

Corporate Parenting Panel

24 September 2021

Regulation 44 Visits - Update



Report of Lindsey Herring, Project Manager – Children and Young People’s Accommodation Sufficiency, Durham County Council

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 This report provides an update about the plans in place to deliver Regulation 44 visits across all Children’s Homes operated by Durham County Council.

Executive summary

- 2 The national Children’s Homes Regulations 2015 (Regulation 44) sets out requirements for organisations responsible for the delivery of children’s homes to ensure that an independent visitor visits the children’s home at least once each month to undertake a rigorous and impartial assessment of the home’s arrangements for safeguarding and promoting the welfare of the children in the home’s care. There is a requirement to ensure that the findings and any recommendations from the visit are captured within an independent report and forwarded to the Local Authority and Ofsted for the area in which the home is located.
- 3 Durham County Council is currently the Registered Provider of 14 Children’s Residential Homes (including 1 overnight respite home and 5 secure children’s homes). In addition, plans have been approved to expand and broaden our maintained children’s home offer, including smaller homes and an edge of care residential home, in response to the growing demand for residential care and accommodation for children with complex needs.
- 4 In February 2021, the Corporate Parenting Panel agreed with the plans to outsource the Regulation 44 function. An open procurement process was carried out over the summer and NYAS (National Youth Advocacy Service) was awarded the contract, which commenced on the 1 September 2021.

- 5 NYAS understand the importance of including Elected Members, with Corporate Parenting responsibilities, in Regulation 44 visits and as such, will be linking with Elected Members who are aligned to homes to arrange these.
- 6 NYAS will share quarterly performance information with the Commissioning Service and Operational Team regarding the delivery of the service. This information will be shared with the Corporate Parenting Panel. A schedule of future reports is set out in point 22 of this report.

Recommendation

- 7 The Corporate Parenting Panel is recommended to:
 - (a) Consider the contents of this report.

Background

- 8 The Children's Home Regulations 2015 (Regulation 44) require all providers of Children's Residential Homes, to secure monthly visit (as a minimum) by an independent Person to undertake a rigorous and impartial assessment of the home's arrangements for safeguarding and promoting the welfare of the children in the home's care.
- 9 Following each of the monthly visit, the Independent Person must produce a report which set out, in particular the Independent Person's opinion as to whether:
 - (a) Children are effectively safeguarded; and
 - (b) The conduct of the home promotes the children's well-being
- 10 In February 2021, we shared a report with the Corporate Parenting Panel outlining the benefits of outsourcing this function, which at the time was being delivered by Durham County Council's Children's Commissioning Team.

New Regulation 44 Service

- 11 Following an open and transparent procurement process, the Regulation 44 contract has been awarded to NYAS (National Youth Advocacy Service).
- 12 NYAS are an experienced provider of Regulation 44 visits to children's homes, providing this service for a range of Local Authority's and private sector providers.
- 13 The contract will operate for 1 year, from the 1 September 2021, with 3 x 12-month options to extend subject to contract performance and the outcome of the annual review.
- 14 A meeting has taken place with the Provider to discuss the scope of the contract, our expectations, performance reporting and to agree a forward plan of meetings to review the service.
- 15 Regulation 44 Officers have been identified for all 9-current community-based homes operated by Durham County Council. As and when new homes are developed, NYAS will pick up the responsibility for the Regulation 44 visit.
- 16 NYAS will not carry out Regulation 44 visits for our Secure Children's Home. This responsibility will continue to remain with the Children's Commissioning Team and will be reviewed on an ongoing basis.

Elected Member Involvement

- 17 All Durham County Council homes have an identified Elected Member, who will be part of four visits over the period of a year (attending one visit every 3 months).
- 18 Children and Young People's Services will be delivering Regulation 44 training for Elected Members involved in visits and will share details in future meetings. It is important that training is refreshed on an ongoing basis and members who haven't previously been involved in Regulation 44 visits have an opportunity to access this.
- 19 NYAS have been provided with the email addresses for those Elected Members who have agreed to be part of Regulation 44 visits and will contact members individually to arrange visits.
- 20 When the report has been compiled and signed by the Registered Manager and the Independent Person, NYAS will share the report with the Elected Member aligned to the home.

Reporting into the Corporate Parenting Panel

- 21 NYAS will complete a quarterly performance report providing high-level key performance indicators and thematic information.
- 22 Performance reports will be shared with Commissioning and the Operational Team in the first instance. These will then be subsequently shared with the Corporate Parenting Panel the following month. The table below sets out the schedule of future reports:

Table 1 – Regulation 44 reporting schedule into Corporate Parenting Panel

Period Covered	Report to DCC	Meeting with Provider	Report to CPP
1/9/2021 – 31/12/2021	21/1/2022	26/1/2022	February Meeting
1/1/2022 – 31/3/2022	22/4/2022	28/4/2022	May Meeting
1/4/2022 – 30/6/2022	22/7/2022	29/7/2022	August Meeting

Conclusion

- 23 Over the coming year, we will continue to meet with NYAS to review the findings, recommendations and themes that are identified in Regulation 44 visits.
- 24 This information will help us to continually review and make improvements to our residential care provision which will benefit children and young people.

Author

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Appendix 1: Implications

Legal Implications

The national Children's Homes Regulations 2015 (Regulation 44) sets out statutory requirements for organisations responsible for the delivery of children's homes to ensure that an independent visitor visits the children's home at least once each month to undertake a rigorous and impartial assessment of the home's arrangements for safeguarding and promoting the welfare of the children in the home's care. There is a requirement to ensure that the findings and any recommendations from the visit are captured within an independent report and forwarded to the local authority and Ofsted for the area in which the home is located.

Finance

A revenue budget of £38,050 was identified prior to commissioning the Regulation 44 service.

The contract has been awarded in line with the available budget.

Consultation

N/A

Equality and Diversity / Public Sector Equality Duty

Considerations relating to the provision of Regulation 44 visits will need to ensure that new arrangements address the vulnerabilities associated with children with a disability, ill health or developmental difficulties – including mental ill health and SEND; children who are vulnerable or of concern by virtue of their identity or nationality or children who care for others.

Climate Change

N/A

Human Rights

N/A

Crime and Disorder

N/A

Staffing

NYAS staff delivering the Regulation 44 service do not have any TUPE rights. This has been set out in the contract documentation.

Accommodation

N/A

Risk

A range of risks have been outlined below and their mitigating action:

The transition to a new provider – transition arrangements have been discussed with the Commissioning Service (current provider) and the new provider, NYAS. The provider has been able to mobilise the service quickly and timescales for visits and producing the report have been discussed and agreed.

Contract Failure – the provider has substantial experience and a good track record in the delivery of Regulation 44 services. Expectations have been discussed in the Contract Inception Meeting and regular meetings will take place with the provider to review the service and to discuss the findings from visits. Should there be any concerns raised about the delivery of the service, DCC will work with the provider to produce an improvement plan. DCC are able to terminate the contract within a 3 month period, giving sufficient time to consider alternative delivery options and re-procure the service.

Procurement

The Regulation 44 service has been procured in line with Corporate Procurement Regulations.

An open tender process was followed enabling multiple providers to tender.

The contract has been formally awarded.