup> Adoption and Children Act 2002; <http://www.legislation.gov.uk/ukpga/2002/38/contents>.

<sup>87</sup> Care Standards Act 2000; <http://www.legislation.gov.uk/ukpga/2000/14/contents>.

<sup>88</sup> The Adoption Agencies Regulations 2005;  
<http://www.legislation.gov.uk/uksi/2005/389/contents/made>.

<sup>89</sup> Children Act 1989; <http://www.legislation.gov.uk/ukpga/1989/41/contents>.

<sup>90</sup> The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; <http://www.legislation.gov.uk/uksi/2005/2720/contents/made>.

<sup>91</sup> Section 8 of the Adoption and Children Act 2002 amends the Care Standards Act to include adoption support agencies.

### **Application form for children's social care (Form SC1)**

The hard copy form a provider of a potential establishment or agency completes to apply for registration with Ofsted. The form asks for information on the provider, service, premises, roles and responsibilities and so on.

### **Business plan**

A business plan is a formal statement of a set of business goals, the reasons why they are believed to be attainable, and the plan for reaching those goals. It may also contain background information about the organisation. The plan should summarise the operational and financial objectives of the business and contain the detailed plans and budgets showing how the objectives are to be realised. The business plan will contain detailed five-year financial projections and forecasts about the business's performance.

Though business plans have many different presentation formats, they typically cover five major content areas:

- background information
- marketing plan
- operational plan
- financial plan
- discussion of the decision-making criteria that should be used to approve the plan.

### **Care Standards Act 2000**

This is the primary legislation that defines the establishments or agencies that need to register with us as social care providers. It provides the legal basis for making the regulations that refine the requirements for registration set out in the Care Standards Act 2000.

### **Care Quality Commission (CQC)**

The regulator of health and social care in England, excluding those services within Ofsted's remit. The Care Quality Commission came in to being on 1 April 2009 and is the successor to the Commission for Social Care Inspection, amongst others.

### **Cause for concern (CFC)**

In determining an individual's fitness, as described in this guide, inspectors and administrators sometimes come across information that may place an individual's fitness in doubt. This information is referred to as a 'cause for concern'. Examples are: a conviction; a caution or other negative information on a Criminal Records Bureau disclosure; a response from a local authority social services department to our request for information indicating that an individual is known to them; negative references; a negative certificate of good conduct; and concerns relating to an individual's physical and mental health.

### **Certificate of good conduct (COGC)**

Also referred to as a letter of good conduct, clearance certificate or police certificate, it is a certificate from a foreign authority – usually the police – stating that an individual has no criminal record in that country. Where an applicant has a criminal record, the foreign authority may refuse to issue the certificate or list the criminal offences, depending on the country's own data protection laws.

### **The Children (Secure Accommodation) Regulations 1991<sup>92</sup>**

Regulations made by the Secretary of State under the Children Act 1989. These regulations go into more detail than the Act, about the regulation of secure children's homes.

### **The Children's Homes (England) Regulations 2015**

These regulations explain when somewhere must register as a children's home and what types of establishments or agencies are exempt from registration. They provide detail of what people must do to promote and protect the welfare of children so they can be granted registration and remain registered.

### **Commission for Social Care Inspection (CSCI)**

The former regulator of social care in England, the CSCI replaced the National Care Standards Commission, amongst others. Ofsted took over responsibility for regulating and inspecting children's social care services from CSCI on 1 April 2007. The CSCI ceased to exist on 31 March 2009 when the CQC took over the remainder of its functions.

### **Criminal Records Bureau (CRB)**

In December 2012 the CRB merged with the Independent Safeguarding Authority to become the Disclosure and Barring Service.

### **Disclosure and Barring Service (DBS)**

The DBS was created in December 2012 when the CRB and ISA merged into a single organisation. The DBS is a non-Departmental Public Body.

### **DBS certificates**

A document issued by the DBS disclosing details of any cautions or convictions an individual may have. Checks may be to a 'standard' or 'enhanced' level. Ofsted can only accept enhanced checks as these contain details of whether or not an individual is barred from working with children.

### **Data Protection Act 1998<sup>93</sup>**

The main piece of legislation that governs the protection of personal data in the UK. It provides for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. Anyone holding personal data must comply with this Act.

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<sup>92</sup> The Children (Secure Accommodation) Regulations 1991; <http://www.legislation.gov.uk/ukxi/1991/1505/contents/made>.

<sup>93</sup> Data Protection Act 1998; <http://www.legislation.gov.uk/ukpga/1998/29/contents>.

### **Declaration and consent form (Form SC2)**

A form to accompany an application to register, completed by the individuals associated with the service. The form asks for personal details, qualifications, consent to carry out checks and so on.

### **Department for Education (DfE)**

The Department for Education is the government department responsible for education and children's services.

### **Establishment**

A universal term used and defined in the Care Standards Act 2000 (section 4(8)) and regulations to refer to social care establishments or agencies that provide residential care, assessment and support. Establishments within Ofsted's remit are children's homes and residential family centres.

### **Financial reference**

A reference from an applicant's bank as to the applicant's financial ability to carry on a business.

### **The Fostering Services (England) Regulations 2011<sup>94</sup>**

They explain when somewhere must register as a fostering service. They provide details of what people must do to promote and protect the welfare of children so they can be granted registration and remain registered.

### **Fitness**

Legislation states that persons (organisations and individuals) must be 'fit' to carry on or manage an establishment or agency. This means that they must meet all the requirements set out in regulations. Once an inspector is satisfied that a person meets these requirements, he or she must make a 'fitness' decision.

### **The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequencies of Inspection) (Children's Homes etc) Regulations 2007<sup>95</sup>**

These regulations state what fees will be charged for registration, the annual fees charged for continued registration and how often each registered service type will be inspected in a given period. These regulations have been amended several times since 2007 to update the annual fees charged.

### **Independent Safeguarding Authority (ISA)**

In December 2012 the ISA merged with the CRB to become the Disclosure and Barring Service.

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<sup>94</sup> The Fostering Services (England) Regulations 2011;  
<http://www.legislation.gov.uk/uksi/2011/581/contents/made>.

<sup>95</sup> The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequencies of Inspection) (Children's Homes etc.) Regulations 2007;  
<http://www.legislation.gov.uk/uksi/2007/694/contents/made>.

### **Applications, Regulatory and Contact team (ARC)**

ARC process applications to register providers across Ofsted's remit. The ARC is also the first point of contact for most of Ofsted's stakeholders through its contact centre and is based in Manchester.

### **Application team**

An Application team based in the Applications, Regulatory and Contact team. They provide the administrative functions during the registration process.

### **The Care Standards Act 2000 (Registration)(England) Regulations 2010<sup>96</sup>**

These regulations state the legal requirements that must be met before a service can be registered.

### **National minimum standards (NMS)**

Providers are expected to take account of the national minimum standards. They are the minimum requirements that providers should meet. Each type of service has its own set of national minimum standards.

### **Guide to the Children's Homes Regulations including the quality standards**

This replaces the national minimum standards for children's homes.

### **Nominated person**

This term is used for a named individual within a local authority for adoption and fostering services. This should ideally be the most senior officer who has direct, delegated responsibility for the adoption or fostering service who we can contact about the service if necessary.

### **Notice of change (Form SC3 or online application)**

A form to be completed by a provider, once registered, to notify Ofsted when the responsible individual or members of the registered person (director, trustee, partner and so on) change. This form should also be used to notify Ofsted when the manager of a voluntary adoption agency changes.<sup>97</sup>

### **Notice of decision (NOD)**

Ofsted is legally required to send a 'notice of decision' when making a decision about an application to register or where a provider has applied to Ofsted to vary their conditions of registration. A 'notice of decision' is sometimes preceded by a 'notice of proposal'. Please see the *Social care compliance handbook* for other circumstances where we may send a notice of decision.

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<sup>96</sup> The Care Standards Act 2000 (Registration (England) Regulations 2010;  
<http://www.legislation.gov.uk/ukxi/2010/2130/contents/made>.

<sup>97</sup> A slightly different form, entitled 'Notice of change' (without the SC3 reference number) should be completed when the named contact and/or the manager of a local authority fostering or adoption service changes.

### **Notice of proposal (NOP)**

Ofsted must send a 'notice of proposal' before a 'notice of decision' when we propose to refuse an application or impose conditions that the applicant hasn't agreed to in writing. A 'notice of proposal' gives an applicant or provider 28 days in which to make written representation about the refusal or imposed conditions. Please see the *Social care compliance handbook* for other circumstances where we may send a notice of proposal.

### **Populate**

A technical term referring to information automatically drawn from a computer program (OfficeBase, Excel and so on) and automatically placed in a different section of the same program or a different program altogether.

### **Protection of Children Act (PoCA) list, Protection of Vulnerable Adult (PoVA) list and List 99**

These were lists of individuals barred from working with children and vulnerable adults that were maintained by various government departments. On 12 October 2009 these lists were replaced by two barred lists maintained by a single body, the Independent Safeguarding Authority. As of December 2012 these lists have been held by the DBS.

### **Registered manager**

The person responsible for the day to day running of an establishment or agency. In an independent fostering agency the registered manager and responsible individual cannot be the same person. We do not register the manager of a voluntary adoption agency.

### **Registered person**

The term means any person who is the registered provider or registered manager of a provision.

### **Registered provider**

A provider of registered children's social care. The registered provider may be an individual, partnership or an organisation.

### **Registration**

The process of checking that an applicant is fit to be a registered provider or registered manager. It also ensures that the services provided meet specific regulations and standards.

### **Registration fees**

The provider and manager of a service must pay a fee when they apply to register with Ofsted. For some smaller establishments and agencies no manager fee is payable. The registration fee is not refundable or transferable.

Current fees and who should pay them are set out in The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequencies of Inspection) (Children's Homes etc) Regulations 2007 as amended.

## **Ofsted Online**

This is Ofsted's portal for online applications.

## **OfficeBase**

Ofsted's database for all social care services (both registered and those we inspect only). It holds information, including data relating to applications, inspections and enforcement action, on proposed, registered, resigned, cancelled and refused registrations and registered individuals.

## **The Residential Family Centres Regulations 2002<sup>98</sup>**

The Residential Family Centre Regulations explain when a provider must register as a residential family centre. They provide detail of what people must do to promote and protect the welfare of children so they can be granted registration and remain registered.

## **The Residential Holiday Schemes for Disabled Children (England) Regulations 2013<sup>99</sup>**

The Residential Holiday Schemes for Disabled Children Regulations explain when a provider must register as a residential holiday scheme for disabled children. They provide detail of what people must do to promote and protect the welfare of children so they can be granted registration and remain registered.

## **Responsible individual**

The responsible individual represents the registered provider, when the provider is an organisation. The responsible individual is not a registered person. However, before granting registration we interview the responsible individual and carry out checks on him or her to ensure that the provider is fit.

## **Standard letters**

There are two types of standard letters: those that are accessed and stored through the OfficeBase (standard letters on OfficeBase) and those that have not yet been added to OfficeBase and are stored and accessed from the shared folders (standard letters not on OfficeBase).

## **Statement of purpose (SOP)**

An all-encompassing document that providers are required to have about a service. The information that must be included in the statement of purpose is set out in schedule 1 of The Children's Homes (England) Regulations 2015, The Residential Family Centres Regulations 2002 and The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, and regulation 3 of The Fostering Services (England) Regulations 2011.

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<sup>98</sup> The Residential Family Centres Regulations 2002;  
<http://www.legislation.gov.uk/uksi/2002/3213/contents/made>.

<sup>99</sup> The Residential Holiday Schemes for Disabled Children (England) Regulations 2013;  
<http://www.legislation.gov.uk/uksi/2013/1394/made>



**Suitability**

Please see 'fitness'.

**Working days**

Where we refer to working days we mean Monday to Friday but not bank holidays.

## Annex A. Telephone checklist and document request

### Questions/points to include in your phone call to the applicant to arrange the registration visit

- Introduce yourself and make sure you are speaking to the applicant.
- Explain the reason for your phone call and check that it is a convenient time to talk.
- Inform the applicant (where applicable) that you would need the manager to be available for part of the visit so that you can carry out a fit person interview.
- Check that the premises are suitable for a fit person interview or whether the provider has premises that could be used.
- If the application is from a fostering agency ask whether more than one office will be used and what functions will be carried out from the different offices.
- Give information about any colleagues who will join you on the day.
- Check if there are any factors you need to consider such as building work, holidays etc.
- Give information about the purpose and process of the interview.
- Give an indication of the length of time of the visit.
- Explain what documents you need to see (see below) and ask for any documents from the checklist which have not been supplied to date.<sup>100</sup>
- Check the applicant has the appropriate national minimum standards/Guide and regulations. Explain that their 'fitness' to be registered will be based on how he or she is able to demonstrate that he or she will meet the national minimum standards/Guide and regulations.
- Advise the applicant to assess/identify any risks associated with the premises.
- Ask if there are any special factors for you to take into consideration, for example a disability with hearing, sight etc.
- Ask if there any significant changes since the applicant submitted the application form to Ofsted.
- Clarify any directions you need to the address where the visit will take place
- Ask if the applicant has any questions.
- If you need to ring again, check a convenient time.

