

# Inspections of children's homes

Consultation document

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This is a consultation document on proposals to inspect children's homes. Ofsted seeks the widest possible range of views from those who have an interest in, or expertise relating to, children's homes and provision for children looked after.

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## Introduction

1. Ofsted regulates and inspects all children's homes. We know that the residential care sector supports some of our most vulnerable children and young people and so our inspection must shine a spotlight on what works well. We must drive improvement in those homes where children are not safe or their welfare is not safeguarded and promoted. This is a significant period of change for children's homes and an opportunity to improve the life chances of the vulnerable children and young people who live in residential care. We want children's homes to provide the best possible care and experiences, while improving children's life chances and helping them to successfully manage their lives as young adults.
2. Between December 2013 and February 2014, we consulted on a new inspection framework that had a much stronger focus on the experiences of children and young people. We received 123 responses to our online consultation and secured the views of 207 children and young people. The majority of respondents were in agreement with our proposals. We decided not to implement the new framework at that time because we wanted to align more closely with the full package of regulatory reform led by government. We considered that two rapid changes to the inspection framework would be both destabilising and unhelpful.
3. Now that government has made clear its intentions for the regulations, the quality standards and the new guide, we are able to consult on an inspection framework. It is fully informed by the previous consultation, takes into account the new regulations and is well informed by the headline responses to the Department for Education (DfE) consultation launched in September this year.<sup>1</sup>
4. In this consultation we set out how we will make inspection judgements and how we anticipate putting the new quality standards into operation. Professional judgement, accountability and the relationship between the regulatory framework and Ofsted inspections are at the heart of this consultation.
5. We set out our proposed criteria for each of the judgement areas. We want you to tell us if you think we have got these right. We also set out how we intend to ensure that we provide the best scrutiny of those homes that give us the most concern by providing inadequate care. We want to hear your views on this proposal.

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<sup>1</sup> *Children's homes regulations: high expectations and aspirations*, Department for Education, 2014; [www.gov.uk/government/consultations/childrens-homes-regulations-high-expectations-and-aspirations](http://www.gov.uk/government/consultations/childrens-homes-regulations-high-expectations-and-aspirations).

## How we will inspect

6. All children's homes will be inspected at least twice a year. The frequency of inspection is determined by legislation.<sup>2</sup> All inspections will be unannounced. In most instances, one inspection will be a full inspection and the other inspection will be an interim inspection.<sup>3</sup>
7. Inspectors will track the experiences of children and young people in order to evaluate the quality of practice, care and management and the difference this makes to the lives of children and young people.<sup>4</sup> Inspectors will take into account children and young people's starting points, their abilities, any barriers to participation and the length of time they have been living in the home.<sup>5</sup> In all cases, they will expect to see ambition for children and young people and the positive contribution of the home to the development of secure and permanent plans for their futures.
8. Inspectors will investigate how the staff:
  - understand each child or young person's starting point
  - measure success
  - know they are making a positive difference to children and young people's lives.
9. Where children and young people are new to the home, inspectors will expect to see effective planning for their arrival and that the statement of purpose for the home shows they are likely to be able to meet the needs of the young person. Action to meet those needs should be taken without delay. Where children and young people have recently moved from the home, inspectors will want to understand the progress these children and young people have made, the reasons for their move and the contribution of the home to that transition and their future.

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<sup>2</sup> *Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes, etc.) (Amendment) Regulations SI 2007/694, as amended;* [www.legislation.gov.uk/ukxi/2007/694/contents/made](http://www.legislation.gov.uk/ukxi/2007/694/contents/made).

<sup>3</sup> Different patterns of inspection may occur where homes have been judged inadequate or where homes are not currently operating.

<sup>4</sup> In small children's homes, inspectors will usually track the cases of all children and young people. In larger homes they will track a sample of cases. Where any children and young people have been missing from the home, inspectors will always track their experiences, the response of the home and local authority responsible for the child or young person.

<sup>5</sup> Inspectors will also take into account the frequency of stay for children and young people using short break services.

10. Inspectors will:

- meet with children and young people
- contact parents or carers (where appropriate and in the child's best interest) and key professionals such as the allocated social worker, the independent reviewing officer, police, teachers (including on-site school staff) and health professionals to hear their views about the quality of care and practice in the children's home
- interview the Registered Manager, care staff and, where appropriate, the responsible individual.<sup>6</sup> The inspector is likely to interview the responsible individual where:
  - there are concerns about the quality and effectiveness of monitoring arrangements
  - evidence indicates that the home is failing to protect children and young people
  - there are concerns about how the home is resourced.
- contact other professionals working with the child or young person/other professionals working with the home
- contact the police in all instances where young people have been or are missing
- observe staff in their day-to-day work, including mealtimes, evening routines and when children and young people return home from school
- observe practice in meetings between young people and staff, staff handovers, team meetings and children's reviews if they are happening at the time of the inspection and it is appropriate to do so
- request a range of information (including records of incidents where children and young people have gone missing, critical incidents, records of restraint and/or restriction of liberty and children's case files) at the start of the inspection to inform the inspection process
- develop initial lines of enquiry before they arrive, based on reports from the independent visitors and the report from the home of their own review of the quality of care (currently described in regulation 33 reports and regulation 34 reports and outlined in regulations 45 and 46 in the *Draft children's homes regulations 2015*)<sup>7</sup> previous inspections, notifications, complaints and responses to Ofsted's annual questionnaires.

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<sup>6</sup> Where the home is an organisation this will be the responsible individual. Where the home owned by an individual, this may be the proprietor.

<sup>7</sup> *Draft Children's Homes (England) Regulations 2015*, Department for Education, 2014; [www.gov.uk/government/consultations/childrens-homes-regulations-high-expectations-and-aspirations](http://www.gov.uk/government/consultations/childrens-homes-regulations-high-expectations-and-aspirations).

