

Guide to registration for providers of social work services

This guidance provides you with information about the registration of providers of social work services. It will help you decide whether you need to apply for registration and explains what processes your application will go through before we can decide whether you are suitable to be registered as a social work provider or manager.

Age group: 0–18

Published: September 2014

Reference no: 130234



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Introduction

1. This guidance provides you with information about registering with Ofsted as a provider of social work services which is a type of agency under the Care Standards Act 2000 (CSA). It also sets out the requirements for registered managers of social work services. The registration process looks at your fitness to deliver social work services. It also explains what processes your application will go through before we can decide whether you are suitable for registration as a social work provider or manager.
2. A list of guidance you may find helpful, information about the underpinning legislation, web links and contact details for other relevant organisations' documents is provided in Annex A.
3. To obtain copies of any of the guidance 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
 - telephone our help line 0300 123 1231 and ask for specific guidance to be sent to you
 - write to us asking for the information at the following address:

Ofsted
National Business Unit
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Legal requirement to register

4. Any provider or manager of social work services must be registered under the CSA. It is an offence to provide or manage a social work service without registration.¹
5. You will be a provider of social work services if you have entered into a contract with a local authority for the performance of delegated local authority functions. Part 1 of the Children and Young Persons Act 2008 (CYPA) and the regulations made under it provide the legal criteria for such delegation, it is your responsibility to ensure that you are aware of the type and nature of contract you have entered into and whether it triggers registration under the CSA. Part 1 of the CYPA when commenced in full will allow local authorities to delegate their statutory functions for looked after children and care leavers to private or voluntary providers. The Department for Education (DfE) will commence Part 1 of CYPA on 13 November 2013. Ofsted is the registration authority under the CSA, therefore providers and managers will be legally obligated to register with Ofsted.
6. Potential providers of social work services must by law be registered before they can have local authority statutory functions delegated to them. Therefore providers must be in possession of their registration certificate before entering into a contract to provide social work services. At the point of publication of this guidance, it is not clear whether local authorities will only tender with providers already registered with Ofsted, or whether registration on successful tendering will be acceptable. Potential providers of social work services should be aware of Ofsted timescales for registration (see paragraph 62), and liaise with the local authority they propose to contract with to be clearer on their policy regarding entering into such contracts.

People connected with a registration

The provider

7. Ofsted requires an application for each provider of social work services from the person wishing to provide the service. This person, once registered, is the **registered provider** and is legally responsible for complying with the requirements of legislation. The provider may be an organisation: this includes limited companies and limited liability partnerships. All organisations must nominate a person to represent it in its dealings with us. This representative is known as the **responsible individual**.
8. We need to know about all the individuals that make up the provider. This could be the director, manager, secretary, clerk, treasurer, trustee or any other similar officer of the organisation. We will ask for their details as part of the application.

¹ Section 11(1) The Care Standards Act 2000.

The responsible individual

9. The responsible individual must be someone who is:
- a director of the organisation
 - a manager of the organisation
 - a secretary of the organisation
 - an officer of the organisation.
10. The responsible individual acts on behalf of the organisation and demonstrates to us how she or he meets the requirements for registration. The responsible individual must also demonstrate on behalf of the provider that the proposed service will meet the relevant requirements set out in legislation.

The registered manager

11. Each agency registered to provide social work services must have a registered manager. If you are a provider of social work services with many delegated functions from many local authorities, we will consider whether it is necessary for there to be more than one registered manager.

12. The manager's registration is personal to them and granted in respect of a particular agency. The manager's registration is not transferable to another agency. An individual may apply to be the registered manager of more than one agency. When such an application is made, Ofsted will assess whether it is possible for a registered manager to have sufficient control of more than one agency before granting such a registration. The applicant must submit an application and pay a fee for each application. She or he must demonstrate that they have the skills, knowledge and experience to meet the requirements of the management of the delegated function which the agency is performing. Two individuals may apply to be the registered manager as a job share. In this case, both individuals must submit an application and both must pay an individual application fee.

13. Anyone applying to be a registered manager must meet the relevant fitness requirements for the agency. These are listed in the relevant regulations set out in Annex A.

14. In all cases the responsible individual must be a different person to the registered manager, as the law views these as distinct roles, with the responsible individual supervising the management of the agency on behalf of the organisation.

15. Applications to register a manager must be made when:
- a person applies to register a new agency
 - a new manager starts work at an existing agency.

Before applying

16. You cannot start providing or managing social work services on behalf of a local authority until all of the following are complete:

- you send us a full and complete application for registration that includes the application for a registered manager
- we decide that you and your proposed manager are fit for registration
- you receive a certificate of registration from Ofsted.

17. An application for registration is only complete when we receive all the information we need to process it and you have paid the required fee. If you do not send us all the required information with your application form, we will usually return it to you and you will need to resubmit it.

18. To prevent this from happening, you should not send an application to us until you:

- are familiar with the regulations for the agency you wish to register
- have a Disclosure and Barring Service certificate for everyone who needs one (obtained online via the Capita website²), have subscribed to the DBS update service and have given Ofsted consent to check your DBS status at least once every six months
- have all of your policies, documents and procedures in place as detailed in The Providers of Social Work Services (England) Regulations 2013 and this guidance, and have appointed a manager (please note that you must include her or his application to register with us as part of your application; if you do not your application will be returned to you)
- have appointed a responsible individual
- have a completed health declaration booklet for everyone who needs one
- have premises that meet regulatory requirements and are ready to provide a service.

There is more information about who needs to register in paragraph 26 and more on how to complete the documents required for application in paragraphs 31 to 61.