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<sup>100</sup> *Checklist for children's social care application, (70085), Ofsted, April 2012;*  
[www.ofsted.gov.uk/resources/checklist-for-childrens-social-care-application](http://www.ofsted.gov.uk/resources/checklist-for-childrens-social-care-application)

## **Document request**

During your phone call, ask the applicant to make a note of any documents you will need to see. These will include:

- photographic ID such as passport
- a complete audit trail of any name changes such as a marriage certificate (if applicable)
- two pieces of evidence confirming address
- policies, procedures and records required by the service specific regulations or national minimum standards/Guide.

**for children's homes, evidence that they comply with Regulation 26 of the Children's Homes (England) Regulations 2015 regarding the fitness of any directors or trustees involved in the carrying of the home.**

## Annex B. Registered persons for registered children's social care services

There are two registered persons:

- the registered provider
- the registered manager.

### Individuals

Where the registered provider is an individual, that person must sign the application. He or she is solely responsible and accountable for the provision.

### Organisations

Where the registered provider is an organisation the application must be signed by a responsible individual or persons representing the organisation, for example:

- a director or directors on behalf of a company
- a partner or partners on behalf of all partners in a formal or informal partnership
- a trustee, director or chairperson on behalf of a charitable body
- the chairperson or a committee member on behalf of a committee.

### The main types of organisation

**Companies:** companies are legally constituted, have a company name, are registered with Companies House, and have a company registration number.

**Statutory bodies:** a statutory body is an organisation where the main purpose of that organisation is provided for under legislation, for example a local authority or school governing body.

**Formal partnerships:** a formal partnership holds a separate legal identity from the individuals that make up that partnership. Formal partnerships are legally constituted and have a partnership name.

**Informal partnerships:** an informal partnership is where two or more individuals act together without a legally constituted agreement. This form of partnership does not have a separate legal identity of its own. The registered person is each of the individuals making up the informal partnership.

**Charities:** charitable bodies may be charitable trusts, unincorporated associations or limited companies. Registered charities hold a registered charity number.

## **Annex C. Classification of registered services for children**

### **General information**

As a general principle, all establishments or agencies which wholly or mainly accommodate children are (unless they are excluded establishments or agencies, such as hospitals) regulated as establishments or agencies for children.

Under legislation, there are five sub-types of children's home. Please see information on definitions below. A children's home may be run by a private organisation, individual or partnership, a local authority or a voluntary agency.

Under section 1 of the Care Standards Act 2000, any boarding school or residential special school where at least one child is, or is to be, accommodated (or is provided or to be provided with accommodation arranged by the school) for 295 days or more must register as a children's home. A school is a children's home if either:

- in each year for the previous two years accommodation was provided for children for more than 295 days
- or:
- it is intended to provide accommodation for children for more than 295 days in any one year.

This applies to all boarding schools. Further detail of the application of the 295 day criterion is given below under the relevant guidance on definitions of types and categories of establishment. Whether or not a school meets the 295 day criterion depends on whether an identifiable child is accommodated by the school for over 295 days, either on school premises or in arrangements made by the school (including accommodation with educational guardians arranged directly by the school or accommodation on school arranged trips). It does not relate to how many days in the year the school was providing or arranging accommodation for different children if no one child was accommodated for over 295 days.

A further education college providing residential accommodation for students aged under 18 is inspected (but not registered) by Ofsted under section 87 of the Children Act 1989. A further education college which meets the Care Standards Act 2000 definition for a care home requires registration as a care home (not as a children's home) if all or most of the students require nursing or personal care under the Health and Social Care Act 2008.

The type and category of an establishment applies to the whole establishment, not only part of it. Therefore, if a boarding school qualifies for registration as a children's home, that registration applies to the whole school, not solely to a particular unit within the establishment.

## Information on definitions of establishments

The service types and codings given below are those set out in Schedule 5 of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

### Types of establishment: children's homes

#### Type: Children's home (Code: CH)

Any establishment which provides both care and accommodation, wholly or mainly for children (aged 17 and under), but excluding the following:

- a home where all the children are cared for and accommodated by their own parents, relatives or foster parents (foster parents include local authority foster parents in relation to the child, foster parents with whom the child has been placed by a voluntary organisation under section 59 of the Children Act 1989, and private foster parents)
- an NHS or independent hospital or clinic as defined in the Care Standards Act 2000 providing regulated activities as defined by the Health and Social Care Act 2008 (some independent hospitals may be primarily for children, for example children's hospices providing palliative care) should therefore be registered with the Care Quality Commission as providers of regulated activities rather than as children's homes
- a residential family centre (but see the guidance below on the differentiation of a residential family centre from a children's home)
- a school – unless it meets the '295 day' accommodation criterion described in the next section
- a further education college as defined in section 91 of the Further and Higher Education Act 1992 – but note that there may be some colleges for students in the 16 to 18 age range, and some which use the description 'Further Education Unit' or 'Further Education College', which do not come within this education legislation definition of a further education college, and are therefore not excluded from children's home registration by this exemption.
- any establishment:
  - which only accommodates children for the purposes of a holiday or leisure, recreational, sporting, cultural or educational activities;
  - whose main purpose is NOT to provide accommodation together with nursing or personal care for children who are disabled, and;

- which does not accommodate any individual child for a total of 28 days or more in any 12 month period (note therefore that respite care services whose main purpose is to provide nursing or personal care to children who are disabled are not exempted from children's home registration, even if they only accommodate individual children for under a total of 28 days a year)
- premises which only accommodate young people of 16 or 17, to enable them to undergo training or apprenticeship, for the purposes of a holiday, or for leisure, recreational, sporting, cultural or educational activities
- bail hostels or probation hostels as defined in section 2 of the Bail Act 1976, and institutions for young offenders under section 43 of the Prison Act 1952
- day care provision for children under eight registered with Ofsted under the Childcare Act 2006:
  - whose main purpose is NOT to provide accommodation together with nursing or personal care for children who are disabled, and;
  - which does not provide day care for any individual child for more than 15 hours in the day for 28 days or more in any 12 months (the child being in the care of their parent or relative for the remainder of the day). Note therefore that Ofsted registered day care provision for children aged under eight which EITHER provides overnight accommodation for children who are disabled and need nursing or personal care (even if this is less than 28 days a year), OR looks after any one child aged under eight for over 15 hours a day for 28 days or more a year, must register as a children's home.

The main category of children's home (Code CH) is to be used for children's homes which are not also schools, do not include a secure unit, and are not 'half way houses' for over 16s, as described below. Children's homes in those categories should be coded as below.

**Type: Secure children's home CH(S)**

A children's home which includes secure accommodation provided for the purposes of section 25 of the Children Act 1989.

**Type: Boarding school (Code: CHBS)**

NB: Inspected under section 87 of the Children Act 1989 (as amended), but does not require registration with Ofsted unless it qualifies for registration as a children's home as above.

Any school providing accommodation for one or more children (aged 17 and under), either on the school site or by directly arranging accommodation elsewhere for one or more children. Includes independent boarding schools and local education

authority maintained boarding schools. Excludes any school which is a children's home or a care home. The definition of an institution as a 'school' is that in the Education Act 1996.

**Type: Residential special school (Code: CHRSS)**

NB: Inspected under section 87 of the Children Act 1989 (as amended), but does not require registration with Ofsted unless it qualifies for registration as a children's home as above.

Any school providing accommodation for one or more children (aged 17 and under), either on the school site or by directly arranging accommodation elsewhere for one or more children. Includes residential maintained special schools, residential non-maintained special schools, and residential independent schools accommodating wholly or mainly children with special educational needs (SEN). Excludes any school which is a children's home or a care home. The definition of an institution as a 'school' is that in the Education Act 1996.

**Type: Refuge (Code: CHR)**

Homes that are refuges. These are registered as children's homes but must also apply to the Department of Education (DfE) for a certificate to operate as a refuge.<sup>101</sup> Children's homes registered as refuges are inspected under the Children's Homes (England) Regulations 2015 and The Refuges (Children's Homes and Foster Placements) Regulations 1991.<sup>102</sup>

**Type: Further education college (Code: FE)**

NB: Inspected under section 87 of the Children Act 1989 (as amended), but does not require registration with Ofsted.

Any college within the further education sector as defined in section 91 of the Further and Higher Education Act 1992, which provides accommodation for one or more young people aged 17 and under, either in college premises or by directly arranging accommodation elsewhere for one or more such young people. This does not apply to residential colleges which are not within the further education sector. Excludes any further education college which is a care home (Registered by the Care Quality Commission.)

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<sup>101</sup> Under part V section 51 (1) of The Children Act 1989.

<sup>102</sup> The Refuges (Children's Homes and Foster Placements) Regulations 1991;  
<http://www.legislation.gov.uk/ukxi/1991/1507/contents/made>.



## **Type of establishment: Residential family centre (Code: RFC)**

Any establishment providing accommodation for children with their parent(s), where the parents' capacity to respond to their children's needs and to safeguard and promote their children's welfare is monitored or assessed, and where the parents are also given advice, guidance or counselling. Excludes any establishment which is a hospital or a care home. Excludes any establishment which provides accommodation for parents and children but which does not specifically meet the above monitoring, assessment and advisory, and guidance or counselling criteria in relation to the parents (such as a hostel or a domestic violence refuge).

### **Example questions and answers on classification of establishments**

The examples of possible questions and answers given below are intended to assist you in considering and responding to frequently asked questions about classification of children's establishments. Individual circumstances may well differ in relevant aspects, however, and you should seek further guidance in relation to classifications where the particular circumstances are not covered by this guidance annexes.

#### **Q: We are a children's establishment for children with disabilities, and provide nursing care for those children. Does our provision of nursing care make a difference to our classification?**

A: A children's home under legislation can provide nursing care to children with disabilities, without becoming a care home (it is a children's home under section 1 of the Care Standards Act 2000 because it provides care and accommodation wholly or mainly for children, and is then exempted from becoming redefined as a care home because section 3 of that Act exempts children's homes from becoming care homes). A special school can provide nursing care to its pupils without becoming either a children's home or a care home as a result.

#### **Q: What does an establishment that offers places to parents and their children have to register as?**

There are three possibilities:

A: Under the Care Standards Act 2000, an establishment will require registration as a residential family centre if:

- it provides accommodation for children with their parent(s)
- the parents' capacity to respond to their children's needs and to safeguard and promote their children's welfare is monitored or assessed
- the parents are also given advice, guidance or counselling.

If the primary purpose of any child living at a children's home is to assess their parenting skills, re-registration as a residential family centre is required. Where a children's home contributes to another service's parenting assessment, the home does not meet the threshold for registration as a residential family centre if the primary purpose is to provide care and accommodation to both the parent, who is under 18, and child then the children's home does not need to re-register as a residential family centre.

**B:** An establishment requires registration as a children's home if:

- it accommodates parents with their children
- it does not carry out the assessment, advice, guidance or counselling functions above
- the majority of those (parents plus children) who are accommodated are under the age of 18.

The total numbers of children, young people and where appropriate adults include both the parent and child, unless the home is registered to accommodate one child/young person. The local authority's care plans for both the parent and child must clearly set out how their care is to be provided.

**C:** if the establishment's main purpose is to provide medical or psychiatric treatment for illness or mental disorder, or to provide palliative care it may require registration with the Care Quality Commission. We have separate guidance on this which is available on our website.

**Q: We are a boarding school where a number of pupils spend their holidays with educational guardians. Does that mean we must register as a children's home?**

**A:** If the educational guardians are appointed for pupils by the school, or by an agency acting on behalf of the school, accommodation with them must be counted towards the 295 day criterion for registration as a children's home. Therefore, any pupil whose overnight accommodation at school, plus overnight accommodation in the school holidays with educational guardians, adds up to over 295 days may trigger the requirement to register as a children's' home. If however the parents (or an agency acting on the parents' behalf) have arranged the accommodation with educational guardians, then that accommodation does not have to be counted towards the 295 day criterion. The school's arrangements need to clearly state whether the school, or the parents, are responsible for the educational guardian arrangements.

