

Regulation 44



Session 1 – Let's start at the beginning...



working together...

- Confidentiality
- Respect
- Look for the benefits of an alternative view
- Positive challenge
- There are no naïve questions
- Take responsibility for your own learning
- Create your network
- Enjoy ourselves
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Introductions

- Name
- Where you work
- Goal or aim



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Welcome to the first of six sessions-

We will be meeting online for the next 6 Thursdays at 10am.

To get a certificate you need to attend 4 of the 6 sessions.

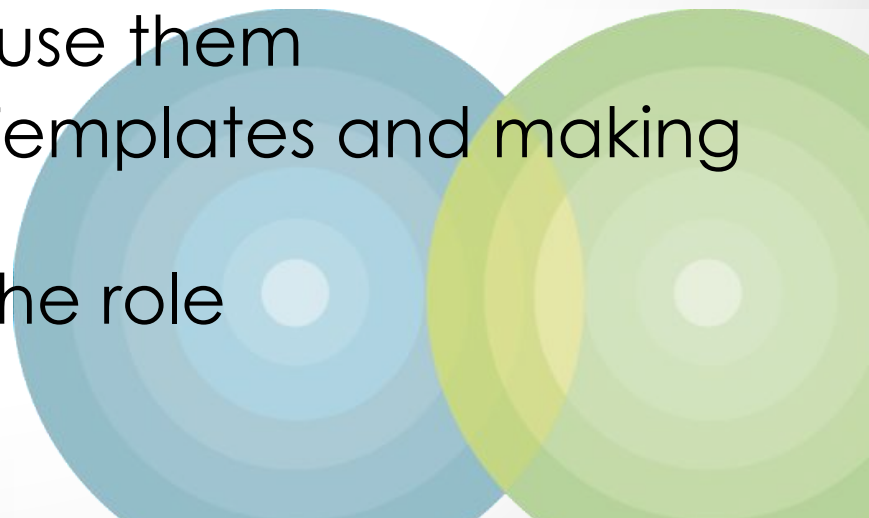
The group will be varied in experience whenever we breakout you can always stay with me in the main room and I can help and support you through a task.

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Focus for today and going forward :

- To explore the key principles of residential care
- 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 and how to use them
- Who are the reports for? Templates and making recommendations
- Current challenges to/in the role



Key principles of residential care



Key Principles of Residential Care

- Principles for residential child care
- 1.10 The principles upon which residential child care is delivered are important elements that underpin the Regulations and this Guide. The principles below, originally drafted by NCERRC2, have been amended for use in this document following contributions before and during our consultation period by the residential child care sector. We would expect all homes to apply the principles below, and to ensure that residential child care is a positive choice for children and young people where a children's home is the best placement to meet their individual needs.



A SIMPLIFIED VERSION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD.



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- Article 1** Everyone under 18 years of age has all the rights in this Convention.
- Article 2** The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say, whatever type of family they come from.
- Article 3** All organisations concerned with children should work towards what is best for each child.
- Article 4** Governments should make these rights available to children.
- Article 5** Governments should respect the rights and responsibilities of families to guide their children so that, as they grow up, they learn to use their rights properly.
- Article 6** Children have the right to live a full life. Governments should ensure that children survive and develop healthily.
- Article 7** Children have the right to a legally registered name and nationality. Children also have the right to know their parents and, as far as possible, to be cared for by them.
- Article 8** Governments should respect a child's right to a name, a nationality and family life.
- Article 9** Children should not be separated from their parents unless it is for their own good. For example, if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might harm the child.
- Article 10** Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.
- Article 11** Governments should take steps to stop children being taken out of their own country illegally.
- Article 12** Children have the right to say what they think should happen when adults are making decisions that affect them and to have their opinions taken into account.
- Article 13** Children have the right to get and to share information, as long as the information is not damaging to them or to others.
- Article 14** Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide children on these matters.
- Article 15** Children have the right to meet with other children and young people and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