Requirements for registration

19. We assess whether each person connected with a registration is 'fit' to provide the service and/or manage it. Each person must have the relevant skills, qualifications and experience for the position she or he holds and must be able to

² <http://ofsteddbapplication.co.uk>

meet the relevant requirements of registration. The requirements are set out in the legislation listed in Annex A.

20. We assess your fitness by:

- scrutinising the information you submit with your application
- carrying out checks and interviewing you and anyone else connected with the registration
- visiting the proposed premises.

21. Once registered as a manager or provider or nominated as a responsible individual, you must comply with any registration conditions and the regulations that apply to providers of social work services. If you do not comply with all the requirements, we may take action to bring about compliance. This may affect your registration or any future application for registration you wish to make. We apply the principles and processes in our *Social care compliance handbook*³ when taking compliance action against a provider of social work services.

Statutory guidance

22. Providers should use any relevant statutory guidance (when made) and take account of best practice to help them with developing their agency so that these meet the requirements of registration. Ofsted takes the statutory guidance into account when making a registration decision.

Registration fees

23. The law says that you must pay a registration application fee as part of your application.⁴ This must accompany your application and is non-refundable. The law also prescribes two different levels of variation fees that are relevant to providers and managers of social work services. You must also pay a single non-refundable fee for an application for a registered manager. This fee is payable for an application for a registered manager connected with a new agency and also when a new manager is registered for an existing agency. Please note that if the proposed manager withdraws their application before the service is registered, we will require a new application and another fee for the new manager.

24. If the nominated responsible individual changes before the service is registered, a new fee is not required. This is because the regulations do not make separate fees for registering individuals who are being assessed as part of the application to register a children's social care provider.

³ *Social care compliance handbook* (140136), Ofsted, 2014; www.ofsted.gov.uk/resources/140136.

⁴ *Registration fee for children's social care* (070087), Ofsted, 2009; www.ofsted.gov.uk/resources/registration-fee-for-childrens-social-care.

25. When you apply for a new registration we check if you owe us fees from any previous registration. If this is the case we take this into account when assessing your fitness, integrity and financial viability to provide a service. We recommend that you pay any outstanding fees before you make any new application.

How to apply

Who is required to register for each type of provider?

26. The table below sets out who we register and who needs to complete the various forms submitted with an application. You will need to make sure that you identify how many of each type of form you need according to the number of people involved with the application.

Type of provider	Entity or person/ persons we register as the provider	Application form (SC1) must be signed by:	Those connected with registration who must be assessed	Name on the certificate
Company ⁵	Companies: <ul style="list-style-type: none"> ■ are legally constituted ■ have a company name ■ have a company registration number ■ are registered with Companies House 	1) If you have no registration with Ofsted <ul style="list-style-type: none"> ■ A director of the company <i>or</i> 2) if your company is already registered with Ofsted: <ul style="list-style-type: none"> ■ A director of the company <i>or</i> a responsible individual (RI) who already represents the company.	The person applying to be the responsible individual and registered manager	The company name <i>and</i> the name of the responsible individual and registered manager
Limited liability partnership	Limited liability partnerships are registered with Companies House and therefore hold a separate legal identity from the	1)if you have no registration with Ofsted: <ul style="list-style-type: none"> ■ a partner on behalf of all partners <i>or</i>	The person applying to be the responsible individual and registered manager	The name of the limited liability partnership (company) <i>and</i> the name of the

⁵ Within this guide to registration, company is covered by the term 'organisation'.

Type of provider	Entity or person/ persons we register as the provider	Application form (SC1) must be signed by:	Those connected with registration who must be assessed	Name on the certificate
	<p>individuals that make up the partnership. These fall within the definition of 'organisation' (their organisation 'type' is company). Their company name (on the company's house website) will have the prefix 'LLP'</p>	<ul style="list-style-type: none"> ■ two or more partners on behalf of all partners <p><i>or</i></p> <p>2) if you are a limited liability partnership which is already registered with Ofsted:</p> <ul style="list-style-type: none"> ■ a partner on behalf of all partners <p><i>or</i></p> <ul style="list-style-type: none"> ■ two or more partners on behalf of all partners <p><i>or</i></p> <ul style="list-style-type: none"> ■ a responsible individual who already represents the limited liability partnership 		responsible individual and registered manager
Charity ⁶	<p>Charitable bodies may be:</p> <ul style="list-style-type: none"> ■ charitable trusts ■ unincorporated associations ■ limited companies. <p>Registered charities have a 'registered charity number' and may also have a</p>	<p>1) if you have no registration with Ofsted:</p> <ul style="list-style-type: none"> ■ a director or trustee of the charity <p><i>or</i></p> <p>2) if you are a limited liability partnership which is already registered with Ofsted:</p> <ul style="list-style-type: none"> ■ a director or trustee of the 	The responsible individual and registered manager	The name of the charity <i>and</i> the name of the responsible individual and registered manager

⁶ Within this guide to registration, charity is covered by the term 'organisation'.

Type of provider	Entity or person/ persons we register as the provider	Application form (SC1) must be signed by:	Those connected with registration who must be assessed	Name on the certificate
	registered company number	charity or <ul style="list-style-type: none"> ■ a responsible individual who already represents a charity which is registered with Ofsted 		

Obtaining an application pack

27. Application packs are available on our website, www.ofsted.gov.uk, for you to download, complete and print. You can also telephone or write to us to request us to send you the application forms using the details set out in paragraph 3.

28. You must always submit your full application in hard copy to the address in paragraph 3.

Application pack contents

29. The application pack for a new registration contains:

- an application form (SWP1)
- for each person listed as connected with the registration in the table above:
 - a declaration and consent form (SWP2)*
 - a fit person questionnaire for the manager and the provider
 - a health declaration booklet *
- a financial reference form
- a registration fee form
- a leaflet on fees
- envelopes to return forms
- an application check list
- a copy of this guide to registration.

