

# Regulation 44

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Session 1-getting started

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# working **together...**

confidentiality

respect

diversity of opinion can be enriching

look for the benefits of an alternative opinion

positive challenge

naïve questions are valuable

take responsibility for your own learning

create your network

enjoy ourselves



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# Welcome to the first of six sessions-

- This is a key role in the external review of a children's home. Bound by regulation there is a danger that it could become a “process.”
- It is the Visitor's role to “tell the story of the home and the children and young people who live , grow develop and are kept safe there”



# Focus for today and going forward :

- To support you in ensuring that the Regulation 44 process informs the development of the service and offers a robust external view of the provision
- Getting ready
- Thinking ahead and planning your visit
- What will you want to see?
- All standards or core plus themes?
- Who are the reports for?
- Current challenges to/in the role
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# Regulation for the role

- **Independent person: visits and reports**

**Regulation 44.**—(1) The registered person must ensure that an independent person visits the children's home at least once each month.

- (2) When the independent person is carrying out a visit, the registered person must help the independent person—
  - (a)if they consent, to interview in private such of the children, their parents, relatives and persons working at the home as the independent person requires; and
  - (b)to inspect the premises of the home and such of the home's records (except for a child's case records, unless the child and the child's placing authority consent) as the independent person requires.

# Reg 36 and Schedule 3

- 36—(1) The registered person must maintain records (“case records”) for each child which—
  - (a) include the information and documents listed in Schedule 3 in relation to each child;
  - Personal details in relation to the child
- Contact details of certain persons in relation to the child
- Incident and safeguarding records
- Plans or reports relating to the child (EHCP and all care/placement plans)
- Health matters relating to the child

## Regulation for the role-

- (3) A visit by the independent person to the home may be unannounced.
- (4) The independent person must produce a report about a visit (“the independent person’s report”) which sets out, in particular, the independent person’s opinion as to whether—
- (a) children are effectively safeguarded; and
  - (b) the conduct of the home promotes children’s well-being
  - 5) The independent person’s report may recommend actions that the registered person may take in relation to the home and timescales within which the registered person must consider whether or not to take those actions.

# Regulation for the role-

- (6) If the independent person becomes aware of a potential conflict of interest (whether under regulation 43(3) or otherwise) after a visit to the home, the independent person must include in the independent person's report—
  - (a)details of the conflict of interest; and
  - (b)the reasons why the independent person did not notify the registered provider of the conflict of interest before the visit



## Regulation for the role cont'd

(7) The independent person must provide a copy of the independent person's report to—

- (a)HMCI;
- (b)upon request, the local authority for the area in which the home is located;
- (c)the placing authorities of children;
- (d)the registered provider and, if applicable, the registered manager; and
- (e)the responsible individual (if one is nominated).

# Keep up to date

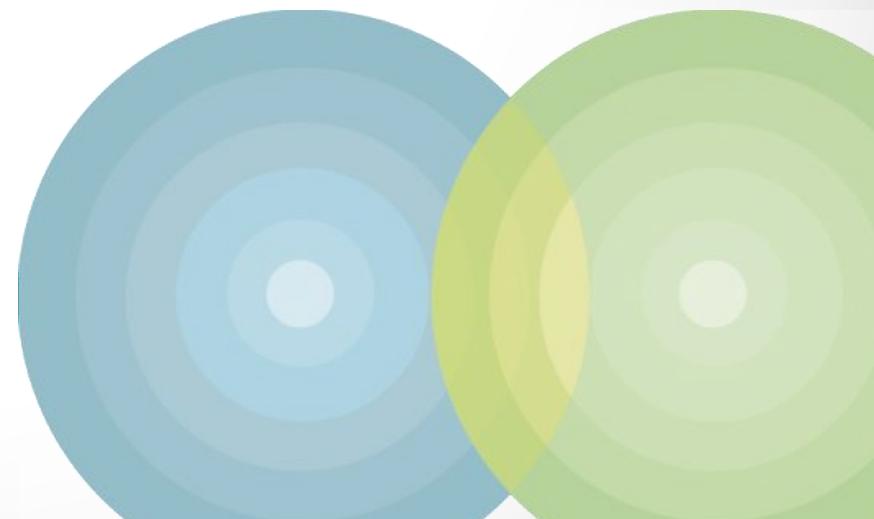
- **SCCIF**
- Vacant RM
- OCC
- Experience and progress
- Risk
- Matching
- Contingency planning for staffing
- Emphasis on disabled children
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# Keep up to date...

- **Safeguarding children with disabilities and complex health needs in residential settings-gov response out now**
- IPS to have experience of the children in the homes they visit-eg communication with children with disabilities
- Raise concerns directly with the regulator
-

# Start with a drop box !

- It is useful to keep a drop box of the legislation and information you may need – all in one place!
- Take five minutes to list what could be in this to start with.....
- We will add to this as we go through the sessions



