

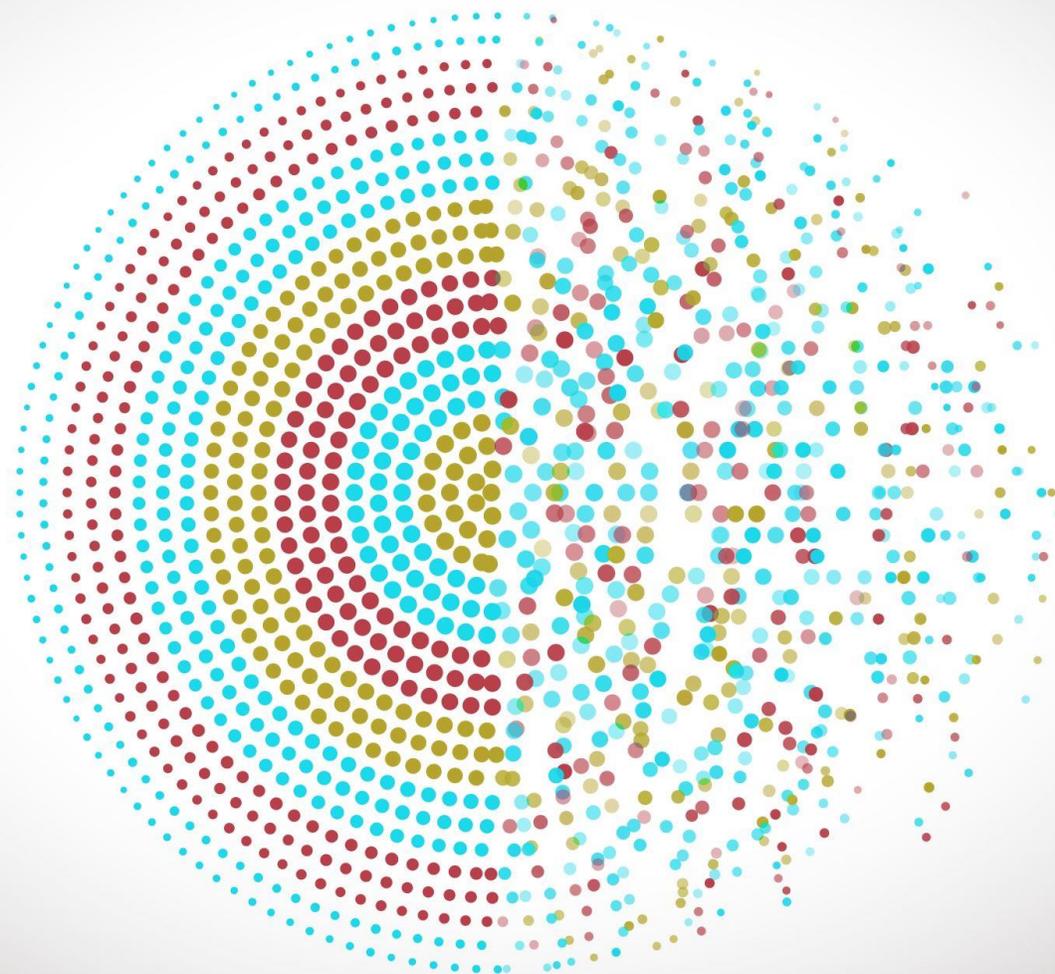


MANAGING THE INSPECTION PROCESS

challenge and compromise

PREPARATION &
EVIDENCE
GATHERING

KLOE and 27s



Expectations of providers

Inspection and regulatory activity rely on the integrity and cooperation of providers. We expect providers to be open and transparent, maintain a positive working relationship with inspectors and inspection support staff, and to uphold the highest professional standards. In meeting this expectation, providers should:

- **be courteous and professional, treating inspectors and inspection support staff with respect**
- approach the inspection or regulatory activity with integrity and be open, transparent and honest. This includes providing evidence – or access to evidence – that will enable the inspector to report honestly, fairly and reliably about their provision. It means not withholding or concealing evidence, or providing false, misleading, inaccurate, or incomplete information
- enable inspectors to observe the normal functioning of the provider, and not make arrangements that might mislead inspectors
- act in the best interests of children, and put their well-being, education and care above the provider's interests or reputation
- provide opportunities for inspectors to meet with children and staff



- expect that inspectors will usually need to both observe practice and talk to staff or children and learners (and employers where relevant) without a manager or registered person present, and when necessary, facilitate for that to happen
- work with inspectors to take all reasonable steps to minimise disruption, stress and bureaucracy
- ensure the safety of inspectors while on their premises
- maintain purposeful and productive communication with the lead inspector and the inspection team
- **bring any concerns about the inspection or visit to the attention of the lead inspector promptly and in a suitable manner**
- make inspectors aware of any CCTV cameras and ensure that there is a private room without CCTV available for inspectors to discuss inspection evidence and hold confidential discussions

If providers do not act in accordance with these expectations, this may have an impact on the leadership and management judgement and/or affect providers' suitability to remain registered.