*We provide two copies of each of these in our paper application packs. If you require further copies you can download these from our website (www.ofsted.gov.uk) or request additional copies by telephoning or writing to us using the details in paragraph 3.

Correspondence about your application

30. If we need to contact you about your application we send any correspondence to:

- an organisation or limited liability partnership at the organisation or limited liability partnership's office or address.
- a manager at her or his personal address.

Completing the application

31. You must complete all parts of the application pack as fully as possible and include all of the documents set out in paragraph 29. Please note that it is an offence if you knowingly make a statement that is false or misleading in an application.⁷

32. If you or your organisation made a social care application after 30 September 2010 you are not required to supply us with information provided as part of the previous application, if that information has not changed.⁸

The application form (SWP1)

33. The application form asks for information about the people applying to register, the service you intend to offer and the premises that you intend to use. You will be asked to tell us about any **conditions of registration** you are applying for. Conditions of registration are restrictions on your registration and most commonly include the type of delegated functions you can provide and for whom and the categories of children and young people you deliver delegated services to.

Disclosure and Barring Service (DBS) certificates

34. Before sending in your application to register an agency, everyone listed as needing an **enhanced** Disclosure and Barring Service certificate (also known as a criminal records check) in the table at paragraph 26 must have one.

35. Everyone who needs a Disclosure and Barring Service certificate must either:

- apply online through the Capita website⁹ and be in receipt of the certificate before submitting their application, and join the DBS update service and give their consent for Ofsted to re-check their DBS status at least once every six months.

or

⁷ The Care Standards Act Section 2000 27(1); www.legislation.gov.uk/ukpga/2000/14/section/27.

⁸ The Care Standards Act 2000 (Registration)(England) Regulations 2010, Part 2 (3); www.legislation.gov.uk/uksi/2010/2130/regulation/3/made.

⁹ <http://ofsteddbapplication.co.uk>

- provide Ofsted with an enhanced certificate carried out via another organisation and be a subscriber to the DBS update service and be a subscriber to the DBS update service, and give their consent for Ofsted to re-check their DBS status at least once every six months.

36. If you or anyone else who needs a certificate already has one, which was applied for through Ofsted, you should phone us on 0300 123 1231 to check with us to see if we will accept it as current. Alternatively, you may email us at enquiries@ofsted.gov.uk. You should give as much detail about your past registration with Ofsted as possible.

37. Capita is the organisation contracted by Ofsted to carry out all DBS checks.

38. To start your DBS application online, you will need a 'Capita Organisation Reference'. This is **OfSTEDP** (please note that the password at this stage is not required). There is further information about the DBS process including details concerning the fee, the arrangements for identity checking, the types of identity documents that are acceptable and how to complete the online application on the Capita website.¹⁰

39. You must also register with the DBS update service.¹¹ Ofsted will not accept your application without confirmation that you have done this. You can register with the DBS update service once you have your DBS application form reference number or you can wait until you have your certificate. If you wait for your certificate **you must register with the update service within 19 days from the date your DBS certificate was issued**. If you fail to register within the timeframe you will need to apply for a new DBS check.

40. When the necessary checks have been made, the Disclosure and Barring Service will send the certificate to you. You must include your original certificate with your Ofsted application unless, you applied for your certificate via the Capita website and the certificate shows no recorded information on it.¹² If there is a delay or you have a question regarding your Disclosure and Barring Service application you will need to contact Capita.¹³

41. Once you, and everyone else connected with the application, have an enhanced certificate you can proceed with the application. You are asked to put your DBS registration number on the application form (SWP2). Each person must put his or her DBS registration number on the Declaration and consent form (SWP2), confirm they subscribe to the DBS update service and give consent for Ofsted to check their DBS status at least once every six months.

¹⁰ As above

¹¹ To register with the DBS update service go to: <https://www.gov.uk/dbs-update-service>.

¹² The certificate will state 'none recorded' in each section.

¹³ Telephone 0870 850 2516 (Option 2) or email OfstedEnquiries@capita.co.uk

42. Please note if you, or anyone connected with the application, does not, where required:

- include an original Disclosure and Barring Service certificate that complies with our requirements
- confirm subscription to the DBS update service
- give consent for Ofsted to re-check the DBS status at least once every six months

we will return the whole application to you and you will have to resubmit the whole application.

The declaration and consent form (SWP2)

43. The declaration and consent form asks for your consent for us to carry out a series of checks and to use information from these to decide if you are suitable to be a registered provider or a registered manager. We carry out checks with:

- the Director of Children's Services in the area(s) where you live or have lived for the last five years
- the Disclosure and Barring Service¹⁴, including:
 - details of spent convictions normally exempt from disclosure under the Rehabilitation of Offenders Act 1974
 - the list of individuals barred from working with children.
- professional referees
- where necessary any other person or organisation who has relevant information about you, and where we need further details to make a decision about your suitability, for example your general practitioner or another medical professional.

44. We ask you to obtain a Disclosure and Barring Service certificate and we use the information from this to inform our decision about your suitability. We can ask to see your Disclosure and Barring Service certificate at any time. We may ask you to send this to us by post. We recommend that you consider using recorded delivery as this is a personal identity document. You will also have to bring your original Disclosure and Barring Service certificate to any fit person interview we conduct.

Professional references

45. The declaration and consent form asks you for the details of two referees who can give you professional references. You should agree in advance with each referee that they are able to provide a reference. When we receive a complete application

¹⁴ Capita is contracted to carry out all checks with the Disclosure and Barring Service on behalf of Ofsted.

we ask the referees you have provided for information. Before we contact them we check the suitability of these two referees:

- One of the two referees must be your **most** recent employer. If this is not possible you should explain why in your application. We accept an employer's reference from the owner or director of an organisation. We do not usually accept a reference from anyone other than these people unless the employer gives us their written permission for a named person to supply a reference on their behalf.
- The second reference must be from someone who has known you in a professional capacity and can comment on your work. It should also be from someone from a **different organisation** to your first referee.
- One of the two referees must have employed you for a minimum of three months.

