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Regulation 33 & Members' Visits (December 2013 – February 2014)

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Report Summary

Purpose:

This report summarises the feedback and reports from the Regulation 33 visits to Milton Keynes Council's registered children's homes in the period December 2013 February 2014 inclusive. Regulation 33 visits monitor compliance with regulation and quality standards as set out in legislation. This report seeks to identify themes and trends in relation to the quality of the service provided within these three children's homes.

Background:

Visits under Regulation 33 of the Children's Homes Regulations 2001 and as amended in the Children's Homes (Amendment) Regulations 2011 are a statutory requirement for the Local Authority. Visits take place at least once a month, by an officer independent of the management of the home, and may be unannounced.

Corporate Priorities:

Improving the quality of the Residential Services and their contribution to good outcomes for Milton Keynes Children in Care. This is in line with the council's Integrated Support and Social Care Service Group Plan 2013/14.

Performance Information:

All three residential homes are subject to regular Ofsted inspection. Inspections were undertaken during the previous (September – November 2013) reporting period in all three homes by Ofsted

Equality and Diversity Impact:

The residential service is provided for disabled children from across the Milton Keynes community. It therefore needs to provide placements that can meet the diverse needs of the children and young people in the Council's care.

Recommendations /Proposals:

That the report be discussed, challenged and noted.

Full Report

1.0 Legal & Policy Framework

- 1.1 Visits under Regulation 33 of the Children's Homes Regulations 2001 amended in 2011 are a statutory requirement for the Local Authority. Visits are required for any children's home run by the Local Authority.
- 1.2 Amendments came into force with effect from 27th January 2014 to the Care Homes Regulations 2001, The Care Standards Act 2000 (Registration) (England) Regulations 2010, The Care Planning, Placement and Cases Review (England) Regulations 2010.
- 1.3 While comprehensive the main changes to the Children's Homes Regulations 2001 are that:
 - The Regulations define the qualifications that managers of children's homes and persons working in care roles in children's homes must have and set out the date by which they must attain or hold these qualifications;
 - They require the registered person to notify the local authority when a child is admitted to or discharged from a children's home and set out the information that the notice must contain;
 - Children's homes are required to have a policy regarding missing children and to consult with local services before implementing that policy;
 - Regulation 34 Reviews must now take place at least every 3 months, rather than 'at appropriate intervals';
 - Homes are required to notify the police and the local authority in whose area the child is placed, where a child is suspected of being a victim of 'sexual exploitation'. (This replaces the present outdated requirement specifying that these services must be notified where a child is suspected of involvement in 'child prostitution'.)
 - There is a new definition of a placement of a looked after child 'at a distance', i.e. outside both the area of the local authority looking after the child, and the area of any adjoining local authority. The decision to put a child in such a placement is required to be approved by the Director of Children's Services. There are consultation and notification requirements in relation to such placements.
 - In relation to looked after children who go missing, or are at risk of going missing from a placement, there is a new requirement that whenever a child has been persistently absent from their placement,

or where there are concerns that the child may be at risk of harm, or where, in certain circumstances, the child requests it, the child's local authority must hold a review of a child's case;

- Where a child aged 16 or 17 is looked after other than by virtue of a care order, the decision of the local authority to cease looking after the child must be approved by the Director of Children's Services;
- In any case where the local authority has assessed that there are child protection concerns relating to a child, or where there the child has gone missing from the placement or from any previous placement, the placement plan must include information agreed between the local authority and the placement provider about the arrangements to keep the child safe.

1.4 From April 1st 2014 further changes will come into effect:

- Visits and reports by an 'independent person' must be at the expense of the registered provider
- Where a children's home has a website, the registered person shall ensure that a copy of the statement of purpose is published on that website unless the registered person considers that such publication would prejudice the welfare of children cared for in the children's home;
- Amended list of matters to be included in the Statement of Purpose;
- Matters to be monitored and reported on by the registered person;
- A description of the steps taken to ensure that the home is appropriately and suitably located.

Regulation 33 (4) has been amended and now in respect of Visits by Independent Person states that:

33.—(1) The registered provider shall ensure that the home is visited by an independent person in accordance with this regulation.

