

# Changes to children's social care services that are registered and/or inspected by Ofsted

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This guidance is about the changes a registered provider and where appropriate, registered manager, have to tell us about, how to make requests for changes to any conditions of registration, and changes that we may impose. It also sets out the changes a local authority fostering or adoption service is required to tell us about.

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## Introduction

1. Registered social care providers and registered managers must continue to meet any relevant regulations and conditions of registration placed on them by the Care Standards Act 2000 and associated regulations whilst they remain registered.<sup>1</sup> This includes notifying Ofsted about certain events and changes.<sup>2</sup>
2. This guidance explains what changes and events a registered provider and registered manager must tell us about if they operate or manage:
  - an adoption support agency
  - a children's home, including secure children's homes (these are types of establishment)
  - an independent fostering service
  - a residential family centre (this is a type of establishment)
  - a residential holiday schemes for disabled children (holiday scheme)
  - a voluntary adoption agency.
3. This guidance also includes information about how a registered provider can request a change to their conditions of registration. Please note that there is separate guidance for providers of social work services.<sup>3</sup>
4. From **12 May 2014** providers and managers can apply for registration online. We call the online system which supports this **Ofsted online**:

<https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>

In addition, some of the notifications of change referenced in this guidance can be completed via Ofsted Online.

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<sup>1</sup> *The Care Standards Act 2000*, [www.legislation.gov.uk/ukpga/2000/14/contents](http://www.legislation.gov.uk/ukpga/2000/14/contents).

<sup>2</sup> *The Children's Homes Regulations 2001*;

[www.legislation.gov.uk/uksi/2001/3967/regulation/38/made](http://www.legislation.gov.uk/uksi/2001/3967/regulation/38/made)

*The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous) Regulations 2005*;

[www.legislation.gov.uk/uksi/2005/2720/regulation/27/made](http://www.legislation.gov.uk/uksi/2005/2720/regulation/27/made)

*The Fostering Services (England) Regulations 2011*;

[www.legislation.gov.uk/uksi/2011/581/regulation/39/made](http://www.legislation.gov.uk/uksi/2011/581/regulation/39/made)

*The Residential Family Centres Regulations*

*2002*; [www.legislation.gov.uk/uksi/2002/3213/contents/made](http://www.legislation.gov.uk/uksi/2002/3213/contents/made).

<sup>3</sup> *Guide to registration for providers of social work services* (130234), Ofsted, 2014;

[www.ofsted.gov.uk/resources/130234](http://www.ofsted.gov.uk/resources/130234)

5. The establishments and agencies which can use Ofsted Online are:

- adoption support agencies
- children's homes, including secure children's homes
- independent fostering agencies
- residential family centres
- a voluntary adoption agencies.

6. There are two options available for you to submit an application:

- Ofsted Online
- post.

(Please note that hard copy application forms will be phased out and will no longer be available from Autumn 2014. More details will follow later in the year). Please also note that currently holiday schemes cannot make applications or notifications online.

7. Local authority fostering and adoption services are not required to register with Ofsted but must tell us about certain changes. Paragraph 81 explains what changes and events local authority fostering and adoption services are required to tell us about.

8. Please see the *Guide to registration for children's social care services* for more information about registering as a social care provider with Ofsted.<sup>4</sup> There is specific guidance on our website for all the establishments, agencies and holiday schemes listed in paragraph 2.

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<sup>4</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2010;  
[www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services).

9. Once Ofsted has granted registration, there are a number of changes which a provider must tell Ofsted about(\*). There are also a number of changes that a provider must ask Ofsted's permission to implement. These are:
- changes to the registered provider\*
  - a change of responsible individual \*
  - a change of registered manager
  - a change to the statement of purpose\*
  - applying for a change to the establishment's or agency's conditions of registration
  - applying to register a new establishment or agency
  - applying to buy an establishment or agency that is already registered
  - applying to voluntarily cancel registration.
10. There are also a number of changes Ofsted can make. These include:
- imposing a change to, removing or adding a condition or conditions of registration
  - restricting admissions to a children's home or a residential family centre.<sup>5</sup>
  - suspending a registration.
11. For information on action that we may take when a registered provider fails to comply with regulations or requirements please refer to the *Social care compliance handbook* which is available on our website.<sup>6</sup>

## Changes to individuals associated with registration as a provider

12. A registered provider must notify Ofsted in writing when any of the following individuals change:<sup>7</sup>
- anyone who makes up the 'registered provider', for example a director, manager, secretary, clerk, trustee, treasurer or a similar officer of the organisation (organisations only)
  - the responsible individual.

<sup>5</sup> *The Children and Young Persons Act 2008* inserted section 22B into *The Care Standards Act 2000*. This insertion gives us the power to serve a notice on a person who is registered in respect of a children's home or residential family centre to restrict the accommodation of children in the premises.

<sup>6</sup> *Social care compliance handbook* (130242), Ofsted, 2013; [www.ofsted.gov.uk/resources/130242](http://www.ofsted.gov.uk/resources/130242).

<sup>7</sup> *The Children's Homes Regulations 2001*, Regulation 38; *The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous) Regulations 2005*, Regulation 27; *The Fostering Services (England) Regulations 2011*, regulation 39; *The Residential Family Centres Regulations 2002*, Regulation 28 (see note 2).

## Changes to the registered person

13. The regulations require the registered provider to tell us when an individual who makes up the registered person changes. We expect a registered provider to notify us before any change to the individuals listed in paragraph 5 as soon as possible, but always within **14 days** of the change.
14. Registered providers may use our SC3 form<sup>8</sup> to notify Ofsted of a change to the registered person<sup>9</sup> This form is available at Ofsted Online or from our website. You can also request an SC3 form by contacting us on 0300 123 1231 or you can download a copy from our website. See paragraph 83 for our contact details.

