Children's homes inspection framework

A report on the responses to the consultation

This is a report on the outcomes of the consultation about the arrangements for the inspection of children's homes.

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Introduction

Changes to inspection

1. Ofsted recently consulted on a new framework for the inspection of children's homes from April 2015. The consultation opened on 20 November 2014 and closed on 13 January 2015. We received 85 written responses. We held 14 regional events with more than 160 attendees in total, held a webinar attended by a further 45 representatives of the sector, and consulted directly with children and young people about a number of specific issues. We also piloted the new inspection framework in nine children's homes. We appreciate all the support and input we have had in developing these proposals.

2. We have reflected on the responses and views we received and carefully considered all the issues raised. We recognise that April 2015 will be a challenging time for the sector as the new regulations, quality standards and accompanying guide are launched at the same time as the new inspection framework. We decided not to launch a new framework last year so that we could better align with the quality standards and minimise disruption to the sector, and we believe this was the right decision.

3. From **1 April 2015,** the inspection framework will include the following:

   - a judgement grade of 'requires improvement' that replaces the current judgement of 'adequate' where homes require improvement to reach the benchmark of 'good'
   - the following judgement structure:

     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 (key judgement)
     - 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
   - a judgement of 'inadequate' for the key judgement is likely to lead to an overall judgement of inadequate.

The consultation questions

4. First, we set out how we intend to make judgements and use the grade descriptors. We described in detail our definition of 'best fit' and how professional judgement is at the heart of the inspection process.

5. Second, we set out the relationship between the regulations, the government guide and the inspection framework. We illustrated the relationship with a diagram, mapping the quality standards to the inspection judgements.

6. Third, we set out the grade criteria for each judgement area.

7. Finally, we set out a risk-based approach to children's homes judged inadequate.

8. We also published a business engagement consultation. The results of this are published in Annex E.

Overview of responses

General feedback

9. The majority of respondents supported our proposals and provided helpful and insightful comments that have helped shape the detail of the inspection framework.

10. The sector remains concerned about the introduction of the 'requires improvement' grade. While some respondents thought this was helpful, others were less convinced. Of particular concern to many respondents was the commissioning practice of local authorities. They were concerned that, if a provider is judged as 'requires improvement', commissioners will think that this is not good enough and that the provider should not be used by the local authority. We believe we need to continue to report without fear or favour and that it is right that we should set the benchmark of 'good' for all children and young people. We know that many professionals working with children living in children's homes and local authorities share this aspiration.

11. However, we are clear that decisions about where children and young people should live are complex and should take into account a range of factors. It is overly simplistic to think that decisions about where a child should live should be influenced solely by inspection judgements. We expect such decisions to be based on what is in the child's best interests, including their need to maintain contact with family and friends, to access the best schools and to access the services that they need to help them to progress and have positive experiences.

12. A number of providers have asked us whether we will return more quickly to homes that are judged as 'requires improvement'. We will continue to prioritise our resources where there is greatest risk to children and young people. As such, we will continue to focus on those homes that we have judged to be inadequate and that are failing to keep children and young people safe. Where a home is judged as 'requires improvement', the next inspection will usually be an interim inspection. At this inspection we will evaluate whether the home has improved, sustained or declined in effectiveness. We hope the changes to our interim inspection judgements (introduced in April 2014) provide better information to commissioners to help them understand the effectiveness of the home and most particularly in providing positive experiences and supporting progress.

13. For those homes that are judged 'requires improvement', we hope that they will be committed to making the necessary improvements and working with commissioners to demonstrate how they are providing the best service for the children and young people living at the home. We would equally expect that local authorities will make decisions by considering fully children and young people's needs and not make decisions that create unnecessary changes to where a child lives.

14. While the majority of respondents agreed with the descriptors for 'good,' the biggest concern was about the use of professional judgement and whether this would in reality mean preferences of individual inspectors. We recognise that professional judgement presents a challenge to the sector and to the inspectorate but we consider it a welcome and healthy challenge.

15. An inspection framework that is based on professional judgement is one that is based on the professional judgement of both those inspected and those inspecting. Professional dialogue about the difference that the home is making to children and young people's lives underpins this framework. Just as inspectors will need to clearly evidence any weaknesses they identify, those being inspected should be able to evidence how they know they are making a difference to children and young people's lives. We are not expecting homes to produce 'evidence for Ofsted'; we are expecting that homes can share with us the mechanisms they already use to measure their success.

