

# Fostering: conducting inspections of independent fostering agencies

Guidance for the inspections of fostering services

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This guidance is designed to assist inspectors from the Office for Standards in Education, Children's Services and Skills (Ofsted) when conducting inspections of independent fostering agencies. It should be read in conjunction with the inspection of independent fostering agencies, the framework and evaluation schedule and grade descriptors.

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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 independent fostering agencies in England. The inspection is of the agency and its impact on outcomes for children and young people. It is not a direct inspection of the foster care given to individual children and young people. Fostering agencies can use the guidance to see how inspections are conducted.
2. This guidance should be read in conjunction with *Fostering: inspections of independent fostering agencies - the framework and evaluation schedule and grade descriptors*.<sup>1</sup>

## Purpose of inspection

3. Inspection of independent fostering agencies focuses on the progress and experiences of, and outcomes for, children and young people. It aims to protect children and to support independent fostering agencies in improving their performance in meeting children's and young people's needs, however complex those needs may be. It should also ensure that decisions made and actions taken by the independent fostering agencies promote and safeguard children's and young people's welfare.
4. Inspectors will seek to understand the unique characteristics of the agency and the context in which they work, encouraging innovation and improvements, but also being tenacious in their identification of failures. They will help agencies understand what they need to do to improve and make recommendations and requirements to support them to do so.

## Scheduling and team deployment

5. Ofsted has a duty to inspect fostering agencies at least once in every three-year cycle.<sup>2</sup> The scheduling of inspections takes account of:
  - legal requirements
  - complaints and concerns about the service
  - returned questionnaires from children, young people, foster carers, social workers and other stakeholders
  - notifications
  - previous inspection findings

<sup>1</sup> *Fostering: inspections of independent fostering agencies – framework and evaluation schedule and grade descriptors* (130202), Ofsted, 2013; [www.ofsted.gov.uk/resources/130202](http://www.ofsted.gov.uk/resources/130202).

<sup>2</sup> Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007 (S.I. 2007/694). As amended by (SI 2011/553).

- monitoring reports provided by the agency to Ofsted under regulation 35 of The Fostering Services (England) Regulations 2011, which are usually submitted in the form of the annual submission of the quality assurance and data form.
6. The inspection of fostering agencies normally involves one suitably experienced and trained inspector spending five days on site with one additional day to prepare and two days to write the report.
  7. In some circumstances, it may be necessary for more inspectors to be involved in the inspection of very large agencies. In these cases, the inspector should request additional support from their line manager. If the request is agreed, it is passed to the Regional Social Care Senior HMI for approval.
  8. In other circumstances, for example inspection of agencies where there are fewer than 15 approved foster placements, a reduction in fieldwork time may be negotiated between the inspector and line manager at the beginning of the inspection year.
  9. If there are no foster carers approved or in the process of being approved, and therefore no children or young people in placement, inspectors should delay the inspection. This should only be done in discussion with the line manager, but the inspection should not be delayed if there are any concerns about the agency. Ofsted must also meet regulatory requirements that an inspection of an independent fostering agency takes place at least within three years of registration and thereafter once in each inspection cycle.

## Notice

10. Ten working days' notice is given of the inspection.
11. When notice is given we ask the provider to provide a small amount of information and to make arrangements for discussion with key people as set out in the notice letter. An example letter can be found at Annex A. During the inspection, inspectors may identify other people with whom they wish to speak.
12. We ask agencies to provide access to premises, space for the inspector and access to records through paper files, if they are used, or electronic files, with some support for the inspectors to enable access. Inspectors do not ask that files are provided in hard copy unless these are already used by the service, although they may ask for specific reports or documents to be printed.

## Timeframe

13. The timeframe for inspection, including preparation (which if two inspectors are involved should be on the same day), on-site work and the publication of the inspection report, is as follows in working days:

Day	Inspection activity (The tariff may be reduced for very small fostering agencies or increased for exceptionally large agencies)
1	Preparation
2	Site visit
3	Site visit
4	Site visit
5	Site visit
6	Site visit
7 and 8	Writing the report
8–10	Inspection evidence and report (toolkit) submitted for quality assurance
15	Report sent to the registered provider for any comments on factual accuracy, within 10 working days of the end of the inspection
20	Provider returns the draft report within five working days with any comments on factual accuracy
25	The final report is published on the Ofsted website within 20 working days of the end of the inspection