**Q: As a boarding school, we occasionally have to accommodate a pupil over the school holidays, either on site or with a member of staff, because their parents' holiday or travel arrangements broke down. Does that mean we have to register as a children's home?**

A: It is important to refer to the wording of section 1 (6) of the Care Standards Act 2000 here. In brief, if the school does not 'intend' to accommodate (or to arrange accommodation for) any child over 295 days a year (for example this is clearly not part of its usual services, and is not included as a service by the school in its prospectus), then children's home registration is only required if the school has already accommodated one or another individual child for over 295 days in both the previous two years. Therefore, accommodation of a child over 295 days one year in a 'one-off' emergency is neither prevented by the legislation, nor does it require children's' home registration.

**Q: We are a boarding school which runs holiday courses for unaccompanied children or young people during the school holidays. Altogether, the number of nights of accommodation we provide adds up to over 295 days a year. Do we need to register as a children's home?**

A: Children's home registration is not required unless there is one individual child (ie identifiable as an individual named child) who is accommodated by the school, or in accommodation arranged by the school, for over 295 days. The calculation of 295 days relates to any actual child, not to how many days a year the school is 'open for accommodating children'. No registration is required if the school is accommodating children, or arranging accommodation for children, for over 295 days a year, but no individual child stays that long.

**Q: We are an independent sixth form college, but are not a school as defined by the DFE and do not come into the category of further education college under the Further and Higher Education Act 1992. We do however accommodate (or arrange accommodation for) students under 18, and look after them. Does that mean we have to become a children's home?**

A: Such a college would not be required to register as a children's home, provided it did not accommodate any young person under 16, because the only purpose of the college accommodating or arranging accommodation for young people is for educational activities. The college would be exempt from children's home registration under Regulation 3 of the Children's' Homes Regulations 2001. If it had day (ie not accommodated) students aged under 16, this would not require children's home registration (although it could trigger registration as a school with the DFE, which in turn could bring the college within the category of a boarding school). If however it accommodated (or arranged accommodation for) any residential student aged under 16 for a total of 28 days or more in any year, and it was not defined as a school by the DFE, the college would be required to register as a children's home.

**Q: We are a residential special school with a special further education unit for our older pupils. Does that unit need any special registration?**

A: The fact that the unit for older pupils may be termed a 'Further Education Unit' does not either categorise it as a further education college, nor remove it from the range of provision made by the school as a whole. If the unit accommodates pupils under the age of 18, it should be treated as part of the school for registration and inspection purposes. If it accommodates pupils under 18 for over the 295 day criterion, then the school as a whole would become registerable as a children's home. If it does not, it will be inspected by Ofsted under section 87 of the Children Act 1989 (as amended) under the national minimum standards for Residential Special Schools, as part of the whole school's residential provision.

**Q: Does a hostel whose sole purpose is to accommodate children attending a nearby day school need to be registered?**

A: If the hostel is not legally part of the school as defined by the DFE as the school registration authority, then it should be treated as a separate establishment and not part of the school. If it accommodates and cares for one or more individual children under 16 for a total of 28 days or more in a year, it will require registration as a children's home in its own right. If it only accommodates 16 and 17 year old children, with none under that age, and its accommodation is to enable them to attend the day school, then it will not require registration as it will be exempted under Regulation 3 of the Children's Homes (England) Regulations 2015 as an establishment accommodating those over 16 to enable them to undergo training or for educational activities.

**Q: We are a residential special school in which only one of our number of residential units is a '52 week' unit - the others only accommodate pupils during term times and so come below the 295 day criterion. What part of the school will be registered as a children's home?**

A: If any child is accommodated for over the 295 day criterion, the school as a whole will be registered for all its residential provision. Registration applies to the school, not only to a particular unit or house within the school.

If you need any further specific advice please email [socialcare@ofsted.gov.uk](mailto:socialcare@ofsted.gov.uk).

## Annex D. Completing fit persons and registration records

1. Please note: that the term 'adult service users' is used throughout this annex to refer to adults who are provided services by adoption agencies, adoption support agencies and residential family centres.

### Guidance on completing the registration records

2. The registration record should include detail of the site visit to the establishment or agency<sup>103</sup>, including an assessment of the quality of:
  - the statement of purpose (whether the service provided, the applicants and the premises are likely to meet the aims and objectives of the service set out in the statement of purpose)
  - the children's or user's guide (whether this is likely to meet the needs of children, young people or adult service users)
  - the readiness of the service to commence operating
  - the premises
  - fire safety
  - environmental health
  - records relating to the premises proposed staffing arrangements – including staffing levels, training plans, appraisal, supervision and support
  - the policies and procedures
  - recruitment policies, procedures and records; where staff and volunteers and panel members (fostering and adoption only) have already been undertaken
  - safety records that are checked and confirmation that a certificate of insurance in respect of death, injury, public liability, damage or other loss is in place. Please see the section in the registration handbook –assessing the premises for more information about corporate insurance certificates.
  - for adoption agencies and fostering services: the systems in place to recruit, assess, approve and support foster carers and adopters
  - for secure children's homes: how the application meets the requirements for approval from the Secretary of State as a secure children's home.
3. The evaluation should include a statement about the potential impact of agreeing or refusing registration on outcomes for children, young people and

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<sup>103</sup> Residential holiday schemes for disabled children complete a registration report which covers the same information

service users. It should also detail how the evidence supports the inspector's recommendation to register or refuse the application as a whole.

## **Completing and recording fit person interviews and registration records**

### *Interviews*

4. The inspector should collate and record information gained prior to interview in OfficeBase detailing how this will inform the fit person interview and any lines of enquiry that will be pursued during the interview.
5. Each fit person interview should explore the following areas:
  - the applicant's vision for the service
  - questions arising from the inspector's analysis of the documentation made available before interview
  - what kind of relationship the applicant envisages as appropriate between themselves, the organisation and Ofsted, including the applicant's understanding of their legal responsibilities the applicant's understanding of safeguarding and child protection
  - the applicant's understanding and intentions about building strong and effective relationships with the following where applicable: children, young people, foster carers, adopters, parents and adult service users
  - how the applicant will find, engage and work with relevant partner agencies who can meet children's, young people's and service users' needs
  - the applicant's understanding of assessment, planning and review of children's, young people's and service users' needs
  - the applicant's knowledge and understanding of equalities
  - the applicant's knowledge and understanding of working with parents
  - the applicant's knowledge and understanding of health and safety matters relating to the type of service he or she is registering to provide
  - how the applicant envisages he or she will continually re-evaluate the impact of the service so as to provide positive outcomes for children, young people and service users.
  - how the applicant has considered and/or engaged with the local community/neighbours.
  - For children's homes only - how the applicant intends to meet the Quality Standards (CHR 2015)
  - For children's homes only - If the proposed manager does not have the necessary qualifications as set out in Regulation 28 CHR 2015, how they intend to obtain these within 3 years of appointment

6. An inspector must use his or her professional judgement to formulate other relevant questions for evaluating an applicant's suitability for registration.

*Registration records*

7. Registration records on OfficeBase must be completed to provide a full and robust record of how the applicant meets, or does not meet, the relevant requirements to be either a registered manager or registered provider; including a responsible individual.
8. The registration record must contain evidence and an evaluation of information available prior to the fitness interview, during the fitness interview and following the fitness interview. Including information from:
  - the applicant's application form (SC2)
  - checks and references that we have undertaken
  - the pre-registration questionnaire (if submitted); if this form has not been submitted the questions contained may prove helpful to use during the fitness interview
  - OfficeBase (if available)
  - where appropriate past inspections of establishments and agencies an applicant has run or managed; including inspection judgements Ofsted has made. For children's homes this should include at least the last four inspection judgements (if available). For all other types of establishment or agency this should include at least the last two judgements (if available). Where there has been a gap of registration inspectors should consider the last inspection judgement given and consider how this is relevant to the current application.
  - the establishment or agency's statement of purpose (SOP). (Reading an SOP for an individual prior to interview is to prepare questions regarding how his or her knowledge, experience and skills meet the agency's or establishment's aims and objectives)
9. The inspector must record how he or she verified the references, for example by telephone, and which details the referee confirmed, for example the candidate's commitment and competence as set out in his or her reference.
10. Evidence of how the applicant will promote equalities and diversity should be threaded throughout the fit person assessment and include an evaluation of how well the applicant is likely to tackle discrimination.
11. For individuals who are applying to register as both provider and manager inspectors should include an evaluation which covers both roles.

12. The inspector must record his or her fitness interview in OfficeBase. This record should include detail of the applicant's responses, and an evaluation of how the responses demonstrate the applicant's suitability, or lack of suitability for the role applied for.
13. At each fitness interview inspectors must ask the following questions and record the responses in OfficeBase:
  - Do you understand the implications of registration for you personally?
  - Have you ever been subject to disciplinary procedures? If yes what was the outcome?
  - Have you ever worked in Northern Ireland, Scotland or Wales or in any other country?
  - Are you satisfied with the way I have conducted this fit person interview? (at the end of the interview)
14. Where an applicant has worked or operated in another country, inspectors must write a statement about what the fitness checks indicate about the suitability of the applicant. Please see paragraphs 32 – 37 of the main guidance about applicants who have lived abroad.
15. The inspector also must record if an applicant is required to complete any actions prior to his or her final decision about whether to recommend registration. The record must include an evaluation of the results of the applicant's actions. For further information on how to manage actions we set prior to a registration decision being made see paragraphs 245 – 257 of the main guidance.

### **Fitness recommendation for a registered manager**

16. The concluding summary should state how all the information obtained throughout the fit person assessment contributes to the inspector's recommendation to approve or refuse the applicant's registration. It must evaluate how all the evidence demonstrates that the applicant:
  - does or does not have integrity, and is or is not of good character
  - has or has not got suitable qualifications, experience and skills
  - is or is not physically and mentally fit to manage the type of service he or she is applying for.
17. The conclusion should include the inspector's assessment of whether:
  - the applicant is likely to provide leadership and management which will have a positive impact on outcomes for children, young people and service users



- the applicant's knowledge and understanding of child protection and safeguarding of children, young people or service users meets registration requirements
- the applicant has the knowledge, understanding and commitment to put equality and diversity at the centre of their practice.

### **Fitness recommendation for a registered provider or responsible individual**

18. The concluding summary should evaluate how all of the evidence obtained demonstrates that the applicant:
- does or does not have integrity, and is or is not, of 'good character'
  - is physically and mentally fit to run the type of agency or establishment he or she is applying for.
19. The conclusion should include the inspector's assessment of whether the applicant:
- has the skills and knowledge to ensure the establishment or agency is run in accordance with regulations
  - is likely to provide leadership, management and strategic oversight which will have a positive impact on outcomes for children, young people and service users
  - has sufficient knowledge and understanding of child protection and safeguarding of children, young people or service users
  - has the knowledge understanding of, and commitment to putting equality and diversity at the centre of the way the service will be provided.
  - The applicant can demonstrate the establishment or agency is likely to be run in accordance with its statement of purpose
  - For children's home only that the applicant can demonstrate has the capacity to meet the Quality Standards.

### **Guidance on assessing applicants who are currently registered or who have been previously registered**

20. Where an applicant has been previously registered with Ofsted inspectors should read the section on 'Applications by a provider who already has a service registered with Ofsted' in the Registration Handbook and use the following on a case by case basis to decide how to proceed:
- Does the applicant have a good track record in producing positive outcomes for children, young people and service users?
  - Do I need to complete a fit person interview? Can I gain sufficient information about the applicant's performance from documentation we already hold?

- Is the applicant's track record relevant to the type of service he or she is applying to provide? For example, if the applicant has worked in a children's home for children with disabilities can he or she demonstrate that they have the skills, qualifications and knowledge to run a children's home for children with emotional and behavioural difficulties? Is a fitness interview needed to confirm this?
  - Does this application pose a risk to the continuity of the provider's other services? For example, is an already registered manager being moved to work at the proposed agency or establishment shortly after the registration of the first service?
  - However, where the checks were not completed by Ofsted and/or has there been a break in service of three months or more, all the checks must be repeated.
21. If in doubt the inspector should discuss his or her concerns with their Regulation Inspection Manager.
  22. In all cases OfficeBase must evidence and detail how the inspector has come to their conclusions in the areas listed in this guidance.
  23. Evidence in OfficeBase about other registrations may not be admissible in enforcement procedures. Therefore, inspectors should not just make reference to assessments in OfficeBase. They must summarise what this evidence is, where it has come from and how it informs their recommendations.