33.—(2) the registered provider shall not appoint any of the following as the independent person—

- (a) a person involved in preparing the care plan of any child placed at the home, or a person responsible for managing or supervising that person;
- (b) a person responsible for commissioning or financing services provided by the home;
- (c) a person with a financial interest in the conduct of the home; or

- (d) a person who has, or has at any time had, a connection with the registered person, a person working at the home or a child accommodated at the home of a kind which might reasonably be taken to raise doubts about their impartiality.

And

33.—(7) Visits by the independent person under paragraph (1) shall take place at least once a month and may be unannounced.

33.—(8) The independent person, when carrying out a visit, shall—

- (a) interview, with their consent and in private, such of the children accommodated there, their parents, relatives and persons working at the home as appears necessary in order to form an opinion as to whether—
 - (i) children accommodated the home are effectively safeguarded; and
 - (ii) the conduct of the home promotes the wellbeing of the children accommodated there;
- (b) inspect the premises of the home, and such of the home's records, as the independent person requires (save for a child's case records, unless the child and the child's placing authority consent to the inspection of those records by the independent person).

1.5 Summary quarterly reports are presented to Children and Families senior managers, the Chair of Governors of The Walnuts School, Registered Managers of the children's homes, and Milton Keynes Council Corporate Parenting Panel.

1.6 There are three Council children's homes in Milton Keynes: Furze House (short break care for disabled children); Westminster House formerly known as Westminster Drive (long term care for disabled young people); The Walnuts (short break and long term care for children with autism who attend Walnuts school).

1.7 Further to the amendments above Regulation 33 – (9) states that:

The independent person shall produce a written report on a visit and provide a copy of the report to—

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

2. Ofsted Inspection of these Children's Homes

2.1 All 3 children's homes were subject to an Ofsted inspection during the previous reporting period. In the last report to Corporate Parenting Panel, information was shared in respect of the outcome of the inspection conducted at Furze House on 7th October 2013.

2.2 The Inspection of Westminster House took place on 27th November 2013. This was a full inspection which judged the overall effectiveness of the provision to be adequate. Four broad areas were considered during the inspection and were graded appropriately.

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| Leadership and Management | Adequate |
| Outcomes for Young People | Good |
| Quality of Care | Good |
| Safeguarding Children and Young People | Good |

2.3 The Inspection Report was in the main positive, describing the service that meets the minimum requirements. It identified three statutory requirements to improve the service.

- To ensure that at all times at least one person on duty at the children's home has a suitable first aid qualification. This has been addressed
- Ensure that all persons employed shall receive appropriate training, supervision and appraisal. This has been addressed.
- Maintain in respect of each child who is accommodated in a children's home, a record in a permanent form which is kept up to date. This has been addressed.
- Establish and maintain a system for monitoring the matters set out in Schedule 6 at appropriate intervals. This has been addressed.

2.4 In addition, Ofsted recommended that to improve the quality of care and standards further, Westminster House should ensure that each child's placement plan is monitored by a key worker within the home who ensures that the requirements of the plan are implemented in the day to day care of that child. This has already been addressed.

2.5 The Inspection of Walnuts took place on 28th November 2013. This was an interim inspection, following a full inspection on 27th June 2013.

2.6 At the inspection in June 2013, five requirements and three recommendations were made by Ofsted who at that time judged the service to be adequate.

2.7 As of 28th November 2013, only three requirements and one of the recommendations made had been met and as such the service was judged to be making inadequate progress.

2.8 The Inspection Report detailed improvements the service has made and identified the statutory requirements to improve the service further.

- Ensure that all persons employed shall receive appropriate supervision and appraisal. This has been addressed.
- Ensure in respect of each child who is accommodated in a children's home, a record in a permanent form which is maintained which includes the information, documents and records specified in Schedule 3 relating to that child and is kept up to date including all looked after child's documentation. This is being addressed.
- Ensure the registered person shall compile in relation to the children's home a written statement (in these regulations referred to as "The Statement of Purpose") which shall consist of a statement as to the matters listed in schedule 1. This is being addressed.

2.9 In addition, Ofsted recommended that to improve the quality of care and standards further, the service should take account of ensuring staff meet children's individual needs as set out in the child's placement plan. In particular, develop the homes key working system to ensure this is achieved. This is being addressed.

