

Inspection handbook: independent fostering agencies

This guidance is designed to assist inspectors from the Office for Standards in Education, Children's Services and Skills (Ofsted) when conducting inspections of independent fostering agencies. It should be read in conjunction with the inspection framework for independent fostering agencies published in February 2014.

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Introduction

1. This guidance is designed to assist inspectors from the Office for Standards in Education, Children's Services and Skills (Ofsted) when conducting inspections of independent fostering agencies in England. The inspection is of the agency and its impact on outcomes for children and young people. It is not a direct inspection of the foster care given to individual children and young people. Fostering agencies can use the guidance to see how inspections are conducted.
2. This guidance should be read in conjunction with 'Fostering: inspections of independent fostering agencies – the framework and evaluation schedule and grade descriptors'.¹

Purpose of inspection

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

Scheduling and team deployment

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

¹ *Fostering: inspections of independent fostering agencies – framework and evaluation schedule and grade descriptors*, Ofsted, 2014: www.gov.uk/government/publications/inspecting-independent-fostering-agencies-framework.

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

- previous inspection findings
 - monitoring reports provided by the agency to Ofsted under regulation 35 of The Fostering Services (England) Regulations 2011.
6. The inspection of fostering agencies normally involves one suitably experienced and trained inspector spending five days on site with one additional day to prepare and two days to write the report.
 7. In some circumstances, it may be necessary for more inspectors to be involved in the inspection of very large agencies. In these cases, the inspector should request additional support from their line manager. If the request is agreed, it is passed to the regional social care senior HMI for approval.
 8. In other circumstances, for example inspection of agencies where there are fewer than 15 approved foster placements, a reduction in fieldwork time may be negotiated between the inspector and line manager at the beginning of the inspection year.
 9. Appendix G explains the process to be followed for inspecting independent fostering agencies where there are no children placed with foster carers.

Notice

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

Timeframe

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

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

Pre-inspection activity

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

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

Reports made under regulation 35 and NMS 25

18. Regulation 35 of The Fostering Services (England) Regulations 2011 requires the registered person to carry out a review of, and report on, the performance

³ OfficeBase is the electronic system used by Ofsted to administer and record regulatory inspections.

of the agency and how they improve the quality of foster care, as set out in schedule 6 of those regulations. The report forms part of the provider's quality assurance procedures, and registered fostering agencies are required to send these reports to Ofsted.⁴ Fostering services should note that the completion and submission of these reports does not necessarily meet the requirement, set out in part (1) (b) of regulation 35, to maintain a system for improving the quality of foster care. Agencies should be able to demonstrate during the inspection the impact of their planned improvements to the service.

19. NMS 25.7 states that the executive side of the independent fostering agency provider/trustees, board members or management committee members should:
 - 'receive written reports on the management, outcomes and financial state of the fostering agency every three months
 - 'monitor the management and outcomes of the services provided in order to satisfy themselves that the agency is effective and is achieving good outcomes for children and young people'
 - 'satisfy themselves that they, as the provider, are complying with any conditions of registration'.
20. Reports made under NMS 25 will be examined prior to, or during, the inspection.

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

Annual questionnaires

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

Deferrals

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

Inspection activity

27. At the start of the inspection, the inspector(s) confirm(s) their identity by producing both their Ofsted Inspector Authorisation and Identification card and their identity badge. It is not necessary to carry paper copies of Disclosure and Barring Service (DBS) checks. The inspector(s) discuss the inspection plan with the manager, confirming whether any further information or meetings need to be arranged.
28. The days on site are used to understand the experiences and progress of children and young people through tracking cases and holding discussions with children and young people, foster carers, staff and managers. Where children and young people have complained or raised concerns, with Ofsted or with the

provider, these must be followed up on inspection and recorded in OfficeBase. Inspectors seek evidence against the evaluation schedule and take into account issues already identified through pre-inspection data and questionnaires. The organisation of the days on site depends on when meetings and discussions can be held.

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

Case sampling

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

35. Inspectors examine, discuss and evaluate cases in line with the criteria set out in the evaluation schedule. In some cases, if possible, it may be helpful to do this with the fostering social worker.
36. Inspectors sample a range of documents or online records to support their lines of enquiry. This list is not exhaustive but inspectors may include, for example, information and documents relating to the following:
 - care plans
 - matching
 - notifications under schedule 7 of the fostering regulations, including those of missing children and young people and of criminal offences
 - foster care agreements
 - plans for introductions
 - information provided to children and young people
 - information provided to foster carers prior to and during placement
 - minutes of disruption meetings
 - foster carers' assessments and records kept under schedule 3 of The Fostering Services (England) Regulations 2011
 - foster carers' reviews
 - records of all placements – regulation 30(3)
 - records of unannounced visits, supervision, support and training of foster carers
 - referrals to the Independent Review Mechanism (IRM)
 - records in relation to foster carers who have been de-registered
 - complaints from children and young people.

Examination of records, policies and procedures

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

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

40. These records can be maintained in checklist or spreadsheet formats. The information available for the inspection should reflect schedule 1 of The Fostering Services (England) Regulations 2011, and must include the reference number of the subject's DBS check. If any lines of enquiry require additional information, then the inspector may request that a small sample of full personnel records are made available at the inspection visit.

The involvement of children and young people

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

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

The involvement of foster carers

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

Gathering views from stakeholders

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

53. Inspectors should always take account of privacy and confidentiality when talking to stakeholders on the telephone. Where a callback is requested, the inspector should always use a contact number within the service or Ofsted's national number: 0300 123 1231.

