

## Ofsted's involvement with Sparks Fostering

### Description

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This guidance has been written by the Registered Manager of Sparks Fostering in preparation for the next visit from Ofsted (expected around or soon after June 2024).

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## Who is Ofsted?

Ofsted is the 'Office for Standards in Education, Children's Services and Skills'. Ofsted is a government department which checks that fostering providers (such as Sparks Fostering) are doing all the work that the law (regulation) states that we have to do. The particular focus for fostering providers is with the Fostering Regulations, the Fostering National Minimum Standards and with the Children Act 1989 volume 4.



If Ofsted decides that Sparks Fostering isn't doing everything (or enough) of what the regulations say that we have to do, Ofsted can give Sparks Fostering a poor rating on the inspection, or they can shut down Sparks Fostering. If Ofsted gives Sparks Fostering a low rating, it will mean that Sparks Fostering would be offered fewer children to match to carers and we would get fewer applications from fostering applicants, which would make it harder for the agency to thrive.

The Ofsted inspection reports for all fostering providers (nationally) can be found on the [Ofsted website](#) – it's also possible to sign up to the mailing list to receive notifications each time a new report is published. This is a good way for Sparks Fostering to get ideas about what we can do better, so foster carers and staff are encouraged to subscribe to the mailing list.

## **Being compliant with regulations**

'Being compliant' means that Sparks Fostering must make sure that we do everything that the fostering regulations tells us to do. It's a legal requirement that we follow everything that the regulations say we must do.

The way that Sparks Fostering makes sure that we're compliant with regulations is through our recordings. For example, the regulations state that a DBS (police) check must be completed for every member of the household who is over 18 years of age; the foster carer record has a section which asks specifically about these checks.

In fact, it's a great strength of Sparks Fostering that compliance with every regulatory requirement that is listed in the Fostering Regulations, the Fostering National Minimum Standards and in the Children Act 1989 volume 4 can be evidenced in Sparks Fostering records. Of course, the information is only useful so long as foster carers and staff make sure that every section of the records is completed accurately, and all sections are updated in a timely manner.

### **Preparation for Ofsted's visit**

So long as the Sparks Fostering records (Training Records; Staff Records; Foster Carer Records; Resident's Records; Resident's Journals; Panel Paperwork; and the Management Report) are up to date with quality and reliable information, we're always ready for a visit from Ofsted.

Sparks Fostering will be given two days' notice of an inspection visit. When notice is given, the Registered Manager will notify all staff and foster carers immediately. There will be a limited amount of time (around 6 hours) within which all updated records have to be uploaded to the shared database. Once all updated records are uploaded, the records will be shared with Ofsted inspectors.

It's expected that Ofsted will be able to evidence full compliance with all regulations on the basis of those records alone. When Ofsted visit, it's expected that that they'll verify the content of the records via interviews.

## **Preparation and performance in Ofsted interviews**

Ofsted inspectors will interview the Sparks Fostering Registered Manager, Responsible Individual, Agency Decision Maker and Panel Chair. They may also ask to speak to a sample of panel members, supervising social workers, foster carers, foster carers own children, residents, children's social workers and birth family.

If anyone wants to volunteer to speak with Ofsted inspectors, they should notify the Sparks Fostering registered manager. Everyone is entitled to have private time to speak with Ofsted inspectors both inside and outside of inspection time.

Ofsted inspectors will ask to speak with people alone; however, if anyone is nervous or worried about being interviewed alone, you can choose someone to join you in the interview (although the Ofsted Code of Conduct states that the support person cannot be a manager of the agency). Nobody should

be made to feel uncomfortable or stressed as a result of the inspection process; if anyone feels stress or discomfort, you should notify the registered manager, who will explain your rights and options to you.

Staff and foster carers are expected to know the content of the records that they are linked to. The Ofsted inspector is expected to ask staff and foster carers about the information contained within the records. You may review and refer to your records during interview and you can take your time answering questions. If you're not sure how to answer (or if the questions aren't linked to the information on the records), you don't need to answer the questions straight away – you can inform the Ofsted inspector that you'll answer the question after the interview, when you've had time to think about it (and/or discuss it with others).

