

Guidance and Procedures

Children and Families

DRAFT

Children's Homes Regulations 2001 - Regulation 33 Visits

Glossary of terms

Legislation “the Law”

Issued by central government following a process of wider consultation with targeted stakeholders about the proposals (green paper), followed by a white paper detailing proposed legislation for further consultation, and then a bill which is progressed through Parliament to become law (an Act of Parliament).

Regulations

Issued by central government, setting out the arrangements to expand on, implement and enact the legislation.

Standards

National standards issued by government against which the local authority will be inspected and measured. These should be reflected in the departmental procedures. Standards should be measurable.

Strategy

The aim which informs the policy of an organisation. May include service development.

Policy “What we have to do”

Principles developed by members of an organisation; should be linked back to legislation/regulation and set out how the local authority will implement legislation and regulation.

Procedures “How we do it”

Developed by an organisation to operationalise policy. This should reflect internal recording procedures and relationships between different sections of the department.

Guidance “Why we have to do it”

This can be issued by Government or can be a local directive on good practice. Guidance can be very specific or a more general statement of principles.

Protocol

This is developed to manage an interface between two areas of policy which may or may not be within the same department or local authority.

Statement of Purpose

A document required by the Regulations, which defines the objectives of the fostering service, and covers those issues set out in the Regulations and national minimum standards.

Delegated authority

Name of person who is authorised to make key decisions.

Contents

	Page
1. Requirements of Regulation 33	4
1.1 Children's Homes Regulations 2001, Regulation 33 visit by registered provider	4
1.2 The purpose of Regulation 33 Visits	4
1.3 The inspection visit and report	4
2. Procedures for visits	4
2.1 Planning	4
2.2 Undertaking the visit	4
2.3 Visits by Members of the Authority	5
3. Records to be checked	5
3.1 Each visit	5
3.2 Records to be checked periodically	5
4. Premises/Furniture and fittings	6
5. The Education of Young People Cared for	6
6. Arrangements for Health Care	6
7. Community Relations	6
8. Comments by Young People, Staff Members, Parents and Visitors	7
9. General Comments on satisfaction with the visit	7
10. The Reports	7
Appendix A: Children's Homes Regulations 2001	

1. Requirements of Regulation 33

1.1 Children's Homes Regulations 2001, Regulation 33 Visit by registered provider:

(See Appendices for excerpts from the Regulations)

Regulation 33 requires for a monthly visit to children's homes and units run by the local authority by a person not employed at the home nor directly responsible for it, and the presentation of a written report to the responsible authority – referred to below as the Visitor. The person undertaking the visit should be properly informed of its purpose and have access to the reports provided for the previous 6 months.

1.2 The purpose of Regulation 33 Visits

The focus of the visits is to ensure that the day-to-day care provided is of a satisfactory standard. This is achieved through a combination of the Visitor's own direct observations, conversations with young people and staff and reading of key records and reports which together provide important insights into the ways in which the home/unit operates on a daily basis and how appropriate care and control is provided.

The visits will also assist in service development by providing a regular independent perspective on the functioning of children's residential provision.

1.3 The inspection visit and report

The inspection visit requires the Visitor to read the daily log and check appropriate records; to check the physical condition of the home/unit; to talk to young people, staff on duty and any visitor who may be present; to report directly to the manager where immediate issues should be dealt with on the visit. (See below for details)

The written report on observations and findings will be provided to the manager of the home/unit, to senior managers of the local authority, to the relevant Member from the Corporate Parenting Group and to CSCI.

2. Procedures for visits

2.1 Planning: Visits will take place in each calendar month. Visits will normally be unannounced and times of day will vary, taking into account when young people will be there. Each visit will require a minimum of 3 hours.

2.2 Undertaking the visit: On arrival at the home/unit, the Visitor should show his or her identification card and state the nature of the visit. They should also:

- Ascertain how many young people are present at the home/unit and ask that they be informed of the visit
- Explain how they intend to carry out the visit
- Find out if there is anything happening of which they need to be aware

The Visitor should not look around bedroom areas alone if young people are around and should not enter individual young people's bedrooms without their permission. A young person might be asked to show the Visitor round the building as this can provide both an opportunity for talking privately with the young person and gaining their views about the accommodation.

2.3 Visits by Members of the Authority: visits will be made jointly with Members and an independent person to a specific home or unit as part of their corporate parenting responsibilities.

3. Records to be checked

The records provide important information and insight into what has occurred since the last visit and can usefully inform discussions with young people and staff.

