



Independent Persons & residential children's homes survey response

Research on the impact of Regulation 44 Independent Persons (IPs) was commissioned by the Independent Person's Network following a suggestion by the Care Review that the function should be amalgamated into a visiting advocacy role for children's homes. IPs are charged with reporting on the safeguarding and welfare of young people in children's homes. The Care Review felt in their conversations with young people that there was no evidence to show they made young people's lives happier or safer.

The IP Network reached out to the Department of Education, Ofsted, the Children's Homes Association, IP representatives, the University of Sussex and others to create an Independent Advisory Board to ensure it created an impartial piece of research. A survey was devised for IPs, registered managers (RMs), responsible individuals (RIs), commissioners, social workers, independent reviewing officers and young people to explore the nature and impact of the role. Ofsted arranged three focus groups for 138 inspectors to contribute their views to a separate process. There were 1,234 distinct responses to the survey creating a valuable and robust data source open to statistical analysis above and beyond descriptors. The Board is grateful to everyone who participated.

Significant impact, but much variability

The study found IPs have a significant impact on safeguarding, welfare, staff, managers, commissioners and inspection. Ofsted found the IP

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performs “different functions to advocacy and [is] an important part of the safeguarding system for children living away from home”. However, both Ofsted and the study found much variability in the approach. Ofsted comment, “The effectiveness of the arrangements are dependent on the skills, knowledge and experience of the individual IP but there is nothing in the regulations that sets this out. Similarly, there is no national government endorsed accreditation scheme or similar regulatory arrangement to further assure quality”.

Visiting time...

One example of the impact of the lack of guidance is illustrated in the time taken on visits, commonly taking anything from one to three full days. Some of this will be accounted for in the complexity of homes, but variability was widely reported in the survey.

There was a significant underestimating of the amount of time IPs spend on their work. RMs, RIs and IPs were asked to estimate the time taken to undertake the various aspects of their visits. Excluding time for annual leave, sickness, training, supervision and similar, but including travel, the visit, report writing and follow up calls took an average 10.5 hours per home in the view of the managers, while the IPs reported 40% more time taken at 14.7 hours. This creates disparity in expectation around what should be completed or achieved within a report, as well as IPs being treated unreasonably in some cases:

“_____ pay me for 6 hours to undertake the Reg 44 role, that includes all of the above tasks. In my view it is impossible to undertake this role in the 6 hours. It normally takes me 3 days to do a complete and full job.”

Independent Person

Focus of the independent person

The focus of visits is also of interest, with discussions with the manager, reading records and writing the report taking the most time. Speaking to

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young people, staff, other professionals and looking at the home environment are smaller elements. We suggest the role of the IP has developed an organisational safety focus, rather than being about a relationship with individual young people. IPs spend only 10% of their time with young people – an hour to an hour and a half each month. This perhaps explains the findings of the Independent Care Review: young people when spoken to were not aware of the work undertaken by the Independent Person and how it influenced their lives.

This warrants further exploration, but with a cautionary note that even if they spent half the time with young people this would still only be one day a month. Young people and other respondents comment on the constraints the limited time places on relationship building, and that young people prefer to turn to others within their closer circles with whom they have a more intensive relationship. It was not thought desirable to increase the frequency of visits: 80% of respondents thought the frequency was 'just right', minimising the interference in the home while keeping abreast of the sometimes fast paced changes in children's homes.

"A lot can happen in a month and the girls really benefit from seeing our Reg 44 visitor"

Other staff in children's homes

Talking to the Independent Person

Even so, around half of young people said they would talk to their IP I'd worried about something and there were plenty of examples (12,500 words of them) in the responses on what young people talk to their IPs about. 73% of respondents felt homes were safer as a result of the activity of IPs, including 26 clear examples of child protection activity instigated by the IP:

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"I have reported to Ofsted about a home that I didn't think was safe for young people. Ofsted inspected the following week and the home was closed"

Independent Person

Ofsted themselves see IPs as "a valuable part of the safeguarding system as someone external that visits the home. They can provide an important role not just alerting Ofsted of concerns but other agencies as well, such as social workers. For children who have limited access to others or members of the community, for example if they are disabled, or do not attend school, or only attend school on site with internal staff, the IP can be that one person who they can talk to who is not part of the staff team... Too many IPs make announced visits and/or visit during the school day. If this is regular practice for a home or group of homes, it raises concerns about the independence of the IP and their commitment to speaking to children."

Independence

There was broad agreement that there was some independence in role, although almost half respondents had at least some hesitation in rating the independent person as very independent. Young people in particular were not assured of independence, with about two thirds not knowing or having reservations. There are wider comments about the name of the role - we have used the term Independent Person in this article, but they are variously referred to in the responses as 'the Reg44', 'Independent Visitor' and 'Christine'. There should be thought given alongside young people to the language used.

Training and support

There is also work to do on providing support as well as guidance to IPs. Almost half the registered managers and RIs did not know about the IP's training and only 30 of the 124 IPs (24%) who responded to this question felt they had sufficient training. This is of particular concern given the

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role is there to assess safeguarding and welfare of young people. Frequent positive mention was made of the [Independent Person Network training](#), although this has only been available over the last two years.

“Most reg 44 inspectors I have been involved with over the years not only have suitable training but they also come with vast experiences of working in residential or similar environments at various levels for various amounts of time. I think this helps as they have an understanding”

Registered Manager

Many participants fed back that in the absence of a framework or guidance there is no expectation of training and no training available. Some were concerned that their Independent Person also lacked the skills, knowledge or experience to undertake the role or provide them sufficient challenge or support. There was particular criticism of Independent People who did not have residential care experience and services for children with disabilities often felt poorly served with the visitor lacking specific understanding of this sector.