## Change of responsible individual

15. Where the registered provider is an organisation, they must appoint someone to represent their organisation (this person is known as the responsible individual). At the initial registration of an establishment, agency or holiday scheme we undertake checks on this person.<sup>10</sup> Subsequently, the organisation must tell Ofsted when there is a change of responsible individual but we do not undertake checks on the person.<sup>11</sup> You can use Ofsted Online where you will find a version of our SC3 form<sup>12</sup> or the word version of the SC3 which is available on our website.<sup>13</sup> The detail must include:
  - the new responsible individual's name
  - his or her address
  - the position he or she holds within the organisation.
16. We expect the registered provider to notify Ofsted before the change of responsible individual takes place wherever possible, but always within **14 days** of the change. Annex A provides guidance on how Ofsted assesses the suitability of a new responsible individual not an already registered establishment or agency. This annex does not apply to holiday schemes.

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<sup>8</sup> *SC3 Changes to individuals and premises* (20110008), Ofsted, 2013; [www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises](http://www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises)

<sup>9</sup> *SC3 Changes to individuals and premises* (20110008), Ofsted, 2013; [www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises](http://www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises)

<sup>10</sup> See the 'People connected with a registration' section of the *Guide to registration for children's social care* (see note 3).

<sup>11</sup> *Children's homes Regulations 2001*, Regulations 6 and 38; *The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005*, Regulations 7, 27 and 29; *The Fostering Services (England) Regulations 2011*, Regulations 5 and 39; *Residential Family Centres Regulations 2002*, Regulations 5, 28 and 31 (see note 2).

<sup>12</sup> Ofsted Online available at: <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>

<sup>13</sup> *SC3 Changes to individuals and premises* (20110008), Ofsted, 2013; [www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises](http://www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises)

17. If the registered provider does not tell us that the responsible individual has changed 'as soon as practicably possible',<sup>14</sup> the provider has breached regulations or has committed an offence<sup>15</sup> and we may take action against the registered provider. For example, we may issue a statutory requirement notice: it is an offence not to comply with any statutory requirement notice we issue.

## Change of registered manager

18. When a manager changes at the following establishments, agencies or a holiday scheme, the new manager must apply for registration with Ofsted:
- adoption support agencies
  - children's homes, including secure children's homes and schools dually registered as children's homes
  - independent fostering agencies
  - residential family centres
  - holiday schemes.
19. Regulations require the registered provider to notify us in writing when a new manager is appointed.<sup>16</sup> We generally expect the registered provider to write to us within a few days of a manager being in post, but always within **14 days** of the manager's appointment. Guidance on the use of interim management arrangements in children's homes can be found at annex C. You can use Ofsted Online (SC3)<sup>17</sup> or the word version of SC3 which is available on our website<sup>18</sup> to tell us about this change. You can also return a hard copy version by post to the address provided in paragraph 83.

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<sup>14</sup> Ofsted determines that 'as soon as practically possible' usually means that Ofsted is notified within a few days of the change of responsible individual but at the most within 14 days of the change.

<sup>15</sup> Not telling Ofsted about a change of a responsible individual of a children's home, independent fostering agency and residential holiday scheme for disabled children is a breach of regulation. Not telling Ofsted about a change of responsible individual for a voluntary adoption agency, adoption support agency or residential family centre is an offence.

<sup>16</sup> *The Children's Homes Regulations 2001* Regulations 7 (2) and 38 (a); *The Fostering Services (England) Regulations 2011*, Regulation 6 (3) and 39 (1) (b); *The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005* Regulation 8 (2), 27 (1) (a), 29 (1); *The Residential Family Centre Regulations 2002*, Regulation 6 (2), 28(a), 31 (1), see note 2.

<sup>17</sup> Ofsted Online available at: <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>

<sup>18</sup> *SC3 Changes to individuals and premises* (20110008), Ofsted, 2013;  
[www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises](http://www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises)



20. Having a registered manager in post at all times helps to protect children, young people and adult service users. Therefore, providers are expected to ensure that:
- the length of time registered establishments, agencies and holiday schemes remain without a manager is minimised
  - managers register with Ofsted without delay. It is an offence to manage an establishment, agency or holiday scheme without registration if this is required by legislation.<sup>19</sup>

## What happens when a registered manager leaves

21. It is a breach of regulations or an offence if the registered manager or registered provider do not tell us that the registered manager is to stop, or has stopped, managing an establishment, agency or holiday scheme.<sup>20</sup> Ofsted may take action against the registered provider for a breach of the regulations and an offence may be committed in the event of non-compliance with any requirements that we make.
22. The registered provider should tell us when a manager leaves, unless they are certain that the manager has already notified us. This will ensure that they have not breached regulations<sup>21</sup> (children's homes, fostering services) or committed an offence (adoption support agencies and residential family centres).
23. If we find out that a manager has stopped managing an establishment, agency or holiday scheme<sup>22</sup> and Ofsted has not been informed by the registered provider or the manager, we write to the manager and the registered provider to tell them that they may have breached regulations or committed an offence. We may also take enforcement action.

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<sup>19</sup> *Care Standards Act 2000*, Section 11(1)

<sup>20</sup> *The Children's Homes Regulations 2001* Regulation 38 (b); *The Fostering Services (England) Regulations 2011* Regulation 39 (1) (b); *The Residential Family Centre Regulations 2002*, Regulation 28(b) and 31, see note 2; *The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005*, Regulation 27 (1) (b). Although the manager of a voluntary adoption agency is not required to register with Ofsted, we must still be informed if the manager changes.

<sup>21</sup> This applies to children's homes, independent fostering agencies and residential holiday schemes for disabled children

<sup>22</sup> For example, we could discover this because we telephone or inspect the service and find out that the registered manager has ceased managing the service.

### **How long can an establishment, agency or residential holiday scheme for disabled children (holiday scheme) operate without a manager?**

24. The registered provider should ensure that a manager's contract of employment provides a sufficient period of notice within which they can recruit and register a new manager when the current manager is leaving.
25. At inspection, if there is no registered manager in post and no application in progress without reasonable cause, this will affect the inspection judgement. Please see specific guidance in our guidance on conducting inspections for each type of establishment, agency or holiday scheme. We also have specific guidance on when we accept interim management arrangements for children's homes. Please see annex C for more information.