Expectations of inspectors

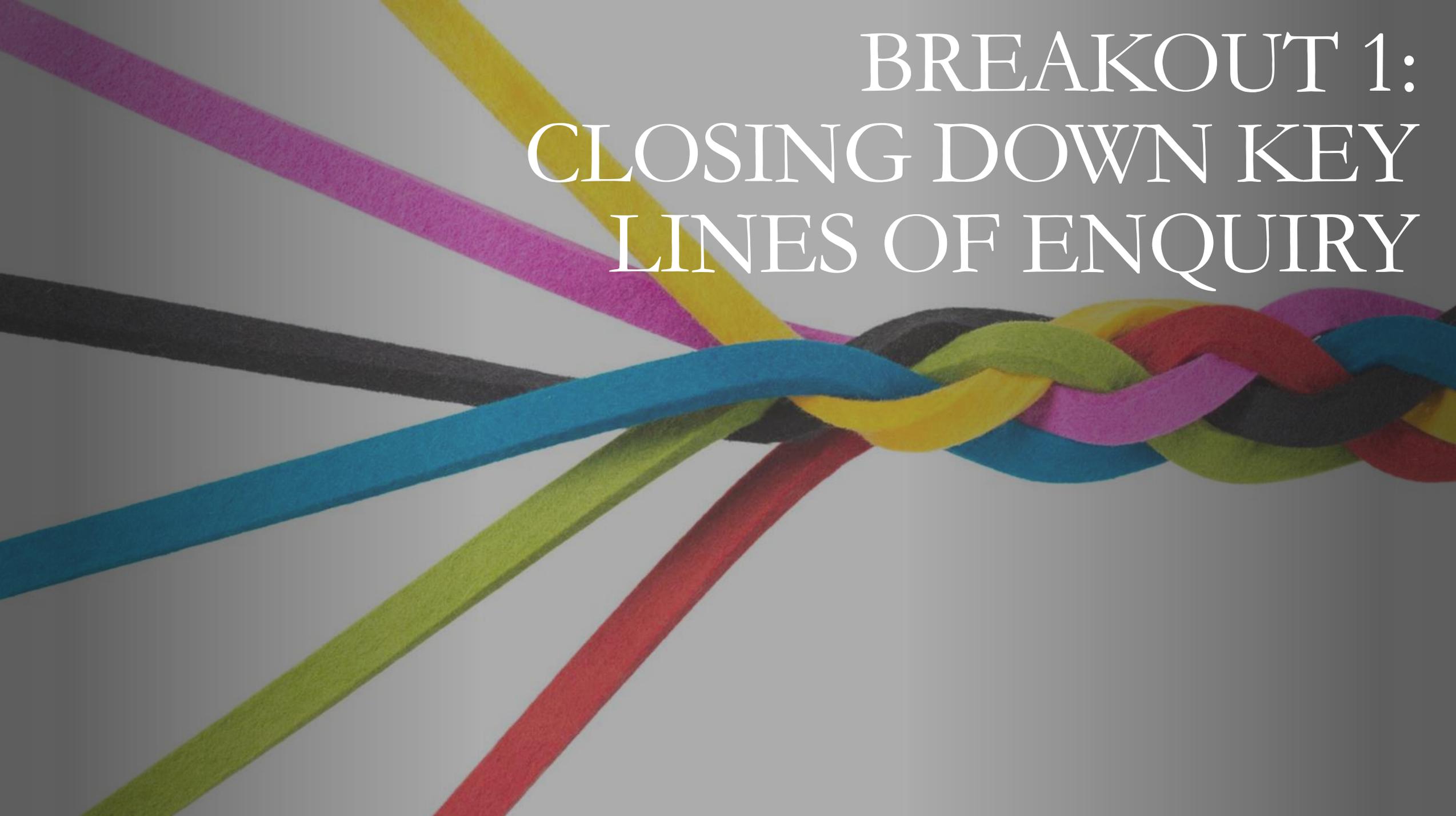
- It is important that inspectors establish and maintain a positive working relationship with providers, based on courteous and professional behaviour.
- **Inspectors will take all reasonable steps to prevent undue anxiety and to minimise stress during the inspection or regulatory activity.**
- Inspectors will uphold the highest professional standards in their work, **to act with integrity and to treat everyone they meet fairly, with respect and with sensitivity.**