The views of children and young people

16. We worked with a small number of children in care councils to obtain the views of children and young people on specific areas. Fifty-seven young people responded to the questionnaire. A planned focus group was unable to go ahead unfortunately due to poor weather conditions. The views of children and young people are represented in full in Annex B.

17. We specifically wanted children and young people to tell us:

    - what is important to them when they first come to live in a home
    - what they think a good home should do when it is time for them to move elsewhere
    - how good homes involve them in making decisions about how the home is run.

18. We think these views should inform thinking and planning for all children's homes providers. We would urge providers to read Annex B in full and consider how they match up to children and young people's views and expectations. We will use these views to inform our training and guidance to inspectors.

19. We also asked this group to tell us what we should include in the children and young people's summary version of the inspection report. We will take full account of their views as we develop guidance for our inspectors.

Making judgements and using the grade descriptors

20. While there was broad agreement (61% with our description of 'best fit'), we recognise that many respondents were more concerned with the implementation of the framework than the detail of the words in the document. We know it is important that inspectors understand progress and experiences in the context of individual children. Although some respondents did not agree, we think discussions about 'progress' and 'experiences' are better than discussions about outcomes. We think it would be misleading and unhelpful if we did not recognise children and young people's starting points and evaluate better the contribution that the home is making to their progress. This will not prevent us having ambition for children and young people.

21. We recognise that many of the young people living in children's homes have extremely complex needs. Many have been at risk from others, and often from the impact of their own behaviour, for some considerable time before coming to live at the home. We know this is a challenge for homes and we agree with those respondents who raised this issue with us. We do not accept that under this framework homes will be downgraded for working with children and young people with complex needs; the use of professional judgement and application of 'best fit' are directly intended to counteract such a position. We think it is right that we do not have a 'formula' to arrive at inspection judgements. To do so would be most likely to unfairly penalise those homes that work with the most complex and vulnerable children and young people. As one respondent said:

> 'Provides more flexibility to see the whole picture and isn't just a tick chart.'

22. We did not set out a detailed inspection methodology in the consultation document. This will be set out in full in the inspection handbook. An updated version of Conducting inspections of children's homes will be published by the end of March 2015.1 We will clearly underpin our guidance to inspectors and our training and development with the principles below.

    - Professional judgement is not the same as inspector preference – we need to hear and understand from providers about how their care, systems and processes support their children and young people to make progress and have positive experiences. If we think practice could improve, we will make a recommendation. Where we have evidence that a regulation has not been met, we will raise a requirement. The extent to which requirements will influence judgements will vary depending on what impact the weakness has on children.

[1] *Conducting inspections of children's homes* (100194), Ofsted, 2014; www.gov.uk/government/publications/inspecting-childrens-homes-guidance-for-inspectors.

- 'No surprises' – inspectors will keep leaders and managers fully informed about any emerging issues during the inspection so that there is an opportunity to have a professional dialogue about any issues identified.
- 'One size does not fit all' – in some homes, grade criteria will have different relevance depending on the needs of the children and young people who live there and the purpose and function of the home. We have included an annex to the framework document that sets out how we think this diversity will affect the way we apply the inspection framework.
- 'Progress and experiences matter' – we need to understand from providers how they know that they are making a difference to children and young people's lives; how they know that the quality of their experience is positive; and how they know that children and young people are making progress.
- All inspection will be underpinned by robust quality assurance that both supports and challenges the exercise of inspectors' professional judgement.

The relationship between the regulations, the quality standards and the inspection framework

23. Most respondents thought this was clear (65%). We have revised the diagram in response to some of the comments made (updated version in Annex A). The revised version makes it clearer how the administrative and management regulations relate to the framework and makes a better distinction between the inspection judgements and the quality standards.

24. We recognise that the final regulations, quality standards and guide have not been published. These are published by the Department for Education (not Ofsted). We have been able to work closely with the government to ensure that the inspection framework and underpinning regulatory framework are sufficiently aligned.