## Annex E. List of additional published guidance

For more information about social care registration, please refer to:

- our Guide to registration for social care services,<sup>104</sup> which has comprehensive information for applicants
- OfficeBase guidance for inspectors – social care registrations, which has comprehensive information about how to use OfficeBase for registration
- the introductory guides, which provide basic information for the public, providers and other stakeholders about each type of service, and link to more detailed information like regulations and national minimum standards:
  - Introduction to voluntary adoption agencies: a children’s social care guide<sup>105</sup>
  - Introduction to adoption support agencies: a children’s social care guide<sup>106</sup>
  - Introduction to children’s homes: a children’s social care guide<sup>107</sup>
  - Introduction to independent fostering agencies: a children’s social care guide<sup>108</sup>
  - Introduction to residential family centres: a children’s social care guide<sup>109</sup>
- the Social care compliance handbook<sup>110</sup>
- Conditions of registration for all regulated social care services and categories of registration for children’s homes and voluntary adoption agencies (please see Annex H below)
- Guidance for mobile services<sup>111</sup>
- Disclosure and Barring Service (DBS) checks for those providers who register with Ofsted<sup>112</sup>

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<sup>104</sup> *Guide to registration for social care services* (090020), Ofsted, 2012; [www.ofsted.gov.uk/resources/090020](http://www.ofsted.gov.uk/resources/090020).

<sup>105</sup> *Introduction to voluntary adoption agencies* (090258), Ofsted, 2012; [www.ofsted.gov.uk/resources/090258](http://www.ofsted.gov.uk/resources/090258).

<sup>106</sup> *Introduction to adoption support agencies* (090259), Ofsted, 2012; [www.ofsted.gov.uk/resources/090259](http://www.ofsted.gov.uk/resources/090259).

<sup>107</sup> *Introduction to children’s homes* (090155), Ofsted, 2012; [www.ofsted.gov.uk/resources/090155](http://www.ofsted.gov.uk/resources/090155).

<sup>108</sup> *Introduction to independent fostering agencies* (090219), Ofsted, 2012; [www.ofsted.gov.uk/resources/090219](http://www.ofsted.gov.uk/resources/090219).

<sup>109</sup> *Introduction to residential family centres* (090257), Ofsted, 2012; [www.ofsted.gov.uk/resources/090257](http://www.ofsted.gov.uk/resources/090257).

<sup>110</sup> *Social care compliance handbook*; <http://www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook>.

<sup>111</sup> *Guidance for mobile services* (100252), Ofsted 2011; [www.ofsted.gov.uk/resources/100252](http://www.ofsted.gov.uk/resources/100252).

<sup>112</sup> *Disclosure and Barring Service checks for those providers who register with Ofsted* (090103), Ofsted, 2013; [www.ofsted.gov.uk/resources/090103](http://www.ofsted.gov.uk/resources/090103).

- The website for the Disclosure and Barring Service:  
[www.homeoffice.gov.uk/agencies-public-bodies/dbs/](http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/)
- Guidance on the registration of multi-site children's homes<sup>113</sup>
- Guidance on inspecting and regulating children's homes with accommodation for adults (wholly or mainly a children's home)<sup>114</sup>
- CQC and Ofsted guidance: Registration of healthcare at children's homes<sup>115</sup>
- Ofsted's application forms.<sup>116</sup>

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<sup>113</sup> *Guidance on the registration of multi-site children's homes* (080239), Ofsted, 2008;  
[www.ofsted.gov.uk/resources/080239](http://www.ofsted.gov.uk/resources/080239).

<sup>114</sup> *Guidance on inspecting and regulating children's homes with accommodation for adults (wholly or mainly a children's home)* (100116), Ofsted, 2010; [www.ofsted.gov.uk/resources/100116](http://www.ofsted.gov.uk/resources/100116).

<sup>115</sup> *CQC and Ofsted guidance: registration of healthcare at children's homes*, 2011;  
<http://www.ofsted.gov.uk/resources/cqc-and-ofsted-guidance-registration-of-healthcare-childrens-homes>.

<sup>116</sup> Information on completing your application to be a social care provider;  
<http://www.ofsted.gov.uk/children-and-families-services/for-childrens-social-care-providers-and-commissioners/regulating-ch-5>.

## Annex F (part 1). Assessing financial viability

### Introduction

1. Providers' financial viability is important. It is the foundation to ensuring the continuity of an acceptable quality of care, support and accommodation; it underpins stability for children and young people which meet children's and young people's needs.
2. The aims of this policy are to ensure that:
  - Ofsted registers applicants who are financially viable at the time of registration, and who demonstrate that they are likely to remain financially viable whilst registered.
  - Registered providers facing financial problems take steps to safeguard the welfare and safety of those using their services.
3. Ofsted only registers providers who will comply with the relevant requirements (as per s.13(2) Care Standards Act 2000). All service specific regulations provide that in order to operate a provider must act in ways that ensure the service remains financially viable.<sup>117</sup> Therefore before registration a provider must demonstrate that they have the financial resources to carry on the establishment or agency as detailed in the statement of purpose.

### What the law says<sup>118</sup>

4. The law states applicants for registration must provide Ofsted with:
  - a reference from a bank expressing an opinion about their financial standing
  - information about the financing and cash flow of the service (usually in the form of a business plan or equivalent)
  - a statement as to whether the responsible person has been adjudged bankrupt, or sequestration of his estate has been ordered, or he had made a composition or arrangement with, or granted a trust deed for his creditors. This means the applicant must state whether he has, in the past, been made bankrupt (either by his own application or the result of other's action); or has had his property seized by a Court Order; or an

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<sup>117</sup> Regulation 47 of The Children's Homes (England) Regulations 2015; Regulation 37 of The Fostering Services (England) Regulations 2011; Regulation 20 of the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003; Regulation 25 of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; and, Regulation 24 of The Residential Family Centre Regulations 2002.

<sup>118</sup> The Care Standards Act 2000 (Registration) (England) Regulations 2010, Regulation 3(2)(a), Schedule 1 (Part 1).

arrangement has been made whereby his creditors have been promised money from his property or businesses

- a statement as to the applicant's ability to ensure the financial viability of the establishment or agency for the purposes of achieving the aims and objectives of the establishment or agency set out in its statement of purpose
  - where the applicant is a corporate body; a copy of each of its last two annual reports
  - where the organisation is a subsidiary of a holding company, the name and address of the registered or principal office and the last two annual reports (if any) of the holding company and of any other subsidiary of that holding company
  - the last annual accounts (if any) of an established service
  - except where the applicant is a local authority or NHS Trust, a reference from a bank expressing an opinion as to the applicant's financial standing
5. The service specific regulations (see footnote 1 for the legal references) require all registered providers to manage their finances so that they can meet the aims and objectives in their statements of purpose, and to make available to Ofsted annual accounts that have been certified by an accountant. In addition, they must all tell Ofsted if they cease to be financially viable or will cease to be viable wherever possible six months prior to this being likely.<sup>119</sup>
  6. Children's homes and independent fostering agencies must be able to make available to Ofsted a reference from a bank expressing an opinion as to their financial standing and also information about any associated companies.<sup>120</sup>
  7. There is no specific measure of a provider's financial viability specified in the law. Ofsted's interest in financial viability is related solely to the financial input being made by providers to secure outcomes for those using a service. The fact that a provider has ceased to be financially viable is a ground for cancelling registration.
  8. Ofsted may take steps to cancel registration at any time if an establishment or agency is no longer financially viable or is likely to cease to be financially viable within the next six months. (Regulation 12(c) The Care Standards Act 2000 (Registration)(England) Regulations 2010).
  9. It is an offence for an individual to have a financial interest in a children's home where they are a disqualified person. It is important to note that this only applies to children's homes and not to any other social care establishment or agency. An individual may become disqualified due to a conviction for an offence, being

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<sup>119</sup> The Care Standards Act 2000 (Registration) (England) Regulations 2010 (Regulation 11).

<sup>120</sup> Regulation 47(3) of the Children's Homes (England) Regulations 2015 and Regulation 37(3) of The Fostering Services(England) Regulations 2011.

subject to certain orders, or because Ofsted has cancelled the registration of a provider or manager in relation to a children's home where the individual was concerned in the management of the home or held a financial interest in the home. See the 'Disqualification and written consent' section of the *Social care compliance handbook* for further details.

### **How Ofsted assesses financial viability**

10. The financial information Ofsted receives ranges from professionally produced business plans to a collection of accounts, balance sheets and financial forecasts.
11. Inspectors are only expected to undertake a lay person's assessment of the financial information provided as part of an application to register or requested following concerns about the financial viability of an establishment or agency. The Finance team provide expertise and support inspectors in assessing financial viability in more complex cases.

### **What to look for at registration**

12. Inspectors' assessment of financial viability focuses on whether an applicant's financial plans appear broadly realistic and are likely to result in, at a minimum, acceptable outcomes for children, young people and, where applicable, adult service users.
13. Regulation places the onus of proving financial viability on a provider. At registration, a provider's business plan should give Ofsted a good general indication of:
  - an applicant's planned income and expenditure
  - how an applicant will manage the finances.
14. Inspectors should aim to assess whether the accounts demonstrate viability over the long term.
15. Inspectors use the business plan to determine if an applicant has based their plans on realistic, well-considered financial assumptions covering issues such as: how much electricity will cost, what interest rates might be for any loans in the future and how many children and young people are living at any one time at a children's home.
16. The business plan must relate to the particular establishment or agency applying for registration and not the organisation as a whole.
17. Inspectors normally judge financial viability on the information supplied by the provider. Please also refer to paragraphs 38 to 47 (of this annex) for information on applications from providers who have three or more establishments or agencies registered with Ofsted. If inspectors are unsure about the validity of an aspect of the provider's business plan they may ask the provider to explain how

they reached their assumptions. Such questions should form part of the fitness interview and the responses will inform the overall registration decision.

18. If inspectors need advice on any specialist areas or feel that a need for further financial checks is indicated they may seek advice from Ofsted's finance team. Inspectors may seek advice from Ofsted's finance team before or after the registration visit and may request submission of further information at any time prior to registration. There is further guidance on when to seek advice from the finance team in paragraphs 38 to 47.
19. The following sections provide guidance on the elements we consider in our assessment of an applicant's financial viability. Inspectors are not expected to explore all the suggested questions in every case. They should go into more detail where they have identified concerns on the basis of the financial information provided.

### **Income**

20. Providers must have realistic expectations about their expected income. Inspectors may consider whether:
  - the business plan provides for realistic take-up rates that are likely to be achieved. (An occupancy rate at or near 100% is almost always unrealistic and is generally not achieved from day one of operation.)
  - the business plan demonstrates how the service will continue to build over time
  - funding in addition to fees, for example loans, investment, or grants have been secured (where appropriate).

### **Expenditure**

21. At registration, inspectors should consider if the provider is being realistic about planned expenditure. For example:

#### *Staff costs*

22. Are the provider's plans realistic in terms of being able to recruit, train and retain sufficient staff?
23. Inspectors may need to consider whether:
  - planned expenditure on staff employment is sufficient to meet the number of roles they expect to provide
  - planned expenditure on staff salaries is based on what is realistic to cover the different types of roles required within the establishment or agency.



**Examples:**

- The manager's salary is sufficient to recruit a person with an acceptable level of qualification.
- The number of staff to be employed is sufficient for 24 hour cover of the home or sufficient to meet the job requirements of a fostering or adoption agency.
- Fee levels for foster carers within fostering agencies meet nationally agreed levels.
- Pay scales for staff provide for remuneration of a mix of new and experienced staff.
- The provider has budgeted for employment on-costs, for example employer's national insurance, holiday and sickness cover.
- Planned expenditure on staff training is sufficient.

*Catering costs*

24. Are the provider's expectations about the costs of food realistic and likely to deliver an acceptable level of meals, snacks etc. in children's homes and residential family centres?

25. Inspectors may need to consider whether:

- there are sufficient funds for food
- realistic assumptions about per capita expenditure on food have been used to calculate the expenditure.

*Accommodation costs*

26. Are the provider's plans realistic and likely to ensure compliance with national minimum standards and relevant regulations?

27. Inspectors may need to consider whether:

- the accommodation is owned, mortgaged or leased/rented
- the length of any lease/rent arrangements compromises continuity of care in residential establishments
- costs allowed for the upkeep of premises and grounds, and the maintenance and renewal of equipment are adequate
- insurance cover reflects the full replacement value of buildings, fixtures, fittings, equipment and any business interruption costs
- there are realistic assumptions about energy, water and telephone costs
- the housekeeping costs (including cleaning products) are reflected
- a new provider who is taking over an existing establishment or agency has budgeted to meet any outstanding requirements Ofsted might make.

