

# Corporate Parenting Panel Report

Date	2 September 2013	Item Number	4
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## DFE CONSULTATIONS ON CHILDREN'S HOMES, AND CARE PLANNING, PLACEMENT AND CASE REVIEW

**Author:** Nicky Rayner  
**Title:** Assistant Director Children's Social Care  
**Service Group:** Children & Families- Integrated Support & Social Care

### Report Summary

#### **Purpose:**

Corporate parenting panel members have requested that panel discuss and respond to these two DfE consultations.

#### **Background:**

The DfE is consulting on a number of measures to improve the safety and well-being of those children in care who are:

- In residential placements
- Placed at a distance from their placing authority

The proposed changes are generally welcome and reflect good practice. However, some of the proposals may also create unintended operational consequences, which are highlighted in the attached draft Milton Keynes' Children's Services responses. A summary of the key issues in the consultation documents has been included within the LGiU Policy Briefing.

Access to the full consultation documents can also be obtained through the following links.

[DfE Reforming children's homes care consultation](#)

[DfE Improving safeguarding for looked after children consultation](#)

**Corporate Priorities:** The consultations relate to the corporate priority to develop and maintain effective services and interventions that prevent the most vulnerable children and young people in our community from experiencing additional difficulties and prevent them from suffering significant harm.

**Equality and Diversity Impact:** Central government will be responsible for identifying and addressing any equality and diversity issues generated by the proposed changes.

#### **Recommendation:**

That the Panel discuss and amend the attached consultations and draft responses and indicate if they wish to be co-signatories or to send a separate response.

# LGIU POLICY BRIEFING

## 1. DfE consultation on children's homes, and care planning, placement and case review

Author            Martin Rogers  
                      LGIU/CSN Associate  
Date                11 July 2013

### (a) Summary

The DfE is consulting (until 17 September 2013) on a number of changes to strengthen regulations covering (i) children's homes and (ii) care planning, placement and review. The aim is to improve the quality of provision in children's homes and to make local authorities and children's homes more accountable for their decisions.

### (b) Overview

The DfE is conducting two consultations (until 17 September) on a number of changes to strengthen regulations covering (i) children's homes and (ii) care planning, placement and review (CPR). The aim is to improve the quality of provision in children's homes and to make local authorities and children's homes more accountable for their decisions. The proposals take forward the recommendations in the report of the Expert Group on Children's Homes Quality (December 2012). The report includes the recommendations of the Task and Finish Group on Out of Area Placements. These groups were established in response to the reports of the Joint All Party Parliamentary Group (APPG) Inquiry on Children who Go Missing from Care and the accelerated report of the Office of the Children's Commissioner's (OCC) inquiry into Child Sexual Exploitation in Gangs and Groups

### (c) Briefing in full

### (d) Reforming children's home care

This consultation is on proposed changes to The Children's Homes Regulations 2001 (PDF document) (as amended) and The Care Standards Act 2000 (Registration) (England) Regulations 2010 and a minor amendment to the Fostering Services (England) Regulations 2011. The proposals reflect commitments made by Ministers in response to the report of the Expert Group on Children's Homes Quality.

The proposed changes are (summarised):

- to add to Regulation 11(1)(b) a specific reference to the responsibilities of the registered person responsible for a children's home to ensure that children at the home are safeguarded
- to require the registered provider of a children's home to notify the authority in the area where the home is located whenever a child is admitted to the home or discharged from it
- to amend Regulation 16 so that each home must have a written policy for the

**prevention** of children going missing from the home, to include the procedures to be followed if a child goes missing; and to add a requirement that this policy must be agreed with the local police service