3.1 At each visit: The records to read are: (Details of the report content is in the Appendices to these Procedures.)

- a) The admissions and discharges record
- b) The Daily Log
- c) Record of child protection concerns
- d) Record of Sanctions
- e) Record of Restraints
- f) Record of Complaints
- g) Significant incidents
- h) Record of Young People's Meetings
- i) Record of Staff Meetings
- j) Log of staff supervision

3.2 Records to be checked periodically (likely quarterly but at Visitor's discretion)

- a) Children/young people's file records
- b) Health and Safety records
- c) Fire Regulations
- d) Risk Assessments
- e) Medication administration and stock
- f) Staff training

4. Premises/Furniture and fittings

The Visitor should look around the building and the garden/grounds on each visit. The report should identify:

- Any damage or outstanding repairs
- Any unsafe equipment that needs replacing or repairing
- Any delays in receiving a response from the relevant services department (the Visitor should ensure that staff have properly reported any outstanding defect before making reference to it in the report)

The report should comment on the general standards of accommodation, the furniture and fittings and the level of homeliness provided. A distinction needs to be drawn between issues that need to be addressed over a longer period or have implications for the capital programme and those that should be resolved more speedily.

5. The Education of Young People Cared for

The Visitor should discuss with the member of staff on duty the arrangements for the education of each young person of school age and school/education problems encountered.

The report should identify: (using child's initials only)

- Any young person who is not attending school
- The reasons for this
- Any alternative arrangements that have been made.

6. Arrangements for Health Care

The Visitor should ascertain what the arrangements are for young people to access health and medical care, including G.P. services, dental care, hearing and sight tests as well as advice relating, as appropriate, to sexual health and substance use.

The report should provide an overview of the level of health care provided and identify any unmet needs that exist.

7. Community Relations

The Visitor should discuss with staff the relationship between the home/unit and the local community including immediate neighbours; links with local community groups (including participation on local committees); and use of local facilities. There should be discussion too of links with local schools and the local police, including contact made with the Police Liaison Officer.

The quarterly report should identify:

- Any incidents that have occurred or complaints that have been received and action taken
- Any activities undertaken in the local community, for example fundraising or voluntary work.

This may overlap with information recorded elsewhere in the report.

8. Comments by Young People, Staff Members, Parents and Visitors

The Visitor should always ensure that there is opportunity for discussion with young people and staff as well as any parents and visitors who may be present; there should also be the opportunity for individuals to raise matters in private.

The report should record comments in such a way that does not identify the individuals concerned and respects their confidentiality.

9. General Comments on satisfaction with the visit

The Visitor must reach a conclusion as to whether or not they were generally satisfied with the visit and findings. These views should be briefly reported to the registered manager (where possible) prior to leaving the home/unit, including any action that is to be taken. The report provides the space for any overall comments or observations that are not covered under the above headings.

10. The Reports

a) Monthly reports (see template provided)

- The Visitor should attempt to convey a flavour of life in the home/unit by all the means above. There is a need to give basic data in most sections of the report, but details of incidents etc. are not usually necessary, unless used illustratively. The **significance** of findings on such matters is important to address. The emphasis should be on an assessment of the findings in each section with positive points as well as those less so. The Visitor will need to bear in mind the need to explore issues raised from records or comments by staff/residents rather than just record them. The emphasis should be on the **impact** on the care of young people.
- Providing evidence of good practice is important e.g how young people treat each other and adults; how they treat their surroundings; evidence of involvement in how home/unit is run; how staff relate to the young people. Much of this will inform the quarterly reports (see below).

- It is acceptable to use information from one visit in a subsequent visit to explore impact on young people e.g. a comment from a young person may lead to a later visit exploring a particular aspect of practice in the home/unit. In such a way a more in-depth perspective can be built up.
- The report should relate what the Visitor thinks of the home's performance.
- Reports will be sent to Managers for comments and checks for accuracy. It is important that any significant concerns should be checked with the Manager for clarification. Where facts are in dispute these should be resolved before the report is finalised. Differences of interpretation may still be reflected in the final Document.

b) Quarterly Reports (draft)

In addition to the monthly visit reports, a quarterly report is required. This should contribute to the completions of the annual Head of Service reports under Regulation 34. This gives the opportunity for the Visitor to periodically aggregate findings and follow up emerging themes. In this way individual visits can be used to concentrate on a particular aspect of functioning in more depth (e.g. leisure programmes, health issues) in the knowledge that the quarterly report will serve to pull together findings and comment.

The quarterly report is intended to be a supplement to the more factual monthly reports by drawing impressions and conclusions from them. It gives the opportunity to expand on good practice and areas for improvement and point out trends. This report should have more of an analytical flavour than the monthly reports, which represent more a snapshot, and enable the Visitor to express professional views on the quality of care given within the home. The evidence for such views should be succinctly included.

Feedback:

We welcome feedback about our policies and procedures so if you have any comments about this procedure please email to glynis.williams@cheshireeast.gov.uk

Glynis Williams
Operation Manager – Cared for Children Service
September 2009

Appendices:

A. Children's Homes Regulations 2001:

1. Regulation 33

PART V

MANAGEMENT OF HOMES

Visits by registered provider

33. - (1) Where the registered provider is an individual, but is not in day to day charge of the children's home, he shall visit the home in accordance with this regulation.

