

South West Regulation 44 Improvement Steering Group

Minutes – 31st October 2017

Attendees:

Marie Tucker - Independent Reg 44 visitor, CICADA
Vicky Giles – Research in Practice
Mary Ryan – Independent Reg 44 visitor (Action for Children)
Kevin Stych - Independent Reg 44 visitor
Tony Parker Jones – Service Manager Cornwall
Marie Dowell Independent Reg 44 visitor

Contributions by phone or email:

Ray Elphick – Independent Reg 44 visitor, Compass
John Woodhouse – Managing Director Dialogue
Mark Frost - Independent Reg 44 visitor, Compass
Kath Brown – Cornwall County Council

Apologies:

Andy Cooke –NYAS
Louise Arscott - Independent Reg 44 visitor
Mark Thomas, Independent Regulation 44
Paul Thomas - Independent Reg 44 visitor

1. Introductions & purpose of the network

Marie T gave a background to how the South West Network was formed and explained that the overall objective of the group was to support the improvement of the regulation 44 function in the South West. At the last meeting the group had the idea of developing a regional code of practice, but since this time there have been some national developments and Marie T has been liaising with AVICSS and the DfE on behalf of the network to feed into national developments.

Further detail about the background of the group are in previous notes: <https://drive.google.com/file/d/0B-KTWTiD4GppYmJkTzJqNOQ2RFU/view?usp=sharing>

Marie D shared that she had been to a recent AVICSS national event regarding the role of regulation 44 visitors. There were talks by OFSTED, DfE and other regulation 44 visitors about the role. There was widespread recognition that training regarding the regulation 44 function needs to be available to both independent visitors and for commissioners and providers.

The DfE shared a list of possible options with our group and are keen to hear opinions from the South West regarding these. **Not everyone held the same view and therefore it has not been possible to provide a unified viewpoint.** Nevertheless, we hope the feedback will be helpful to consider the direction of travel for aiding the necessary improvements.

2. Options to strengthen the Regulation 44 role

| | Option | What needs to be considered? Comments and views from participants from the South West Regulation 44 network |
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| a. | Set out the role and purpose of regulation 44, including: safeguarding elements and a vision for how visitors relate to young people and ensure their wellbeing is promoted by the homes they visit. | A need to confirm the primary audience for a reg 44 report. There was a view that due to the varied audience, there are different 'wants' from a regulation 44 report and subsequently a feeling that some expectations are too high. Different skills sets are needed to satisfy everyone's needs. Auditing and deep dives, analysis, scrutiny, engaging with YP, challenge etc. Most felt it needed to be a report primarily for the Registered Manager, but not everyone agreed. Some felt it is a report for the RI, others felt it is needed to for OFSTED whilst commissioners wanted reports to meet their monitoring needs. Some also felt that it should be written in an accessible format for young people. The key audience for the report and the purpose of reports needs to be made clear to inform other work. |

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| | | <p>All agreed the role needs to be seen as a supportive one. The objective of the role is to be a critical friend, to help bounce ideas around, to share good practice, to help homes flourish.</p> <p>The role mustn't become complacent and visitors should be open to challenge. It is also recommended that visitors move to new homes after a period of time. Views varied from 6 months to 3 years, but all agreed that the impact on children needed to be a key consideration when thinking about a change of visitor. One reason the SW network was formed was to help the exchanging of visitors so that visitors are not left without income stream and homes without a visitor. A need to explore how we can work better with homes to facilitate this.</p> <p>It needs to be acknowledged that not all young people will choose to interact with a visitor and some may take several months before they engage, if at all. This is not necessarily a reflection on the skills of the visitor, but should be respected as the child's choice. Seeking views of young people needs to be a positive experience for children.</p> <p>Where appropriate, the visitor should spend time with young people engaging in activities (in and out of the home) so there is a feel for what its like to live and work in the home. Reports should capture positive experiences of play and fun. We talked about the barrier to this often being due to the pressure visitors feel under to read a wide range of paperwork and write a substantial amount. We discussed the importance of not feeling guilty about failing to do this and the importance of observation and interaction with young people. There needs to be a balance of spending time with children and looking at paperwork. Reports need to be judged by quality & not by quantity!</p> <p>Reg 44 should show a journey and make reference to any progress or lack of that they see.</p> <p>It needs to be acknowledged that there are limitations to the role and visits will never capture everything. It's a window that can only ever give part of a picture.</p> <p>Visits should not be seen as substitutes for internal quality assurance arrangements. For example, it is not the responsibility of the visitor to undertake health and safety checks, but instead they may occasionally check that the Manager has appropriate monitoring arrangements in place.</p> |
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| | | <p>Key is that Reg 44 visitors ask WHY things are done a certain way. The 'so what' question needs to be asked when undertaking visits and presenting reports.</p> |
| b. | <p>Develop standards and guidance for visitors, providers and local authorities including: what is expected of each party, the importance of independence, required visitor skills/experience, how to generate good quality reports useful to Ofsted, use of reports by providers and local authorities, and advice around visits including visit length and collaborative working.</p> | <p>Agree a need to clarify expectation and obligations of all parties.</p> <p>All agreed that it is not necessary to have a social work qualification to undertake the role.</p> <p>Although some organisations do require a minimum qualification for visitors and felt this was important, others felt that formal qualifications do not necessarily mean that an individual will have the relevant skills, experience and knowledge to undertake the role.</p> <p>Despite the qualification or experience an individual has, all agreed there has to be some experience of the practical application of the regulations and experience of managing a home or closely supporting someone in that role.</p> <p>Care leavers who have experience of living in residential care have much to offer.</p> <p>Ideally visitor should have knowledge and experiences of various different homes and organisations providing services to children in care</p> <p>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.</p> <p>Re visit times, we felt there was a danger of this being output based rather than outcome based. There appears to be wide variation. Visits have been as short as two hours (one unannounced visit when staff and young person were getting ready to leave for a contact visit) to a 24 hour period when the visitor joined a camping trip.</p> |