- where a child placed in a children's home persistently goes missing, to place an obligation on the home's registered person to make contact with the child's LA to request formally a review of the child's care plan
- to amend Regulation 31 to add a specific requirement on the registered person to ensure that any premises used for the purposes of a children's home are appropriately located, so that children are effectively safeguarded and are able to access services specified to meet the needs identified in the care and placement plans of children using the home; and to review the suitability of the premises annually, consulting the local police service and the LA in the area where the home is located
- to introduce new requirements into Regulation 26 to require that all care staff working in a children's home must attain the necessary qualifications within two years of starting work, and that all care staff in employment at the time these regulations come into effect will be required to attain the necessary qualification by April 2017
- to introduce new requirements in Regulation 8 to require, from April 2018, candidates for appointment to registered manager posts to have the necessary management qualification prior to being eligible for appointment, and to make a consequential change to Regulation 8 (Fitness of Manager) to make it clear that managers without the necessary qualification will not be eligible for registration. Alongside this to amend Schedule 2(5) so that registered managers seeking to continue managing a children's home must be able to provide documentary evidence that they have completed relevant "continuing professional development" (CPD); and to include transitional arrangements so that appointees to the role of registered manager who do not have the required management qualification must enrol on training within six months to achieve it, and obtain it within three years of their appointment
- to include regulatory requirements that homes can only operate for as short a time as possible without a registered manager (or locum) being appointed and Her Majesty's Chief Inspector of Education, Children's Services and Skills (HMCI) being informed
- to amend Regulation 6 to require that as part of establishing their fitness to carry on a children's home, potential registered providers must be interviewed by HMCI
- to amend Regulation 33 so that the registered provider must ensure that the home is visited (in accordance with the amended Regulation 33) by a person who is *independent* of the conduct of the home, and so that the registered provider must consult with the LA for the area where the home is located and the LA must approve that the arrangements proposed are sufficiently independent
- some amendment of the requirements for conducting and reporting on monitoring visits, including sending copies of the report to the placing LA and, on request, the LA for the area in which the home is located; and the reports to include any details required by HMCI, and a judgement by the independent person on how effectively the home safeguards children and promotes their welfare
- amendment of Schedule 6 to ensure that, in carrying out their functions under Regulation 34 to review the home's quality of care, the registered person explicitly monitors the home's safeguarding arrangements; and other additions to current requirements
- revision of Schedule 1, which sets out what must be included in the Statement of Purpose (SoP) required by Regulation 4, with the aim of making the SoP much more specific; the proposed new content is included for consultation
- to replace the term 'prostitution' with 'sexual exploitation' in Schedule 5 of the Children Homes Regulations and Schedule 7 of the Fostering Services Regulations (in line with the recommendation of the Children's Commissioner)
- revision of Schedule 6, which sets out the matters to be monitored by the registered person; again, the proposed new content is included for consultation
- amendment of the Registration Regulations to reflect proposed amendments to the Children Homes Regulations (CHR):

- amend Schedule 1, Part 2 in line with changes to CHR 31, so that information supplied when applying to register a children's home must include details about the needs of the children and how these are to be met, including the risk assessment of the location
- amend Schedule 4 so that the information provided is compatible with the requirements for the Statement of Purpose in the revised CHR Schedule 1
- (in considering whether a home should be registered and permitted to open, HMCI will need to assess the quality of the provider's appraisal of the site's suitability and how feedback from the services consulted – which are likely to include the LA children's services and local police – has been taken into account; where risks are identified, the provider will need to stipulate mitigating action, and HMCI may consider setting requirements for the provider to meet)
- amendment of Registration Regulation 7 to enable Ofsted to publish inspection reports that provide the names of a home's registered provider and the responsible individual (provided that this doesn't jeopardise the welfare of children placed in a specific home)
- the paper concludes by asking whether any changes should be made to the Fostering Services (England) Regulations 2011 similar to those proposed for the Children's Homes Regulations.
- Improving safeguarding for looked after children

This consultation is on proposed changes to the Care Planning, Placement and Case Review (England) Regulations 2010. The proposals reflect concerns raised by the Joint APPG Inquiry and the OCC, which highlighted the specific vulnerability of children in out of authority placements, most frequently in children's homes, and commitments made by Ministers in response to the subsequent report of the Expert Group on Children's Homes Quality.

