Outcome of the consultation on publishing children's homes inspection reports

Between June and September 2008 we consulted on whether we should publish the inspection reports of children's homes. This report details the results of the consultation and our decision.

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The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects registered childcare and children's social care, including adoption and fostering agencies, residential schools, family centres and homes for children. We also inspect all state-maintained schools, non-association independent schools, pupil referral units, further education, initial teacher education, and publicly funded adult skills and employment-based training, the Children and Family Court Advisory and Support Service (Cafcass), and the overall level of services for children in local authority areas.

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Introduction

1. Between June and September 2008 we consulted on whether we should publish the inspection reports of children's homes. This report gives the results of the consultation and our decision.

Background

2. Ofsted regulates and inspects children's homes under the Care Standards Act 2000.[1] Following an inspection we write a report that sets out the main strengths and any areas of improvement identified during the inspection. We have a legal duty to provide a copy of this inspection report to anyone who asks for one.

3. For all social care settings other than children's homes, such as adoption and fostering agencies, we publish reports on our website.[2] Since taking over responsibility for the inspection of children's homes on 1 April 2007 we have not published children's homes reports on our website.

4. Currently, when there is a request, other than from a public authority, for a children's homes inspection report we manage this request under the Freedom of Information Act 2000.[3] We send a copy of the report, but first we remove the address of the home, its name if it indicates its location, and any content that may identify an individual child.

5. We thought it was good practice to review this procedure in line with our strategic priorities of providing better outcomes for children and better communication.

6. From publishing other inspection reports we know that publication improves quality through making inspection findings open and transparent. This may lead to improved outcomes for children and better placement decisions. For these reasons, we decided to consult on whether we should publish the inspection reports of children's homes on our website.

[1] The Care Standards Act 2000; www.opsi.gov.uk/acts/acts2000/ukpga_20000014_en_1.
[2] www.ofsted.gov.uk/reports.
[3] The Freedom of Information Act 2000; www.opsi.gov.uk/Acts/acts2000/ukpga_20000036_en_1.

The consultation methodology

7. We consulted with stakeholders on this issue for 12 weeks from 24 June to 16 September 2008. The consultation included:

   - seeking the views of children and young people who live in children's homes, through the Children's Rights Director who organised a consultation and conducted a text survey through a panel of young people[4]
   - an online consultation that was open to any interested member of the public[5]
   - face-to-face consultations with providers and social care representatives; the consultations occurred during a special meeting of our national consultative forum for social care providers on 21 May 2008 and at the national provider conference on 9 July 2008.

8. We provided hard copies of the general consultation and the children and young people's consultation on request. We also made the children's survey available in the symbol formats of Widget and Makaton and in languages other than English, when requested.

9. As part of the consultation, we also received written submissions from a number of social care organisations and local authorities including:

   - the British Association of Social Workers (BASW)
   - the Independent Children's Homes Association (ICHA)
   - the Local Government Ombudsmen
   - the National Care Association (NCA)
   - the National Centre for Excellence in Residential Child Care (NCERCC)
   - Norfolk Country Council.

[4] For more information on the survey visit www.rights4me.org/reportView.cfm?id=299.
[5] The consultation is now closed but the consultation documents are available at www.ofsted.gov.uk/publications/080099.

Key findings

Children's survey

10. The Children's Rights Director received 278 responses from children and young people living in children's homes. This is a higher rate of response than we anticipated and shows the significant interest of young people in this issue. The key findings from the children's consultation are that:

    - the large majority of children and young people are in favour of publishing reports
    - children and young people support the publishing of reports of both small and large homes
    - children and young people would like safeguards in place to protect their safety, in particular the deletion of the address of the home from reports.

11. The full report from the Children's Rights Director on the children's survey is available on the rights4me website and a summary is in Annex 1.

Ofsted online survey

12. We received 129 responses to our general consultation and the participants included:

    - 50 (38.8%) managers or employees of a children's home
    - 24 (18.6%) providers of children's homes
    - 18 (14%) people who work for placing authorities
    - seven (5.4%) people who work for an organisation representing children's homes
    - five (3.9%) people who work for an organisation that regulates or inspects children's homes
    - three (2.3%) parents or carers of a child in a children's home, and
    - 22 (17.1%) other.

13. The key findings are that:

    - the large majority of participants oppose the publication of inspection reports with the address
    - the participants are more in favour of publishing inspection reports with the address removed than not publishing at all
    - the participants emphasised the importance of safeguarding in making our decision.

14. The full results are detailed in Annex 2.

15. The written responses to the consultation indicate both favourable and unfavourable consequences of publication. Also, the responses raise a variety of issues and questions. These include:

- publishing smaller children's homes reports
- safeguarding and privacy
- benefits of publication
- child-friendly reports
- community concerns
- direct payments
- review of reports before publication.

