

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Corporate Parenting Panel</b>
<b>2.</b>	<b>Date:</b>	<b>2<sup>nd</sup> July 2014</b>
<b>3.</b>	<b>Title:</b>	<b>Arrangements for Regulation 33 Visits to Children’s Homes</b>
<b>4.</b>	<b>Directorate:</b>	<b>Children and Young People’s Services</b>

## **5. Summary**

This report details options for the way in which the local authority discharges its duty to undertake Regulation 33 visits to childrens’ homes, following the implementation of new regulatory requirements regarding the independence of officers undertaking the visits from April 1<sup>st</sup> 2014.

Interim arrangements detailed in this report have already been approved by the Directorate Leadership Team and are currently being implemented.

## **6. Recommendations**

**It is recommended that Corporate Parenting Panel:**

**6.1 Note the new requirements for the undertaking of Regulation 33 visits to Children’s Homes.**

**6.2 Note the interim arrangements approved and being implemented, and the long term plan for achieving compliance with the new requirements.**

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## **7. Proposals and Details**

### **7.1 Background**

Regulation 33 visits are monthly visits to a children's home by an independent person for the purposes of monitoring the extent to which the home is properly safeguarding and promoting the wellbeing of children in residence.

Regulation 33 visits in Rotherham are currently undertaken by staff from within the Sageguarding Unit, including the Service Manager, Safeguarding, the Independent Reviewing Officers, and Child Protection Conference Chairs.

As from April 1<sup>st</sup> 2014 the regulatory requirements for Regulation 33 visits changed, such that the level of independence required of the officer undertaking the visits has increased.

The Children's Homes and Looked After Children (Miscellaneous Amendments) (England) Regulations 2013 made significant amendments to the Children's Homes Regulations 2001, including substituting a new regulation to replace Regulation 33 in the Children's Homes Regulations 2001.

### **7.2. The New Requirements for Independence**

The relevant text in the new 'Regulation 33, visits by an independent person' includes the following:

33(1)...the registered provider shall appoint, at the registered provider's expense, an independent person to visit and report on the children's home in accordance with this regulation

(2) The following persons are disqualified from appointment as an independent person-

(b) a person who is employed by a registered provider that is a local authority where the person is employed in connection with the carrying on of social service functions relating to children;

Rotherham's current arrangements for undertaking Regulation 33 visits are not consistent with the new requirements on independence detailed above, as all of the officers currently undertaking the visits are employed by the local authority and are 'employed in connection with the carrying on of social services functions relating children'.

In light of this new arrangements that are consistent with the new independence requirement must be put in place as soon as is possible, in order to comply with legislation.

### **7.3. Requirements for Officers Undertaking the Visits**

The following paragraphs of the new Regulation 33 details specifically the requirements of the independent person carrying out the visit:

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

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 children's home as appears necessary in order to form an opinion as to whether—

(i) children accommodated at the children's home are effectively safeguarded; and

(ii) the conduct of the children's home promotes the wellbeing of the children accommodated there;

(b) inspect the premises of the children's home, and such of the children's 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).

(9) The independent person shall produce a written report about a visit (referred to in this regulation as "the independent person's report") and provide a copy of the report to—

(a) HMCI;

(b) upon request, the local authority for the area in which the home is located;

(c) the placing authorities of children accommodated in the children's home;

(d) the registered provider and, if applicable, the registered manager; and

(e) the responsible individual, if nominated.

(10) The independent person's report may recommend actions that the registered person may take in relation to the children's home and timescales within which the registered person must consider whether or not to take those actions."

Given the importance of the role and the nature of the work, making professional judgements about the safety and welfare of vulnerable children and the work of professionals employed to care and protect those children, it is argued here that Regulation 33 officers need to be experienced and professionally qualified social work professionals.

#### **7.4. The Plan Agreed by the Directorate Leadership Team for Complying with the New Requirements**

The new legislation was introduced by the Government with very little lead-in time before its implementation on April 1<sup>st</sup> 2014, and there has not been sufficient time to organise and implement new arrangements. Liaison with colleagues in the three other South Yorkshire authorities has revealed that they too have yet to make alternative arrangements and that there is a willingness among the authorities for some level of partnership working across the authorities.

Managers in the service in Rotherham will be liaising further with staff in Doncaster, Barnsley and Sheffield with a view to coming to an arrangement whereby staff in the other authorities commence undertaking Rotherham Regulation 33 visits in return for Rotherham staff undertaking visits to homes in one or more of the other authorities.

Such an arrangement will comply with the independence requirements and limit any additional costs to travel time and mileage expenses. This is the preferred long term option.

However, further work is needed between the four South Yorkshire authorities to agree arrangements and to look at developing a consistent approach and quality to the visits across South Yorkshire, so that each authority is confident in the reliability and quality of the visits undertaken under the new arrangements.

Such work will take some time, requiring an interim arrangement to be established so that compliance can be achieved as soon as possible. **It was agreed by the Directorate Leadership team on 29.4.13 that the Local Authority will commission an independent social work professional for a three month period to undertake Regulation 33 visits whilst the work between the South Yorkshire authorities is undertaken.**

It is estimated that each visit involves approximately one days work including the writing of the report. One visit per month to each of the homes amounts to five days work per month. Over three months this would amount to fifteen days work. Whilst I have no definitive costs as yet, commissioning a professional at the cost of £40 per hour would result in a total cost of £4,800 for 15 eight hour days. Doing the same at a cost of £30 per hour would result in a cost of £3,600

#### **8. Finance**

**8.1** It is estimated that the cost of commissioning an independent professional to undertake the Regulation 33 visits for an interim period of three months would cost from between £3,600 and £4,800. Full year costs would amount to between £14,400 and £19,200.

**8.2** It is proposed that the long term arrangements for Regulation 33 visits involve professionals employed by one or more of the other South Yorkshire authorities undertaking visits in Rotherham in return for Rotherham staff undertaking visits in their authority. This would involve no financial exchange although there would be additional costs in relation to Rotherham staff travelling to other authorities to undertake the work.

## **9. Risks and Uncertainties**

**9.1** Failure to comply with the new regulation risks criticism and a negative impact on inspection ratings from Ofsted and as a result reputational damage to the Council. In light of this it is necessary to proceed quickly to achieve compliance.

**9.2** There is as yet no certainty about the exact arrangement that can or will be reached between the four South Yorkshire authorities and any failure to reach a satisfactory partnership arrangement will mean a different arrangement will need to be planned and implemented. As a contingency if this situation were to arise it may well be an option to continue with the interim arrangement beyond the three month period subject to approval and budget pressures.

## **10. Policy and Performance Agenda Implications**

**10.1** The quality of Regulation 33 visits and reports is monitored by Ofsted and impacts on the inspection ratings awarded to individual children's homes.

**10.2** In addition, any failures to comply with regulatory requirements comes under intense scrutiny and always results in an instruction from Ofsted for immediate corrective action.

## **11. Background Papers and Consultation**

**11.1.** The Children's Homes and Looked After Children (Miscellaneous Amendments) (England) Regulations 2013

**11.2** The Children's Homes Regulations 2001.

**Paul Dempsey,**  
**Service Manager, Family Placements and Residential**  
**01709 823444**  
**Paul.dempsey@rotherham.gov.uk**

**Notes on Policy and Performance Agenda Implications (Section 10)**