

Managing Regulation 33 reports

Children's homes

This document explains what Regulation 33 reports are, what they should include, how providers should submit them and what we will do with them. It also explains what action we will take when we do not receive a report.

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Introduction

We have not required children's homes providers to send us copies of Regulation 33 reports since April 2007. Subsequent legal advice has confirmed that it is necessary for these reports to be sent to us in order to meet the regulation. From September 2009 we have required all children's homes providers to submit Regulation 33 reports to us on a monthly basis in arrears. This is a change to the current requirement for these reports to be available to the inspector at inspection.

A letter has been sent to all providers requiring them to submit Regulation 33 reports within four weeks of their completion. This letter informed them that failure to submit reports is an offence and will be taken into account at the next inspection. This means that a Regulation 33 report for December must be submitted no later than 31 January.

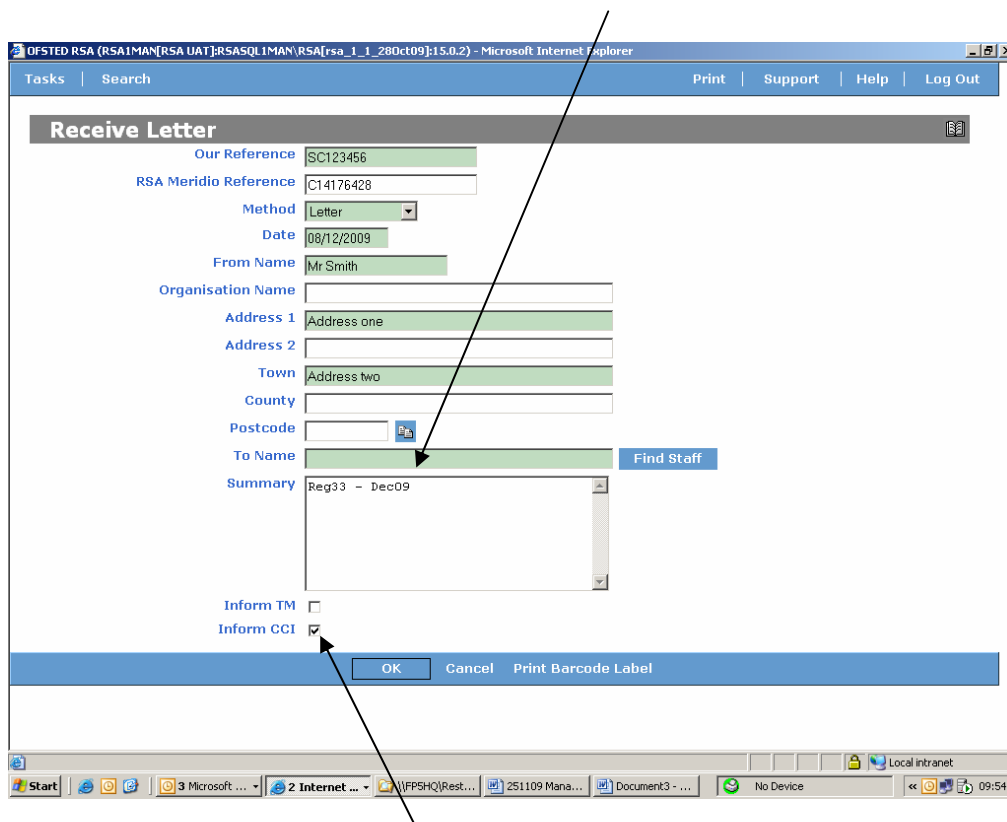
This guidance covers the following

- The process for receiving Regulation 33 reports from children's homes providers and what to do if these are not received (paragraphs 1 to 17).
- Guidance on reviewing and recording the content of Regulation 33 reports (paragraphs 11 to 17).
- How information about the change has been disseminated to providers (paragraphs 18 to 20).
- Managing Regulation 33 reports flowchart (Annex A).
- Regulation 33 report template (Annex B).