46. Referees must be able to comment on:

- your ability to run, manage or supervise delegated social work provider services for which you are making an application
- your skills and experience in relation to management and leadership, financial management, safeguarding and health and safety
- your honesty, reliability and trustworthiness
- your professional and technical qualifications
- any disciplinary investigation or action taken against you.

47. Where you put forward referees who do not comply with the guidance detailed in paragraph 45 or who would not be able to give answers to the bullet points in paragraph 46, we may will ask you to provide details of another referee. This is likely to delay our registration decision.

Five-year address history

48. We ask each individual connected with the application to complete a five-year address history as part of your SWP2. We use this to carry out a check with the local authorities in all the areas where you have lived during this five-year period. We ask the local authorities listed to check their records to see whether:

- you have been subject to any child protection concerns; including whether you have had a child removed from your care
- there are records of you having any other involvement that might affect your ability to be a registered provider or a registered manager.

Fit person questionnaire

49. We assess applicants' suitability to provide or manage social work services and, as part of this interview, everyone who is listed as being connected with the

registration in the table at paragraph 26. To help you to prepare for the interview, we ask the provider and manager to complete a fit person questionnaire. This will also provide us with some information about your knowledge, skills and experience in relation to the social work services you propose to provide or manage. Please return this with your application pack. You may wish to retain a copy to help you at the interview. You will also need to bring original copies of the documents referred to in paragraphs 67 and 68. For more information about the fit person interview, please see Annex B.

Qualifications

50. We ask that you include a copy of your qualifications with your application. You are not required to do this as part of your initial application, but these must be provided for our records. You must also provide the original versions of your qualifications at your fit person interview. For more information about the fit person interview, please see Annex B.

Health declaration booklet

51. Everyone who completes a declaration and consent form, as detailed in the table at paragraph 26, must also complete a health declaration booklet and have it endorsed by her or his doctor. The booklet asks for information about your current and past health so that we can determine your mental and physical suitability to provide or manage a service for vulnerable children and young people or other service users. You must:

- complete section one of the health declaration booklet
- take the health declaration booklet to your doctor to verify the information provided. You will need to provide the doctor with a stamped, self-addressed envelope so that she or he can return the health declaration booklet to you by post. The doctor may charge you a fee for completing this form
- return the completed booklet(s) to us with your application.

The following documents are required for full applications to register a service only and not as part of any manager's application for an already registered service.

Statement of proposed arrangements with the local authority

52. A statement of proposed arrangements with the local authority must be included with all applications to register as a provider of social work services. This should include:

- the statutory functions to be delegated
- the numbers of young people to be supported
- the length of the contract
- contract review arrangements.

Safeguarding and whistleblowing policies

53. A safeguarding and whistleblowing policy that relates to the staff employed and to the services you plan to deliver for a specific local authority must be included with all applications to register as a provider of social work services.

A list of all posts at the service and their duties and responsibilities

54. A list of all posts at the service and the duties and responsibilities attached to each must be included with all applications to register as a provider of social work services. This must also contain the responsibilities of the registered social workers who are, or plan to be, employed.

A statement detailing the accommodation, facilities and services and their location

55. A statement detailing the accommodation, facilities and services that are to be provided by the service, including the extent and location of each, must be included with all applications.

Financial reference

56. You must provide a financial reference, signed and/or stamped by your bank manager. This must include details about the viability of the proposed social work service. There is a form for a financial reference included within the application pack. We prefer you to use this form but you can supply the detail in other ways. However, this must be in hard copy, submitted at the time you first make your application and must contain:

- the name and address of your bank manager
- details of the service you are applying to register
- details about why you are asking for a banker's reference for Ofsted
- details about your financial position
- details about your reliability to run the social work service you have applied to register.

Fees form

57. You must complete and return the fees form together with a cheque for the relevant fee made payable to 'Ofsted'. Please make sure your cheque is signed and dated. We cannot accept an application without the relevant fee.

Application checklist

58. To ensure that we can deal with your application in a reasonable timescale, we will only accept complete applications. To help you ensure that your application is

complete, we provide an application checklist with each application pack. Please complete the checklist and send it back with your application.

59. Responsibility for providing all the information we require to arrive at a decision about your application rests with you. You must check that information we require is submitted or available to us. For example, you must ensure that we receive responses to our requests for references and that the premises you propose to operate from are ready for use when you apply for registration.

Planning permission

60. We ask you to provide a copy of planning permission granted or evidence from the local authority planning department that no planning permission is needed. If you experience any problems whilst obtaining planning permission or evidence that permission is not required, please contact us using the details provided in paragraph 3.

Certificate of insurance

61. You must provide a certificate of insurance in respect of death, injury, public liability, damage or other loss, before registration.¹⁵ The certificate must show that there is public liability insurance cover for your service. Where an organisation has a corporate insurance policy, the certificate may not list every premises, but you must be able to demonstrate that the service is covered.

What happens next?

62. We aim to complete the registration process within 16 weeks of receiving a complete application for a new service and within 12 weeks for a proposed registered manager of an already registered service. The registration process flowchart below shows the steps of the application process.