In meeting this expectation, inspectors will:

- evaluate objectively, be impartial and inspect without fear or favour
- uphold and demonstrate Ofsted's values at all times
- evaluate provision in line with our frameworks, national standards or regulatory requirements
- **base all evaluations on clear and robust evidence**
- declare all actual and perceived conflicts of interest and have no real or perceived connection with the provider that could undermine the objectivity of the inspection or regulatory activity
- **report honestly and clearly, ensuring that judgements are fair and reliable**
- carry out their **work with integrity**, treating all those they meet with **courtesy, respect and sensitivity**



- act in the best interests and well-being of service users, prioritising the safeguarding of children at all times
- establish and maintain appropriate professional and physical boundaries when talking to both children and adults
- build an appropriate rapport with children while remaining alert to the dynamics of their role as inspectors and respecting the limits of their relationship with children
- **maintain purposeful and productive communication with providers and inform them of judgements sensitively, but clearly**
- respect the confidentiality of information as far as possible, particularly about individuals and their work
- **respond appropriately to reasonable requests**
- take prompt and appropriate action on any safeguarding or health and safety issues
- use their title (such as His Majesty's Inspector, Regulatory Inspector or Ofsted Inspector) only in relation to their work for Ofsted
- on inspections or visits carried out jointly with other inspectorates, be clear with providers as to the roles and responsibilities of the respective inspectorates



BREAKOUT 1:
CLOSING DOWN KEY
LINES OF ENQUIRY

Missing from home

- Risk assessments and safety planning
- Philomena protocol
- Efforts to locate and to stay in touch – staffing levels?
- Networks
- Push and pull factors
- Supervision of staff – duty manager?
- Independent return home interview
- Working together to Safeguard Children
- Relationships with police
- Management of risk

Regulation 5 – Protection Standard

- Any risks associated with children offending, misusing drugs or alcohol, self-harming, going missing, being affiliated with gangs, or being sexually or criminally exploited, are known and understood by the adults who look after them. Individual up-to-date risk assessments address any known vulnerabilities for each child effectively and set out what action should be taken to address the risks. There are plans in place to reduce harm or the risk of harm and there is evidence that these risks are reducing or being managed well, based on children's individual circumstances.
- Children who go missing experience well-coordinated responses that reduce the harm or risk of harm to them. Risks are well understood and minimised.

