

Message from Yvette Stanley, Ofsted's National Director, Social Care

27 March 2020 at 16:06:33

Dear colleagues,

This is a challenging time for us all. The pandemic has meant all our lifestyles have changed rapidly. We are adapting to change ourselves while trying to lead and help others to do so too.

Just like you, here at Ofsted, the health, safety and welfare of children is paramount. Children's well-being is at the centre of all our decision-making.

You will have seen our previous announcements, for example our deferral of routine inspection activity. I wrote to you last week, but wanted to write again with another update today. During this period of uncertainty, we will keep in touch more regularly, so that you have the latest information.

We expect everyone to follow government guidance on COVID-19 and self-isolation. We also expect all providers to continuously risk assess their actions and follow Public Health England [advice](https://www.gov.uk/government/collections/coronavirus-covid-19-list-of-guidance). <https://www.gov.uk/government/collections/coronavirus-covid-19-list-of-guidance>

Ofsted doesn't have the power to disapply or waive legislation, regulation or statutory guidance. However, we fully recognise that we are in exceptional circumstances and pragmatic decisions will need to be made in the best interests of children.

Please do carry out a careful risk assessment of any action you take and keep a clear record of your decisions. In the meantime we are working closely with the Department for Education as they consider what amendments to legislation are needed they may wish to make to regulation in response to the pandemic.

I want to thank you for all you do. You are keeping children as safe as possible in an incredibly difficult and changing environment. We will do what we can, in our role, to make sure you are able to continue to do so. I hope that you, and all those you care for, stay safe and well.

Best wishes,
Yvette

Yvette Stanley, National Director for Social Care

Inspection

We have deferred all routine inspection activity but we will shortly be issuing guidance that sets out the circumstances in which we might undertake urgent inspections. This will include what activity can be off-site and what might need to be

on-site. Any inspection activity will be focused on key lines of enquiry only. It is also unlikely to be a full inspection, so we will not make a judgement on the four-point scale, but would publish a report setting out our findings.

Publication of inspection reports

We will still be publishing any completed inspection reports for children's homes and other social care providers.

Registration

At a time when capacity in the system is even more vital, we will continue to register social care providers and managers. During these extraordinary circumstances, we are working hard to make sure that, wherever possible, we prioritise the progression of children's homes applications that were accepted up to 20 March 2020. Many of these applications will already have had most checks completed and be well on their way to being approved.

To follow government guidance for reducing the spread of COVID-19, we are making some temporary changes to the steps we take in completing the registration process. Most contact throughout the process will be by telephone, email and/or video call. Any visit will be kept to a minimum and will follow the latest government guidelines, restrictions and safety advice. We will be in touch with more information for those of you who have an application in progress.

We will also look to progress more recent applications. We are unable to waive any of the regulatory requirements, but we will do our best to progress new applications as quickly as we can.

Notifications - children in children's homes and foster care

Ofsted's position remains that we cannot waive any regulatory or legislative requirements. That said, our position regarding COVID-19 is that we do not expect to be notified about children or carers who are self-isolating or who have been diagnosed. However, we do need to be notified about the hospitalisation of any children and/or carers in both foster care and children's homes. All other notification requirements continue to apply.

Contacting Ofsted

We are frequently asked under what circumstances providers should proactively contact Ofsted if they are doing something out of the ordinary or making decisions about practice that are in breach of the regulations during these exceptional times.

Providers do not need to notify Ofsted of anything that the regulations do not require them to tell us about. However, we do expect providers to risk assess and carefully record any steps they are taking in running their services.

Short break children's home changing to care for children not on short breaks

Where homes registered to provide short breaks want to amend their conditions of registration to instead provide care and accommodation for a specific number of children, they should apply for a variation and send an updated statement of purpose. Please note that if this variation request is due to the current crisis, then we will not charge a fee.

Personal protective equipment (PPE)

We have been contacted by a number of providers who are concerned that they are unable to access PPE. We have shared your concerns with DfE and can assure you that they are looking into this as a matter of urgency.

Deployment of staff

Some of you have asked if staff can be moved from one home or service to another. For example, where staff in a linked setting can move to another where there is a need for more staff. We have been asked if we can approve such arrangements.

It is not Ofsted's role to approve alternative staffing arrangements. Providers need to risk assess and record the steps they are taking to provide a safe service. We fully understand that services are having to make different arrangements during these difficult times.

Contact/family time

We have been asked about contact arrangements for children and their families, and whether face-to-face contact is allowed given the current circumstances. We understand that some parents and placing authorities are agreeing to this, but others aren't. We have been asked for our views on this, and whether LAs need to go back to court to change arrangements.

Arrangements will need to be flexible (e.g. use of Skype, phone calls) given the current restrictions to allow children to keep in touch with families. LAs should maintain the spirit of any contact arrangements or contact order, with careful risk assessment on a case by case basis. We expect agencies to work closely with placing authorities, to take account of the up-to-date guidance from Public Health England, and to keep children's health and safety at the centre of decision-making

Medical checks and repeat medical checks for foster carers

We recognise that medical checks are difficult to complete as GPs have to prioritise other matters. Some of you have asked what kind of medical assessment would be acceptable instead.

We have raised GP medicals with the DfE who are considering whether further guidance is needed. We expect providers to gather as much information as possible

for the assessment. Panels should be able to make recommendations based on the health information provided in carers' assessment reports. Serious health concerns should be assessed by a GP as soon as it is possible to do so.

Unannounced home visits to foster carers

We understand that there will need to be flexibility around unannounced visits to carers (e.g. using Skype, phone calls, documentary evidence) and a careful risk assessment of whether there should be a visit. This also applies to fostering service staff seeing children alone. We expect providers to assess and manage risk as best they can to keep children as safe as possible in the current circumstances.

Foster carer resignations

Statutory guidance says that once resignation has been received it takes effect after 28 days. We have been asked if agencies can retract a foster carer's resignation because there is a shortage of carers, as long as the foster carer was in agreement.

Ofsted does not have the power to disapply or waive legislation, regulation or statutory guidance. However, we fully recognise that we are in exceptional circumstances and this will require pragmatic decisions to be made in the best interests of children. Please carry out a careful risk assessment of any action you take and keep a clear record of the decisions that you make.