- Article 16** Children have the right to privacy. The law should protect them from attacks against their way of life, their good name, their family and their home.
- Article 17** Children have the right to reliable information from the media. Mass media such as television, radio and newspapers should provide information that children can understand and should not promote materials that could harm children.
- Article 18** Both parents share responsibility for bringing up their children and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.
- Article 19** Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.
- Article 20** Children who cannot be looked after by their own family must be looked after properly by people who respect their religion, culture and language.
- Article 21** When children are adopted the first concern must be what is best for them. The same rules should apply whether children are adopted in the country of their birth or if they are taken to live in another country.
- Article 22** Children who come into a country as refugees should have the same rights as children who are born in that country.
- Article 23** Children who have any kind of disability should receive special care and support so that they can live a full and independent life.
- Article 24** Children have the right to good quality health care, clean water, nutritious food and a clean environment so that they will stay healthy. Richer countries should help poorer countries achieve this.
- Article 25** Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.
- Article 26** The Government should provide extra money for the children of families in need.
- Article 27** Children have the right to a standard of living that is good enough to meet their physical and mental needs. The government should help families who cannot afford to provide this.
- Article 28** Children have the right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthier countries should help poorer countries achieve this.

- Article 29** Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, their cultures and other cultures.
- Article 30** Children have the right to learn and use the language and customs of their families, whether or not these are shared by the majority of the people in the country where they live, as long as this does not harm others.
- Article 31** Children have the right to relax, play and to join in a wide range of leisure activities.
- Article 32** Governments should protect children from work that is dangerous or that might harm their health or education.
- Article 33** Governments should provide ways of protecting children from dangerous drugs.
- Article 34** Governments should protect children from sexual abuse.
- Article 35** Governments should make sure that children are not abducted or sold.
- Article 36** Children should be protected from any activities that could harm their development.
- Article 37** Children who break the law should not be treated cruelly. They should not be put in a prison with adults and should be able to keep in contact with their family.
- Article 38** Governments should not allow children under 16 to join the army. Children in war zones should receive special protection.
- Article 39** Children who have been neglected or abused should receive special help to restore their self-respect.
- Article 40** Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.
- Article 41** If the laws of a particular country protect children better than the articles of the Convention, then those laws should override the Convention.
- Article 42** Governments should make the Convention known to all parents and children.

The Convention on the Rights of the Child has 54 articles in all. Articles 42-54 are about how adults and governments should work together to make sure that all children get all their rights. Go to www.unicef.org/crc to read all the articles.



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Let's start at the beginning

In your groups, what is it that you remember/know about the principles of residential care?

How many can you get out of the 8 statements that are made to make up these principles?

Where would you find these principles?

Residential Care – key principles

1. Children in residential childcare should be loved, happy, healthy, safe from harm and able to develop, thrive and fulfil their potential.
2. Residential childcare should value and nurture each child as an individual with talents, strengths and capabilities that can develop over time.
3. Residential childcare should foster positive relationships, encouraging strong bonds between children and staff in the home on the basis of jointly undertaken activities, shared daily life, domestic and non-domestic routines and established boundaries of acceptable behaviour
4. Residential childcare should be ambitious, nurturing children's school learning and out of-school learning and their ambitions for their future.
5. Residential childcare should be attentive to children's need, supporting emotional, mental and physical health needs, including repairing earlier damage to self-esteem and encouraging friendship.
6. Residential childcare should be outward facing, working with the wider system of professionals for each child, and with children's families and communities of origin to sustain links and understand past problems.
7. Residential childcare should have high expectations of staff as committed members of a team, as decision makers and as activity leaders. In support of this, children's homes should ensure all staff and managers are engaged in on-going learning about their role and the children and families they work with.
8. Residential childcare should provide a safe and stimulating environment in high-quality buildings, with spaces that support nurture and allow privacy as well as common spaces and spaces to be active.



Independent person - Regulation

44 visit.

- 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"



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.

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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—

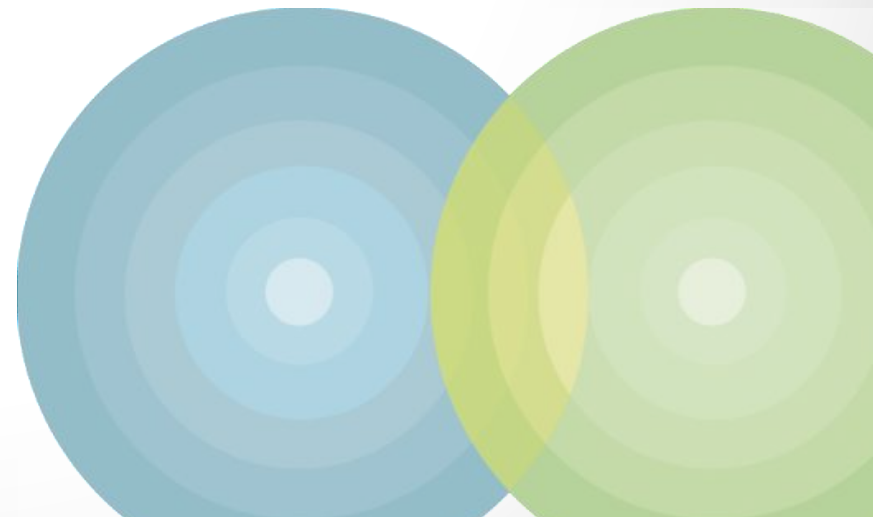
- (a) children are effectively safeguarded; and
- (b) the conduct of the home promotes children's well-being
- 5) The independent person's report may recommend actions that

