

Conducting inspections of children's homes

Guidance for the inspections of children's homes from April 2014

This guidance is designed to assist inspectors from the Office for Standards in Education, Children's Services and Skills (Ofsted) when conducting inspections of children's homes. It should be read in conjunction with the *Framework for inspection* and the *Evaluation schedule and grade descriptors for inspections of children's homes*.

Published: April 2014

Reference no: 100194



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No. 100194

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Introduction

1. This guidance is designed to assist inspectors from the Office for Standards in Education, Children's Services and Skills (Ofsted) when conducting inspections of children's homes in England. Children's homes providers can use the guidance to see how inspections are conducted.
2. This guidance should be read in conjunction with the Framework for the inspection of children's homes and the Evaluation schedule and grade descriptors for inspections of children's homes.
3. This guidance applies to the inspection of all children's homes. With this guidance, we want to achieve inspection of the highest quality, balancing consistency with the flexibility to respond to the individual circumstances of each home. As such, it is not a set of inflexible rules, but guidance on the procedures normally governing inspection.
4. There is additional information in relation to the inspection of residential special schools, therapeutic homes, short break services and secure children's homes in Annex B. Where a children's home is also a school, and the education and children's home inspection has been aligned, inspectors should refer to *Conducting inspections of non-association independent schools*.¹

Section 1: Scheduling and team deployment

5. Inspections of children's homes are unannounced.
6. We have a duty to inspect children's homes twice a year.² Usually there will be a full inspection followed by an interim inspection.
7. The scheduling of inspections takes account of:
 - previous inspection findings
 - complaints and concerns about the service
 - notifications from the home
 - the content of monitoring reports provided to Ofsted by children's homes under regulations 33 and 34 of the Children's Homes Regulations 2001, as amended by The Children's Homes (Amendment)

¹ *Conducting inspections of non-association independent schools* (090048), Ofsted, 2013; www.ofsted.gov.uk/resources/090048.

² Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes and so on) Regulations 2007 (SI 2007/694). As amended by (SI 2011/553).

Regulations 2011 and The Children's Homes and Looked After Children (Miscellaneous Amendments) England Regulations 2013.

8. For a full inspection of a children's home, an inspector will usually spend a maximum of two days on site.
9. For interim inspections the inspector will usually be on site for a maximum of one day.
10. It is recognised that the nature of some inspections such as the inspection of secure children's homes, residential special schools or homes with satellite sites, may require additional inspector time on site to:
 - give due consideration to the issues relating to the evaluation schedule that are specific to that provision e.g. navigating the security systems on site in secure accommodation
 - find opportunities to talk to staff whom are in direct supervision of children at all times.
11. The number of inspectors involved on site will be based on:
 - a risk assessment that will consider previous inspection judgements, notifications and any serious incidents
 - the number of children and young people that live in the home
 - the size of the establishment, including the number of separate homes on site
 - whether there has been significant building development or changes to the management or operation of the setting (secure accommodation).
12. The inspector and regulatory inspection manager will determine how best to allocate resources through additional days on site and/or additional inspectors. In these cases, the inspector will request additional resources from their line manager, either at the beginning of the inspection year or as part of planning later in the year if a significant event occurs.
13. For secure children's homes, the approval process will be incorporated into Ofsted's bi-annual inspection activity. The Secretary of State will make decisions about the approval of the home as a secure children's home based on the outcome of the Ofsted full and interim inspections.³ The DfE will review the approval at least every three years using Ofsted inspection evidence and other information (such as

³ *Memorandum of understanding between Ofsted and Department for Education: secure children's homes*, (120071), Ofsted, 2012; www.ofsted.gov.uk/resources/120071.

that provided by the DfE architectural adviser). Where requested by the DfE, Ofsted will contribute to the Secretary of State’s evaluation and provide appropriate advice.

14. If there are no children or young people in placement within the children’s home, inspectors will follow the guidance in Annex H. All children’s homes must be inspected twice a year as required by regulation irrespective of whether children are living there.

Deferrals

15. Inspections will not normally be deferred. If on arrival it is found that there is an absence or unavailability of key staff, or accommodation issues such as refurbishment, these will not constitute reasons for deferral.

16. Deferrals will only be made where there is a strong reason for supposing that if the inspection went ahead it might place people at risk or if the ability to gather secure evidence is severely restricted. Such conditions might be:

- serious weather conditions making access to sites for inspectors, children and young people and staff difficult and/or dangerous
- a serious incident, where the presence of an inspector would impact adversely on the safety and well-being of children and young people in the children’s home.

17. Decisions about deferrals are agreed by the Regulatory Inspection Manager.

Timeframe

18. The timeframe for a full inspection in working days, is:

Day	Full inspection activity
1	Preparation
2	Site visit
3	Site visit
4	Drafting report
5–8	Inspection evidence and report (toolkit) submitted for quality assurance
13	Report sent to the registered provider for any comments on factual accuracy, within 10 working days of the end of the inspection
18	Provider returns the report within five working days with any comments on factual accuracy
23	The final report will be published on the Ofsted website within 20 working days of the end of the inspection

19. The timeframes for interim inspections and monitoring inspections (in working days) are:

Day	Interim inspection activity
1	Preparation/site visit
2	Site visit/drafting report
3–7	Inspection evidence and report (toolkit) submitted for quality assurance
12	Report sent to the registered provider for any comments on factual accuracy, within 10 working days of the end of the inspection
17	Provider returns the report within five working days with any comments on factual accuracy
22	The final report will be published on the Ofsted website within 20 working days of the end of the inspection

Day	Monitoring inspection activity
1	Preparation/site visit
2	Site visit/drafting report (the inspector may be on-site for more than one day depending on the nature of the concerns)
3–7	Inspection evidence and report (toolkit) submitted for quality assurance
12	Report sent to the registered provider for any comments on factual accuracy, within 5 working days of the end of the inspection
17	Provider returns the report within five working days with any comments on factual accuracy
22	The final report will be published on the Ofsted website within 10 working days of the end of the inspection

Section 2: Pre-inspection activity for full and interim inspections

20. Pre-inspection analysis and planning are an important part of all inspections. Inspectors are allocated one day to prepare for a full inspection and a half-day to prepare for an interim inspection. This time should be used to review the information held by Ofsted and to ensure that the fieldwork is properly focused and used to best effect in collecting first-hand evidence.

21. Inspectors will look at the information that Ofsted already holds about the service, which includes:

- previous inspection reports
- completed questionnaires from children, young people, parents and stakeholders and associated summary reports
- the home's Statement of Purpose
- any concerns and complaints received
- notifications of significant events
- reports of monthly visits received under Regulation 33
- quality assurance reports received under Regulation 34 (including monitoring by the registered person of any incident when a child accommodated in the home goes missing)
- any changes to registration, including change of manager or the responsible individual
- any enforcement activity within the last inspection year.

22. Some of this information is drawn together in the provider information portal (PIP) and in the pre-inspection briefing.

23. In addition, the inspector should always familiarise themselves with relevant background and context information such as the most recent inspection of the local authority and review of the Local Safeguarding Children Board where the home is situated. The published reports are available on the Ofsted website and the link will be included in the pre-inspection briefing. It is expected that inspectors pay attention to the care plans for all children living at the home, in order to evaluate the extent to which the placing authority is properly looking after children for whom it is responsible and working closely with staff at the home to protect children and provide for their welfare.

24. If information has been received which indicates potential non-compliance with regulatory requirements, Ofsted may decide to investigate at a full or interim

inspection. In these cases, the concern will become a line of enquiry for the inspection. The inspector will outline the concern to the home at the beginning of the inspection. Annex C contains guidance on the way inspectors will report on concerns that have been investigated during an inspection.

25. The *Request for information at a full inspection form* (Annex A) must be downloaded by the inspector from the intranet, ready to use at a full inspection. This form requests specific information from the children's home to inform the inspection. The inspector will interrogate the Annex A data to inform the lines of enquiry for the inspection. Inspectors must also print the details of the registered person from the Regulatory Support Application (RSA) toolkit.⁴ These details will be compared with the information provided in the completed *Request for information at a full inspection form*.

26. The inspector will carry out an analysis of the available evidence and information and must record their planning notes within the planning section of the RSA.

27. The plan for the inspection will identify lines of enquiry, any areas of apparent weakness or significant strength, or areas where further evidence needs to be gathered. The focus of the inspection may change during its course as further evidence emerges.

Regulation 33 and regulation 34 reports and notifications under schedule 5

28. Inspectors must regularly review Regulation 33 reports, notifications and regulation 34 reports. This is important regulatory activity. Inspectors must focus on both the **content** of the reports and the **quality** of the reports.

29. Information from any of these sources may result in:

- further activity such as speaking to the registered manager and/ or responsible individual or other key stakeholders;
- rescheduling of inspections based on either identified concerns within reports and/or notifications or based on a failure to submit reports or notifications
- lines of enquiry for the next inspection about what is happening in the home, including the management of issues and concerns, the quality and effectiveness of leadership oversight concerning the care of children and young people, or the timeliness of notifications to Ofsted and other parties. Any emerging lines of enquiry must be noted in RSA 'Registration Comments' section and inform pre-inspection planning.

⁴ The RSA is the electronic system used by Ofsted to administer and record regulatory inspections.

30. Where inspectors identify issues that give them cause for concern about the welfare of children and young people they will always pursue these issues to satisfy themselves that all has been done to help and protect the child and/or young person. If notifications are incomplete, they will always contact the home.

31. In all instances where there are concerns about the safety or welfare of a child, there is a minimum expectation that the inspector will contact the home so that Ofsted is fully aware of the action being taken by the home, the placing authority and others, for example the host authority and police where appropriate to promote and safeguard the welfare of the child/young person. Managers and staff must follow the statutory guidance outlined in *Working Together to safeguard children*.⁵

32. If the inspector has any concern about the practice of either the placing local authority or the host local authority, this will be managed in line with the published policy *Management of Cross-remit concerns about children's welfare*.⁶ The DCS will be notified immediately of the concerns so that they can review the situation. This information will also inform any forthcoming local authority inspection.

33. Inspectors will always monitor closely whether Ofsted is informed of the outcome of any child protection enquiry in line with regulations and statutory guidance. Where this has not been received within a reasonable timescale, the inspector will contact the home. Inspectors will always follow up any failure to notify Ofsted of the outcome.

34. Regulation 33 and 34 reports must be submitted to:

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

35. Providers must include Ofsted's unique reference number (URN) and the date on which the visit occurred on the report and submit reports to the Document Handling Manager. Regulation 33 reports can also be submitted electronically to: enquiries@ofsted.gov.uk. Reports received in this way will be processed. However, information transmitted by email is not by secure link; providers should remain aware of the associated risks while operating within the information assurance guidelines of their own organisation.

⁵ *Working together to safeguard children*, DfE, March 2013;
<https://www.gov.uk/government/publications/working-together-to-safeguard-children>.

⁶ www.ofsted.gov.uk/resources/management-of-cross-remit-concerns-about-childrens-welfare.

Gathering the views of children, young people and parents, staff and other interested parties prior to inspection

36. The views of children and young people and their parents, staff and other interested parties – such as placing social workers and independent reviewing officers – inform lines of enquiry for each inspection and are an important part of inspection evidence.

37. Ofsted will send out a standard letter to the home's address at a point of time during the inspection year. This will include a set of electronic addresses that link to an online questionnaire for each group (such as children and young people; parents; or staff and other interested parties) specifically for that home. If Ofsted does not hold an email address, the home will be sent the links by post to distribute. Paper copies of questionnaires will be available on request.

38. Where the children's home has indicated that children and young people use alternative means of communication, the inspector will ask the Inspection Support Team, via the RSA memo system, to send out suitably adapted young people's questionnaires.

39. Completed questionnaires will be passed to the relevant inspector for the setting and will be used to inform the planning of the inspection.

40. Where there are no completed questionnaires for a children's homes this is likely to inform a line of enquiry for the inspection. Equally, where children and young people have submitted their views but have since moved away from the home, their views and experiences are still considered as relevant lines of enquiry for the inspection.