Process for receiving Regulation 33 reports from children's homes providers

1. Reports will be submitted to the National Business Unit and noted on the Regulatory Support Application (RSA) database as a letter received.
2. In the Summary box on the 'Receive Letter' screen the National Business Unit will add the following text:

'Reg 33 – MMMYY Regulation/Schedule 33 received, has been scanned against the registration, will be archived for five days then destroyed. (MMM refers to the first three characters of the month and YY refers to the last two digits of the year.)



The National Business Unit will then tick the button 'Inform CCI' in the 'Receive Letter' screen, which will generate a task item on the respective CCI task bar to alert them that a Regulation 33 report has been received.

From this screen the National Business Unit will then print a Meridio barcode label which will be attached to the Regulation 33 report. The report will then be sent for scanning into Meridio.

The scanned image of the Regulation 33 report will be securely stored in Meridio for 12 months and the original paper copy which the provider has submitted will be securely destroyed after five working days.

The Regulation 33 report may be viewed in Meridio as many times as may be necessary by the allocated inspector.

3. From the above action the allocated inspector will receive a task item to alert them that a Regulation 33 report is available for them to view. The scanned image will be available within 24 hours of receiving the 'received letter' task.
4. The National Business Unit will monitor on a monthly basis to ensure children's home providers submit their Regulation 33 reports.
5. The National Business Unit initially chase any outstanding Regulation 33 reports by sending the children's home provider a letter (SCL 134). This is sent five days after the last date for the report submission. For example, the latest date that a Regulation 33 report for December can be submitted is 31 January. If the report has not been submitted by this date then, five days later, on 5 February, letter SCL134 is sent. This letter asks for a response within seven working days of the letter date. If there is no response within this timescale then a follow-up letter will be sent (SCL 132) requesting a response within five working days of the letter date. The National Business Unit record when they chase reports on RSA and inform inspectors by memo about what they have done.
6. The National Business Unit will inform an inspector by memo when they do not receive a response to the two letters (SCL 134 and SCL 132) so that the inspector can consider what action they should take (please refer to points 8 to 10).
7. Inspectors should make notes of important information on RSA on the 'Detail Registration' screen, in 'Comments for next visit', about the content of each Regulation 33 report that is received. Once the inspection has been carried out, cut (you will need to highlight the text and select 'Ctrl' + 'C') and paste (select 'Ctrl' + 'V') the information into 'Registration comments'. This will provide space in 'Comments for next visit' ready for the next input of information. If the word limit for 'Comments for next visit' is reached (1,000 characters) then any additional information should be entered into 'Registration comments' and a note added to 'Comments for next visit' to explain this. Please refer to paragraphs 11 to 14 which provide some guidance about what inspectors should consider when reviewing Regulation 33 reports.
8. Inspectors will use their judgement to decide whether the provider's continuing failure to submit Regulation 33 reports requires them to make a monitoring visit to the children's home or to bring forward the next planned inspection. Other factors may influence this decision, for example if there are more general concerns about the setting.
9. All settings that are registered as children's homes are required to submit a Regulation 33 report (this includes residential special schools and boarding schools that are registered as children's homes). Only if the registered person is

also in charge of the day-to-day running of the children's home is a Regulation 33 report not required.¹

10. Failure to submit any Regulation 33 report must be noted in the next inspection report and may result in an inadequate judgement for the organisation section and for the overall judgement. When considering a judgement of inadequate, inspectors must weigh up the impact or potential impact of the report not having been submitted. For example:

- Was it an administrative error and the provider forgot to send this to Ofsted? Has the provider said they sent us a copy but we have no record of this? Was it because the visit did not occur?
- How many times has a Regulation 33 report not been submitted to us by the same provider?
- Was a copy of the report sent to the provider/manager of the setting?

The inspector should record their judgement and evidence for their decision in the inspection toolkit.

Reviewing the contents of Regulation 33 reports

11. Inspectors should comment on the following aspects which are requirements of a Regulation 33 visit. Any other issues mentioned in the report need not be considered unless the inspector judges that they have a significant bearing on the safety of the children or the care provided to them.

