

Independent Person (Regulation 43 and 44 of CHR)

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What does the regulation say?

- The registered provider must appoint, at the registered provider's expense, a person ("the independent person") to visit and report on the children's home carried on by the registered provider.
- Must not appoint
- which the registered provider considers to give rise to doubts about that person's impartiality (for the purposes of producing the independent person's report – see regulation 44).
- If the registered provider becomes aware of a potential conflict of interest in relation to the independent person before or during the independent person visiting the home (see regulation 44), the registered provider must—
 - (a) make arrangements to cancel the visit without delay; and
 - (b) appoint a different independent person to visit the home.

What has Ofsted observed

- The husband of the provider
- The training officer of the company
- Elected members
- IROs in more than one role –(CP chair/QA manager)
- Ex registered manager
- Ex-provider of the same home



What has Ofsted observed?

- IP failing to identify risks to children, which we later identify
- ❖ Is this through a lack of skill and experience
- ❖ The provider 'hiding' the concerns from the IP
- ❖ The IP unable to set out clearly their concerns because of fear from the provider that they will have their report amended/undermined or be dismissed
- ❖ Lack of independence
- ❖ Lack of courage(??)



What has Ofsted observed?



IPs reporting that they have been dismissed because they were 'too critical' of the home



IPs wanting to be part of the Ofsted inspection, so that they can tell the inspector about the home- what do they want to tell us, that they cannot tell us in the report?



Staff working for the LA, visiting LA homes, unable due to their position to speak out on what they see

What has Ofsted observed?

- the independent person must produce a report about a visit (“the independent person’s report”) which sets out, in particular, the independent person’s opinion as to whether—
 - (a) children are effectively safeguarded; and
 - (b) the conduct of the home promotes children’s well-being.
- Very few reports link the evidence to these statements



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