Section 3: Inspection activity and gathering evidence

The start of the inspection

41. At the start of the inspection the inspector will confirm their identity by producing their Ofsted Inspector Authorisation and Identification card and identity badge. It is not necessary to carry paper copies of Disclosure and Barring Service (DBS) checks.

42. The inspector will always meet with the registered manager/person in charge at the beginning of the inspection to:

- outline the plan for the inspection and confirm whether it is a full or an interim inspection
- make arrangements to interview the registered manager (where available and if not will try to speak to the responsible individual) during the course of the inspection
- outline any lines of enquiry for the inspection

- request the information as outlined in Annex A and agree when the information will be available. This is activity to support the inspection process. This information will inform the inspection findings and may generate lines of enquiry
- provide the person in charge with the opportunity to share any current information or personal issues relating to any of the children and young people living in the home that the inspectors need to be aware of during the inspection e.g. a recent significant incident or a young person who is new to the home
- ensure that Ofsted holds the correct details for the registered person and/or responsible individual⁷
- ensure that Ofsted holds records of the latest qualifications for the registered manager (if applicable).

Evaluating the experiences and progress of children and young people

43. The core inspection activity will be evaluating the experience and progress of children and young people. In small homes the inspector will look at the progress and experiences of all children and young people living in the home. In larger homes, the inspector will look at a sample of children and young people. This will usually include (where relevant):

- children and young people who have recently moved into the home (or in the case of a short breaks service, a child or young person that has recently started using the service);
- understanding the experiences of children and young people who have recently left the home including whether their move was planned or unplanned, understanding the reasons for their move from the home and the manager and staff contribution to their stable future;
- any children and young people who have gone missing from the home since the last inspection⁸
- in a short breaks service a child that is subject to a child protection plan or a child whose services are delivered as a child in need due to a level of concern within the family to see how well the service works with others to help and protect children and young people.

⁷ Regulations clearly state the information that must be notified to Ofsted and failure to do so is a breach of regulations and likely to result in a requirement. It is a breach of regulations if we have not been informed about changes to the registered person. The inspector will make a requirement if there has been a breach.

⁸ See annex G

44. Inspections will also evaluate the management of a recent significant incident (where relevant) so that they can understand how the staff team respond to complex and difficult circumstances and whether the actions and responses of leaders, managers and staff are focused on promoting and safeguarding the welfare of children and young people.

45. In assessing the care of children and young people, the lines of enquiry are likely to include:

- considering the placement history of the child/young person, including pre-admission assessments, care and placement plans, placement decisions and visits to the children's home
- the effectiveness of contact arrangements for children and young people with their families and friends
- young people's access to and contribution to their placement plan
- designated key members of staff and their understanding of: the placement plan; the child or young person's needs; and their success in helping each individual to understand and manage their life experiences as they grow and mature
- specialist support for children and young people and the extent to which this is helpful and effective
- an evaluation of children and young people's achievements and progress in all aspects of their development
- exploring how children and young people are helped to contribute to decision making/choice in their lives as appropriate to their development
- exploring how children and young people are helped to be healthy, how well any health issues, including sexual health issues, are addressed and how children and young people are supported to take control of their own health
- an evaluation of how well managers and staff responds to any incidents of young people going missing from the home or any other risky behaviours that may make them unsafe or place them at risk – including how well this is managed within the placing authority
- inspectors will expect to see clear acts to protect children set out in care plans with clear consequences if children remain unsafe
- how the environment meets the needs of the children and young people that are living there

- how managers and staff contribute towards delivery of the placement objectives including in a short breaks service the quality of the experiences for children and young people
- how staff and key workers especially, prepare and support children and young people for the next stage in their lives whether this is a new home, a return home or independent living.

46. Critically, the inspector will want to see evidence from the managers and staff that demonstrates how they know that they have had a positive impact on the progress and experiences of children and young people and how they know they are making a difference to children and young people's lives.

47. The detail of activities undertaken and discussions held will vary depending on the lines of enquiry for each individual inspection.

Listening and talking to children and young people

48. The views and experiences of children and young people who live in or stay at the children's home are at the centre of the inspection and provide key evidence in assessing outcomes against the evaluation schedule. Inspectors will always try to meet with children and young people during the inspection, although in exceptional circumstances this may not be possible.

49. Inspectors must take into account the specific communication needs of the children and young people. For some children and young people, the inspectors may request the assistance of staff who know and understand the young person's preferred means of communication. In other instances, it may also be appropriate for inspectors to spend time observing children and young people and how they interact with staff and respond to their environment.

50. Many of the experiences of children and young people living in the home takes place after the normal school, college or workday, and it is therefore essential that inspectors are present at this time. Inspectors should involve children and young people in inspection activity wherever they can. Opportunities to gather the views and experiences of children and young people may include:

- asking children and young people to show inspectors around the premises
- holding structured meetings (as a general guideline, a meeting should not include more than five children and young people)
- having individual conversations
- joining in leisure activities such as computer or console games
- preparing snacks or drinks
- spending mealtimes with young people

- conversations during homework
- outdoor activities.

51. Inspectors will demonstrate safe and sensitive practice by:

- telling staff where conversations with young people are taking place and who is involved
- being sensitive to the fact that some children and young people may not want to be involved in the inspection
- explaining to children and young people that they will not include comments that will identify them in the inspection report or in feedback to staff working in the home without their permission
- ensuring that staff are aware of any arranged meetings with children and young people and that children and young people may leave the meeting at any time
- where appropriate, inspectors must explain to children and young people that information suggesting that they or another child or young person is at risk of harm will be passed by the inspector to an appropriate person able to take necessary action about that concern.

52. Inspectors will assess how well the children's home effectively consults with children and young people. The views of children obtained by the service will also be taken into account as part of the inspection evidence.

Observation of key activities

53. Inspectors can use the home's scheduled activities as opportunities for observing and following lines of enquiry. These activities could include:

- staff handover between shifts
- young people's meetings
- staff meetings or briefings.

54. The young people's privacy and confidentiality of their personal information will be respected at all times by inspectors.

Gathering views from other professionals who work with the home

55. Inspectors will consult with stakeholders to inform the inspection findings. This will usually be through a telephone call during the inspection. This group may include: social workers; Independent Reviewing Officers; school staff; local police; the placing authority's Quality Assurance Officer and Local Authority Designated

Officer; youth offending teams; or monitors from the youth justice board or independent visitors. Inspectors should ask managers or staff for the relevant contact details.

56. Inspectors should always take account of privacy and confidentiality when talking to stakeholders on the telephone during the inspection.

Examination of records, policies and procedures

57. The home's Statement of Purpose and registration certificate will be examined by the inspector to confirm that the home operates in line with the statement of purpose and the conditions on the certificate. Additional guidance regarding those homes that provide placements for young people aged 18 years and over is included in Annex F.

58. Other documents will be examined where it is a line of enquiry for that individual inspection. Inspectors will not routinely examine all policies and procedures. Guidance about assessing financial viability is included in Annex L.

59. Where paper or electronic personnel records are maintained at the home, the inspector may ask to see those records, if they are included within the lines of enquiry for the inspection. Homes can maintain electronic records as long as they meet the requirements of regulation; are appropriately accessible to children and young people if they want to access their records; appropriate measures are in place to ensure that the use of electronic records does not jeopardise the welfare of children and young people in the event of a power cut or systems failure.

60. Where recruitment records are not maintained at the home, inspectors will look at the home's list or electronic records that summarise the vetting and recruitment checks for staff. These records could be maintained within checklist or spreadsheet formats.

61. The information available for inspection should comply with schedule 2 of the revised Children's Homes Regulations 2001, and must include the reference number of the subject's DBS check and confirmation that there are two satisfactory employment references.

62. Where a provider uses the DBS update service (which allows them to check the status of an individual's DBS certificate) they should have a system in place which shows how they manage and record details of any re-check they carry out. If any lines of enquiry require additional information, then the inspector may request that a small sample of full personnel records are made available at the inspection visit.

Discussions with the manager/s and staff

63. Individual interviews will be held with the manager/person in charge and a number of other care staff. The number will depend on the size of home, but will include a sample of permanent staff and any agency staff working in the home at the time of inspection.

64. In making plans to interview staff, inspectors should be ready to alter arrangements if staff have to attend to the needs of children within the home.

Engaging with the registered manager during the inspection

65. An individual interview will always be held with the registered manager or if they are not available with the person in charge. Where the registered manager is not available, the inspector will usually ask to interview the responsible individual.

66. The inspector will always ask to interview the responsible individual where:

- there is no registered manager in post;
- there are concerns about the quality of care and/or the effectiveness of monitoring arrangements; or
- evidence indicates that the home is failing to protect children and young people; or
- there are concerns about staffing, the premises or resources to manage and run the provision.

67. The interview with the registered manager will always include:

- issues that the inspector wishes to explore with the manager that have arisen from pre-inspection information/ early lines of enquiry
- the registered managers evidence of the effectiveness of the home on the progress and experiences of the children and young people living there and those who have recently left. This includes how the home works with individual children and young people to meet their needs and the help on offer to help them to make and to sustain attachments with adults
- questions about the theoretical and professional understanding and approach to work with vulnerable and upset children and young people
- a summary of the needs of the children and young people living at the home, including how any incidents or concerns are managed and the action taken to prevent similar situations or difficulties arising
- discussions about how regular routines are established for children around meal times, bed times, school and weekend activities
- the registered manager's knowledge and understanding of the strengths and weaknesses of the home and plans for future development
- discussions about helping children and young people to have safe contact with their families and friends

- follow up on progress in response to previous requirements and recommendations
- the arrangements for supervision received by the manager and given by the manager to staff
- challenge and enquiry about the relationship of the children's home with other professionals and services
- any further evidence the manager may wish to highlight to the inspector.

68. During the inspection, the inspector must share emerging findings about the home's key strengths and weaknesses with the registered person (usually the registered manager) so that they fully understand emerging issues. The inspector will usually meet with the registered person at the end of day one to share emerging findings. The registered person then has the opportunity to direct inspectors to specific evidence where relevant.

69. Shortfalls that could have an immediate impact on the safety of staff or children will be brought to the attention of the manager, or senior member of staff on duty, as soon as the inspector has identified the problem.

Making recommendations and requirements

70. Recommendations and requirements must focus on improving the quality of care and experiences of children and young people and thereby their progress. Children's homes must meet the statutory requirements of the regulations and where they do not inspectors will clearly identify what they must do. This will take the form of 'requirements'.

71. The Department of Education also publishes national minimum standards⁹ and statutory guidance.¹⁰ This guidance illustrates how the regulations should be interpreted and translated in practice. Where providers do not take account of the national minimum standards (NMS) or relevant statutory guidance, this may indicate a failure to comply with the regulations. Where a provider fails to comply with regulations, a requirement must be imposed. The impact of any failure on the experiences and progress of children and young people will be taken into account in arriving at the final inspection judgements. Inspectors will refer to the NMS or statutory guidance to make recommendations about how providers can improve their practice.

⁹ Made under section 23 of the Care Standards Act 2000. Ofsted is required to take such standards into account when making decisions under the Care Standards Act 2000; www.legislation.gov.uk/ukpga/2000/14/contents.

¹⁰ Made under section 7 of the Local Authority Social Services Act 1970; www.legislation.gov.uk/ukpga/1970/42/contents.

72. Requirements must always be made where the welfare, safety and quality of care for children and young people is of concern.

73. In making a recommendation, inspectors should refer to the relevant national minimum standard or statutory guidance. They should always provide sufficient detail to ensure that the registered person is clear what they need to do. Inspectors may also make recommendations in relation to other relevant statutory guidance such as *Working Together 2013* and statutory guidance for children who go missing.¹¹

74. When imposing a requirement, inspectors should ensure that there is sufficient evidence to support the regulatory breach. They must clearly link the evidence to the regulation in question and triangulate the evidence to support making a requirement and this evidence must be sufficiently detailed to support further enforcement action.

75. The requirement should refer to the specific regulation which is not met together with sufficient detail to ensure that the registered person is clear what they need to do to remedy the breach of regulation and a date by which the provider should be compliant.

76. Where a recommendation has not been taken into account by the next inspection, the inspector should consider carefully how this impacts on the progress and experience of children and young people. Where the home has not acted upon recommendations made at inspection this will inform the judgement about the effectiveness of leaders and managers.