# Legislation:

- Guide to the Children's Homes Regulations including the Quality Standards 2015
- KCSIE 2022
- Working Together to Safeguard Children 2018/19
- Care planning , placement and case review regulations 2010; 2014
- Children Act 1989 and onwards
- Statutory guidance on promoting health and well being of looked after children.
- NHS Commissioning /CCG Regs 2012 and ongoing
- SEND regulatory revisions 2014
- RIPA 2000
- Health and Social Care Acts
- Counter-Extremism and Safeguarding Bill (2016)
- Care Standards Act 2000
- Mental Capacity Act 2005 and onwards
- Cheshire West judgement (DOLs) 2013
- Safeguarding – Liberty Safeguards 2019- waiting for code of practice.
- Children's Secure Accommodation Regulations 1991 onwards
- Legal Aid , Punishing and Sentencing of Offenders Act 2012
- Matrimonial and Family Proceedings Act 1984 Onwards
- Mental Health legislation
- Health and safety legislation various
- Equal Opportunities legislation 2010 onwards
- GDPR 2018
- The Children & Social Work Bill 2016

# Legislation

- Promoting the Educational Achievement of Looked After Children (2015) and onwards- last 2018
- Tackling CSE action plan (2015) amends 2021
- Children & Families Act (2014)
- Care of Unaccompanied and Trafficked Children (2014)
- Statutory Guidance on Children Who Run Away or Go Missing from Home or Care (2014) and ongoing
- Health & Social Care Act (2012)
- Statutory Guidance on Short Breaks (2011)
- Children (Leaving Care) Act (2000)
- PHEW!! I am sure I have missed some.....
- This is NOT about knowing all of these – it is being aware and having a copy available- your own drop box perhaps?

# Forward planning-

Announced or unannounced – try to do at least two visits per year as an unannounced visit?

Communication with the Manager is key----

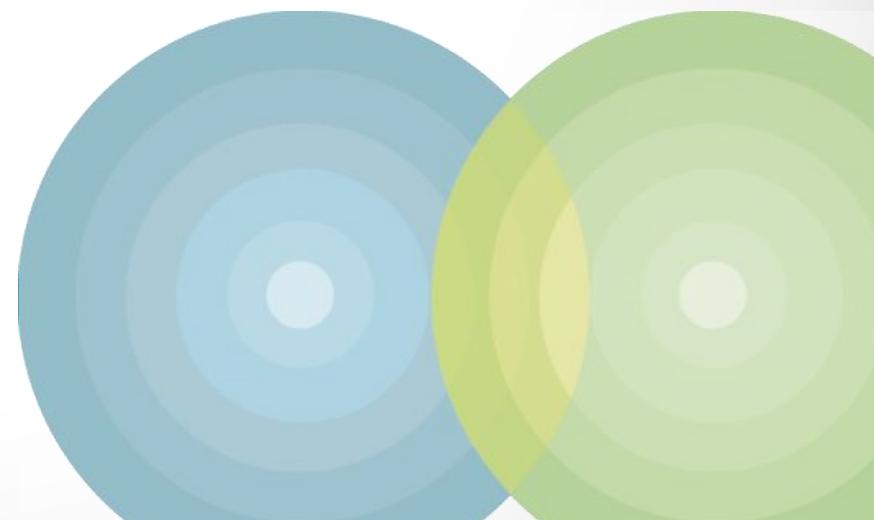
What needs to be discussed and agreed?

**take five minutes to think about this then we will chat it through.....**

# Group discussion:-

- 1. Who is the report for?
- 2. What should the RM and RI get from the report?
- 3. What should its' role be in the wider organisation?

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## Some common reflections which may arise from the group work:

- Confusion over who the report is for.
- It is NOT a substitute for the role of the RI/RM in quality assuring the service
- Can create tensions between RI/RM and Visitor when roles are not clear / understood or each is coming from a different position
- Safeguarding and well being must be at its' core at each visit
- Role in informing the Reg 45
- Role in external challenge- only advisory/ recommendations
- Role in informing the inspection process – breadth of challenge and reflection between visits or
- possibly triggers a visit

## What are the reports used for?

Inspectors will look at the information that Ofsted already holds about the service, which includes:

- previous inspection reports
- completed questionnaires from children, young people, parents and stakeholders and associated summary reports
- the home's statement of purpose
- any concerns and complaints received
- notifications of serious events
- **reports of monthly visits received under Regulation 44**
- quality assurance reports received under Regulation 45 (including monitoring by the registered person of any incident when a child accommodated in the home goes missing or is at risk of, or subject to, child sexual exploitation)
- any changes to registration, including change of manager or the responsible individual
- any enforcement activity within the last inspection year.

# What are reports used for?

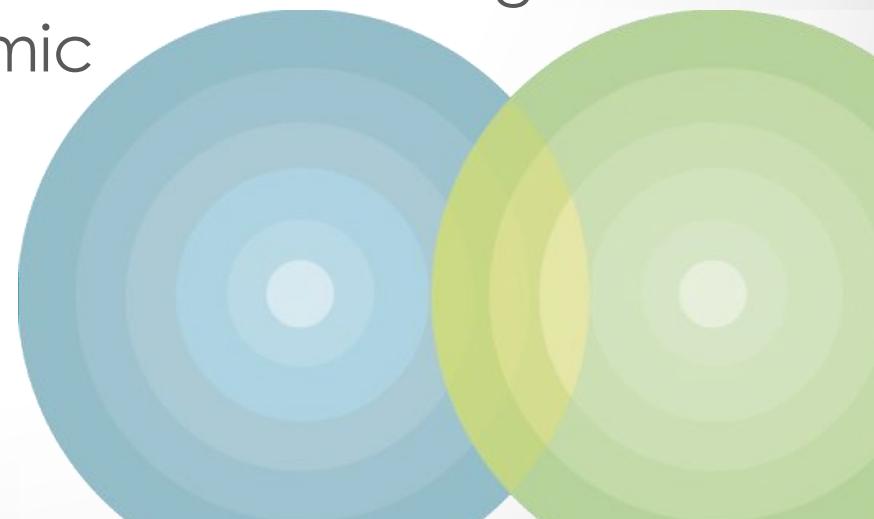
**Regulation 44 and Regulation 45 reports and notifications under Regulation 40** - Inspectors must regularly review Regulation 44 reports, notifications and regulation 45 reports. This is important regulatory activity. Inspectors must focus on both the content of the reports and the quality of the reports to ensure that there is effective monitoring of the home and these activities support ongoing and overall improvement in the care provided.