### *Other costs*

28. Inspectors may also need to consider whether realistic assumptions have been made about:

- transport costs and the operation and upkeep of any vehicles (including servicing, tax, fuel and insurance)
- interest and other bank charges
- Ofsted's fees
- marketing and advertising costs
- allowance for professional fees including health services, legal support and accountancy
- costs of activities
- business administration costs, such as office supplies, equipment and postage
- any potential increase in costs.

### **Financial management**

29. Inspectors should assess the extent to which the provider has developed systems for recording and monitoring their finances. Inspectors may need to consider:

- what financial expertise is available in-house or externally to support financial management of the establishment or agency.
- whether the business plan is clear and well thought out
- what arrangements have been made to review and increase fees.

### **Companies House check**

30. The Application team check whether a company is registered with Companies House. Companies House is the registrar of all companies in England and Wales which includes limited companies and more unusual company arrangements such as not for profit organisations, limited partnerships and charities.  
<http://wck2.companieshouse.gov.uk/3ac5c1a41e259af780292ae50688ad1a/wcframe?name=accessCompanyInfo>. Annex F (part 3) provides detail of how this check is completed and recorded.

31. When allocated a new registration inspectors must check the information on Registration Comments about Companies House, follow up any concerns and record details in OfficeBase.

### **Reaching a judgement for registration**

32. Inspectors are not financial specialists. Their judgement about financial viability is based on their knowledge of the likely income and costs necessary for running the type of establishment or agency an applicant is applying to register.

33. Inspectors do not, for example, routinely undertake credit reference or other financial checks. If inspectors have concerns about the apparent validity of assumptions made in a business plan, they may ask the finance team for advice. They may also ask the applicant to explain their financial plans including how they have used financial assumptions within their business planning.
34. If the applicant does not supply Ofsted with sufficient information for us to form a view of the applicant's business plans or other financial documents, inspectors can request further information or clarification. If this is still not forthcoming inspectors make a judgement about an applicant's fitness based on the information that is available. Insufficient information about a provider's financial viability is likely to result in a decision to refuse registration.

## Insolvency

35. If someone is appointed as a liquidator, including a provisional liquidator and a trustee in bankruptcy, they must<sup>121</sup>:
- tell Ofsted about their appointment without delay
  - appoint a person to manage the establishment or agency. The person appointed to manage the establishment or agency may need to apply for registration with Ofsted if they are not the currently registered manager
  - inform Ofsted of their intentions for the future operation of the establishment or agency within 28 days of their appointment.
36. If a bankruptcy order is made against a registered person, they need to tell Ofsted and let us know what the implications are for their position.
37. Ofsted's interest in such cases will be the implications if any for the operation of the establishment or agency and above all how the interests of people using their service will be safeguarded. A compliance case should be opened if a provider is insolvent.

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<sup>121</sup> The following regulations apply to the appointment of liquidators for each service type:

- The Adoption Agency Regulations
- The Adoption Support Agency Regulations 2005 – Regulation 28(1)
- The Children's Homes (England) Regulations 2015 - Regulation 50(2)
- The Fostering Services (England) Regulations 2011 - Regulation 40(1)
- The Residential Family Centre Regulations - Regulation of 2002 29(1).

## Corporate Providers

38. The size and complexity of large company's structures, especially where these are made up of parent companies/ holding companies may present some challenges to establishing their financial viability.
39. In view of the risk to children of a large organisation which carries on a significant number of establishments and agencies additional information to satisfy ourselves that these are financial stable may be necessary. This will be decided on a case by case basis and is dependent on the individual structure of the organisation and should be decided in liaison with our finance team.
40. If each establishment or agency within an organisation is financially free standing, Ofsted judges each registered setting's financial viability individually.
41. If the finances of each establishment or agency within an organisation are managed centrally Ofsted will require evidence of the financial viability of the overall organisation when an application for registration of a new service is received or where a registered service's financial viability is in question.
42. If an assessment of the application and background to other registrations reveals that there may be concerns about the financial viability of the organisation as a whole the provider may be asked to supply additional information about their organisation's finances.
43. Where an applicant only has one other registered establishment or agency the inspector will collate the information from OfficeBase listed in paragraph 45. Where a provider has three or more establishments or agencies the Application team will as part of inputting the application request the Data and Insight (D&I) collate the information in paragraph 45.
44. Where information about an organisation's viability is questioned following registration and similar information is required the inspector will submit a data request to D&I asking for the detail listed in paragraph 45.
45. The following information will be collated for any additional establishment or agency the provider owns as part of the organisation which has linked subsidiary and parent companies<sup>122</sup>:
- the overall judgement and subsidiary judgements for the last two inspections for children's homes and the last inspection for each residential family centre, adoption agency, fostering agency and adoption support service

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<sup>122</sup> For a definition of a parent / holding company and a subsidiary company see section 1159 of the [Companies Act 2006](http://www.legislation.gov.uk/ukpga/2006/46/section/1159); [www.legislation.gov.uk/ukpga/2006/46/section/1159](http://www.legislation.gov.uk/ukpga/2006/46/section/1159)

- the requirements made at each inspection
- whether each establishment or agency has a registered manager
- any open compliance cases.

46. This information should be used to check for any financial viability issues as well as other issues relating to the registration.

47. For corporate providers the information listed in paragraph 45 and any information found from the Companies House check should be used to make a decision about whether the finance team should check the company accounts in more detail. Decisions should be made in discussion with each inspector's team manager.

### **Referrals to the finance team**

48. If an inspector has concerns about the information within an applicant's finances he/she should contact their team manager to discuss. Following this a referral if agreed with the team manager the inspector should make a referral to the finance team using the form provided as Annex F (part 4) by forwarding the completed form to the [socialcare@ofsted.gov.uk](mailto:socialcare@ofsted.gov.uk) mailbox.

49. Where there are serious concerns about a provider's ability to manage their finances competently a Case Review must be called to decide upon what action will be taken. This should include a member of the finance team wherever possible.

## Annex F (part 2). Financial terms

1. This section explains the meaning of a number of terms commonly used for financial documents and what can usually be found in them.

### What is a business plan?

2. A **business** plan sets out the objectives, assumptions, market analysis, selling strategy, resources and financial plan for delivering a product or service. It is a format that is commonly used to: support the raising of funds from lenders/investors; to define a new business; define agreements between partners; and to set a value on a business for sale or legal purposes. Because of this they can have different titles such as 'Strategic Plan' or 'Feasibility Plan'.
3. A common form of business plan is a start-up plan, which sets out the steps for a new business. This can accompany applications for registration of a new social care establishment or agency. It covers standard topics including the company, product or service, market, forecasts, strategy, implementation milestones, management team, and financial analysis. The financial analysis includes forecasts for income and expenditure, profit and loss, balance sheet, cash flow, and probably a few other tables. The plan usually starts with an executive summary and will often include monthly projections for the first year.

### What will be in a business plan?

4. The standard contents of a business plan are:
  - Mission Statement – the values and objectives of the enterprise.
  - Key People – sometimes called 'The Team', this describes the key people [owners, directors and managers] who will drive the enterprise. The professional background of the key people can lend credence to viability of the enterprise because of experience they bring with them. For larger organisations this may be part of a 'company summary' setting out the company, its ownership and history. This can lend credence to other parts of the plan because of the experience that the larger organisation is bringing to the enterprise.
  - Market Analysis – this describes the customers, national and local trends, competition, market size, and opportunities for entry and growth for this enterprise.
  - Business Strategy – this describes how the service will be marketed, key customers (such as councils) or customer groups, significant milestones and contingency plans along the way
  - Financial Plan – this includes forecasts for income and expenditure (or profit and loss) and 'cash flow forecast' and should include monthly projections for the first year of operation.

5. The headings of each section may vary, but the key elements are the objectives, the team, the market analysis, the strategy for selling the service and the financial assumptions. We are not assessing the format of the document(s), but the likely viability of the assumptions and forecasts that it contains.

### **What is an Income & Expenditure Account?**

6. 'Profit and Loss' and 'Income and Expenditure' accounts are basically the same thing. 'Profit and Loss' account tends to be the term used in the commercial world. Essentially the 'income and expenditure' account shows the income earned for the year and deducts it from all the expenditure incurred by earning that income. In not-for-profit organisations profit will be called 'surplus', and loss will be called 'deficit'.
7. The basic format of an income and expenditure account is a list of the categories of income, followed by a list of the categories of expenditure. Beneath the columns is a figure where expenditure has been subtracted from income to give the profit or loss for the period that the account covers.
8. Many enterprises group the categories into sub categories that make sense to their business, such as 'sales', 'fees', 'administration', 'salaries'.

### **What is a 'balance sheet'?**

9. A balance sheet is a 'snapshot' of the assets and liabilities of an organisation or enterprise at a single point in time. The 'balance sheet' includes the value of items that may not appear in the income and expenditure account. The headings to expect are:
  - Fixed assets – this is the value of long-term assets such as equipment, vehicles, and premises, which are used in the business over several years. They should be depreciated each year to reflect the reduction in value where appropriate. See below for further explanation on this.
  - Current assets – these are assets that are a bit more fluid than fixed assets. They include items such as cash at bank, money owed to the business (i.e. debtors) and stock.
  - Current liabilities – these are opposite to current assets and will include monies owed to others in the form of bills and tax unpaid (i.e. creditors) as well as bank overdrafts.
  - Net current assets – this is simply current assets less current liabilities. A positive figure here is an advantage as it indicates you are more likely to be able to pay debts as they become due.
  - Long-term liabilities – these are amounts that are payable over a period longer than a year, such as bank loans, mortgages and hire purchase agreements.
  - Net assets – this is the final position after total liabilities have been deducted from total assets, and is an indication of the net worth of the enterprise.

- Capital and reserves – this is equivalent to net assets but shows the makeup of this between Share Capital and accumulated Profits for all years to date (also known as accumulated Profit and Loss account).

10. You may see that some of the entries on the balance sheet have a number next to them under 'Notes'. Following the balance sheet, in a company's accounts, will be the notes. These will contain more detail about what the main figure comprises, as a further breakdown. This can be where you will see, under fixed assets, details of the depreciation that has been allocated to certain assets.

### **What is depreciation?**

11. Depreciation charges seek to spread the cost of an asset over the expected life of an asset. It is important to know that the figure for fixed assets does not show their real value. It shows the cost of the asset less amounts written off for 'depreciation'. The figure could be higher or lower than what the asset would cost if it had to be replaced or what it would fetch on the open market. For example, a minibus may cost £20,000 and have a useful life expectancy of five years. Therefore, depreciation will be charged at £4,000 per year against the income of the enterprise for each of the next five years. The result might be a valuation after a couple of years - £12,000 – that is nothing like the price that two-year-old minibuses are for sale at vehicle dealerships.

### **What is the difference between capital and business expenditure?**

12. Capital expenditure is money used to acquire or upgrade the company's fixed assets such as buildings and equipment in order to improve the capacity or efficiency of the business, the benefit of which is received over the course of several years.

13. Business expenditure is all expenditure which is incurred in the day to day conduct and administration of a business and the effect of which is completely exhausted within the current accounting year. It is sometimes known as "revenue expenditure".

### **What is a cash flow forecast?**

14. A cash flow forecast sets out the projected monthly income and expenditure for the first twelve months of operation. This is simply a summary of the money that is expected to be paid into and out of the establishment or agency, in cash terms, over the period. This is usually broken up into a month-by-month forecast.



## **Annex F (part 3). Companies House checks – the role of the Application team**

1. Companies House is the registrar for companies in England and Wales. The main functions of Companies House are:
  - to incorporate and dissolve limited companies
  - to examine and store company information delivered under the Companies Act and related legislation and
  - to make this information available to the public.
2. Application team members check that the company details provided in section B of the SC1 form match the details on the Companies House website by going to: <http://www.companieshouse.gov.uk/toolsToHelp/findCompanyInfo.shtml> and clicking on 'Access WebCheck'.
3. Application team members should record the detail of all checks that they make on the Companies House website on the front of the SC1 form and in Registration Comments. They should alert an inspector to this by memo on the OfficeBase. Any potential concerns or discrepancies should be recorded on OfficeBase and inspectors must follow these up immediately with the provider by letter.
4. Please note that some Companies House registration numbers resemble Ofsted URNs. These numbers are not Ofsted URNs and in no way relate to Ofsted.
5. Application team members check:
  - that the company number provided in the SC1 form matches the Companies House registration number
  - that the company name matches the name provided in their application
  - that the company organisation address matches the address in their application
  - the status of the company for example whether it is in receivership (see paragraph below)
  - whether there have been any changes of company name
  - that the details of any parent or subsidiary company match what has been provided and the detail given above for each subsidiary and parent company.
6. Any instance where the company's status is 'receivership', 'insolvent', 'dissolved' or anything other than 'active' should be noted on the front of the SC1, detailed on OfficeBase and the inspector informed of this record by memo.