77. Where a provider has failed to comply with a requirement by the date set, we will consider carefully whether it is necessary and appropriate to take any enforcement action to address the breach in question and the associated risks to children and young persons resident at the home. Such action may include, but is not limited to, issuing a compliance notice.

Recording evidence

78. Evidence should be clear, evaluative and sufficient for the purpose of the supporting judgements and telling the story of the experience and care of children and young people living in the home. Evidence should not include anything that could identify individual staff, individual children, young people or family members except where this is necessary for the protection of a child or to ensure that the evidence is sufficiently transparent to support further action. In these instances, inspectors can use initials of staff and children.

¹¹ *Working together to safeguard children*, DfE, March 2013; <https://www.gov.uk/government/publications/working-together-to-safeguard-children>. *Statutory guidance on children who run away and go missing from home or care*, DCSF (now DfE), 2009; <https://www.education.gov.uk/publications/standard/Childrenandfamilies/Page9/DCSF-00670-2009>.

79. Inspectors can record direct quotes from children and young people, parents and stakeholders in evidence to support judgements.

80. Inspectors must analyse the information they gather on inspection and determine, using their professional judgement, the impact of their analysis on the progress, care and experiences of children and young people.

81. The record should clearly indicate the source of the evidence; for example, observation, record, interview. If evidence is derived from an interview, the record must indicate the time of the interview and the role of the person being interviewed; for example, 'deputy manager' or 'agency member of staff' so that there is a context for the evidence.

82. Throughout the inspection, inspectors will maintain a record of their evidence. Electronic evidence is recorded within the RSA toolkit evidence screen. Summarised evidence must be sufficient to underpin judgements and any recommendations or requirements.

83. In most circumstances once the summarised evidence has been placed in RSA any duplicate handwritten evidence will be destroyed by the inspector. In some circumstances inspectors will be required to also keep any handwritten notes they have made during the inspection. This may apply in circumstances where legal action is being considered or a challenge or complaint about the judgement is anticipated.

84. Inspectors need to record all handwritten evidence using black ink so that it can be photocopied or scanned if necessary. All handwritten evidence must be legible and dated. Inspectors must submit all handwritten evidence that has not been summarised that will form part of the inspection evidence base to the regional office within five working days of the end of the on-site visit. All inspection records will be retained in accordance with Ofsted's published retention policy.¹²

85. Evidence may be scrutinised for quality assurance and will be considered in the event of any complaint.

Making judgements

86. The evaluation of the care, experiences and progress of children and young people in all areas of their lives are at the centre of the inspection. Inspectors will use their professional judgement to determine the weight and significance of their findings in this respect.

¹² *Handling and retention of inspection evidence* (100122), Ofsted, 2010; www.ofsted.gov.uk/resources/100122.

87. Inspectors will make their judgements on a four-point scale:

- outstanding
- good
- adequate
- inadequate.

88. Inspectors will use the descriptors as the benchmark against which to grade and judge performance. Inspectors are required to weigh up the evidence in a particular area and to consider it against the evaluation criteria for outstanding, good, adequate and inadequate before making a judgement at a full inspection. A judgement will be made where the inspector concludes that the evidence overall sits most appropriately with the relevant descriptors. For a home to be judged good, then the criteria for adequate must always be met. This is what Ofsted describes as 'best fit'.

89. In addition, inspectors will identify areas of outstanding practice and priorities for improvement. For all children and young people the expectation is that care and practice are sensitive and responsive to age, disability, ethnicity, faith or belief, gender, gender identity, language, race and sexual orientation.

90. Where a judgement of inadequate is made at the full inspection or where at an interim inspection the service has declined and the concerns are such that Ofsted may need to consider further action such as enforcement activity and/or contact with placing authorities, then the guidance at Annex D should always be followed.

Inspection feedback

91. At the end of the inspection the inspector will give verbal feedback of the main findings and provisional judgements to the registered manager or senior member of staff present. In exceptional circumstances, an inspector may need additional time after the inspection fieldwork to take advice before giving feedback. The date of feedback is counted as the last day of the inspection.

92. The inspector should:

- cover the main findings of the inspection against the grade descriptors including both strengths and weaknesses
- clearly communicate the probable judgements as it relates to the care, experiences and progress of children and young people
- indicate likely requirements and recommendations with clear reference to the relevant regulation or national minimum standard or statutory guidance, providing a clear agenda for improvement

- be balanced and include positive comments as well as highlighting any areas for development
- use the grade descriptors to indicate how the inspector has arrived at her/his judgements
- confirm that the report will be sent to the manager for comments on factual accuracy (see 'Timeframe' at paragraph 18 above).

93. Inspectors will not provide a written summary of the inspection or written feedback in advance of the inspection report. Providers may choose to take their own notes at feedback. It is not anticipated that managers who are part of the organisation but who do not work at the home or are part of the day to day management will be involved in the inspection or involved in feedback.

Section 3: Interim inspections

94. Interim inspections will usually follow a full inspection. Inspection evidence will be gathered using any of the inspection activities outlined in Section 2. Inspectors will generally be on site for a maximum of a full day.

95. These inspections will focus on the following key areas:

- evaluating the progress and experiences of children and young people since the last inspection and the difference the home is making - where young people have left the home since the last inspection, inspectors must focus on the reasons the young person has left (well-planned and facilitated move or placement breakdown) and the contribution the manager, keyworkers and staff have made to the plans for their future. Where young people are newly resident in the home, or the service is a short break service, the inspector must assess the quality of the planning and transition work, the knowledge and understanding of the needs of the young person, the arrangements to work directly with children and young people to help them, and the ability of the staff to meet those needs effectively. Inspectors will take into account the views of children and young people
- the effectiveness of leaders and managers in monitoring the quality of care and professional practice that children and young people receive, their ability to identify where improvement can and should happen and, where they prioritise areas for development, the effectiveness and impact of their improvements
- an overview of the experiences of children and young people since the last inspection including significant incidents, notifications, complaints and incidents of restraint - inspectors must assess whether children and young people are protected, how well staff and managers have

responded and how well they have used opportunities for learning to improve the experiences for children and young people

- how well the manager and staff have worked in partnership with others to support the progress of and improve the experiences of children and young people
- the home's response to the requirements and recommendations made at the last inspection.

96. Inspectors will make their judgements using a three-point scale. This judgement is relative to the previous inspection judgement: improved effectiveness, sustained effectiveness and declined in effectiveness.

97. Where inspectors judge that the home has declined in effectiveness, whilst there may be evidence of some improvement, the judgement in such a case would be based on the overall experiences and progress of children and young people and the extent to which the staff and managers continue to be effective. Where the post of registered manager has been vacant for more than 26 weeks, this is likely to lead to a judgement that the children's home has declined in its effectiveness.

98. Where the home has declined in effectiveness, the inspector and a regulatory inspection manager will consider whether to hold a case review to determine next steps based on the seriousness and impact of the concerns identified.

99. Inspectors can raise requirements and recommendations and issue compliance notices for any weaknesses that they identify during the course of the interim inspection.

Section 4: Monitoring visits

100. Monitoring visits are conducted in accordance with the general principles of Conducting children's homes inspections. Monitoring visits are usually undertaken to follow-up concerns or to monitor compliance with a notice. The decision to undertake monitoring visits will usually be determined at a case review. The frequency of monitoring visits will be determined on a case by case basis and may be as frequently as weekly if required. Timing and frequency will be determined by any dates included in compliance notices and the nature of the concerns.¹³ This will be agreed and recorded at the case review.

101. The home will be told that they will be the subject of monitoring following enforcement action or an inadequate inspection judgement. Monitoring visits will usually be unannounced.

¹³ A compliance notice sets out the actions a provider must take by a certain date to meet the relevant service-specific regulations for children's social care providers.

102. All homes judged inadequate will have a further full inspection within 6-8 weeks. The home may become subject to monitoring visits following a first inadequate judgement but if at this second inspection the home is judged inadequate for a second time, then the home will always become subject to close monitoring. In all instances where a home has been subject to a second inadequate judgement, Ofsted will take steps to consider cancellation of the registration. We will continue to monitor provision until it improves and in all cases where there is no improvement we will take steps to cancel the registration.

103. Where we establish a number of actions on a statutory notice, or serve multiple statutory notices with different completion dates, then we schedule follow-up visits for each date or notice to ensure that the provider has met each specified action within the prescribed timescale. We aim to complete follow-up visits the day after the required completion date for each notice, or at the very latest within five working days of that date. In some instances we may timetable the monitoring visit so that we can assess compliance with more than one notice.

104. We may decide, in exceptional circumstances, not to carry out a follow-up visit to check that the provider has met a specific requirement in a notice. In such cases, we will accept written confirmation that the provider has taken the required action, accompanied by documentary evidence, such as a photograph or a copy of a required procedure. We make a note on the RSA of the reasons why it was not necessary to visit. For example where a fire officer has conducted a visit and provided written confirmation of action taken, copied to Ofsted.

105. Monitoring visits are also likely to be agreed as part of the plan for the home once the notice of proposal to cancel has been issued.

106. Other circumstances where we might undertake monitoring visits include those where a restriction of accommodation notice is in place or where we have suspended a provider from continuing to operate.

107. Following the monitoring visit we will send a report detailing the outcome of the visit. This report will be published on our website alongside the children's home inspection reports.

Preparing for the monitoring visit

108. Inspectors should plan for a monitoring visit taking into account:

- the last inspection report
- requirement (s) set out in the last inspection report
- requirement(s) set out in any compliance notice
- letters from previous monitoring inspections
- any notifications received since the last inspection

- any action plan provided by the provider
- any information recorded on the regulatory support application (RSA) including information from other agencies; for example, police, Local Authority Designated Officer, complaints and whistleblows
- any enforcement action that should be monitored, e.g. restriction of accommodation.

109. The inspector should create the CIE monitoring visit toolkit by selecting the correct toolkit from the drop down menu in the 'arrange visits' option on the CIE screen. The inspector must generate from the CIE screen.

Conducting monitoring visits

110. Inspectors should conduct this visit in the same way they would any inspection in accordance with the general principles in this handbook.

111. Where the monitoring visit is to monitor a compliance notice the monitoring visit should:

- determine whether any compliance notice has been complied with
- determine whether the requirements have been completed
- determine the impact of any completed requirements on the welfare and outcomes for children and young people
- consider any further action that may need to be taken.

112. Where the visit is to monitor other concerns or issues the monitoring visit should:

- determine whether the effectiveness of the home has declined or improved;
- determine the impact of any improvement or decline in practice on the welfare and outcomes for children and young people
- consider any further action that may need to be taken.

113. The inspector must notify either the registered provider or registered manager on arrival on site.

114. The inspector should judge how effective the improvement is and how tackling the requirements/issues has improved the experiences and progress of children and young people. To demonstrate the necessary improvement, providers and managers need to show that their actions have had a significant impact in achieving clear and sustainable progress. Good intentions and an inspirational outlook, or a recent change of manager following a period of poor leadership do not in themselves provide sufficient proof of the ability of the provider to sustain improvement.

115. If it becomes evident that there are further issues of concern or that in tackling the actions from the last inspection the provider has let other aspect(s) slip so children are at risk of harm or are not making sufficient progress, then the inspector should consider what further action needs to be taken. This includes consideration of new requirements and/or recommendations and compliance notices or other enforcement action such as restriction of accommodation or imposing of conditions.

116. If the inspector is concerned or unsure about any aspect of the visit they can contact their manager or a social care compliance inspector.

117. If the inspector considers an offence may have been committed they should contact a social care compliance inspector or regulatory inspection manager immediately to discuss whether the monitoring visit should continue and take advice.

118. If during the course of the visit the inspector considers that an offence has been committed it is possible to caution the registered provider or registered manager. However the preferred way of interviewing under caution is to withdraw and then conduct the interview under the Police and Criminal Evidence Act 1984, in a planned way at a later date.¹⁴¹⁵ Inspectors should not caution before they have taken advice from their regulatory inspection manager. This is the preferred way of interviewing under caution as then we can clearly plan the questions we wish to ask the registered provider.