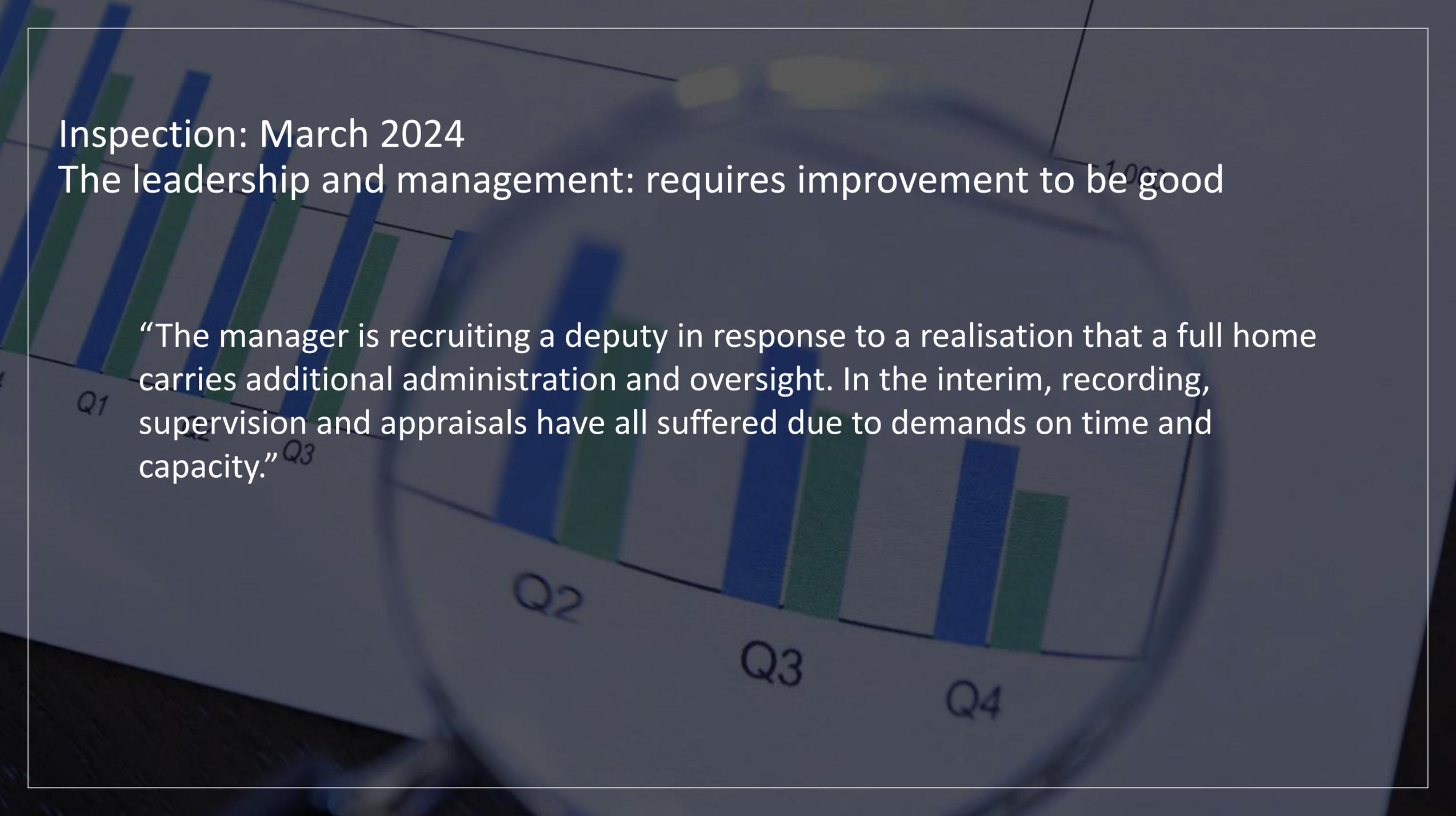
- The service is aware of, and implements as appropriate, the requirements of the statutory guidance for children who are missing. It challenges the local authority when an independent return home interview is not offered or arranged by the local authority and takes appropriate steps to escalate concerns. Parents, if it is appropriate, are made aware of incidents when the child has been or is missing.
- Proactive and effective working relationships with the police help to support and protect children. The provider works with the police to protect children from any unnecessary involvement in the criminal justice system.
- Staff know and follow procedures for responding to concerns about the safety of a child. 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.

Challenge and compromise: principles of practice

- Challenge is positive and should always be focused on the desired outcome
- The safety and wellbeing of the child is always paramount
- We all have a responsibility to work together to safeguard children, including Ofsted
- It is the responsibility of each individual professional and agency to progress challenge if they are not in agreement with the progress or outcome of any aspect of assessment, planning or intervention (any level of need and support)
- This means professional stakeholders may be key to aspects of your inspection. They may also be called/interviewed by the inspector. If the completion of return home interviews has been an issue for you, have your escalations on file and give the inspector contact details of the provider
- Challenge should be restorative, and relationship based
- Language should therefore be respectful and where possible discussions with the relevant practitioners should take place first, so that concerns can be resolved at an informal stage
- Challenge and escalation should be resolved in a timely manner
- Challenge must be evidenced based

Requirements

- When imposing a requirement, inspectors must ensure that there is enough evidence to support the breach and that they are able to show that this is having an **impact**, or is likely to have an impact, on children's **experiences and progress**.
- They must weigh up and balance evidence *from more than one source* to support making a requirement.
- The requirement should refer to the **specific regulation** and should be detailed enough for the registered person to be clear about what they need to do to correct the breach of regulation and a date by which they should achieve this.



Inspection: March 2024

The leadership and management: requires improvement to be good

“The manager is recruiting a deputy in response to a realisation that a full home carries additional administration and oversight. In the interim, recording, supervision and appraisals have all suffered due to demands on time and capacity.”

Requirement

Regulation 18: Employment of staff

(4) The registered person must ensure that all employees—

(a) undertake appropriate continuing professional development,

(b) receive practice-related supervision by a person with appropriate experience, and

(c) have their performance and fitness to perform their roles appraised at least once every year.