63. Please note that applications are not subject to tacit approval under the EU Services Directive. Tacit approval relates to a situation in which an authority does not process an application for registration within the published timescales and the application as a result becomes deemed as having been granted. It does not apply to applications to Ofsted for registration as a provider of social care services because different arrangements are in place for overriding reasons relating to the public interest, namely the need to safeguard and protect children's welfare.¹⁶

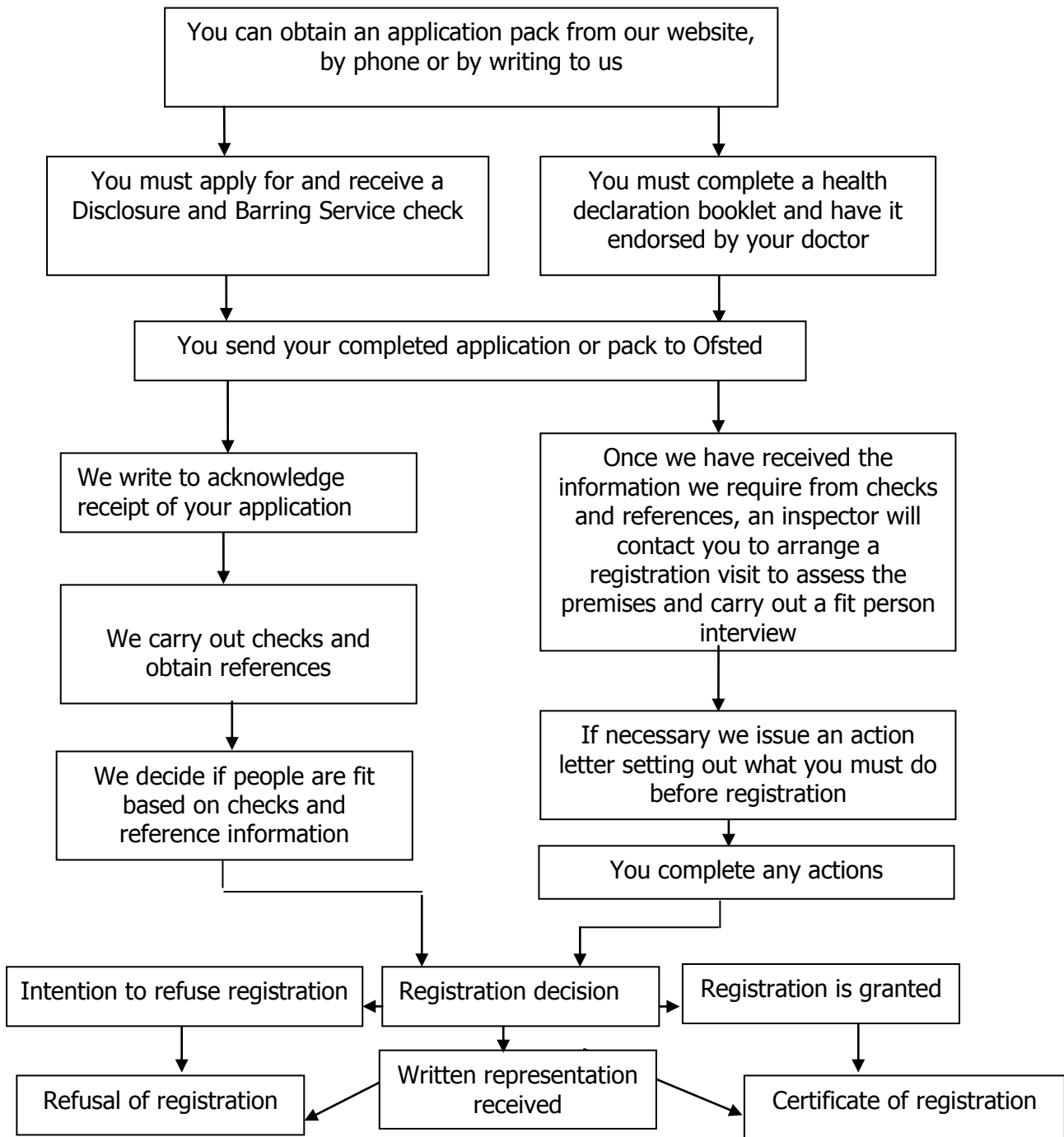
64. When we have received your application we assess it to see whether it is complete. If it is:

¹⁵ Under regulation 3(2)(b), schedule 2, paragraph 8 of The Care Standards Act 2000 (Registration) (England) Regulations 2010.

¹⁶ Provision of Services Regulations 2009, Regulations 19(5) and (6); www.legislation.gov.uk/ukxi/2009/2999/contents/made.

- incomplete, we return it to you
- complete, we start to process your application.

Registration process flowchart



The registration visit

65. We aim to undertake one registration visit during which we assess the premises and services you intend to provide, and interview all those connected with the application. We do not usually carry out the registration visit and fitness interviews until we have received all the other required information from checks and references.

66. In some cases it may be necessary to make more than one visit during the registration process if several people need to be interviewed. For example, if a partnership is registering and we need to interview several partners as well as the manager.

How can I prepare for the inspector's visit?

67. The inspector's role at the visit is to:

- check that the premises are safe and suitable for the purposes intended in the application
- assess how many children and young people or service users you may be registered to provide services for
- check whether all the applicable policies and procedures are in place to meet the regulations for providers of social care services
- check and assess whether you meet the requirements of other relevant bodies for example, the fire authority or local authority planning department
- check your identity by looking at identity documents, including your Disclosure and Barring Service certificate
- check your qualifications (we will need to see original copies of your qualifications)
- interview you about your fitness to provide or manage delegated social work provider services.

What documents do I need to show the inspector during the registration visit?