Gathering evidence

119. The central questions are:

- How effective is the improvement in tackling the requirements set at the last inspection?
- How effective is the action the provider has taken in improving the experiences and progress of children and young people?
- What is the impact on the outcomes for children and young people?

120. Inspectors must use the planning section of the toolkit to plan for their visit.

121. Evidence should be recorded in the evidence section of the toolkit. The evidence should reflect the areas identified in the inspection report as requiring improvement. This section should include evidence of the most significant strengths and weaknesses, and any new areas of improvement or breaches of requirement that need to be taken forward. The inspector must consider whether the home has let other aspects slip so there is now cause for concern in different areas.

¹⁴ Only the responsible individual or the registered manager can be found to have committed an offence. In many instances the responsible individual will not be present at the monitoring visit.

¹⁵ Police and Criminal Evidence Act 1984 (PACE) and accompanying Codes of Practice, <http://police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-code-intro/>.

122. It is important to consider whether the provider demonstrates their capacity to sustain any improvements made. Inspectors should consider whether the improvements are having a marked and sustained impact on all areas of weakness and that there is capacity for the improvement to continue.

Feedback at the end of the monitoring visit

123. The provider will receive oral feedback at the end of the visit. Oral feedback at the end of the visit must:

- be clear about the evidence base on which the judgement of improvement or continued concern is founded
- make clear any new issue(s) to take forward
- ensure the provider is clear about the outcome of the visit and what the next step will be, especially if a new issue has arisen or improvement is inadequate
- be clear with the provider when the next steps will be confirmed if the inspector requires further advice
- explain that the outcome of a monitoring visit is published in the form of a report on the Ofsted website alongside the last report
- make clear that the text of the letter may differ slightly from the oral feedback, but that the substance of the issues will not change
- ensure that the provider understands that the overall judgement of inadequate has not changed (where relevant), although progress and improvements may have been made.

Monitoring report

124. Ofsted will publish all monitoring reports. The monitoring report is generated from the summary section in the toolkit and should follow the format outlined below. The summary should outline the significant developments and evidence of progress since the last visit. The summary must clearly explain the action the home has taken to address the requirements and the impact of any improvement, or not, on the care, experiences and progress of children and young people. The report will be a short summary. It must be clear, succinct, well written and meet the standards expected by Her Majesty's Chief Inspector.

125. Although the report does not contain a judgement, it must:

- set out the reason for the visit. If the visit is to follow up enforcement activity then the letter should clearly set this out. For example, 'This home is subject to a restriction of accommodation order. There are concerns that... In order to evaluate the progress the home has made in addressing these concerns a monitoring visit was undertaken on...'. Where this relates to

compliance notices, there should be a short summary of the number of notices and an overview of the areas for concern

- evaluate where progress has been made and where progress has not been made
- the impact of continued concerns on children and young people must be clearly stated, alongside any action that Ofsted will be taking to notify placing local authorities and/or to protect children
- set out clearly where and what further action is needed.

126. Inspectors must use clear language to indicate the level of concern; for example, 'this visit has raised serious concerns about care and practice in the home'. Inspectors can clearly state that the home is likely to be subject to further enforcement action where this is the case. The details of intended action cannot be included as this may prejudice any action we are likely to take and be seen to impede the provider's right of appeal, where relevant.

Reviewing and factual accuracy check of the letter

127. Monitoring toolkits will be reviewed by the regulatory inspection managers before they are sent to the provider and/or published. This is to ensure they accurately reflect the improvement made or support any further enforcement action we may wish to take.

128. The provider has an opportunity to check the factual accuracy of a monitoring report.

129. Wherever possible, the status of the initial inspection report must show on the regulatory support application (RSA) as published before the monitoring report is sent to the provider. This will ensure that the inspection history on the Ofsted website is in date order. Regulatory inspection managers will authorise publication.

130. Monitoring letters should be published by 10 working days after the visit.

131. Senior HMI will be required to check on a regular basis that monitoring reports are published in accordance with this guidance.

Section 5: Writing the report

132. Inspectors are responsible for and expected to produce high quality reports. The inspector should ensure that the report is free of errors – for example, grammar, spelling and punctuation – before submitting the report. Reports should be written in the present tense. Specific examples of evidence from the inspection should be written in the past tense.

133. Inspectors should write their reports and take account of the *Guide to Ofsted's house style*. In addition, a quality checklist is included within Annex C of this guidance to help authors and readers of Ofsted's reports.

134. The report should be succinct and evaluative. Inspectors should evidence their professional judgements in the analysis of their findings. The extent of detail required to 'tell the story' of the experiences of children and young people living or staying at the home should be considered at all times when writing the report.

135. The quality of inspection reports is enhanced when children and young people's feedback is quoted within the report and used to illustrate our evaluation about the quality of care at the home. However, in smaller services, the potential to identify children and young people is high and should be carefully considered so as not to compromise their privacy or details about where they are living.

136. There is no specified word length for the report or the individual sections. Inspectors should use their professional judgement to ensure that the reports are long enough to say what needs to be said and no more. It is likely that reports for homes with a number of weaknesses or provision found to be outstanding will require more detailed explanations of the reasons for the judgements.

137. Ofsted will publish reports on the Ofsted website in a redacted form in order to protect children. Published inspection reports do not contain any of the following:

- the name of the home
- the address of the home
- any information that identifies the location of the home
- any information that identifies an individual child or staff member at the home.

138. Published reports will contain:

- the name of the responsible individual
- the name and address of the registered provider (where the provider is an organisation)
- the recent inspection history

- details of any enforcement activity since the last inspection.

139. The reports will only be accessible to the public by Unique Reference Number (URN), by local authority area or by region (for example the North-West, the Midlands, etc.). The reports will not be searchable by postcode.

140. Ofsted will send the inspection report to the provider in a non-redacted form. This version of the report will continue to show all information about the home, including the name and address, which is on the first page of the inspection report.

141. Inspectors will complete a child-friendly summary following every full inspection of a children's home. Where children and young people need an adapted form of summary, the report should be sent to the provider with a request for the document to be adapted into a suitable format. The summary should inform children and young people about the inspection outcomes in clear and simple language.

142. Children and young people can read the summaries themselves but they are also intended for staff in children's homes as a vehicle to use in talking to children about the outcomes of the inspection. It would be helpful if inspectors could please make this clear to staff in children's homes while on inspection. This is also stated in the letter that is sent out with the inspection report.

143. Where it is known that children and young people at a children's home use symbols (Widgit, Makaton or Picture Communication Symbols) as a method of communication, we still provide a child-friendly summary and we provide an inspection summary supplement in whichever of the above symbol formats the provider has told us they use. Inspection summary supplements use symbols to state the children's home's inspection judgement.

144. It is anticipated that children's homes' staff will translate the child-friendly summary for children and young people attending the children's home so they will understand it.

145. Child-friendly summaries:

- include the main findings of the inspection as reflected in the full inspection report
- reflect both strengths and weaknesses consistently in line with the overall judgement
- include short paragraphs using evaluative sentences which focus upon the outcomes for children and young people
- are written in a consistent style, for example 'we found' or 'I found' or 'the inspector found'
- may include quotes from children and young people.

146. Inspectors will make a judgement on how 'personal' to make the summary based on the relationships during the visit with children and young people and their contribution. For example, if during the inspection the children and young people spoke frequently with the inspector and fully engaged in the process the inspector may consider a more personal 'letter style' approach is appropriate. Alternatively, inspectors may feel it is more appropriate to write the summary in the third party and more of a 'report style' if children and young people were less involved.

147. In children's homes where the age range is varied, inspectors will use clear and simple language, which will be accessible to all of the children and young people. Inspectors should refer to the *Guide to Ofsted's house style* to maintain consistency across reporting. Summaries should not be more than 350 words in length.

Section 6: Supplementary guidance

Safeguarding and child protection concerns

148. If serious issues of concern arise, for example in relation to the failure to follow child protection procedures and/or where a child is discovered to be at immediate risk of harm, the home's senior manager will be notified as soon as possible unless this compromises the child/young person's safety. Where to do would compromise a child's safety, the inspector will ensure that the appropriate authorities are notified immediately.

149. Inspectors should always follow *Ofsted Safeguarding Policy and Procedures*¹⁶ and contact their manager or regional Social Care Compliance inspector on 0300 123 1231 should they be in need of advice. Where required, a referral will be made to the appropriate local authority children's services and the child's allocated social worker. Where the concerns relate to allegations against staff they will be referred to the Local Authority Designated Officer.

150. Inspectors must ensure that concern about the safety and welfare of a child or young person is communicated immediately to the director of children's services for the responsible placing local authority. A record that this has been done must be kept. It is then expected that the Senior HMI for the region, will pursue the action that has been taken with the local authority concerned.

Quality assurance

151. The inspector is responsible for the quality of the report. The inspector will check the completed report carefully before submitting to the Quality Assurance National Team for sign off for publication.

152. The inspector must use the *Guide to Ofsted's house style* for reference when quality checking their own reports. Inspectors and the Quality Assurance National Team should refer to Annex C.

153. Ofsted's Quality Assurance National Team quality assures:

- inspection reports
- the evidence base underpinning inspection judgements
- inspection fieldwork through a programme of accompanied visits.

154. Any proposed change of judgement downwards from the provisional judgement given at verbal feedback given during the inspection will be discussed by the appropriate managers. On these rare occasions, the inspector must inform the

¹⁶ *Ofsted safeguarding policy and procedures* (100183), Ofsted, 2010; www.ofsted.gov.uk/resources/100183.

provider of the revised judgements and provide reasons for the changes before the provider receives the draft report.

155. Ofsted will send an evaluation form following each inspection to the manager of the children's home to complete, which will be used to improve the quality of inspections.

Concerns

156. The great majority of Ofsted's work is carried out smoothly and without incident. If concerns do arise during an inspection, they should be raised with the inspector as soon as possible during the inspection visit. This provides an opportunity to resolve the matter before the inspection is completed. Any concerns about the factual accuracy of the findings in the report can be raised after the inspection.

Complaints

157. If it has not been possible to resolve concerns, a formal complaint can be raised under Ofsted's complaints procedure: www.ofsted.gov.uk/resources/130128.

158. Complaints can be submitted to Ofsted at any stage during an inspection and should be submitted no more than 10 working days after publication of any report or letter. We do not normally withhold publication of an inspection report or withdraw a published inspection report while we investigate complaints.

159. Complainants must send their concerns using the online complaints form available on the Ofsted website: www.ofsted.gov.uk/onlinecomplaintsofsted

160. If there are special circumstances that prevent the submission of a complaint online, complaints can be sent in writing to:

Ofsted
National Complaints Team
Piccadilly Gate
Store Street
Manchester
M1 2WD

Email: enquiries@ofsted.gov.uk

Annex A. Request for information at the inspection

Name of children's home:

Signature/name of person completing the form:

Date:

	Information required since last inspection	Number/Date
1	Date statement of purpose was last updated	
2	Number of complaints from children and state number of children involved	
3	Number of complaints from others and state number of children involved	
4	Number of allegations made against staff and state number of children involved	
5	Number of referrals to local authority children's services	
6	Number of times when children went missing ¹⁷ or where absent and state number of children involved	
7	Number of incidents of restraint and number of children involved in these incidents	
8	Number of children and young people admitted to the home since the last inspection	
9	Details of education placement for each child/young person living in the home- details of place attended and number of hours of education per week	
10	Number of children and young people that have left the home since the last inspection	
11	Date of last placement review for each child/ young person living in the home	
12	Number of staff who have left since the last inspection	
13	Number of new staff since last inspection	
14	Number of staff at the children's home have a first aid qualification	
15	Number of sanctions given since the last inspection	

¹⁷ As defined within statutory guidance.

