

Children's homes quality standards partnership

Practice paper – Making Effective Arrangements for Regulation 44 Visits.

Outcomes

'Safeguarding residents is inseparable from the wider purposes of children's homes. Homes which meet the personal, social, health and educational needs of children are much more likely to be safe places for children than those that do not.'

Ensuring safeguarding and the quality of care are at the core of the Regulation 44 task.¹

Regulation 44 reports should be a reliable and regular source of external monitoring ensuring the home has the leadership, resources, skilled and supported staff to meet the needs of each child, and provide a safe, facilitating environment².

The response by a management should demonstrate openness to findings and a willingness to enter constructive dialogue that leads directly to SMART action planning with named responsibilities.

Background

The legislation does not prescribe or describe how to meet the requirements of the task, which is to 'form an opinion as to whether children accommodated at the children's home are effectively safeguarded, the conduct of the children's home promotes the wellbeing of the children accommodated there, and to inspect the premises, records and recording. The Independent Children's Homes Association (ICHA) has updated a good practice toolkit. This provides useful guidance for providers on how Registered Managers and Responsible Individuals can ensure their system is effective. This practice paper draws from this source and others.³

Audience

Registered Managers, Responsible Individuals, Regulation 44 visitors.

Legislation and Guidance

The Children's Homes Regulations 2015, Regulation 43 Appointment of independent visitor <http://www.legislation.gov.uk/ukxi/2015/541/regulation/43/made> and Independent person: visit and reports <http://www.legislation.gov.uk/ukxi/2015/541/regulation/44/made>

The Children's Homes and Looked After Children (Miscellaneous Amendments) (England) Regulations 2013 <http://www.legislation.gov.uk/ukxi/2013/3239/contents/made>

DfE Guide to the Children's Homes Regulations including the Quality Standards https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/410021/Guide_to_the_Children_s_Homes_Regulations_including_the_quality_standards.pdf

DfE Guidance - Children's homes regulations amendments 2014 - Advice for children's homes providers on new duties under amendments to regulations that came into effect in January and April 2014 (published July 2014) <https://www.gov.uk/government/publications/childrens-homes-regulations-amendments-2014>

Inspection judgement areas

Consideration of the quality of the Regulation 44 is included in the Quality of Care and Leadership and Management aspects. The reports forms one source of evidence for Ofsted when designing lines of enquiry, an inspector will want to see that the findings have been acted upon. The reports are one element of the triangulation of evidence supporting action planning along with internal monitoring by management (Regulation 45 Review of quality of care⁴), and Ofsted inspection.

The Regulation 44 Visitor

The person appointed must be able to evidence demonstrable independence and have the skills necessary to relate to children, assess all relevant information and form 'a rigorous and impartial assessment of the home's arrangements for safeguarding and promoting the welfare of the children in the home's care.' (Guide 15.5).

Independence is defined in the DfE Guidance as a person outside of the line management of the home, including involvement in the care planning or financial arrangements of the home, visit and report. They may be an employee or commissioned but must have 'a clear separation between those with a direct interest in a home performing well.' (2.12 Guidance). Homes should consult the legislation if using personnel with other tasks in the organisation i.e. Quality Assurance, IRO's, Councillors (2.14 Guidance). It may be good practice for councillors with Corporate Parenting responsibilities to fulfil this role and this will need to be carefully balanced with their ability to be appropriately independent.

Impartiality will be apparent by the content, evidenced critique and challenge made of the home and provider for the betterment of care and welfare of young people.

The DfE Guidance document is a useful source for homes when writing the job description for the Regulation 44 visitor, the task is defined as to 'critically examine and scrutinise' the way that the children's home is carried on or managed; and the quality of care that the children's home provides for children accommodated there (2.7 Guidance). Homes should take note of the heavy criticism of the quality of the previous Regulation 33 reports and the desire for them to be more than ensuring legislative standards, the aspiration is for them to give insight into how the home provides aspects crucial to the quality of care such as the 'secure base'⁵, sense of belonging and individualised care for each child.

The person appointed needs a firm understanding of Ofsted priorities for children's homes - high-quality care, good planning, a safe and protective environment, positive experiences and tangible progress for children and young people, that 'only good is good enough', and the Good' benchmark.