The proposed changes are (summarised):

- to amend Regulation 11(1) so that when a child is to be placed both out of authority and "at a distance" the decision to place the child must be approved by the DCS (rather than, as now, a 'nominated officer'); views are sought on how "distance" should be defined (at March 2012, 44% placements in residential care were 'out of area', and 28% of children in children's homes were more than 20 miles from their own LA). It is expected that the DCS would be satisfied that arrangements were in place to ensure the child would be effectively safeguarded and that other services would provide a suitable response to the child's needs
- to amend Regulation 11(2d) so that, before the DCS approves a decision to place a child in a distant out of authority placement, the area authority must be *consulted* (rather than simply notified); the intention is that the placing LA is fully informed about the issues in the area where the child is to be placed. It is also proposed (see below) that the placing LA should share the child's care plan with the area LA at the consultation stage, to enable an informed discussion about whether plans for the placement are appropriate. The need for contingencies for emergency placements is recognised, and it is suggested that these could be modelled on procedures followed to permit DCSs to authorise the detention of children in secure accommodation for 72 hours on welfare grounds.
- to amend Regulation 13 (which specifies who must be sent written notice of a placement before it is made) to specify the information that must be included in notification from placing LAs to area LAs, which it is proposed must include the child's care plan and whether the child is subject to youth justice supervision requirements that will need to be delivered by the Youth Offending Services in the area LA
- to amend Schedule 2 so that where there are child protection concerns (including about a risk of sexual exploitation, risks of other forms of abuse, or where the child has gone missing or run away from previous placements) the Placement Plan must

- include the day to day arrangements put in place by the placement provider (the registered manager of a children's home or foster carer) to keep the child safe
- the amend Regulation 33(3) to make it explicit that the responsible LA should carry out a review when contacted by the area LA, the registered manager of a children's home, a foster carer or a parent where there has been a serious incident that raises concerns for the child's safety
- to amend Schedule 7 (which describes the considerations that the responsible LA must take into account when reviewing a child's care plan) so that it is clear that in reviewing all the circumstances surrounding the child's placement, the review meeting must address explicitly the question as to whether the child is being effectively safeguarded
- to amend Part 7 of the Regulations in respect of 16 and 17 year old looked after children so that a decision to cease looking after a child in this group is not put into effect until it has been approved and signed off by the DCS. The aim is to address the significant concern that young people are leaving care too early: although the majority of looked after children now cease to be looked after on their 18<sup>th</sup> birthday, there is still a significant number leaving care at 16 and 17 (in 2012, it was 1,710 and 1,720 respectively); young people leaving care at 16/17 become 'relevant children' and are entitled to support until age 21 or beyond, but evidence suggests that too many young people are leaving care too soon and without adequate support; for many 16 year olds, their final placement is in a children's home – and more than half of the children in children's homes cease to be looked after at 16, compared with around a third of children in foster care.

(e) Comment

The consultation documents describe the continuing concerns that the proposed changes aim to meet, some of which have featured in recent high-profile cases of the abuse of vulnerable children and young people in children's homes. The overall effect of the proposals should be to improve and tighten up some aspects of provision, including ensuring that LAs (and other services) are better informed about which vulnerable children are in their area, with improved collaboration between responsible and area LAs about the arrangements and provision for such young people.

Some of the proposals will place additional demands on LAs, and consultation questions ask specifically for information on new resource requirements that may arise from the proposals.

Authorities are encouraged to respond to these consultations both to contribute to the improvement of provision and to ensure that the DfE is made fully aware of the resource implications of the proposals.

## Improving safeguarding for looked after children: consultation on changes to the Care Planning, Placement and Case Review (England) Regulations 2010

This consultation seeks views on proposals to amend the Care Planning, Placement and Case Review (England) Regulations 2010. We are proposing these amendments to ensure that where looked after children are placed out of authority in distant placements they are effectively safeguarded and their welfare is promoted. We want such placements to be firmly in the child's best interests.