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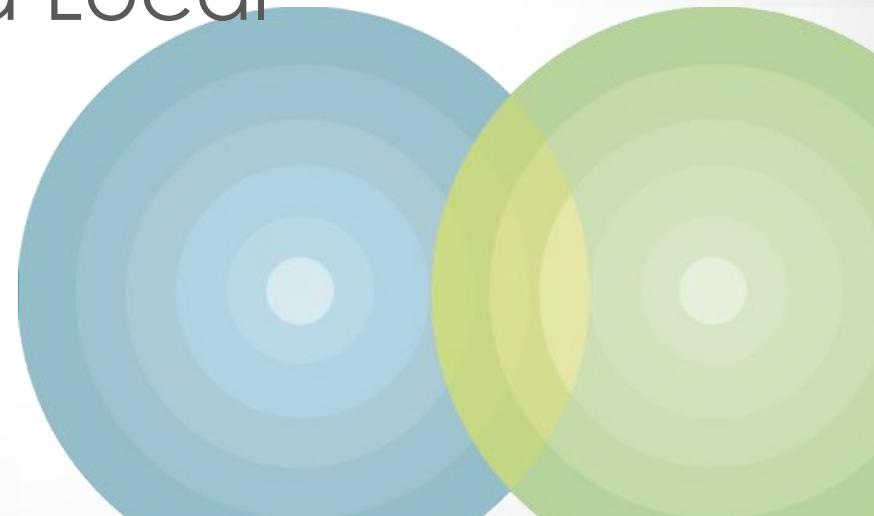
# What are reports used for

- Ofsted may speak to the RM, RI, other key stakeholders (e.g. LA) from contents of report
- Reschedule inspections
- Lines of enquiry for the next inspection
- Safeguarding action (home and LAs) & follow up
- Have been used as a part of the monitoring visit process during the pandemic



# What are reports used for

- RI/RPs use them:
- For development in their service
- To monitor practice
- Assurance
- To tick a box
- What about RMs and Local Authorities?
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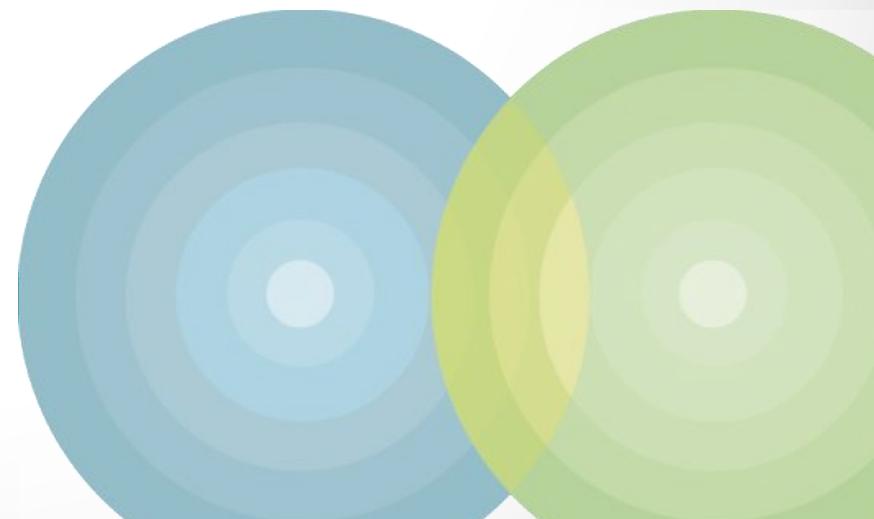


## **So do you.....**

- understand the purpose of the requirements and adhere to its specifications;
- gather, evaluate and analyse relevant information;
- structure material in a logical and coherent order;
- present the report in a consistent manner according to the requirements of the visit
- make appropriate conclusions that are supported by the evidence and analysis of the report;
- make recommendations where required.

# Context for R44 Impact Analysis

- Care review
- Rising costs of care
- Growing numbers of children's homes
- Lack of faith in the residential care system



# Role of the Reg44 independent person

**98%**

of respondents knew what a Reg44 independent person does.  
Clarification information was then provided.