16. These issues are discussed in detail in Annex 3.

The way forward

17. We are conscious of the wish of participants to publish these reports and to safeguard vulnerable children and young people. We have decided to:

- publish the inspection reports of children's homes on our website, with the following information removed:
  - the name of the home
  - the address and contact details of the home
  - any information that identifies the location of the home
  - any information that identifies an individual child or employee in the home.

  The reports will be accessible by a unique reference number (URN) search. The URN is an identification number that we give to each setting registered with us

- provide a list of the names, addresses and URN numbers of registered children's homes to each local authority through a secure password-protected system
- notify local authorities when we judge a children's homes in their area as inadequate
- develop child-friendly summaries of our inspection reports for young people in children's homes
- provide information on the overall performance of children's homes in our Annual Report; this will include the strengths, weaknesses and outcomes of children's homes

- remove sensitive information including the name and address from our education inspection reports of children's homes that provide both education and care; this decision applies to education reports that have been published since April 2007

- provide children's homes with 15 days to comment on our inspection report before we publish it.

18. We expect the benefits of publishing children's homes inspection reports to include:

    - providing placing authorities with quick and ready access to the inspection reports of all children's homes, which will support them in making placement decisions
    - assisting individuals who are purchasing care to make informed decisions
    - assisting advocates and social workers in their role of supporting young people in children's homes
    - helping parents and others with a legitimate interest in an individual children's home to access reports more easily
    - acting as support for benchmarking and improved performance by providers who will be able to compare their service to other homes
    - helping to reduce the time and resources currently needed to give access to reports under Freedom of Information Act requests.

Other considerations

Secure children's homes

19. We considered whether or not we should treat secure children's homes differently from other homes. This is because of the sensitive nature of secure accommodation and the often vulnerable children and young people cared for in such settings.

20. We included secure children's homes in the consultation and made sure the children in these homes had the opportunity to express their views.

21. Neither the results from the survey of children and young people nor the Ofsted survey indicate that we should apply different rules to publishing reports of secure children's homes. Therefore, our decision to publish reports will extend to secure children's homes.

Children's homes as refuges

22. A very small number of children's homes have applied for registration under section 51 of the Children Act 1989 as they operate as a refuge.[6]

23. Given the highly sensitive nature of these homes, and the safety concerns involved, it is appropriate that these inspection reports are not published. Therefore, our decision to publish does not extend to section 51 children's homes.

Timetable

24. We expect to begin publishing children's homes inspection reports by June 2009. In the interim, we will continue our current procedure of dealing with requests for children's homes inspection reports under the Freedom of Information Act.

[6] The Children Act 1989, section 51: www.opsi.gov.uk/Acts/acts1989/ukpga_19890041_en_8#pt5-l1g51.

Annex 1. Summary of the Children's Rights Director consultation

Roger Morgan, the Children's Rights Director, produced a report on the consultation results outlining the views of children and young people on the publication of children's homes inspection reports. The key findings are summarised below.

We received 278 responses from children and young people to the online survey.

- 61% are boys and 39% are girls
- 82% are white, 9% are from a mixed background, 5% are black and 4% are Asian
- 21% are disabled people.
- The majority of participants have lived an average of two years in children's homes, while 15 children and young people have lived for over 10 years in children's homes.

Overall, children and young people are in favour of publishing inspection reports: 72% think it is a 'very good' or 'good' idea to publish reports on our website, while only 9% think it is a 'bad' or 'very bad' idea. The figures are similar for those children and young people from smaller homes, although overall those from larger homes are keener for the reports to be published.

The main reasons that the children and young people give for publishing the reports include:

- so everyone can see what the home is like and how they are cared for
- to show their views about children's homes
- to compare homes when choosing one
- so they can read what the home is like before moving there
- so people generally can see what being in care is like.

The reasons for not publishing included concerns about safety and breaking personal confidentiality.

Overall, children and young people support the publication of inspection reports of both small and large homes.

- 45% think that if we do publish reports we should publish the reports of both small and large homes
- Only 11% think that we should only publish the reports of larger homes.
- Of the children and young people living in small homes, 48% favour the publication of the inspection reports of their home, while 6% think that only

larger home reports should be published. One of the participants suggests that:

> 'if the small homes don't get mentioned people will get the wrong picture. It's like a jigsaw, if any of the pieces of the jigsaw are left out you don't see the full picture.'

- 42% want the addresses of children's homes removed from reports, while 32% think that the address should be left in.
- Children and young people from smaller homes are more in favour of removing the address than children from larger homes (50% for smaller homes, compared to 40% for larger homes)
- Their main reasons for withholding the address of their homes are for safety and for keeping details of their home life confidential.
- Those in favour of publishing the address give the reason for this as so that readers will know which children's home they are reading about.

The children and young people provide a variety of suggestions as to what safeguards can be put in place regarding the publication of children's homes reports. The most common suggestions include: making sure the report always protects the identity of individuals; using password protection to restrict access to children's homes reports; and restricting access to children's homes reports to particular groups of people.