Key meetings

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

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

Discussions with managers

55. Individual interviews are held with the registered manager and the responsible individual and/or registered person.
56. The interview with the manager focuses on gathering evidence of the fostering agency's impact on children's and young people's lives and must include these elements:
- issues that the inspector wishes to explore with the manager that have arisen from pre-inspection information, including any causes of concern
 - how they involve children and young people in the development of the agency, including the ways in which they seek and accommodate feedback
 - how they monitor the impact of the service provided on children's lives and futures
 - if the agency is exercising delegated functions on behalf of a local authority and how these arrangements are monitored by agency managers
 - the protection and care of children and young people, including responses to children who go missing, those missing education and placement disruptions
 - how they work in partnership with placing local authorities and with other services
 - if the agency is exercising delegated functions on behalf of local authorities how any children and young people are supported to make allegations against the agency/foster carer and how these are progressed

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

⁵ Ten days' notice is given before the inspection

Safeguarding

59. If serious issues of concern arise, for example in relation to the failure to follow child protection procedures and/or where a child or young person is discovered to be at immediate risk of harm, the fostering service's senior manager is notified as soon as possible unless this compromises the child or young person's safety. If this is the case, inspectors must refer the concern to the local authority and discuss matters with their line manager and the Social Care Compliance team. Inspectors should always follow 'Ofsted's safeguarding policy and procedures'⁶ and contact the Social Care Compliance team if they need advice. Where required, a referral is made to the appropriate local authority children's services, the child or young person's allocated social worker and the Social Care Compliance team. The inspector must ensure that the matter is dealt with appropriately. If the referral is not handled appropriately, this must be escalated. The senior HMI for the region should be informed and action will be taken to monitor that children are made safe.

Recording evidence

60. Throughout the inspection, inspectors maintain a record of their evidence. Electronic evidence is recorded within the OfficeBase evidence screen. In most circumstances, once the summarised evidence has been placed in RSA, any duplicate handwritten evidence is destroyed by the inspector. In some circumstances, inspectors may be required to also keep any handwritten notes they have made during the inspection. This may apply in circumstances where legal action is being considered or a challenge or complaint about the judgement is anticipated. Inspectors need to record all handwritten evidence using black ink so that it can be photocopied or scanned if necessary. All handwritten evidence must be legible and dated. Inspectors must submit all handwritten evidence that has not been summarised or scanned on to RSA and forms part of the inspection evidence base, to the National Quality Assurance team within five working days of the end of the on-site visit. All inspection records are retained in accordance with Ofsted's retention policy.
61. Evidence should be clear, evaluative and sufficient for the purpose of supporting the judgements. It should not include anything that could identify individual staff, individual children, young people or family members, unless necessary for the protection of a child or young person or relevant to a concern, which needs to be followed up. Inspectors can record direct quotes from children and young people, parents and stakeholders in evidence to support judgements, although evidence should not use individual's names or initials unless they are the names of the registered person or necessary for the protection of a child or young person.

⁶ *Ofsted safeguarding policy and procedures*, Ofsted, 2015;
www.gov.uk/government/publications/ofsted-safeguarding-policy.

62. Evidence may be scrutinised as part of the quality assurance procedures and is considered in the event of any complaint, whistleblowing or concerns about performance. It may also be randomly sampled by managers.

Inspection findings

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

Inspection feedback

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

- confirm that letters thanking children and young people who participated in the inspection and outlining the judgements are sent for the provider to circulate alongside the final report.
68. Inspectors do not provide a written summary of the inspection or written feedback in advance of the inspection report. Providers may choose to take their own notes at feedback.

Writing the report

69. Inspection report judgements are supported by evidence and clearly demonstrate the quality of the agency, as well as its impact on children's and young people's experiences and outcomes. Recommendations are clear and help the agency know what they need to do in order to improve.
70. Inspectors are responsible for producing high quality reports. The inspector should ensure that the report is free from errors, for example grammar, spelling and punctuation errors, before submitting the report. Reports should be written in the present tense. However, a specific example of evidence from the inspection should be written in the past tense.
71. Inspectors should write their reports with regard to the 'Guide to Ofsted's house style'.⁷ The report should be succinct and evaluative, but tell the story of the experiences of children and young people and the contribution of the provider. Inspectors should make appropriate professional judgements about the extent of detail required to 'tell the story' of the experience of children and young people who are, or have recently been, fostered.
72. The 'Overall effectiveness' section includes details of how well a fostering agency makes and maintains successful and stable foster placements. It also includes a section that clearly identifies whether a fostering agency is improving, deteriorating or maintaining a high standard of performance and an evaluation of the trends in agency performance compared with those found nationally.
73. The quality of inspection reports is enhanced when children's, young people's and foster carers' feedback is quoted within the report and used to illustrate evaluation about the quality of the fostering service. However, in smaller agencies, the potential to identify children and young people is high and should be taken into account.
74. There is no specified word length for the report or the individual sections. Inspectors should use their professional judgement to ensure that the reports are long enough to say what needs to be said and no more. It is likely that

⁷ *Guide to Ofsted's house style*, Ofsted, 2010; www.gov.uk/government/publications/guide-to-ofsteds-house-style.

reports for fostering agencies with a number of weaknesses or agencies found to be outstanding require more detailed explanations of the reasons for the judgements.

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

Letters to children and young people

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

Quality assurance

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

Concerns

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

Complaints

83. If it has not been possible to resolve concerns through the process detailed in paragraph 83, a formal complaint can be raised under Ofsted's complaints procedure: www.gov.uk/government/publications/complaints-about-ofsted.
84. Lodging a complaint does not normally delay the publication of the final inspection report.