## Pre-inspection activity

14. Inspectors are allocated one day to prepare for an inspection and identifying initial lines of enquiry. The inspector considers:
- concerns and complaints made to Ofsted
  - regulatory notifications made to Ofsted
  - any changes to registration, including a change of manager
  - any enforcement activity since the previous inspection
  - completed questionnaires from foster carers, children, young people, birth parents, placing social workers and others
  - annual quality and data forms submitted to Ofsted by the agency
  - data analysis by Ofsted

- updated data and details from the foster carers' register to enable the selection of files for case sampling submitted by the fostering service following notice of the inspection
  - reports made under national minimum standard (NMS) 25
  - three sets of panel meeting minutes
  - the up-to-date statement of purpose and children's guide
  - the content of the provider's website
  - previous inspection reports.
15. If information has been received that indicates potential non-compliance with regulatory requirements, Ofsted may decide to investigate this during the inspection, taking into account the date of the last inspection and the requirement for 10 days' notice. In these cases, the concern is used as a line of enquiry for the inspection. The inspector outlines the concern to the fostering agency at the beginning of the inspection. Inspectors consider at least three sets of panel minutes, submitted by the agency prior to the inspection. These may lead to lines of enquiry in respect of particular children, young people, foster carers, the functioning of the central list of panel members or the fostering agency.
16. Agencies may submit additional information and up-to-date data when they return the documentation as requested in the letter announcing the inspection. This material must be explicitly relevant to the inspection framework and associated evaluation schedule and enhance or clarify information about the quality of service provided. Statistical data submitted prior to the inspection must be correct at the time of submission. Amendments or changes to data submitted during the inspection are not generally accepted, as any statistical elements of the report are based on data submitted in the annual returns and immediately before the inspection.
17. The inspector analyses the available evidence and records their planning notes within the planning section of the Regulatory Support Application (RSA) toolkit.<sup>3</sup> Concerns, complaints and enforcement activity must be noted in the toolkit. The plan for the inspection identifies lines of enquiry, any areas of apparent weakness or significant strength, and areas where further evidence needs to be gathered. If the inspection is the subject of an evidence-based review for quality assurance purposes, the inspection plan is considered as part of this, but it may be sampled by managers at any time to ensure the quality of work. The focus of the inspection may change during its course as further evidence emerges. Annex B provides guidance on assessing financial viability.

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<sup>3</sup> The RSA is the electronic system used by Ofsted to administer and record regulatory inspections.

## Reports made under regulation 35 and national minimum standard 25

18. Regulation 35 of The Fostering Services (England) Regulations 2011 requires the registered person to carry out a review of, and report on, the performance of the agency and how they improve the quality of foster care, as set out in schedule 6 of those regulations. The report forms part of the provider's quality assurance procedures, and registered fostering agencies are required to forward these reports to Ofsted within 28 days of completion.<sup>4</sup> Ofsted provides a template for these reports in the form of the fostering quality assurance and data form. The completed form provides the annual data we require and use on inspection. We ask that these reports are submitted to Ofsted once a year based on data for the year 1 April to 31 March.
19. Ofsted accept the annual completion and submission of the quality assurance and data form as meeting the requirement to forward reports to Ofsted provided it is completed accurately and in full. However, it should be noted, that the completion and submission of the annual data return does not necessarily meet part (b) of regulation 35 - to maintain a system for improving the quality of foster care. Agencies must be able to demonstrate during the inspection the impact of their planned improvements to the service.
20. NMS 25.7 states that the executive side of the independent fostering agency provider/trustees, board members or management committee members should:
  - 'receive written reports on the management, outcomes and financial state of the fostering agency every three months
  - monitor the management and outcomes of the services provided in order to satisfy themselves that the agency is effective and is achieving good outcomes for children and young people
  - 'satisfy themselves that they, as the provider, are complying with any conditions of registration'.
21. Reports made under NMS 25 will be examined prior to, or during, the inspection.

## Annual questionnaires

22. The views and experiences of children and young people and their parents, foster carers, 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 the inspection evidence.

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<sup>4</sup> *The Children Act 1989 guidance and regulations volume 4: fostering services*, Department for Education, 2011; <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00023-2011>.