Any person² undertaking a Regulation 33 visit should:

- interview children, parents, relatives and staff as they think is necessary to decide what standard of care is being provided
- inspect the premises, its daily log of events and records of any complaints
- prepare a written report on the conduct of the home.

We have prepared a template report for providers to use, if they want to, to complete their Regulation 33 report. This is in Annex B.

12. Inspectors should record on RSA whether they consider that any of the required actions listed in paragraph 11 are **not** evident in the report or they are concerned about the quality of the report. They should also make a note in the 'Comments for next visit' section on the 'Detail Registration' screen if they consider there are any important factors that should be followed up at subsequent inspections. Examples of what inspectors should record include:

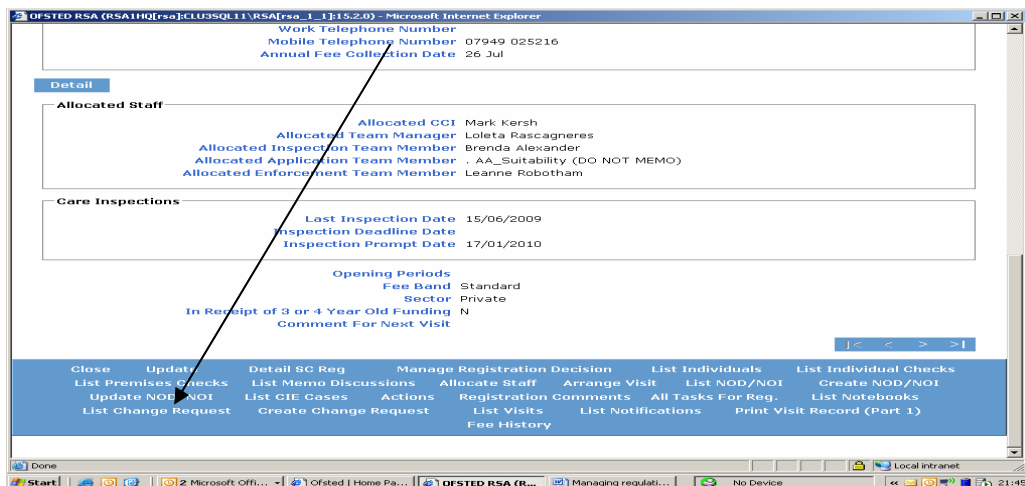
- the date the report was received

¹ The Children's Homes Regulations 2001 Regulation 33(1).

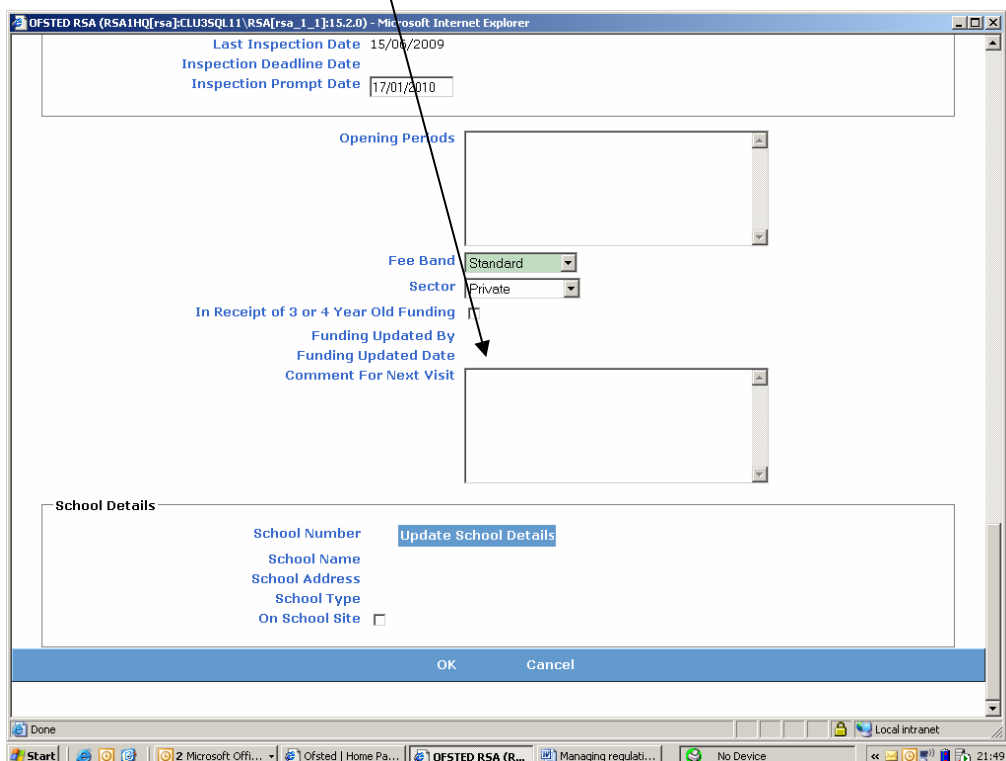
² Please refer to The Children's Homes Regulations 33(2) for details on who this must be.