The grade criteria for each inspection judgement

25. Broadly, respondents agreed with the description of 'good', although there were often opposing views about some of the details.

26. The main area of concern was the description of 'requires improvement'. The important characteristics of 'requires improvement' are that children are neither in imminent danger nor is there a risk to their immediate well-being; however, the current situation poses a risk that is likely to be of concern if it is not addressed. The judgement is arrived at by weighing up evidence and applying a 'best fit' judgement. There is no simple formula that a prescribed number of weaknesses leads to a judgement of 'requires improvement' – the judgement is in relation to the context and evidence presented by each individual home, based on an understanding of the needs of the children and young people living in the home and the purpose and function of the home.

27. We have made the grade criteria clearer where we can, and have also removed duplication and repetition. We have:

- removed the box of text at the start of each judgement area as some respondents found these confusing and unhelpful, and revised the definition of outstanding to be clear that there should be examples of excellent practice that are worthy of further dissemination
- changed the words in some places to reflect more closely what children and young people are telling us; for example, we will make it clear that the complaints process should be fair and child-friendly and that children and young people know how to raise 'problems' as well as complaints
- included more references to **listening** to what children and young people are saying
- included stronger references to the requirements placed on homes by statutory guidance in relation to children who go missing
- included youth offending teams (and the Youth Justice Board for secure children's homes) as key stakeholders
- included a reference to restorative approaches
- included an additional criterion around single separation
- included an additional criterion in relation to rights and entitlements
- removed duplication across different criteria in the leadership and management judgement.

A more risk-based approach to homes judged to be inadequate

28. We set out in the consultation a more risk-based approach to homes judged to be inadequate. Our proposals were well supported in the consultation (92% strongly agree or agree). We were asked to set an upper time limit by which time a home would always have had the opportunity to secure an improved inspection judgement. We think that, in most instances, this will happen within 16 weeks. We will also commit to notifying placing authorities of the outcome of any subsequent monitoring inspection activity.

29. Therefore, following a judgement of inadequate the outcome may be either to:

- carry out further monitoring:
  - to take steps towards cancellation where there is no improvement
  - to secure an improved inspection judgement if in some instances this visit provides sufficient evidence
  - to comment on improvement in a published monitoring visit report and schedule a full inspection to check that improvement has been sustained

- schedule a full inspection, which may either support our steps to cancel or give the home the opportunity to demonstrate that it has improved and secure an improved inspection judgement.