23. Ofsted sends a link to an annual online questionnaire for each group, enabling individuals to return them directly to Ofsted. We ask agencies to ensure that they publicise the questionnaires to all children and young people, and to all their foster carers, prospective carers, staff, placing social workers and commissioners. Hard copies are only available on request for children and young people and their parents for whom we supply business reply envelopes.
24. Symbol version questionnaires are sent by email to fostering agencies to distribute to children and young people who use Widgit, Makaton and Picture Communication Symbols. We also provide films of the children and young people's version using British Sign Language (BSL). The responses to the symbol and BSL versions should be returned as hard copy or by email.
25. An analysis of the responses is made available to inspectors prior to the inspection. During inspection, the inspector shares the quantitative data with the fostering agency where possible. Any information shared protects the anonymity and confidentiality of respondents. As questionnaires are issued annually, there may be three years of responses for the inspector to take into account that may highlight trends in service development.

## Deferrals

26. Deferrals of inspections are agreed only in exceptional circumstances, for example where the opportunity to gather secure evidence is severely restricted or where, if the inspection went ahead, it might place people at risk.
27. Decisions about deferrals are agreed by the Regional Social Care Senior HMI.

## Inspection activity

28. At the start of the inspection, the inspector(s) confirm(s) their identity by producing both their Ofsted Inspector Authorisation and Identification card and their identity badge. It is not necessary to carry paper copies of Disclosure and Barring Service (DBS) checks. The inspector(s) discuss the inspection plan with the manager, confirming whether any further information or meetings need to be arranged.
29. The days on site are used to understand the experiences and progress of children and young people through tracking cases and holding discussions with children and young people, foster carers, staff and managers. Where children and young people have complained or raised concerns, with Ofsted or with the provider, these must be followed up on inspection and recorded in the toolkit. Inspectors seek evidence against the evaluation schedule and take into account issues already identified through pre-inspection data and questionnaires. The organisation of the days on site depends on when meetings and discussions can be held.

30. The inspectors decide who they need to speak to in order to secure sufficient evidence on which to base their judgements. In a few cases that inspectors track they will arrange to visit foster carers and the children placed with them in their own homes. The agency will contact the foster carer and seek their agreement and ask them to confirm whether the children are happy to speak with the inspector. However, a significant amount of time is used to examine aspects of case records and to discuss issues arising from those records. This may, for example, include discussions/telephone calls with children, young people, birth families, social workers for the children and young people, foster carers, commissioners and Independent Reviewing Officers.
31. The inspection focuses on gathering evidence against the evaluation schedule. The detail of activities undertaken and discussions held vary depending on the lines of enquiry for each individual inspection.

## Case sampling

32. Inspectors aim to access at least six foster carers' records across the range of the fostering agency's work. Inspectors may access a much larger number of records taking into account the size of the agency and to evaluate particular issues that may have arisen during pre-inspection planning or during the inspection, for example practice in relation to foster carer training. The inspector, not the agency, selects the cases to sample from the foster carer register and the details to be supplied by the agency. A case record is taken to mean information, electronic or written, that the agency holds on a particular foster carer and the children or young people placed with them.
33. Any concerns raised or identified during the inspection are pursued; any concerns indicating risk to children must be discussed with the inspector's line manager and referred to appropriate agencies. The inspector is responsible for checking that matters have been pursued.
34. While the case records may cover long periods of time, judgements are based on contemporary practice and the impact of the agency on the progress of, and outcomes for, children and young people. Case records and file sampling may lead to discussions with social workers, children, young people, their foster carers and birth families.
35. Inspectors access records via electronic systems, if used, with support from the service. Providers must ensure that inspectors have access and support to use their system from the first day of the inspection.
36. Inspectors examine, discuss and evaluate cases in line with the criteria set out in the evaluation schedule. In some cases, if possible, it may be helpful to do this with the fostering social worker.

37. Inspectors sample a range of documents or online records to support their lines of enquiry. This list is not exhaustive but inspectors may include, for example, information and documents relating to the following:

- care plans
- matching
- notifications under schedule 7 of the fostering regulations, including those of missing children and young people and of criminal offences
- foster care agreements
- plans for introductions
- information provided to children and young people
- information provided to foster carers prior to and during placement
- minutes of disruption meetings
- foster carers' assessments and records kept under schedule 3 of The Fostering Services (England) Regulations 2011
- foster carers' reviews
- records of all placements – regulation 30(3)
- records of unannounced visits, supervision, support and training of foster carers
- referrals to the Independent Review Mechanism (IRM)
- records in relation to foster carers who have been de-registered
- complaints from children and young people.

