

# REGULATION 44

Exploring the regulation, the purpose and the application of the independent person's visits and reports

# AGENDA

- Looking at the regulations and guidance
- Exploring feedback from inspection reports on reg44
- Exploring the occasional guidance from senior Ofsted leaders
- Conclusions?



## THE REGULATIONS



## REGULATION 44

### Independent person: visits and reports

**44.** (1) the registered person must ensure that an independent person visits the children's home **at least once each month**.

(2) when the independent person is carrying out a visit, the registered person must help the independent person (a) **if they consent, to interview in private such of the children, their parents, relatives and persons working at the home as the independent person requires**; and (b) to inspect the premises of the home and such of the home's records (except for a child's case records, unless the child and the child's placing authority consent) as the independent person requires.

(3) a visit by the independent person to the home may be unannounced.

(4) 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.

(5) the independent person's report may recommend actions that the registered person may take in relation to the home and timescales within which the registered person must consider whether or not to take those actions.

(6) if the independent person becomes aware of a potential conflict of interest (whether under regulation 43(3) or otherwise) after a visit to the home, the independent person must include in the independent person's report (a) details of the conflict of interest; and (b) the reasons why the independent person did not notify the registered provider of the conflict of interest before the visit.

(7) the independent person must provide a copy of the independent person's report to (a) hmci; (b) upon request, the local authority for the area in which the home is located; (c) the placing authorities of children; (d) the registered provider and, if applicable, the registered manager; and (e) the responsible individual (if one is nominated).

## GUIDE TO THE REGULATIONS: REG 44

### Independent person: visits and reports

#### Visits by an independent person

15.5 Any individual appointed to carry out visits to the home as an independent person must make **a rigorous and impartial assessment of the home's arrangements for safeguarding and promoting the welfare of the children** in the home's care.

15.6 The registered person must appoint the independent person and is ultimately responsible for making sure that an appointment does not give rise to a conflict of interest that would, or would appear to, compromise the ability of that person to reach a rigorous and impartial judgement of the quality of that home's care.

15.7 Where the independent person is an employee of those carrying on the children's home, they must be employed solely for the purpose of quality assurance within the home(s).

15.8 The registered provider should also ensure that the independent person they appoint has the skills and understanding necessary to: relate to children in a home's care; assess all relevant information; and form an impartial judgement about the quality of the home's care.

15.9 The skills, experience and professional background of the independent person, for example, in undertaking work of a similar nature, will also be a relevant factor in assessing their ability to reach a rigorous and impartial judgment.

## SCCIF (JANUARY 2026)

“These reports provide crucial information about the safety, welfare and progress of children. We therefore require that the independent person or provider sends the report for HMCI to us before the end of the month that follows the month in which the visit took place. This requirement still applies when there are no children living in the home.

We will monitor the frequency and timeliness of report submission and the overall quality of reports.

It is the responsibility of the independent person to submit the report to HMCI. We recognise that most providers wish to have sight of, and comment on, the report including the recommendations made by the independent person.

Providers should return the report to the independent person once they have commented on the report and recommendations. The independent person can then decide if they will make any changes to the report to reflect the comments of the provider. The independent person will then send the report to HMCI, through the email address detailed below.

The independent person should notify us if they consider that the provider has attempted to make amendments to the report that are not consistent with their findings or original report.

No alterations or amendments should be made to the report by anyone else, other than the provider's response to the recommendations and summary of the report. If HMCI has reasonable cause to believe that the reports have been altered or amended by persons other than the independent person, then we will consider further action.

For multi-building children's homes, the independent person must visit each building to ensure that they have a good understanding of the experience of all children living in the home, irrespective of which building they are living in. They should also check that any buildings not in use at the time of the visit remain fit for purpose.

# WHAT OFSTED INSPECTIONS SAY ABOUT REG44

### **Visits not taking place monthly (or not embedded)**

The quality of the independent visitor's reports is variable. This is because they do not **consistently reflect when all children are present, nor do they always obtain the views of relevant professionals**. This is a missed opportunity to ensure that the independent visitor has all the required information and feedback to make an informed assessment of the home. (2633107, July 2025).

The independent visitor does not visit the home monthly as required. Since the home registered in July 2025, the visitor only visited the home on one occasion. This was in September 2025. Leaders and managers acknowledged this and said it was a gap in their oversight (2823748, December 2025).



## **The independent person's engagement is too narrow (insufficient feedback capture)**

A frequent narrative is that the independent visitor **does not consistently obtain feedback** from children (and, where relevant, family/professionals). Ofsted characterises this as a missed opportunity for learning and improvement and may attach a **Reg 44(2)(a)** requirement (facilitating interviews/engagement) or a best-practice recommendation.

**“The independent visitor does not always obtain regular feedback from the child, staff, family and professionals during his visits to the home.** This is a missed opportunity for the manager to use the views of others accessing the service to make changes to the quality of care. (2711581, July 2025)

The manager's review of the quality of care report provides an evaluation of the management of the home and changes made to improve outcomes for children. It does include feedback from children, staff and professionals in order to provide evidence of the impact on children's experiences of the care provided. However, the independent visitor does not always speak to children during their visits. This is a missed opportunity to obtain children's views about their experiences in the home. (2793176, December 2025).

## **Access to premises/records is constrained or not used rigorously**

Ofsted sometimes anchors Reg 44 issues in the independent person's access to, or scrutiny of, **premises and documentation**, making statutory requirements under Reg 44(2)(b).

“Since the last inspection, one incident has involved the use of physical intervention. Although the manager reviewed and signed off the record of this incident, the report has not been made accessible to the independent visitor, despite the incident occurring several months ago”; and “Although there have been some improvements in the quality of reports provided by the home's independent visitor, the actions identified from these visits are not consistently implemented.” (SC066185, December 2025).