7. Similarly, any changes of the company name should also be recorded on the front of the SC1 form, detailed on Registration Comments and the inspector informed of this record by memo. The same checks should be carried out on any other company the company is associated with, such as a parent company or subsidiary and records made as above for each of these.

## **Annex F (part 4). Referral Form to the finance team - Concerns about financial viability**

1. Name of inspector and Regulatory Inspection Manager making the referral:
2. Date of referral:
3. URN and name of establishment or agency this referral relates to:
4. Detail of what the concern is:
5. Detail of evidence which supports this concern:
6. Timescale for response (please allow at least two weeks for a response):
7. Please attach copies of all relevant financial documents received from the applicant or registered provider and list these below:
8. Any additional points:

## **Annex G. Checks on responsible individuals who are appointed to supervise the management of an establishment or agency which is registered with Ofsted**

1. A provider must demonstrate to Ofsted that the responsible individual they appoint is able to meet the requirements of regulation. Ofsted's inspectors will scrutinise the steps providers have taken to determine that a responsible individual who has been appointed to a registered establishment or agency is fit to supervise the management of an establishment or agency.
2. This scrutiny will apply in situations where:
  - the identity of a responsible individual changes.
  - a person acting as responsible individual becomes responsible for the management of another registered establishment or agency that they did not supervise on 31 March 2014.
3. The following establishments and agencies, are included:
  - adoption support agencies
  - children's homes, including secure children's homes and schools dually registered as children's homes
  - independent fostering agencies
  - residential family centres
  - voluntary adoption agencies

(Please note this does not include residential holiday schemes for disabled children.)
4. Having a responsible individual in post at all times who is accountable for the supervision of the management of an establishment or agency helps to protect children, young people and, where appropriate, adult service users. It also supports a provider to improve the quality of the service they offer and ensures that the organisation which is registered as the provider has a direct link to the operation of the establishment or agency on the ground. Further, it is a requirement of regulation.<sup>123</sup>

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<sup>123</sup> The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, Regulation 7  
The Children's Homes (England) Regulations 2015, Regulation 26;  
The Fostering Services (England) Regulations 2011, Regulation 5  
The Residential Family Centre Regulations 2002, Regulation 5

5. Providers are therefore expected to ensure that:
  - the person they appoint as a responsible individual satisfies the legal obligation relating to their fitness in the relevant regulations
  - the length of time registered establishments or agencies remain without a responsible individual is minimal.
  
6. A provider must demonstrate to Ofsted that the responsible individual they appoint:
  - has an effective knowledge and understanding of:
    - law and practice relating to looked after children
    - safeguarding and child protection
    - law and guidance in relation to the establishment or agency that he or she will be responsible for including: applicable regulations; national minimum standards; and, statutory guidance
  - has the skills, knowledge and ability to carry on the establishment or agency in a way which promotes both good practice and continuous improvement
  - has the business and management skills to supervise the management of the establishment or agency efficiently and effectively
  - can demonstrate that she or he, or another official within the organisation, has the necessary financial skills and expertise to ensure the establishment or agency is run on a sound financial basis. This includes the long-term financial viability of the establishment or agency.
  - has completed all checks required under service specific regulations completed and these were satisfactory.<sup>124</sup>
  
7. It is a legal requirement for registered providers to notify Ofsted if a change of the responsible individual is proposed or has occurred. This must be done immediately wherever possible, but always within 14 days of the change.<sup>125</sup>
  
8. If the registered provider does not inform us that the responsible individual has changed within 14 days Ofsted will treat this as a breach of the relevant regulations and we may take action against the registered provider.<sup>126</sup> For

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<sup>124</sup> The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, Schedule 2;

The Children's Homes (England) Regulations 2015, Schedule 2;

The Fostering Services (England) Regulations 2011, Schedule 1;

The Residential Family Centre Regulations 2002, Schedule 2.

<sup>125</sup> Regulations state that registered providers must notify Ofsted 'as soon as it is practical to do so' – we determine this usually means within a few days of the change of responsible individual but at the most within 14 days of the change.

<sup>126</sup> Not telling Ofsted about a change of a responsible individual of a children's home, independent fostering agency and residential holiday scheme for disabled children is a breach of regulation. Not

example, we may issue a compliance notice: it is an offence not to comply with any compliance notice that we issue.

9. Once Ofsted receives such a notification, or becomes aware by other means of a change in responsible individual, we will write to the company secretary and request in writing the relevant information listed in paragraph six. Ofsted's written request will include a timescale for the submission of the relevant information. This will usually be 10 working days from receipt of the request. The information submitted must demonstrate that the provider has complied with legal requirements with regard to the selection and fitness of the responsible individual in question. If Ofsted does not receive the information within the specified timeframe detailed in the written request we will convene a case review to decide whether further action is required; including triggering an inspection. For further information about case reviews please refer to guidance within the Social care compliance handbook.<sup>127</sup>
10. Ofsted's written request for information about the responsible individual will ask a provider to include, but may not be limited to:
  - evidence of a Disclosure and Barring Service (DBS) certificate or evidence of their check of the responsible individual's DBS status online (and what systems are in place to check the continued suitability of the responsible individual using the DBS update service)<sup>128</sup>
  - evidence that all checks required under service specific regulations were completed, and were satisfactory, and a the provider has undertaken a satisfactory assessment the person's fitness in line with other detail in paragraph six<sup>129</sup>
  - a fit person questionnaire completed by the responsible individual<sup>130</sup>
  - any other information Ofsted considers necessary to determine whether the provider is observing its legal obligations with regard to the appointment of the responsible individual
  - detail of the establishments and agencies the responsible individual supervises or will supervise.

telling Ofsted about a change of responsible individual for a voluntary adoption agency, adoption support agency or residential family centre is an offence.

<sup>127</sup> *Social care compliance handbook* (140136), Ofsted, 2014; [www.ofsted.gov.uk/resources/140136](http://www.ofsted.gov.uk/resources/140136)

<sup>128</sup> We expect a responsible individual to maintain a subscription to the DBS update service.

<sup>129</sup> The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, Schedule 2;

The Children's Homes (England) Regulations 2015, Schedule 2;

The Fostering Services (England) Regulations 2011, Schedule 1;

The Residential Family Centre Regulations 2002, Schedule 2.

<sup>130</sup> Fit person questionnaires: registered manager and registered provider or responsible individual: <http://www.ofsted.gov.uk/resources/fit-person-questionnaires-registered-manager-and-registered-provider-or-responsible-individual>

11. Subject to an inspector's review of the information in the paragraph above, an interview with the responsible individual may be necessary to establish whether the provider has nominated a responsible individual who is fit.
12. If concerns arise about the responsible individual's fitness during this process, a case review must be convened immediately to consider what action to take, for example we may request further information from the provider or decide to take regulatory action such as issuing a compliance notice.

## **Annex H (part 1). Conditions of registration for social care establishments and agencies and categories of registration for children’s homes and voluntary adoption agencies**

1. This annex sets out Ofsted’s approach to applying conditions of registration for children’s social care services under the Care Standards Act 2000 (Registration) (England) Regulations 2010. It replaces all previous Ofsted guidance on setting conditions of registration and categories of registration in social care.
2. The application of this policy is intended to meet our legal obligations under the Care Standards Act 2000 (Registration) (England) Regulations 2010, while being consistent and transparent in our practice. Section 13(3) of the Care Standards Act 2000 provides that Ofsted may grant an application for registration unconditionally or subject to any conditions that it thinks fit.
3. We only apply conditions of registration to:
  - protect children young people and adult service users
  - address specific issues relating to a particular establishment or agency or service type:
    - adoption support agencies
    - children’s homes
    - independent fostering agencies
    - residential family centres
    - residential holiday schemes for disabled children
    - social work providers (see separate guidance for all issues relating to social work providers)
    - voluntary adoption agencies.
4. It is not Ofsted’s intention to prevent the development of diverse and innovative provision for children and young people by imposing unnecessarily restrictive conditions on a registration.
5. For consistency, Ofsted:
  - has set wording for some frequently used conditions of registration
  - has guidance on how we impose individualised conditions of registration
  - uses numerals and not words on certificates of registration: for example ‘6’ and not ‘six’.



6. We only apply conditions of registration that do not:
  - duplicate any requirements placed on providers and/or managers by the Care Standards Act 2000, or regulations made under this Act
  - conflict with or exempt a provider or manager from complying with any of the regulations made under the Care Standards Act 2000
  - name an individual other than the registered person(s), as we have no powers to make or enforce conditions other than those that apply to registered person(s).
7. For guidance on how a provider can request to vary their conditions after registration please refer to our guidance Changes to children's social care services that are registered and/or inspected by Ofsted. For guidance in relation to when Ofsted will impose, remove or vary a provider's conditions of registration please refer to service specific guidance on how Ofsted conducts their inspections.

### **Children's homes**

8. Ofsted always applies one condition of registration to all children's homes, including secure children's homes. This condition sets out the total number of children and young people that can be accommodated at the home. The overall number is based on the total number of children and young people that an applicant applies to accommodate. The condition is worded as follows. Ofsted may apply other conditions of registration if required to protect the welfare of children placed.
9. The registered person:
  - may only provide care and accommodation for up to XX (number of) children.
10. If Ofsted considers that the applicant is applying to accommodate too many children this will be taken into consideration within our registration decision and may result in refusal.

### **Accommodating children and young adults in a children's home**

11. Where an applicant intends to provide care and accommodation for children and young adults aged 18 and over, Ofsted applies for the following condition.
12. The registered person:
  - must reduce the number of children by the number of people aged 18 and over for which it also provides care and accommodation

13. Please refer to Guidance on inspecting and regulating children’s homes with accommodation for adults (wholly or mainly a children’s home), which provides information about the numbers of adults living at the children’s home in comparison to the number of children and young people that a children’s home can accommodate.

### **Accommodating a mother and baby at a children’s home**

14. Where an applicant intends to provide care and accommodation for a mother and her child, the overall numbers that the home can accommodate (see paragraph eight) will include the baby. Applicants must take this into consideration when applying for registration to accommodate a mother and baby at a children’s home. However, if the children’s home is to be registered as a single-bedded home, this condition will not be applied.

### **Single gender occupancy**

15. If an applicant intends to offer care and accommodation to only boys or only girls Ofsted applies the following condition to the children’s home. This is based on information within the application submitted.

16. The registered person:

- may provide care and accommodation for single gender occupancy only.

### **Multi-sites**

17. If an applicant applies to register a children’s home that operates over more than one site the provider must ensure that they meet Ofsted’s guidance on multi-sites. Ofsted will apply the following condition of registration if the proposals meet this guidance.

18. The registered person:

- may only provide care and accommodation for up to x children at >insert name of site< and a further x children at >insert name of site<

### **Mobile services**

19. An applicant may apply to provide what Ofsted refers to as a ‘mobile’ children’s home. We have specific guidance about such services Guidance for mobile services.

20. We apply some specific conditions to this type of children’s home. These depend on way in which the mobile children’s home intends to operate. The conditions are likely to include the following.

21. The registered person:

- must inform Ofsted whenever any child placed with the service stays at any location other than the establishment or agency address
- must keep Ofsted informed of the location of the barge/caravan etc. (complete as applicable) at all times
- must ensure that the maximum stay for any one child does not exceed 120 days
- must carry out written risk assessments which are regularly reviewed for any accommodation the provider intends to use.

### **Short breaks children's homes**

22. Ofsted applies the following condition of registration to a children's home that only provides short breaks.

23. The registered person:

- may only accommodate children or young adults under short break arrangements and not for children or young people to live permanently at the home.

24. Ofsted applies the following condition of registration to a children's home that where children and young people have short breaks and live permanently in two different units within one children's home.

25. The registered person:

- may only provide care and accommodation for up to x children under short break arrangements in >insert name of unit<
- may only provide care and accommodation for up to x children to live permanently at >insert name of unit<.

26. As part of the registration of a children's home that provides short breaks and a permanent home for children and young people, an inspector checks whether:

- the statement of purpose, children's guide or guides, and policies and procedures take full account of the differing needs of children and young people who receive short breaks and children and young people who live at the home.
- children and young people feel secure where they live. Routines ensure that children who are at the home for short periods benefit from well established procedures that meet their needs. There is evidence to demonstrate that already vulnerable children and young people who need routines and clear boundaries will not be unsettled and further disadvantaged by combining permanent and short breaks.
- the staffing arrangements and numbers of staff on duty take sufficient account of the differing needs of children and young people who come to

stay at the home for short breaks and those living permanently in the home

- there are satisfactory arrangements in place to support all children and young people to develop and sustain friendships and allow for them to invite friends back to stay where this is safe.