Annex A: Notice of inspection

Dear

Notice of inspection

>URN< >Name of independent fostering agency<

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

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

The inspector will telephone you shortly to discuss the inspection.

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

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

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

Meetings

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

We would be grateful if you could arrange meetings with:

- the registered manager
- the registered provider

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

Discussions with individuals may be held by telephone.

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

Case list

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

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

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

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

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

Panel meeting minutes

Please provide the minutes from the last three panel meetings.

Data

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

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

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

Returning documents to Ofsted

All information should be returned within five working days of the date of this letter by email to the lead inspector at >inspector email address< and copy in >IMS name email address<. Please note that any sensitive information that you send by email should be anonymised or encrypted. You can find out more information about encryption at www.getsafeonline.org.

Additional information

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

Further information about the inspection is available in 'Fostering: conducting inspections of independent fostering agencies' www.gov.uk/government/publications/inspecting-independent-fostering-agencies-guidance-for-inspectors.

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

Yours sincerely

>Name<

Inspection Support Team

Return slip: information submitted by an independent fostering agency after notification of an inspection

I confirm that I have enclosed:

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

Signed:

Print name:

Job title:

Agency: >add name of agency<

URN: >add URN<

Date:

Annex B: Assessing financial viability

86. The fostering regulations state that the 'registered provider must carry on the fostering agency in such a manner as is likely to ensure that it is financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.'⁸
87. Inspectors are only expected to undertake a lay person's assessment of the financial information. Where, during the course of a routine inspection, the inspector has concerns about the financial viability of a provider; due to, for example, lack of payments to foster carers, they should follow the guidance set out in Annex K of the 'Social care registration handbook'.⁹ Paragraph 42 of Annex K applies where an organisation is already registered.
88. The financial information Ofsted can request ranges from professionally produced business plans to a collection of accounts and balance sheets.¹⁰

⁸ Regulation 37(1) of The Fostering Services (England) Regulations 2011; www.legislation.gov.uk/uksi/2011/581/contents/made

⁹ *Social care registration handbook*, Ofsted, 2015; www.gov.uk/government/publications/social-care-registration-handbook.

¹⁰ Regulation 37(3) of The Fostering Services (England) Regulations 2011; www.legislation.gov.uk/uksi/2011/581/contents/made

Annex C: Checks on responsible individuals

89. An organisation, which applies to register an independent fostering agency is required by The Fostering Services (England) Regulations 2011, to have a responsible individual.¹¹ The responsible individual is the person within an organisation who is responsible for supervising the management of the agency: he or she is the link between the organisation and the registered manager and, the organisation and Ofsted.
90. The role of the responsible individual is to:
- supervise the management of the agency and particularly to ensure that the agency operates in a manner which protects and promotes children and young people's safety and welfare
 - report on the operation of the independent fostering agency to the registered provider and Ofsted.
91. When an organisation applies to be registered in respect of a new independent fostering agency, Ofsted assesses the responsible individual's suitability as part of that application. From 1 April 2014, Ofsted's inspectors will scrutinise the steps providers have taken to determine that a responsible individual who has been appointed is fit to supervise the management of an independent fostering agency.
92. 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.

¹¹ The Fostering Services (England) Regulations 2011, Regulation 5;
www.legislation.gov.uk/ukxi/2011/581/regulation/5/made

- has completed all checks required under regulations and these were satisfactory.¹²
93. When we become aware that the responsible individual of an independent fostering agency is changing or has changed, we will ask the provider to provide us with information that demonstrates:
- the person they appoint as a responsible individual satisfies the legal obligation relating to their fitness in the relevant regulations
 - the length of time registered establishments or agencies remain without a responsible individual is minimal.
94. There is more information in our guidance Changes to children's social care services that are registered and/or inspected by Ofsted.¹³

¹² The Fostering Services (England) Regulations 2011, Schedule 1;
www.legislation.gov.uk/uksi/2011/581/schedule/1/made

¹³ Changes to children's social care services that are registered and/or inspected by Ofsted, Ofsted, 2015; www.gov.uk/government/publications/changes-to-childrens-social-care-services-that-are-registered-andor-inspected-by-ofsted

Annex D: Changes to registered managers of an independent fostering agency

Introduction

95. The Care Standards Act 2000 requires any person who carries on or manages an independent fostering agency 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. It is a criminal offence to operate or manage an independent fostering agency without registering with Ofsted.¹⁴

Notifying Ofsted and taking action

96. Regulation 38 of the Fostering Services (England) Regulations 2011 requires the provider to notify Ofsted if the manager is to be absent for 28 days or more, or if they leave.¹⁵ Providers must do this at least one month before a known absence of the manager and, in an emergency, within one week of a registered manager being absent for 28 days.¹⁶
97. Any failures to either notify Ofsted of the absence or change of a manager or a failure to put in place satisfactory management arrangements will be taken into account when planning and undertaking inspections.¹⁷ Actions to be taken may 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 agency. If a provider fails to notify Ofsted of a change of manager, this may also influence our assessment of their fitness to manage. For more information about what regulatory action Ofsted can take, please refer to the 'Social care compliance handbook'.¹⁸

A registered manager gives notice that they will cease to manage an independent fostering agency

98. Ofsted expects providers to have appropriate plans in place when it is known that a registered manager will cease to manage an agency. These plans should ensure that there is a proper transition of responsibilities from one manager to another, including a period of handover for the incoming and outgoing

¹⁴ Section 11 of the Care Standards Act 2000.

