

# Inspection Top Tips

Access to Communications

August 2025



# Children's Homes Regulations

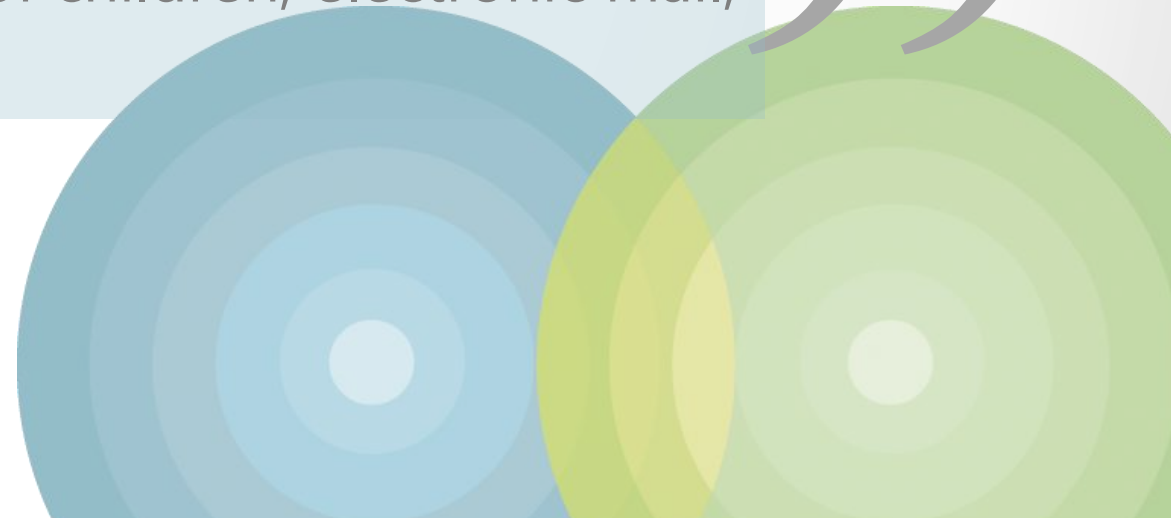


Subject to paragraph (5), the registered person must ensure that children are provided at all reasonable times with access to the following facilities which they may use without reference to persons working in the home -

- (a) a telephone on which to make and receive telephone calls in private; and
- (b) facilities to send and receive post and, if the necessary facilities are provided for the use of children, electronic mail, in private.



**Regulation 22 (3)**



# Children's Homes Guide

**11.17** Children's homes have a duty to provide access to a telephone that children can use privately (regulation 22(3)(a)). This can include the provision of a mobile phone where appropriate and safe for the child, as long as an alternative is in place for the child to make telephone calls in private if their personal mobile phone is lost, out of credit or broken.