Learning ‘on the job’ was frequently referenced as the alternative, but managers found inconsistent advice often from someone without their depth of qualification and experience. Several felt Independent People should have training to at least the same standard as managers or inspectors. Some spoke of the need for standardisation, registration, or accreditation.

Impact on the home itself

Broadly there is agreement that Independent People make a positive difference to staff and managers – 60% of respondents rated the impact 4 or 5. Where there were low scores respondents were able to give specific examples of poor quality visits and reports. There were several comments about a lack of consistency, especially where there is a turnover of independent persons, and a request for national Ofsted

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approved report templates. The following blocks were identified to good practice:

- A lack of relationship or not seeing the young people
- Lack of knowledge of running a children's home
- A focus on paperwork, systems and structures rather than the progress young people have made
- The independent person being too influenced by the manager
- The quality of the independent person's work
- Visits being intrusive for young people

More respondents saw value in the approach:

- Being an independent fresh pair of eyes
- Picking up things that are missed
- Providing checks and balances to the manager's work
- Having the young people's interests at heart
- Reflective discussions
- Ensuring high standards
- Offering support & guidance
- Challenging managers, commissioners and the regulator
- Ensuring regulations and quality standards are met

"Reflective discussions with staff and managers enable improvements to be made. This doesn't just relate to meeting regulations, its also the sharing of theories, analysis of patterns of behaviours and shared knowledge from practice from other homes."

Responsible Individual

"It really is down to the experience and knowledge of the Reg44 visitor and how receptive the management of a home is. There needs to be a benchmark of who can be a Reg44 visitor - in respect of experience and knowledge both in terms of care practice and management."

Independent Person

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The style and approach of the Independent Person received many comments. Some prefer a “mini-Ofsted” approach, but most looked for something more reflective and engaging:

“Managers are in an isolated role. Having someone who is honest, experienced and willing to help can seriously help drive progress. Managers do not benefit so much from Reg44s who have a more inspectorial approach”

Independent Person

The role of the IP was regularly cited as an external “extra pair of eyes”, “keeping us on our toes” and reducing drift. They were seen generally as effective in keeping a focus on the quality of the buildings, although there were a number of concerns raised that Independent People do not spend enough time in the home, look around properly, or make uncensored and subjective recommendations about decor. Where effective, especially with the structure of a monthly report with follow-up to previous actions, independent people were seen by many as instigating improvements in the home environment through their recommendations:

“Sometimes the owners might not want to invest in the building but if Reg 44 mentions it in their report then we know that repairs or upgrading of the home will happen.”

Other manager in children’s homes

The reports

There were several comments about a lack of consistency, especially where there is a turnover of independent persons, and a request for national Ofsted approved report templates. While many felt the reports were too long, others commented they had insufficient detail. This may reflect a variance in practice.

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Many found the reports fair and balanced with positive commentary alongside criticism and suggestions for improvement.

"It ensures I am on top of the expectations on us against the regulations. It ensures we are doing all we say we do, it makes recommendations to support growth and improvement. I feel it is a helpful process"

Registered Manager

"When you have a good quality visitor, this is incredibly useful. The issue is that these are really hard to come by, and when reports aren't of a good quality this leads to more work overall, with very limited benefit"

Responsible Individual

"Too many reports fail to identify or report on concerns that are subsequently identified on inspection. This raises questions about either the suitability or skills of the IP or their ability to report honestly on their findings."

Ofsted

Impact on inspection and commissioning

Reports from the Independent Person were generally seen as impactful on inspection. Most saw Regulation 44 reports as influential in forming key lines of enquiry for inspection, but that Ofsted use the reports as one source of information about a home. Where serious concerns are raised Regulation 44 reports can trigger inspection and may keep inspectors up to date between inspections.

"All reports are read by an inspector and a summary of the findings are recorded. Inspectors use this information to schedule inspections, be alerted to safeguarding concerns and monitor the completion of recommendations made by the IP in

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the previous visit. Good quality reports add value to our work and provide a 'window' into the management of the home and children's views and activities. Where reports raise concerns, inspectors will either contact the provider for more information or re-schedule an inspection to an earlier date.

Ofsted has few tools to hold IPs to account as our regulatory relationship is only with the provider, not the IP... Some reports are not received into Ofsted within given timescales. When an IP raises concerns, this means that those concerns are not known to Ofsted quickly enough meaning that the problems or concerns have been in place for too long and children may be at risk for too long, before Ofsted can take appropriate action"

Ofsted

There was comment that the reports do not seem to be used by local authorities. In follow-up discussions with commissioners it was found reports are sent variously to commissioners, social workers or to a central inbox. Local authorities were not clear who should read the reports and take action unless a concern was highlighted by the Independent Person.

Conclusions

There is much to think about from the research and the potential to explore the data further around the function of Independent Persons in residential child care.

It is **recommended** the Department for Education review the recommendation of the Independent Care Review in the light of the value placed on this role by respondents. The role of the independent person is an important safeguard in the lives of young people in children's homes and does impact on the quality of care they receive. The Independent Person's Network have also highlighted the conflicts in

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forming an independent judgement about the quality of a home and the national advocacy standards.

We also **recommend** the development of a national practice guide to reduce the variability of the current services, building on the regulations and limited guidance already available. This should include guidance on the recruitment and selection of an Independent Person. The Independent Person's Network is considering a registration scheme or kitemarking approach to give greater assurance to providers.

Central to this, is work to clearly define the purpose of the role and its expected relationship with young people.