These proposals take forward the recommendations in the report of the Expert Group on Children's Homes Quality, which included conclusions from the Out of Authority Placement Task and Finish Group, published on 24 April 2013.

These groups were established in July 2012 following the conclusion of the high profile Rochdale child sexual exploitation trial and reports from the Office of the Children's Commissioner (OCC) and the Joint All Party Parliamentary Group (APPG) Inquiry on, respectively, child sexual exploitation in gangs and groups, and children who go missing from care. These reports highlighted particular concerns about the care of children who were placed, often at short notice, in distant children's homes a long way from the authorities responsible for their care. Children in such circumstances were vulnerable to going missing from their placements and could be targeted for exploitation. They could be "out of sight, out of mind".

This consultation also seeks views on the proposal to amend Part 7 of the Care Planning, Placement and Case Review (England) Regulations 2010, in regard to 16 and 17 year old looked after children, so that a decision to cease looking after this group of children is not put into effect until it has been approved and signed off by the Director of Children's Services.

(....)

**1 Do you accept that amendments are required to the Care Planning Regulations, to improve information sharing between placing authorities and area authorities, to effectively safeguard and promote the welfare of looked after children placed in distant out of authority placements?**

Yes

No

Not Sure

Comments:

**2 Do you agree with our proposal to amend Regulation 11 of the Care Planning Regulations so that the decision to place a child in a distant out of authority placement has to be approved by the responsible authority's Director of Children's Services?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Sure
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Comments: We understand the intention to raise the profile of these young people, however oversight at Assistant Director level is adequate and pragmatic. The DCS would be alerted to any potential difficulties.

We therefore suggest that the DCS is empowered to delegate this authority to a second tier officer.

**3 We do not want to place a barrier to a child being placed in an adjacent authority that may remain close to the child's community or be even closer than a placement within the same authority dependent on borders. Therefore we would value your views as to how "distance" should be defined in this context.**

**Should distance be based on mileage from the child's home address (20/25+ miles); travelling time or on some other formula – e.g. where a child is placed within a region of co-terminus LAs where information is shared and resources are pooled, they would be deemed to be in a "local" placement?**

<input checked="" type="checkbox"/> Based on mileage from the child's home address (20/25+ miles)	<input type="checkbox"/> Travelling time	<input type="checkbox"/> Other formula - please specify (e.g. where a child is placed within a region of co-terminus LAs where information is shared and resources are pooled, they would be deemed to be in a local placement?)
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Comments: 'Other formula' provides an attractive example but this would be more complex to apply in practice.



**4 Do you agree with the proposal that area authorities must be consulted before the Director of Children's Services can approve a decision to place a child in a distant out of authority placement?**

Yes

No

Not Sure

Comments: We question the purpose of 'consulting' in this context. Who would be consulted and would they be likely to provide a balanced view? This could become a 'tick box' exercise or provide a barrier to children with particularly complex needs accessing the most appropriate resource for their needs. There would also be implications for children on remand which would need clarification in the guidance.

**5 When a placement has to be made in an emergency, what should be the minimum expectation for consultation with the area authority?**

Comments: Inform the area authority's emergency social work service/relevant team of basic details and send copy of the care plan by secure email.

**6 Apart from that listed in 3.5, what additional arrangements (if any) will area authorities and placing authorities need to have in place so that there is a meaningful and constructive consultation between authorities when an out of authority placement is being considered? For example, a named contact or dedicated mailbox to alert authorities of incoming placements.**

Comments: Agree there should be a named contact for the young person given to the LA and a copy of the care plan. Also any relevant information, e.g. assessment/strategy meeting where S.47 has taken place, which highlights the risk the young person presents to themselves or others.



**7 Apart from local children's services, are there other services that should be consulted prior to the DCS being able to approve the placement of a looked after child in a distant out of authority placement – e.g. local health services; the virtual headteacher; local youth justice services.**

<input type="checkbox"/>	local health services	<input type="checkbox"/>	the virtual headteacher	<input checked="" type="checkbox"/>	local youth justice services
<input type="checkbox"/>	other, please specify				

Comments: As an aspiration, it would be ideal to consult with all agencies, but this may not be feasible. It could lead to delays in decision making and children accessing suitable placements.