## Changes to inspection

11. The proposed inspection framework includes:
  - a judgement grade of 'requires improvement' that replaces the current judgement of 'adequate'
  - evaluation criteria to describe the characteristics of 'good' in the judgement of 'the overall experiences and progress of children and young people living in the home', taking into account:
    - how well children and young people are helped and protected
    - the impact and effectiveness of leaders and managers
  - evaluation criteria for 'outstanding', 'requires improvement' and 'inadequate' that are derived from 'good' as the minimum benchmark.
12. The judgement about how well children and young people are helped and protected is a **limiting judgement**. This means that if inspectors judge this area of provision and care to be inadequate, then the overall 'experience and progress of children and young people' judgement will always be inadequate.
13. The judgement of the impact and effectiveness of leaders and managers is a **graded judgement**. If inspectors judge this area of provision to be inadequate, this is likely to lead to an overall 'experience and progress' judgement of inadequate and certainly not a judgement that exceeds 'requires improvement'.
14. Interim inspections will continue to focus on the progress that the home has made since the last inspection in improving care, planning, progress and experiences for children and young people.<sup>8</sup>

## Making judgements and using the grade descriptors

15. The experiences and progress of children and young people are at the centre of the inspection. Inspectors will use their professional judgement to determine the weight and significance of their findings in this respect.

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<sup>8</sup> *Inspection of children's homes: framework for inspection from April 2014* (100195), Ofsted, 2014; [www.ofsted.gov.uk/resources/100195](http://www.ofsted.gov.uk/resources/100195).

16. Inspectors will make their judgements on a four-point scale:
  - outstanding
  - good
  - requires improvement
  - inadequate.
17. Inspectors will use the descriptors of 'good' as the benchmark against which to grade and judge performance. A judgement of 'good' will be made where the inspector concludes that the evidence overall sits most appropriately with a finding of 'good'. This is what Ofsted describes as 'best fit'. It is in recognition of the diversity of provision in the residential sector, the likelihood that no two homes will be the same, nor will all the factors that make it 'good' or 'require improvement' be the same. We recognise that to expect a children's home to fulfil all the criteria in all respects is overly simplistic. We know that in some cases, some criteria will have less relevance than others and that even when all the criteria are relevant, there will always be a degree of professional judgement in weighing and balancing evidence against the evaluation criteria.
18. The new regulations and quality standards, developed by the DfE, rely much more on the registered person's professional judgement about how they will achieve the quality standards. Ofsted expects them to explain their practice and decision making to inspectors. A professional dialogue between the inspector and those inspected should underpin the inspection judgements.
19. 'Best fit' is about ensuring that the judgement is not derived from a checklist but instead is a professional evaluation of the effectiveness and impact of the home on the experiences and progress of children and young people. The benchmark of 'good' is used to clarify what we are looking for and what we expect homes to be doing in order to best meet the needs of the children who live at the home. The criteria set out what is expected but they do not limit judgements where there is proper account about the progress children are making and the quality of care and support that is available to them. Failure to achieve a single criterion will not in itself automatically lead to a judgement of 'requires improvement.'
20. In addition, inspectors will identify areas of outstanding practice and priorities for improvement. For all children and young people the expectation is that care and practice are sensitive and responsive to age, disability, ethnicity, faith or belief, gender, gender identity, language, race and sexual orientation.

**Question 1a:** Is the way we have described making judgements and using the grade criteria in a 'best fit' model clear?

**Question 1b:** If not, what further clarification is needed?

## The relationship between the regulations, the government guide and the inspection framework

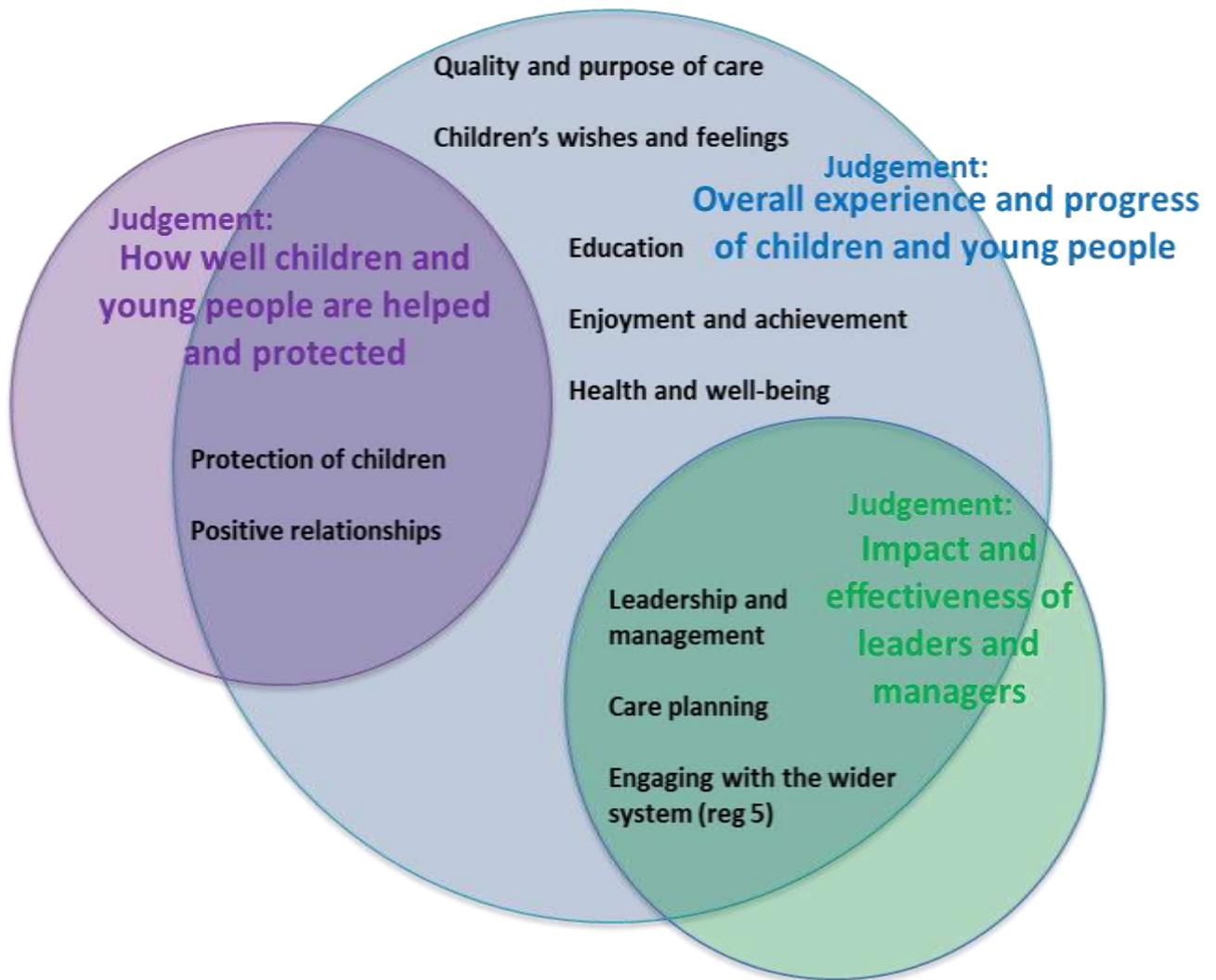
21. Children's homes must meet the statutory requirements of the regulations. Where they do not, inspectors will clearly identify what they must do in the form of 'requirements' or through enforcement action. The DfE will also publish a guide that explains and supplements the regulations (this replaces the current national minimum standards).<sup>9</sup> Registered persons must have regard to the guide. Where providers do not take account of the guide, this may indicate a failure to comply with the regulations and it is likely to indicate poor practice. This will influence the inspection judgement and will result in requirements being imposed and/or enforcement action being taken.
  