- any positive actions that support the view that Regulation 33 visits are being undertaken appropriately.

13. Inspectors can do this by going to the blue bar at the bottom of the registration screen and choosing the update button.



This takes them to the 'Update Registration' screen. Inspectors should scroll to the bottom of the page and update the following box with any comments³ about the Regulation 33 report that they think should be considered at the next inspection or on receipt of the next Regulation 33 report.



³ If the word limit is reached for this section then use 'Registration comments' – see paragraph 7 for more information.

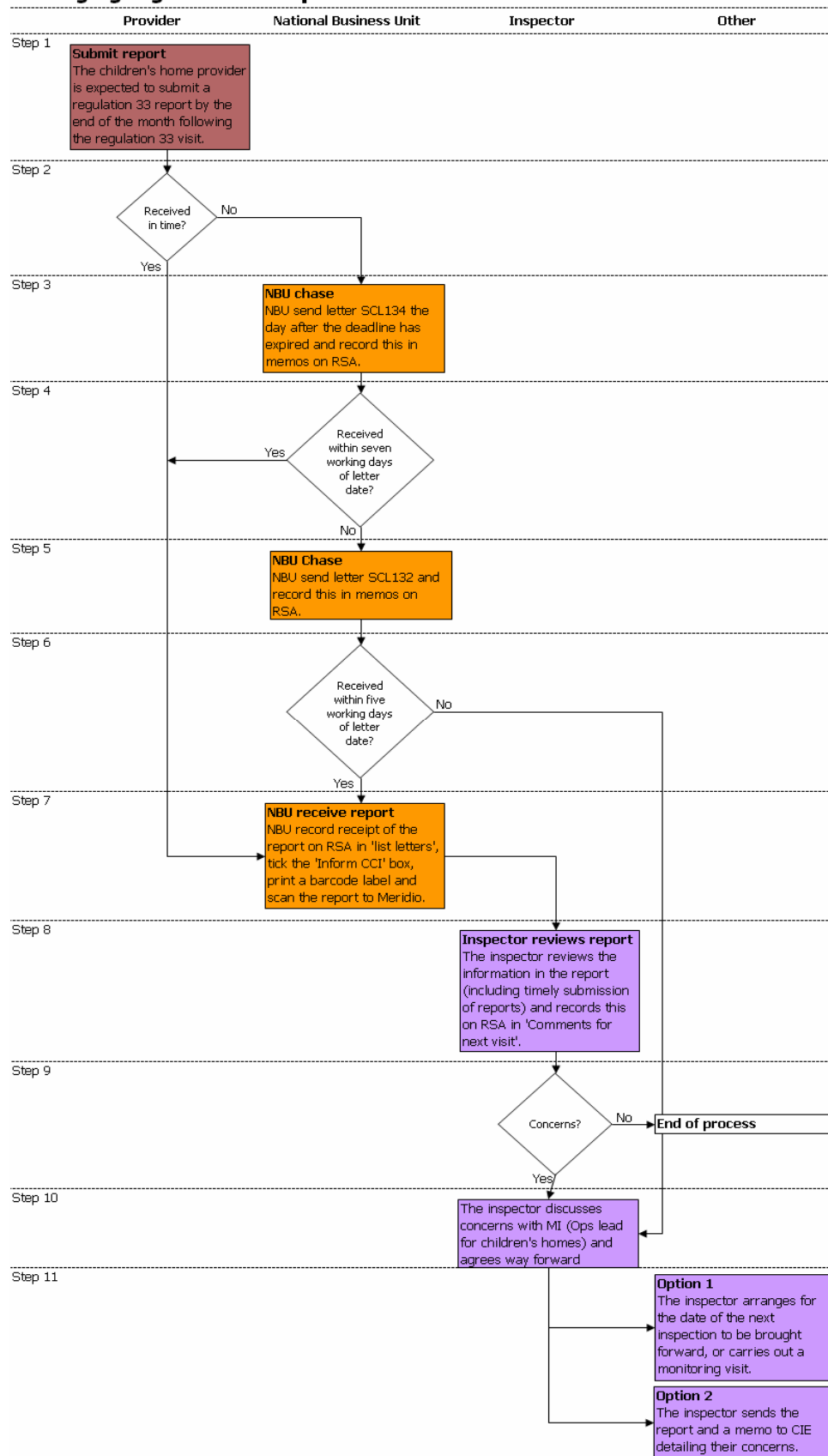
14. As with all information we receive in between inspections, inspectors should consider whether:
 - our next proposed inspection date should be brought forward. In this instance inspectors should discuss the detail of any concern with their line manager
 - we need to instigate a compliance, investigation and enforcement (CIE) case. In this instance the inspector should email CIE with details of their concern and include the RSA/Meridio reference number so that CIE can access the report in Meridio.
15. Social care managers must sample a number of Regulation 33 entries on the RSA at supervision sessions to ensure that records of receipt of Regulation 33 reports are being properly recorded and actioned.
16. The impact of any missed Regulation 33 visits and reports should always be assessed at the next inspection and taken into account when deciding what judgement to give the organisation and as an overall judgement.
17. We accept Regulation 33 reports in a provider's own format or in the template enclosed as Annex B. In both cases the inspector reviews the content in line with paragraphs 11 to 12.