Regulation 10

- Workforce plan 10.—(1) The registered person must compile, in relation to the supported accommodation undertaking, a plan (“the workforce plan”) which covers the following matters in respect of the recruitment and employment of all staff—
 - (a) the management and staffing structure;
 - (b) the experience and qualifications of managers and other staff, and any further training required for those managers and staff;
 - (c) the processes and timescales for staff to complete induction, probation and core training, including in safeguarding and health and safety;
 - (d) the process for managing and addressing poor performance;
 - (e) the process and timescales for supervision and monitoring of staff.

Regulation 4 (2)(g)

4.—(1) The leadership and management standard is that the registered person enables, inspires and leads a culture in relation to the supported accommodation undertaking that puts children first and prioritises their wellbeing and development.

(2) In particular, the standard in paragraph (1) requires the registered person to—

(g) ensure that arrangements are in place for the supervision, training and development of staff

Recommendations

- In making a recommendation, inspectors should refer to the Guide. They should always provide enough detail to ensure that the registered person is clear what they need to do. The relevant part of the Guide should be summarised, and the page and paragraph number included.
- If, during an inspection, the registered person rectifies a minor administrative error that has minimal impact on the experiences and progress of children, an inspector may not need to make a requirement or recommendation about that matter. However, they may refer to it in the leadership and management section of the report
- Inspectors may also make recommendations in relation to other relevant statutory guidance such as:
 - Working together to safeguard children
 - Statutory guidance for children who run away or go missing from home or care
 - Promoting the education of looked-after and previously looked-after children

**Inspection: March
2024**

**Recommendation:
the protection
standard**

“When children go missing, staff proactively look for them, use networks and well-documented lists of friends and family and, in the main, follow safety plans that result in children returning home safely. When this is balanced with children wanting to exercise more autonomy, there are associated risks in terms of keeping in contact with staff and this works well most of the time.

On one occasion, this approach was not followed as rigorously as usual, leaving a child vulnerable to harm, demonstrating how staff need to be fully consistent, informed and supported when children go missing from home.”

Recommendation

If there is a risk that a young person may go missing, staff should do everything they can to help them understand the risks and dangers involved and make them aware of how to seek help if they do go missing.

The registered person must specify the procedures to be followed and the roles and responsibilities of staff when a young person is missing from the service and how staff should support the young person on return to the setting.

(‘Guide to the Supported Accommodation Regulations including Quality Standards’, page 55)

CHALLENGE OR COMPROMISE?



Composed and constructive

You will have the opportunity to comment on the conduct of the inspector and inspection

- This will usually be asked immediately before they provide the informal feedback
- This feedback includes the initial judgement, draft requirements and/or recommendations
- Make notes during the feedback – factual, objective and clear
- This is the first opportunity you have to raise any queries or concerns directly with the inspector prior to the draft report being received. They will record your comments using their online system.
- It's the time when, with the support of the nominated individual, you take the opportunity to influence change.

Factual accuracy challenge

- As of September 2020, Ofsted have standardised the timeframe given to providers to 5 working days. In addition to this and more importantly, the new process allows for a provider to submit any comments about issues with 'the inspection process'.
- You should submit a challenge if you have concerns about the accuracy of a report and/or about the process. A failure to challenge a draft report will result in a presumption that the contents of the report are accurate, and it will be published.
- 18 working days to receive the report
- 5 days after that to challenge any factual accuracy comments. Challenge inaccuracies or findings, and to comment on issues with the process or the actions of the inspector.
- You have five days to complain, following receipt of the final report (which should arrive within 30 days from the end of the inspection).
- Use staff statements regarding their experience of the inspection
- Use the inspection guidance to comment, particularly regarding the conduct of an inspector

Concerns and complaints

- “Most of Ofsted’s work is carried out smoothly and without incident. If concerns do arise during an inspection, they should be raised with the inspector as soon as possible during the inspection visit. This provides an opportunity to resolve the matter before the inspection is completed.
- If the provider is unable to resolve the matter with the inspector, they should contact the inspector’s RIM for further discussion.
- Providers also have another opportunity to raise concerns about the draft inspection report, process and findings when they receive the draft report.
- If it has not been possible to resolve concerns, a formal complaint can be raised under Ofsted’s complaints procedure before the final inspection report is published.
- If the provider wishes to submit a formal complaint, it will have until the end of the fifth working day after receiving the final report to do so.”



PREPARATION IS KEY