In one December 2025 inspection (2795540), **a compliance was restated, requiring the independent person to inspect records/premises and specifically to include routine inspection of children's bedrooms.**

## Monitoring reports lack evaluation and do not drive improvement

Another pattern is that “external monitoring” exists but lacks analytical value (limited evaluation, unclear shortfalls), meaning it does not help leadership improve practice.

“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 children are effectively safeguarded; and the conduct of the home promotes children’s well-being. (Regulation 44 (1) (4)(a)(b)) **In particular, ensure that the independent visitor identifies shortfalls to help the registered manager and staff safeguard children.”** (2506856, October 2025).

Also, a full inspection notes monthly monitoring reports lack good-quality evaluation and recommends the independent visitor complete a **rigorous assessment** of the home:

“External monitoring is in place. However, the monthly monitoring reports do not always contain good-quality evaluations. This is not helping the manager make the necessary improvements in the home. A recommendation has been made to address this”:

The registered person should ensure that the independent visitor completes a rigorous assessment of the home that includes good-quality evaluation. (‘Guide to the Children’s Homes Regulations, including the quality standards’, page 65, paragraph 15.5)

## **Reports are not shared with Ofsted (HMCI) consistently or on time**

Several reports treat the **submission of independent person reports to HMCI** as a concrete compliance point (Reg 44(7)(a)), sometimes even where overall judgement is good.

“The independent person must provide a copy of the independent person’s report to HMCI. (Regulation 44 (1) (4)(a)(b) (7)(a)). In particular, reports must be sent to HMCI in a timely way.” (SC409851, November 2025)

## **Provider response to Reg 44 findings is inconsistent**

Ofsted sometimes points to variability in the independent visitor reports and/or inconsistent follow-through by managers, linking this to the home’s capacity to learn and improve. This can lead to a statutory requirement ensuring the registered person **considers and acts on recommendations** arising from Regulation 44 monitoring.

# WHAT SENIOR INSPECTORS SAY ABOUT REG44

# HELEN HUMPHREYS HMI - SENIOR SPECIALIST ADVISOR

## PAULA LAHEY – RIM SW REGION

### MARCH 2025

#### **Purpose of visits**

Part of the safeguarding network for children. Provide an opportunity for an independent person to visit the home so that children and staff can raise any concerns. The report should include the Ips opinion, on whether

- ❖ Children are effectively safeguarded
- ❖ The conduct of the home promotes children's well being

#### **Positives**

Some very good robust reports that are concise, evaluative and clear in recording actions and progress of children.

Some visitors who visit in the evening and weekend to ensure that they can speak and spend time with children

Some reports indicate IPs spending time with children month in month out, with a real sense of rapport and relationship. In these instances, it was more likely that children would share their views about the care they receive.

Some IPs visited at mealtimes, before the school run, or when they knew the RM would not be present, to observe how adults support the children throughout key times of the day, or when different staff were in charge.

IPs who were clear about the purpose of the visit and why they had visited at these specific moments in the child's day.

## **Areas for development**

Visits routinely carried out when the children are not there

Visits which routinely include most of the visit, 'off site' accessing electronic recording systems remotely

Reports which indicate that the IP only spoke with the manager

Reports that state, 'records not available' – but not why?

Some visits appear to be becoming 'mini SCCIF inspections, case tracking on child, splitting out the quality standards and so not looking at safeguarding each month, this style of visit does not meet the regulation.

Small number of reports where the IP has said that children are not safeguarded, not said why, and no evidence that the LA/Ofsted were contacted.

Reports received late. Although the provider should see the report before it is submitted, it is the IP's responsibility to make sure they are sent to Ofsted on time.

## **Additional learning**

If the independent person has serious concerns about the safety and welfare of children arising from their visit, they should contact Ofsted immediately by either contacting the assigned inspector or [EYRegulatoryandSocialCare@ofsted.gov.uk](mailto:EYRegulatoryandSocialCare@ofsted.gov.uk)

The independent person should notify us if they consider that the provider has attempted to make amendments to the report that are not consistent with their findings or original report.

**Question:**

“When I contact social workers and families of the children placed each month, I don’t always get a reply- is this OK?”

**Answer:**

“Regulation 44 does not require you to contact social workers or other professionals. The regulation says that you should ‘interview in private’ ..... ‘as the independent person requires’- it does not say every month”

Ofsted’s learning from ‘the Big Listen’ - children told us that the top priorities for Ofsted inspections should be:

- safety
- happiness
- support with education
- how involved children are in decisions about them.



HELEN HUMPHREYS HMI - SENIOR SPECIALIST ADVISOR  
PAULA LAHEY - SPECIALIST ADVISOR FOR RESIDENTIAL CARE  
DECEMBER 2025

“As of March 31st, 2025, there were 4010 registered children’s Homes and 13 secure Children’s Homes.

This was a 15% increase (520 homes) from the previous year (3,490) and is the highest number ever registered with Ofsted.

This number continues to rise. 86% of CHs were judged good or outstanding in the inspection.

We receive every year, at least 48,120 Regulation 44 reports

We made 6928 requirements in our inspection year 24/25

In full inspections we made 4 requirements under Regulation 43 and 123 for Regulation 44

In Assurance inspections and Monitoring visits combined we made 3 requirements under reg 43 and 40 under Regulation 44.”

If the independent person has serious concerns about the safety and welfare of children, we can contact the inspector for the home or email [EYRegulatoryandSocialCare@ofsted.gov.uk](mailto:EYRegulatoryandSocialCare@ofsted.gov.uk)

# CONCLUSIONS