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

26. Once in post, a manager of an adoption support agency, children's home, independent fostering agency, residential family centre or holiday scheme must apply to Ofsted for registration as soon as possible but at a maximum of 28 days from the first date of their employment.<sup>23</sup> This is to minimise the risk that unsuitable people manage these types of establishment or agency.
27. Where we do not receive an application from a manager within 28 days we will consider whether we need to take any action to protect and promote vulnerable children's and adults' welfare. It is an offence<sup>24</sup> to manage an establishment, agency or residential holiday scheme without registration.<sup>25</sup>

### **Registering a new manager at an already registered establishment, agency or residential holiday scheme for disabled children (holiday scheme)**

28. To register a new manager of an already registered establishment, agency or holiday scheme Ofsted undertakes fitness checks, interviews the applicant, assesses whether his or her skills, knowledge and qualifications meet the requirements of regulation and make a decision to register or refuse the application.

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<sup>23</sup> *The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005*, Regulation 26(1)(a)&(b);

*The Children's Homes Regulations 2001*, Regulation 37 (1)(a)&(b);

*The Residential Family Centre Regulations 2002*, Regulation 27(1)(a)&(b)

*The Fostering Services (England) Regulations 2011*, Regulation 38(1)

<sup>24</sup> *Care Standards Act 2000*, Section 11(1)

<sup>25</sup> A manager of a voluntary adoption agency does not require registration with Ofsted.

29. The applicant must meet the same requirements as a proposed registered manager of a new establishment, agency or residential holiday scheme for disabled children. He or she has the same rights of appeal about our decision to refuse registration. Please refer to information in our *Guide to registration for children's social care services*.<sup>26</sup>

## Requesting a change to your conditions of registration

30. The registered provider can apply to vary, remove or change a condition of registration by making a written request and paying a fee. Before requesting a change, please also read Annex A of the *Guide to registration for children's social care services*.<sup>27</sup> This guidance explains what conditions we set on a regular basis and how we decide whether particular conditions are necessary for an individual establishment, agency or holiday scheme.
31. We only apply conditions of registration that do not:
- duplicate any requirements placed on providers and/or managers by the Care Standards Act 2000, or regulations made under this Act
  - conflict with or exempt a provider or manager from complying with any of the regulations made under the Care Standards Act 2000
  - name an individual other than the registered person(s), as we have no powers to make or enforce conditions other than those that apply to registered person(s).<sup>28</sup>

## Making a variation application and decision<sup>29</sup>

32. To apply for a variation to your conditions of registration please contact us using the details provided in paragraph 83. An inspector will contact the registered provider to discuss the variation request in order to decide whether the request is a minor or major variation. For information about minor and major variations please refer to paragraph 34.
33. For specific information about the conditions of registration which apply to each establishment, agency or a holiday scheme please refer to Annex B.

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<sup>26</sup> See note below.

<sup>27</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2014; [www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services).

<sup>28</sup> 'The registered person' covers both the registered provider and registered manager.

<sup>29</sup> *Care Standards Act 2000* (Registration) (England) Regulations 2010, Regulation 10, [www.legislation.gov.uk/ukxi/2010/2130/regulation/10/made](http://www.legislation.gov.uk/ukxi/2010/2130/regulation/10/made).

34. There are two types of variation, a:
- minor variation: where we decide we do not need to visit the establishment or agency to agree to the variation and where the change to the registration is minimal. For example, the provider requests an addition to the overall numbers a children's home can accommodate and we know has the facilities to provide for this number of children and where the supporting documentation shows that all the necessary factors have been considered.
  - major variation: where we need to inspect the establishment or agency to find out whether the proposed change complies with legislative requirements. For example, when the application is for a significant increase in numbers and/or we need to check that any premises alterations are satisfactory.
35. There are different fees for minor and major variations. You can find out what these are in our leaflet *Variation fees for children's social care services*.<sup>30</sup>
36. Once the inspector has discussed whether it is an application for a major or minor variation, we send an *Application to vary or remove conditions of registration* form to complete in full and return to us. You can only return this form by post to us at the address provided in paragraph 83. The responsible individual, or someone who makes up the registered provider, must sign the form. In addition the application must include the appropriate fee and any requested supporting documentation.<sup>31</sup> We are unable to process your variation request without the required fee.
37. A registered manager can only sign an application, including a variation, if he or she is a part of the registered provider.
38. Once we have made a decision to grant or refuse the variation application, we will write to the registered provider outlining our decision. If we refuse your variation application you have the right to make written representations and appeal against our decision. Please see our leaflet on *How to make representation and appeals*<sup>32</sup> for further information.

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<sup>30</sup> *Variation fees for children's social care services* (090320), Ofsted, 2009;

[www.ofsted.gov.uk/resources/variation-fees-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/variation-fees-for-childrens-social-care-services).

<sup>31</sup> *Part 3 of The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007*

([www.legislation.gov.uk/ukxi/2007/694/contents/made#pt3](http://www.legislation.gov.uk/ukxi/2007/694/contents/made#pt3)) sets out the required fees.

<sup>32</sup> *How to make representation and appeals* (110041), Ofsted, 2011;

[www.ofsted.gov.uk/resources/how-make-representations-and-appeals](http://www.ofsted.gov.uk/resources/how-make-representations-and-appeals).

## **Accommodating a child or young person at a children's home in an emergency**

39. If a provider wishes to be able to accommodate a child or young person in an emergency, this must be written as part of their statement of purpose. The statement must detail how such situations will be managed and how the effects on those children already living at the home will be minimised. All policies and procedures should demonstrate that this aspect of provision is considered. For example, the fire risk assessment must include detail of how a child or young person who comes to the home in an emergency will be taken into consideration. Please also read paragraphs 43 to 46 about changes to the statement of purpose.
40. Occasionally registered children's homes' providers request permission to act outside their conditions of registration to cover a short-term emergency situation. Each request is considered on a case-by-case basis which is based on a need to protect the children and young people living at the home and the child / young person who the provider wishes to admit.
41. Ofsted makes a decision about the request by taking into account:
  - the information we hold about the children's home
  - the home's statement of purpose
  - whether the provider will be able to meet the needs of the child or young person and other children or young people who live at the home.
42. The inspector contacts the registered provider to explain whether we have agreed or refused the request. The registered provider also receives a letter confirming our decision. If we have agreed the request, the letter sets out a time limit. If the child or young person will live at the home for more than 14 days, the registered provider will need to apply to vary the conditions of registration immediately if the child or young person is to continue to live at the home.