Text survey

The Children's Rights Director conducted a text survey with children and young people with supplementary questions. The text survey asked them the following:

- Inspectors check up to make sure that you are looked after properly and they write a report about it. How can we make sure that you know what they have said?
- Last week some people thought it would be a good idea to have a young person's version of inspection reports. What would be in it and what might it look like?

A very large majority of children and young people would like a version of the inspection report sent to them or for it to be accessible where they live. They suggest that this may be in the form of a report written especially for them and/or a letter or an article in a magazine for children in care.

They suggest that the child-friendly reports should be colourful and easy to read. They also suggest that the reports include their views, contact details for seeking advice or help and information on the cleanliness of the home, food, leisure activities and how children are treated by the home's carers.

Overall, the results of the consultation demonstrate that children and young people are in favour of publishing inspection reports of homes, provided that safeguards are in place to protect their safety and privacy.

Annex 2. Formal online consultation process: analysis by question

Questions 1–3, and 5–6, from the Ofsted consultation are presented below in statistical format. This is because these questions are quantifiable. The remaining questions (4 and 7–9) were free text boxes and allowed participants to provide written comments. These are discussed by topic in Annex 3.

Overall results of the consultation

We received 129 responses to the online consultation. The questions are divided between larger homes (with four or more children and young people) and smaller homes (with three or fewer children and young people).

For larger homes, 79% of participants either 'disagree' or 'strongly disagree' with publishing the inspection reports including the address of the home. In all groups, the majority of participants are against the publication of larger homes reports with the address.

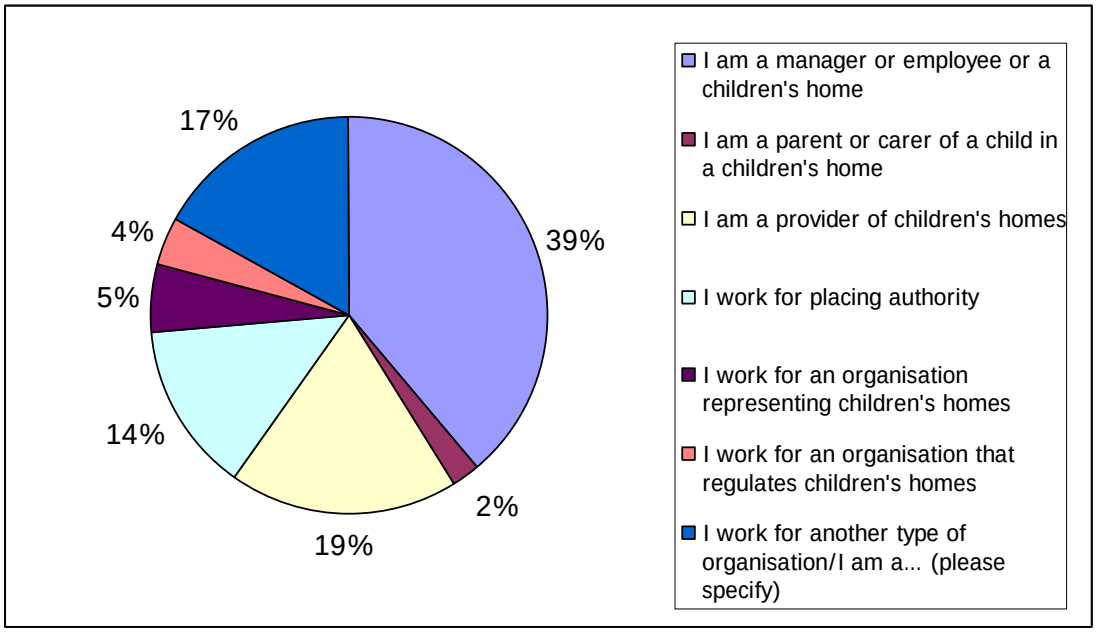
The results varied, however, on whether we should publish the inspection reports of larger homes without the address. Overall, 50.4% of participants 'agree' or 'strongly agree' with this suggestion, while 41.4% 'disagree' or 'strongly disagree'. The parents and carers that did respond to this question suggest that they neither agree nor disagree with publishing the inspection reports of larger homes without the address (66.7%).

Participants who work for placing authorities are most in favour of publishing the reports with the address removed (66.7% are in favour, with only 16.7% against).