## **Examination of records, policies and procedures**

38. The fostering agency's statement of purpose and children's guide should be available on the internet and form part of the pre-inspection data. We should also hold up-to-date copies in our database, as agencies are required to submit these documents whenever they are changed. If they have not done so, this should be explored during the inspection.
39. Other documents are examined where they are relevant to a line of enquiry for that individual inspection. Inspectors do not routinely examine all policies and procedures.
40. The inspector selects and samples at least two personnel records in respect of anyone working for purposes of the agency (this includes panel members). Where DBS checks are unavailable due to DBS requirements, for example in

respect of administrative staff, inspectors may ask for evidence of how the recruitment decision was made and what has been done to ensure that any risk due to the lack of a DBS check is mitigated. The inspector may sample more records when necessary to pursue lines of enquiry specific to the inspection. If recruitment records are not maintained at the premises where the inspector is based for the inspection, then the provider needs to arrange for the records to be made available on site.

41. These records can be maintained in checklist or spreadsheet formats. The information available for the inspection should reflect schedule 1 of The Fostering Services (England) Regulations 2011, and must include the reference number of the subject's DBS check. 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.

## **The involvement of children and young people**

42. The experiences of children and young people who are fostered or have been fostered are at the centre of the inspection and provide key evidence in assessing progress and outcomes against the evaluation schedule.
43. Inspectors scrutinise how the fostering agency listens to and engages with children and young people themselves and what impact this has on service delivery. The views of children and young people obtained by the agency are an important element of the inspection and are taken into account as part of the inspection evidence.
44. Inspectors always speak with children and young people during the inspection; this will be in person in their foster home with their foster carers. Inspectors may also speak with children and young people in the office, by telephone or by text. If there is an existing and established group of children and young people, inspectors will also try to meet with that group.
45. Inspectors must take into account the specific communication needs of the children and young people. The inspectors may request the assistance of foster carers or staff who know and understand the child's/young person's preferred means of communication. In cases where children and young people use alternative means of communication, it may also be appropriate to arrange to talk to their parents during the inspection.
46. Inspectors explain the inspection process and confidentiality and also ask children and young people if they received the invitation to participate in the annual online questionnaire and if they completed it. Discussions with children and young people depend on any lines of inquiry identified or cases sampled.
47. Inspectors demonstrate safe and sensitive practice throughout the inspection. Examples include the following:

- Inspectors explain to children and young people that they will not be identified in the inspection report or in the feedback to foster carers or the fostering service.
  - Inspectors 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 the necessary action about that concern.
48. Inspectors always take account of privacy and confidentiality when talking to children and young people, be it in person or on the telephone. Where a callback is requested, the inspector should always use a contact number within the service or Ofsted's national number: 0300 123 1231.

## **The involvement of foster carers**

49. Foster carers provide key evidence in assessing outcomes for children and young people against the evaluation schedule. Fostering agencies are asked to set up appropriate links for inspectors to hear foster carers' views. This will include visiting children and young people in their foster homes and may also include telephone calls or the inspector attending existing groups. It is essential that the inspector identifies the foster carers. If a group has to be arranged for the purposes of the inspection, the provider must demonstrate that all carers, or randomly selected carers, had the opportunity to attend.
50. Inspectors take account of privacy and confidentiality when talking to foster carers, be it in person or on the telephone. Where a callback is requested, the inspector should always use a contact number within the service or Ofsted's national number: 0300 123 1231.
51. Inspectors explain the inspection process and confidentiality and also ask foster carers if they received the invitation to participate in the annual online questionnaire and if they completed it. The content of discussions with foster carers depend on any lines of inquiry identified and cases sampled.
52. Inspectors also assess how well the fostering service effectively engages with foster carers and what impact this has on service delivery.

## **Gathering views from stakeholders**

53. Inspectors consult with stakeholders to inform the inspection findings and to focus on how the fostering service supports progress and makes a positive difference to children and young people's lives. This is usually by telephone. Stakeholders may include any of the people listed in paragraph 58 and 59 or others who are able to offer relevant information to the inspection. These people vary depending on the nature of the fostering services provided; they always include children and young people's social workers and commissioners.
54. Inspectors should always take account of privacy and confidentiality when talking to stakeholders on the telephone. Where a callback is requested, the

inspector should always use a contact number within the service or Ofsted's national number: 0300 123 1231.