¹⁵ The Fostering Services (England) Regulations 2011 Regulation 38
www.legislation.gov.uk/ukxi/2011/581/contents/made

¹⁶ The Fostering Services (England) Regulations 2011 Regulation 38
www.legislation.gov.uk/ukxi/2011/581/contents/made

¹⁷ Changes to children's social care services registered and/or inspected by Ofsted, Ofsted, 2015;
www.gov.uk/government/publications/changes-to-childrens-social-care-services-that-are-registered-and-or-inspected-by-ofsted

¹⁸ *Social care compliance handbook*, Ofsted, 2015; www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014

manager. Detail of the arrangements should form part of the notification to Ofsted.¹⁹

99. The provider should also ensure that the new manager is aware of his or her responsibility to apply to register with Ofsted within 28 days of taking up their post. It is an offence to manage an independent fostering agency without registration.

Known absences of a registered manager

100. Registered managers may have to take a planned absence, which lasts for 28 days or more. 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.²⁰
101. Ofsted expects providers to have an interim manager working at the agency by the time the registered manager commences their planned absence. There should be robust handover arrangements in place.

A registered manager unexpectedly ceases to manage an independent fostering agency

102. There are circumstances where a registered manager leaves suddenly and is unable to give notice of their decision to cease managing an agency. Some examples are, but not limited to: unexpected illness, illness of a dependant or suspension. Under these circumstances, a provider must follow the guidance below on interim management arrangements.
103. If there is no manager in charge of the agency, the inspector should raise a requirement under regulation of the of the Fostering Services (England) Regulations 2011²¹.
104. The inspector should consider how long the post has been vacant and evaluate how this is affecting the welfare of the children placed and the management of the agency, and take this into account in making their judgements. This may lead to a judgement of inadequate for leadership and management.

¹⁹ The Fostering Services (England) Regulations 2011 Regulation 38;
www.legislation.gov.uk/ukxi/2011/581/contents/made

²⁰ The Fostering Services (England) Regulations 2011 Regulation 28;
www.legislation.gov.uk/ukxi/2011/581/contents/made

²¹ The Fostering Services (England) Regulations 2011 Regulation 36;
www.legislation.gov.uk/ukxi/2011/581/contents/made

Interim management arrangements

105. A person who is to be in charge of the agency for an interim period without registration is referred to in this guidance as the interim manager. Ofsted expects providers to ensure that any interim management arrangements fully protect and promote children and young people's safety and welfare.
106. Providers should generally only have interim management arrangements in place if a registered manager:
 - unexpectedly ceases to manage an independent fostering agency
 - is absent unexpectedly for more than 28 days.
107. Ofsted expects a provider to:
 - ensure that any person they employ to act as an interim manager has the relevant qualifications, skills and experience to undertake this role
 - put in place strong arrangements, which support the interim manager while he or she is responsible for the agency
 - regularly review whether or not the interim management arrangements effectively protect children and young people's safety and welfare
 - regularly monitor that the interim manager is effective
 - ensure that the interim manager fully understands the timescales Ofsted imposes on them to apply for registration.
 - 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 this Annex.

Registration of an interim manager

108. Interim management arrangements should be in place for the shortest time possible. Ofsted expects to receive an application to register a manager at the earliest opportunity, including where an interim manager is in place. An interim manager must apply for registration immediately when any decision is taken that this person is appointed to permanently manage the independent fostering agency. Ofsted expects any interim management arrangements to last no more than 90 days.
109. Ofsted will continue to assess whether the arrangements are effective based on the information we hold and/or receive, including notifications received from a provider. If there are concerns about an interim manager's ability to manage the agency, Ofsted may require them to apply for registration immediately so that it can fully assess their suitability. If Ofsted considers that the interim management arrangements do not protect and promote children and young

people's safety and welfare, this will influence the timing and outcome of an inspection. It may also influence the assessment of a provider's fitness.

110. If an independent fostering agency does not have a registered manager in post for 12 weeks, regardless of their inspection judgements or whether the agency has an interim manager, the inspector should convene a case review to consider whether immediate action is required, including whether to impose additional conditions on the agency's registration.
111. When Ofsted has not received an application, we will take this into account in our evaluation of the effectiveness of leadership and management at the next inspection and in considering enforcement action. Where there has been a registered manager vacancy of 26 weeks or more, this is likely to lead to a judgement of inadequate for leadership and management. Where leadership and management are judged inadequate, the overall effectiveness judgement will be inadequate.
112. If there are extenuating circumstances as to why a provider wishes Ofsted to consider extending the date by which they must register the manager, they must put their reasons in writing for Ofsted to consider. Decisions will be made 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.
113. Ofsted cannot raise a requirement in the inspection report for the manager to become registered. Instead, when Ofsted inspects an independent fostering agency and finds the manager has been appointed but has not yet applied for registration, a standard letter is sent to the manager.
114. After the inspection, the inspector should ask the appropriate Inspection and Management Support (IMS) team to send the standard letter to the new manager to remind them that it is their responsibility to register. IMS should also send a copy of the letter to the nominated person/responsible individual for their reference. The letter should be sent no later than on the date Ofsted sends the inspection report to the provider.
115. The inspector should ensure that a contemporaneous written record is made of any further discussions with the individual manager and the conversation should be followed up with confirmation of any required actions in writing to the manager and the responsible individual.
116. Where a manager manages more than one agency, inspectors will want to be satisfied that the manager is capable of being in day-to-day charge of each agency, even if this is on a temporary basis.