## Changes to your statement of purpose

43. The registered provider and registered manager for each registered establishment, agency or holiday scheme are required by law to have, and maintain, a statement of purpose (statement) that accurately depicts the service provided at any given time. The statement should state the aims and objectives of the establishment, agency or holiday scheme, facilities and services provided and include the other information specified in regulations.<sup>33</sup>
44. It is a breach of regulations if a children's home, independent fostering agency or holiday scheme is not operating in a manner that is consistent with its statement of purpose. Ofsted may take action against the registered provider for a breach of the regulations. An offence may be committed if the registered provider and registered manager do not comply with such action.
45. It is an offence if a voluntary adoption agency, adoption support agency or residential family centre is not operating in a manner that is consistent with its statement.<sup>34</sup>
46. The registered provider or registered manager must notify Ofsted within 28 days when they make any changes to the statement.<sup>35</sup> As long as one of these registered persons has notified us we accept this as a notification. You can notify Ofsted of a change to an establishment, agency or holiday scheme's statement of purpose by post to the address outlined in paragraph 83.

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<sup>33</sup> *The Children's Homes Regulations 2001*, Regulation 4(1); *Residential Family Centre Regulations 2002*, Regulation 4(1); *Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003*, Regulation 3(1); *Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005*, Regulation 5(1), see note 2.

<sup>34</sup> *The Children's Homes Regulations 2001*, Regulation 4(6); *The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005*, Regulation 5(7); *The Residential Family Centres Regulations 2002*, Regulation 4(5); *The Fostering Services (England) Regulations 2011*, Regulation 3(5), see note 2.

<sup>35</sup> *The Children's Homes Regulations 2001*, Regulation 5(b); *The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005*, Regulation 6(b); *The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003*, Regulation 4(b), see note 16; *The Residential Family Centres Regulations 2002*, Regulation 4(4)(b); *The Fostering Services (England) Regulations 2011*, Regulation 4(b), see note 2.

## Other changes that you must tell us about

47. The registered provider and registered manager (the registered persons) are required by regulations to tell Ofsted when:<sup>36</sup>
- a. someone other than the registered person carries on or manages the establishment or agency
  - b. a person ceases to carry on or manage the establishment or agency<sup>37</sup>
  - c. where the registered provider is an individual, he or she changes his or her name
  - d. where the registered provider is a partnership, the membership changes
  - e. where the registered provider is an organisation:
  - f. the name or address of the organisation changes
  - g. a director, manager, secretary, clerk, treasurer, trustee or similar officer changes
  - h. the identity of the registered person changes
  - i. the premises of a children's home or residential family centre are significantly altered or additional premises are acquired.
  - j. where the registered provider is an individual, he or she becomes bankrupt or makes an arrangement with their creditors. You must write a personal letter about this change and provide this to Ofsted by post, using the address in paragraph 83.
  - k. where the registered provider is a company, it goes in to liquidation or receivership. You must write a personal letter about this change and provide this to Ofsted by post, using the address in paragraph 83.

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<sup>36</sup> *The Children's Homes Regulations 2001*, Regulation 38; *The Residential Family Centres Regulations 2002*, Regulation 28; *The Fostering Services (England) Regulations 2011*, Regulation 39; *The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005*, Regulation 27, see note 2.

<sup>37</sup> When a new manager is appointed they will have to apply for registration by completing an SC2 form, [www.ofsted.gov.uk/resources/sc2-declaration-and-consent-form](http://www.ofsted.gov.uk/resources/sc2-declaration-and-consent-form).

48. The registered person must tell us about any of the changes outlined above.<sup>38</sup> We expect them to tell us about these changes before they occur but always within 14 days of the change taking place. The notification must be in writing. You can use Ofsted online's SC3 form<sup>39</sup> or the word version of the SC3 which is available on our website<sup>40</sup> to tell us about the changes listed in paragraph 47 a to i the types of change listed as j and k must be made via a personal letter to the address in paragraph 83.

## Changes to the symbol system that you use

49. If you use a particular symbol system to aid communication with children and young people, please keep us updated about any changes you make to the types of symbol systems that you use. It is helpful for inspectors to know which systems are in use by a provider before they inspect. You can tell us about a change to the symbol systems you use by using the form on our website: *Types of communication symbols used at our service*.<sup>41</sup> You can return this form by post to the address in paragraph 83.

## Applying to register additional establishments or agencies

50. This section provides information for registered providers who:
- buy an existing establishment(s) or agency(cies)
  - wish to register a new establishment(s) or agency(cies)
  - move premises
  - change their legal entity.

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<sup>38</sup> *The Children's Homes Regulations 2001*, Regulation 38; *The Residential Family Centres Regulations 2002*, Regulation 28; *The Fostering Services (England) Regulations 2011*, Regulation 39; *The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005*, Regulation 27, see note 2.

<sup>39</sup> Ofsted Online available at: <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>

<sup>40</sup> *SC3 Changes to individuals and premises* (20110008), Ofsted, 2013;

[www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises](http://www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises)

<sup>41</sup> *Types of communication systems used at our service form (children's social care providers)*, Ofsted, 2009; [www.ofsted.gov.uk/resources/types-of-communication-systems-used-our-service-form-childrens-social-care-providers](http://www.ofsted.gov.uk/resources/types-of-communication-systems-used-our-service-form-childrens-social-care-providers).



51. When a registered provider submits an application they must supply us with certain information.<sup>42</sup> This helps us to ensure that anyone who provides care and accommodation for vulnerable children and adults is suitable to do so. Where we already hold any information required in an application we will make the registration process as simple as possible. Please note that you do not need to supply information we already hold where it was supplied after 30 September 2010 and is unchanged.<sup>43</sup> You can use Ofsted online or our word versions of the SC1 and SC2 forms to apply to register establishments and agencies as identified in paragraph 50; these are available on our website<sup>44</sup>. You can return hard copy versions of applications by post to the address in paragraph 83.
52. Application fees must be submitted with every application in order for Ofsted to commence processing this. The full fee must be submitted with any word version of applications. If you make an application via Ofsted Online we will verify that you have provided all the necessary information for us to process your application. If we consider your application documentation is complete you will receive a message with provides you with detail of how to pay the fee online. Please note that we will only commence processing your application once we receive your full application fee.