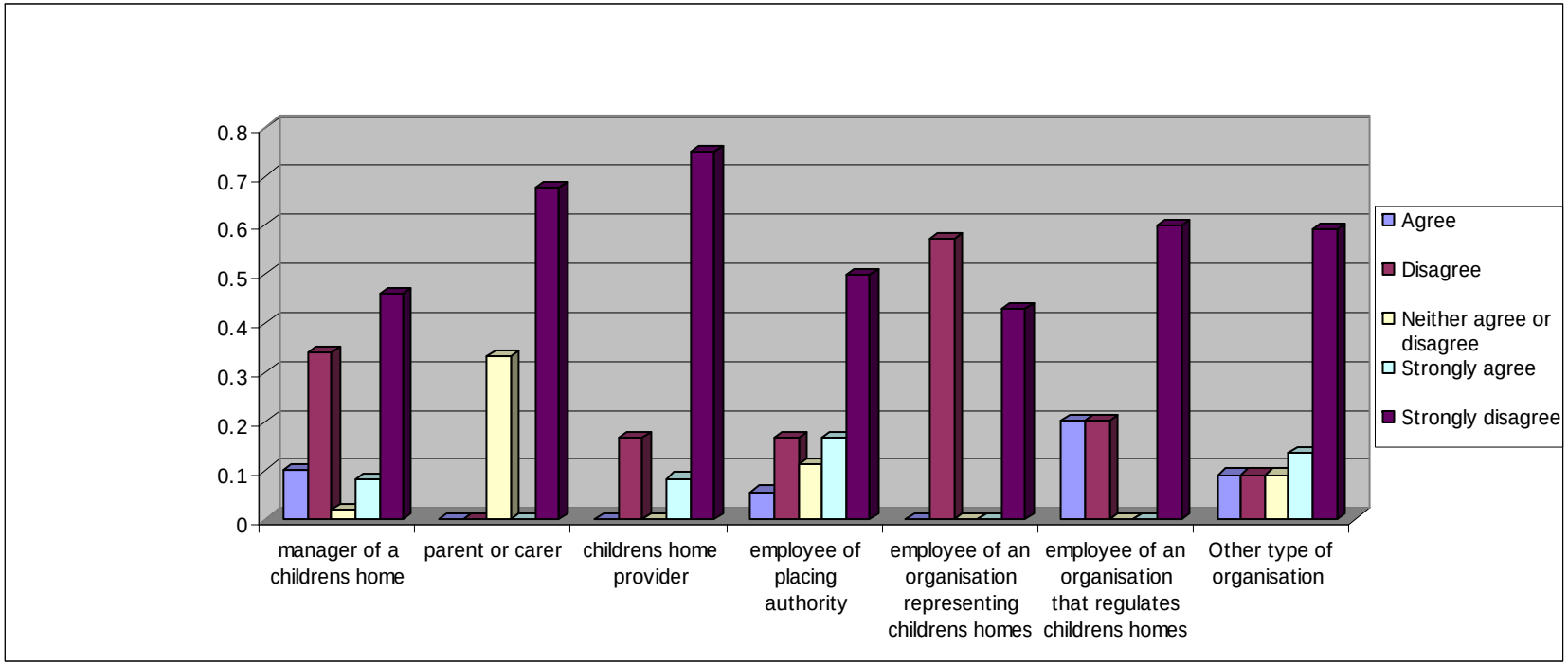
For small homes with three or fewer children, participants are heavily against publication including the address (overall 82.2% 'disagree' or 'strongly disagree' with this suggestion). However, participants are split about whether we should publish the reports of smaller homes with the address removed. Overall, 49.6% of participants 'agree' or 'strongly agree' with this proposal, while 43.4% 'disagree' or 'strongly disagree'. Similar to the question on larger homes, participants who work for a placing authority are most in support of this proposal (61.1% are in favour with 22.2% against).

Question 1. Participants

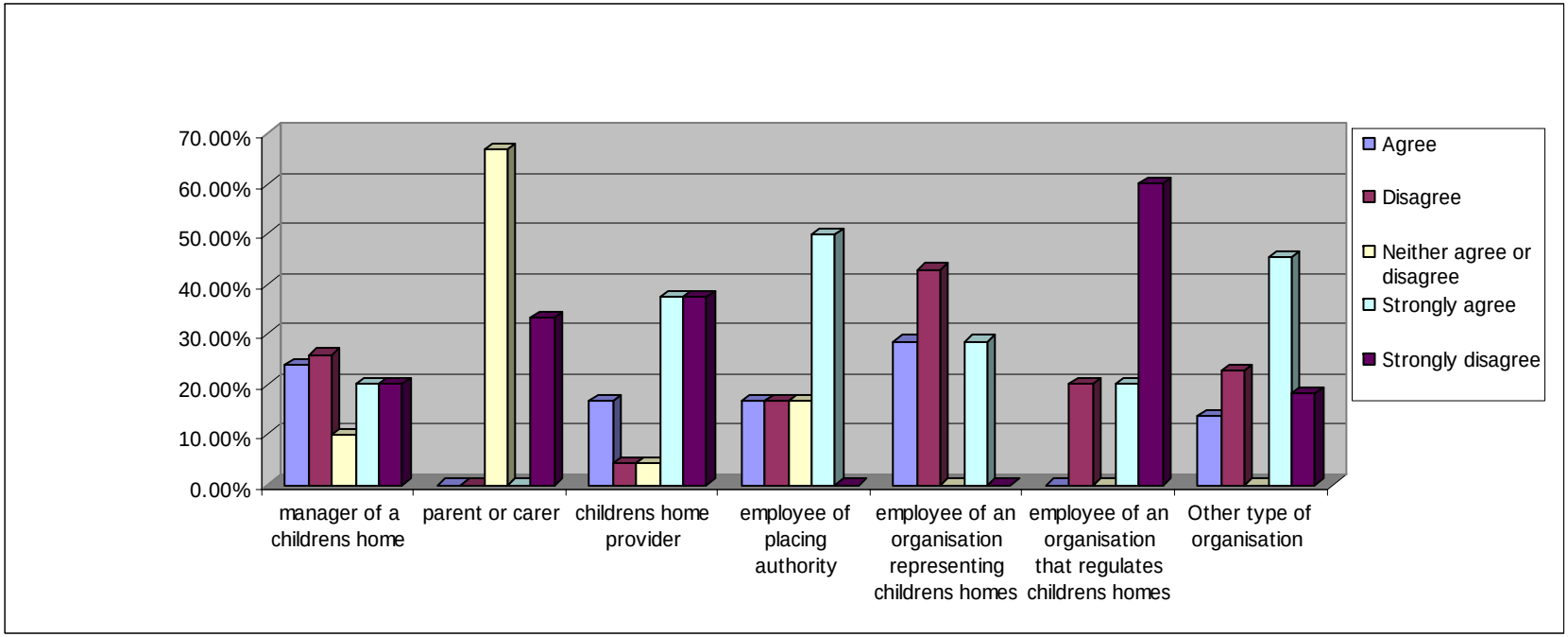
Type of participant	Number	%
I am a manager or employee or a children's home	50	38
I am a parent or carer of a child in a children's home	3	2
I am a provider of children's homes	24	19
I work for a placing authority	18	14
I work for an organisation representing children's homes	7	5
I work for an organisation that regulates children's homes	5	4
I work for another type of organisation/I am a... (please specify)	22	17



