



HILLINGDON
LONDON

REGULATION 44 VISITS AND REPORT POLICY

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1. Requirements

Regulation 13.2(h) of The Children's Homes (England) Regulations 2015 requires the registered person of a children's home to use monitoring and review systems to make continuous improvement in the quality of care provided within the home.

Regulation 43.1 of The Children's Homes (England) Regulations 2015 requires the registered provider to appoint an Independent Person to visit every children's home at least once a month and compile a report of their findings which must be submitted to the HMCI (Ofsted).

Thus, the visits completed by the Regulation 44 visitor are part of the monitoring and review system the registered person is required to set up to make continuous improvement to quality of care.

The other monitoring and review system the registered person must set in place to assess the quality of care provided within the home include:

- A process of regular monitoring of the activities within the home by the Registered Manager or, in their absence, their appointed deputy; and
- A formal Review of Quality of Care (Regulation 45) completed by the Registered Manager and submitted to HMCI at least once every 6 months.

The Independent Person's visits (hereafter referred to as Regulation 44 Visitor) must be completed in line with Regulation 44 of The Children's Homes (England) Regulations 2015 which set out a minimum requirement of how the visit and report should be set out.

The HMCI (**Ofsted**) Inspectors are required in line with their regulatory requirements to review Regulation 44 reports, notifications and Regulation 45 reports on regular basis to inform the next inspection and use the information to decide if they need to take any other action.

Failure to submit any Regulation 44 report will be noted in the lines of enquiry for the next inspection. Findings in this area is likely to impact on the judgement for Leadership and Management.

2.Regulatory Framework

This requirement is also covered by the following regulatory framework –

- The Children's Home (England) Regulations 2015
- Guide to the Children's Home Regulations including the quality standards April 2015 (section 15.5-15.10)
- Children Act 1989 guidance and regulations- volume 5: children's homes. Statutory guidance for local authorities

- Children's Homes Regulations Amendments 2014: Advice for Children's Homes Providers on New Duties under Amendments to Regulations that came into Effect in January and April 2014.

3. Appointment of Regulation 44 Independent Visitor

The Registered Person must ensure that the appointment of a Regulation 44 Visitor does not give rise to conflict of interest; or appear to or compromise the ability of that person to reach a rigorous and impartial judgement of the quality of the home's care.

The Regulation 44 Visitor must declare any actual or potential conflict of interest.

The Regulation 44 Visitor cannot be a person employed by the local authority in connection with the carrying on of social care functions relating to children, unless the person's employment is all or in part for the purposes of quality assuring.

Thus, individuals such as Independent Reviewing Officers (IROs) may be considered (where they are not the IRO of a child living in the local authority home due to be visited). The IRO are good candidates for the role of Regulation 44 Visitor as due to the nature of their role they have the authority and duty to monitor the local authority's performance in relation to the children's care plans and challenge poor practice.

The local authority will ensure that there is a clear separation between those with a direct interest in a home performing well and the person conducting Regulation 44 visits.

For more information on who can be appointed as an independent person, see **Children's Homes Regulations Amendments 2014: Advice for Children's Homes Providers on New Duties under Amendments to Regulations that came into Effect in January and April 2014**

4. Purpose of Regulation 44 Visits

The focus of the visits is to make a rigorous and impartial assessment of the home's arrangements for safeguarding and promoting the welfare of the children in the home; to ensure that all children within the home are being appropriately cared for, they are kept safe, and their individual needs are being met. Particular reference should also be given to needs arising from their ethnicity or heritage, religion, disability and gender. This is achieved through a combination of:

- Examination of all appropriate written records and reports with particular reference to the daily logs and any complaints raised
- Talking to children, parents, relatives
- Discussion with the staff working in the homes visited and with the relevant managers.

- Explore the views of partners working alongside to provide a service to children i.e. social workers, IRO, school where necessary

As part of their report, the Regulation 44 Visitor must set out their opinion as to whether—

- (a) children are effectively safeguarded; and
- (b) the conduct of the home promotes children's well-being.

The Regulation 44 Visitor's report may recommend actions that the registered person may take in relation to the home and the registered person must consider whether or not to follow up those actions. The actions will be written in the action plan attached to every Regulation 44 report and the actions will be followed up by the Regulation 44 visitor in subsequent visits

The visits also support service development by providing a regular independent perspective on the functioning of the home

The visits should not be viewed as a singular event but rather contribute to building a chronology of the development of the home. The Regulation 44 Visitor drawing on historical reports to ensure that issues previously identified have been addressed.

5. Areas of Exploration and Quality Standards

In order to form an opinion as to whether the home is safeguarding and promoting the children's welfare; the Regulation 44 Visitor's exploration of the home during their ongoing visits must give consideration to the following-

A) how the home is meeting the nine Quality Standards which describes the outcomes that each child must be supported to achieve while living in the home.

