

South West Regulation 44 Improvement Steering Group

Minutes - 7th June 2017

Attendees:

Ray Elphick – Independent Reg 44 visitor, Compass
Mark Frost - Independent Reg 44 visitor, Compass
Andy Cooke -NYAS
Marie Tucker - Independent Reg 44 visitor, CICADA
Nick Scribbins – Commissioning Officer Devon Council
Vicky Giles – Research in Practice
John Woodhouse – Managing Director Dialogue
Mary Ryan – Independent Reg 44 visitor (Action for Children)

Apologies

Emma McVinnie – Dame Hannah’s (representing South West Registered Managers network)

Understanding of current arrangements in South West

There are in the region of 160 registered children’s homes based in the South West. All of these are required to have a monthly regulatory visitor. There appears to be wide variety of arrangements including:

- Regulation 44 services procured from umbrella organisations such as NYAS and Action for Children
- Regulation 44 services procured from individual independent consultants working alone or with an informal network of similar colleagues
- Regulation services provided by an individual employed by the same organisation, but set in a separate department.

There was a general consensus that this mix of arrangements can be healthy as it allows both homes and regulatory visitors to choose the arrangement that best fits individual need, although it was noted that standards do vary and there is the potential for independence to be compromised.

Group views on Martin Narey’s recommendation

Recommendation 26: I recommend that the Department for Education discuss with Ofsted how arrangements for Regulation 44 visitors might be improved, including whether Ofsted should have the power to approve the appointment and/or require the replacement of such visitors.

While agreeing the need for there to be proper independence in the role and for reports to robustly address the issue of safeguarding and welfare of young people, the group also saw some problems with this suggestion:

- A concern that it may deter visitors from providing their views on an OFSTED judgment.
- It risks removing the independence and impartiality
- There is a risk of it leading to prescribed templates and approaches, thus impacting on some of the creative work that visitors are able to do.

The group proposed there should be a Code of Practice (COP) that is developed to govern regulatory visits. We agreed that this code should not only be applicable to regulatory visitors but a document that sets out the obligations for all participating parties, including the registered manager, commissioning authorities and to an extent OFSTED and provides greater clarity and accountability. Through our links with the South West Registered Managers and the south west commissioners we want to create an expectation for all to sign up to the code of practice and adhere to this.

We will also share the South West COP with national bodies so that consideration can be given to this informing / becoming a national tool.

There is limited guidance for independent visitors. Research in Practice brought some guidance from West Sussex which has basic procedures to follow.

Action: Vicky to post on Slack (virtual forum)

We agreed that the COP needs to build on this to include guidance on

- how regulatory visitors are recruited, the necessary experience and/or qualification, and comment on previous links between visitors and homes.
- How they should escalate their concerns if any recommendation is not actioned.
- That it should also contain guidance regarding the practical sharing of reports and how to avoid any risk of reports being amended, intentionally or otherwise without the regulatory visitors knowledge.
- An approved system/process of ratification and comment between the visitor and the manager/provider.
- How independent visitors are supported or supervised in role

Action: Marie to create a very loose draft and publish this on the slack group for comment (virtual forum)

What qualifies someone to undertake a regulatory visit?

This was a challenging question for us all as we acknowledged that formal qualifications did not necessarily mean that an individual would have the relevant skills, experience and knowledge to undertake the role. One organisation had mandatory qualifications for the role, others relied solely on experience.

It appears that regulatory visitors in the South West have a range of qualifications and backgrounds. Some are social work qualified or have the Level 5 diploma. Some have experience of working in/ managing homes. Some have experience of OFSTED inspections, of commissioning/monitoring these services and some are care experienced.

We agreed that despite the qualification or experience an individual has, there has to be some experience of the practical application of the regulations.

Experience and skills are key and there was a consensus that this could be more valuable than a social work qualification as not all social workers have experience of children's homes. We agreed that for a regulatory visitor to be able to challenge a registered manager, they need to have had experience of managing a home or closely supporting someone in that role.

It was also agreed that it is helpful if the regulatory visitor has a good network of colleagues in the sector with whom they are able to share knowledge and experience and gain advice and opinion on practice.

We discussed how children could be more involved with appointing regulation 44 visitors and ensure this was a positive experience and not reinforce that they are in care. We agreed that further discussion was needed on how we can include young peoples views in our network.

Effectiveness of regulation 44 reports. How are they being used by providers, OFSTED and commissioners?

We discussed the purpose of regulation 44 reports and the many different audiences. They should be seen as helpful tool for home managers to further improve practice. They enable responsible individuals to see an independent view on how the home is operating. Reports also inform staff teams, social workers and local authority commissioners.

It was acknowledged that it can be challenging to write a report that serves a wide audience and the main focus needs to be on writing a report that is meaningful for the registered manager.