**5.8**

The average number of homes visited by the Regulation 44 visitor responding (42 responses)



# Summary of findings

- The survey size means it is statistically valuable
- Regulation 44 has a significant impact on safeguarding, welfare, staff, managers, commissioners and inspection
- People agree the frequency of Regulation 44 visits are about right. The focus of visits is on the manager and reading records – speaking to young people, staff and looking at the home environment are smaller elements
- The Reg44 process itself varies widely, commonly taking anything from one to three full days
- Around half of young people would talk to their visitor about concerns – there is however limited opportunity to build a relationship



# Summary of findings

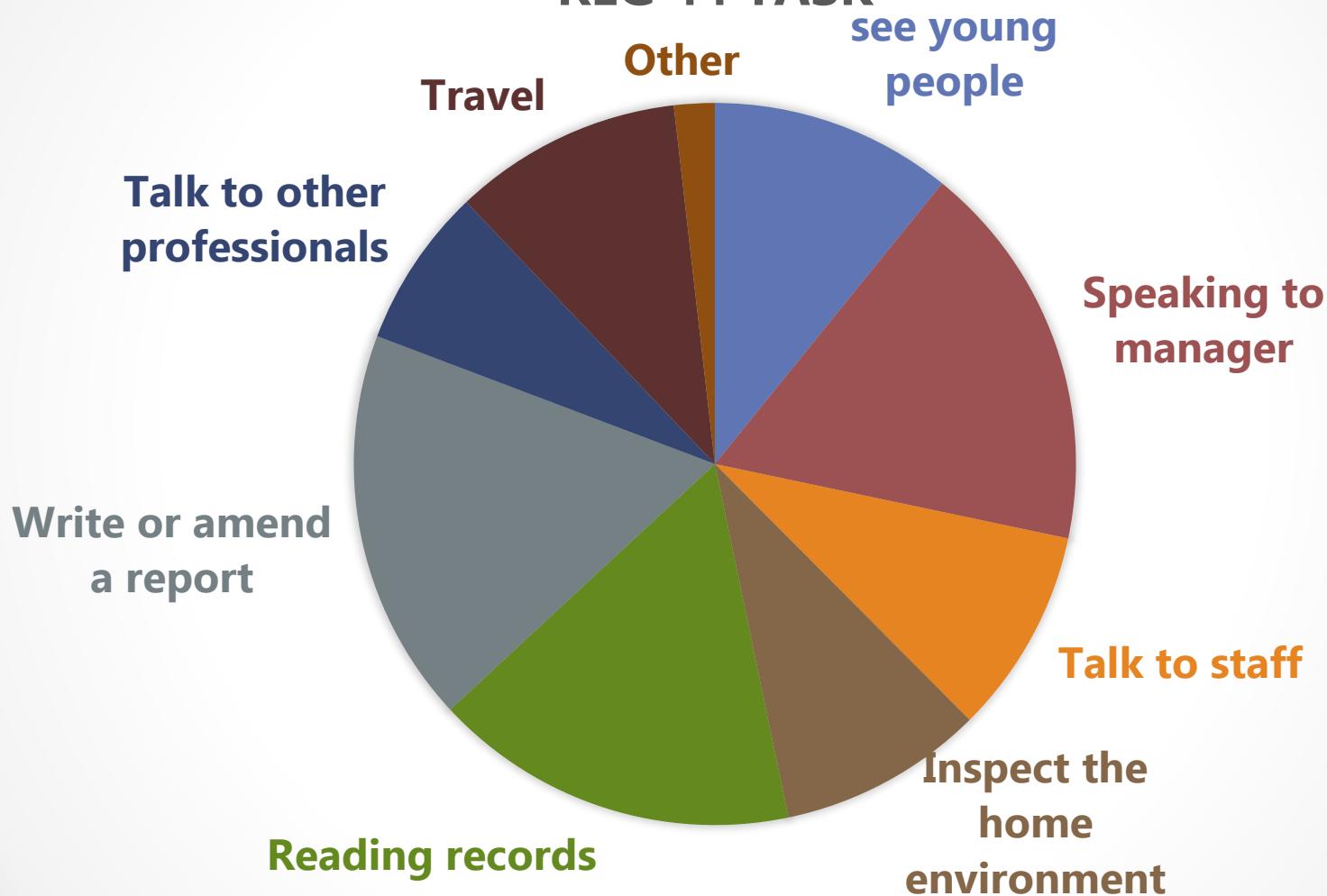
- There was broad agreement that there was some independence in role, although almost half respondents had at least some hesitation in rating the independent person as very independent. Young people in particular were not assured of independence, with about two thirds not knowing or having reservations
- Almost half the registered managers and RIs did not know about the Reg44's training
- Only 30 of the 124 Reg44s (24%) who responded to this question of independent people themselves felt they had sufficient training. This is of particular concern given the role is there to assess safeguarding and welfare of young people

# Ofsted focus groups

“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”

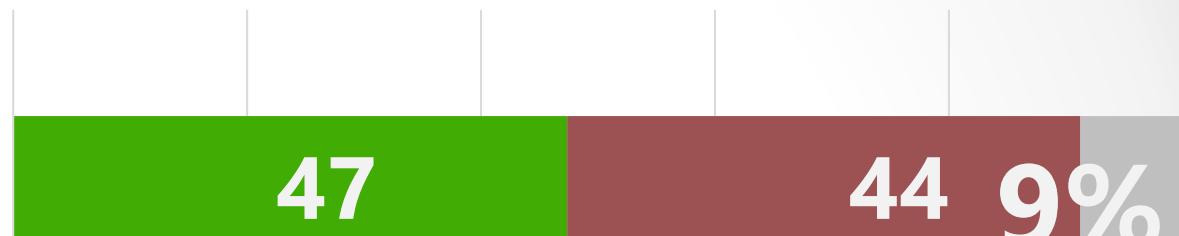
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## REG 44 TASK