The nine Quality Standards are:

1. The quality and purpose of care standard (see regulation 6)
2. The children's views, wishes and feelings standard (see regulation 7)
3. The education standard (see regulation 8)
4. The enjoyment and achievement standard (see regulation 9)
5. The health and well-being standard (see regulation 10)
6. The positive relationships standard (see regulation 11)
7. The protection of children standard (see regulation 12)
8. The leadership and management standard (see regulation 13)

9. The care planning standard (see regulation 14)

B) Regulation 5 – which set out a requirement for children’s home to work with the wider network and as part of the team around the child to ensure that each child’s needs are met.

C) Management and Administrative regulations- regulations 26-51 which are:

- Staffing (this will include training, supervisions, staff meetings, etc)
- Policies, records, complaints and
- Regulation 40 notifications
- Completion and submission of Review of Quality of care to HMCI
- Review of premises, financial position and miscellaneous

The HMCI (Ofsted) inspection of the children’s home focuses on these standard and in particular the outcomes that children are being supported to achieve. It also tests compliance with the relevant regulations and guidance.

For further details refer to:

- the Children’s Home (England) Regulations 2015 and Guide to the Children’s Home Regulations including the quality standards April 2015; and
- Regulation 44 visit Handbook (*the local Handbook is under development during the Financial Year 2023-24*)

6. Planning of Regulation 44 visits

The Regulation 44 Visitor will structure their visits on the following basis:

- Visits will take place each calendar month; and can be either announced or unannounced.
 - The purpose of the announced visit being to meet with young people - parents - staff - the registered manager.
 - The purpose of the unannounced visit, being to aid spot checking the running of the home. The overall purpose of the visit will be observing the care provided, the practice of the staff, inspect compliance with regulations, systems and processes and the quality of the environment.
- The visit will be for a minimum of one hour. The Regulation 44 Visitor should complete a written report of the visit. This may include an action plan with the recommendations for improvement and the timescales for achieving these recommendations.

- Times of day for visits should be varied and be when the children and young people are most likely to be present. (Some visits could take place out of normal working hours or at weekends)
- The Regulation 44 Visitor should read the previous reports, paying particular attention to which children and young people were seen, which parents were spoken to and what actions were recommended.
- The Regulation 44 Visitors should also read the recommendations of any recent Ofsted inspection reports.
- The Regulation 44 Visitor will have access to a copy of the Quality Standards for Children's Homes
- The Regulation 44 Visitor must have their identity cards available for inspection, and on arrival should introduce themselves and the purpose of their visit to the person in charge, and follow the home's signing in procedures, including presentation of ID and any safety measures in place at the home.

7. Minimum Requirements for Exploration at each visit

7.1. To comply with the statutory regulations the Regulation 44 Visitor, when carrying out a visit, shall routinely speak to the relevant parties including children and families:

- Talk with their consent and in private, with children in the home to ascertain their views and comments about how their needs are being met, including how they are supported to enjoy and achieve, relationship with staff and any complaints about the running of the home and to ascertain whether their view, wishes and feelings are recognised.
- Contact with parents (by phone or face to face), a minimum of one parent should be spoken to during or immediately after the visit.
- Meet and talk to staff in the home privately to ascertain their view about how the young people's needs are being met and management oversight which include guidance and support, supervision and training.
- As required discuss with the registered manager and with the Registered Individual
- Talk to other professionals such as children's social workers and IRO who are part of a team around a child
- Talk to any other professionals as needed and relevant to the purpose of the Reg 44 visit.

7.2 Read the following records at each visit

- Records of sanction / reparations and behaviour management plans

- Records of child protection concerns which include risk assessments and safety plan, missing logs and return home interviews and debriefs, records about allegations against staff, commenting on the frequency and type made and whether they appear to have been dealt with adequately. (This include allegation that may be made by children in the home).
- Records of restraint
- Record of complaints and compliments
- Significant incidents/ Notification to Ofsted under Regulation 40

7.3 Inspect the premises of the children's home

The Regulation 44 Visitor should look around the building and garden / grounds on each visit. The report should identify

- Any damage or outstanding repairs
- Any unsafe equipment's that needs replacing or repairing
- Storage hazardous equipment or chemicals
- Check that repair and maintenance or storage related issues are reported and note delays in receiving a response from the relevant service department.
- Signage in case of fire
- Assess the general standards of accommodation, furniture and fittings and the level of cleanliness. A distinction needs to be drawn between issues that needs to be addressed over a longer period and those that should be resolves more speedily.