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-

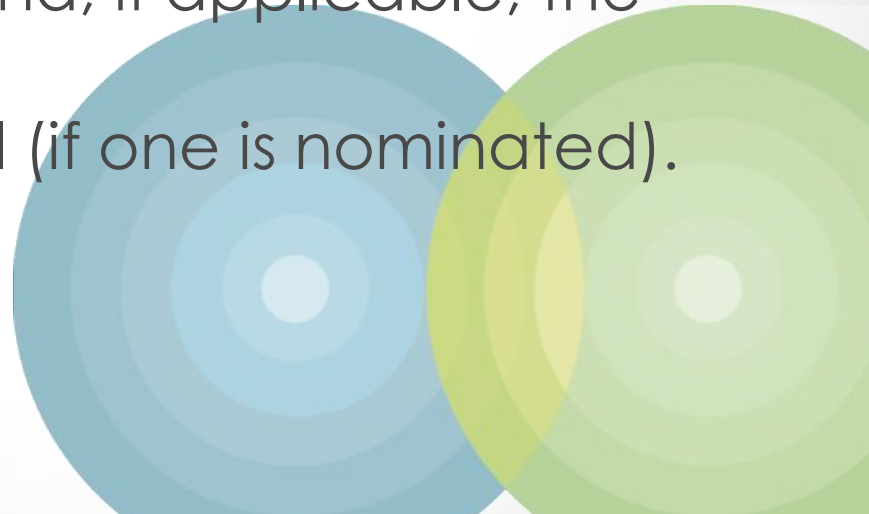
- (6) If the independent person becomes aware of a potential conflict of interest (whether under regulation 43(3) or otherwise) after a visit to the home, the independent person must include in the independent person's report—
 - (a) details of the conflict of interest; and
 - (b) the reasons why the 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).



Legislation & Guidance

- Children Home regulations 2015
- Guide to the Children's Homes Regulations including the Quality Standards 2015
- SCCIF
- KCSIE 2025
- Working Together to Safeguard Children 2023 – updated 2025
- 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.
- 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
- Children's Secure Accommodation Regulations 1991 onwards
- Mental Health legislation
- Health and safety legislation various
- Equal Opportunities legislation 2010 onwards
- GDPR 2018
- The Children & Social Work Bill 2016

Legislation & Guidance

- 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)
 - Leaving Care Offers
 - 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 ?

Communication with the Manager is key----

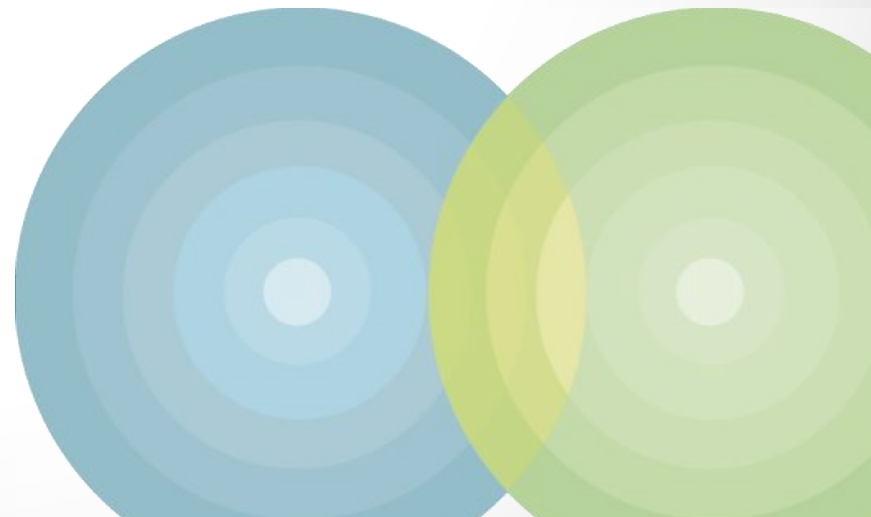
What needs to be discussed and agreed?