22. Meeting regulatory requirements, including the quality standards, must equate to:
  - high-quality care
  - good planning
  - a safe and protective environment
  - positive experiences and tangible progress for children and young people.

Nevertheless, the seriousness of any failure to comply with regulations and the impact on children and young people will be considered carefully by inspectors to determine how this should influence the judgements and the outcome of the inspection.
  
23. Requirements may still be made where providers are judged to be good.
  
24. The figure on page 10 shows the interfaces between the new quality standards and the Ofsted inspection framework. In addition to the quality standards at the heart of the new regulations and guidance, there are a number of management and administrative regulations<sup>10</sup> that will also be taken into account when making judgements, taking statutory enforcement action and setting requirements.

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<sup>9</sup> This DfE guide is made under section 23 of the Care Standards Act 2000. Providers are required to take this guide into account and Ofsted is required to take this guide into account when making decisions under the Care Standards Act 2000. Draft guide is *Guide to the children's homes regulations and quality standards*, DfE; [www.gov.uk/government/consultations/childrens-homes-regulations-high-expectations-and-aspirations](http://www.gov.uk/government/consultations/childrens-homes-regulations-high-expectations-and-aspirations).

<sup>10</sup> *Draft Children's Homes (England) Regulations 2015*, Department for Education, 2014; [www.gov.uk/government/consultations/childrens-homes-regulations-high-expectations-and-aspirations](http://www.gov.uk/government/consultations/childrens-homes-regulations-high-expectations-and-aspirations).



**Question 2a:** Is the way that we have explained the relationship between the regulations, the government guide and the inspection framework clear?

**Question 2b:** If not, what further clarification is needed?

## The judgement structure

25. We will make judgements on the overall experiences and progress of children and young people living in the home, taking into account:<sup>11</sup>
- how well children and young people are helped and protected (limiting judgement)
  - the impact and effectiveness of leaders and managers (graded judgement).

## Proposal 1: The grade criteria for each inspection judgement

### The overall experiences and progress of children and young people living in the home

26. The box below sets out the core elements of the overall judgement that will be made at this inspection.

Children and young people are safe and they make progress in all aspects of their lives, including their health, emotional and psychological well-being, education, achievement and social development. They receive high-quality care. Adults working with children and young people help them to progress well and achieve educationally. Children and young people are supported to achieve. They have positive and enjoyable experiences and are supported to pursue their interests. Adults spend time with them on a daily basis, they prioritise spending time with children and young people and are interested in and listen to their experiences. They provide help and emotional support.

Children and young people are accepted, they know what is expected of them and they know they can make mistakes and still be respected and valued without fear that their home will be disrupted. Children and young people are provided with opportunities, support and help to enable them to make and sustain safe and fulfilling relationships with peers and adults. Boundaries about safe behaviour are clear and consistently observed. Where the adults cannot keep a young person safe, immediate action is taken to review the risk and to review the plan with the placing authority, the young person and the social worker.

Children and young people live in an environment that meets their needs but also creates a sense of belonging and a feeling of 'home.' Staff meet

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<sup>11</sup> We recognise that not all the criteria are relevant to all services. Inspectors recognise that not all children 'live' in the children's homes; not all children are looked after; some children only access short breaks and for some children their parents are responsible for their education and health needs. They will apply the grade criteria accordingly, taking into account the statement of purpose of the home.

their day-to-day needs for routine, privacy, personal space and nutritious meals.

Children and young people receive help and support tailored to meet their individual needs. They feel that they belong and that they have a relationship with an adult who they can learn to trust. This helps them to feel confident in moving forward and to deal with any earlier abusive or difficult experiences. The development of safe, stable and secure relationships with adults in the home is central to the ethos of the home and this supports the development of secure attachments that persist over time.

Those who are ready to consider independence, are prepared for, and move successfully to, adulthood. The home offers security and a sense of belonging to children and young people. For young people and children where the plan is for them to return home or to a permanent alternative, effective support is provided and decisions are made in their best interests.