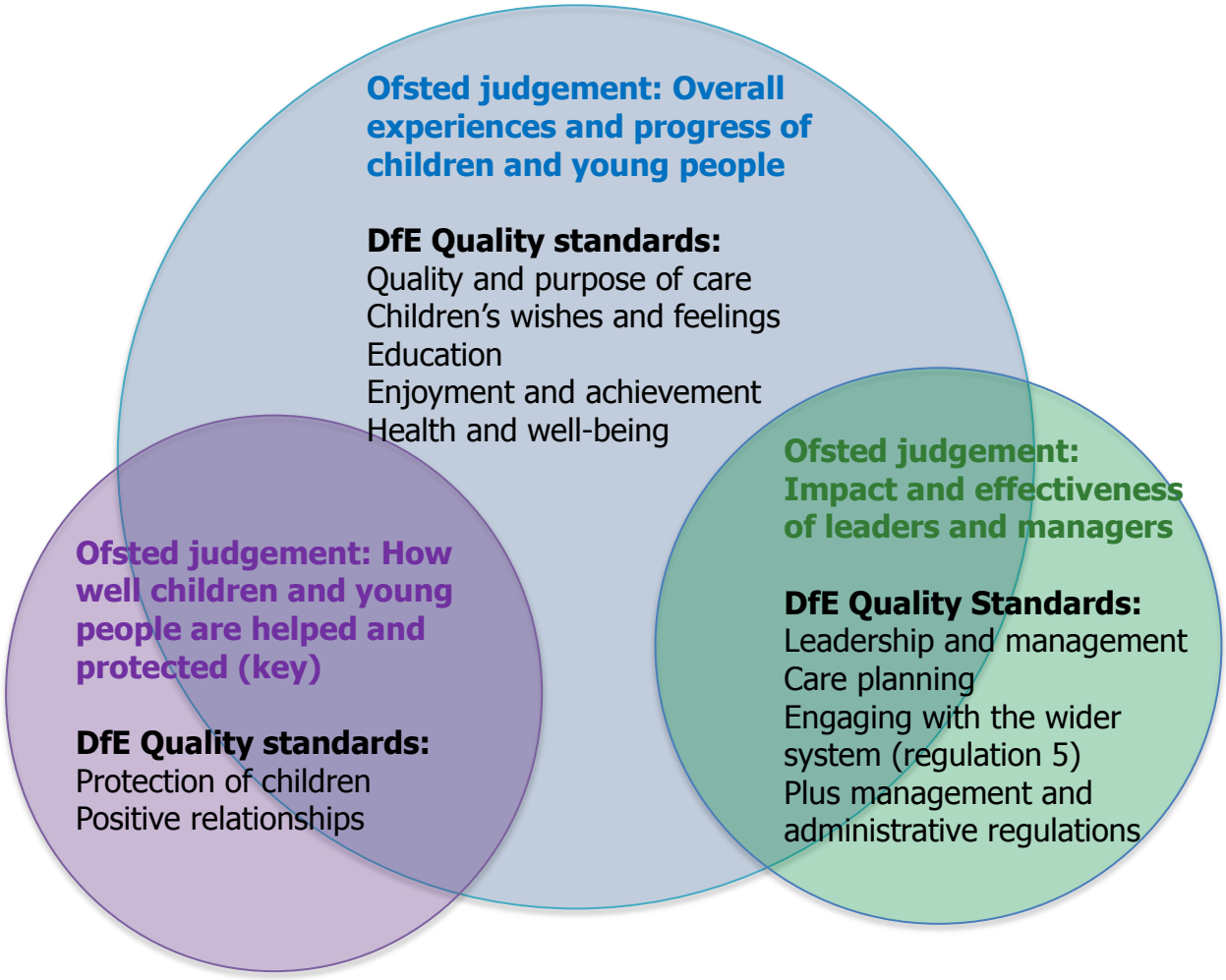
30. In any event, we will usually return to undertake some inspection activity within six to eight weeks to ensure that children are safe. We will carry out a full inspection by 16 weeks. Where we undertake any monitoring activity, we will always publish a report and formally notify the placing authorities of its content.

31. 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. 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 new full inspection judgement. The inspection report from the previous inadequate judgement will remain published. We will consider making a new inspection judgement at a monitoring visit where:

    - the regulatory inspection manager agrees that the concerns are sufficiently 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.

32. We think this a more responsive approach and that it will appropriately reduce the inspection burden for some providers, enabling us to focus more effectively on those homes where we have the most concern.

Annex A. The relationship between the regulations, quality standards and the inspection framework



The management and administrative regulations are those regulations that are not 'quality standards'.

Annex B. Consultation with children and young people

Children's views to feed into the children's homes framework consultation

January 2015

1. A representative sample of Children in Care Council members went through the questions with other young people living in children's homes in their area and recorded what they said.

2. Eight North West local authorities took part: Tameside, Bolton, Oldham, Cheshire East, Cheshire West and Chester, Halton, Rochdale and Trafford

3. We gathered 57 young people's views.

Idea 1

Inspectors should check what the manager and staff do when someone first comes to live in the home.	**No of YP (49)**	**%**
I strongly agree	23	47
I agree	19	39
I disagree	3	6
I strongly disagree	1	2
Not sure	3	6

Question 1

What do you think a 'good' home does when children and young people first come to live there?	**No of YP (57)**

4. Forty four per cent of children and young people thought it was important to make young people feel welcome:

> 'Make them feel welcome but don't keep asking if they are ok, that's annoying.'
>
> 'Make you feel welcome like it's their house and they don't just leave them on their own.'
>
> 'A small welcome gift to show they are welcome.'
>
> 'Make them feel welcome and part of the family; interact with them.'

'Staff should not ask to go through people's clothes and possessions, it feels like you are in prison with the form ticking they did.'

5. Some suggested a tour of the house and surrounding area would help them to adjust to their new setting.

6. A further 22% said that it was important to make sure young people felt settled. Feeling settled was the 'outcome', but the responsibility for making this happen was again linked to the actions of staff.

