



Visits to Children's homes, provision and use of reports under Regulation 44

South West Voluntary Code of Good Practice September 2018

Introduction

Under regulation 44 of the Children's Homes Regulation 2015, children's homes are required to ensure that an independent person visits the home and produces a report giving their opinion on whether children are effectively safeguarded and how well the conduct of the home promotes children's well-being.

<http://www.legislation.gov.uk/ukxi/2015/541/regulation/44/made>

The Regulation 44 role should be an encouraging and supportive one. It is the visitors role to provide honest and sometimes candid feedback about a service. Providers should welcome critical thinking and see this as an opportunity to make improvements.

Visitors should show a journey and make reference to any progress, or lack of that they see. There are limitations to the role and visits will never capture everything. Visitors provide a window into a service and can only ever give part of a picture.

The South West Regulation 44 network, the South West Responsible Individuals network and the South West Registered Managers network all aspire for the South West to be a region of excellence for Regulation 44 practice. This co-designed protocol should be referred to by all parties and used as an aid to enable effective visits and high quality reports.

Qualifications and Experience

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. 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 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 the role.

It is the responsibility of the Responsible Individual to ensure that the visitor is suitably qualified to undertake visits and to ensure that the necessary checks and references are undertaken.

Undertaking visits

Visits will take place each calendar month. In the event that a visit is not possible (for example, sickness or snowfall), the visitor will liaise immediately with the Registered Manager so that a late visit can take place within 5 days of the following month or so that a temporary replacement visitor can be arranged.

For practical purposes, visits will normally be announced, and times of day will vary, depending when the children and young people are likely to be present.

Visitors will conduct unannounced visits at least twice a year.

With regards to time spent on visits and reports, research on visitor activity in 2017 showed the following:

- Travel (to home and back) – ranged from 30 minutes to 3 hours
- Paperwork scrutiny - between 3 and 7 hours
- Time with / observing children - between 30 minutes and 24 hours
- Report writing (Between 1 and 3 hours)

It will be for the visitor and Registered Manager to agree the appropriate length of time necessary to ensure an effective visit and to complete a report that provides an opinion on whether children are effectively safeguarded and their well-being is promoted.

Where records are electronically kept, providers will ensure that this information is readily accessible to visitors.

Visitors and Registered Managers should liaise beforehand regarding the best way to introduce the visitor to children in the home.

The Registered Manager will promote and provide opportunity for the visitor to communicate with staff and young people in private. However, 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

Visitors should ask why things are done a certain way. The 'so what?' question needs to be asked when undertaking visits and presenting reports. A key part of the role is to encourage and champion critical thinking.

Visitors will not access confidential staff supervision records unless the permission of the staff member has been obtained.

Content of Reports

OFSTED will be the target audience for Regulation 44 reports unless otherwise agreed between the Responsible Individual and Registered Manager.

It will be the responsibility of the provider and visitor to agree a template for the report.

There are a variety of templates currently being used across the region. A survey on the effectiveness of these concluded that the content, rather than format of the report is important. The format of a report may vary depending on the type of visit that takes place. Be mindful of the following:

- Visitors may occasionally undertake activity based visits outside of the home. It may not be possible to look at particular paperwork on all occasions. Sometimes a more narrative report may be appropriate to convey how well children are supported outside of the home.
- The Regulation 44 report should not replace the homes internal quality assurance system. For example, it is not the responsibility of the visitor to check that mandatory health and safety checks are undertaken. Instead, visitors should satisfy themselves that the Manager has robust systems in place to run the home effectively and safely.

Reports should convey how well the home meets the Quality Standards.

Reports should not include the names of young people in reports or name specific local authorities.

Reports should provide an analytical narrative and not be a tick box exercise.

Visitors can express views and opinions, but should ensure that this can be backed by evidence and / or observation.

Visitors may focus on a key incident or issue in the home. This could mean significant time in discussion, which may only be portrayed in a few paragraphs. It is important that all parties recognise that the quality of a report is not defined by its length. Reports should provide an accurate picture of the home and enable reflective practice and continuous improvement.

Completing, sharing and using reports

The visitor should send a draft copy of the report to the Home Manager and Responsible individual asking for their comments. This provides the Manager with the opportunity to fact check information.

The Registered Manager should provide healthy challenge if they disagree with the draft report and believe a recommendation could have an impact that may not to be in the best interests of children. Visitors will consider feedback and will make appropriate and reasonable adjustments to reports.

Once feedback and comments have been received, the visitor will provide OFSTED with a PDF of the report. This will be provided before the last day of the month following that during which the visit took place. The visitor will send a copy of this to the Registered Manager and Responsible Individual. It will be the Registered Managers responsibility to ensure copies of the final report are sent to placing authorities.

Local Authorities in the South West should ensure that there are effective internal arrangements that allow reports to be accessed by social work teams and by those responsible for commissioning and/or monitoring the service.

Termination of the Regulation 44 visitor

There will be differing views regarding how long a visitor should remain visiting a home. The benefit of a long-term visitor is that they are able to see the progress that children make. For some children, a regulatory visitor may be the longest relationship they have with an external professional outside of the home. There are, however, some benefits to changing visitors. It provides a fresh pair of eyes and can bring in new knowledge, skills and experience.

The decision regarding when and if to change visitors should be made between the Responsible Individual and the visitor. In making this decision, parties should consider how children may be affected. The impact of a change of visitor on children needs to be a primary consideration.

Where a provider considers that a visitor does not have the relevant skills, knowledge or experience, the visitor should be provided with honest feedback and constructive criticism. Just as homes are expected to accept critical challenge, visitors must also be open to receiving feedback and to use this to improve their work.

If visitors believe that their contracts have been terminated for inappropriate reason (for example, if the visitor has exposed a number of shortfalls) visitors should notify OFSTED and placing authorities of any concerns they may have about the provider. Whistleblowing should be seen as important to ensure children are safeguarded and as a means of improving the quality of residential child care.

Contractual Agreements

It will remain the responsibility of the provider and regulatory services to agree their own contract terms and conditions.

To enable some standardisation across the region and as a way of comparing how well regulation 44 services offer value for money, the fee charged each month will be inclusive of travel time, visit time, consultation with others and report writing.

It can be helpful for both provider and visitor to have an understanding of the terms for unannounced visits where no staff or young people are at the home. What, if any, costs can be recovered?

Both parties should aim to give at least one months notice before terminating the contract so that this enables adequate time for the provider to arrange a new visitor and for visitors to manage any impact on revenue.

The visitor should be made aware of what process to follow if a Registered Manager does not take forward any recommendations. To whom should this be reported in the organisation and how?

To help develop the South West as a region of excellence, providers and visitors should share information on training and networking opportunities. Providers are encouraged to offer free places to visitors on training courses who will attend these on a voluntary basis unless otherwise agreed.

Review Terms

This voluntary good practice guide will be reviewed as a standing agenda item at South West R44 network meetings. In the interim, any request to make changes to this guide should be sent to Marie.Tucker@cicadaservices.co.uk

This guide will be reviewed no later than 31st January 2019.

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