It's advisable that all interviewees take notes of what was discussed in the interview (see Appendix at the bottom of this guidance). This would help to clear up any potential discrepancies between what Ofsted understood from the interview and what the interviewee intended to convey. Interviewees can decide how much of the recorded information they wish to share with the registered manager after their interview.

## **Appropriate management of complaints**

Sparks Fostering has a [Complaints and Allegations Policy](#), which every member of staff and every foster carer has read. Children should be made aware of the appropriate methods to complain via the [Children's Guide](#).

Foster carers and staff members who have raised concerns via the appropriate channels identified within these policies may raise their concerns with Ofsted or other bodies (as outlined in the Complaints Policy and Children's Guide). There's no need to wait for an inspection – contact can be made with Ofsted at any time that it's felt necessary.

All complaints (which aren't malicious) and suggestions for improvement are welcome and encouraged because they help the agency to improve. There will be no repercussions or unfair treatment for anyone who makes a complaint.



However, Sparks Fostering is unlikely to take a positive view of any complaints which are made directly to Ofsted without attempting to address the issues with Sparks Fostering; in fact, doing so can undermine the stability and success of Sparks Fostering. It also raises questions about the complainants understanding of the complaints policy and their commitment to contribute to the success of Sparks Fostering.

If staff or foster carers have any new complaints during the inspection process, it's expected that Sparks Fostering is given the opportunity to manage the complaint internally before the information is shared with Ofsted. As a minimum, the registered manager and/or responsible individual should be told about any critical comments after Ofsted has been informed so that the issue can be rectified as soon as possible.

## **Sparks Fostering's previous experiences with Ofsted**

The Ofsted registration visit for Sparks Fostering was in 2022. After the visit, Ofsted sent a 'notice of proposal to refuse registration'; this means that Ofsted said they planned to stop Sparks Fostering from opening. Ofsted gave 13 reasons in their notice, which are summarised here:

- The Responsible Individual has 'no experience of working for a fostering agency': Tay (the registered manager) replied that this is not a regulatory requirement and Tay also listed several other providers whose responsible individuals have no previous experience of working for a fostering agency.
- The responsible individual is 'unable to demonstrate sufficient knowledge of children's social care': Tay pointed out that the responsible individual was able to answer all questions in interview, and Tay asked for clarification about what specific knowledge (required in regulation) is lacking.
- The 'contracted hours of employment [of the responsible individual] are limited': Tay pointed out that the responsible individual can work as many hours as needed to complete the required work; there's no regulatory requirement addressing how many hours the responsible individual works; and that there's little work for the responsible individual to do while the agency has no foster carers.
- Ofsted alleged that the panel chair 'was not sufficiently experienced for the role': Tay responded that the proposed chair has considerable relevant experience as a long time panel member, foster carer, graduate and professional. Furthermore, it's not a regulatory requirement that panel chair has previous experience as a panel chair.
- 'You have not recruited sufficient or suitable members to your central list of panel members'. Tay replied that all members were ready for checks (and the list of applicants was shown to Ofsted at the registration visit), however, DBS checks cannot be completed until members are in post. Members cannot be in post until Ofsted registers the agency.
- The agency decision maker 'do not have experience relating to fostering that would enable them to scrutinise the recommendations presented to them'. Tay clarified that the regulations require the decision maker to have 3 years experience in children's social work; whereas the proposed decision maker had almost 6 years of post-qualification experience and was a children's social care manager.
- 'You have not demonstrated to Ofsted robust recruitment processes.' Tay signposted Ofsted to the Staff Records template, which demonstrates robust recruitment processes and was shared

during the visit from Ofsted inspectors.