## Key meetings

55. Inspectors use existing groups already run by the agency and, on occasion, any scheduled meetings as opportunities for following lines of enquiry. The amount of time available is restricted and therefore any attendance must be time-limited and focused on that line of enquiry. There is no requirement to attend scheduled meetings, but these might include:

- staff meetings
- foster carer meetings/support groups
- children's and young people's meetings
- placement finding and matching processes
- panel meetings that are being held during the inspection.

## Discussions with the managers

56. Individual interviews are held with the registered manager and the responsible individual and/or registered person.

57. The interview with the manager focuses on gathering evidence of the fostering agency's impact on children's and young people's lives and must include these elements:

- issues that the inspector wishes to explore with the manager that have arisen from pre-inspection information, including any causes of concern
- how they involve children and young people in the development of the agency, including the ways in which they seek and accommodate feedback
- how they monitor the impact of the service provided on children's lives and futures
- the protection and care of children and young people, including responses to children who go missing, those missing education and placement disruptions
- how they work in partnership with placing local authorities and with other services
- follow-up on progress in response to previous requirements and recommendations
- plans for future development of the fostering agency
- arrangements for supervision and appraisal of the registered manager
- any further evidence the manager may wish to share and discuss with the inspector

- any evidence the inspector may wish to share and discuss with the manager.
58. Fostering agencies arrange discussions with the inspector as outlined in the letter announcing the inspection.<sup>5</sup> During their preparation and the inspection, inspectors identify other individuals with whom they wish to speak. This will include:
- children and young people who are fostered or who have recently been fostered
  - foster carers
  - prospective foster carers.
59. It may also include:
- the chair of the fostering panel or, if not available, the vice-chair
  - another member of the fostering panel
  - the panel, through attendance at a panel meeting if this falls within the timing of the inspection and is particularly relevant to a line of enquiry
  - the agency decision maker
  - Independent Reviewing Officers
  - fostering staff and managers
  - the registered provider, nominated person, fostering manager or responsible individual
  - staff identifying and making placements
  - social workers and managers for looked after children
  - commissioning officers
  - professionals supporting children's education and health needs
  - local authority designated officers (LADO) for any placing local authority, including the authority in which the agency is based.

## Safeguarding

60. If serious issues of concern arise, for example in relation to the failure to follow child protection procedures and/or where a child or young person is discovered to be at immediate risk of harm, the fostering service's senior manager is notified as soon as possible unless this compromises the child or young person's safety. If this is the case, inspectors must refer the concern to the local authority and discuss matters with their line manager and the Social Care Compliance team. Inspectors should always follow Ofsted's safeguarding policy

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<sup>5</sup> Ten days' notice is given before the inspection

and procedures<sup>6</sup> and contact the Social Care Compliance team if they need advice. Where required, a referral is made to the appropriate local authority children's services, the child or young person's allocated social worker and the Social Care Compliance team. The inspector must ensure that the matter is dealt with appropriately. If the referral is not handled appropriately, this must be escalated. The senior HMI for the region should be informed and action will be taken to monitor that children are made safe.

## Recording evidence

61. Throughout the inspection, inspectors maintain a record of their evidence. Electronic evidence is recorded within the RSA toolkit evidence screen. In most circumstances, once the summarised evidence has been placed in RSA, any duplicate handwritten evidence is destroyed by the inspector. In some circumstances, inspectors may 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. 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 or scanned on to RSA and forms part of the inspection evidence base, to the National Quality Assurance team within five working days of the end of the on-site visit. All inspection records are retained in accordance with Ofsted's published retention policy.<sup>7</sup>
62. Evidence should be clear, evaluative and sufficient for the purpose of supporting the judgements. It should not include anything that could identify individual staff, individual children, young people or family members, unless necessary for the protection of a child or young person or relevant to a concern which needs to be followed up. Inspectors can record direct quotes from children and young people, parents and stakeholders in evidence to support judgements, although evidence should not use individual's names or initials unless they are the names of the registered person or necessary for the protection of a child or young person.
63. Evidence may be scrutinised as part of the quality assurance procedures and is considered in the event of any complaint, whistleblower or concerns about performance. It may also be randomly sampled by managers.