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| | | <p>Consultation with visitors on their average visits:</p> <p>Travel (to home and back) – ranged from 30 minutes to 3 hours Paperwork scrutiny - between 3 and 7 hours Time with / observing YP - between 30 minutes and 24 hours Report writing (Between 1 and 3 hours)</p> <p>There was a consensus that it will be difficult to set an expectation, but most agreed that visit time (from arrival to leaving) should be between 5 – 7 hours on average and consistent of a balance of paperwork and time with children... that balance will be dependent on recent and current activity in the home.</p> <p>A need for LA's to have robust internal arrangements for ensuring relevant individuals are aware of regulation 44 reports and that they have the internal procedures in place to share reports as necessary.</p> <p>Any standards and guidance need to apply to all parties and not just visitors. There needs to be a key principle that staff working in homes will be open and transparent and not withhold any information.</p> <p>The purpose of regulation 44 and working with the visitor should be included in staff inductions. RM's need to be responsive and open to constructive criticism</p> <p>Guidance to include how / if Reg 44 V's should escalate their concerns if any recommendation is not actioned.</p> <p>Guidance is needed for unannounced visits when no-one is at home. All agreed that visitors shouldn't be out of pocket.</p> <p>Guidance to include some clear do's and don'ts. For example, not naming young people or their placing authority.</p> <p>Guidance for homes on enabling Reg 44 visitors to liaise with external parties and to ensure they are aware of the role. For safeguarding purposes these introductions need to be made by the home.</p> |
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| | | <p>Guidance needed on accessing supervision. Conflicting advice received from OFSTED and ICO, so practice varies. Some Managers, as data controllers, will share records, whilst others won't due to uncertainty over legal position.</p> <p>All agreed that services can be affected by the quality of partnership work with external parties. (Local Authority, Schools, Health services, police, families, etc) That practice and decision making by other parties can affect a service positively or negatively and that visitors should comment on this where they see it has an impact on a service.</p> <p>Reports also need to give views on leadership of the home and the support that Registered Managers receive.</p> <p>Most felt we wanted to see more evidence of RM's challenging other professionals when they disagreed with a direction / suggestion and they did not believe it to be in the child's best interests. That this needed to happen regardless of whether it came from a Reg 44 visitors, Ofsted, Social Workers, Commissioners or other professional.</p> <p>Sector needs strong managers who are prepared to challenge – and we need to see that welcomed. All of us had experience of Managers saying they did things a particular way because "OFSTED like it" or because 'The local authority says so'. They had sometimes continued with this practice even if they felt it was not in a child's best interests or if it effected the efficient running of the service.</p> |
| c. | Develop and approve a template for regulation 44 reports. | <p>All agreed that it would be helpful for there to be key topics which need to be included in a report, but that the actual format of a report needs to be agreed by the visitor and home commissioning their services.</p> <p>A 'suggested template' may be helpful for new visitors, but not to be compulsory. However, if this is created, then there needs to be a mechanism for reviewing and updating this periodically. Templates varied. The ICHA template is used by some, although this version has been tweaked by a number of visitors and/ or homes.</p> |