7.4. To ensure that the Regulation 44 Visitor is able to reach an overall view regarding the operation of the home, they may choose to talk to staff and review a range of other records which includes amongst others:

- Records of Young People's and Staff Meetings or other methods used by the manager to consult the children and staff, held in the home.
- Records of the home's engagement with the parents
- Logs of Staff Supervision and appraisals
- Staff training and workforce development plan
- Medication administration, stock and audits
- Compliance with Fire Regulations Health and Safety records
- Matchings and Risk assessments
- Children/ young people's records

- Managers' Audit
- Staff shift planning
- Daily logs and staff diary
- Menus including consultation with children on menu planning
- Discuss with staff arrangements for education of each young person of school age and school/education problems encountered. In addition, the Regulation 44 visitor will explore the education, training or employments opportunities offered and being taken up by those young people who have left school.
- Explore 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.

7.5 As part of the report the Regulation 44 visitor will form an opinion and demonstrate which quality standards or aspects of quality standards (or regulations) were met after each visit.

7.6 From time to time liaise with the senior managers to explore a specific theme that may support the Registered Provider's strategic planning and service development plans.

7.7 The Regulation 44 Visitor must explore whether there is evidence that there is a culture of safeguarding and learning in the home; reflected in form of staff reflection following incidents, in team meetings minutes and supervision.

8. Regulation 44 Reports

There is a standard template for the report with the following areas of focus:

- How well children are helped and protected
- Overall experience and progress of children and young people
- Impact and Effectiveness of Leaders and Managers
- The report should attempt to convey a flavour of life in the home
- There is a need to give basic data in most sections of the report, but full details of incidents are not usually necessary unless used illustratively. The significance of the findings on such matters is important to address.
- The emphasis should be on an assessment of the findings in each section commenting both on positive service provision and any areas of improvement.
- There will be occasions when not all elements of the reporting framework can be addressed and when this is the case a brief explanation should be provided as why, and this addressed at the next visit.
- The report should identify: (using child's initials only), any young person who is not attending school, training or employment, reason for this and any alternative arrangements that have not been made.

- The report should provide an overview of the level of health care provided and identify any unmet needs that exist with particular reference to cultural needs and those arising from a disability.

9. Escalation to address Concerns

It is expected that the Regulation 44 Visitor will and is encouraged to be curious about why decisions are made and question if they do not feel this is right. Where the Regulation 44 Visitor become significantly concerned about professional's decisions, actions, lack of actions or delay with professionals' disagreements being resolved in relation to the child's care; they may wish to raise and explore their concern with the following individuals in line with the Local Authority Escalation policy:

- Staff at the home
- The Home Manager
- Children Social Worker
- The Social Worker Team Manager
- The Independent Reviewing Officer

Where a resolution cannot be reached within an appropriate timescale the issue must be escalated through appropriate safeguarding/line management structures i.e., Head of Service.

The Regulation 44 Visitor should note that ensuring the safety of individual children is the paramount consideration in resolving any professional disagreement. Any unresolved issues should be addressed with due consideration to the risks that might exist for the subject child or adult.

For further information, refer to Hillingdon Safeguarding Partnership: Escalation: Resolving Professional Differences.

10. Report Circulation and Administration

The report must be shared with the Registered Manager and Responsible Individual to comment and check for accuracy (including URN number) and follow up recommendations.

Once the report is finalised, the Regulation 44 Visitor or Registered Manager (whatever arrangement is agreed at the time) will ensure a copy of the report is supplied to the HMCI (Ofsted).

The report must be submitted to the Ofsted within 4 weeks of a visit being completed.

11. Sending Regulation 44 Visitor reports and quality of care reviews to Ofsted

The Ofsted requires that the report is sent through following this process:

1. email electronic versions (word or PDF) of each type of report as an attachment to enquiries@Ofsted.gov.uk
2. email one type of report per email
3. name the attachment consistently: Regulation [add type, e.g. 44] report, Name of setting: [add Name of setting], URN: [add your unique reference number]
4. in the email subject bar type the same information as the name of the attachment: Regulation [add type, e.g., 44] report, Name of setting: [add Name of setting], URN: [add your unique reference number]

Only 1 type of report should be included in each email.

Any other enquiries should be sent on a different email to enquiries@Ofsted.gov.uk. This way of sorting out reports is automatic and email text will not be read. Send these separately

12. Relevant Policy and Procedures

Relevant policies and procedures can be found in the Children's homes' file as well as online on

[Documents Library \(proceduresonline.com\)](http://proceduresonline.com)

These procedures include

- Residential Care - Operational Police
- Monitoring Quality in Children's Homes
- Placement in Residential Care
- Positive Relationships and Behaviour Management
- Notifications of Significant Events
- Hillingdon Safeguarding Partnership Escalation: Resolving Professional Differences
- Children missing education policy
- Missing from Home and Care policy
- Compliments and Complaints to LBH
- Coram Voice Advocacy referral form
- Non instructed advocacy - Coram Voice
- Allegations Against Staff or Volunteers (People in Positions of Trust), who Work with Children- London Safeguarding Children Procedures

13. Review schedule

This policy will be review initially after one year (by May 2024) and every three years thereafter