'Give them personal space; make them feel at home.'

'Make them feel comfortable, safe and help them get used to the environment/atmosphere they live in.'

'Make them feel settled and safe so things don't happen.'

'Provide them with things that they need like toothpaste, toothbrush.'

'Talk to them to see how they are and find out their likes and dislikes.'

'Talk to them to see how they are and find out their likes and dislikes.'

'Talk through worries.'

'Be there in case they want someone to talk to.'

7. Another popular point was making sure young people had information about the home and its rules:

'Talk through rewards and punishments.'

'There should be a folder to explain rules and things like that.'

One quote sums up what several said:

'Makes every child feel welcome, make sure that they know where everything is and how the system works. Introduce them to the other young people, let them know how to make a complaint/compliment. For the first week or so, keep making conversation with them to make them feel comfortable.'

Idea 2

Inspectors should check what happens when children and young people leave the home to go and live somewhere else.	No of YP (49)	%
I strongly agree	19	39%
I agree	19	39%
I disagree	6	12%
I strongly disagree	1	2%
Not sure	4	8%

Question 2

What do you think a 'good' home does when children and young people are getting ready to live somewhere else and when they are leaving the home?	No of YP (57)

8. Many talked about things required to prepare them for independent living:

> 'To provide support on living on their own by providing them with information on finance, cooking, and completing your daily household duties.'
>
> 'A budget to purchase small household goods.'
>
> 'Let them know of all external agencies that can help them when they leave.'

9. Other suggestions could be linked to 'moves' generally:

> 'Reassure us everything is going to be ok.'
>
> 'Have planned visits to new carers and weekend stays before leaving.'
>
> 'Make sure the young person is fully aware of the move and what it means.'
>
> 'Weekly checks on how you are before you move out.'
>
> 'Help support them, not leave them, until they are completely settled.'
>
> 'They shouldn't try to stop you having contact with previous home staff and other children.'
>
> 'Be allowed to come and visit the home after you leave.'
>
> 'Visit them regularly if they want contact.'

'Staff to help sort out belongings and pack.'

Idea 3

Inspectors should check how managers and staff in the home listen to children and young people and make changes in how things are run or what the home looks like because of what children and young people have said	No of YP (46)	%
I strongly agree	26	57%
I agree	14	30%
I disagree	1	2%
I strongly disagree	2	4%
Not sure	3	7%

Question 3

What things can staff and managers do to ensure that children and young people feel involved and feel that this is their home?	No of YP (57)

10. Forty per cent of the children and young people who participated agreed that they should be listened to and be able to discuss things to feel more involved.

    'Staff need to listen and not make opinions before they know how we feel.'

    'Have children's meetings and 1-1s so they can talk to staff any time.'

    'Talk to them about how they feel in the home without making it feel "staged" – as if they were reading from a sheet.'

    Although one young person wrote, 'Don't pester, sometimes we don't want to go and speak to people'. A couple mentioned the idea of a suggestion box for children and young people to give their ideas and opinions, mentioning that it was sometimes difficult to think on the spot during house meetings.

11. Twenty one percent of the children and young people who participated mentioned that they should be able to choose activities themselves to participate in and some mentioned helping to choose food from shopping lists.

    'Do more things like families do etc. like meals out, shopping and board games.'

12. Sixteen percent of the children and young people who participated thought having a say in décor was very important in making young people feel that it was their home, especially helping to choose the decoration for their bedroom.

Idea 4

We think it is important that we write a letter to the children living in the home after we have visited telling them what we found. Should the letter include	YES	%	No	%	Don't know	%
How well the home is doing (47 replies)	41	87%	4	9%	2	4%
What grade we have given the home (49 replies)	42	86%	3	6%	4	8%
What the home does well (48 replies)	43	90%	3	6%	2	4%
Where improvements could be made (48 replies)	41	85%	2	4%	5	10%

Question 4

What else should we include?	No of YP (57)

13. Before writing the report the young people said 'They [inspectors] should talk to young people on their own prior to writing a report.'

    Safety and **well-being** were the most common responses, with 18% of young people viewing it as important. In particular, young people mentioned the way staff behave towards them, for example:

    'How well the staff are looking after us.'

    'How the staff are treating the children.'