68. You must provide identity documents that prove your current name and any other names you have used. These are:

- photographic identification such as a current passport or a new-style driving licence
- your full birth certificate
- evidence of any change of name. If you have changed your name by marriage, deed poll, adoption, statutory declaration or any other means you need to provide evidence of this change, for example a marriage certificate or decrees
- two pieces of evidence confirming your current address, for example:

- a utility bill (gas, telephone, electricity)
- a credit card, bank or mortgage statement
- any recent communication from your local authority or a government agency, for example the Department for Work and Pensions or HM Revenue and Customs.

69. You must bring original copies of your qualifications (the inspector will ask to see any certificates you have) and your Disclosure and Barring Service certificate to your interview. We do not accept photocopies.

70. The inspector will ask questions about your understanding of important aspects, such as how you propose to lead and manage the service, safeguarding, staff recruitment and management, how your proposed agency intends to promote good outcomes for children, and your professional knowledge. Inspectors base the interview on your completed pre-registration questionnaire, and the other written information you have sent us in addition to any historic information we have about you.

71. Inspectors expect to see all the policies and procedures you need to have in place for registration, as set out in the regulations for the agency.

72. You must have available all the necessary certificates relating to the premises. There are more details about the evidence we need for the premises below. If the premises are to be used by children and young people, we need to see, for example, the landlord's gas safety certificate, electrical installation test certificate, portable appliance testing, certificates for equipment (for example lifts, hoists) and insurance certificates.

73. You must have available all recruitment records for the staff you have recruited before the registration visit, including those of the proposed manager and, where applicable, the responsible individual. We will want to see the records for a responsible individual where this person has not been assessed by us at a previous registration. If you normally hold these elsewhere, please arrange for them to be available for the inspector at the registration visit.

The premises of the proposed service

74. You must demonstrate to us that the premises you propose to use are fit for purpose. We require evidence that the premises comply with:

- national and local planning, building and environmental legislation including disability discrimination requirements where appropriate.¹⁷ We accept written confirmation from the local authority planning department that the premises meet their requirements. If planning permission is required then we must see a copy to show this has been granted. If planning permission is not required, we must see confirmation of this. You must show us a copy of these documents at the registration visit unless you have already submitted it to Ofsted as part of the application.
- fire regulations. We accept a certificate from a local authority that the premises comply with building regulations, certificate of lawful completion and/or written confirmation from the local fire authority
- environmental health regulations. This is only necessary for establishments where food is to be prepared. We accept written confirmation from the local authority environmental health department or planning department that the premises meet the required standards.

Outcome of the visit

75. Before leaving, the inspector will tell you the outcome of the visit. The inspector will:

- set out any actions you must take before we can make a final decision about your application. You must complete any actions we set before we can grant registration. Where this is the case we will follow up our discussion with you at the registration visit with a letter
- usually tell you whether she or he proposes to recommend that we grant or refuse registration
- tell you if she or he needs to take further advice about the outcome of our registration visit, receive additional information or complete outstanding checks before we can make a registration decision. This does not necessarily mean we have concerns about your ability to provide the service. If we do not have enough information we will tell you our reasons and discuss when we expect to be able to tell you about our decision. This could be via a further meeting or via a telephone conversation.

76. If the inspector is going to recommend registration, she or he will discuss any conditions of registration that you have requested or confirm that no conditions of registration are necessary. We can impose any conditions of registration we think necessary in order to safeguard and promote the welfare of children, young people

¹⁷ Disability Discrimination Act 1995; www.legislation.gov.uk/ukpga/1995/50/contents.

and other service users. We will impose routine conditions on your registration around the type and nature of the delegated functions you are seeking to provide/manage and where appropriate the numbers of children and young people to be supported. However, you can make written representation to us and subsequently appeal to the First-tier tribunal if we decide to impose a condition of registration that you do not agree to.

What happens after the registration visit?

77. Once we have all the information from the visit and checks we make a decision about whether to register the agency, or not. You must not start to operate until you have a certificate of registration.

Letter regarding actions that must be taken before a registration decision can be made

78. Where the inspector decided at the visit that you needed to take further action to meet the regulations, we send you a letter detailing what action you must take before our decision can be made. This sets out what you need to do and by when.

79. You must reply to us telling us what you have done to meet any action required by the date we set in the letter. We may visit to check the actions you have taken. If we do not receive your response by the date set we make a decision about your application based on the information available to us. It is therefore important that you respond within the timescale set.

Registration decision

80. When we have completed the registration visit, all the checks are complete and, where necessary, we have received your response to any actions we have set, we decide whether to grant registration or refuse your application.

81. If we propose to grant registration, we will send you a:

- notice of decision to register, if the decision was to register with no conditions or agreed conditions; **or**
- notice of proposal to register, if we decide to impose conditions to which you have not agreed.

82. If we intend to refuse registration we will send you a notice of our proposal to do so. Refusing registration is a serious step and may adversely affect any subsequent application you wish to make. Refusal disqualifies you from being a private foster carer and providing, managing and working in a children's home or having a financial interest in a children's home. It will also be taken into account if you make application to register any other type of establishment, agency or holiday scheme for disabled children, or want to become a registered manager.

83. Where we issue a notice of proposal to refuse registration or to impose conditions on your registration you may object to our proposal by making a written representation to us. You may thereafter also appeal against any notice of decision we make regarding your registration.

84. If you intend to make a written representation, you must tell us within 28 days of the receipt date of the notice of proposal. Please see Annex A for more information about the representation and appeals process.

Your registration certificate

85. If we decide to register you we issue a certificate of registration. The certificate includes:

- your registration number
- the name of the Registered Provider
- the name of the Registered Manager (if applicable)
- the name of the responsible individual (if applicable)
- the name and address of the service
- date of registration
- any conditions that apply to your registration
- a statement, that if the social work service is not carried on in accordance with the relevant requirements and any conditions, the registration is liable to be cancelled by Her Majesty's Chief Inspector
- a statement that the certificate relates only to the person to whom it is issued by Her Majesty's Chief Inspector and is not capable of being transferred to another person
- the address of the principal office and any branch of the service.