Should notify the MISPER coordinator if the young person has a tendency to go missing.

Should inform CSE coordinator if the young person is vulnerable to sexual exploitation.

There needs to be a better mechanism for ensuring that youth justice issues are fully considered. Both placing and area YOTs (where relevant) should be consulted and have a responsibility to ensure that issues regarding delivery of youth justice services are agreed asap. (this issue was raised in the HMiP thematic inspection on LAC placed out of area December 2012)

**8 Would any of the proposals in section 3 of the consultation document incur any new resource requirements for your organisation? If your answer is "yes" – please describe the additional resources involved.**

<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not Sure
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Comments: Staffing capacity. Social worker and placement officer time.

**9 Do you agree that arrangements for notifications should be strengthened as outlined in section 4 of the consultation document so that they include specific regulatory requirements as to the information (which includes the care plan for the child concerned) that must be provided to the area authority by the placing authority?**

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not Sure
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Comments: Notification is sufficient

**10 Do you agree that Schedule 2 should be amended so that the provider's strategy for keeping the child safe must usually be included as a significant feature of the Placement Plan for a looked after child?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
Comments:		

**11 Do you agree that a review meeting should be convened in circumstances where any or all of those listed below request that a review is needed, in response to concerns that a child is at risk in their placement?**

- **area authority**
- **registered manager of a children's home or fostering service**
- **foster carer**
- **parent**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
Comments: Where there is some evidential basis/assessment.		

**12 Do you agree that Schedule 7 of the Care Planning Regulations should be amended as outlined in 6.4 of the consultation document?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
Comments:		

**13 Do you agree with the proposal that Directors of Children's Services should approve and sign off the pathway plans for voluntarily accommodated 16 and 17 year olds whenever there is a proposal for them to leave care?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Sure
Comments: See question 2 response above. This is overseen through the statutory review process involving the independent reviewing officer.		

**14 Do you agree that such a change in legislation would help prevent young people leaving care prematurely, so that they only cease to be looked after once they have been properly prepared and provided with a package of support to enable them to make a successful transition to adulthood?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments: However, as above, this should be overseen through the statutory review process and based on the child's needs.

**15 Please add any final comments concerning the effectiveness of the measures on which we are consulting to effectively safeguard and promote the welfare of looked after children, particularly, those placed outside their responsible authority.**

Comments: No further comment.

**16 Do you agree that these proposals will improve collaboration between placing authorities and services in the areas where children are placed to improve the effectiveness of safeguarding arrangements and therefore be in children's best interests?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Sure
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Comments: More effective communication would enhance safeguarding. However, some of the proposed requirements might impose disproportionate and unnecessary barriers to effective care planning.

**Reforming children's homes care: consultation on changes to The Children's Homes Regulations 2001 (as amended) and The Care Standards Act 2000 (Registration) (England) Regulations 2010**

1 Do you accept that amendments are required to the Children's Homes Regulations and to the Registration Regulations, so that children are provided with effective, safe care, of consistent good quality, and homes are safely located?

Yes

No

Not Sure

Comments: Local communities may be resistant to new children's homes being set up in 'safe' areas (for example through local residents not wanting such establishments in the area due to the perceived impact on the community) This would be counter to the Local Authority's sufficiency duty.

Police may similarly have concerns about the perceived potential workload which a new home may create for local policing.

'Unsafe area' therefore needs to be defined.

All areas of the country need sufficient, good quality residential care. We are concerned about the impact on the market in areas defined as safe/unsafe and consequent availability and cost.

2 Do you agree with our proposal to include a specific reference to safeguarding and support as part of the registered person's responsibilities set out in Regulation 11(1)(b)?