There was a widespread view that OFSTED do value the reports and that inspectors will use the information within them to inform their visits and to follow key lines of enquiry.

There was also an understanding that where a visitor may identify that a local authority is failing in its duty, then OFSTED will use these reports to inform the local authority single inspection. There was however very little experience of OFSTED making direct contact with regulatory visitors (apart from visits coinciding with inspections) and a view that it would be beneficial to strengthen this relationship.

Action: Marie to identify link person in South West and invite to the network

Placing social workers use the reports in a variety of ways. Some know the regulatory function well and take note of the monthly findings. However, we are also finding that some social workers are unaware of the regulatory role and do not always get sight of the report. It appears that internal systems within local authorities need to be improved to ensure the relevant individuals are able to access these documents. There seems to be some disparity between who the report is sent to within the authority, some commissioning, some social workers, some neither. There is a need for local authorities to ensure there are robust clear internal systems for sharing these reports with the relevant people.

Commissioners want to use reports in a proactive way. However, at the moment the quality of reports varies widely with some described as “useless” and some described as “excellent”. The inconsistency makes it difficult for commissioners to use them as a tool for vetting and monitoring services.

It is hoped that, by developing this network and by encouraging ongoing discussion about what makes a good report and which pitfalls to avoid, we will drive up the quality of these documents so that they become a more meaningful tool for all parties.

What makes a report good / poor?

There was a view that too often managers are using reports as a quality assurance tool, believing that it is a further safety net to ensuring that critical checks are undertaken. For example they may report on whether health and safety checks have been completed. There was a view that the regulatory visitor should satisfy themselves that the home has its own robust internal quality assurance system and it be clear that the visitor is not responsible for undertaking the checks or be accountable for them.

There was a view that reports need to be as analytical as possible and that the ‘so what’? test should be used. It was also agreed that a good report would evidence time spent with children and portray their views about the service.

There was also a view that on occasion it can be helpful for visitors to engage in activities with children outside of the home, both to see how well they are supported in other environments, how well risk can be managed and to help build relationships with children which will help the visitor ensure the voice of the child is heard.

We agreed that good reports include an awareness of developments in the sector and considers how the home is applying these (for example, an awareness of Sir Martin Nareys report and response to recommendations).

We shared how important it was for the home manager to have an understanding of the regulatory role and how it should be viewed as supportive. That any challenge should be healthy and constructive and conveyed in a way that enables the manager to see how the service could be improved.

The understanding of the report process/recommendations for some managers is lacking and more training/better understanding potentially required with regards to looking at recommendations in a less 'tunnel visioned way'.

We discussed how challenging managers can be difficult but how it is important for managers and visitors to be able to discuss findings openly and honestly in order to maintain the long term integrity of these documents.

Action: Potential to discuss at a future South West Registered Managers meeting? Emma and John to consider.

It was acknowledged that reports may not always cover all the intended areas. All regulatory visitors present were able to describe occasions when they had arrived at a home planning to focus on a particular thematic area, only to discover that events in the home led the visitor to making the professional judgment to change the focus of the visit to that dictated by a recent / current issue.

Action – We agreed that the members of the steering group would actively seek views from Commissioners and Registered Managers, Responsible Individuals, OFSTED & Regulation 44 visitors regarding what makes a good report and that this feedback be captured as we develop the code of practice.

Training

This appears to be very varied across the region. Umbrella organisations have mechanisms in place to inform their visitors of training opportunities, but this is harder for visitors who do not work under this arrangement and it can be harder to be aware of training opportunities or to access training.

Research in Practice are looking at their training and are considering how to include the regulation 44 function in this.

John Woodhouse is liaising with AVICC regarding some training tools they are developing to see if these can be shared with the South West network.

*Action – John Woodhouse to explore possibility of running a Regulation 44 training in the southwest in October. All – contact John if you are interested
john@dialogueltd.co.uk*

We also identified that many regulatory visitors have areas of expertise and specialism and we could consider develop a training programme that allowed us to deliver and receive training on an exchange basis.

We agreed that training will be a focus of our next meeting

National Regulation 44 conference

Tuesday 19th September 2017 9.30 am to 4.30pm

Hosted by Association of Independent Visitors and Consultants to Childcare Services (AIVCCS Charity no. 1171129)

Speakers include- OFSTED and the DFE, confirmed

Venue Birmingham Voluntary Sector Centre 138 Digbeth Birmingham Road B5 6DR.

Cost Standard £65 - Members £50 Membership costs £15 valid until 31st March 2018

<https://www.linkedin.com/pulse/future-regulation-44-conference-elaine-pearson-scott>

(Closer to the time advise we liaise to see if we can car share / travel together.)