Annex E: Children and young people who are missing and children who are at risk of sexual exploitation

117. Independent fostering agencies have certain legal obligations in respect of missing children, which are set out in regulations and in the national minimum standards.
118. Fostering agencies are not required to notify Ofsted when children go missing. However, in preparation for inspection, inspectors must consider the information that Ofsted has about the service. This includes quality of care reports received under regulation 35 of the Fostering Agencies (England) Regulations 2011 and information provided in the annual dataset, as well as monitoring by the registered person of any incident where a child who is looked after goes missing from the foster carer's home.
119. Providers are also required to notify Ofsted of serious incidents necessitating calling the police to the foster carer's home. This includes when a provider has serious concerns over a child's missing behaviour, particularly, where the child is considered to be at grave risk due to age or vulnerability or where they have been missing for a considerable period of time and their whereabouts is unknown.
120. Regulation 36(1) Schedule 7 requires fostering agencies to notify Ofsted where a child placed with a foster carer has been subject to, or suspected to be subject to, sexual exploitation.
121. At each full inspection, inspectors will request the:
 - number of times when children went missing since the date of the annual dataset and the number of children involved, including action taken to address the causes and to prevent a repeat occurrence
 - details of return home interviews
 - date, impact and effectiveness of the protocol with local police regarding missing children.
122. How many children are considered to be at risk or subject to child sexual exploitation since the date of the annual dataset.
123. Inspectors should assure themselves that fostering agencies have made themselves known to the police and are familiar with and act on local 'missing persons' protocols (care practice should reflect the 'Statutory guidance on

children who run away or go missing from home or care')²², as defined in statutory guidance on children who run away or go missing from home or care.

Actions inspectors must take

124. Where there are incidents of children placed with foster carers going missing or notifications relating to subjection or suspected subjection of a child, who is placed with foster carers, in sexual exploitation, inspectors should:

- always track at least one case where children have been missing in the last six months and one case where a child is at risk of sexual exploitation (where an inspector has concerns about practice, additional cases will be tracked), highlighting whether they think children are in danger as a result of the volume/pattern/characteristics of the incidents of going missing and whether these risks are understood by the adults responsible for them
- during tracking, make every effort to speak to placing social workers and/or the team manager, designated officers or designated team of officers , school and local police to test the effectiveness of partnership working as well as to gather an external professional view of the effectiveness of the fostering agency and the arrangements to keep the child or young person safe. We should always contact the police and the local authority where the fostering agency's own records give us cause for concern
- explore whether the fostering agency has the capacity to meet the needs of every young person placed. The skills and experience of foster carers and/or staff working for the fostering agency should be closely examined so that inspectors can assess whether they can work effectively with children who are placed with the agency's foster carers. Where children are known to be at risk of sexual exploitation, explore what specific training and support are in place for foster carers and staff and whether the provider monitors the effectiveness of this training and support
- record the evaluation of the effectiveness of action taken to reduce the incidence of going missing or suspected/actual subjection to sexual exploitation. This includes action taken by the fostering agency, placing authorities and statutory agencies, including whether placement reviews are called with the placing authority to agree an action plan protecting the child and assessing the extent to which the foster agency can keep them safe. This must include a brief overview of events relating to the notifications and the inspector's assessment of how timely and effective any intervention has been
- assure themselves that, where relevant, the fostering agency is identifying and notifying incidents of suspected or actual sexual exploitation and understands the risks associated with going missing. Any under-reporting

²² *Statutory guidance on children who run away or go missing from home or care*, DfE, 2014; www.gov.uk/government/publications/children-who-run-away-or-go-missing-from-home-or-care

will undermine partnership working and children's safety, and will need to be reflected in the inspection report and any actions made or enforcement action taken.

- in evaluating the effectiveness of partnership working, where they have concerns relating to the placing authority or area authority or both, follow the 'Management of cross-remit concerns about children's welfare policy'²³ and consider whether an immediate referral to compliance or through the whistleblowing team is required. When making this assessment, the inspector should speak to their regulatory inspection manager or Senior HMI.

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

²³ *Management of cross-remit concerns about children's welfare*, Ofsted, 2012;
www.gov.uk/government/publications/ofsted-managing-cross-remit-concerns-about-childrens-welfare

Annex F: Extremism

126. Independent fostering agencies are a 'specified authority' listed in Schedule 6 of the Counter-Terrorism and Security Act 2015.²⁴ As such, providers have a duty²⁵ to work in ways that prevent people, including children, from being drawn into terrorism.
127. Extremism is unlikely to be a routine line of enquiry at inspection. Inspectors must, however, remain alert to the prospect that children and young people are at risk of being drawn into terrorism and assess how well the agency remains alert to this possibility. All initial enquiries should be directed to the manager of the agency.
128. For further advice on extremism during or after an inspection, inspectors can contact their Regulatory Inspection Manager who will be able to access specialist advice. If inspectors are unable to contact their manager and remain concerned, they should follow Ofsted's 'Safeguarding children and young people and vulnerable adults' procedures'.²⁶
129. If inspectors have concerns that an agency provider is not meeting their responsibilities under the Prevent duty, they should pursue this as a line of enquiry. If inspectors decide a line of enquiry is necessary, providers and staff must demonstrate that they are aware of, and know how to, contribute to Prevent-related activity, have the appropriate knowledge to both identify children at risk of being drawn into terrorism and about referral arrangements for when children require further help.
130. If a concern arises about a child or young person being drawn into terrorism, providers have specific duties to perform:
 - Risk Assessment
Specified authorities are expected to assess the risk of children being drawn into terrorism. This should be based on shared understanding with partners, of the potential risk in the local area where the child or young person lives. The agency must demonstrate that they are protecting children and young people from being drawn into terrorism by having robust safeguarding policies in place to identify children at risk, and intervene as appropriate. Policies and procedures must be in place, which are understood by staff,