<sup>6</sup> *Ofsted safeguarding policy and procedures* (100183), Ofsted, 2010; [www.ofsted.gov.uk/resources/100183](http://www.ofsted.gov.uk/resources/100183).

<sup>7</sup> *Handling and retention of inspection evidence* (100122), Ofsted, 2010; [www.ofsted.gov.uk/resources/100122](http://www.ofsted.gov.uk/resources/100122).



## Inspection findings

64. Failure to meet the regulations and national minimum standards that are identified and addressed during the inspection must still be reported, even if they do not lead to a requirement or recommendation.
65. The fostering framework, evaluation schedule and grade descriptors for the inspection of independent fostering agencies sets out illustrative evidence of a good fostering agency. Inspectors use this to formulate their findings and judgements and to prepare oral feedback to the manager.

## Inspection feedback

66. During the inspection, inspectors share emerging findings about the fostering agency's key strengths and weaknesses. Shortfalls that could have an immediate impact on the safety of children, young people and/or staff are brought to the immediate attention of the registered manager or another senior person in the agency.
67. At the end of the inspection, the inspector gives oral feedback of the main findings and provisional judgements to the manager. It should be noted that the quality assurance process may, on occasion, result in changes to the judgements or draft report. In exceptional circumstances, an inspector may need additional time after the inspection fieldwork to take advice before giving feedback. The date of the feedback is counted as the last day of the inspection.
68. The feedback should:
  - cover the main findings of the inspection against the evaluation schedule, including both strengths and weaknesses
  - indicate likely requirements and recommendations with reference to the relevant regulation, NMS or statutory guidance, providing a clear agenda for improvement; it should also differentiate between regulatory requirements and areas for development that Ofsted set out in accordance with the definition of a good service
  - use the grade descriptors to indicate how the inspector has arrived at the judgements and confirm that the report is sent in draft to the manager for comment on factual accuracy (see 'Timeframe' at paragraph 13)
  - indicate that the final report and judgements are subject to a quality assurance process
  - confirm that letters thanking children and young people who participated in the inspection and outlining the judgements are sent for the provider to circulate alongside the final report.

69. Inspectors do 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.

## Writing the report

70. Inspection report judgements are supported by evidence and clearly demonstrate the quality of the agency, as well as its impact on children's and young people's experiences and outcomes. Recommendations are clear and help the agency know what they need to do in order to improve.
71. Inspectors are responsible for producing high quality reports. The inspector should ensure that the report is free from errors, for example grammar, spelling and punctuation errors, before submitting the report. Reports should be written in the present tense. However, a specific example of evidence from the inspection should be written in the past tense.
72. Inspectors should write their reports with regard to the *Guide to Ofsted's house style*.<sup>8</sup> The report should be succinct and evaluative, but tell the story of the experiences of children and young people and the contribution of the provider. Inspectors should make appropriate professional judgements about the extent of detail required to 'tell the story' of the experience of children and young people who are, or have recently been, fostered.
73. The 'Overall effectiveness' section includes details of how well a fostering agency makes and maintains successful and stable foster placements. It also includes a section that clearly identifies whether a fostering agency is improving, deteriorating or maintaining a high standard of performance and an evaluation of the trends in agency performance compared with those found nationally.
74. The quality of inspection reports is enhanced when children's, young people's and foster carers' feedback is quoted within the report and used to illustrate evaluation about the quality of the fostering service. However, in smaller agencies, the potential to identify children and young people is high and should be taken into account.
75. 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 fostering agencies with a number of weaknesses or agencies found to be outstanding require more detailed explanations of the reasons for the judgements.

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<sup>8</sup> *Guide to Ofsted's house style* (080230), Ofsted, 2010; [www.ofsted.gov.uk/resources/080230](http://www.ofsted.gov.uk/resources/080230).

76. We send a copy of the report to the provider and publish it on our website.

## Letters to children and young people

77. Inspectors complete a letter for all children and young people following every inspection of an independent fostering agency. The letter tells children and young people what the overall judgement is and briefly outlines the main findings of the inspection. Where providers have informed Ofsted that children and young people use symbols, we provide a brief letter in Widgit, Makaton or Picture Communication Symbols, which states the overall judgement of the inspection. Agencies should make this letter available to all children and young people who are fostered.