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| | | <p>There needs to be a recognition that on rare occasions a visitor may undertake a visit entirely outside of the home (i.e. spending a day with YP on a trip out) and so that on these occasions it will simply be impossible to make reference to any paperwork in the home. All agreed the freedom to do this is critical for visitors to convey a wider view of the service provided.</p> <p>Strong view that reports need to give an analytical narrative and not be a tick box exercise. Visitors should feel free to express views and opinions.</p> <p>We all shared experiences of visits often focusing on a key incident or issue in the home. That this could mean significant time in discussion which may only be portrayed in a few paragraphs. That the visitor then feels under pressure to rush through other paperwork and may then only have capacity to skim through this. Agreed visitors need to use professional judgment to focus on key priorities at the time and that its okay to leave areas incomplete.</p> <p>The reg 44 report should not replace the internal quality assurance system and systematic checks that should be undertaken by a Home Managers or other individual in the organisation. The regulation 44 report should compliment this and not duplicate the work. There was a consensus that there is a confusion around this and potentially much waste in reg 44 visitors duplicating QA work unnecessarily.</p> |
| d. | <p>Encourage regulation 44 visitors to join regional or national networks of excellence and support networks to assure visitor standards, provide training, share best practice and collect data.</p> | <p>Our network is informal and administered on a voluntary basis which places it at risk.</p> <p>Attendees appreciate the network but feel that it would be helpful if the department steered networks to communicate using one particular communication platform so that regional networks could link together.</p> <p>If there is an expectation that visitors join networks, then there needs to be funding for facilitation and administration of networks.</p> <p>DfE would need to inform everyone of where the national 'go to' place for people to find out about networks?</p> |

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| e. | Ofsted able to require the replacement of visitors where they have concerns visitors do not have the right skills or experience. | <p>Strongly felt this needs to be a recommendation and not a requirement. Responsibility needs to remain the provider who is commissioning the service.</p> <p>A view that skills, qualifications and experience ranges across OFSTED inspectors and visitors. Some visitors are more qualified than inspectors and vice versa.</p> <p>If recommendation is made to replace a visitor, it needs to be tangible and be clear on the reasons and not just an opinion.</p> <p>Difficulties may arise where there are differences of opinion between reg 44 visitor and OFSTED.</p> <p>Will need to be a mechanism for the provider and / or reg 44 visitor to challenge this / seek a second opinion.</p> <p>A view that OFSTED and visitors need to improve links, i.e invites to regional events, including each other in communication, hold six monthly meetings etc.</p> |
| f. | Ofsted approve regulation 44 networks to ensure members have the right skills and experience. | <p>Some agreed, but said networks will need to be properly funded to facilitate this with good national communication arrangements in place.</p> <p>Others disagreed and said this should be determined by the home commissioning the regulation 44 visitor as they may require visitors with specific skills and knowledge.</p> <p>All agreed there would be a risk of losing independence</p> |
| g. | Ofsted to approve all regulation 44 visitors to ensure they have the right skills and experience. | <p>Difficulties may arise if the reg 44 visitor has expressed a view that an OFSTED judgement has not been correct.</p> <p>Others felt that this question can only be tackled if there is ever agreement on the appropriate skills and experience for the role!</p> |

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| | | <p>Some commented that if such an approval is in place, there needs to be an acknowledgement that it could impact on the fees charged by visitors.</p> <p>Overall there was a view that it would not be appropriate for OFSTED to undertake this. It risks the independence of the role which is critical to maintain.</p> |
| h. | <p>Set up a new professional representative body to approve and register regulation 44 visitors which would allocate visitors to homes centrally</p> | <p>A need to consider cost of administering this.</p> <p>How would this impact on the fees charged for visits? Any requirements risks visitors increasing their fees to cover costs.</p> <p>How often would visitor's suitability need to be reviewed?</p> <p>What would the obligations of the body be? Would this include providing supervision, support and training and if so would this be mandatory and how would it be funded? (including cost of visitor time)</p> <p>Complexity of matching visitors to homes needs to be acknowledged. For example visitors with BSL or other knowledge of a specialist service, travelling distances etc.</p> <p>Would visitors be allocated for a maximum period? Would need to take YP need into consideration in some circumstances, as could be detrimental to change a visitor at certain times.</p> <p>Visitors MUST retain independence – there has to be restrictions on what any representative body can direct.</p> <p>Must be limited in control it has. Relationship must still be through the visitor and home, not through a middle man.</p> <p>General consensus was that this is a bad idea. Can't see how this would enable anything – it would create barriers</p> |