3.0 General Observations from Regulation 33 Visits to the three children's homes

3.1 Regulation 33 visits have occurred in the evenings, on weekends and in the early morning on both an announced and unannounced basis which has provided opportunities to see all aspects of the children's experience.

3.2 Areas identified for improvement identified by Ofsted were noted within Regulation 33 visits. Opportunities for improvement continue to be identified. Each report for this reporting period has detailed improvement activity undertaken by each home during the month of the visit.

3.3 In all reports provided over the reporting period the visitor was able either to observe or explore with children in placement and or their family members, their experience in undertaking activities, having meals and their interactions with staff. All reports make comments in relation to how the young people appear to be settled, relaxed and happy and that the relationship between staff and children as well as children and children was genuinely warm, nurturing and respectful.

3.4 Staffing levels over the times subject to this report appear to have been appropriate to the number and needs of the children within the homes. It is noted that relief staff, unfamiliar to the children are used only in the rarest

of circumstances, which affords high levels of continuity and consistency of care to the children.

- 3.5 Standards of cleanliness and hygiene appear to be consistently high across the board, and menus provide nutritious and varied meal choices for the young people. There is evidence of cultural needs and special dietary needs being met in all the homes.
- 3.6 There was evidence within the reports of good levels of staff engagement with young people and a range of opportunities for choice of activities within the home and local community.

4 Members' Visits during the Period

- 4.1 To complement the Regulation 33 Visits, members' visits now have a different focus and reporting format than officers'. Visits are twice yearly "events" at each home (6 in total) using a pre-planned "Coffee Morning/Surgery style" arrangement. This approach enables young people who are using (or have used the service), their parents, relatives and relevant professionals to be invited to come to talk directly to councillors during a two hour period at the home.
- 4.2 Member's surgeries have now been arranged in order that each home has a member's surgery to times between January 2014 and November 2014.
- 4.3 **Furze House** held the first members surgery in January 2014. Two councillors were able to meet with five children, five family members, five members of staff plus the commissioned Barnado's Children and Young People's Participation Worker.
- 4.4 A members Regulation 33 report format consisting of feedback of observations of the home environment and examination of the records as well as capturing feedback from service users and related stakeholders was completed and circulated following the visit.
- 4.5 In respect of feedback from children and young people, Councillors noted that the atmosphere was calm and contented, that children are encouraged towards individual goals and there is acknowledgement of goals and achievements met.
- 4.6 In respect of feedback from family members, Councillors ascertained that:
- All were very positive, very pleased & reassured by the care & support given at Furze House – it had a very positive impact on their lives.
 - How one young person had recently been supported by staff going into hospital so that Mum could take a break.

- Communication between home/Furze House & school was described as excellent.
 - One parent wished Furze House could be bigger so that more families could be helped in the way they were.
 - Particularly valued was the stability that Furze House provides for young people when their own family situations were changing, Furze House is regarded as a constant & stabilising factor.
 - Parents were relaxed about their children in great hands.
 - Parents felt involved with care plans & articulated that they felt consulted about night monitoring.
 - Families were really pleased that through the vegetable & fruit growing in the garden, their children understood where food came from.
 - Generally the children & young people all enjoyed the outside space, the slide & swing chair are well loved.
- 4.7 Councillors considered the quality of the environment, quality of records and equality and diversity and found no contra-indicators.

5.0 Going Forward

- 5.1 In order to respond to the changes in the regulations where noted, staff at all three children's homes continue to review and develop services to children and young people in order to fully comply with the regulatory framework and National Minimum Standards.
- 5.2 In order to comply with Regulation 33 as previously noted, consideration is actively being given to re-commissioning the current independent visitor from April 2014.
- 5.3 The consultation in respect of a new Inspection Framework for Children's Homes concluded on 21st February 2014. This new framework it is suggested, will come into effect from April 2014 as part of Ofsted's reform of its registration, inspection and enforcement practice in relation to children's homes to make it more robust, challenging and effective. Ofsted's intention is to raise the bar and define what 'good' looks like as we believe that only 'good' is good enough for children and young people. As such, Ofsted propose that the 'adequate' judgement is replaced by 'requires improvement' and that a judgement of 'inadequate' in 'how well children and young people are helped and protected' will automatically result in an 'inadequate' judgement overall.