# Would young people talk to Regis if worried?

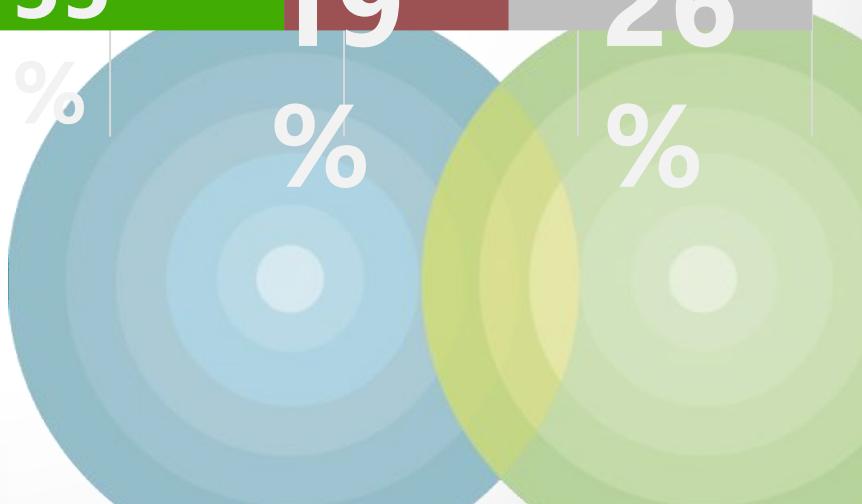
Young People



Professionals

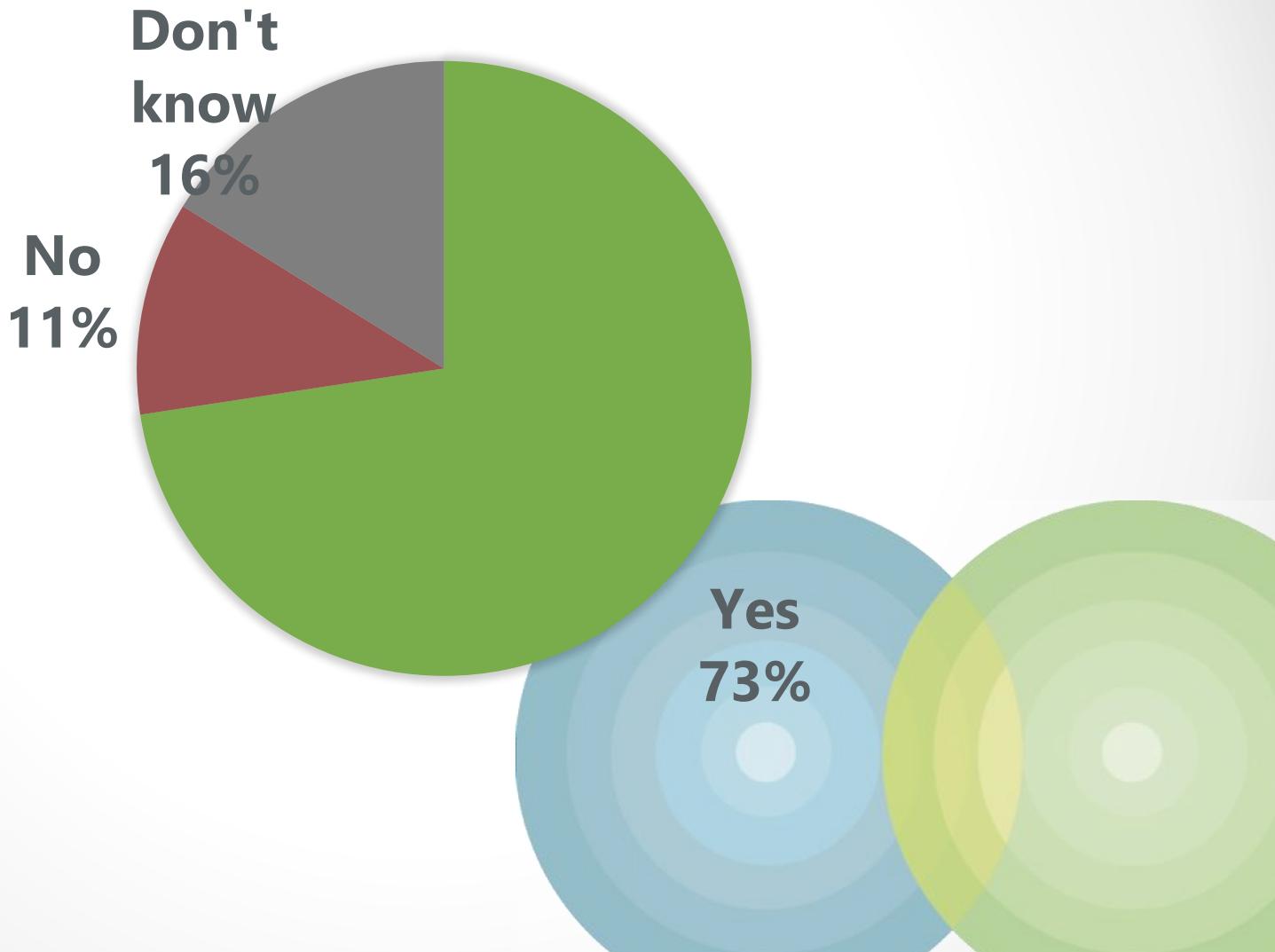


■ Yes



# about...

# Do Reg-44 visits make young people safer?

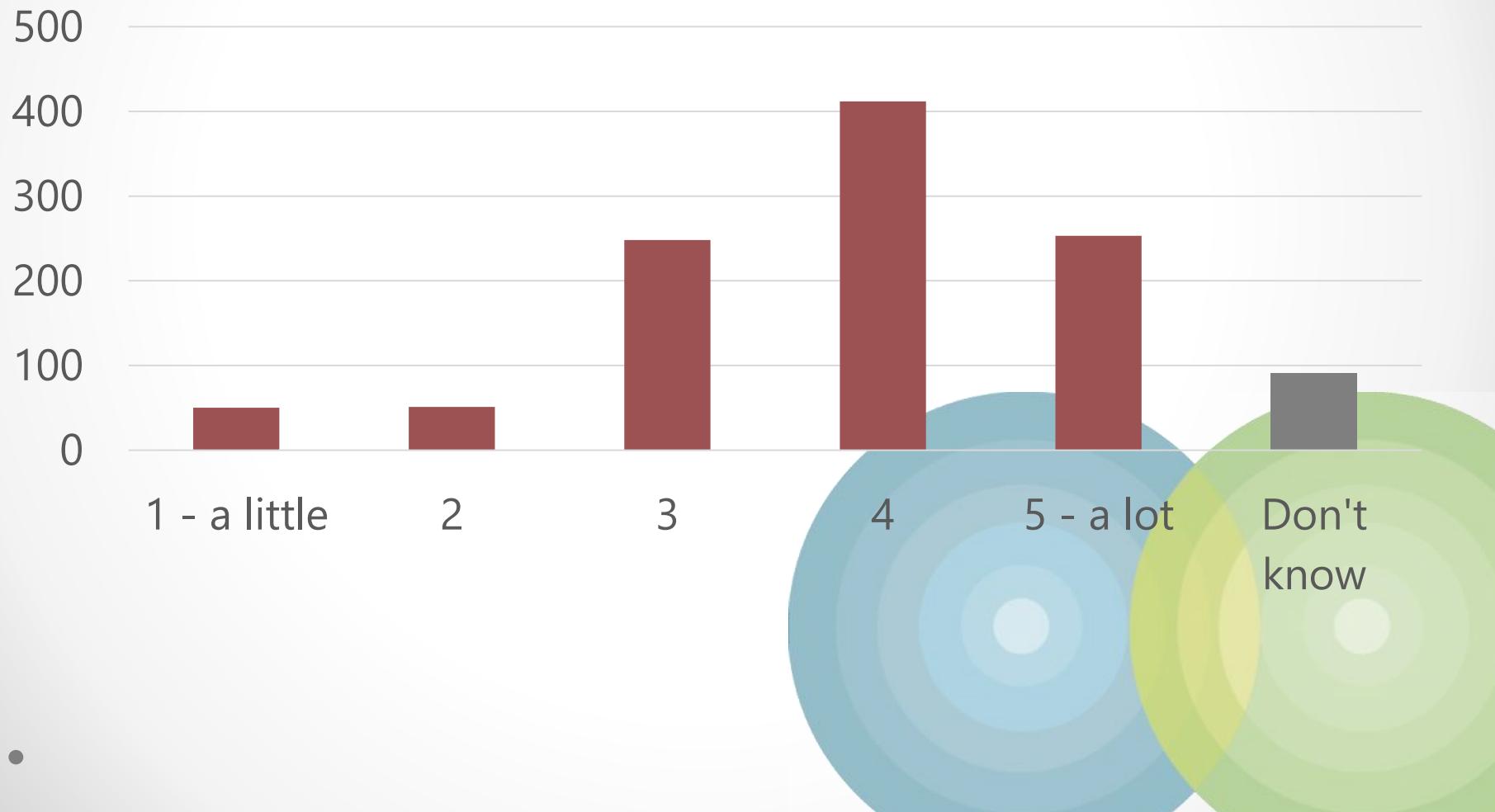