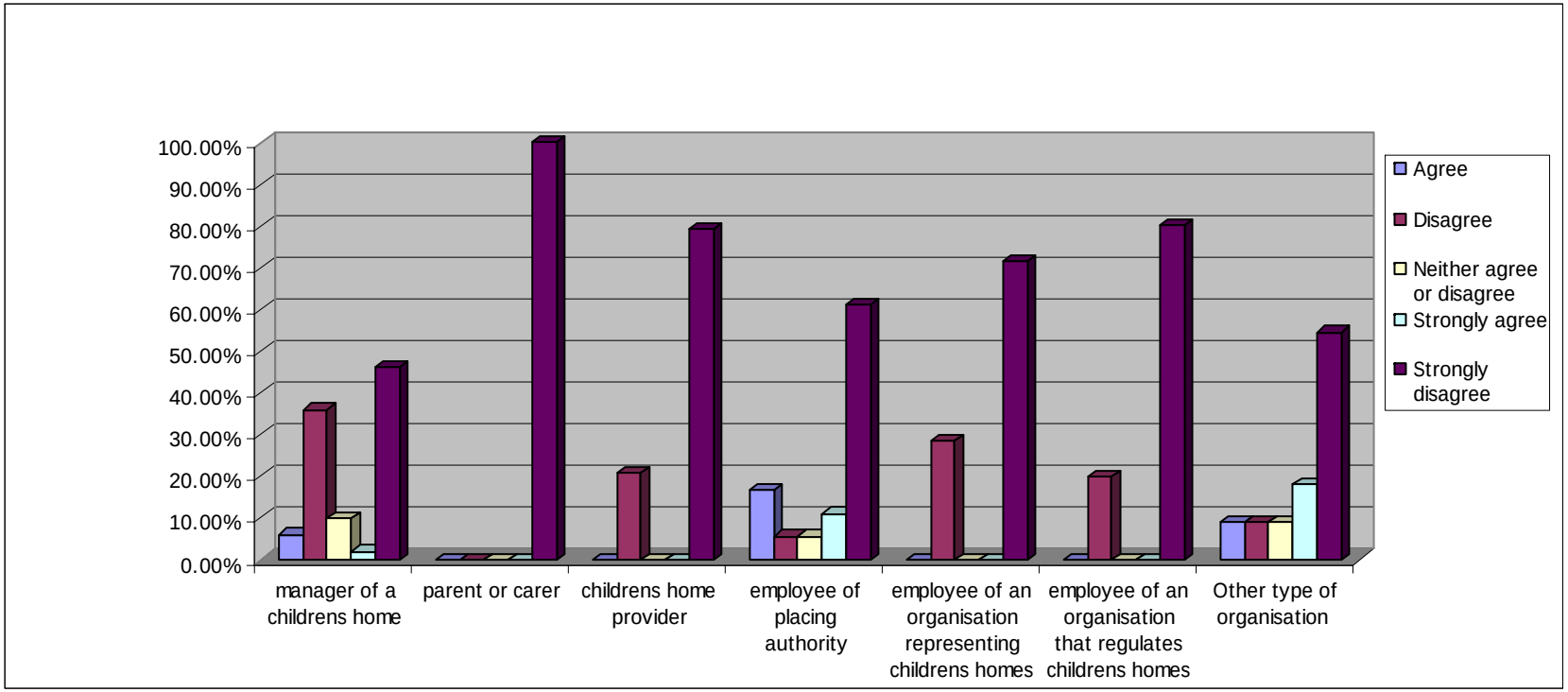
Question 2. Do you agree that Ofsted should publish on its website the inspection reports of children's homes with *more than three* children, *including* the address of the children's home?