Person specification

The ICHA Regulation 44 document includes a Person Specification and can be taken to be sector-led expectations including: individuals should have had experience of managing or monitoring the quality of care in children's home, have a thorough working knowledge/ understanding of the legal framework, guidance and standards governing children's homes, be competent/ confident users of IT, have excellent communication skills including communication with children and young people.

What to do on the Regulation 44 visit

Core requirements which should be addressed at each visit⁶

Discussion with and/or observations of children and young people - Does this home make sense to young people? How important are relationships? If you do not meet with or observe children and young people explain the reasons and what arrangements will be made to ensure this happens next time. Give an overview of your understanding of the children's lived experience at the home based on other evidence from the visit.

Discussion with parents / relatives (as appropriate); staff and professionals (as appropriate) visiting the home

Quality of the Home Premises and Grounds - Where possible involve young people when looking around so they can tell you about how they feel about the home and staff. Does this environment meet the needs of this group of young people and the plans for them?

Complaints – Keep track of numbers. Dealt with appropriately and in accordance with legislation? Comment on the quality of communication, has the manner and method assisted relationships? Are outcomes reasonable and complainant(s) satisfied? Do they know about possible further steps? Does the home approach complaints as a learning opportunity?

Positive parenting, behaviour support and management – Is there effective encouragement of sustained positive behaviour? Are rewards and sanctions meaningful, fair and proportionate, and having a positive impact on children? Is there management oversight?

Records of physical intervention / restraint and safe handling – Recording should support completeness of understanding about an event. Physical intervention should be, usually, preceded by diversionary and de-escalating stages, be proportionate and appropriate safe handling and carried out using approved techniques. Do staff learn from management provided trend analysis?

Children missing from the home - Recording should support completeness of understanding about an event. Absences should have been reported in accordance with requirements. Is there analysis of underlying factors / explanations? How has the planning to keep individual children safe been adapted / improved? Do absences give rise to concern for wider safeguarding issues such as risk of exploitation and has the home taken action? Do you know possible signs of abuse and what to do? See <http://www.nspcc.org.uk/helpandadvice/whatchildabuse/>

Arrangements for children to enjoy and achieve - Consider and comment on the arrangements for each young person. Is every young person engaged in education

at school/training/college, or otherwise? What is being done to improve attendance and attainment? Does the home support leisure pursuits and activities for each young person?

Child case file check list

Confirm your scrutiny, outline positive comments, or concerns

1. Check a randomly selected Care Plan; Placement Plan; Pathway Plan (as applicable)

These should be up-to-date and based on an up to date assessment of need where the views, wishes and feelings of the child / young person have been taken into account by being consulted and contributing to reviews. They should set aspirational and achievable outcomes and time-scales.

2. Individual risk assessments and management plan

This should identify and address specific concerns and behaviours that staff and young person are taking action to change or manage.

3. Progress and planning

Is the young person making progress towards their planned aims and outcomes?

Overall

To encompass the life of the home a Regulation 44 visit could usefully include other 'thematic/permissive' components over a 6 monthly cycle addressing such important matters as food, mealtimes, contact, recreational activities, contact, joining and leaving, relationships, ambience, atmosphere, feelings, daily life and its effects, encouragement, hospitality.

After the Regulation 44 visit

On reading it the Registered Manager and Responsible Individual should raise and record on the form any issues there might be or comments they would like to make. This should be in a separate space designed for this purpose. There can be dialogue between home and visitor over evidence, accuracy or wording. Having agreed the contents as fair and accurate the report should be signed by Registered Manager and Responsible Individual. Registered Manager and Responsible Individuals should make clear what, if any, action, they will take based on the observations or recommendations.

The report should be sent to Ofsted and placing local authorities, and to the host local authority if requested. It should be shared at staff meetings and house meetings with young people.

The recommendations should be taken into the homes action planning, reviewed and reported on in Regulation 45 evaluation by the Registered Manager.

If the home is part of a large organisation, regular analysis of the Regulation 44 reports for themes and trends can support a strategic approach to improvement.

Research

To our knowledge there is no published direct research of the independent visitor role and reporting.

However, Regulation 44 visitors could be made aware by homes of the following research relevant to their role. Each evidences best practice in a specific way that will provides a positive foundation for the task of undertaking Regulation 44 visits. Specific questions at point of application could be designed by homes, followed up in discussion during interview.