### **Categories of registration for children's homes**

27. Categories of registration for children's homes are intended to provide an indication of the types of children and young people's needs that a particular home caters for. The categories of registration for a children's home are identified in regulation as:

- children with emotional and/or behavioural difficulties (EBD)
- children with physical disabilities (PD)
- children with learning disabilities (LD)
- children with mental disorders, excluding learning disability (MD)
- children with present drug dependence (D)
- children with present alcohol dependence (A)
- children with sensory impairment (SI).

28. Children's home can have more than one category of registration. Paragraphs 27 to 38 of this annex provide additional guidance on definitions for each type of category of registration for children's homes.

### **Deciding which categories of registration should apply to a children's home**

29. The applicant must decide what they want to include as categories of registration when they apply to register the children's home. The intended overall operation of the home influences what categories of registration a provider should apply for. An inspector takes account of any categories that an applicant applies for during the registration process, assessing how the applicant's proposed services would meet these.

### **Wording categories of registration for children's homes**

30. Conditions of registration in relation to categories of registration for children's homes usually state 'may provide care and accommodation...'. If Ofsted considers it necessary to restrict the types of needs a children's home caters for the wording is changed to state 'may only provide care and accommodation...'.

31. The following wording is used when Ofsted applies a category of registration.

32. The registered person:

- may provide care and accommodation for children with emotional and/or behavioural difficulties (EBD)
- may provide care and accommodation for children with physical disabilities (PD)
- may provide care and accommodation for children with learning disabilities (LD)
- may provide care and accommodation for children with mental disorders, excluding learning disability (MD)
- may provide care and accommodation for children with present drug dependence (D)
- may provide care and accommodation for children with present alcohol dependence (A)
- may provide care and accommodation for children with sensory impairment (SI).

33. It is possible to combine the above list of categories, as illustrated by the example below. The registered person:

- may provide care and accommodation for children with sensory impairment, learning disabilities and physical disabilities.

### **Children's homes with no categories of registration**

34. We do not generally apply any categories of registration to secure children's homes.

35. Other children's homes can be registered without applying any of the categories of registration. We only do this where the establishment or agency does not fit into any of the categories, for instance, where the establishment or agency is intended to provide services for young mothers and their babies.

## **Additional guidance on categories of registration for children's homes**

### **Children with emotional or behavioural difficulties (EBD)**

36. An emotional or behavioural difficulty is considered to be where children have a difficulty with interpersonal relationships and behaviour but it is not formally associated with mental disorder.

## **Children with physical disabilities (PD) and children with learning disabilities (LD)**

37. Disability is defined in the Equality Act 2010 as:

'a physical, (children with physical disabilities (PD)), or mental impairment, (children with learning disabilities (LD)), which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.'

38. The effect of an impairment is long term if it has lasted at least 12 months, or if it is likely to last at least that long, or if it is likely to recur if in remission. The impairment must affect a person's ability to carry out normal day-to-day activities, which means it must affect one of the following:

- mobility
- manual dexterity
- physical coordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand
- perception of the risk of physical danger.

39. In considering what an adverse effect is, the fact that a person can, with great difficulty and effort, carry out the activities, does not mean that their ability to carry them out has not been impaired. In addition, where the person is on medication or their impairment can be controlled or corrected by medical treatment or the use of an aid, consideration must be given to how the activities would have been affected without the medication or aid.

## **Children with mental disorders, excluding learning disability (MD)**

40. The Mental Health Act 1983, as amended, provides the following definitions.

'Mental disorder' means any disorder or disability of the mind and 'mentally disordered' shall be construed accordingly.

41. A person with a learning disability shall not be considered by reason of that disability to be:

- suffering from mental disorder for the purposes of the provisions mentioned in subsection (2B) below
- requiring treatment in hospital for mental disorder for the purposes of sections 17E and 50 to 53, unless that disability is associated with abnormally aggressive or seriously irresponsible conduct on his part.

42. Where a child has a substantial level of mental health problems, we consider this falls within the category of emotional and behavioural difficulties unless a formal medical diagnosis has been given.

### **Children with present drug dependence (D)**

43. 'Drug misuse is when a person regularly takes one or more drugs to change their mood, emotion or state of consciousness. One of the biggest risks of drug misuse is that you can develop a drug addiction.'

44. Unless a formal medical diagnosis of drug addiction has been given to a child, and the children's home's aims and objectives are to undertake detox programmes, the category of children with present drug dependence (D) should not be applied.

### **Children with present alcohol dependence (A)**

45. There are many definitions of alcohol dependence. A helpful definition can be found in the Driver and Vehicle Licensing Agency (DVLA) guidance, which Ofsted will apply. The DVLA guidance defines alcohol misuse as:

'a state which, because of consumption of alcohol, causes disturbance of behaviour, related disease or other consequences, likely to cause the patient, his/her family or society harm now, or in the future, and which may or may not be associated with dependency.'

46. Alcohol dependency is defined in the DVLA guidance as:

'A cluster of behavioural, cognitive & physiological phenomena that develop after repeated alcohol use & which include a strong desire to take alcohol, difficulties in controlling its use, persistence in its use despite harmful consequences, with evidence of increased tolerance and sometimes a physical withdrawal state.'

47. A category of present alcohol dependence is only required where the purpose of the children's home is to specifically reduce children's misuse and dependence on alcohol.

### **Children with sensory impairment (SI)**

48. The term sensory impairment is used as a generic term to cover a range of sensory impairments such as the following examples.

- Hearing impairment – this covers the spectrum of those who have some hearing to those who have no hearing at all.
- Visual impairment – this covers the spectrum of those who have some residual vision to those who have no vision at all.

- Deafblindness is a mixture of hearing impairment and visual impairment. Children may also have no ability to speak. Children can be born with such impairment or acquire this after birth.

### **Adoption support agencies**

49. Ofsted applies one of first three conditions of registration depending on the types of service that an applicant intends to provide. Ofsted also adjusts the fourth condition of registration depending on which groups an applicant states that they intend to provide adoption support services for.

50. The registered person:

- may only provide birth records counselling
- may only provide intermediary services
- may provide both birth records counselling and intermediary services
- may provide adoption support services to children/adults/children and adults (delete as applicable).

### **Independent fostering agencies**

51. Ofsted does not usually apply conditions of registration to independent fostering agencies. However, we may impose conditions at registration in specific circumstances. Please refer to paragraph 56.

### **Residential family centres**

52. Ofsted applies the following condition to all residential family centres. The registered person:

- may only accommodate XX (number of) families at any one time.

### **Residential holiday schemes for disabled children**

53. Ofsted applies the following conditions to all residential holiday schemes for disabled children. The registered person:

- must provide Ofsted with the addresses at which the residential holiday scheme for disabled children will operate no less than 28 days before the holding/operation of the scheme
- must provide information to Ofsted of the dates the service is to operate, no less than 28 days before the holding/operation of the scheme.

### **Voluntary adoption agencies**

54. Ofsted only usually applies conditions of registration to for categories of registration for voluntary adoption agencies. These define the work of a particular agency.



## **Wording categories of registration for voluntary adoption agencies**

55. The applicant must apply for at least one of the following conditions depending on the services that the adoption agency intends to provide. If registered a provider will need to apply for a variation to their conditions of registration if they intend to undertake other services listed below. The registered person may only provide the following services:

- domestic adoption services (DA)
- inter-country adoption services (ICA)
- adoption support services for children/adults/children and adults (delete as applicable) (AS)
- birth records counselling
- intermediary services.

## **Additional information**

**Additional conditions of registration for adoption support agencies, children's homes, independent fostering agencies, residential holiday schemes for disabled children, residential family centres and voluntary adoption agencies**

56. Very occasionally additional conditions of registration which are not covered above may be used in particular circumstances in relation to an individual establishment or agency at the point of registration. A case discussion is held to make this decision. However, additional conditions of registration must not be used to counteract any deficits in an applicant's ability to protect children, young people and adult service users'.

## **Breaches of conditions of registration**

57. Any breach of a condition of registration is an offence and therefore liable to enforcement action. Any breach will be treated seriously and action must follow the procedures in the Social care compliance handbook.

## Annex H (part 2). Changes to conditions of registration

1. Once registered, a provider may request a change to their conditions of registration, including their categories of registration, by applying to remove, alter or request an additional condition. Full guidance on the conditions that can be applied at registration and the wording that Ofsted uses for different types of children's home and categories of registration is available in the *Guide to registration for children's social care services*.<sup>131</sup>
2. In addition, Ofsted has powers to vary, remove or impose conditions on an existing registration under section 13(5)(a) and (b) of the Care Standards Act 2000. We use these wide powers to safeguard and promote the well-being of children and young people and to address specific issues relating to a particular children's home.

### Specific circumstances where Ofsted may impose a new condition of registration or, vary or remove existing conditions of registration

3. The registered person:
  - must reduce the number of children by the number of people aged 18 and over for which it also provides care and accommodation.
4. We do this, rather than process this via a variation request from a provider, to ensure that young people living at the home can continue to do so where they need to continue their education and to ensure that provider does not therefore incur a fee.
5. However, a provider must demonstrate that this is in a young adult's best interests. They must also demonstrate that it does not inhibit or detract from the safety and/or quality of care provided to other children and young people living at the home.

### Categories of registration for children's homes

6. Following registration, the provider and registered manager must monitor whether the categories in place continue to adequately reflect the home's statement of purpose. This includes monitoring whether the categories accurately describe the principle needs of the children and young people who live there, or who receive short breaks services. At inspection inspectors take account of how well a provider and registered manager monitor that any categories of registration placed on the home accurately reflect the home's statement of purpose. Their findings will form part of their judgement about leadership and management.

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<sup>131</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2014; [www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services)

7. Ofsted expects a provider to apply for a variation to their category/ies of registration if the main needs of the group of children and young people who they provide services to do not align with the categories of registration on their current certificate. See our full guidance on categories of registration in the *Guide to registration for children's social care services*.<sup>132</sup> We treat this as any other variation request.
8. Ofsted may limit the categories of registration where this is in children and young people's best interests. In those instances the condition must be worded using the words 'may only' as in the following examples. The registered person:
  - **may only** accommodate children with physical disabilities
  - **may only** accommodate children with learning disabilities.
9. This restricts the provider to only accommodating children and young people in the stated categories.
10. We only consider a provider has breached their conditions of registration in relation to categories if the certificate states that the registered person '**may only**' accommodate that category. Please see paragraphs six to eight of this annex for more information.

### **Accommodating a mother with their baby at a children's home**

11. Where a children's home intends to accommodate a mother and her baby at a children's home, the overall numbers of the children's home must include the baby. However, if the home is a single-bedded home, this does not apply. For more information please refer to the *Guide to registration for children's social care services*.<sup>133</sup>
12. Decisions to accommodate a mother with her baby at an already registered home must always be made in conjunction with a decision about whether this is in the best interests of the baby, their mother, and other children and young people living at the home. The facilities, space, staffing qualifications and skills, and external support services are crucial factors when deciding whether accommodating a mother and baby is appropriate even for a short period of time.

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<sup>132</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2014; [www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services)

<sup>133</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2014; [www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services)

## No child/children living at the children's home

13. Where a home does not intend to accommodate children and young people and will remain closed for some time, interim inspections are completed and a condition that the home must notify Ofsted if they intend to accommodate a child or young person is imposed. The condition must be worded as follows. The registered person:

- must inform Ofsted of their intention to admit children and young people three months before a child or young person will commence living at the homes.

## Multi-sites

14. If a provider wishes to extend their service to operate over more than one site<sup>134</sup> the following wording may be used. The registered person:

- may only provide care and accommodation for up to x children at >insert name of site< and a further x children at >insert name of site<.

## Mobile services

15. There are a very small number of children's homes that are registered to provide mobile services. Please refer to *Guidance for mobile services* for more information.<sup>135</sup> If a mobile service provider changes their operation they may have to apply for changes to their conditions of registration or we may impose additional conditions of registration. See the *Social care registration handbook* and *Guide to registration for children's social care services* for information.

## Adoption support agencies

16. If a provider wishes to change any of their conditions of registration to allow them to extend the range of adoption support that they provide they will need to request a variation to their conditions of registration before commencing this work. For information about which conditions of registration we apply please refer to the *Guide to registration for children's social care services*.<sup>136</sup> However, we may impose conditions following registration if we consider this necessary.

## Independent fostering agencies

17. Ofsted does not usually apply conditions of registration to independent fostering agencies. However, we may impose conditions following registration if we consider this necessary.