Question 3. Do you agree that Ofsted should publish on its website the inspection reports of children's homes with *more than three* children, *but not include* the address of the children's home?



Question 5. Do you agree that Ofsted should publish on its website the inspection reports of children's homes with *three or fewer* children, *including* the address of the children's home?



Question 6. Do you agree that Ofsted should publish on its website the inspection reports of children's homes with *three or fewer* children, *but not include* the address of the children's home?

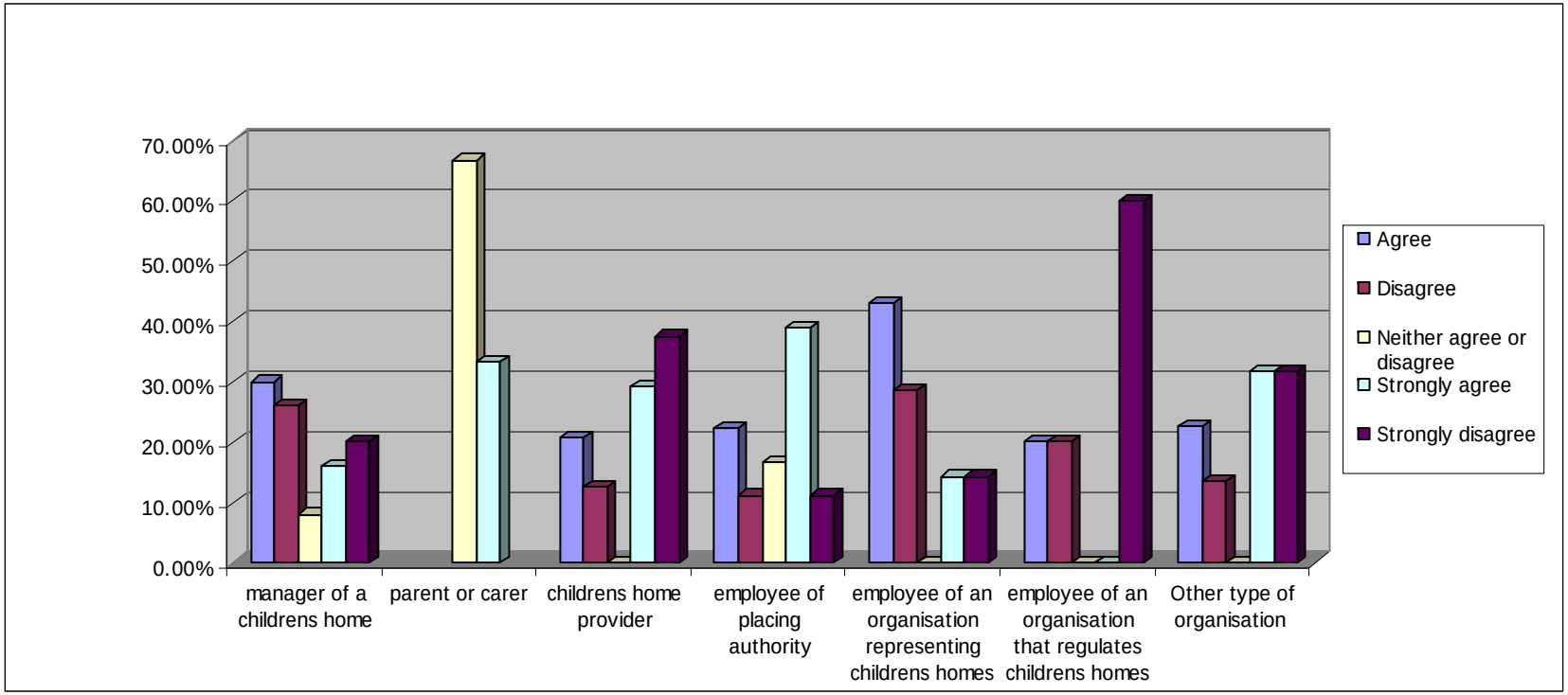


Table of data from the consultation

	Manager or employee of a children's home	Parent or carer of a child in a children's home	Provider of children's homes	Placing authority	Organisation representing children's homes	Organisation that regulates children's homes	Other
Number of participants	50	3	24	18	7	5	22
Ofsted should publish on its website the inspection reports of children's homes with more than three children, including the address of the children's home							
Strongly agree	8.0%		8.3%	16.7%			13.6%
Agree	10.1%			5.6%		20.0%	9.1%
Neither agree nor disagree	2.0%	33.3%		11.1%			9.1%
Disagree	34.0%		16.7%	16.7%	57.1%	20.0%	9.1%
Strongly disagree	46.0%	66.7%	75.0%	50.0%	42.9%	60.0%	59.1%
Ofsted should publish on its website the inspection reports of children's homes with more than three children, but not include the address of the children's home							
Strongly agree	20.0%		37.5%	50.0%	28.6%	20.0%	45.5%
Agree	24.0%		16.7%	16.7%	28.6%		13.6%
Neither agree nor disagree	10.0%	66.7%	4.2%	16.7%			
Disagree	26.0%		4.2%	16.7%	42.9%	20.0%	22.7%
Strongly disagree	20.0%	33.3%	37.5%			60.0%	18.2%
Ofsted should publish on its website the inspection reports of children's homes with three or fewer children, including the address of the children's home							
Strongly agree	2.0%			11.1%			18.2%
Agree	6.0%			16.7%			9.1%
Neither agree nor disagree	10.0%			5.6%			9.1%
Disagree	36.0%		20.8%	5.6%	28.6%	20.0%	9.1%
Strongly disagree	46.0%	100%	79.2%	61.1%	71.4%	80.0%	54.5%

Percentages have been rounded so do not always add up to 100.

	Manager or employee of a children's home	Parent or carer of a child in a children's home	Provider of children's homes	Placing authority	Organisation representing children's homes	Organisation that regulates children's homes	Other
Number of participants	50	3	24	18	7	5	22
Ofsted should publish on its website the inspection reports of children's homes with three or fewer children, but not include the address of the children's home							
Strongly agree	16.0%		29.2%	38.9%	14.3%		31.8%
Agree	30.0%		20.8%	22.2%	42.9%	20.0%	22.7%
Neither agree nor disagree	8.0%	66.7%		16.7%			
Disagree	26.0%		12.5%	11.1%	28.6%	20.0%	13.6%
Strongly disagree	20.0%	33.3%	37.5%	11.1%	14.3%	60.0%	31.8%
Feedback on the consultation: I found the information clear and easy to understand							
Agree	94.0%	100%	91.7%	94.4%	100%	100%	90.9%
Disagree	2.0%			5.6%			4.5%
Don't know	4.0%		8.3%				4.5%
I had enough information about the consultation topic							
Agree	88.0%	66.7%	70.8%	94.4%	85.7%	60.0%	86.4%
Disagree	2.0%	33.3%	12.5%	5.6%	14.3%	40.0%	9.1%
Don't know	10.0%		16.7%				4.5%
I would take part in a future Ofsted consultation							