27. Inspectors will make the limiting and graded judgements first so that they can take these into account in arriving at the overall progress and experience judgements.

## Good

28. A home is likely to be judged **good** for overall progress and experience if:
- a) Children and young people are encouraged and supported to build trusted and secure relationships with adults working at the home. They live in stable environments with consistency in their lives. Staff, who know the children well, develop positive relationships with them, listen to them, protect them and promote their welfare. Children and young people are able to develop an appropriate sense of permanence and belonging.
  - b) Adults invest time with children and young people on a daily basis. They prioritise spending time with them. They are interested in and listen to their day-to-day experiences especially when they return home from school or when they have spent time with their friends or family.
  - c) Children and young people, including those who cannot communicate verbally, are able to actively participate in day-to-day and more complex decisions about their lives, as appropriate. They are sensitively helped to understand where it may not be possible to act on their wishes and where other action is taken that is in their best interests. They are helped to understand how the home works and what the adults working there will do to help them, taking into account their age and level of understanding.
  - d) Children and young people understand how to talk about what is different and they know how to complain. The complaints policy is understandable and accessible. Children and young people have access to and are actively

encouraged to involve an advocate and independent visitor. They understand what has happened because of their complaint. Their complaints are treated seriously and result in a clear response. Urgent action is taken and practice and/or services improve accordingly.

- e) Children and young people attend school or other educational provision and there is evidence that they are learning and making good progress. Those who do not attend school have access to at least 25 hours per week of good-quality registered alternative provision. Where this is not the case, staff actively challenge the local authority on behalf of young people and ensure that they are provided with meaningful and considered alternatives. Children and young people receive good support from the home to attend school. Staff know how well children and young people are achieving at school and the levels of progress they should be making. Staff liaise effectively with the school and they take appropriate action where progress is not satisfactory or school is becoming difficult. They support the completion of homework (including helping where needed) and attend school events as appropriate, such as parents' evenings. When they do attend parents' evenings they are sensitive to the experiences of children who are looked after and try to ensure that children and young people do not feel like they are treated differently. Children and young people have access to the equipment they need to assist their learning such as books, laptops and desks. They can study in a quiet space in the home with access to the internet.
- f) Children and young people enjoy access to a range of social, educational and recreational opportunities in and outside the home. They are actively and positively involved in activities in the local community. They are able to participate in after school activities, community-based activities and school trips and holidays. They are able to see their friends, including having their friends visit them where they live.
- g) Children and young people develop the skills and confidence they need to successfully manage their lives as adults. These will vary depending on children's starting points but could include self-care skills, learning to budget, a part-time job, learning to cook, learning to swim, learning to drive and learning to manage safe relationships. They are supported to develop their independence while protecting themselves from being in unsafe situations or with unsafe people. Independence is promoted and planned in accordance with the needs and maturity of each child.
- h) Children and young people are in good health or are being helped to improve their health or to manage lifelong conditions. Their health needs are identified, including their sexual health, where this is appropriate for their age and understanding. They have access to local health services when they need them. Arrangements for managing medication are safe and effective and promote independence wherever possible. Managers and staff develop effective relationships with health professionals to promote good health.

- i) Specialist services are available as soon as they are needed, at the intensity required and for as long as they are required. This includes child and adolescent mental health provision, therapeutic help and other services specifically designed for disabled children and/or children with special educational needs. This help should be available as agreed in the placement care plan. Specialist help is made available according to the guarantees set out in the statement of purpose. Where services are not available, or children are waiting for a long time for help, the home is proactive in challenging and escalating concerns with the placing authority and/or other partners.
- j) Any therapeutic interventions<sup>12</sup> are fully accredited where necessary by recognised professional bodies. Interventions are delivered by staff who are trained in the specific therapy and are appropriately clinically supervised. There is evidence of positive impact and this is regularly reviewed.
- k) Children and young people who receive short breaks are making progress in their development and acquiring skills and/or new experiences because of the quality of the service. They are able to enjoy relationships with their peers and to access a wide range of stimulating opportunities to promote their development.
- l) Children and young people who are new to the home are welcomed sensitively and with careful and considered planning. Where children and young people are leaving the home, transitional work addresses their need to understand why change is happening, builds in positive endings and helps with building their 'life story'. Where endings are unplanned, then the welfare and well-being of the child remains paramount, and staff act at all times with this in mind.
- m) Children and young people develop skills and strategies to manage their own conflicts and difficult feelings, through developing positive relationships with the staff. There are clear, consistent and appropriate boundaries for children and young people. Adults understand how children's experiences and present emotions can be communicated through behaviour. They are able to be clear with children and young people about the consequences of difficult and unsafe behaviour and the help and support they may need. Children and young people report that adults are consistent, safe and clear about the management of all behaviour and expectations.
- n) Children and young people are treated with dignity and respect. They experience care that is sensitive and responsive to their identity and family history including age, disability, ethnicity, faith or belief, gender, gender identity, language, race and sexual orientation. The care helps them to develop a positive self-view, an ability to form and sustain attachments and to build emotional resilience and a sense of their own identity.

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<sup>12</sup> Ofsted will adopt the definition that is used in the DfE regulations.

- o) Staff place the well-being of individual children and young people at the centre of their practice, irrespective of any challenges they may present. All their achievements are celebrated and appropriately rewarded. Staff meet their day-to-day needs for routine, privacy, personal space, nutritious meals, enjoyable mealtimes and a safe and secure attachment with an adult who knows them well.
- p) Children and young people have appropriate, carefully assessed and supported contact with their family and friends and other people who are important to them. Relationships with friends are nurtured and supported and there are no unnecessary restrictions in place. Staff recognise how contact arrangements, including those of other children living in the home may impact on both individual well-being and on group living. They offer appropriate support. Staff work proactively and positively with parents and former carers to promote meaningful and safe contact and continuity of care, where appropriate.