<sup>134</sup> *Guidance on the registration of multi-site children's homes* (080239), Ofsted, 2012; [www.ofsted.gov.uk/resources/guidance-registration-of-multi-site-childrens-homes](http://www.ofsted.gov.uk/resources/guidance-registration-of-multi-site-childrens-homes)

<sup>135</sup> *Guidance for mobile services* (100252), Ofsted, 2011; [www.ofsted.gov.uk/resources/100252](http://www.ofsted.gov.uk/resources/100252).

<sup>136</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2014; [www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services)

## Residential family centres

18. Ofsted only applies one condition of registration to all residential family centres at registration about the total number of families that the centre may accommodate. However, we may impose conditions following registration if we consider this necessary.

## Residential holiday schemes for disabled children

19. Ofsted applies two conditions at registration to all residential holiday schemes for disabled children. These conditions require a provider to notify Ofsted about the addresses where they will operate and the dates which the scheme will be operating. We may impose conditions following registration if we consider this necessary.

## Voluntary adoption agencies

20. Ofsted only usually applies conditions of registration in relation to categories of registration for voluntary adoption agencies. These define the work of a particular agency. If a provider wishes to change any of their conditions of registration to allow them to extend the range of adoption services that they provide they will need to request a variation to their conditions of registration before commencing this work. For information about which conditions of registration we apply please refer to the *Guide to registration for children's social care services*.<sup>137</sup>

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<sup>137</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2014; [www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services)

## Annex I. Interim management arrangements (children's homes)

1. The Care Standards Act 2000 requires any person who carries on or manages a children's home to be registered with Ofsted. Having a registered manager working in 'full-time day to day charge' is in children and young people's best interests because it best protects and promotes their safety and welfare. Further, it is a criminal offence to operate or manage a children's home without registration with Ofsted.<sup>138</sup>
2. A person who is to be in charge of the home for an interim period without registration is known in this guidance as the interim manager. A children's home provider must have plans in place which outline what they will do if:
  - they know that a registered manager will cease managing a children's home
  - they know in advance that a registered manager will be absent for more than 28 days
  - an emergency situation arises which results in a registered manager ceasing to manage or being absent for more than 28 days from a children's home.
3. Ofsted expects providers to only have interim management arrangements in place if a registered manager:
  - unexpectedly ceases to manage a children's home
  - is absent unexpectedly for more than 28 days.

In these situations Ofsted expects providers to ensure that any interim management arrangements fully protect and promote children and young people's safety and welfare.

4. Regulations require a provider to notify Ofsted that a registered manager will be, or has been, absent for more than 28 days.<sup>139</sup> They must do this at least one month before a known absence of the manager. They must notify Ofsted within one week of a registered manager being absent for 28 days or more where the absence arises as a result of an emergency.
5. Ofsted expects a provider to:
  - have plans to deal with an unexpected absence of the registered manager or the registered manager ceases managing the home unexpectedly. For example, how will the provider engage a manager who can meet children

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<sup>138</sup> Section 11 of the Care Standards Act 2000.

<sup>139</sup> The Children's Homes (England) Regulations 2015 Regulation 48

and young peoples' needs safely? Has the provider plans of succession that ensure deputy managers can step into the registered manager's position in an emergency?

- ensure that any person they employ to act as an interim manager has the relevant qualifications, skills and experience to undertake this position
- put in place strong arrangements which support the interim manager whilst he or she is responsible for the home.
- regularly review whether the interim management arrangements effectively protect children and young people's safety and welfare
- regularly monitor that the interim manager is effective
- ensure the interim manager fully understands the timescales Ofsted imposes on them to apply for registration. The provider must also ensure that an interim manager is aware that he or she must submit an application to Ofsted at the earliest opportunity if it becomes clear that the registered manager will be absent for longer than the specified timescales in paragraphs 12 and 13.

### **A registered manager gives notice that they will cease to manage a children's home**

6. Ofsted expects providers to have appropriate plans in place when it is known that a registered manager will cease to manage a children's home. These plans should ensure that there is a proper transition from one manager to another, including a period of handover for the incoming and outgoing manager. Detail of the arrangements should form part of the notification that providers must make to Ofsted a month before a registered manager ceases to manage the home.
7. The provider should also ensure that the new manager is aware of his or her responsibility to apply for registration with Ofsted within 28 days of taking up their post. They should also ensure that the new manager understands the consequence of not doing so, this being that he or she risks prosecution for managing a children's home without registration.
8. If we have information that providers did not manage a change of registered manager, as indicated in previous paragraphs, inspectors will take this into account when planning and undertaking their inspections. Inspectors will also take this into account if they find out that we have not been notified of a change of manager. Examples of actions we may take include, but are not limited to, bringing the date of the inspection forward and using this information to inform our judgement about the leadership and management of the home. If a provider fails to notify us of a change of manager this may also affect our view of their

fitness. For more information about what regulatory action we can take, refer to the *Social care compliance handbook*.<sup>140</sup>

### **Known absences of a registered manager**

9. Registered managers may have to take a planned absence which lasts for more than 28 days. Examples are, but not limited to, planned medical treatment, maternity leave or sabbatical. In these instances the provider or registered manager must notify Ofsted in advance of the absence and provide all of the required information.
10. Ofsted expects providers to have an interim manager working at the children's home by the time the registered manager leaves. The provider and registered manager should also arrange a handover between the interim manager and registered manager which helps to prepare the interim manager for their role wherever possible. In these circumstances a manager must follow the guidance on registration; paragraphs 12 to 15 of this annex.

### **A registered manager unexpectedly ceases to manage or is absent from a children's home**

11. There are circumstances where a registered manager leaves suddenly, is unable to give notice of their decision to cease managing a children's home or is suddenly absent from the home for more than 28 days. Some examples are, but not limited to: unexpected illness; illness of a dependent; or suspension. Regulations allow providers to appoint an interim manager.<sup>141</sup> In these circumstances a manager must follow the guidance below on registration.

### **Registration of an interim manager**

12. An interim manager must apply for registration within a maximum of 28 days if a decision is taken that this person is appointed to permanently manage the children's home. Interim management arrangements should be in place for the shortest time possible. We will continue to assess whether the arrangements are effective based on the information we hold, including notifications and regulation 33 reports and regulation 34 reports. If we are concerned about an interim manager's ability to manage the home we may require the interim manager to apply for registration immediately so that we can fully assess their suitability. For more information about what regulatory action we can take refer to the *Social care compliance handbook*.

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<sup>140</sup> Social care compliance handbook (130242), Ofsted 2013; [www.ofsted.gov.uk/resources/social-care-compliance-handbook](http://www.ofsted.gov.uk/resources/social-care-compliance-handbook)

<sup>141</sup> The Children's Homes (England) Regulations 2015 Regulation 48



13. In instances where Ofsted considers that the interim management arrangements do not protect and promote children and young people's safety and welfare this will impact on the timing and outcome of an inspection irrespective of the length of the arrangements. It may also impact on our view of a provider's fitness and as a result we may decide to take regulatory action.
14. We would always expect that Ofsted should have received an application to register a manager at the earliest opportunity. Where we have not received an application within a maximum of 90 days from the date that the interim arrangements began we will take this into account in our evaluation of the effectiveness of leaders and managers at the next inspection and in considering enforcement action.
15. If there are extenuating circumstances as to why a manager wishes us to consider extending the date by which they must register (see paragraph 14) the manager must put their reasons in writing for Ofsted to consider. Decisions will be made based on a case-by-case basis. For example, if there is evidence that the registered manager will return shortly after 90 days, we may decide to allow the interim manager to continue to do so without registration.

### **Transitional arrangements**

16. Where interim management arrangements already exist which do not fit with the guidance given above, providers must ensure that these arrangements last for the shortest time possible and at the latest within three months of issue. Providers must thereafter ensure that they comply with this guidance.

## Annex J. Children's homes directors

1. Regulation 26(4)(i) of the Children's Homes (England) Regulations 2015 provides that an organisation (which includes a body corporate, see regulation 2(1)) may only carry on a home if each director (except the director nominated as the responsible individual) who is involved in the carrying on of a home by that organisation satisfies the requirements in regulation 26(6) of the Children's Homes (England) Regulations 2015.
2. Each director must be of integrity and good character and full information must be available in respect of the matters set out in paragraphs 1 to 3 to 6 of Schedule 2 of the Children's Homes (England) Regulations 2015. However, for directors no DBS check is required. The test is whether the director is 'involved in the carrying on of a home by the organisation'. This means any director of an organisation who has an active role of some kind in the carrying on a home be it finance, HR or in some other capacity. 'Director' includes individuals who perform the functions of or functions similar, or equivalent to directors; see regulation 26(9) of the Children's Homes (England) Regulations 2015.
3. If an organisation's sole purpose is to carry on children's homes all directors must submit the information required by Regulation 26(6) of the Children's Homes (England) Regulations 2015. (This means submitting a completed SC2 form with the application and agreeing to Ofsted undertaking the necessary checks.)
4. If an organisation has purposes other than carrying on a children's home those directors involved in the carrying on of their children's homes must submit the information required by regulation 26(6) and Schedule 2 of the Children's Homes (England) Regulations 2015. We also advise applicants to take their own legal advice where they are unclear about which directors should submit applications.
5. A proposed director of a children's home who applies to be the responsible individual for the organisation must satisfy the requirements of regulation 26(5) of the Regulations rather than those required of a director. He or she will have to submit details of a DBS check and will be interviewed as a matter of course.
6. Other directors will only be interviewed should information which indicates a concern about their fitness come to light in the application the person submits, or checks we undertake.
7. If there is a change of Children's Home Director once an organisation is registered the organisation must notify Ofsted as required by Regulation 49 of the Children's Homes (England) Regulations 2015. Inspectors must review how the provider has assured themselves that the new director is suitable to work with children and fit for registration at the next inspection they undertake.
8. Providers must ensure they will be able to provide inspectors with the information at the children's home the inspector is inspecting rather than expect

inspectors to visit where this information is held. Failure to provide such evidence will be taken into account in making inspection judgements and the provider may be required to submit the information without delay to Ofsted as a result of the inspection. Where an organisation has multiple homes inspectors must ensure their checks are recorded on all service files so that the provider is only asked to make this information available once.

9. If an already registered provider makes another application to register a children's home any Children's Directors who have not submitted information by completing an SC2 in accordance with Regulation 26(6) will be required to submit such information as part of this application. Again no DBS check will be required to be available.
10. The fitness requirements are ongoing obligations, so come the 1 April providers already registered will need to satisfy themselves that directors meet the fitness requirements and produce evidence at the appropriate stage for example at inspection or if they make an additional application to carry on a children's home.

## **Annex K. Individuals who carry on a children's home but are not a partnership or organisation**

1. The Children's Homes (England) Regulations 2015 state an individual provider can only carry on a children's home if they satisfy the requirements in regulation 26(5) of the Regulations. It further states that an individual can only carry on a children's home with another individual or individuals if that individual and each other individual satisfies the requirement in regulation 26(5) unless this falls within the definition of an organisation or is a partnership.
2. There is no definition of a partnership as such but regulation 2(2)(d) makes clear that 'partnership' does not include limited liability partnerships which are caught by the definition of 'organisation'. If an individual carries on a home with another individual but there is no partnership as such then each individual will be registered (Regulation 26(2) of the Children's Homes (England) Regulations 2015).
3. It is an offence to carry on a children's home without registration. Those people who have informal agreements to carry on a children's home including those who provide financial backing from carrying on a children's home will need to register to do so. We advise individuals to take their own legal advice where they are unclear about whether they must register.
4. All people who make up an individual provider as detailed above will need to apply to register to carry on a children's home and must submit information in accordance with Regulation 26(5) as part of an initial application. Each person is equally responsible for ensuring the children's home operates in accordance with the Care Standards Act 2000 and subsequent regulations, and is named on the certificate of registration. We will always undertake checks and interview these individuals. Any regulatory action we take against this type of individual provider will result in action against each individual person who is registered.
5. If one of the individuals decides to cease carrying on the children's home he or she will need to submit a voluntary cancellation form to Ofsted in order to do so.<sup>142</sup> Once their cancellation has been accepted, their name will be removed from the certificate and a new certificate will be issued. If an additional person is to become a part of the group of individuals carrying on the children's home this person will need to apply and have their registration approved by Ofsted before he or she can carry on any children's home run by the group of individuals. Registration is only granted once Ofsted is satisfied the person is fit to carry on a children's home and a certificate of registration is received from Ofsted.

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<sup>142</sup> Application for cancellation of registration form, Ofsted, 2015;  
[www.gov.uk/government/publications/social-care-apply-to-cancel-registration](http://www.gov.uk/government/publications/social-care-apply-to-cancel-registration)