Agree	82.0%	100%	91.7%	100%	100%	80.0%	95.5%
Disagree	4.0%						
Don't know	14.0%		8.3%			20.0%	4.5%

Percentages have been rounded so do not always add up to 100.

Annex 3. Discussion of the written responses

Participants were able to provide written responses to the consultation for questions 4 and 7–9. These responses indicate both favourable and unfavourable consequences of publication and raise a variety of valuable issues. Some of the issues are discussed below. These incorporate the views of participants from the Ofsted online survey, the face-to-face consultations and the written submissions received.

Small children's homes

A few participants commented on the issue of whether or not we should distinguish between small children's homes (with three or fewer children) and larger homes, if we publish inspection reports. These participants are clear that the same safeguarding and welfare concerns apply to all young people accommodated in children's homes regardless of their size. Some participants are also opposed to the creation of a 'two-tier' system of children's homes, if we distinguish by size.

Other participants raise the issue of why smaller homes should not be as accountable for the services that they provide as larger homes. The issue of how to define a three- or four-bedded home is also raised including whether this is the number of children that a home is registered to care for, or whether it should be based on the occupancy of the home at the time of inspection. Other participants are concerned that it may be possible to identify specific children of a larger home in an inspection report, if only two or three children are living at the home when we inspect.

Individual participants note that:

> 'I do not fully accept the premise that children are less vulnerable in homes with greater than three children. The risk of identification through the report remains real for all children regardless of numbers in the home.'
>
> and
>
> 'Openness is a good thing but different standards for homes with less or more than three children might exclude a huge number of providers. This might lead to a 'two-tier' system or conflict within the industry.'

Given these results, it is clear that stakeholders, including young people, do not agree with distinguishing between children's homes based on size. We have decided, therefore, to publish the inspection reports of both small and large children's homes.

Safeguarding and privacy

Most participants note that safeguarding and welfare concerns must be paramount in considering whether to or not to publish children's homes reports. Many of the participants strongly recommend that any address, contact details or information that identifies the location of a home or an individual child are removed from inspection reports before publishing them. The principal reason for this suggestion is concern for the safety of vulnerable children from paedophiles, drug dealers, those soliciting for prostitutes and family members.

One participant suggests that:

> 'Looked after children are vulnerable. If reports were public knowledge with addresses this would allow individuals with criminal records such as schedule 1 offenders to be able to know their whereabouts.'