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
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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.

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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.



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

- RIs/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
- Unregulated services



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

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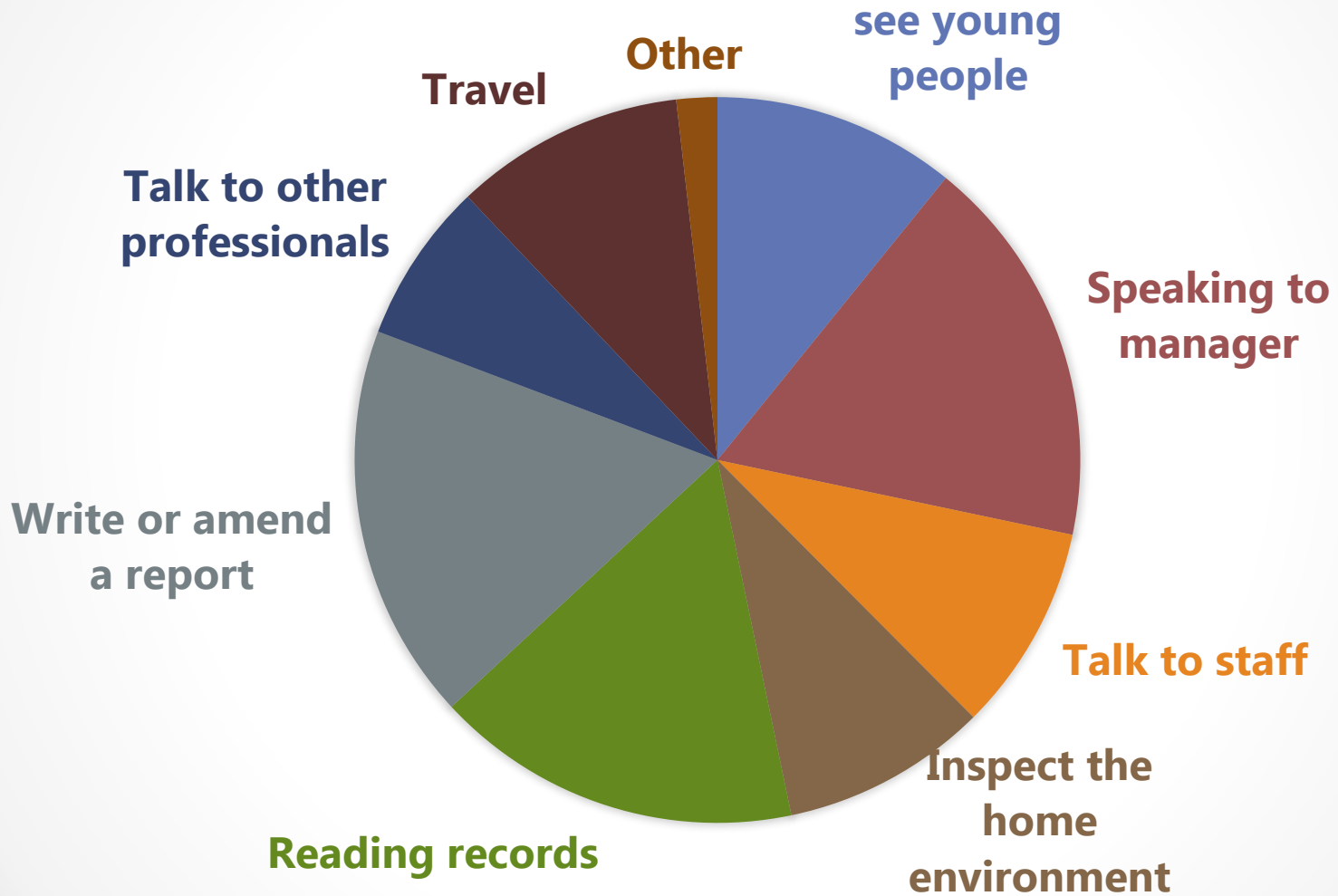


Summary of findings

- 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

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REG 44 TASK



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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