²⁴ Counter Terrorism and Security Act 2015 A voluntary adoption agency is a specified authority because its provider is 'a person entered on a register kept by Her Majesty's Chief Inspector of Education, Children's Services and Skills under Part 2 of the Care Standards Act 2000.' (Schedule 6 of the Counter-terrorism and Security Act 2015);

www.legislation.gov.uk/ukpga/2015/6/contents/enacted

²⁵ Prevent duty guidance; www.gov.uk/government/publications/prevent-duty-guidance

²⁶ Concerns about children: guidance for all Ofsted staff, Ofsted, 2015;

www.gov.uk/government/publications/concerns-about-children-guidance-for-all-ofsted-staff

and identify the most appropriate referral route, for example, Channel Authorities or children's social care.

- **Working in partnership**
An agency's safeguarding arrangements must take account of the Local Safeguarding Children Board's (LSCB) policies and procedures. Providers are expected to incorporate the duty into their existing policies and procedures, so it becomes integral to their overall safeguarding responsibilities.
- **Staff training**
Agency staff must have the knowledge to identify children at risk of being drawn into terrorism. They must also know about referral arrangements for children and young people who require further help.
- **IT policies**
A provider's arrangements for access to IT, including filtering, must ensure that children and young people are safe from terrorist and extremist materials when accessing the agency's internet. They must support foster carers to understand how to best protect children from accessing, or being exposed to, terrorist and extremist materials.²⁷

²⁷ Ofsted's social care compliance handbook www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014

Annex G: Inspecting independent fostering agencies where there are no children placed with foster carers

131. If there are no children placed with an agency at the time of a planned full inspection, the inspection should not usually be postponed. Inspections focus on whether registration requirements continue to be met, including the suitability of management arrangements. Inspections will assess the agency's fitness to operate and take account of any changes the provider has made to improve the quality of the care to be provided.
132. Where a fostering agency has had no children or young people placed with foster carers for more than three months and the agency has indicated that it does not intend to operate in the near future, reports must contain the following statement:
- <Insert name of fostering agency> has been closed for <insert length of time>. The registered provider has indicated that they will not be operational for <state length of time from the date of inspection>. Should the agency decide to accept placements, they are required to inform Ofsted of their intention before they do so.

Inspecting newly registered agencies²⁸

133. If, when the first inspection after registration is due to take place, no child or young person has been placed with an agency since its registration, inspectors should seek to delay the inspection until the agency has begun to accept placements.
134. A condition of registration for the provider to notify Ofsted when a child, or children, are placed with a foster carer should be imposed. The condition must be worded as follows:
- <Insert name of fostering agency> must inform Ofsted of their intention to place children and young people with foster carers one week before a child or young person's placement commences.

The timing of when best to undertake the first inspection should be kept under regular review. Once completed, the condition of registration should be removed (the removal will need to be imposed and follow the Notice of Proposal/Notice of Decision process).

²⁸ The first inspection of a fostering agency must occur within three years of its registration date. However, Ofsted usually inspects an agency that has commenced operation within 10 months of its registration.

Annex H: Action to be taken following a judgement of inadequate at inspection

135. Whenever the overall experiences and progress judgement is inadequate, there will be a case review to determine the immediate steps to protect children or secure any further evidence.²⁹
136. In the most serious cases, an urgent case review will be held either during the inspection or immediately afterwards, so that appropriate enforcement action can be taken without delay. In all cases, the inspector will have a discussion with their team manager or the duty manager either during the inspection or as soon as possible afterwards.
137. The case review must consider whether statutory enforcement action is required in relation to the agency and, where there is a registered manager, the registered manager. The case review will consider all the enforcement options available and must begin by considering whether the threshold for the highest enforcement option is met.
138. In the case of the most serious failures, it is anticipated that we will seek to cancel the provider's registration under the relevant provisions of the Care Standards Act 2000 unless there are specific reasons to justify why this is not the most appropriate way of dealing with the regulatory breaches.
139. In all other cases the case review must consider whether serving a compliance notice is the most appropriate enforcement option to address the regulatory breach/breaches found at the inspection, which have led to the inadequate judgement. Any compliance notice must be as specific as possible, setting out the actions that the provider must take by a certain date to meet the relevant regulations.
140. Every enforcement decision must be based on a consideration of all the enforcement options available and the individual facts and circumstances of the case in question. There must be a documented audit trail of why the chosen power is the most appropriate power to be used and why other options have been rejected.