## Does the Reg44 make young people's lives **better**?

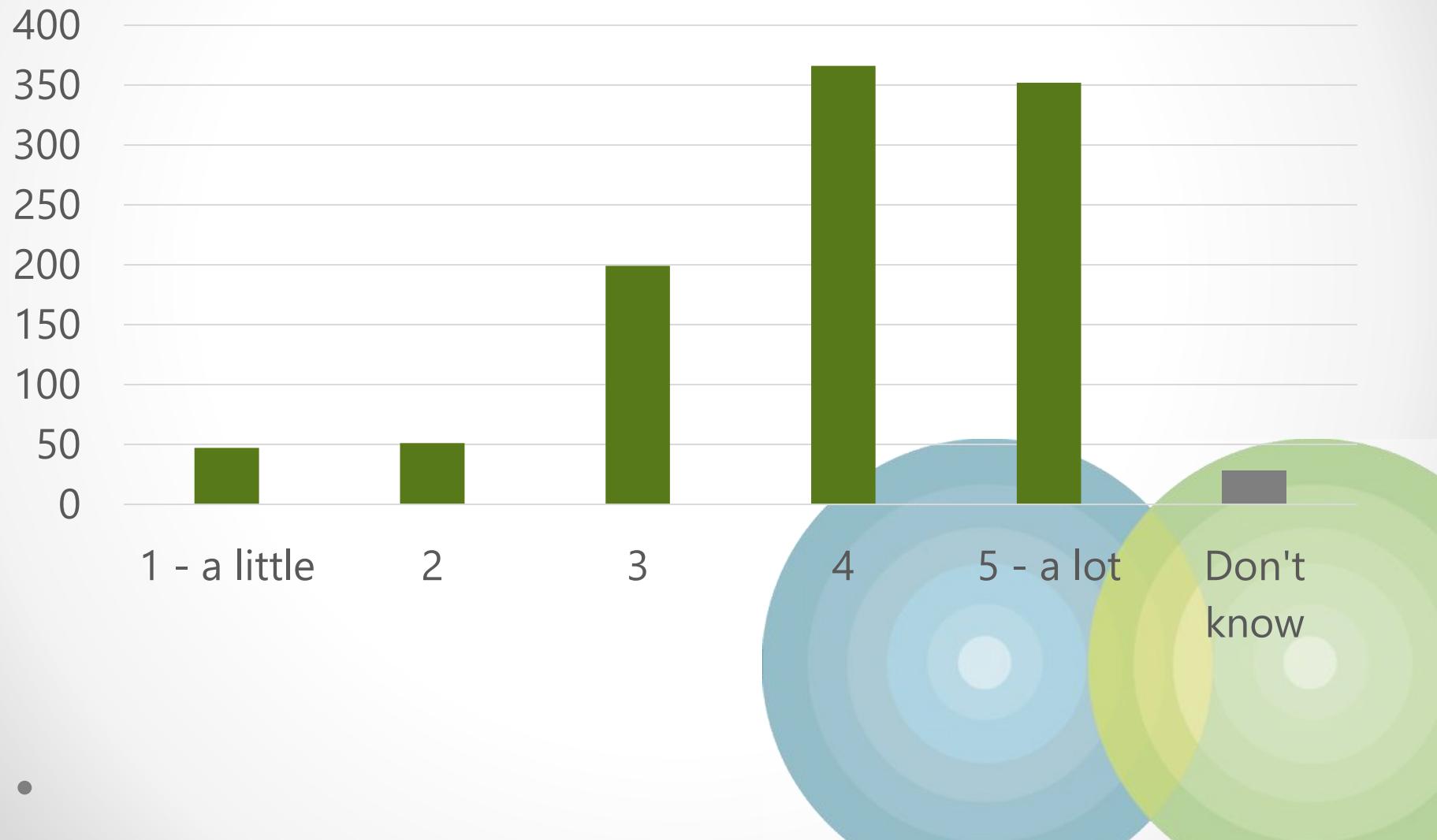
- Just over half young people unsure
- Excluding these, 46% thought it did
- Two thirds of RMs & 71% of commissioners felt it did