Yes

No

Not Sure

Comments:

3 Do you agree with our proposal to amend the Children's Homes Regulations to introduce a new duty on children's homes to notify the authority for the area where they are located every time a child is admitted to a placement and when they are discharged?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments: The placing authority currently has this responsibility. This requirement enhances and provides a triangulation for current information sharing and is welcomed.

4 Would any of the proposals in Sections 4 and 5 of the consultation incur any new resource requirements for your organisation? If your answer is "yes" – please describe the additional resources involved.

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments: None perceived.

5 Do you agree with our proposal that children's homes should be required to have explicit policies about how they prevent children going missing, that are agreed with the local police?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

6 Do you agree that there should be a duty on the registered person of a children's home to communicate with the child's authority to formally request a review of the child's care plan, in cases where children are persistently missing from placement?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

7 Would any of the proposals in Section 6 of the consultation incur any new resource requirements for your organisation? If your answer is "yes" – please describe the additional resources involved.

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not Sure
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Comments: Milton Keynes Children's Services already have a policy agreed with the police. This provides a specific response including strategy meetings to be held when the child has been missing for a set period of time/number of occasions and for review of the care plan

8 Do you agree with our proposal that the registered person should conduct an annual assessment as to any risks resulting from the area where a children's home is located, that must involve consulting with the local police and with children's services responsible for safeguarding?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not Sure
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Comments: As above. We have concerns about mapping the community into safe and unsafe areas. If some areas are seen as 'unsafe' this has consequences for the wider child population and therefore should be addressed on a wider basis by partner agencies. The principle of an annual risk assessment is positive providing this is used to contribute to planning for improved safety in an area.

9 Would the proposal in Section 7 of the consultation incur any new resource requirements for your organisation? If your answer is "yes" – please describe the additional resources involved.

<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not Sure
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Comments: Time, plus resourcing any actions identified as a result of the risk assessment.

10 Do you agree that all care staff in children's homes should achieve the minimum necessary qualification, which is currently the Level 3 Children and Young People's Workforce Diploma with mandatory social care pathway, within two years of starting employment?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

11 Do you agree that, as an interim measure, from 2014 up to 2018 candidates for registered manager positions must enrol on the required training to achieve the necessary qualification, currently the Level 5 Diploma in Leadership for Health and Social Care and Children and Young People's Services, within six months of commencing post and obtain the qualification within three years of employment?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

12 Do you agree that from 2018 we should require candidates for registered manager posts to have achieved the necessary management qualification prior to appointment?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Sure
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Comments: Terms and conditions in residential care and the nature of the role are such that recruitment of well qualified candidates is problematic. Whilst this is a good aspiration, it could make entry into the service more difficult than it already is. When people are already well qualified in social care, completion of the qualification within six months would be adequate and would prevent the exclusion of potentially good management candidates with professional social care skills and experience who require the additional management training. We suggest scrutiny of the relationship between general social work and residential social work training and encouraging employers to establish a more robust link link between qualifications and conditions of pay and service (e.g. paying enhanced rewards for staff with more advanced qualifications).



13 Do you agree that homes should only be able to operate for as shortest time as possible without a registered manager (or locum) being appointed and HMCI being informed?

Yes       No       Not Sure

Comments:

14 Would the proposals in Section 8 of the consultation incur any new resource requirements for your organisation? If your answer is "yes" – please describe the additional resources involved.

Yes       No       Not Sure

Comments: Training programme to enable staff to complete required training.  
Paying better qualified staff a higher salary (see 12 above)

15 Do you agree that the local authority in the area where the home is located must approve the registered provider's scheme for independent visits to monitor the quality of the home's care?

Yes       No       Not Sure

Comments: The LA is responsible for the quality of their own provision. The carrying out of Regulation 33 monitoring is a responsibility of the provider and the quality of this should be monitored by Ofsted. LAs do not have the capacity to monitor independent provision and there would be a conflict of interest if they were expected to do so as there is a customer/provider relationship with the independent provider.

16 a) How, apart from the details in paragraph 10.3 of the consultation document, should independence of the people expected to carry out this significant monitoring role be defined?