16	<p>Total number of staff (employed on the day of the inspection):</p> <ul style="list-style-type: none"> ■ Manager- registration status, date of appointment (where relevant) and qualifications held ■ Number and % of staff qualified to NVQ 3/Diploma level 3 ■ number of staff undertaking these qualifications and date they expect to be qualified ■ number of auxiliary staff ■ number of volunteers ■ number of agency staff. 	
17	<p>For organisations and partnerships: Names of the current directors, secretary and other officers of the organisation or names of current partners of the company (please attach details to this form as applicable).</p>	
18	<p>Please list all placing authorities of children currently in placement</p>	
	Secure children's homes only	
19	<p>Number of all single separations occurring</p>	
	Type	
	Type	
	Type	
	Short breaks only	
20	<p>Number of children receiving a service at the time of inspection</p>	
	Dates of checks and updates	
21	Date of gas installations check	
22	Date of Portable Appliance Testing (PAT) check	
23	Date of health and safety risk assessment	
24	Date of last health and safety check of the premises	
25	Date of fire risk assessment and last fire service visit	
26	Date of last fire drill – day and night	
27	Policies that have been updated since the last inspection	
28	Date of last annual assessment of the location of the home	
29	Date of last regulation 33	

30	Date of last regulation 34	
<p>Please provide contact details for social workers and Independent Reviewing Officers and other key related professionals such as looked after children nurse, missing coordinator for the police, headteachers and form tutors:</p>		

Annex B. Making judgements across the diverse range of homes and provision

Introduction

1. The inspection framework is not intended as a 'one size fits all' model of residential care or inspection. Each home is unique and while all providers have to meet the requirements of regulations and take into account the national minimum standards there will be different ways that these are exemplified in different homes and for different groups of children and young people. In all homes, inspectors should use their pre-inspection planning time and the set up meeting at the beginning of the inspection to understand the ethos and approach of each particular home and the therapeutic or research based approaches used to care for children and young people.

2. This is particularly the case for secure children's homes, short breaks services, residential special schools registered as children's homes, therapeutic communities, those homes providing accommodation to children and young people with specific mental health needs and in homes that offer shorter stays to assess children and young people. In all homes inspectors need to take the following into account:

- the individual needs and histories of the children and young people, including current risks that need to be managed with them
- the specific health and education needs of all children and young people living in the home
- the assessment by managers and staff of their influence on the progress and experiences of children and young people
- the statement of purpose of the home and how this particular home is designed and operating to meet those objectives
- progress for children and young people is not linear and while there may be improvements in some aspects of their development, for some their progress may regress. Inspectors must consider how this is managed and the extent to which a child's upset and difficulty is being well managed as part of the plan for them
- progress and achievements are individual to each child and account needs to be taken of individual histories, experiences and abilities. For some children and young people, maintaining a level of achievement is the achievement in itself and for children with learning difficulties the rate and pace of progress will be relative to their development and understanding

- inspectors need to seek out this context and understand from the home what is happening for children and young people and why. Managers and staff should be able to clearly articulate what is happening in the lives of the children and young people they are working with and the plans that are in place
- where inspectors see that children are not making progress or have regressed, they need to understand from the young person (where possible) and the managers and staff what is happening in their life, how they are being helped and what difference the home is making. Is the help being given effective? Is it based on research practice and theoretical understanding about child development? Is it robust enough to sustain children and young people through the good times as well as challenging periods?
- inspectors need to scrutinise how the plans for individual children meet their individual needs and help them to appropriately sustain contact with their families and friends and support their attendance at an educational placement that meets their needs and maximises their achievement
- for all children and young people, the length of time they have been living in the home is important and while we cannot expect immediate progress, we can expect immediate action and we can expect the home to have a clear plan of how they will measure their own success and achievement
- where inspectors cannot gather wishes and feelings through conversation with children and young people, they should spend time observing how staff and children interact, the quality of that engagement and how well the staff are able to communicate with children and young people and understand their needs
- inspectors should pay particular attention to how staff communicate and engage with the children and young people in the home taking into account their individual communication needs and understand how staff enable children and young people to influence their lives and participate in the running of the home relative to their abilities
- in some services, the children and young people living/staying there may not be looked after- this is particularly the case in short breaks services and residential special schools- additional emphasis must then be placed on the quality of the homes placement planning and the quality of the relationship and engagement with parents and carers

- where children and young people are not looked after we should expect that there is an effective system for reviewing the quality of the care provided that includes consultation with the child/young person, with parents/carers and with other professionals
- environments need to be understood in relation to the children and young people that are living there. For example, some homes may have minimal furnishings and pictures and so inspectors need to understand why this environment has been determined to be right for these children and young people. Homes should be able to articulate clearly why this is the right environment while recognising the individual needs of children and young people, their right for privacy and their right to live in an environment that is well-resourced, well-maintained and welcoming
- training for staff should reflect the needs of the children and young people living/staying in the home, for example staff should be equipped to communicate well with children and young people in the home that they are working with or where a home is specifically for disabled children, it is reasonable to expect that there is a good knowledge and understanding of the particular issues in safeguarding disabled children.

3. We recognise that to expect a children's home to match all the grading criteria we set out in the evaluation schedule is overly simplistic. We know that in some homes some criteria will have less relevance than others will and that even when all the criteria are relevant there will always be a degree of professional judgement in determining how well the home can evidence what it does against those criteria. 'Best fit' is about ensuring inspection is not a checklist but instead is a professional evaluation of the effectiveness and impact of the home on the experiences and progress of children and young people. Inspectors need to use their professional judgement to make sense of the weighting of the grade descriptors as some descriptors will be much less relevant in some settings than in others.

4. Some schools and children's homes adopt a particular way of working or subscribe to a particular model of practice. Whilst it is not expected that inspectors will have a detailed knowledge of all the models/frameworks/approaches to residential care, it is important that they take the approach into account when inspecting a service and take opportunities to familiarise themselves with the key principles wherever possible. Where a home with specific social work models, it is reasonable for inspectors to ask staff if they have received training in the particular approach and understand from them how this model influences the experiences of children and young people. Inspectors should not make judgements about the approach itself but should evaluate how children and young people make progress and/or have positive experiences. If an inspector has any doubt about the efficacy or authenticity of a particular approach they should take advice from their manager.

Short breaks services for disabled children

5. Inspectors should take into account the following:
- there is likely to be a greater focus on experiences for children and young people rather than progress although the service should still be focusing on working with others to support progress where they can. The impact on progress is likely to be influenced by the frequency and length of the short break stays. Children and young people should be supported to enjoy experiences that may not be available to them otherwise
 - the quality of introductions to the service and the level of engagement with the family and with other professionals to provide consistent and safe care and minimise disruption in children and young people's lives is critical
 - parents/carers are likely to hold the key role in relation to many aspects of the care of the young person and so inspectors should place additional emphasis on evaluating the quality of these relationships and how they support the best possible experience for children and young people
 - greater importance should be placed on the planning of stays; how decisions are made about the groups of children and young people that visit together; how friendships are supported and the experiences that they are offered and how this adds to their lives.

Residential special schools

6. Inspectors should take into account the following:
- larger group services may 'feel' different and inspectors will need to evaluate how the organisation of this service meets the needs of the children and young people that live there. For some children and young people being able to socialise in large groups is part of their experience and learning
 - the building and private and communal areas may need to be adapted to particularly meet the needs of individual children and young people. Inspectors need to take time to understand this and ask for explanations where they are unsure. Equally inspectors should also feel able to challenge 'custom and practice' to determine that services continually adapt and evolve to meet the needs of children and young people

- parents/carers may hold the key role in relation to many aspects of the care of the young person and children and young people will be living in the residential special school (RSS) for differing lengths of stay. This is likely to influence the role that the RSS has in the young person's life
- while attendance at school is much less likely to be an issue, how the home manages transitions from home to school environments and consistency of care between home and school are very significant and must be considered
- educational curriculums may be developed to support young people over a 24 hour period. Inspectors need to understand how opportunities for learning are used to help children and young people progress and feel safe. Structure may be more important for some children and young people and inspectors need to question and challenge the structure that they see so they can evaluate how practice is in the best interests of children and young people
- as residential special schools offer a 24 hour environment, external scrutiny and links with the local community are important in supporting children and young people's experience and safeguarding their welfare
- particular attention must be given to the arrangements for children to complain, to tell someone they are being bullied and for them to contact their families or a trusted adult away from the school.

Assessment homes/refuges

7. Inspectors should take into account the following:
 - where a home is a refuge or any home that provides short term placements there needs to be a greater focus on how well children and young people are welcomed in to the home, how they are helped to feel safe and how they are helped to move on to the next stage of their lives.

Secure children's homes

8. Inspectors should take into account the following:
 - There is separate guidance on evaluating the quality of education and related learning activities provided for children and young people, and the outcomes achieved by children and young people, as part of the inspection of secure children's homes
 - The Youth Justice Board performance monitor linked to that home is a key stakeholder

- the use and management of CCTV, security doors, locks, fences and procedures regarding movement around the building and outside of the secure perimeter and escort arrangements. This will also include arrangements for emergency services to access the building as required
- how a restraint minimisation strategy is implemented; how and when restraint is used, monitored and a proper debriefing takes place with children and young people; the use of escorts; how single separation is managed; and how searches of children and young people are minimised and managed using a risk based model
- how children and young people's outcomes are promoted through preparation for reintegration back into their community or moving to another secure setting including resettlement or discharge planning arrangements
- direct evidence of the quality and impact of the health and education services provided on site. This will include gathering evidence from relevant staff such as nurses, substance misuse staff and mental health specialists.

Where health professionals provide services on-site

9. Inspectors should take into account the following:

- nursing and health professionals need to be registered with the relevant professional body such as the Nursing and Midwifery council and should be able to demonstrate to us that this is the case. Nurses need to undertake specific safeguarding training to comply with their own code of practice. While inspectors are not expected to know the detail of individual codes of practice for health professionals, it is reasonable to ask how a health professional, such as a nurse, meets the requirements of the relevant professional body and, where there is any cause for concern, require the provider to demonstrate that they meet these requirements
- how the practice of health professionals is monitored and supervised and subject to external professional scrutiny to promote and safeguard the welfare of children and young people. Do nurses receive regular clinical supervision as required by the Nursing and Midwifery Council, if so what does this consist of and how frequently? Who is responsible for their practice on-site? Does that person have the ability to challenge their practice?
- if a child sustains an injury- who assesses this injury and do children go to accident and emergency if there is any doubt about how the injury was sustained? What is the external scrutiny of practice in the home? If a child sustains an injury as a result of physical restraint, is this assessed externally to the setting?

- how do the working hours of nursing and medical staff ensure that the procedures for administration of drugs meet the individual needs and routines of children?
- is there secondary dispensing of drugs? How are changes to prescriptions for children and young people managed and by whom? What systems are in place to audit the drugs held on-site? What are the procedures for mal-administration of medication?

Annex C. The content of the inspection report

Brief description of the service

1. This is a brief factual description of the service and should not include judgements or evaluation.
2. It should describe:
 - the home's registered numbers and any categories of registration
 - whether the home is privately owned, charitable organisation or local authority managed
 - whether the home caters for children with specific needs
 - any specific facilities or specific services provided
 - any other relevant registration information, for example, if the service is also registered with the Care Quality Commission

Enforcement action since the last inspection

3. This section should be completed by the inspector. Inspectors need to retrieve this information from the RSA system. The information should be checked for accuracy and be a short account, for example, 'three compliance notices were issued on 21 January 2014. A monitoring visit took place on 1 February 2014 and all compliance notices had been complied with' or 'a restriction of accommodation order was in force from 3 November 2013 to 15 January 2014.'

Overall effectiveness

4. This section should be a brief summary of the outcome of the inspection, explaining the main reasons for the overall effectiveness judgement. It should highlight any outstanding practice and state clearly the home's strengths. It must include reference to any areas for improvement but should not list in detail the requirements and recommendations. It should refer to the number of concerns we have investigated as compliance cases since the last inspection and their outcome. This section should provide the reader with a clear picture of the quality of the children's home.
5. The report should not include a description of the inspection process as this is detailed in the relevant frameworks.
6. Inspectors should state if there were no children present during the inspection.

Recent inspection history

7. This will be automatically generated into the report from the RSA and will contain information from the last three years.

Statutory requirements and recommendations

8. Requirements and recommendations must arise from any weaknesses identified in the report.

All sections of the report

9. Inspectors need to inspect against the full evaluation schedule but it is not necessary to report against each aspect of the evaluation schedule. Text should provide a brief commentary on the key strengths and weaknesses that support the judgement given and, most importantly, tell the unique story of each home and the experience of children and young people.