- 12% believed it did not
- 23% did not know
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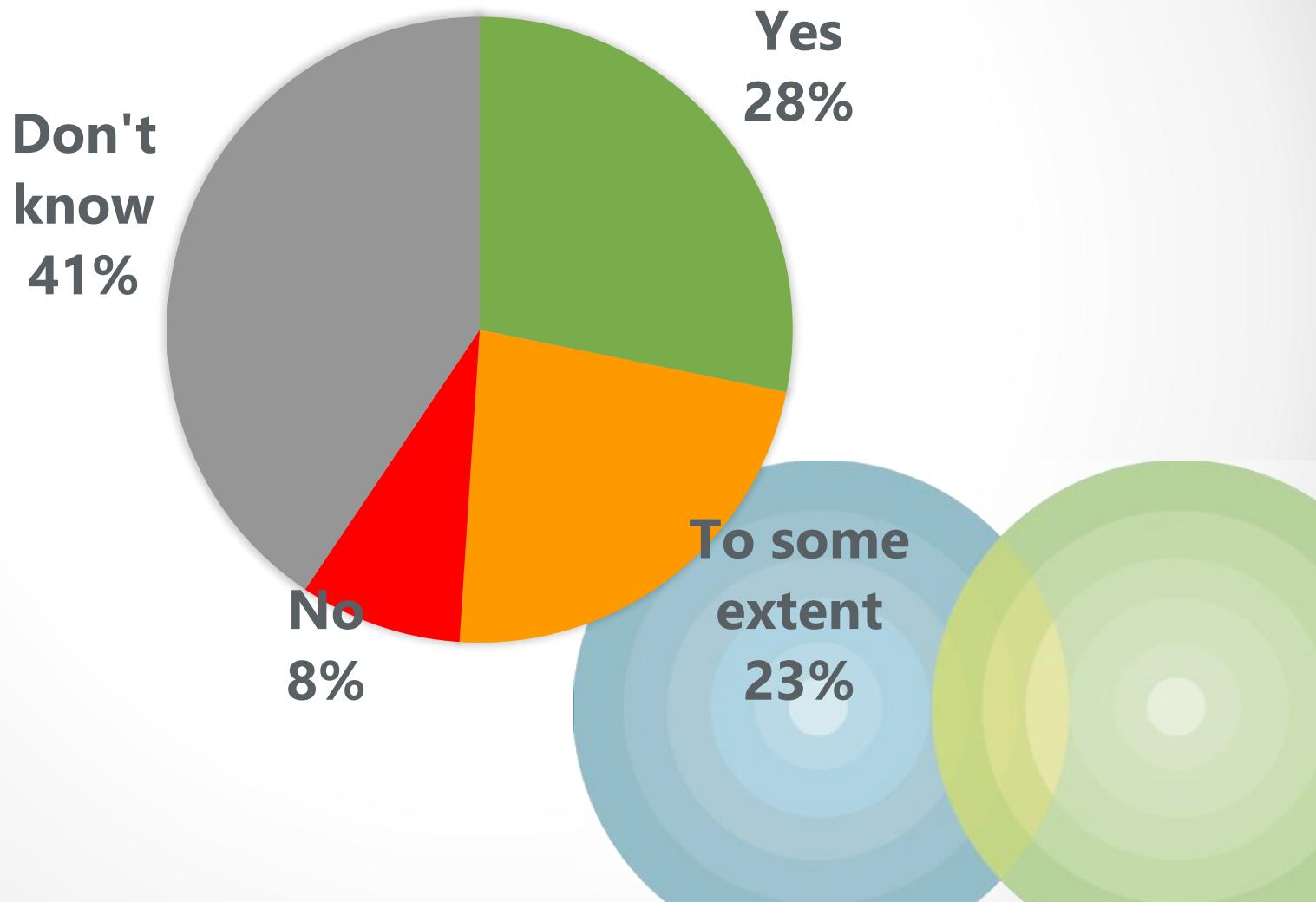
# Does the Reg44 Visitor make a positive difference to staff & managers?