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| | | <p>Agreed it may be useful to have some sort of national body to register, get updates, commit to a code of practice. But anything more complex brings dangers.</p> |
| i. | Accreditation of regulation 44 visitors. | Dependent on points raised above |
| j | Sample evaluation of reports over one month from 100 providers | <p>Could be an interesting exercise. But would need to consider...</p> <p>What is the objective of this work? Who has the skills to undertake it? It will need to look at different regions and different provisions. Different sized homes and different commissioning arrangements. It would need to consider reports from visitors with different qualifications and experience. Who would judge effectiveness? This could only be ascertained by consulting with the different audiences for the report as different people may have found it helpful / unhelpful.</p> <p>How will results be shared?</p> <p>It may be more effective and efficient to complete a consultation with RMs, RI's, commissioners, Social workers, OFSTED and YP on their views on the effectiveness of Reg 44, what works and what doesn't and share this.</p> |

Anyone wishing to make additional comments re the above should email Claire.STEEKSMA@education.gov.uk

3. Training

General consensus that accessing training can be difficult and expensive. However, all agreed that there is a need for visitors to show that they invest in their personal development. This can be through:

- Attending training courses
- Online education
- Networking and attending events relevant to social care sector
- Undertaking other work relevant to child in care

There was a view that it would be good to attend a training event focused on regulation 44 and we recognised that this would be as much about sharing information as it would be about receiving it. Between us we have all the skills and knowledge, we just need a mechanism to exchange them! John from Dialogue has offered to facilitate a days training but needs a minimum of 8 people. Cost will be £79.

Please contact John before end of November if interested john@dialogueltd.co.uk

Research in Practice training and events are open to visitor's <https://www.rip.org.uk/events-and-online-learning/>

John to raise training at RM network and importance of organisations offering free training to visitors to attend in their own time.

Marie T to write to SW ADCS for advice on accessing safeguarding training DONE

4. Ofsted – consultation for fee increases and frequency of inspection https://consult.education.gov.uk/children-in-care/childrens-social-care-fees-and-inspections/supporting_documents/Fees%20and%20frequency%20of%20inspection%20regulations.pdf

5. Medication – We discussed the policy of homes having a two person signature and Marie T said she thought this was dangerous and did not safeguard children. Marie shared her reasons for this and we agreed this type of reflective discussion and debate was really helpful to challenge our thinking. On this issue practice and opinion seems to vary widely. Marie agreed to share her views on the risks she had identified so that people can be more aware of these and consider whether or not any protocols need to be changed.

<http://www.cicadaservices.co.uk/wp-content/uploads/2013/10/Administering-medication-in-children%E2%80%99s-homes1.pdf>

6. A consultancy company has written to the sector claiming they 'own the national register of independent Regulation 44 Visitors' Please be assured that no such register exists. This is a marketing strategy for you to join their service so don't feel you are required to join it. If there is a national register we will share that news through our SW Reg 44 network.

7. Regional Residential Managers Network is coming up in November. Agenda is full but John will ask about adding the reg 44 function to the next meetings agenda.

We felt that it would be really helpful if the online forum was inclusive and accessible to everyone working in Children's homes.

John to ask the SW Residential Managers how they would feel about renaming their yammer network as the South West Children's Home Network and opening it up to IV's and commissioners. All respect that there may be a wish to keep it separate and if this is the case we will likely continue to use our yammer group and make managers aware they can join us. Just want to see what the views are about a shared one!

8. Keeping informed of information.

Some visitors are finding it hard to keep informed of what is happening in the sector.

Advice:

- Join twitter – Our hashtag will be #SWREG44
- Subscribe to CYP Now
- If your homes are members of ICHA, ask them to share relevant information and newsletters
- <https://www.gov.uk/topic/schools-colleges-childrens-services/looked-after-children/latest>

Agreed we need to network and campaign for better access to information.

9. Next meeting

Date: 8th Feb 10am – 12.00

Venue: All to make suggestions of free or cheap venues (As no funding available, contributions may be required)

Attendees: open to all visitors operating in the South West. Marie has written to homes asking them to inform visitors about the network.

RI / RM representation – John and Emma to ensure representation from this network

OFSTED – Marie to invite OFSTED to next meeting.

Minutes by Marie Tucker

End.