Dissemination about these changes to providers

18. A letter was sent to all providers on 10 August 2009 informing them that they are now required to submit Regulation 33 reports.
19. The letter stated that providers need to put the name of the service, address and unique reference number (URN) on the form. Providers have questioned whether we will accept the URN alone. This is sufficient for us to accept a Regulation 33 report. A further letter stating that they need only supply the service's URN on the Regulation 33 report was sent at the end of November 2009.
20. Providers have also questioned whether it is possible to send us the Regulation 33 report by email. We can only accept this in hard copy at present because we cannot guarantee that providers have secure email systems. We are exploring how we can accept Regulation 33 reports electronically and will issue further information about whether this is possible as soon as we are able.

Annex A. Managing Regulation 33 reports flowchart

Managing regulation 33 reports



Annex B. Regulation 33 report template

As part of any Regulation 33 visit to a children's home the provider must ensure that they:

- interview children, parents, relatives and staff as they think is necessary in order to decide what standard of care is being provided.

They must also:

- inspect the premises, its daily log of events and records of any complaints
- prepare a written report on the conduct of the home.

Please complete the attached form and submit to:

Document Handling Centre Manager
Ofsted
National Business Unit
PO Box 4317
Manchester
M61 0AW

Note: this is not freepost.

Unique reference number of children's home:	
Name of person completing the report	
Date of visit	

Interviews	Discussion and key issues identified
Interviews with children	
Interviews with parents/relatives	
Interviews with staff	
	Key issues identified
Inspection of the premises including assessment of the physical condition of the building and furniture and equipment of the home	
Inspection of daily log of events	
Inspection of record of complaints/disciplinary measures/use of restraint	