- ‘Your proposals for the training of foster carers does not ensure that they will have the skills and knowledge required to care competently for the children’. During the registration visit, the Ofsted inspectors were highly opposed to foster carers and staff developing their skills by reading (or listening to) policies and for the learning to be discussed in supervision. Ofsted pushed hard for formal training, led by external trainers. Tay responded that reading and discussing new information is widely accepted to be an appropriate method of professional and skills development in the social work sector.
- ‘You have no expectations regarding minimal training requirements and no format for establishing personal development plans’. Tay signposted the inspectors to the Training Record, which was shared with inspectors during the inspection visit and outlines training requirements.
- ‘Your training plan does not identify the need for foster carers to complete specialist training prior to undertaking specific types of fostering, such as parent and child or remand care’. It was accepted that the training courses weren’t in place at the time of inspection; however, the relevant policies for Sparks Fostering clearly stated that foster carers couldn’t undertake those types of fostering until they had demonstrated appropriate knowledge and skills.
- Ofsted stated that ‘There are no other minimal expectations set out in your training plan that carers must meet prior to undertaking specialist and high-risk care’. This was a repetition of point 10.
- ‘The children’s guide submitted with your registration application is not in a format ready to give to children’. Tay had stated at the point of application that an updated children’s guide will be provided at the registration visit. The updated version, which has an animation and can be translated to 20 languages (and was shared with inspectors at the time of the registration visit) is sufficient and of higher standard than many other registered providers.
- Ofsted claimed that ‘You had been advertising Sparks Fostering as being a registered fostering agency for several months prior to submitting an application to register’. This was in relation to Sparks Fostering having a live website prior to registration. Tay pointed out that the Statement of Purpose on the website clarified that the agency isn’t yet registered with Ofsted. Also, data from the website proved that it hadn’t been promoted or viewed by the public. Tay also provided a list of registered providers who also had live websites before registration.

The themes that can be pulled out from Ofsted’s registration visit are as follows:

- Ofsted criticised Sparks Fostering on several occasions for issues that weren’t regulatory requirements. The Ofsted inspector was holding Sparks Fostering to ‘best practice’ or ‘ideal’ standards; however, Ofsted aren’t best practice social work consultants, they are regulators. The role of the regulator is to check that service providers comply with regulations: The Ofsted Code of Conduct states that inspectors will ‘evaluate provision in line with our frameworks, national standards or regulatory requirements’. Sparks Fostering is fully compliant with regulations, and this is evidenced via our detailed records.
- Some of the information presented by Ofsted was incorrect. Good communication and transparency is required for the registered manager to ensure that Ofsted does not misunderstand information given to them. All persons interviewed by Ofsted should keep records of what they were asked, and the comments made to Ofsted. The Ofsted Code of Conduct states that inspectors will ‘base all evaluations on clear and robust evidence’.
- Ofsted’s expectations aren’t applied consistently across different providers. This leaves some organisations open to discrimination and bias. This is in contradiction to the Ofsted Code of Conduct which states that inspectors will ‘report honestly and clearly, ensuring that judgements

are fair and reliable'. Sparks Fostering can counter this by remaining focused on regulatory requirements (i.e. the information which is stored on our Records).

The representations (response) provided by the registered manager were accepted wholly and unconditionally by Ofsted, who subsequently registered the agency in February 2023. However, it should be noted that the initial intention to refuse registration by Ofsted had a significant impact on the planning, expenses and timescales while setting up the agency.

The unfounded criticism, and the amount of work required to respond to Ofsted was also emotionally draining and distressing for all people involved.

## **Ruth Perry**

Ruth Perry is a headteacher who killed herself in January 2023 while waiting for an inspection report; Ruth had been a primary school head teacher for 13 years and had no relevant mental health history.

Ofsted has since apologised for the role it played in Ruth Perry's death and changes are planned in the education sector.

The inquest into her death stated that there's risk of further deaths 'unless action is taken'. The coroner said she was worried by 'the almost complete absence of Ofsted training' for inspectors looking for signs of distress. And there was also no 'clear path' to raise concerns during an inspection.





## **The Sparks Fostering experience**

The 2-day visit for registration was highly uncomfortable and stressful for both the registered manager and for the responsible individual; indeed, the formal notice of intention to refuse registration reflects the highly critical (yet unfounded) stance taken by the inspectors. Unfounded criticism during registration visit contravenes Ofsted's Code of Conduct, which states that inspectors will 'carry out their work with integrity, treating all they meet with courtesy, respect and sensitivity'. However, the visit didn't prepare us for the letter received and the tone of the language used within it.