## **Circumstances when a new application is required**

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

53. We require a new application and fee for each new establishment or agency. The registered provider must complete an application via Ofsted online or supply Ofsted with word versions of the application forms SC1 and SC2<sup>45</sup> with all the necessary additional documentation.
54. A separate application must be made for each proposed establishment or agency.<sup>46</sup> However, we do not require annual accounts, a business plan or a financial reference if these have been supplied to us in the previous 12 months.

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<sup>42</sup> *The Care Standards Act 2000 (Registration)(England) Regulations 2010*, Regulation 3,

<sup>43</sup> *The Care Standards Act 2000 (Registration)(England) Regulations 2010*, Regulation 3(5),

<sup>44</sup> Completing your application pack to be a social care provider <http://www.ofsted.gov.uk/children-and-families-services/for-children-and-families-services-providers/regulating-children-and-families-services/register-2>

<sup>45</sup> See previous reference

<sup>46</sup> SC1 [www.ofsted.gov.uk/resources/sc1-application-form-for-childrens-social-care](http://www.ofsted.gov.uk/resources/sc1-application-form-for-childrens-social-care); SC2 [www.ofsted.gov.uk/resources/sc2-declaration-and-consent-form](http://www.ofsted.gov.uk/resources/sc2-declaration-and-consent-form).

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

55. We require a new application and fee for each registered establishment, agency or residential holiday scheme for disabled children that an existing registered provider buys or acquires. Where this involves buying a number of existing establishments, agencies or holiday schemes we do not require a full application form for each one. You can complete one hard copy SC1 in full and leave the details of the provider blank in any other SC1 forms you submit. If you make application via Ofsted online<sup>47</sup> you will be able to complete one form and use the reference number of this application to generate the other application forms before submitting these to Ofsted.
56. Please note that:
- the **buyer cannot take on responsibility** for an establishment or agency until registration is complete. Registration is complete when the buyer has received the registration certificate for an establishment, agency or holiday scheme.<sup>48</sup>
  - where the existing establishment, agency or holiday scheme has **uncompleted statutory requirements**, the buyer must provide an action plan that demonstrates how they will meet those requirements (this must include a timescale for completing each requirement).<sup>49</sup>
  - the seller remains responsible for the establishment or agency until they apply to voluntarily cancel their registration in writing: (see paragraphs 66 to 75) and this has been granted by Ofsted. Where continuity of care for children is an issue, the existing registered provider must not voluntarily cancel their registration until the new registration takes effect (the date on the certificate).
57. We may not need to carry out a full assessment of the premises or the manager. This will depend on the individual circumstances of the situation and the amount of information we hold about the buyer and the establishments, agencies or holiday schemes that they run.

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<sup>47</sup> Ofsted Online available at: <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>

<sup>48</sup> *Care Standards Act 2000*, Section 28(1)

<sup>49</sup> *Care Standards Act 2000* (Registration)(England) Regulations 2010, regulation 3(6)

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

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

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

59. Where a registered provider changes their legal entity; for example, where an individual becomes a registered company, a new application and application fee is required for each establishment or agency affected by the change. This is because a new legal entity requires a new registration.
60. As above (see paragraph 55), where this involves a registered provider buying a number of existing establishments or agencies, we do not necessarily require a fully completed hard copy application form for each one. We decide what level of checks we need to undertake depending on the individual circumstances of the situation. By using Ofsted online you will be able to complete one form and, before submitting this and use it to generate other application forms. The other application forms which you generate will be populated with information contained in the first application completed. Detail of how to do this is available when you log in to Ofsted online.<sup>50</sup>
61. If a company changes its Companies House registration number, it must submit a new application. In these circumstances, the registered provider has changed and, therefore, the establishment, agency or holiday scheme must re-register.

### **Move to new premises**

62. If a registered provider of a children's home or residential family centre moves premises, they must apply and pay an application fee for registration at the new premises. They must also, at an appropriate point, apply to voluntarily cancel their registration in respect of the old premises. This is because the registration of an establishment is in respect of particular premises.
63. The service at the new premises cannot commence unless we have granted registration. This is the case even where changes of premises are temporary and short term; for example, where there is building work taking place. In emergency situations, such as where existing premises are flooded, we will work with the provider to complete the registration as soon as possible.
64. The provider must complete an application which includes everyone who makes up the proposed registered provider and an application for the proposed registered manager. We will decide if new checks are required for the provider and/or manager. Please see paragraphs 66 to 67 for more information.

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<sup>50</sup> Ofsted Online available at: <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>

65. Where an independent fostering agency or voluntary adoption agency move to new premises, or where the principal office of a holiday scheme changes, the provider should confirm the details in writing by post to the address provided in paragraph 83. If there are no substantial changes to the operation of the agency or holiday scheme a variation or new application are not required.

**How we decide if new checks are necessary when registering a new establishment, agency or residential holiday scheme for disabled children (holiday scheme) for an already registered provider or when a provider moves the operation of a children's home to other premises**

66. We take account of any change to the establishment agency or holiday scheme and the service it provides as part of any decision we make to request new checks. For example, if the registered provider wishes to significantly alter their conditions of registration we determine whether the manager has the necessary qualifications, skills and knowledge to meet the needs of the proposed change. Where a children's home for children with emotional and behavioural difficulties applies to become a home for children with learning and physical disabilities, we may need to request new references to substantiate the proposed manager's ability to meet children's needs and the requirements of regulation.
67. The registration visit concentrates on how the new premises meet vulnerable children's and adults' needs and the registered provider's and manager's understanding of related safety issues. We may not need to carry out a full registration visit and fit person interviews. Where there are no significant changes to people working on the premises, or the manager or other aspects of the provision, we will as a minimum:
- interview the applicant and proposed manager about the intentions for the establishment, agency or holiday scheme
  - review the policies and procedures the applicant wishes to introduce, and how these differ from those already in place
  - check the date of the last inspection and its findings, including how any statutory requirements or recommendations have been met
  - review any conditions of registration in place.

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

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

68. Sometimes an organisation acquires a company and chooses to continue to run it as that company with no change to the responsible individual or registered manager. Where the registered company name and registered company number remain the same and it continues to trade under the existing company name we do not require a new application(s).
69. In these circumstances, please read our guidance on changes to the registered person in paragraphs 12 to 13. If there is any change to the responsible individual, please follow guidance in paragraphs 14 to 15 and, the guidance in Annex A. If there is a change to the registered manager please follow guidance in paragraphs 16 to 27.