### **Requires improvement**

- 29. 'The experiences and progress of children and young people' are likely to 'require improvement' when the home is not yet delivering good help and care for children and young people. However, there are no serious or widespread failures that result in their welfare not being safeguarded and promoted.

### **Inadequate**

- 30. 'The experiences and progress of children and young people' are likely to be 'inadequate' if there are serious and/or widespread failures that mean children and young people are not protected or their welfare is not promoted or safeguarded or if their care and experiences are poor and they are not making progress.

### **Outstanding**

- 31. 'The experiences and progress of children and young people' is likely to be judged **outstanding** if:
  - a) in addition to meeting the requirements of a 'good' judgement, there is evidence that professional practice consistently exceeds the standard of 'good' and results in sustained improvement to the lives of children and young people even where children and young people have complex or challenging needs. There is significant evidence of change and improvement for children and young people because of the actions of the staff working at the home. The progress of children and young people is exceptional, taking into account their starting points. The experience of being looked after enhances their life chances. For children and young people with the most complex needs, staff are able to evidence the sustained benefit they have had in making a difference to the lives of children and young people in their care.

- b) Research-informed practice, some of which may be innovative, continues to develop from a strong and confident base, making an exceptional difference to the lives and experiences of children and young people.
- c) In short break services, exceptional consistent care adds considerably to children and young people's experiences, progress and development. This is achieved through the provision of a wide range of additional experiences and care, including interaction with their peers, opportunities to develop their independence being able to participate in local community provision.

## **How well children and young people are helped and protected (limiting judgement)**

Children and young people are safe and protected. Risks to their welfare or development are identified, understood and managed and the help and care provided to them reduces these risks. They are helped to develop their own strategies to keep themselves safe and to manage their feelings and behaviour.

Children and young people who go missing, or whose whereabouts are unknown, are protected by the immediate actions of staff to find them and to establish where they have been. Children's social workers are always involved in plans about next steps to protect children who are missing. The police are actively involved and engaged in the plan and review. Unsafe situations and behaviour are well managed by staff; clear and consistent boundaries contribute to a feeling of well-being and security for children and young people.

### **Good**

32. A home is likely to be judged good if:

- a) Children and young people live in a safe environment and become increasingly safe because of the actions staff take to support and protect them, including if they go missing. They feel protected and are protected from harm, including neglect, abuse, sexual exploitation, accidents, bullying and radicalisation. There is a strong, robust and proactive response from all professionals and/or carers working with children and young people that reduces the risk of harm or actual harm to them. That response includes regular and effective contact and planning with the child's allocated social worker and their family, if this is appropriate and in accordance with plans for their future.
- b) Children and young people can identify a trusted adult who they can talk about any concerns with.<sup>13</sup> They report that adults listen to them, take their concerns seriously and respond appropriately.

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<sup>13</sup> This may be evidenced differently for those children who have complex social and communication needs.

- c) Children and young people who go missing from the home receive well-coordinated responses that reduce the harm or risk of harm to them. The home is aware of, and implements in full, the requirements of the statutory guidance for children and young people who are missing.<sup>14</sup> The home responds to children and young people who are absent without authorisation as well as children and young people who are missing. They take appropriate steps to escalate concerns, including with the placing and host local authorities and the child or young person's allocated social worker. Parents and carers are made aware of incidents where the child has been or is missing, where this is appropriate and relevant to the plans for that child or young person's future care.
- d) The home takes steps to ensure that children and young people are safe and that for those who are missing, or often missing, there is a clear plan of urgent action in place to protect them and to reduce the risk of harm or further harm. Risks are well understood and minimised. If children do go missing, proactively making contact with and looking for them is a priority and when they do return they are welcomed back. Staff try to understand what has happened and use this information to inform the plans and action for that young person. The police and placing social worker are part of the plan to review and reconsider how to protect each child or young person. Incidents of missing children and the associated risks are clearly reducing. Where incidents are not yet reducing, the home has a clear plan in place to reduce risk and keep children safe.
- e) Any risks associated with children and young people offending, misusing drugs or alcohol, self-harming, going missing or being sexually exploited are known by the adults who care for them. There are plans and help in place that are reducing the risk of harm or actual harm and there is evidence that these risks are being minimised. Children and young people's behaviour is not unnecessarily criminalised. Careful, child-centred decision making is made about reporting behaviour within the home to the police and placing authorities, though appropriate notifications are always made and clearly documented. Any risks are kept under regular review and there is effective liaison with the placing authority and other agencies such as the police, the host authority, school and family where appropriate.<sup>15</sup>
- f) When children and young people are new at the home, staff plan well and anticipate issues, taking into account any known vulnerabilities the child or young person may have. They learn quickly from the experiences of the child and young person, and respond quickly to this learning. Children and young people are protected and helped to keep themselves safe from

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<sup>14</sup> *Statutory guidance on children who run away or go missing from home or care*, Department for Education, 2014; [www.gov.uk/government/publications/children-who-run-away-or-go-missing-from-home-or-care](http://www.gov.uk/government/publications/children-who-run-away-or-go-missing-from-home-or-care).

<sup>15</sup> It is recognised that, while children are recovering from abuse and trauma, their patterns of behaviour may change including placing themselves at increased other risks. It is expected that staff recognise and understand these patterns of behaviour and are taking appropriate steps.

bullying, homophobic behaviour, racism, sexism, radicalisation and other forms of discrimination. Any discriminatory behaviours are challenged and help and support is given to children and young people about how to treat others with respect.