- (2) **Where the registered provider is an organisation or a partnership, the home shall be visited in accordance with this regulation by –**
- (a) the responsible individual or one of the partners, as the case may be;
 - (b) another of the directors or other persons responsible for the management of the organisation or partnership; or
 - (c) an employee of the organisation or partnership who is not directly concerned with the conduct of the home.
- (3) Visits under paragraph (1) or (2) shall take place at least once a month and may be unannounced.
- (4) The person carrying out the 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 of the standard of care provided in the home;
 - (b) inspect the premises of the children's home, its daily log of events and records of any complaints; and
 - (c) prepare a written report on the conduct of the home.
- (5) The registered provider shall supply a copy of the report required to be made under paragraph (4)(c) to –
- (a) the Commission;
 - (b) the registered manager of the children's home; and
 - (c) in the case of a visit under paragraph (2) -
 - (i) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation; and
 - (ii) where the registered provider is a partnership, to each of the partners.

2. Regulation 34

Review of quality of care

34. - (1) The registered person shall establish and maintain a system for -

(a) monitoring the matters set out in Schedule 6 at appropriate intervals; and

(b) improving the quality of care provided in the children's home.

(2) The registered person shall supply to the Commission a report in respect of any review conducted by him for the purposes of paragraph (1), and make a copy of the report available on request to children accommodated in the home, their parents and placing authorities.

(3) The system referred to in paragraph (1) shall provide for consultation with children accommodated in the home, their parents and placing authorities.

B Details of Records to be checked and the content of Reports

a) The Admissions and Discharges Record

To identify admissions and discharges since the last visit.

b) The Daily Log

The Visitor should check that this record contains entries for the whole of each day and provides an overview of daily life and events in accordance with the requirements of the Recording Standards document. It may be necessary to cross reference with other records, for example a significant incident report, to gain a complete picture.

The report should comment on both the content of the entries, the standard of recording and identify any gaps.

c) Record of child protection concerns:

The report should include:

- Date concern was noted
- Nature of the concern
- Action taken by the home/unit – including referral on (eg other local authority)
- Outcome

d) Record of Sanctions

The Visitor should ensure that the record conforms to the requirements of regulations, Department of Health guidance on permissible forms of control and the DCC policy guidance on positive care and control. It may be necessary to cross reference with serious incident reports or speak with individual young people.

The report should identify:

- The number of entries in the record
- The number of young people concerned
- The types of sanctions used and the reason for their use
- Any occasion upon which a young person has been reported to the police in response to any alleged criminal act perpetrated at the home/unit
- Any apparent excessive or unduly low use of formal sanctions (which may suggest that the requirements are not being followed) or repeated use of sanctions in respect of individual young people or by individual staff members

The report should also state whether or not the use of formal sanctions by staff appears to be both lawful and appropriate.

Any apparent unlawful use of sanctions must be immediately brought to the attention of the external line manager

e) Record of Restraints

The Visitor should ensure that the record conforms to the requirements of regulations and guidance on positive care and control. Any use of restraint must also be recorded in detail on a serious incident report form.

The report should identify:

- The number of entries in the record
- Any matter that has been referred for investigation under the complaints or child protection procedures or to the police and the outcome of any such investigation (if known)
- Any apparent excessive use of restraint or repeated use in respect of individual young people or by individual staff members.

It should also state whether or not the use of restraint by staff appears to be both lawful and appropriate.

Any apparent unlawful use of restraint must be immediately brought to the attention of the external line manager.

f) Record of Complaints

The Visitor should ensure that the record conforms to the requirements of the Recording Standards document and contains an entry for any complaint made regarding the conduct of staff or young people. It may be necessary to cross reference with serious incident reports or other records or speak with individual young people.

The report should identify:

- the number of entries in the record
- the nature of the complaints
- the number of young people identified
- the appropriateness of action taken in response and whether or not they have been satisfactorily resolved (where known)

The report should also comment as to whether young people appear to be aware of the complaints procedure and are able to exercise their rights to use the procedure.

g) Significant incidents

The Visitor should read all the serious incident reports to satisfy him or herself that they have been handled in accordance with the requirements of any procedures and that full information has been recorded to inform any investigation that might be required.

The report should identify:

- The number of reports
- The nature of the incidents (comment is required on incidents **not** covered in any of the proceeding sections)
- The appropriateness of action taken in response and whether or not they have been satisfactorily resolved (where known)

h) Record of Young People's Meetings

The Visitor should read the minutes of meetings, held with the young people, which are intended to promote their active participation in day to day life at the home/unit. The frequency of meetings may vary between homes/units but should be a regular feature and an important forum for dialogue between staff and young people.

The report should comment on the effectiveness of this forum and identify:

- How frequently meetings are held
- The level of attendance
- The range of issues covered

i) Record of Staff Meetings

The Visitor should read the minutes of staff meetings which are intended to promote communication, home/unit policy formulation and planning of activities etc. The frequency of meetings may vary between homes/units but should be held not less than monthly. The report should comment on the effectiveness of this forum and identify:

- How frequently meetings are held
- The level of attendance
- The range of issues covered

j) Log of staff supervision

The Visitor should check that all staff receive supervision regularly and that an explanation is provided if supervision has not been given on a regular basis. (It is not part of the Visitor's role to read the supervision notes.)