### **Changes of name and registered addresses**

70. Registered providers sometimes change their name, or change the registered head office address (not the establishment or agency address). As the registered provider remains the same we do not need a new application.

## **Cancelling registration**

71. If a registered provider no longer wishes to continue operating a registered establishment agency or holiday scheme, they must apply to 'voluntarily cancel' their registration with Ofsted.
72. You do not pay a fee if you make an application to voluntarily cancel your registration.
73. To cancel a registration, the registered provider must:
  - apply in writing on a form approved by Ofsted. The application to cancel a registration can be made by post to the address in paragraph 83.
  - make the application no less than three months before the date they want the cancellation to take effect
  - provide specific information detailed in regulation 13 of The Care Standards Act 2000 (Registration) (England) Regulations 2010.<sup>51</sup>

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<sup>51</sup> *Care Standards Act 2000 (Registration) (England) Regulations 2010*, Regulation 13, [www.legislation.gov.uk/uksi/2010/2130/regulation/10/made](http://www.legislation.gov.uk/uksi/2010/2130/regulation/10/made).

74. If the registered provider does not complete the steps outlined in paragraph 73 we may decide to cancel the registration. This would disqualify the registered manager and responsible individual from carrying on, or being concerned in the management of, or having a financial interest in, a children's home in the future without receiving our written consent.<sup>52</sup>
75. You can download the application form for voluntarily cancelling a registration from our website<sup>53</sup> and submit this by post. If you contact us to apply to cancel your registration, we will tell you how to access this application form or send one to you. You must send the completed form back to us at the address in paragraph 83.
76. When we receive an application to voluntarily cancel a registration, we contact the registered provider by telephone to confirm:
- the date of closure
  - the arrangements made for the future care of the children and young people or adult service users
  - that information has been given about the proposed closure to:
    - the children or young people and any adult service users
    - any representatives of the children or young people and adult service users
    - the local authority in whose area the home is situated.

Please note the registered provider is required to give us the above information.

77. Where less than three months' notice has been given, the registered provider must tell us whether the establishment or agency has ceased to be financially viable, or will cease to be financially viable within the next 12 months.<sup>54</sup>
78. The registered provider should not:
- sell a registered establishment or agency without applying to cancel the registration. Please see paragraphs 55 to 57 for further guidance on what to do when selling an establishment or agency to someone else
  - cease operating without applying to voluntarily cancel the registration unless they intend to close the establishment or agency while retaining its registration.

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<sup>52</sup> *Disqualification from working in children's social care* (080157), Ofsted, 2011; [www.ofsted.gov.uk/resources/080157](http://www.ofsted.gov.uk/resources/080157)

<sup>53</sup> *Application for cancellation of registration* (070094), Ofsted, 2007; [www.ofsted.gov.uk/resources/application-for-cancellation-of-registration](http://www.ofsted.gov.uk/resources/application-for-cancellation-of-registration).

<sup>54</sup> *Care Standards Act 2000* (Registration)(England) Regulations 2010, 13(4)(f), see note 1.

79. If we agree to cancel a registration, the provider must return the registration certificate by the agreed date of cancellation.
80. We will refuse a registered provider's application to voluntarily cancel their registration if we are already cancelling their registration ourselves.

## **Changes to a local authority fostering or adoption agency**

81. Local authority adoption and fostering services must notify Ofsted in writing when a manager changes. We also ask local authorities to notify us if the nominated person changes, but they are not required by law to do so. Local authorities can notify us of this change via Ofsted online or by using a hard copy form SC3<sup>55</sup> from our website and returning this by post to the address in paragraph 83.

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<sup>55</sup> *SC3 Changes to individuals and premises* (20110008), Ofsted, 2013;  
[www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises](http://www.ofsted.gov.uk/resources/sc3-changes-individuals-and-premises).

## How to obtain more information

82. We have other guidance about children's social care establishments, agencies and holiday schemes on our website.<sup>56</sup>
83. To obtain copies of any of Ofsted's guidance or obtain forms mentioned in this document you can:
- follow the links in this document if you are using it online
  - download the guidance from our website, [www.ofsted.gov.uk](http://www.ofsted.gov.uk)
  - telephone our help line 0300 123 1231 and ask us to send you specific guidance or application forms
  - write to us at the following address:

Ofsted  
Piccadilly Gate  
Store street  
Manchester  
M1 2WD.

You can also return information and applications to us at the above address.

## Useful legislation and guidance

84. We have a list of useful legislation and statutory guidance on our website.<sup>57</sup> You are strongly advised to check that the links provide the most up to date information. You can also contact The Stationery Office on 0870 600 5522 for hard copies of regulations.

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<sup>56</sup> See below

<sup>57</sup> *Ofsted website Regulating children and families services* [www.ofsted.gov.uk/children-and-families-services/for-children-and-families-services-providers/regulating-children-and-families-services](http://www.ofsted.gov.uk/children-and-families-services/for-children-and-families-services-providers/regulating-children-and-families-services)



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

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

(Please note this does not include residential holiday schemes for disabled children.)
4. Having a responsible individual in post at all times who is accountable for the supervision of the management of an establishment or agency helps to protect children, young people and, where appropriate, adult service users. It also supports a provider to improve the quality of the service they offer and ensures that the organisation which is registered as the provider has a direct link to the operation of the establishment or agency on the ground. Further, it is a requirement of regulation.<sup>58</sup>

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<sup>58</sup> The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, Regulation 7  
The Children's Homes Regulations 2001, Regulation 6;  
The Fostering Services (England) Regulations 2011, Regulation 5  
The Residential Family Centre Regulations 2002, Regulation 5

5. Providers are therefore expected to ensure that:
  - the person they appoint as a responsible individual satisfies the legal obligation relating to their fitness in the relevant regulations
  - the length of time registered establishments or agencies remain without a responsible individual is minimal.
  