- g) Clear assessments about children's needs enable them to take age-appropriate risks that are discussed and considered with key workers, placing social workers and children themselves.
- h) Children and young people feel secure living at the home and receive help and support to manage their behaviour and feelings safely. Staff respond with clear boundaries about what is safe and acceptable and they seek to understand the triggers for behaviour. They develop effective responses as a team and they review those responses regularly to establish whether they are effective, taking into account the views and experiences of the young person.
- i) Positive behaviour is consistently promoted. Staff use effective de-escalation techniques and creative alternative strategies that are specific to the needs of each child and young person. Any restraint or restriction of liberty is used only in strict accordance with the legislative framework<sup>16</sup> to protect the child or young person and those around them. All incidents are reviewed, recorded and monitored and the views of the child or young person are sought and understood. Monitoring of the management of behaviour is effective, and the use of any restraint reduces or ceases over time. Where incidents of restraint increase, staff have a good understanding of the underlying reasons for the change. They keep the situation under close review, in accordance with the social worker from the placing authority and the child's parents where that is in the best interests.
- j) Staff understand the risks of the internet for children and young people, such as bullying, grooming or abuse. They have well-developed strategies in place to keep children and young people safe and to support them in learning how to keep themselves safe. Leaders oversee the safe use of electronic and social media and take action immediately if they are concerned about bullying or unsafe behaviours.
- k) Any searches of young people, their rooms and possessions are carried out sensitively by appropriately trained staff with due consideration given to their need to feel safe and to have their dignity and needs respected. All searches are appropriately recorded, including the reasons for the search, efforts to seek the young person's consent, any risk assessment and management oversight of the decision to undertake a search.
- l) Staff and volunteers working with children and young people are carefully selected and vetted on a regular and ongoing basis. Monitoring prevents unsuitable people from being recruited and having the opportunity to harm

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<sup>16</sup> As set out in the final regulations from DfE in April 2015.

children and young people or to place them at risk. The relevant authorities are informed of any concerns about inappropriate adults.

- m) Staff working within the setting are clear about procedures for concerns about the safety of a child or young person. Any child protection concerns are immediately shared with the placing and/or host local authority as required and a record of that referral is retained. There is evidence that staff follow up the outcome of the referral quickly and that appropriate action has been taken to protect the child or young person from further harm. Where staff are not satisfied with the response from either the local authority where the home is situated or the placing authority, they escalate their concerns by writing to the director of children's services in the local authority placing the child. A record of that correspondence is retained for inspection.
- n) Investigations into allegations or suspicion of harm are shared with the appropriate agencies and are handled fairly, quickly and in accordance with statutory guidance.<sup>17</sup> Children and young people are supported and protected. Support is afforded to the person making the allegation and the person who is the subject of the allegation.
- o) The physical environment for children and young people is safe, secure and protects them from harm or the risk of harm.
- p) Proactive and effective working relationships with the police help to support and protect children and young people. Staff work with the police to protect the children and young people living there from any unnecessary involvement in the criminal justice system.
- q) The home has effective links with the Local Safeguarding Children Board, the local authority where the home is located and particularly with the Local Authority Designated Officer. There is regular communication regarding safeguarding issues, for example any injuries sustained during restraint or allegations against staff. The home has good relationships with relevant local voluntary sector organisations that may be able to offer specialist support to children and young people in keeping themselves safe.

### **Requires improvement**

- 33. The help and protection offered to children and young people is likely to 'require improvement' if there are no serious failures that create or leave them either being harmed or at risk of harm. Children and young people are not yet receiving good help and protection.

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<sup>17</sup> *Working together to safeguard children*, Department for Education, 2013; [www.gov.uk/government/publications/working-together-to-safeguard-children](http://www.gov.uk/government/publications/working-together-to-safeguard-children).

## Inadequate

34. The help and protection offered to children and young people is likely to be inadequate if there are serious and/or widespread failures that leave children and young people being harmed, at risk of harm or with their welfare not being safeguarded.

## Outstanding

35. The help and protection offered to children and young people is likely to be judged outstanding if:
- The home consistently exceeds the requirements of a 'good' judgement in the care of all children and young people. Professional practice results in sustained improvement to the lives of children and young people. Highly effective planning manages and minimises risks. Where children and young people are new to the home, any risks are well understood and are significantly reducing. Proactive and creative safeguarding practice means that all children and young people, including the most vulnerable, have a strong sense of safety and well-being and they are unlikely to be missing from the home on a regular basis. Children and young people are involved in the creation of ways of de-escalating situations and finding creative alternative strategies that are effective.
  - Research-informed practice, some of which may be innovative, continues to develop from a strong and confident base, making an exceptional difference to the lives and experiences of children and young people.

## The impact and effectiveness of leaders and managers (graded judgement)<sup>18</sup>

Children and young people live in stable and safe homes where their welfare and safety is always paramount. The experiences and challenges of group living are always considered by leaders and managers in respect of the needs of individual children and young people and in the planning of short break stays, where relevant. Children and young people feel this is their home and they are able to influence how the adults working there meet their needs. Their views and experiences are central to the way the home operates and the decisions that are made.

Children and young people continually make progress from their starting points across all aspects of their development,<sup>19</sup> as leaders and managers have a clear understanding of the progress children and young people are making in respect of the plan for them. They set high standards for all

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<sup>18</sup> This includes the accountability, impact and effectiveness of responsible individuals.

<sup>19</sup> Recognising the impact of trauma, abuse and disability on actual or potential progress.

staff in the home, in respect of the difference they make to the lives of children and young people living there.

Children and young people's experiences are at the centre of the improvement strategy. Leaders and the managers know and understand the strengths and weaknesses of the home. They prevent shortfalls and identify weaknesses and take decisive and effective action. The home continues to learn from the experiences of children and young people and continually strives to improve.

Leaders and managers provide a positive environment for staff through effective supervision and appraisal and high-quality induction and training programmes, tailored to the specific needs of the children and young people living in the home.

Professional relationships between the home, families, placing and host authorities, Independent Reviewing Officers, police, schools and health services are well developed with the best interests of children and young people as the key consideration. The home works well and makes significant efforts to engage with these key partners to ensure the best possible all-round support to children and young people in all areas of their development. Leaders and managers actively challenge where the responses from other services are not effective.