## Quality assurance

78. The inspector is responsible for the quality of the report. The inspector checks the completed report carefully before submitting it to the National Quality Assurance Team for publication sign-off.
79. The inspector must use the *Guide to Ofsted's house style* for reference when quality checking their own reports.
80. Ofsted's National Quality Assurance team quality assures inspection reports and the evidence base that underpins the inspection judgements.
81. The National Quality Assurance team discuss with the relevant team manager any proposed change of judgement from the provisional judgement given at verbal feedback during the inspection. On these occasions, the inspector must inform the agency of the revised judgements and provide reasons for the changes before the provider receives the draft inspection report.
82. Ofsted sends an evaluation form following each inspection to the manager of the fostering agency to complete, which is used to improve the quality of inspections.

## Concerns

83. The great majority of Ofsted's work is carried out smoothly and without incident. If concerns arise during an inspection, these 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 and will be considered as part of the quality assurance process.

## Complaints

84. If it has not been possible to resolve concerns through the process detailed in paragraph 83, a formal complaint can be raised under Ofsted's complaints procedure: [www.ofsted.gov.uk/resources/130128](http://www.ofsted.gov.uk/resources/130128).
85. Lodging a complaint does not normally delay the publication of the final inspection report.

## Annex A: Notice of inspection

Dear

### Notice of inspection

>URN< >Name of independent fostering agency<

This letter is to confirm that Ofsted will carry out an inspection of your independent fostering agency commencing on >inspection due date< and ending on >last inspection day<.

The name of the inspector who will lead this inspection is >name<.

The inspector will telephone you shortly to discuss the inspection.

We want the inspection to proceed as smoothly as possible for both you and the inspector. Please can you provide us with some information in advance of your inspection.

1. Details of meetings that will occur during the inspection, including panel meetings, that the inspector may be able to attend. The inspector will discuss with you whether they wish to do so.
2. Information about your current foster carers and children and young people currently in those placements, those being assessed and those who have applied; so inspectors can choose which records and cases to sample.
3. The last three sets of fostering panel minutes.
4. Updated data. Although we hold data that you have previously provided, you are given the opportunity to update this.

The following provides more detail on the information we are requesting.

### 1. Meetings

To disrupt your service as little as possible, the inspector attends any existing, appropriate groups that are running during the inspection site visit. The inspector does not want to observe the meeting but to use this time to talk with attendees about the fostering agency. The inspector will contact you during the notice period to confirm which meetings they wish to attend. The inspector will identify from the case list which carers, children and young people they wish to visit and will discuss this selection with you to ensure that a visit is appropriate.

We would be grateful if you would arrange meetings with:

- the registered manager
- the registered provider
- the chair or vice-chair of the fostering panel
- a group for foster carers and a preparation course that is already running during the course of the inspection
- a group for children and young people that is already running during the course of the inspection - if you do not have a group of children and young people who already know each other and meet together, please do not organise a new group
- the agency decision maker
- relevant commissioners in local authorities.

Discussions with individuals may be held by telephone.

Please arrange, where possible, for the inspector to attend meetings on the site where they will be based and provide a contact name, date and time for each meeting. Meetings may last up to an hour depending on attendance. The inspector will contact you during the notice period to confirm which meetings they wish to attend. Please allow at least 30 minutes between meetings and, if possible, do not arrange meetings on the first day or the last day of the inspection. Please do not organise any additional meetings unless the inspector has agreed this with you.

## **2. Case list**

The records that inspectors generally need to see are those that are kept for foster carers and children and young people placed with them. This includes care plans, assessment reports and reviews. The inspector may also wish to see supervision notes, team meeting notes, staff recruitment files, panel member records and additional panel meeting minutes. Please provide the details requested in the enclosed case list. The inspector uses this to select the records that they will examine during the inspection. The inspector will also ask you to arrange telephone calls with the individuals involved in cases that they decide to consider in detail.

If you have children's/foster carers'/staff records stored electronically, please ensure that there will be a member of staff available to support the inspector in accessing these. If these records are only hard copy and stored off-site you will need to arrange to deliver them to the location of the inspector.

The inspector will sample records throughout the inspection. Please allow time in the inspection programme for them to be able to do this.