86. The law requires you to display the certificate. If you lose, damage or destroy your certificate, you must apply to us for a replacement. Your certificate remains valid until it is replaced by a subsequent certificate, we cancel your registration or you voluntarily cancel your registration: www.ofsted.gov.uk/resources/070094.

87. Please be aware that you are required by law to return your certificate to us if you receive a new certificate, if we cancel your registration or if you voluntarily cancel your registration.¹⁸

Withdrawing your application

88. During the registration process you may change your mind about continuing your application to register as a provider or manager of social work services. You must tell us in writing if this is what you decide in order to stop the registration process. If you do not tell us that you want to withdraw your application, then we will continue the process and may have to refuse your registration if you have not supplied all the information necessary. If you decide to withdraw your application, the application fee is non-refundable.

¹⁸ This is a legal requirement under Regulation 9 of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

Changes to an application we are processing

89. If you want to change your application before we have granted registration you must write to tell us about changes:¹⁹

- to the name or address of the proposed provider, responsible individual or manager
- of director, manager, secretary, trustee, clerk, treasurer or other similar officer of the organisation.

If you do not tell us about these changes it will delay registration or may result in our refusing your registration.

Applications made by existing registered providers

90. You may choose to expand or change your business by:

- applying to register a new agency
- buying an existing registered agency
- changing the premises you use to provide your service
- appointing a new registered manager

91. Most of these changes require a new application. You may not need to submit a full application if you already hold a registration with us. You only need to supply the information necessary for us to make a registration decision.

Once you are registered

Continuing registration

92. You must continue to demonstrate your continued suitability to be a provider or manager of social work services throughout the time that you remain registered. We expect you to reflect on your practice and consider how you might improve on what you do.

93. We monitor your continued compliance through:

- information gathered from the inspection of the local authority who has delegated some functions to you, other visits, for example to follow up any concerns we receive about the service you provide
- repeating or carrying out additional checks where we receive information that brings your fitness into question, including a check on your DBS status

¹⁹ Regulation 6 of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

at least once every six months (for those who subscribe to the DBS online update service).²⁰

94. There are certain changes that you must tell us about in writing, once you are registered.²¹

- If the responsible individual or registered manager are convicted of a criminal offence (Regulation 6).
- If a change to the registered manager is proposed (Regulation 11).
- If the name or address of the registered provider is changed (Regulation 11).
- If there is a change of director, manager, secretary or other similar officer of the registered provider (Regulation 11).
- If there is a significant change in the shares or other ownership of the registered provider (Regulation 11).
- If there is a change in the identity of the responsible individual (Regulation 11).

What other visits might inspectors make?

95. We may visit at other times, for example:

- to check on how you have met any statutory requirements set at an inspection
- to consider a request to vary the conditions of your registration. This applies if you wish to expand or change your conditions of registration because you have applied to change your registration in some way
- because we have received a complaint from a child or young person, parent or other person that brings into question your continued registration.

96. After these visits you will receive a letter that sets out the outcome of the visit. This may include any action we take or intend to take to bring about compliance with requirements for registration.

Sharing your information

97. We will process any personal information we hold about you in accordance with the law, and in particular the Data Protection Act 1998. Under this act you can request in writing to see any information we hold about you.

²⁰ From September 2014 all applicants must subscribe to the DBS online update service and give consent for Ofsted to check their DBS status.

²¹ The Providers of Social Work Services (England) Regulations 2013.

98. Ofsted uses the information from checks and any interviews to make a decision about your fitness to work with or be in regular contact with children. It may be necessary to repeat these checks from time to time in order to assess your ongoing fitness.

99. We may provide information about providers of social work services to other government departments and local authority departments such as social work teams.

100. We may also give information to a local authority, or the police, if there are any concerns about the welfare of children and young people in a provider's care.

Further help with applications to register

101. If you require help with a query that is not covered in this guidance or you do not understand what you need to do in your particular circumstances please contact us by:

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

Ofsted
National Business Unit
Piccadilly Gate
Store Street
Manchester
M1 2WD.

102. We provide regular updates about all aspects of our work on our website. We produce a free newsletter called *Ofsted News*, which we recommend you subscribe to. This includes information about changes to the way we register and inspect social care establishments and agencies. You can subscribe to the newsletter through <http://live.ofsted.gov.uk/newsletter/> or read the latest version at www.ofsted.gov.uk/news/ofsted-news/professionals.

Annex A. Useful legislation and guidance for those applying to register as a provider or manager of social work services

The following is a set of links for legislation and guidance that relates to registration. It is not authoritative advice and you should always check that the links provide you with the most up to date information, including any amendments to regulations.

You can also contact The Stationery Office on 0870 600 55 22 for hard copies of regulations.