The home is influential in ensuring that children and young people's experiences are at the heart of the care planning and review processes, particularly if circumstances change. If the home is concerned that the current plan is not the right plan for the child/young person they will escalate their concerns to the director of children's services for the placing local authority.

## Good

36. The impact and effectiveness of leaders and managers is likely to be judged to be good if:
- a) The home is effectively and efficiently managed by a permanent, suitably experienced and qualified registered manager.
  - b) The home is properly staffed and resourced to meet the needs of the children and young people living there. The staff team is stable, suitably vetted, qualified and competent to deliver high-quality services to children and young people and their families.
  - c) Staff are able to meet the individual needs of children and young people through trusted relationships. They work together as an effective staff team and conflict is safely managed so that all children and young people are protected.

- d) Leaders and managers actively and regularly monitor the quality of care provided.<sup>20</sup> Leaders and managers use learning from practice and feedback to improve the experiences and care of children and young people, for example direct testimony from children, young people, parents, carers, other professionals and stakeholders in contact with the home. They learn from complaints, staff feedback, placement successes and breakdowns, and any serious incidents. They identify strengths and areas for improvement, have clear development plans that are implemented and they take action to continually improve the experiences and care of children and young people.
- e) Leaders and managers monitor the progress that individual children and young people make and can demonstrate the impact and value that living at the home has had on them individually, including on their life chances.
- f) Leaders and managers seek to make and sustain good relationships with placing authorities and individual social workers responsible for children and young people living at the home. They understand the plans for the children and young people and actively drive the achievement of important milestones, goals and permanence for their futures.
- g) Managers and staff receive regular and effective supervision that is focused on children and young people's experiences, needs, plans and feedback. Supervision is recorded. There is effective support and challenge, including through team and management meetings, to ensure that the professional development of staff and leaders results in the right environment for good practice to thrive. The emotional impact of the work on staff is recognised and managed by leaders and managers.
- h) Training and development activities are effective. They are focused on ensuring that staff can meet the specific needs of the children and young people that live in the home and are evaluated to ensure that they lead to effective practice. Leaders, managers and staff are up to date with current practice in their specialist area. Induction programmes are robust and support new staff to acquire the specific skills and knowledge they need to work with the children and young people.
- i) The registered person has in place effective succession plans so that the staff group is stable, consistent and qualified to care for and meet the needs of vulnerable children and young people. Recruitment and appraisal are robust and involve children appropriately.
- j) Robust action is taken to address all issues of concern arising in the home, including any concerns or complaints from young people and local residents. Proper investigations are undertaken. Placing and host authorities are engaged as necessary. The requirements and recommendations from the previous inspection are met in full.

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<sup>20</sup> Including through regular monitoring as required by regulation.

- k) The staff team work collaboratively to provide consistency and stability. There are clear responsibilities and accountabilities and the staff team have a sense of shared ownership about their practice. Staff work together to address difficult and challenging issues and develop a consistent and shared approach. Staff report that they are well led and managed and there is evidence to support that this is the case.
- l) Leaders and managers make child-centred decisions about children coming to live at the home. Priority is given to the safety and stability of the group environment and new admissions take account of all the needs of children and young people living there, including the likely impact of new children and young people joining the group. There are effective plans in place to ensure good transitions for children and young people moving in or out of the home.
- m) The statement of purpose clearly sets out the ethos and objectives of the home. The manager and responsible individual ensure that the physical environment is maintained to a high standard, meets the needs of the children and young people and is sufficiently resourced. The home feels and looks like a family home for children and young people and any damage is quickly and regularly repaired.<sup>21</sup> There is evidence that the registered provider is financially viable and so can deliver high-quality stable care for children and young people.
- n) Case records reflect children's everyday lives and the work that is undertaken with children and young people. They reflect their achievements and clearly relate to the plans for their futures. The style and clarity of records enhances the understanding that children and young people have about their histories, background and experiences. The records are available to children and young people with the support of their keyworkers when they wish to see or contribute to them.
- o) Where volunteers work with children and young people living in the home, they are trained, supervised and supported to fulfil their roles and to provide a high-quality service that adds to the experiences of children and young people.
- p) All significant events relating to the welfare and protection of children and young people living in the home are notified by the registered person to the appropriate authorities. Necessary action is taken following the incident to ensure that the child or young person's needs are met and they are safe and protected.
- q) Leaders and managers regularly review and act on any locally known risks to children and young people, taking advice and guidance from local partners and agencies.

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<sup>21</sup> We recognise that some children need specialist environments and/or medical equipment. It is expected that any specialist adaptations are sensitively installed and the design of the home is not institutionalised while meeting the specific needs of the children and young people who live there.

- r) Care plans for individual children and young people comprehensively address their needs and experiences, including their hopes for the future. The manager, staff and the children and young people themselves participate in reviews, influencing decisions appropriately. Care plans focus on the need for good-quality care and the plan is regularly reviewed to make sure it continues to be right for the child. Where children and young people are not making progress or settling into the home, the plan is also reviewed with the placing authority and the family (where this is appropriate) to consider next best steps. There is effective working with Independent Reviewing Officers.
- s) Leaders and staff seek to build effective working relationships with parents and social workers<sup>22</sup> from placing authorities and with the local authority where they are located. They are active participants in children's reviews, championing their needs and agreeing plans with and for them. They effectively challenge and take action when they are concerned that placing authorities are not making decisions that are in children's best interests, where the statutory requirements for looked after children are not met, or where they cannot keep children and young people safe.
- t) Leaders and staff work proactively and positively with other agencies and professionals to secure positive outcomes for children and young people. This includes working with education settings, the head of the virtual school, health agencies, the police and youth offending teams. In short break services, they work to ensure continuity of care. They work closely with headteachers and teaching staff to support children and young people to attend school and to achieve. They effectively challenge and escalate any concerns about partners or services to ensure that children and young people receive the support that they need.
- u) In short break services, there are effective relationships with parents or carers so that they feel confident leaving their child for their stay and they understand what the service can offer. Parents feel involved in the running of the service and they are able to raise concerns and complaints. Staff are accessible and keep them informed about their child's stay at the home.
- v) Leaders and staff work proactively with the local community, including neighbours, faith groups, leisure organisations and local businesses to support children and young people to use the facilities and to develop a sense of belonging, security and purpose.