Administration

We recognised that the biggest risk to this network will likely be the lack of capacity for co-ordination and administration. It was acknowledged that some had given their time for free today. Marie explained that whilst she has been happy to put time and effort into instigating this meeting and is happy to contribute, she is not able to take on the entire role in a voluntary capacity. We agreed that we needed to use a virtual platform which will make administration more efficient (see details below). Steering group members will be asked to volunteer to share note taking duties and to help with administration.

Action: All to give thought to any funds we may be able to access to help administer and sustain the network.

Members are also asked to consider any rooms they have access to that can be used for these meetings. On this occasion room hire was sponsored by:

<http://www.cicadaservices.co.uk/>

<http://www.compassconsultancyservices.com/>

<https://dialogueltd.co.uk/>

Thanks to all!

Virtual Forum for South West Regulation 44 network

<https://swreg44.slack.com/>

The forum has been structured to allow discussions under key areas. There is a place for meetings where notes will be uploaded and details of upcoming meetings published. Please all register and use this forum as there will only be limited communication via email.

Please note that the forum is an inclusive one and therefore open to all.

If you struggle to register, please email marie.tucker@cicadaseervices.co.uk or call on 07816 942619

Next meeting

Wednesday 27th – 10am – 12pm / 1pm (The meeting will finish at 12 with an opportunity for lunch and networking at a nearby café afterwards)

Venue: Research in Practice, The Granary, Dartington Hall, Totnes TQ9 6EE.

Please indicate on slack if you plan to attend.

Post meeting notes:

I have sent a message to OFSTED, ICHA, DFE and AIVCCS informing them of our network and our meeting. I have informed them that we are developing a code of practice that we will share with them.

See information below sent out prior to the meeting:

Briefing for South West Reg 44 Network – June 2017

Extract from Narey report on Regulation 44 Visits:

The Children's Homes Regulations require homes to ensure that an independent visitor attends the children's home at least once each month: must be allowed to speak to children privately, and to inspect the home:

"The independent person must produce a report about a visit... 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."

I think independent visitors can provide genuine assurance about the care of children in homes. But, however conscientious and effective they might be, they lack visible independence because they are appointed by and are paid by the home they are responsible for visiting. I recommend that the Department for Education discuss with Ofsted how these arrangements might be improved, including the scope for requiring Ofsted to approve the appointment of Regulation 44 visitors or to require their replacement.

Recommendation 26: I recommend that the Department for Education discuss with Ofsted how arrangements for Regulation 44 visitors might be improved, including whether Ofsted should have the power to approve the appointment and/or require the replacement of such visitors.

DfE RESPONSE:

Sir Martin also recommended that the department discuss with Ofsted how arrangements for Regulation 44 visitors might be improved. Regulation 44 visitors are independent visitors who visit a children's home each month, and provide an additional check on quality. Sir Martin suggested that there might be scope to better link their work with Ofsted, and that we should explore whether Ofsted might have a role in approving and/or requiring the replacement of such visitors. We will discuss this with Ofsted.

NOTES FROM CHILDREN IN CARE APPG MEETING – APRIL 2017

A looked after child in residential care said that children should be able to decide on who Regulation 44 Visitors are and how they should be inspecting children's homes. Martin (Narey) agreed that children should be involved and said it is nonsense that they are appointed by private homes as this may make the reporting process more biased.

Helen (Humphreys OFSTED) said that Regulation 44 Visitor reports are sent to Ofsted's Chief Inspector every month and some reports are excellent while some are not useful. She said that their role enables them to speak to children if they need to. She said that Ofsted welcome conversations around the issue of appointing the visitors but they are resisting Ofsted having this responsibility.

DFE – The DFE have now identified a lead for Regulation 44 policy development. Are discussing after purdah how to take Martin Nareys recommendation forward. Interested in views from our meeting.

ICHA Research 2016 – Key findings from surveying a selection of regulation 44 reports

Overall the report found that homes are well managed and outcomes for children are good.

The majority of Managers are dedicated, conscientious and child focused. Staff working in homes are enthusiastic and dedicated to supporting young people to make progress.

The shortfalls identified were mainly related to leadership, administration and quality assurance systems. There were numerous examples where child care practice was of a high standard. However, it is apparent that homes do not always have arrangements in place to ensure robust recording and reporting and so are failing to provide the evidence of the good work they are doing.

It also became evident how much external factors impact on a home's ability to deliver a quality service. Homes are sometimes hindered by local authority contractual arrangements, risk-averse social workers and the failures of other parties to carry out their responsibilities, for example the lack of effective CAMHS or education provision. It identified a need for strong leadership with a greater confidence to challenge.

Marie Tucker

CICADA <https://twitter.com/CICADAServices>

[END](#)