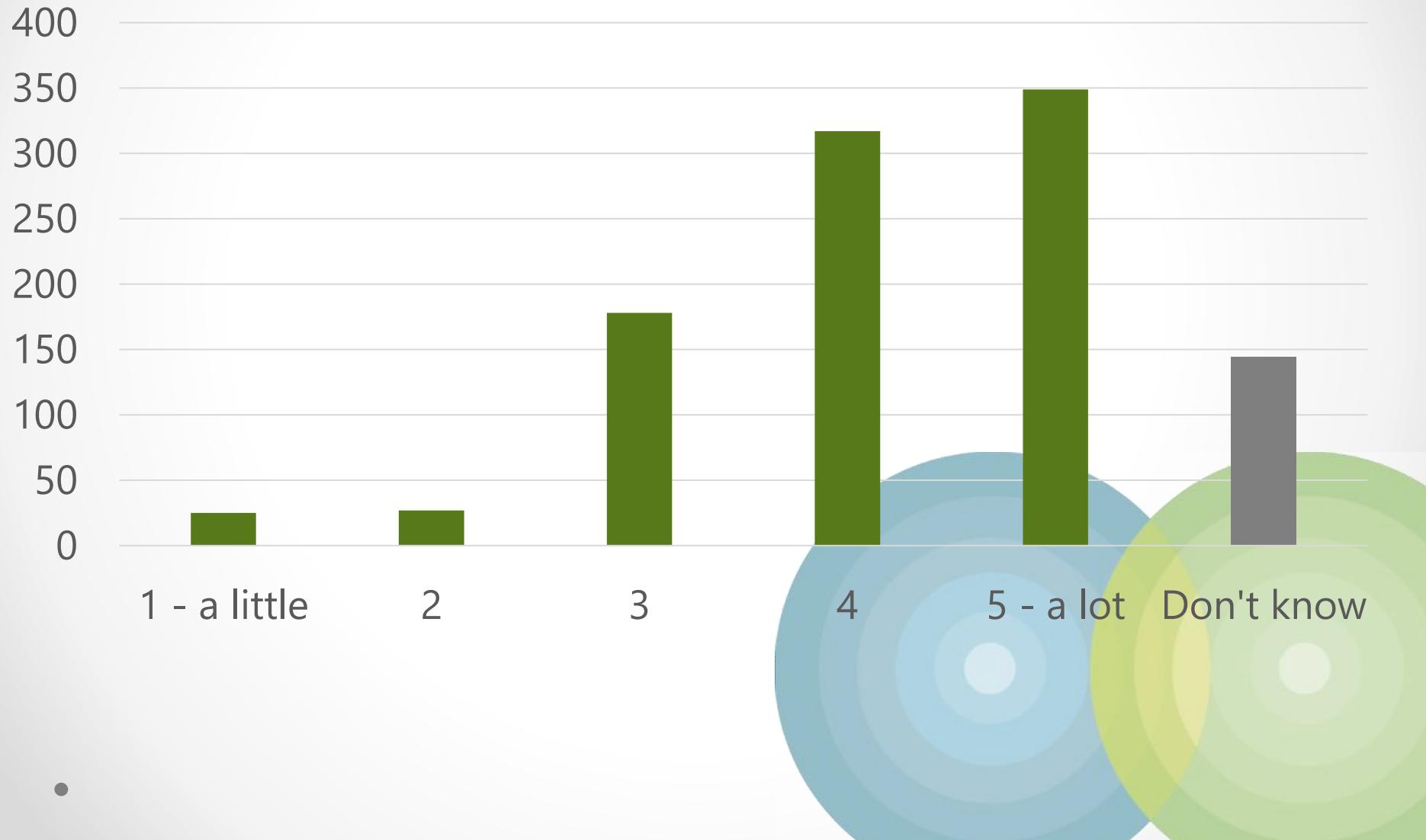
# Usefulness of Reg44 reports



# Are Reg44s sufficiently trained?



# Impact on inspection



## Pause for thought before the next session

- Review our discussions – any gaps any actions to take or develop
- Thoughts , ideas to bring back next time
- Any queries:

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