²⁹ Full details can be found in Ofsted's *Social care compliance handbook*, updated 2015; www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014

Annex I: Management of notifications

141. Registered persons (providers and managers) are required to notify Ofsted without delay of the matters set out in Regulation 36 (1) of the Fostering Services (England) Regulations 2011 (the regulations). Where there has been a delay to notify Ofsted of any matter, the inspector must take into account the reasons for that delay and the impact of this delay on the care and welfare of the children and young people in considering whether regulatory action is necessary.
142. Under Regulation 36, registered persons are required to notify Ofsted of any serious event. The Guide provides additional information to identify what constitutes a serious event. Where a registered person determines that an incident is not serious enough to warrant a notification to Ofsted, but an inspector determines that it should have been, both should be able to justify their respective decisions. The inspector must take into account these reasons and the impact on the care and welfare of children placed in considering whether regulatory action is necessary.
143. All notifications will be received and provisionally categorised by the relevant regulation on OfficeBase by the Applications, Registration and Complaints (ARC) team. This will be based on the categorisation from the registered person. Online notifications will automatically get recorded on OfficeBase and ARC will upload paper-based notifications onto OfficeBase. Based on the category of notification identified by the provider, OfficeBase and ARC will select those notifications that need to be fast tracked to the social care compliance inspector, regulatory inspection manager and social care regulatory inspector. Notifications for death of a looked after child, involvement or suspected involvement in sexual exploitation, and instigation and outcome of a child protection enquiry will always be fast tracked.
144. All fast-tracked notifications will be actioned by the regulatory inspection manager or social care compliance inspector on the day the notification is received, and the regulatory inspection manager will be responsible for the oversight of the fast-track process. This risk assessment model is to ensure that any safeguarding concerns are identified and responded to immediately and that any emerging issues that may influence the scheduling of an inspection are identified and acted on. The regulatory inspection manager in each region will decide on the appropriate next steps:
 - where the notification suggests that children and young people may be at risk of harm, the regulatory inspection manager will ensure that an inspector is identified to take immediate action in line with paragraphs 3-12
 - where the notification on further reading does not require urgent action, the regulatory inspection manager will ensure that a memo is sent to the allocated inspector to fully review at the next available opportunity and to inform inspection planning. This will be at the earliest opportunity either by

the allocated inspector or another to cover extended absence including inspections, sickness or annual leave.

Urgent action

145. Where urgent action is required, this may be carried out by either the regulatory inspection manager or the allocated inspector or another inspector identified by the manager depending on availability.
146. Where a foster child who the agency provides services for has died, either the regulatory inspection manager or the allocated inspector should ensure that all relevant parties have been informed by the provider as outlined in regulation.
147. The inspector must establish what, if any, action the relevant local and placing authority and the police have taken. There should be an immediate review by the inspector, the social care compliance inspector and relevant managers, to establish next steps. The relevant senior HMI should be informed of any deaths of looked after children and a serious incident briefing prepared.
148. Where a notification states that a child is suspected of being subject to, or subject to, sexual exploitation, or where a child is at risk of significant harm, the inspector must contact the provider to discuss what action has been taken. Where the inspector believes that insufficient action has been taken, they must refer this matter to their manager.
149. Where the inspector identifies safeguarding concerns, they should contact the provider to find out:
 - what action the provider has taken
 - ensure that the relevant local authorities, police, LADO/children's services have been notified
 - that appropriate action has been taken by other appropriate professional and authorities.
150. Where there are any concerns that this has not happened then the inspector will ensure that relevant parties are informed. They will also take the inaction of the agency into account at any subsequent inspection. Where Ofsted has any concerns about the safety and welfare of a child or young person, they will notify the Director of Children's Services in the placing authority.
151. Where there are significant safeguarding concerns that remain outstanding after the initial contact with the independent fostering agency, this must be recorded as a compliance case so that all the subsequent action taken is recorded in one place and can inform any potential enforcement action.
152. In some instances, it will be necessary to undertake an early inspection either because of the serious nature of the individual notification or because of a build-up of a pattern of concerns. This could mean that the agency has more

than one inspection in a cycle. The reason for the decision and the timescale for the inspection must be recorded in OfficeBase.

153. If the inspector has any concern about the practice of either the placing local authority or the host local authority, this will be managed in line with the published policy Management of cross-remit concerns about children's welfare.³⁰ The Director Children's Services will be notified of the concerns so that they can review the situation. This information will also inform any forthcoming local authority inspection.
154. Inspectors will always monitor closely whether Ofsted is informed of the outcome of any child protection enquiry in line with regulations. Where this has not been received within a reasonable timescale, the inspector will contact the agency. Inspectors will follow up any failure to notify Ofsted of the outcome.
155. Inspectors should always prioritise assessing notifications, which should be completed within a maximum of seven days from the date of receipt. Regulatory inspection managers need to ensure that all notifications are processed when there are periods of absence, including sickness and annual leave or where service inspections are programmed and inspectors are inspecting for more than one consecutive week.
156. Any notification may contain information that suggests that children and young people are at risk of harm. The reason for the notification is an indicator of the nature of the concern but not an absolute. All notifications should be reviewed with a clear focus on safeguarding issues.
157. For all notifications, the inspector must ensure that the correct category from Regulation 36 has been used and clearly record on OfficeBase a brief summary of the reason for the notification, details of the action taken by the provider in response to the incident and the action taken by Ofsted in response to the notification, including details of any contact with the provider.
158. Inspectors will always investigate and record on OfficeBase the reason for any delayed notification. Where investigation of delayed notifications identifies concern, the inspector must assess and record the action Ofsted is required to take. Where required, the inspector will trigger a compliance case review.
159. The inspector will review the action taken by the agency and where there are concerns that this is inappropriate or lacking rigour they will either contact the agency for further clarity or consider bringing an inspection forward.
160. Inspectors will always review notifications as part of an emerging picture of the children's agency and not see notifications in isolation. Where notifications suggest a growing picture of concern, this will be taken into account in

³⁰ *Management of cross-remit concerns about children's welfare* (110147), Ofsted, 2012; www.gov.uk/government/publications/ofsted-managing-cross-remit-concerns-about-childrens-welfare.

inspection scheduling and planning, and will usually result in an early inspection.