Application packs

You can obtain an application pack from our website: www.ofsted.gov.uk/children-and-families-services/for-childrens-social-care-providers-and-commissioners/regulating-ch-5

Generic legislation for all services

1. The Care Standards Act 2000 – Legal definitions of all services we register
www.legislation.gov.uk/ukpga/2000/14/contents
2. The Care Standards Act 2000 (Registration)(England) Regulations 2010
www.legislation.gov.uk/uksi/2010/2130/made
3. 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/uksi/2007/694/contents/made
4. The Care Standards Act 2000 (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2002
www.legislation.gov.uk/uksi/2002/865/contents/made

Legislation for providers of social work services

5. The Providers of Social Work Services (England) Regulations 2013
www.legislation.gov.uk/uksi/2013/2668/made
6. Children and Young Persons Act 2008
www.legislation.gov.uk/ukpga/2008/23/contents
7. The Children and Young Persons Act 2008 (Commencement No. 5) (England) Order 2013
www.legislation.gov.uk/uksi/2013/2606/made

Guidance on inspections of services for children in need of help and protection, children looked after and care leavers

8. *Inspection handbook: inspections of services for children in need of help and protection, children looked after and care leavers* (120218), Ofsted, 2013;
www.ofsted.gov.uk/resources/120218

General guidance

9. *How to make representations and appeals* (110041), Ofsted, 2011;
www.ofsted.gov.uk/resources/how-make-representations-and-appeals
10. *Disqualification – applying for written consent to carry on or manage, have a financial interest in, or be employed at, a children’s home* (080157), Ofsted, 2011; www.ofsted.gov.uk/resources/disqualification-applying-for-written-consent-carry-or-manage-have-financial-interest-or-be-employed
11. *Application for cancellation of registration* (070094), Ofsted, 2012;
www.ofsted.gov.uk/resources/application-for-cancellation-of-registration

Annex B. Information about fit person interviews for the registration of a service to provide social work provision on behalf on local authorities

General information

1. Fit person interviews will be planned and generally last no more than 90 minutes. The interview is usually conducted by one inspector.
2. The purpose of the fit person interview is to allow an applicant to demonstrate their knowledge, understanding and ability to operate the proposed service in accordance with the law. It is not a job interview.
3. The inspector will conduct individual interviews with the prospective provider and the prospective manager.
4. Usually, the interview with the prospective responsible individual / provider / partners will be before the interview with the prospective manager so that the inspector can clearly establish their roles and responsibilities.

How does the inspector plan the fitness interview?

5. Inspectors will have reviewed all information held about the applicant before undertaking a fit person interview. This will include information about other registrations they are linked to, and details of the application, including their pre-registration assessment form.
6. The inspector's interview questions will be based on the checklist below, as well as their analysis of the information an applicant provided as part of their application and information from checks and references.

Undertaking a fitness interview

7. At the beginning of a fitness interview the inspector will explain to the applicant that she or he must demonstrate how they meet the requirements of the registration regulations and the Providers of Social Work Services (England) Regulations 2013.
8. Applicants should be aware that it is an offence to make a false or misleading statement either in an application or interview.
9. During a fitness interview with a prospective registered manager, the inspector will establish whether the applicant is aware of their personal accountability to ensure how the relevant regulations will be met if their registration is approved.
10. Each fit person interview will explore aspects of the following areas:
 - the applicant's vision for the service

- how the applicant will recruit, manage, supervise and train staff
- questions arising from the inspector's analysis of the documentation made available before interview
- what kind of relationship the applicant envisages as appropriate between themselves, the organisation and Ofsted, including the applicant's understanding of their legal responsibilities the applicant's understanding of safeguarding and child protection
- the applicant's understanding and intentions about building strong and effective relationships with the following where applicable: children, young people, foster carers, adopters, parents and adult service users
- how the applicant will find, engage and work with relevant partner agencies who can meet children's, young people's and service users' needs
- the applicant's understanding of assessment, planning and review of children's, young people's and service users' needs
- the applicant's knowledge and understanding of equalities
- the applicant's knowledge and understanding of working with parents
- the applicant's knowledge and understanding of health and safety matters relating to the type of service she or he is registering to provide
- how the applicant envisages she or he will continually re-evaluate the impact of the service so as to provide positive outcomes for children, young people and service users.
- how the applicant has considered and/or engaged with the local community/neighbours.

11. An inspector may formulate other relevant questions for evaluating an applicant's suitability for registration based on information already held.

How we make fitness decisions

12. A fit person interview decision contributes to the overall fitness decision. The decision arising from a fit person interview may be different to the overall decision about the registration of the provider of social work services. However, if we do not consider that the manager or responsible individual, individual provider or partner is fit, this usually results in our refusing the application of the service.

Fitness recommendation for a registered manager

13. The inspector is seeking to establish that the registered manager:
- does or does not have integrity, and is or is not of good character
 - has or has not got suitable qualifications, experience and skills

- is or is not physically and mentally fit to manage the type of service she or he is applying for.

And that:

- the applicant is likely to provide leadership and management which will have a positive impact on outcomes for children, young people and service users
- the applicant's knowledge and understanding of child protection and safeguarding of children, young people or service users meets registration requirements
- the applicant has the knowledge, understanding and commitment to put equality and diversity at the centre of their practice.

Fitness recommendation for a registered provider or responsible individual

14. The inspector will assess whether the registered provider or responsible individual:

- does or does not have integrity, and is or is not, of 'good character'
- is physically and mentally fit to run the social work service.

And that the applicant:

- has the skills and knowledge to ensure the social work service is run in accordance with regulations
- is likely to provide leadership, management and strategic oversight which will have a positive impact on outcomes for children, young people and service users
- has sufficient knowledge and understanding of child protection and safeguarding of children, young people or service users
- has the knowledge understanding of, and commitment to putting equality and diversity at the centre of the way the service will be provided.

Giving verbal feedback at the end of a fit person interview and next steps

15. When the inspector has completed the fit person interview with the manager/responsible individual/provider/partners, they make one of the following decisions:

- recommend registration (suitable)
- recommend refusal (not suitable).

16. We send a letter to managers to confirm the outcome of the interview because this is a personal registration decision. We do not send a letter to a provider, responsible individual or partner following their fitness interviews. The fitness of

the registered provider is confirmed through the issue of the registration certificate, notice of proposal/notice of decision to register, or notice of proposal to refuse registration.

17. Where a fitness interview is conducted as the final part of a registration visit it is possible to combine the applicant's fitness decision with a recommendation about registration.