Please provide us with the details of all foster carers from your register and the following details of children and young people placed:

- age
- care plan
- type of placement including disability status (learning disability, physical disability, sensory impairment)
- number of missing incident notifications
- ethnicity
- whether a child or young person is placed with all their brothers and sisters (where appropriate)
- date of placement
- number of previous care placements (including residential placements)
- whether the placement is over the normal fostering limit (including agreement for this)
- name and telephone number of the child or young person's local authority social worker.

### **3. Panel meeting minutes**

Please provide the minutes from the last three panel meetings.

### **4. Data**

The inspector already has the data you submitted on the annual quality assurance and data form and from completed questionnaires. You do not have to re-submit your quality and assurance data form.

If you wish to provide any updated, brief, relevant statistical data or information, it must be returned with the attached forms. You may provide this in a format you already use as long as this provides only succinct and relevant information. Additional information or data, other than updates to those previously provided, should only be supplied during the inspection at the request or with the agreement of the inspector.

This material must be explicitly relevant to the inspection framework and associated evaluation schedule and enhance or clarify information about the quality of the service provided. Statistical data submitted prior to the inspection must be correct at the time of submission. Amendments or changes to data submitted during the inspection may not be accepted.

## **Returning documents to Ofsted**

All information should be returned within five working days of the date of this letter by email to the lead inspector at >inspector email address< and copy in >IMS name

email address<. Please note that any sensitive information that you send by email should be anonymous or encrypted. You can find out more information about encryption at [www.getsafeonline.org](http://www.getsafeonline.org).

## **Additional information**

The inspector will feed back their findings at the end of the inspection to key people in the agency or service that you identify. Please keep this number to a minimum.

Further information about the inspection is available in *Fostering: conducting inspections of independent fostering agencies*  
[www.ofsted.gov.uk/resources/130205](http://www.ofsted.gov.uk/resources/130205).

Thank you for your assistance. If you have any further questions, please contact me on 0300 123 1231.

Yours sincerely

>Name<

Inspection Support Team



## Return slip: information an independent fostering agency submits after notification of an inspection

I confirm that I have enclosed:

- |   |          |
|---|----------|
| ■ the details of meetings that the inspector can attend | Yes / No |
| ■ a completed case list                                 | Yes / No |
| ■ the last three panel meeting minutes                  | Yes / No |
| ■ any updated data                                      | Yes / No |

Signed:

Print name:

Job title:

Agency: >add name of agency<

URN: >add URN<

Date:

## Annex B: Assessing financial viability

The fostering regulations state that the 'registered provider must carry on the fostering agency in such manner as is likely to ensure that it is financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.'<sup>9</sup>

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 lack of payments to foster carers, they should follow the guidance set out in Annex K of the *Social Care Registration Handbook*.<sup>10</sup> Paragraph 42 of Annex K applies where an organisation is already registered.

The financial information Ofsted can request ranges from professionally produced business plans to a collection of accounts and balance sheets.<sup>11</sup>

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<sup>9</sup> Regulation 37(1) of The Fostering Services (England) Regulations 2011.

<sup>10</sup> *Social care registration handbook* (110171), Ofsted, 2012; [www.ofsted.gov.uk/resources/110171](http://www.ofsted.gov.uk/resources/110171).

<sup>11</sup> Regulation 37(3) of The Fostering Services (England) Regulations 2011.

## Annex C: Checks on responsible individuals

1. An organisation which applies to register an independent fostering agency is required by The Fostering Services (England) Regulations 2011, to have a responsible individual.<sup>12</sup> The responsible individual is the person within an organisation who is responsible for supervising the management of the agency: 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 agency and particularly to ensure that the agency operates in a manner which protects and promotes children and young people's safety and welfare
  - report on the operation of the independent fostering agency to the registered provider and Ofsted.
3. When an organisation applies to be registered in respect of a new independent fostering agency 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 an independent fostering agency.
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

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<sup>12</sup> The Fostering Services (England) Regulations 2011, Regulation 5;  
[www.legislation.gov.uk/uksi/2011/581/regulation/5/made](http://www.legislation.gov.uk/uksi/2011/581/regulation/5/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.<sup>13</sup>
5. When we become aware that the responsible individual of an independent fostering agency 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*.

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<sup>13</sup> The Fostering Services (England) Regulations 2011, Schedule 1;  
[www.legislation.gov.uk/uksi/2011/581/schedule/1/made](http://www.legislation.gov.uk/uksi/2011/581/schedule/1/made)