6. A provider must demonstrate to Ofsted that the responsible individual they appoint:
  - has an effective knowledge and understanding of:
    - law and practice relating to looked after children
    - safeguarding and child protection
    - law and guidance in relation to the establishment or agency that he or she will be responsible for including: applicable regulations; national minimum standards; and, statutory guidance
  - has the skills, knowledge and ability to carry on the establishment or agency in a way which promotes both good practice and continuous improvement
  - has the business and management skills to supervise the management of the establishment or agency efficiently and effectively
  - can demonstrate that she or he, or another official within the organisation, has the necessary financial skills and expertise to ensure the establishment or agency is run on a sound financial basis. This includes the long-term financial viability of the establishment or agency.
  - has completed all checks required under service specific regulations completed and these were satisfactory.<sup>59</sup>
  
7. It is a legal requirement for registered providers to notify Ofsted if a change of the responsible individual is proposed or has occurred. This must be done immediately wherever possible, but always within 14 days of the change.<sup>60</sup>

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<sup>59</sup> The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, Schedule 2;

The Children's Homes Regulations 2001, Schedule 2;

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

The Residential Family Centre Regulations 2002, Schedule 2.

<sup>60</sup> Regulations state that registered providers must notify Ofsted 'as soon as it is practical to do so' – we determine this usually means within a few days of the change of responsible individual but at the most within 14 days of the change.

8. If the registered provider does not inform us that the responsible individual has changed within 14 days Ofsted will treat this as a breach of the relevant regulations and we may take action against the registered provider.<sup>61</sup> For example, we may issue a compliance notice: it is an offence not to comply with any compliance notice that we issue.
9. Once Ofsted receives such a notification, or becomes aware by other means of a change in responsible individual, we will request in writing the relevant information listed in paragraph six. Ofsted's written request will include a timescale for the submission of the relevant information. This will usually be 10 working days from receipt of the request. The information submitted must demonstrate that the provider has complied with legal requirements with regard to the selection and fitness of the responsible individual in question. If Ofsted does not receive the information within the specified timeframe detailed in the written request we will convene a case review to decide whether further action is required; including triggering an inspection. For further information about case reviews please refer to guidance within the Social Care Compliance Handbook.<sup>62</sup>
10. Ofsted's written request for information about the responsible individual will ask a provider to include, but may not be limited to:
  - evidence of a Disclosure and Barring Service (DBS) certificate or evidence of their check online if the person subscribes to the DBS online update service
  - evidence that all checks required under service specific regulations were completed, and were satisfactory, and a the provider has undertaken a satisfactory assessment the person's fitness in line with other detail in paragraph six.<sup>63</sup>
  - a fit person questionnaire completed by the responsible individual<sup>64</sup>
  - any other information Ofsted considers necessary to determine whether the provider is observing its legal obligations with regard to the appointment of the responsible individual
  - detail of the establishments and agencies the responsible individual supervises or will supervise.

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<sup>61</sup> Not telling Ofsted about a change of a responsible individual of a children's home, independent fostering agency and residential holiday scheme for disabled children is a breach of regulation. Not telling Ofsted about a change of responsible individual for a voluntary adoption agency, adoption support agency or residential family centre is an offence.

<sup>62</sup> Ofsted, Social Care Compliance Handbook, <http://www.ofsted.gov.uk/resources/social-care-compliance-handbook>

<sup>63</sup> The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, Schedule 2;  
The Children's Homes Regulations 2001, Schedule 2;  
The Fostering Services (England) Regulations 2011, Schedule 1;  
The Residential Family Centre Regulations 2002, Schedule 2.

<sup>64</sup> Fit person questionnaires: registered manager and registered provider or responsible individual: <http://www.ofsted.gov.uk/resources/fit-person-questionnaires-registered-manager-and-registered-provider-or-responsible-individual>

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

## Annex B: Changes to conditions of registration

### Introduction

1. Once registered, a provider may request a change to their conditions of registration, including their categories of registration, by applying to remove, alter or request an additional condition. Full guidance on the conditions that can be applied at registration and the wording that Ofsted uses for different types of children's home and categories of registration is available in the *Guide to registration for children's social care services*.<sup>65</sup>
2. In addition, Ofsted has powers to vary, remove or impose conditions on an existing registration under section 13(5)(a) and (b) of the Care Standards Act 2000. We use these wide powers to safeguard and promote the well-being of children and young people and to address specific issues relating to a particular children's home.

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

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

### Categories of registration for children's homes

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

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<sup>65</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2014; [www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services)

statement of purpose. Their findings will form part of their judgement about leadership and management.

7. Ofsted expects a provider to apply for a variation to their category/ies of registration if the main needs of the group of children and young people who they provide services to do not align with the categories of registration on their current certificate. See our full guidance on categories of registration in the *Guide to registration for children's social care services*.<sup>66</sup> We treat this as any other variation request.
8. Ofsted may limit the categories of registration where this is in children and young people's best interests. In those instances the condition must be worded using the words 'may only' as in the following examples. The registered person:
  - **may only** accommodate children with physical disabilities
  - **may only** accommodate children with learning disabilities.

This restricts the provider to only accommodating children and young people in the stated categories.

9. We only consider a provider has breached their conditions of registration in relation to categories if the certificate states that the registered person '**may only**' accommodate that category. Please see paragraphs six to eight of this annex for more information.

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

10. Where a children's home intends to accommodate a mother and her baby at a children's home, the overall numbers of the children's home must include the baby. However, if the home is a single-bedded home, this does not apply. For more information please refer to the *Guide to registration for children's social care services*.<sup>67</sup>
11. Decisions to accommodate a mother with her baby at an already registered home must always be made in conjunction with a decision about whether this is in the best interests of the baby, their mother, and other children and young people living at the home. The facilities, space, staffing qualifications and skills, and external support services are crucial factors when deciding whether accommodating a mother and baby is appropriate even for a short period of time.

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<sup>66</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2014; [www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services)

<sup>67</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2014; [www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services)

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

12. Where a home does not intend to accommodate children and young people and will remain closed for some time, interim inspections are completed and a condition that the home must notify Ofsted if they intend to accommodate a child or young person is imposed. The condition must be worded as follows. The registered person:
- must inform Ofsted of their intention to admit children and young people three months before a child or young person will commence living at the homes.