161. Where notifications are incomplete or unclear, inspectors must contact the agency for clarification.
162. Inspectors must record clearly on OfficeBase what action they have taken and the outcome of any subsequent contact with the agency, so that there is a clear audit trail of actions taken and Ofsted can be satisfied that children are safe.

Management information and management oversight

163. All managers will routinely receive performance information in relation to individual agencies for inspectors in their team. This will clearly identify for each agency the date and number of referrals categorised by Regulation 36 on a six-month rolling programme. This will enable patterns to be identified and inform individual discussions with inspectors about agencies where there may be cause for concern and where inspections may need to be re-scheduled or urgent action considered.
164. Managers will also receive reports identifying where notifications have been received but the action taken has not been recorded.
165. Managers will routinely sample recording and action around notification as part of the ongoing assessment of the quality of inspectors' work.

Child protection notifications

166. The regulations require registered persons to notify Ofsted where a child protection enquiry is instigated and then also when concluded – this would be investigations carried out under section 47 of the Children Act 1989.
167. This means that any referrals that do not reach the threshold for a strategy discussion, or any referrals where there is a strategy discussion but the outcome of the discussion is not to instigate a section 47 investigation, do not need to be notified to Ofsted under this category of notification. However, as a notification is also required for any incident relating to a child, which the registered person considers to be serious (see paragraph 2), a provider may notify us of referrals that do not reach this threshold if they deem it serious.
168. At each inspection, inspectors must always review any referrals made by the agency to the local authority irrespective of whether these reach the threshold for a child protection investigation and take account of any serious events that the registered person did not determine should be notified to Ofsted. Inspectors should follow up:
 - any areas of concern in relation to the welfare of the child/young person
 - the response of the agency to the incident/concern and whether this was appropriate

- the quality and appropriateness of the referral
- any concern about the response of the local authority to the referral.

Annex J: The implications of the Equality Act 2010

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

Annex K: The administration and management of controlled drugs – reporting concerns

173. Ofsted has a role in ensuring that the Government is satisfied that controlled drugs, as defined by section 2(1) of the Misuse of Drugs Act 1971, are managed and administered appropriately. Types of medication, which are controlled drugs, are morphine pethidine, methadone and ritalin. More information on controlled drugs is available on the Care Quality commission's website at:

www.cqc.org.uk/content/law-and-guidance-managing-controlled-drugs.

174. If inspectors come across concerns or incidents regarding the safe management of controlled drugs while undertaking their normal inspection duties, or receive information through any other source, an outline of the concern and action taken should be referred to the social care policy team by email (socialcare@ofsted.gov.uk). This action is in addition to any regulatory action or recommendations made as a result of the concern. Referrals should be made regardless of whether requirements or recommendations are to be made. The social care team will collate all such referrals and share these with the Controlled Drugs National Group.

Annex L: Online safety – children’s social care inspections

Introduction

175. Providers have a statutory obligation to create safe environments for their children and users and this extends to any online environment that the setting provides. It has a duty of care to ensure that any online access is made as safe as can reasonably be expected and very often this will require a layer of technical security, for example, filtering that assists in blocking access to illegal and inappropriate online content or activity. In smaller settings, this might be managed by careful and consistent adult supervision.³¹

What does good practice look like?

Whole organisation/setting consistent approach	<ul style="list-style-type: none"> ■ all staff and/or volunteers can recognise, confidently respond to and intervene appropriately with online safety issues ■ the setting can provide the same safeguarding response and intervention for issues that arise beyond the setting that impact on the safety and well-being of the individuals in its care. ■ online safety is considered a priority across the setting with responsibilities clearly defined. ■ where appropriate, the views of children and parents/carers are valued and integrated.
Robust and integrated reporting routines	<ul style="list-style-type: none"> ■ reporting processes are clearly understood by the whole organisation, allowing everyone to report issues to the provider with confidence and trust ■ these routes are clearly signposted, used and are integrated with other established safeguarding practice.
Policies	<ul style="list-style-type: none"> ■ online safety policies and procedures are in place that are appropriate for the age and understanding of the children and young people, contributed to by the whole setting and updated regularly. Policies should provide advice and guidance that reflects how technology is used at the setting and may include specific references to key areas; for example, digital video and images, data, personal devices ■ the online safety policy should be acknowledged by all users and consistent with other relevant safeguarding and child protection policies.

³¹ The setting could be a children’s home, residential special school, boarding school or an independent fostering agency

Monitoring and Evaluation	<ul style="list-style-type: none"> ■ internet use is managed and monitored appropriately based on individual children's needs ■ the setting evaluates and develop online safety provision and practice ■ online safety incidents are recorded in a way that is consistent with other safeguarding practice. Those records are used to assess impact and inform best practice.
Education	<ul style="list-style-type: none"> ■ children and young people are able to explore and discuss safety issues that equips them to stay safe online ■ children's positive and responsible use of technology is recognised.
Infrastructure	<ul style="list-style-type: none"> ■ internet access should be actively managed in a way that ensures reasonable duty of care in providing age-appropriate safeguarding ■ where direct physical supervision is not possible or appropriate, relevant technical safeguarding measures should be evident; for example, parental controls or user-appropriate filtering ■ any professional communications using technology should take place within clear and explicit professional boundaries, limit personal information and be transparent and open to scrutiny ■ the storage, use and transfer of personal data are adequately protected in accordance with data protection legislation and there are clear escalation routes when personal data is compromised.