Other participants hold concerns over the privacy of children if addresses are published. This is particularly the case if it becomes known in a community that a particular child lives at a particular home. The concerns include the risk of bullying, stigma and victimisation.

Generally, the participants are concerned about the publication of children's home reports with the address. We understand these concerns and have decided to publish reports with the following information removed:

- the name of the home
- the address and contact details of the home
- any information that identifies the location of the home
- any information that identifies an individual child in a home.

Benefits of publication

The participants identify several benefits to publishing children's homes reports. Primarily, this includes improved performance and benchmarking between children's homes and easier access to information for local authorities when making placement decisions. Other participants suggest that publishing reports will help reduce social stigma about children's homes. The participants note that:

> 'It is important that commissioners have ready access to all reports of children's services. If a children's home provider (in particular a private provider) knows that commissioners have ready access to reports this may well provide a more powerful impetus to improve.'
>
> and

'With every positive report, the profile/understanding of children's homes ('de-mystifying') may take positive steps within communities to allay fears.'

and

'It (publication) allows for greater accountability for spending of public money. It could also drive improvements and help raise standards of care.'

and

'Publication of reports would allow for easier and more informed judgements and decision-making by placing authorities and, in some cases, by service users themselves.'

Child-friendly summary reports

Many participants are supportive of giving children and young people who live in children's homes greater access to information on our inspections. The participants recommend providing a summary of an inspection report in language, style and format that is appropriate and appealing to young people. Other participants emphasise that these reports will need to be in an accessible place for children and young people, such as on a website or on DVD.

These suggestions correspond significantly with the views of the children and young people themselves, who indicate that they would like feedback and information after an inspection.

Ofsted has separately considered this issue and supports the development of child-friendly summary reports. We are currently in the process of implementing this commitment. The child-friendly summaries will include the main findings from an inspection and will take full account of the contributions from children and young people. The report will provide information about the following:

- being healthy
- staying safe
- enjoying and achieving
- making a positive contribution
- achieving economic well-being
- organisation.

Community concerns

A few participants note the advantages and disadvantages of publishing inspection reports for the interests of the community. This includes issues of transparency, openness, social stigma and community campaigns.

The participants note the positive aspects of publishing reports including:

> 'I think the best way to safeguard the welfare of children is to be as open as possible... staff in children's homes should be clear that they are subject to scrutiny in the same way as schools and cannot hide behind confidentiality as an excuse for lack of openness.'
>
> and
>
> 'I believe that the public should be aware of the good work that we are doing, especially in our children's homes therefore any access to the report is a good thing.'

However, other participants are concerned that published inspection reports may be used by communities in campaigns against children's homes. Some participants suggest that:

> 'It would be easy to unwittingly provide material through inspection reports that could fuel a campaign by a community to close down a home.'
>
> and
>
> 'We do understand that from time to time issues do occur in children's homes that have a negative impact on the local community and that these incidents need careful management to ensure that relationships with the community remain as positive as it is possible. We are concerned that the possibility of people in the local community being able to use inspection reports to support a campaign against any particular home and the effects of this [on] any resident who could potentially be publicly identified in the process.'

As a way of balancing these conflicting views, we will provide an overview of children's homes as part of our annual report. This will include statistics on our inspections and judgement results and information on the performance and outcomes of children's homes. This approach may reduce some of the stigma in the general community and improve openness and transparency, without providing explicit details about individual homes.

Direct payments

Participants raised the issue of direct payments with regards to publication and information needs. Direct payments are given to individuals who then select which care services they will use. While most placements in children's homes are made by local authorities, some placements, particularly for respite, are made by the parents of a child; some parents may receive direct payments for this care. One participant suggests that 'purchasers should have a right to view the latest Ofsted reports to aid their purchasing decisions'. Another suggests that:

> 'It (publication) enables purchasers to be able to identify the strengths and weaknesses of any setting. Standards are there for all to see. I think too many providers who often do not offer quality placements would be pressurised into doing so.'

This issue may become more significant in time if an increasing number of local authorities adopt the direct payments approach. Publishing children's homes reports should assist in addressing the information needs of purchasers.

Review of reports before publication

A few participants, particularly children's homes providers, are concerned about the accuracy and consistency of Ofsted reports. Several participants suggested that providers should have the opportunity to comment on the reports and for any complaints about the report to be resolved prior to publication. It is suggested that:

> 'Ofsted need to ensure that reports are accepted by the provider before going on to the site. [There are a] number of errors in many reports - some of which providers will argue affects their business. Unless Ofsted get better at dealing with errors in reports and indeed fairness there will be instance of litigation re loss income/trading etc. Therefore Ofsted need to be seen as being fair and equitable in their reports and in dealing with queries over content and grading.'

Currently, we allow other social care providers 15 days to comment on an inspection report before we publish it. This allows time for us to address concerns or complaints from the provider about the report. There appears to be no justifiable reason for a different time scale to apply to children's homes. We have decided, therefore, to extend this procedure to children's homes, allowing providers up to 15 days to comment on an inspection report before we publish it on our website.