10. Inspectors do not need to write a section of the report about each area they have evaluated but must include enough in the report to support their judgement and make the judgement clear to the reader. While the evidence will confirm that the whole evaluation schedule has been inspected, the report will focus on the key strengths and weaknesses that support the judgements made. Where there are aspects of the evaluation schedule that have not been inspected, as they are not relevant for the particular type of children's home, this will be clearly recorded in the evidence.

11. Inspectors should always include a factual statement about the length of time the registered manager has been in post in the leadership and management section and the suitability of their qualification and experience with regard to the children and young people that are looked after. The report should always include an evaluation of how well the leaders and managers know the strengths and weaknesses of the practice in the home and the action they are taking.

12. Inspectors should also evaluate and report on how the steps taken to address requirements and recommendations or key issues raised at the last inspection have improved outcomes for children and young people and the organisation of the provision. This should be recorded in the leadership and management section of the report and links to the capacity of the children's home to improve.

13. Inspectors should not write out previous requirements, recommendations or key issues in full.

14. Inspectors need to analyse and evaluate the practice that they see. The 'outcomes' section of the report needs to capture the difference that the children's home is making for the children that stay/live there. This section should focus on what the children experience, the difference it makes to them and the progress they are making. For example, health outcomes should relate to the outcome for the children, such as: 'children and young people understand the risks associated with drinking alcohol and in some instances have reduced their alcohol intake'. In relation to educational outcomes, the report should clearly reflect the progress children and young people are making and their achievements while living in the home.

15. The factors that actually help children to progress will usually be recorded in the 'quality of care' section. This section should have a strong focus on evaluating the actions of staff and the practice in the home.

16. There should be references to equality and diversity throughout the whole of the inspection report, not as a standalone section. Equality and diversity issues are an important aspect across the whole evaluation schedule.

Reporting at the interim inspection

17. There is only one report section and a section for areas for development (requirements and recommendations) in an interim inspection report.

18. All the usual report writing guidance applies. Text should provide a brief commentary on the key strengths and weaknesses that support the judgement given. Inspectors should provide an evaluative summary of what they found. The report should summarise the progress that has been made since the last inspection and whether the home has maintained the quality of provision. Any strengths and weaknesses should support the overall evaluation by the inspector. Inspectors will usually make comment against all of the key areas evaluated.

19. Where relevant, inspectors should evaluate the evidence that supports any new requirements and recommendations, and explain the impact on the judgement. It is not expected that inspectors will write in detail about each requirement and recommendation. It is acceptable for inspectors to summarise the progress made and the impact that this has had.

20. Inspectors can make requirements and recommendations at the interim inspection.

General report writing guidance

21. A well written report:

- contains more evaluation than description
- has judgements that are clearly supported by good evidence
- is clear on the outcomes and experiences for children and young people
- is unique and captures the character of a particular children's home
- does not provide advice or use advisory language
- states findings in the present tense but may use the past tense to refer to specific pieces of evidence
- has short sentences

- is simple and easy to understand
- does not identify the location of the children’s home and does not contain sensitive information about individual children and young people, staff or others
- includes quotes from children, parents, staff and other professionals where appropriate and possible
- follows the Guide to Ofsted’s house style.

22. Reports should be written using the ‘active voice’. This is likely to make sentences shorter and more easily understood. Some examples are below.

- Passive voice: ‘Good behaviour and a sense of right and wrong are encouraged by the staff.’
- Active voice: ‘Staff encourage good behaviour and a sense of right and wrong.’
- Passive voice: ‘A good level of enthusiasm is shown by the young people about the activities available.’
- Active voice: ‘Young people are enthusiastic about the activities available.’

23. No identifying information should be included in the report, ready for publication on the web. Therefore inspectors will use references as listed below.

Incorrect references	Correct references
Cherrybrook children’s home	the/this children’s home the home
Green Homes Ltd (registered provider)	the registered provider
Jan Green, Registered Manager	the registered manager
Tim Jones, Social Worker	a/the social worker

Reporting on inspections where compliance issues have been investigated

24. In the inspection report, the inspector should report on the concern in the overall effectiveness summary section. The inspector should briefly outline the issue that has caused the inspection to be brought forward and state the relevant findings.

25. The inspector will raise requirements where there is a breach of regulation. If a higher level of enforcement is required (such as restriction of accommodation or a proposal to cancel registration), inspectors will consult with the Social Care Compliance team.

Annex D. Action to be taken following a judgement of inadequate at the full inspection or where there are serious concerns at the interim inspection

1. Whenever the overall effectiveness judgement is inadequate, there will be an case review to determine the immediate steps to protect children or secure any further evidence.¹⁸
2. There must also be a case review where there is a judgement of a decline in effectiveness that suggests serious concerns at the interim inspection.
3. In the most serious cases an urgent case review will be held during the inspection or immediately afterwards so that appropriate enforcement action can be taken without delay. In all cases, the inspector will have a discussion with their team manager or the duty manager either during the inspection or as soon as possible afterwards.
4. The case review must consider whether statutory enforcement action is required in relation to the home and, where there is a registered manager, the registered manager. The case review will consider all the enforcement options available and must begin by considering whether the threshold for the highest enforcement option is met.
5. In the case of the most serious failures it is anticipated that we will seek to cancel the provider's registration under the relevant provisions of the Care Standards Act 2000 unless there are specific reasons to justify why this is not the most appropriate way of dealing with the regulatory breaches.
6. In all other cases the case review must consider whether serving a compliance notice is the most appropriate enforcement option to address the regulatory breach/breaches found at the inspection which have led to the inadequate judgement. Any compliance notice must be as specific as possible, setting out the actions that the provider must take by a certain date to meet the relevant regulations.
7. Every enforcement decision must be based on a consideration of all the enforcement options available and the individual facts and circumstances of the case in question. There must be a documented audit trail of why the chosen power is the most appropriate power to be used and why other options have been rejected.
8. Where a home is judged inadequate for overall effectiveness at a full inspection, it will not have an interim inspection to check on progress, instead it will have another full inspection within six to eight weeks. The first inadequate judgement is an 'amber rating'. If, at this second full inspection, the home is judged

¹⁸ Full details can be found in the CIE handbook.

inadequate for overall effectiveness this will flag a 'red rating' and the case review must consider cancellation of the provider's registration.

Secure children's homes

9. Where a secure children's home is judged inadequate, the Department of Education will be informed so that the Secretary of State can take this into account in determining the continued approval of the home.

Feedback to local authorities

10. Wherever children are at immediate risk, inspectors must follow Ofsted's safeguarding policy and procedures.¹⁹ In addition, whenever a children's home is judged inadequate at the full inspection, the inspector must alert the placing authority for any child currently placed in the home to the concerns that have been identified. The inspector must also notify the local authority where the home is based as they have a duty to safeguard the welfare of all children and young people living in the local authority area. This also applies following where we have judged a decline in effectiveness at the interim inspection and where it has been agreed at the case review that the relevant local authorities should be notified.

11. The inspector will send an email to the Director of Children's Services in the relevant local authority(ies) by the end of the working day following the inspection. We will follow this email up with a telephone call to ensure receipt. Where there are a large number of placing authorities, the inspector should discuss arrangements for contacting them with the duty team manager.

12. The inspector will give feedback to the relevant local authorities in line with the feedback given to the provider, summarising the key concerns and making clear that this is an indication of the likely inspection judgement but that it is subject to confirmation by Ofsted on publication of the report.

13. The details of the email and any phone calls must be recorded on RSA for future reference.

14. We will interact in this manner with placing authorities pursuant to HMCI's powers in paragraph 8 of schedule 13 of the Education and Inspections Act 2006 to provide assistance to other public authorities in the exercise of the placing authorities' functions.

¹⁹ *Ofsted safeguarding policy and procedures* (100183), Ofsted, 2010, www.ofsted.gov.uk/resources/100183.

Annex E. Restriction of liberty

1. The statutory guidance for children's homes makes it clear that children and young people's liberty cannot be restricted for the purposes of detention. Any decision to restrict a child's liberty has to go through due legal process and be directed by the courts. A secure children's home must be approved by the Secretary of State for that purpose. Legally there is no such provision as a semi-secure children's home. Restriction of liberty in other circumstances can only be used as an urgent and temporary measure, justified by a risk assessment concluding that there would be an even greater risk of harm to the child without its use.
2. Inspectors should note that section 2.109 of the statutory guidance for children's homes states that 'Therapy and behaviour management do not provide a reasonable excuse for restricting the liberty of a child in a children's home which is not approved as secure accommodation.'
3. The use of double or high handled doors or locking of doors may be acceptable as a safety measure and/or as a security precaution. Any decision must be based on careful risk assessment and agreed with parents and the placing authority in line with NMS 10.4. At inspection, we need to ensure that this decision is based on a clear risk assessment. The risk assessment must also be regularly reviewed and updated accordingly, in line with paragraph 2.108 of the statutory guidance. The home needs to demonstrate that these measures do not negatively impact on the rights of other children resident in the home. We need to establish that this does not become a 'custom and practice' way of managing a young person without careful consideration of alternatives and regular reviews etc.
4. It is a restriction of liberty if the young person is not allowed to leave a room, even where there is no physical barrier preventing them from doing so.
5. Where children persistently go missing then the process outlined at Guidance 2.83 of the statutory guidance should be followed. The registered manager should arrange to bring together all involved parties, which will include the child's responsible authority, the area authority (e.g. if there are safeguarding issues, as is likely) and the police to develop an agreed risk minimisation strategy. If this strategy is not successful and the child continues to run away from the home, then it may be necessary to consider whether the home can properly keep them safe. Any decision to restrict a child's liberty as an urgent and temporary measure must give due consideration to their rights, the degree of risk present and the implications for other children living in the home.

Children's homes with education

6. Ofsted recognises that the requirements about the use of restraint differ between school settings and children's homes in that education staff can use reasonable force for the maintenance of good order and discipline (section 93 Education and Inspections Act 2006). However, it is Ofsted's view that a consistent approach to the management of behaviour best meets the needs of children and young people and that for this reason Ofsted would expect that the regulations and statutory guidance for children's homes in relation to restraint are consistently applied across both the educational and children's home settings.

7. Where such consistency is not being applied this may lead to the making of a judgement of inadequate. In making their evaluation, inspectors will take into account the likely impact on individual children and young people and their understanding of the distinction in the setting between the home environment and the education environment, such as whether they are separate buildings.

8. In addition, where Social Care Regulatory Inspectors are undertaking inspections alongside education colleagues, they must familiarise themselves with the relevant Ofsted frameworks and inspector guidance.²⁰

²⁰ *Framework for inspecting education in non-association independent schools* (090036), Ofsted, 2011; www.ofsted.gov.uk/resources/090036, *Conducting inspections of non-association independent schools* (090048), Ofsted, 2013; www.ofsted.gov.uk/resources/090048.

Annex F. Inspecting a home where young adults are accommodated

1. This part of the guidance outlines Ofsted's inspection and regulatory powers in relation to a children's home that may accommodate a young adult. A young adult is an individual aged 18 years and over.

Power to inspect a home accommodating young adults

2. The duty on Ofsted to inspect homes provided by section 31(3)(a) of the Care Standards Act 2000 remains in place, even if the home only accommodates young adults at the time of the inspection.

Interviewing young adults

3. Ofsted can discuss the operation of the children's home with any young adult residing at the home.

Inspection of records relating to young adults

4. Ofsted should, wherever possible and appropriate, ask a young adult's permission to view their records. Ofsted may, where necessary, access the records using regulatory powers under s31(3)(b) of the Care Standards Act 2000. However, the adult's right to make decisions will be respected and this power will only be used in exceptional circumstances.

DBS checks on young adults living at the home

5. A provider is not required to conduct a Disclosure and Barring Service (DBS) check on a young adult accommodated at a children's home. However, the provider must identify any potential impact on the children living in the home. A young adult accommodated at the home refers to a resident who is 18 years or over. This does not apply to a volunteer, a member of staff or other person living at the children's home.

Taking action where young adults accommodated at the home have identified impact on resident young people

6. Ofsted may take action or impose conditions to address any impact that adults accommodated at a home are having on young people living in the home.