    Other points they wanted included in the report were:

    - young people's 'opinion' of the house in general
    - what the home was doing well
    - how the home could be improved
    - allowances so that the young people know what they're entitled to
    - contact information for support agencies, for example: 'Who they can talk to when they think things aren't going well in the home.'

Annex C. Respondents to the consultation

The types of respondents to the consultation can be seen below.

Type of respondent	Number of responses
The parent or carer of a young person living in a children's home	1
The registered provider of a children's home	17
The registered manager of a children's home	24
Local authority Director of Children's Services or their representative	11
Practitioner in social care	2
Practitioner in health	1
Prefer not to say	1
Other/skipped question	25
Total for main consultation	**82**

The responses included submissions from the following organisations:

- Independent Children's Homes Association
- National Association of Independent Schools and Non-maintained Special Schools
- Barnardo's
- Who Cares? Trust
- Youth Justice Board
- The National Association for Youth Justice and the Secure Accommodation Network.

Annex D. Number and percentage of agreement to the proposals

14. We received 82 responses to our main consultation plus three written submissions. The written submissions did not follow the format of the online survey so have not been included in the tables below.

15. Not all respondents provided a response to all of our proposals.

16. We received six separate identical submissions from the Independent Children's Homes Association (ICHA) and a further 11 submissions from ICHA members with similar or almost identical responses. In the tables below, these have been counted as individual submissions.

17. Percentages for each question are calculated using the number of respondents who answered that specific question and are rounded so may not add up to 100.

Response	**Q1a: Is the way we have described making judgements and using the grade criteria in a 'best fit' model clear?**		**Q2a: Is the way that we have explained the relationship between the regulations, the government guidance and the inspection framework clear?**	
	Number of responses	%	Number of responses	%
Yes	49	61%	52	65%
No	31	39%	28	35%
Total	**80**	**100%**	**80**	**100%**
No response	2		2	

Proposal 1: The grade criteria for each inspection judgement

Response	Q3. Do you agree or disagree with how we have described what 'good' looks like for the 'overall experiences and progress of children and young people living in the home' judgement?		Q6. Do you agree or disagree with how we have described what 'good' looks like for the 'how well children and young people are helped and protected' judgement?		Q9. Do you agree or disagree with how we have described what 'good' looks like for the proposed 'impact and effectiveness of leaders and managers' judgement?	
	Number of responses	%	Number of responses	%	Number of responses	%
Strongly agree or agree	73	90%	56	70%	69	86%
Neither agree nor disagree	7	9%	20	25%	6	8%
Disagree or strongly disagree	1	1%	4	5%	5	6%
Total	**81**	**100%**	**80**	**100%**	**80**	**100%**
No response	1		2		2	

Proposal 2: Our approach to homes judged to be inadequate

Response	Q12a. Do you agree or disagree that we should take a risk-based approach in our follow-up to homes judged to be inadequate?		Q12b: Do you agree that in some instances inspectors should be able to give an improved inspection judgement without undertaking a further full inspection and where all requirements have been met?	
	Number of responses	%	Number of responses	%
Strongly agree or agree	75	93%	74	93%
Neither agree nor disagree	6	7%	2	3%
Disagree or strongly disagree	0	0%	3	4%
Don't know	0	0%	1	1%
Total	**81**	**100%**	**80**	**100%**
No response	1		2	

Annex E. Respondents to the business engagement assessment consultation

We received 11 responses to our business engagement assessment.

Responses generally mirrored the issues raised in the main consultation regarding concerns about the commissioning practice of local authorities. We have set out in the full consultation document our view that local authorities should take into account more than the inspection judgement when making decisions about where children and young people live. We do not accept that working with the most vulnerable and complex children and young people leads to a poor inspection judgement. It is the quality of work with children and young people to provide them with positive experiences and help them to progress that is key.

Percentages for each question are calculated using the number of respondents who answered that specific question and are rounded so may not add up to 100.

Response	**Q1: Do you agree with this assessment?**		**Q2: Have we considered the significant factors that may impact on providers of children's homes?**	
	Number of responses	%	Number of responses	%
Yes	8	80%	7	64%
No	2	20%	4	36%
Total	**10**	**100%**	**11**	**100%**
No response	1		0	