What works in Residential Child Care

What Works in Residential Care: A review of research evidence and the practical implications. London: NCERCC ,National Children's Bureau Clough, R, Bullock, R and Ward, A (2006) http://www.ncb.org.uk/media/521176/whatworksinrccsummary_ncbhighlight.pdf

Quality of Care

Educating Difficult Adolescents. Effective Education for Children in Public Care or with Emotional and Behavioural Difficulties, Berridge, D., Dance, C., Beecham, J. & Field, S. (2008)

This includes sections on care and control, stability and continuity, safety, inter-professional working, family links, close relationship with at least one adult, ethnicity and culture, friendships, planning and aftercare.

Life in Children's Homes: A report by the Children's Rights Director

<http://webarchive.nationalarchives.gov.uk/20141124154759/http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Care/Children-s-rights/Life-in-children-s-homes>

Young people's views on what it is like living in a children's home – the best and worst things, the staff, the building, dangers and keeping safe, hobbies and health.

Useful Tools

The ICHA Regulation 44 good practice toolkit. Other individual consultancies have devised toolkits that can also be purchased.

Useful Organisations

The Regulation 44 Network aims to provide a self-supporting network, regional meetings, and annual conference.

Practice Issues

Homes should value Regulation 44 visitors as highly important and influential, amongst those who make a difference for young people. Their recommendations should track to the home's action planning.

Over a few visits, visitors become a known and approachable person, their presence and task less intrusive. Staff and young people need to know the Regulation 44 task involves closely observing practices, processes and outcomes, and that they may be asked to discuss 'home life.' Managers need to be positive, that the report will be for the benefit of all, balanced, fair, evidence-based, and analytical looking at strengths as well as areas of weakness.

Homes should direct a Regulation 44 visitor to report concerns in a matter of fact way and expect visitors to follow up the actions taken as a result. Homes should authorise the visitor to escalate any unmet recommendations through the organisation, and where necessary, report externally.

Experience tells us the length of visit can be a few hours, half a day or a full day depending on the size of the home, its statement of purpose, and the complexity and extent of any known issues which will need to be addressed / followed up. A visitor's first visit may take longer, getting to know the young people, staff, and the home. Writing a report may typically take half a day dependent on the format and content.

Any safeguarding concerns arising during a visit will be brought to the attention to the registered manager / provider immediately and each home should have procedures in place to facilitate the Regulation 44 Visitor's contact with the registered persons if they are not present at the time of the visit.

Top tips for the Regulation 44 Visitor

The Regulation 44 'eagle eye' and 'worms' eye' understanding of care, compliance with regulations, and continual development is a unique opportunity for a home not provided by any other person, role or task. Make connections, link observations in one area to another part of home life. Homes can get accustomed to doing things one way. Help them find better ways.

Prepare a picture and some brief information about yourself and your role. Include a sentence, inviting young people to talk to you when they see you. Homes should share this with young people and display where appropriate.

Keep objective and independent. Watch for becoming too comfortable, or the task being 'too easy'? Keep assessing if you are getting 'gathered' into the culture of the home? Consider not being involved every time. Maybe the home can arrange 11 out of 12 a year with you, with the 'extra' allowing 'a new pair of eyes?'

Be purposive. Be pragmatic. Be efficient. Be effective. Be aware that only doing what is written may not be meeting the spirit of regulations and guidance. Be a healthy sceptic – assume a stance of not knowing but willing to be shown. Have a 'restlessness' about your work.

Look after yourself – debriefing clarifies and acknowledges learning points. Your debriefer will be an empathic listener and confident in advising on safeguarding issues. Always do some Personal Action Planning noting down - what are the most important things I have learned during the visit? What I have learned to do next time? What further reading, training or experience is needed?

Fundamentally – Is this home meeting the needs of young people – why or why not?

References

- 1 Utting, W (1997) People Like Us: The report of the review of the safeguards for children living away from home. London: TSO.
- 2 H. Maslow (1943), A Theory of Human Motivation, Psychological Review, 50, 370-396. See <http://www.researchhistory.org/2012/06/16/maslows-hierarchy-of-needs/>
- 3 Details of the template and Network are available from admin@icha.org.uk
- 4 <http://www.legislation.gov.uk/ukxi/2015/541/regulation/45/made>
- 5 www.uea.ac.uk/asecurebase
- 6 Key sources of evidence are detailed in the ICHA toolkit.

The Children's Homes Quality Standards Partnership

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