### **Requires improvement**

37. 'The impact and effectiveness of leaders and managers' is likely to 'require improvement' if the characteristics of good leadership and management are not

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<sup>22</sup> The nature and extent of the relationships will vary dependent on the legal status of the children and young people, the future plans for the children and the relationships they have with their parents including the contact arrangements that are in place.

in place. Where there are weaknesses in practice, leaders and managers have identified the issues and have plans in place to address them or they are less serious and there is capacity to take the necessary action.

### **Inadequate**

38. The judgement on the impact and effectiveness of leaders and managers is likely to be 'inadequate' if:
- there has been no registered manager for more than 26 weeks  
and/or
  - the progress, experiences, care or protection of children and young people are inadequate and leaders and managers have not been able to demonstrate sufficient understanding of those failures or the action they have taken. They do not know the strengths and weaknesses of the home and have been ineffective in prioritising, challenging and making improvements. The home fails to work in partnership with others in the best interests of children and young people.

### **Outstanding**

39. 'The impact and effectiveness of leaders and managers' is likely to be outstanding, if in addition to meeting the requirements of a 'good' judgement, there is evidence that leaders and managers are inspirational, confident, ambitious for children and young people and influential in changing the lives of those in their care. They create a culture of high aspiration and positivity and they have high expectations of their staff to change and improve the lives of the children and young people they are responsible for. They lead by example, innovate and generate creative ideas to sustain the highest quality care for children and young people. They know their strengths and weaknesses well and can provide evidence of improvement over a sustained period. Professional relationships between the home, partner agencies and schools ensure the best possible care, experiences and futures for children and young people.

### **Questions 3 to 11** for each judgement we want to know:

- Do you agree with the way that we have described what 'good' looks like for each of the following judgement areas:
  - a) the overall experiences and progress of children and young people living in the home
  - b) how well children and young people are helped and protected
  - c) the impact and effectiveness of leaders and managers?
- If you disagree, are there any criteria you think we should amend in (a), (b) or (c) and if so, how? Please provide the reference and the amendment.

- Are there any additional criteria you think we should include in (a), (b) or (c) and if so, what are they? Please provide the judgement area and the addition.

## **Proposal 2: Our approach to homes judged to be inadequate**

40. In July 2013, Ofsted introduced a policy to return to children's homes judged as inadequate within six to eight weeks. This change was introduced to enable us to take swift and firm action where the care of children was not good enough. We have reviewed the impact of this policy decision and as a consequence we are proposing further revision. It is Ofsted's view that in each and every instance, a judgement of inadequacy must be immediately considered in terms of the impact on children and young people and the action to be taken has to be established in that context. We do not think that where concerns are serious and widespread, that a full inspection within six to eight weeks either provides the home sufficient opportunity to improve or provides the inspector with sufficient evidence of the impact of any changes made on the progress and experiences of children and young people living in the home.
41. Where we judge a home to be inadequate, we will make decisions about next steps based on the nature of the concerns. We will determine the timing and nature of the next visit and either carry out a further monitoring visit or schedule a full inspection. Any monitoring visit will result in a published report. Immediate requirements will be imposed in the cases of all homes judged to be inadequate.
42. We will usually return to undertake some inspection activity six to eight weeks to ensure that children are safe. Where concerns are serious, we are likely to return to undertake a monitoring visit to check that the manager and responsible person have taken sufficient steps to safeguard and protect the welfare of children and young people living in the home.
43. All inadequacy is serious and requires immediate action to be taken. However, in some cases, the inadequacy will derive from fire risks, health and safety hazards, or other environmental factors. While serious and high risk for children and young people, they can be quickly rectified in many instances. Inspectors will always seek to understand how and why such serious inadequacy has occurred.
44. Where the concerns are serious but likely to be rectified relatively quickly, we may – in specific circumstances – be satisfied at the monitoring visit that the situation has been made safe for children and young people. We will also seek assurance that leaders and managers can and are acting appropriately in respect of their responsibilities. All requirements that have been inspected will have had to be met in full. In these instances, the inspector may determine that an improved inspection judgement can be awarded. If this is the case, the monitoring visit will result in a changed judgement. Where the situation has not sufficiently improved, the inadequate judgement will remain, a report of the monitoring visit will be published with the original judgement and Ofsted will determine next steps.

45. We will consider revised inspection judgements in circumstances where:
- the regulatory inspection manager agrees that the concerns are discrete
  - without these very specific concerns, the home would have achieved a higher inspection judgement
  - the home has a previous good track record of addressing concerns and issues and there are no concerns about the leadership and management of the home or the protection of children and young people
  - the nature of the concerns means they can be rectified quickly.
46. Therefore, where we have followed up an inadequate judgement with a monitoring visit, the outcome may be:
- to carry out further monitoring and take steps towards cancellation
  - to schedule a full inspection, which may either support our steps to cancel or provide the home the opportunity to demonstrate their improvement and secure an improved inspection judgement
  - to consider whether the monitoring visit provides sufficient evidence to secure an improved inspection judgement.
47. In all instances, requirements will be imposed with clear timescales for compliance.
48. We think these changes enable Ofsted to act proportionately and with rigour in the best interests of children and young people.

**Question 12a:** Do you agree that we should take a risk-based approach in our follow-up to homes judged to be inadequate?

**Question 12b:** Do you agree that in some instances (where the criteria outlined in paragraph 45 are met) inspectors should be able to give an improved judgement without undertaking a further full inspection and where all requirements have been met?