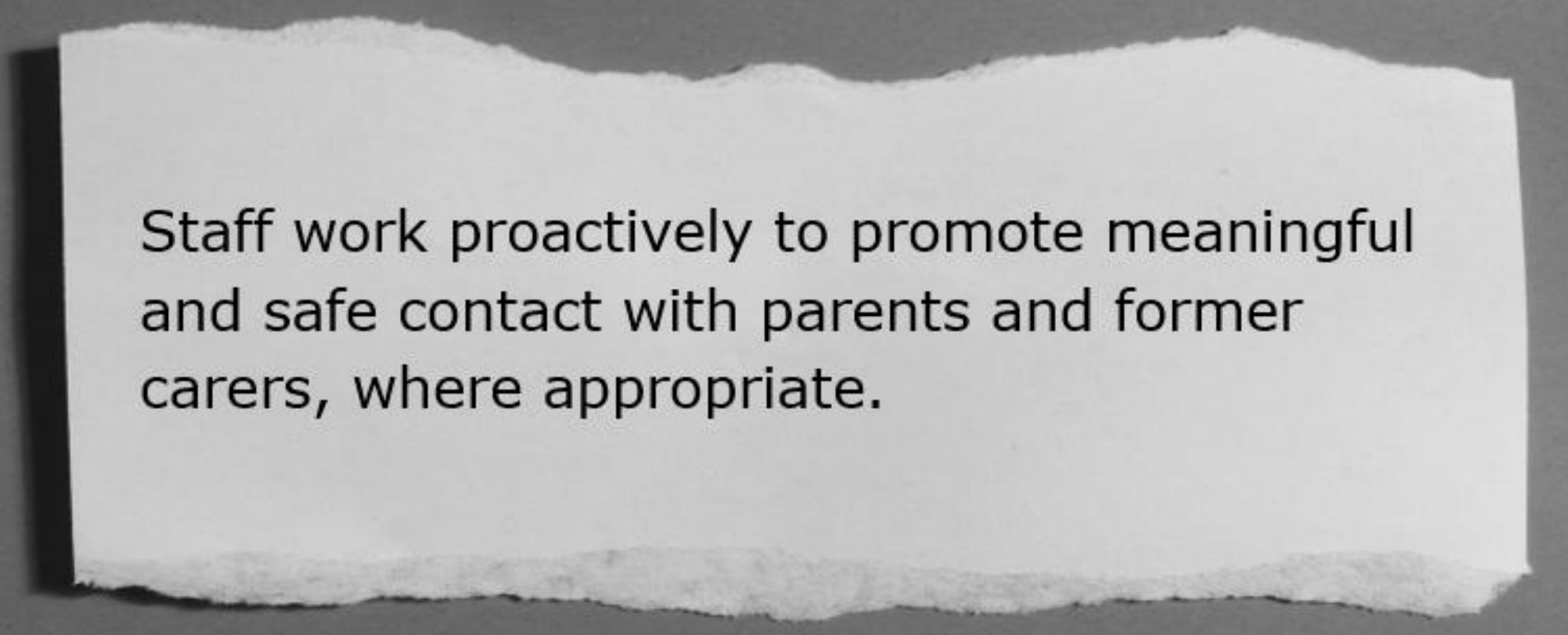


# Children's Homes SCCIF Key Elements

- Children have appropriate, carefully assessed, supported contact (direct and/or indirect) with their family, friends and other people who are important to them, such as previous carers.
- There are no unnecessary restrictions in place. Staff work proactively and positively with parents and former carers to promote meaningful and safe contact and continuity of care, where appropriate.
- The SCCIF does not refer directly to the use of mobile phones (or these being a right to have a mobile phone) in children's homes to meet the requirements around communication.



## Ofsted comment from inspection - Good

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Staff work proactively to promote meaningful and safe contact with parents and former carers, where appropriate.

# Top Tips...

1. **There is no legislation that states a mobile phone is a child's right to have** and is therefore a decision that can be made as to the appropriate provision of a phone with safeguarding being the primary consideration.
2. **Children have rights to communication, information, and privacy (Articles 13, 16, 17 UNHCR)**, but these don't specify how those rights must be met.
3. **A phone can be a tool for exercising communication rights, but it's not a guarantee (UNCRC)** ensure there is a clear communication strategy for a child to meet the required access to family, friends and professionals.



# Top Tips Continued...

4. **Provide access for children to communicate with family, friends and professionals** in a way that safeguards them from risk of harm.
5. **Ensure that access to a mobile phone is not a behaviour management tool** but any decision is solely on the safeguarding concerns associated with a child's access to a phone.

Manchester City Council v P (Refusal Of Restrictions On Mobile Phones) 2023 found that decision for a child to have a mobile phone comes under Section 33 (3)(b) Children Act 1989 by virtue of the Local Authority exercising their parental responsibility providing the right to restrict a phone where safeguarding issues are an assessed risk.





# Questions to consider...

- Can a child in the home contact family and professionals in private safely if they do not have access to a mobile phone?
- Is there a safeguarding concern with a child's access to services via the phone they have? If so, is this safe for them to have in line with regulations?
- What information and support is available to the child and staff on the legal rights relating to mobile phones?
- Is there a clear policy and procedure on what is an appropriate use of a phone in the children's home and in what circumstances access to a mobile phone can be restricted?





# MCA & Deprivation of Liberty Safeguards Training...

With case law having changed the landscape around mental capacity and deprivation of liberty significantly in recent years, it is important that leaders and staff are aware of how their actions in relation to the young people in their care may result in decisions which come under the remit of mental capacity and may potentially be depriving a young person of their liberty. This course will provide an understanding of the law and its implications for decision making.

## Next dates:

Our next training date is on **9<sup>th</sup> September 2025, running 9:30m – 4pm.**

This course is delivered via zoom, costs £132+vat, reduced to **£99+vat for members.**

You can book on to this course using the link below:

[MCA and DoLS training](#)