Ofsted has stated following Ruth Perry's death that 'we would look at depersonalising language used in inspection reports, the public-facing record of the inspection, so that we refer by default to 'the school' rather than to individuals. We implemented this change in September 2023.'

A few examples of personalised language used in the Ofsted notice to Sparks Fostering are presented here:

*It is a concern that you felt that the original individual could fulfil this role competently.*

*It is of concern that you have identified them as suitable.*

*You have not demonstrated to Ofsted that you have sufficient knowledge of the regulations given the gaps found in your training plan.*

*This calls into question your integrity.*

*It is a concern that both the manager and responsible individual thought this was appropriate. This is further evidence that you lack knowledge and understanding of the regulations and expectations.*

*You have not demonstrated that you will be able to carry on or manage the fostering agency with sufficient care, competence and skill due to your lack of understanding and knowledge of the regulations given the concerns identified from the registration visit.*

It should be noted that Ofsted's Code of Conduct states that inspectors will 'maintain constructive professional dialogue with providers and inform them of judgements sensitively, but clearly'.

All of these comments should be read while keeping in mind that Sparks Fostering has been fully compliant with all regulations from the point of the registration visit and that the registered manager had previously managed a fostering agency successfully. Few fostering providers can claim to be in the same position, even after several years of operation. The comments made by Ofsted would have destroyed the confidence of many professionals, who would have withdrawn the application; however, the registered manager is confident about her knowledge of regulations and is a determined and strong minded individual, so she was able to successfully challenge the inspectors' comments.

## **Lessons to be learned for Sparks Fostering**

As directed in the Ofsted Code of Conduct, Sparks Fostering staff and foster carers (and connected people) will '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 at their provision. It means not withholding or concealing evidence, or providing false, misleading, inaccurate, or incomplete information'.

Ofsted inspectors are expected to be kind and gentle with staff, foster carers and residents/children. The Ofsted Code of Conduct also states that inspectors will 'establish and maintain appropriate professional and physical boundaries when talking to both children and adults'. Indeed, any shortcomings of staff or foster carers are the responsibility of the registered manager, so no staff or foster carers should feel that they are being criticised by Ofsted.

If any staff or foster carers feel uncomfortable in interview, they should ask to terminate the interview (or put it on hold) and they should ask to speak with the registered manager, who will ensure that all members of Sparks Fostering are spoken to with respect, care and sensitivity. A supporter can also be arranged to attend any further discussions with Ofsted inspectors.

If anyone feels that they may have been misunderstood by the Ofsted inspectors, they can submit a response in writing, or they can speak with the registered manager who can help them to put their views across in writing.

If Ofsted inspectors are pushing staff, foster carers or children to criticise Sparks Fostering, then the pressure should be resisted. As mentioned above, Sparks Fostering has a clear complaints policy. Interviewees who are pushed to criticise the agency may point out to Ofsted that the complaints policy is followed when needed, and to the best of our knowledge all regulatory requirements are met. Of course, if there are ongoing (or previous) discussions within the agency about any shortfalls, these can be shared with Ofsted.

Going forward, all Ofsted inspectors are expected to be mindful of the damage that can be done if they aren't sensitive and professional during inspections, so it's hoped that the inspectors who attend the first inspection visit for Sparks Fostering will remain focused on the agency's compliance with regulations and that the inspection will be completed professionally.

All members of Sparks Fostering work together for the best interests of all of the children in our care, we all look out for each other when we struggle, and we celebrate each other's successes. We all aim to complete our records accurately and in a timely manner and we know the content of the records that we're linked to, so we can be confident that we're meeting our regulatory requirements. We should be proud of our good work and everyone in the agency should be confident and relaxed when we're next visited by Ofsted.

If anyone has any questions or comments about this guidance, please contact Tay, the registered manager, at [info@SparksFostering.org](mailto:info@SparksFostering.org)

## Appendix: Record of interview with Ofsted

During the interview with Ofsted, you may wish to record your discussion on the following document. If the question/comment isn't linked to information stored on linked Records, Ofsted should explain which regulation their question is linked to.

**Question/comment by Ofsted**

**The regulation it's linked to**

**Date Created**

April 20, 2024

**Author**

user