Annex G. Children and young people who are missing from care and children who are at risk from sexual exploitation

1. Children's homes have certain legal obligations in respect of missing children. Children's homes are required to:

- include in the statement of purpose the procedure for when a child goes missing (regulation 4(1) and paragraph 18 of schedule 1 to the Children's Homes Regulations 2001)
- keep in their case records the dates and circumstances of all incidents where a child accommodated in the home goes missing from the home, including any information relating to the child's whereabouts during the period of absence (regulation 28(1) and paragraph 10 of schedule 3 to the Children's Homes Regulations 2001)
- prepare and implement a missing child policy (regulation 16(4)(b) of the Children's Homes Regulations 2001)
- notify the placing authority if a child goes missing from the home (regulation 30, schedule 5 to the Children's Homes Regulations 2001).

2. Children's homes (except secure children's homes) are not required to notify Ofsted when children go missing. However, in preparation for inspection, inspectors must consider the information that Ofsted has about the service. This includes quality assurance reports received under regulation 34 of the Children's Homes Regulations 2001, including monitoring by the registered person of any incident where a child accommodated in the home goes missing.

3. At each full inspection, inspectors should request the:

- number of times when children went missing²¹ since the previous inspection,²² and the number of children involved, including action taken to address the causes and to prevent a repeat occurrence
- date, impact and effectiveness of the protocol with local police regarding missing children.

4. Inspectors should assure themselves that homes have made themselves known to the police and are familiar with and act on local 'missing persons' protocols

²¹ As defined in statutory guidance on children who run away and go missing from home or care, July 2009: children and young people who have run away from their home or care placement, have been forced to leave or whose whereabouts is unknown.

²² The number of times children and young people go missing must be provided in the home's inspection information form (Annex A).

(regulation 16 of the Children's Homes Regulations 2001 (as amended) and standards 3 and 5 of the NMS).

5. Care practice should reflect the statutory guidance *Children who run away and go missing from home or care* (statutory guidance, July 2009).²³ If a service caters for children and young people who do not have 'looked after' status, the statutory guidance still applies.

Actions inspectors must take

6. Where there are incidents of children going missing or notifications relating to involvement or suspected involvement of a child accommodated at the home in prostitution, inspectors should:

- always case track these children, highlighting whether they think children are in danger as a result of the volume or pattern or characteristics of the incidents of going missing and whether these risks are understood by the adults responsible for them
- during tracking, endeavour to speak to placing social workers and/or the team manager, area LADO, school and local police to test the effectiveness of partnership working as well as to gather an external professional view of the effectiveness of the home and the arrangements to keep the child or young person safe. We should always make contact with the police and the local authority where the homes own records give cause for concern
- explore whether the home has the capacity to meet the needs of every young person placed. The skills and experience of staff working in and managing the home should be closely examined so that inspectors can assess whether they can work competently with children placed. Where children are known to be at risk of sexual exploitation, explore what specific training and supports are in place for staff and whether the effectiveness of this training and support is monitored by the provider
- record explicitly the evaluation of the effectiveness of action taken to reduce the incidence of going missing/suspected or actual involvement in prostitution. This includes action taken by the home, placing authorities and statutory agencies, including whether placement reviews are called with the placing authority to agree an action plan protecting the child and assessing the extent to which the home can keep them safe. This must include a brief overview of events relating to the notifications and the inspector's assessment of how timely and effective any intervention has been

²³ *Statutory guidance on children who run away and go missing from home or care*, DCSF (now DfE), 2009; <https://www.education.gov.uk/publications/standard/Childrenandfamilies/Page9/DCSF-00670-2009>.

- assure themselves that, where relevant, the home is identifying and notifying incidents of suspected or actual prostitution and understands the risks associated with going missing. Any under-reporting will undermine partnership working and children's safety, and will need to be reflected in the inspection report and any actions made or enforcement action taken.

7. In evaluating the effectiveness of partnership working, inspectors may identify concerns relating to the placing authority or area authority or both. Where this is the case, the inspector must follow the *Management of cross-remit concerns about children's welfare*²⁴ policy and consider whether an immediate referral to Compliance, Investigation and Enforcement or through the whistleblowing team is required. When making this assessment, the inspector should speak to their team manager or Managing Inspector.

8. Any identified strengths and weaknesses in practice should be clearly reported, with the impact on the inspection judgements, and result in appropriate recommendations or requirements. Where there are significant concerns about the welfare of children and young people, it is likely that the home will be judged inadequate and the inspector must instigate a case review in line with the framework for inspections.

Notifications for secure children's homes

9. The regulations governing secure children's homes require them to notify us, the police, the placing authority and the youth justice board whenever a child or young person goes missing.

²⁴ *Management of cross-remit concerns about children's welfare* (110147), Ofsted, 2011; www.ofsted.gov.uk/resources/110147.

Annex H. Inspecting homes where there are no children in placement

1. If there are no children or young people present at the first inspection after registration, an interim inspection will be carried out which focuses on whether the service continues to meet registration requirements. The interim inspection toolkit must be used and the following statement made in the report:

The home has not provided <accommodation> to <children and young people> since its registration on >insert date of registration. This inspection focuses on whether the children's home meets its statutory requirements in order to maintain its registration and is ready to accept placements. <Inspector to include any relevant text>

2. In these instances, Ofsted will not make a judgement about effectiveness. If the requirements of registration are not met, the inspector can raise requirements or recommendations.

All other inspections

3. Where a home has no children in placement at the time of the inspection but intends to admit children at any time, an interim inspection will be conducted. The inspection will focus on whether the registration requirements continue to be met and the home is suitable to accommodate children and young people. However, if the home has not had a full inspection in the cycle and children and young people have recently been placed or will soon be placed, the inspector will risk assess with their line manager whether to undertake a full inspection.

4. If children and young people have been accommodated since the last inspection it may be possible to use information about their placements as evidence about outcomes for children and young people. Inspectors should take account of the length of time since the last child/young person left and the independence of the evidence that can be collected to support the judgement.

5. Where a home does not intend to take placements and will remain closed for some time, interim inspections are completed and a condition that the home will notify Ofsted if they intend to accept a placement is imposed. The condition must be worded as follows:

6. must inform Ofsted of their intention to admit children and young people three months before a child or young person's placement commences.

7. In these instances the text of the interim inspection report must contain the following statement:

8. The home> has been closed for <state length of time. The registered provider has indicated that the home will not be operational for <state length of time from

the date of inspection>. Should the home decide to accept placements they are required to inform Ofsted of their intention before they do so.

9. In these instances Ofsted will not make a judgement about progress.

10. Where a children's home is subject to the condition of registration listed in paragraph 5 of this annex, they will inform Ofsted when they intend to accept a placement. An inspector will make a risk-based decision, in conjunction with their manager, about whether to undertake an interim or a full inspection before the date that the placement commences or after the placement has started. If the home meets its registration requirements the condition must be removed and a new certificate issued.

Annex I. The use of holiday accommodation for looked after children (Q&A)

This policy applies only to England.

Q1. Do premises used for holiday accommodation for looked after children require registration as a children's home?

Any establishment providing accommodation for the purposes of a holiday or for the purposes of recreational, sporting, cultural or educational activities for less than 28 days in relation to any one child in any 12-month period is exempted from being a children's home.²⁵

However, the exemptions in the regulations do not apply if the children being accommodated are wholly or mainly of a description falling within section 3(2) of the Care Standards Act 2000 as follows:

- persons who are or have been ill
- persons who have or have had a mental disorder
- persons who are disabled or infirm
- persons who are or have been dependent on alcohol or drugs.

However, anyone providing care and accommodation wholly or mainly for disabled children (as defined above) for the purposes of a holiday or for the purposes of recreational, sporting, cultural or educational activities for less than 28 consecutive days in relation to any one child and for no more than 56 days in total in a 12-month period, must register as a residential holiday scheme for disabled children.

Q2. Can children and young people accommodated in a registered children's home use holiday accommodation for short periods of respite, to prevent placement breakdown in times of crisis or as part of a safeguarding strategy, without the holiday accommodation being registered?

Subject to the criteria listed in question one above, the holiday accommodation does not require registration provided that the purpose of the child or young person's stay can reasonably be perceived as a holiday and that the child or young person maintains a placement elsewhere.

²⁵ The Children's Homes Regulations 2001.

Q3. Does holiday accommodation require registration if it is regularly used for a number of different children?

See the answer to question one above. Subject to the exemptions set out in the Care Standards Act 2000, the premises can be used for holidays by different children provided that no individual child stays for 28 days or more in any 12-month period.

Q4. Can unregistered holiday accommodation be used for short-term placements?

No; short-term placements apart from holidays and for the purposes of recreational, sporting, cultural or educational activities are not covered by the exemptions in the regulations. Any establishment used for short-term placements requires registration as a children's home. This is the case both where those placements are primary placements and where the child has a placement elsewhere, for example in foster care.

Q5. Do the same rules apply for holiday accommodation in Wales, Scotland or other countries?

Ofsted's guidance applies only to England. Providers should contact the relevant regulators for advice about the requirements in other parts of the UK or other countries, such as:

- the Care and Social Services Inspectorate Wales (CSSIW)
- Social Care and Social Work Improvement Scotland (SCSWIS).

Annex J. The implications of the Equality Act 2010

1. The Equality Act 2010 (the Act) came into effect on 1 October 2010. The Act makes it unlawful for an employer to ask a potential employee questions about their health or disability before they are offered employment, whether on a conditional or unconditional basis.
2. Social care providers must comply with both the Equality Act and the remit-specific regulations that require them to employ people who are fit, including staff being physically and mentally fit for the work. In order to comply with both laws, this means in practice that providers may give conditional offers of employment to potential employees after the recruitment process, subject to appropriate medical and health checks. However, there are a number of exemptions to the provisions in the Act. If a provider believes that an exemption applies to their recruitment of staff, they should take their own legal advice on the matter.
3. Inspectors will assess whether providers have a rigorous recruitment and vetting process in place, including ensuring that their employees are mentally and physically fit before they commence work as part of their inspection.
4. It is important to note that the Equality Act does not impact on Ofsted's registration work, we do not employ people to provide or manage a children's home. Therefore, we are not prohibited from making enquiries about the health of applicants for registration, in order to satisfy ourselves that they are fit to be registered.

Annex K. Overnight stays for looked after children with friends/young people in children's homes having friends to stay

1. Statutory guidance has been given by the DfE in Children Act 1989 Guidance and Regulations Volume 5: Children's homes. This covers decision making about overnight stays for friends of children who are looked after. The guidance sets out guiding principles which should be followed by those responsible for making decisions, what should be agreed through the care and placement plans and best practice in applying considered professional judgements.
2. The guidance makes it clear that there is no statutory duty for Disclosure and Barring Service (DBS) checks to be carried out on adults in a private household where a looked after child may stay overnight, and that DBS checks should not normally be sought as a precondition of an overnight stay.
3. Decisions on overnight stays should in most circumstances be delegated to staff, and arrangements for such decisions written into the placement plan (see Care Planning Guidance). Looked after children should as far as possible be granted the same permissions to take part in normal, and acceptable, age appropriate peer activities as would reasonably be granted by the parents of their peers. Only where there are exceptional reasons should the permission of the responsible authority be required or restrictions placed on overnight stays.
4. Equally, young people living in children's homes should be able to have the same experiences as their peers such as having friends to stay. There is no restriction in regulation or guidance that prevents this. The key issue is whether the home has appropriate safeguards and risk assessments in place and that all children living there are able to be kept safe. The home should have considered the impact on other young people and ensured that the young person staying overnight has permission from their parent and carers.

Annex L. Assessing financial viability

1. The children's homes regulations state that the 'registered provider shall carry on the children's home in such manner as is likely to ensure that the home will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.'²⁶
2. Inspectors are only expected to undertake a lay person's assessment of the financial information. Where, during the course of a routine inspection, the inspector has concerns about the financial viability of a provider; due for example to the poor repair of premises or the standard of day-to-day care or services, s/he should follow the guidance set out in Annex K of the Social Care Registration Handbook.²⁷ Paragraph 42 of Annex K applies where an organisation is already registered.
3. The financial information Ofsted can request ranges from professionally produced business plans to a collection of accounts and balance sheets.²⁸

²⁶ Regulation 36(1) of The Children's Homes Regulations 2001.