Comments: No comments.

16 b) Do you consider that we should specify in Regulations more detailed requirements for the independent person to demonstrate ability to relate to vulnerable children – e.g. resulting from their professional background or previous experience?

Yes       No       Not Sure

Comments: Independent persons require a range of skills, one of which is to communicate effectively with children.

17 Is it possible to maintain the necessary independence where the Regulation 33 visitors work is commissioned and funded by the registered provider?

Comments: Regulation 33 visits are a management function (i.e. to ensure that those responsible for managing the home have an overview), they are not an inspection. On this basis, our response is yes to this question. The registered provider should be independent from the home, but not necessarily independent from the provider.

18 Do you agree that the Regulation 33 visitor should report on the issues outlined in paragraph 10.7 of the consultation document, with reports always having to be sent to the persons or organisations listed in paragraph 10.6?

Yes  No  Not Sure

Comments: This changes the nature of Regulation 33 visits. It would have resource (person and cost) implications.

19 Would the proposals in Sections 10 and 11 of the consultation incur any new resource requirements for your organisation? If your answer is "yes" – please describe the additional resources involved.

Yes  No  Not Sure

Comments: As above.

20 Do you agree with the details to be included in the Statement of Purpose as described in Appendix 1?

Yes  No  Not Sure

Comments:

21 Do you agree that Schedule 5 of the Children's Homes Regulations and Schedule 7 of the Fostering Services Regulations should be amended to remove references to prostitution and replace these with the term "sexual exploitation"?

Yes  No  Not Sure

Comments

22 Do you agree with the list of matters to be monitored by the Registered Person as described in Appendix 2?

Yes  No  Not Sure

Comments

23 Do you agree that, in parallel with our proposed changes to the Children's Homes Regulations, the Registration Regulations should be amended to require potential providers to provide information to HMCI about the suitability of the home's location which will involve consultation with relevant local services?

Yes  No  Not Sure

Comments: See questions 1 & 8 above

24 Would proposals in Section 15 of the consultation incur any new resource requirements for your organisation? If your answer is "yes" – please describe the additional resources involved.

Yes  No  Not Sure

Comments: Time and person resource to report information and respond to requests.

25 Do you agree that Ofsted should be able to include details of the homes' registered provider and responsible individual provided that this does not jeopardise the welfare of individual children when children's homes' inspection reports are published?

Yes  No  Not Sure

Comments: We are not clear what the benefit of this might be, but do not object to this increased transparency

26 Do you have any final comments concerning the effectiveness of all the measures on which we are consulting to effectively safeguard and promote the welfare of children who rely on children's homes for their care?

Comments: The guidance contains changes which will improve elements of the

residential care system. However it would potentially lead to greater instability for more difficult to place children (because the proposals may enable local agencies and communities to resist the establishment of new children's homes and/or apply pressure that could lead to young people being moved unnecessarily).

27 In your view, will these proposals improve collaboration between children's homes, placing authorities and the services in the areas where homes are located, and therefore be in children's best interests?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not Sure
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Comments: See above.

The proposals will support co-ordination but will not promote the development of new resources.

Local agencies and communities do not generally welcome children's homes in their areas and this guidance could provide an opportunity for this to be articulated.

28 Regarding the changes which we are proposing to make to the Children's Homes Regulations 2001, are there any where you consider a similar change should be made to the Fostering Services (England) Regulations 2011? For example should fostering services be required to:

- have a policy (agreed with the local police and taking account of relevant police and local authority protocols) for the prevention of children going missing from their foster carer's homes?
- inform the police, area local authority and the child's parents if a child goes missing from their foster carer's home (in addition to the current requirement to inform the responsible local authority)?
- contact the local authority of any child who persistently goes missing to request a review of the child's care plan?

If there are any such changes you think should be made to the Fostering Services (England) Regulations 2011, please give details.

Comments: Bullet point 1 – agree; bullet point 2 – depends on circumstances and should be defined in local protocols; bullet point 3 – agree.