## Multi-sites

13. If a provider wishes to extend their service to operate over more than one site<sup>68</sup> the following wording may be used. The registered person:
- may only provide care and accommodation for up to x children at >insert name of site< and a further x children at >insert name of site<.

## Mobile services

14. There are a very small number of children's homes that are registered to provide mobile services. Please refer to *Guidance for mobile services* for more information.<sup>69</sup> If a mobile service provider changes their operation they may have to apply for changes to their conditions of registration or we may impose additional conditions of registration. See the *Social care registration handbook* and *Guide to registration for children's social care services* for information.

## Adoption support agencies

15. If a provider wishes to change any of their conditions of registration to allow them to extend the range of adoption support that they provide they will need to request a variation to their conditions of registration before commencing this work. For information about which conditions of registration we apply please refer to the *Guide to registration for children's social care services*.<sup>70</sup> However, we may impose conditions following registration if we consider this necessary.

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<sup>68</sup> *Guidance on the registration of multi-site children's homes* (080239), Ofsted, 2012; [www.ofsted.gov.uk/resources/guidance-registration-of-multi-site-childrens-homes](http://www.ofsted.gov.uk/resources/guidance-registration-of-multi-site-childrens-homes)

<sup>69</sup> *Guidance for mobile services* (100252), Ofsted, 2011; [www.ofsted.gov.uk/resources/100252](http://www.ofsted.gov.uk/resources/100252).

<sup>70</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2014; [www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services)

## **Independent fostering agencies**

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

## **Residential family centres**

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

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

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

## **Voluntary adoption agencies**

19. Ofsted only usually applies conditions of registration in relation to categories of registration for voluntary adoption agencies. These define the work of a particular agency. If a provider wishes to change any of their conditions of registration to allow them to extend the range of adoption services that they provide they will need to request a variation to their conditions of registration before commencing this work. For information about which conditions of registration we apply please refer to the *Guide to registration for children's social care services*.<sup>71</sup>

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<sup>71</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2014;  
[www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services)



## **Annex C: Interim management arrangements (children's homes only)**

1. The Care Standards Act 2000 requires any person who carries on or manages a children's home to be registered with Ofsted. Having a registered manager working in 'full-time day to day charge' is in children and young people's best interests because it best protects and promotes their safety and welfare. Further, it is a criminal offence to operate or manage a children's home without registration with Ofsted.<sup>72</sup>
2. A person who is to be in charge of the home for an interim period without registration is known in this guidance as the interim manager. A children's home provider must have plans in place which outline what they will do if:
  - they know that a registered manager will cease managing a children's home
  - they know in advance that a registered manager will be absent for more than 28 days
  - an emergency situation arises which results in a registered manager ceasing to manage or being absent for more than 28 days from a children's home.
3. Ofsted expects providers to only have interim management arrangements in place if a registered manager:
  - unexpectedly ceases to manage a children's home
  - is absent unexpectedly for more than 28 days.

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

4. Regulations require a provider to notify Ofsted that a registered manager will be, or has been, absent for more than 28 days.<sup>73</sup> They must do this at least one month before a known absence of the manager. They must notify Ofsted within one week of a registered manager being absent for 28 days or more where the absence arises as a result of an emergency. You can notify us by using Ofsted Online or by post.

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<sup>72</sup> Section 11 of the Care Standards Act 2000.

<sup>73</sup> The Children's Homes Regulations 2001 Regulation 37  
<http://www.legislation.gov.uk/ukxi/2001/3967/contents/made>

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 peoples' needs safely? Has the provider plans of succession that ensure deputy managers can step into the registered manager's position in an emergency?
- ensure that any person they employ to act as an interim manager has the relevant qualifications, skills and experience to undertake this position
- put in place strong arrangements which support the interim manager whilst he or she is responsible for the home.
- regularly review whether the interim management arrangements effectively protect children and young people's safety and welfare
- regularly monitor that the interim manager is effective
- ensure the interim manager fully understands the timescales Ofsted imposes on them to apply for registration. The provider must also ensure that an interim manager is aware that he or she must submit an application to Ofsted at the earliest opportunity if it becomes clear that the registered manager will be absent for longer than the specified timescales in paragraphs 12 onwards.

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

5. 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.
6. 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.

7. If we have information that providers did not manage a change of registered manager, as indicated in previous paragraphs, inspectors will take this into account when planning and undertaking their inspections. Inspectors will also take this into account if they find out that we have not been notified of a change of manager. Examples of actions we may take include, but are not limited to, bringing the date of the inspection forward and using this information to inform our judgement about the leadership and management of the home. If a provider fails to notify us of a change of manager this may also affect our view of their fitness. For more information about what regulatory action we can take, refer to the *Social care compliance handbook*.<sup>74</sup>

### **Known absences of a registered manager**

8. 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.
9. Ofsted expects providers to have an interim manager working at the children's home by the time the registered manager leaves. The provider and registered manager should also arrange a handover between the interim manager and registered manager which helps to prepare the interim manager for their role wherever possible. In these circumstances a manager must follow the guidance on registration; paragraphs 12 to 15 of this annex.

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

10. There are circumstances where a registered manager leaves suddenly, is unable to give notice of their decision to cease managing a children's home or is suddenly absent from the home for more than 28 days. Some examples are, but not limited to: unexpected illness; illness of a dependent; or suspension. Regulations allow providers to appoint an interim manager.<sup>75</sup> In these circumstances a manager must follow the guidance below on registration.

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<sup>74</sup> Social Care Compliance Handbook (2013) <http://www.ofsted.gov.uk/resources/social-care-compliance-handbook>

<sup>75</sup> The Children's Homes Regulations 2001 Regulation 37 <http://www.legislation.gov.uk/ukxi/2001/3967/contents/made>

## Registration of an interim manager

11. 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*.
12. 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.
13. 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.
14. If there are extenuating circumstances as to why a manager wishes us to consider extending the date by which they must register (see paragraph 14) the manager must put their reasons in writing for Ofsted to consider. Decisions will be made based on a case-by-case basis. For example, if there is evidence that the registered manager will return shortly after 90 days, we may decide to allow the interim manager to continue to do so without registration.

## **Transitional arrangements**

15. 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.

16. If you require help with a query that is not covered in this annex please contact us by:

- telephoning our help line 0300 123 1231
- writing to us asking for the information at the following address:

Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.