²⁷ *Social care registration handbook* (110171), Ofsted, 2012; www.ofsted.gov.uk/resources/110171.

²⁸ Regulation 36(3) of The Children's Homes Regulations 2001.

Annex M. Management of notifications

1. All notifications will be received and provisionally categorised by the relevant regulation on the RSA by the National Business Unit. This will be based on the categorisation from the provider. The NBU will continue to scan the notification to Meridio. The NBU will identify from the category of notification identified by the provider those notifications that need to be fast tracked to the social care team manager duty system. Notifications for death of a looked after child, involvement or suspected involvement in prostitution; and instigation and outcome of a child protection enquiry will always be fast tracked.

2. All fast tracked notifications will be actioned by one of the social care duty managers in each region on the day the notification is received, and that duty manager will be responsible for the oversight of the fast track process. This risk assessment model is to ensure that any safeguarding concerns are identified and responded to immediately and that any emerging issues that should influence the scheduling of an inspection are identified and acted on. The duty manager in each region will decide on the appropriate next steps:

- where the notification suggests that children and young people may be at risk of harm, the duty manager will ensure that an inspector is identified to take immediate action in line with paragraphs 3-12
- where the notification on further reading does not require urgent action, the duty manager will ensure that a memo is sent to the allocated inspector to fully review at the next available opportunity and to inform inspection planning. This will be at the earliest opportunity either by the allocated inspector or through the duty system to cover extended absence including inspections, sickness or annual leave.

Urgent action

3. Where urgent action is required, this may be carried out by either the duty manager or the allocated inspector or another inspector identified by the manager depending on availability.

4. Where a child accommodated in the home has died, either the duty manager or the allocated inspector will always ensure that all relevant parties have been informed by the provider, as outlined in regulation 30, schedule 5.

5. Unless the child has died from natural causes or was known to have a life-limiting illness and abuse or neglect is not suspected, then the inspector must establish what, if any, action the relevant local and placing authority and the police have taken. There should be an immediate review between the inspector, the Social

Care Compliance team and relevant managers to establish next steps. Senior managers should be informed of any deaths of looked after children.²⁹

6. Where a notification suggests that a child accommodated in the home is at risk of harm, immediate action must be taken. This will always apply to notifications of suspected or actual involvement in prostitution. However, any notification may contain information that suggests that children and young people are at risk of harm. The reason for the notification is an indicator of the nature of the concern but not an absolute, and all notifications should be reviewed with a focus on safeguarding issues.

7. In all instances where there are safeguarding concerns, there is a minimum expectation that the inspector will contact the home so that Ofsted is fully aware of the action being taken by the home, the placing authority and others, for example the host authority and police where appropriate to promote and safeguard the welfare of the child/young person.

8. Where the inspector identifies safeguarding concerns, they will always ensure that the children's home has notified the relevant local authority referral and assessment team and/or Local Authority Designated Officer (depending on the nature of the concerns) and the relevant local authorities to ensure that appropriate steps are being taken to protect the child. Where there are any concerns that this has not happened then the inspector will ensure that relevant parties are informed. They will also take the inaction of the home into account at any subsequent inspection. Where Ofsted has any concerns about the safety and welfare of a child or young person, they will notify the Director of Children's Services in the placing authority.

9. Where there are significant safeguarding concerns that remain outstanding after the initial contact with the children's home, this must be recorded as a CIE case so that all the subsequent action taken is recorded in one place and can inform any potential enforcement action.

10. In some instances, it will be necessary to undertake an early inspection either because of the serious nature of the individual notification or because of a build-up of a pattern of concerns. The inspector and manager will decide whether this is a full or interim inspection. This could mean that the home has more than one full inspection in a year. The reason for the decision and the timescale for the inspection must be recorded in the notifications screen and in the inspection planning section of the toolkit.

11. If the inspector has any concern about the practice of either the placing local authority or the host local authority, this will be managed in line with the published

²⁹ Usually: managing inspector, children's homes; divisional manager, social care; national director, social care, Deputy HMCI and HMCI.

policy *Management of Cross-remit concerns about children's welfare*.³⁰ The DCS will be notified of the concerns so that they can review the situation. This information will also inform any forthcoming local authority inspection.

12. Inspectors will always monitor closely whether Ofsted is informed of the outcome of any child protection enquiry in line with regulations. Where this has not been received within a reasonable timescale, the inspector will contact the home. Inspectors will follow up any failure to notify Ofsted of the outcome.

In all instances

13. Inspectors should always prioritise assessing notifications and this should be completed within a maximum of seven days. Line managers need to ensure that all notifications are processed through a duty system when there are periods of absence including sickness and annual leave or where service inspections are programmed and inspectors are inspecting for more than one consecutive week.

14. Any notification may contain information that suggests that children and young people are at risk of harm. The reason for the notification is an indicator of the nature of the concern but not an absolute and all notifications should be reviewed with a clear focus on safeguarding issues.

15. For all notifications the inspector must ensure that the correct category of schedule 5 has been used and clearly record on the RSA a brief summary of the reason for the notification, details of the action taken by the provider in response to the incident and the action taken by Ofsted in response to the notification, including details of any contact with the provider.

16. Inspectors will always investigate and record on RSA the reason for any delayed notification. Where investigation of delayed notifications identifies concern, the inspector must assess and record the action Ofsted is required to take. Where required the inspector will trigger a CIE case review.

17. The inspector will review the action taken by the home and where there are concerns that this is inappropriate or lacking rigour they will either contact the home for further clarity or consider bringing an inspection forward.

18. Inspectors will always review notifications as part of an emerging picture of the children's home and not see notifications in isolation. Where notifications suggest a growing picture of concern, this will be taken into account in inspection scheduling and planning, and will usually result in an early inspection.

19. Where notifications are incomplete or unclear, then inspectors must contact the home for clarification.

³⁰ www.ofsted.gov.uk/resources/management-of-cross-remit-concerns-about-childrens-welfare.

20. In addition to recording clearly in the notification screen, as outlined in paragraph 15 of this annex, the inspector must maintain a brief chronology in the registration comments screen to record that notifications have been reviewed and a brief outline of action taken as a consequence.

Management information and management oversight

21. All managers will routinely receive performance information in relation to individual homes for inspectors in their team. This will clearly identify for each home the date and number of referrals categorised by schedule 5 on a six-month rolling programme. This will enable patterns to be identified and inform individual discussions with inspectors about homes where there may be cause for concern and where inspections may need to be re-scheduled or urgent action considered.

22. Managers will also receive reports identifying where notifications have been received but the action taken has not been recorded.

23. Managers will routinely sample recording and action around notification as part of the ongoing assessment of the quality of inspectors' work.

Child protection notifications

24. The exact wording of the notification requirement in relation to child protection is:

- 'instigation and outcome of any child protection enquiry involving a child accommodated at the home.'

25. The regulations do not define 'instigation...of any child protection enquiry'. Ofsted's policy position is that providers should make this notification to us where, following a referral to the local authority, a strategy discussion is held and the outcome is to carry out a section 47 investigation.

26. This means that any referrals that do not reach the threshold for a strategy discussion, or any referrals where there is a strategy discussion but the outcome of the discussion is not to instigate a section 47 investigation, do not need to be notified to Ofsted.

27. At each inspection, inspectors must always review any referrals made by the home to the local authority irrespective of whether they have reached the threshold for a child protection investigation. Inspectors should follow up:

- any areas of concern in relation to the welfare of the child/young person
- the response of the home to the incident/concern and whether this was appropriate
- the quality and appropriateness of the referral
- any concern about the response of the local authority to the referral.

Annex N. Checks on responsible individuals

1. An organisation which applies to register a children's home is required by the Children's Homes Regulations 2001 to have a responsible individual.³¹ The responsible individual is the person within an organisation who is responsible for supervising the management of the home: he or she is the link between the organisation and the registered manager and, the organisation and Ofsted.
2. The role of the responsible individual is to:
 - supervise the management of the home and particularly to ensure that the home operates in a manner which protects and promotes children and young people's safety and welfare
 - report on the operation of the children's home to the registered provider and Ofsted.
3. When an organisation applies to be registered in respect of a new children's home Ofsted assesses the responsible individual's suitability as part of that application. From 1 April 2014, Ofsted's inspectors will scrutinise the steps providers have taken to determine that a responsible individual who has been appointed is fit to supervise the management of a children's home.
4. 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

³¹ The Children's Homes Regulations 2001 Regulation 6(2)(c)(1)
<http://www.legislation.gov.uk/ukxi/2001/3967/contents/made>

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 regulations and these were satisfactory.³²

5. When we become aware that the responsible individual of a children's home is changing or has changed, we will ask the provider to provide us with information that demonstrates:

- 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. There is more information in our guidance *Changes to children's social care services that are registered and/or inspected by Ofsted*.

³² The Children's Homes Regulations 2001, Schedule 2

Annex O. inspecting homes where there is no manager or interim management arrangements are in place

Introduction

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.³³

Where there is no manager in post

2. If there is no manager in charge of the home, the inspector should raise a requirement under regulation 7 of the Children's Homes Regulations 2001 (Appointment of manager). The inspector should consider how long the post has been vacant and evaluate how this is affecting the welfare of the children placed and the management of the home, and take this into account in making their judgements. This may lead to an overall judgement of inadequate. In these instances a case review must be convened immediately.

Interim management arrangements

3. 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.

4. Inspectors must check that a children's home provider has 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.

³³ Section 11 of the Care Standards Act 2000.

5. Inspectors should also check that providers 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.

6. 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.

7. Regulations require a provider to notify Ofsted that a registered manager will be, or has been, absent for more than 28 days.³⁴ 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.

8. 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 and young people's 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 16 and 17.

³⁴ The Children's Homes Regulations 2001 Regulation 37
<http://www.legislation.gov.uk/uksi/2001/3967/contents/made>

A registered manager gives notice that they will cease to manage a children's home

9. 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.

10. 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.

11. If we have information that providers did not manage a change of registered manager, as indicated in previous paragraphs and in the full guidance concerning interim management arrangements which can be found in Changes to children's social care services that are registered and/or inspected by Ofsted, 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.³⁵

Known absences of a registered manager

12. 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.

13. 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 in paragraph 14 onwards.

³⁵ Social Care Compliance Handbook (2013) <http://www.ofsted.gov.uk/resources/social-care-compliance-handbook>

A registered manager unexpectedly ceases to manage or is absent from a children's home

14. 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.³⁶ In these circumstances a manager must follow the guidance below on registration.

Registration of an interim manager

15. 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.

16. 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. As a further safeguard, wherever a home does not have a registered manager in post by week 12, regardless of their inspection judgements, the inspector should convene a case review to consider whether immediate action is required including restricting accommodation and notification to placing authorities and/or imposing an additional conditions on the home's registration.

17. 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.

18. If there are extenuating circumstances as to why a manager wishes us to consider extending the date by which they must register the manager must put their reasons in writing for Ofsted to consider. Decisions will be made based on a case by

³⁶ The Children's Homes Regulations 2001 Regulation 37
<http://www.legislation.gov.uk/uksi/2001/3967/contents/made>

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.

19. Where there has been a registered manager vacancy of 26 weeks or more, this will lead to a judgement of inadequate for leadership and management. Where leadership and management is judged inadequate for this reason the overall judgement is likely to be inadequate. At an interim inspection, the judgement must be inadequate progress where there has been no registered manager for 26 weeks or more.

20. We cannot raise a requirement in the inspection report for the manager to become registered. Instead, when we inspect a children's home and discover the manager has been appointed but has not yet applied for registration, we send a standard letter (SCL137) to the manager.

21. After the inspection the inspector should ask the appropriate Inspection and Management Support (IMS) team to send the standard letter to the new manager to remind them that it is their responsibility to register. IMS should also send a copy to the nominated person/responsible individual for their reference. The letter should be sent no later than the date we send the inspection report to the provider.

22. The inspector should ensure that a contemporaneous written record is made of any further discussions with the individual manager and the conversation should be followed up with confirmation of any required actions in writing to the manager and the responsible individual.

Transitional arrangements

23. 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.