

**Draft Scrutiny Inquiry Final report
Safeguarding Children – Private Care
Homes
8th November 2012**

DRAFT



Contents

	Page
1. Introduction and Scope	3
2. Conclusions and Recommendations	5
3. Desired Outcomes and Recommendation Summary	8
4. Evidence	9
5. Appendix 1	11

DRAFT



Introduction and Scope

Introduction and Scope

- 1 Leeds has an ambition to be a child friendly city by 2030. The methodology for delivering this vision is outlined in The Children and Young Peoples Plan which details five headline outcomes one of which is to ensure Children and Young People are safe from harm. The Child Friendly City priority plan states that in a child friendly city all children and young people would have their basic rights met by having a home, feel they have a reasonable standard of living and also be protected from harm.
- 2 Following this Board's inquiry into External Placement in 2011/12 the Scrutiny Board (Children and Families) is conscious that children who are looked after often encounter other significant challenges that impact on their lives.
- 3 Mindful of recent events of child exploitation in Rochdale we resolved to undertake an inquiry looking at the regulation of Private Care Homes (homes not owned or managed by the Local Authority) and how the Local Authority engages with these homes. We were concerned about the power and influence Leeds City Council has to keep children and young people are protected, particularly those who are placed in private care homes outside the local authority area.
- 4 Terms of reference for this inquiry were agreed on 26th July 2012 when we concluded that the purpose of the inquiry was to understand the current processes in place that enable Leeds City Council to identify where and when

private care homes are established. We also wanted to identify if current statutory regulation is robust enough ensure children in private care homes are proactively safeguarded.

The following matters were of specific interest to us:

- Regulation and inspection of private care homes
- Planning and establishing private care homes
- Community and Local Authority consultation
- Safeguarding vulnerable children and young people

- 5 The Board conducted its inquiry on 23rd August 2012. We are very grateful to everyone who gave their time to participate in this inquiry and we hope that our findings will encourage positive change in the regulation of Children's care homes nationally. We would specifically like to thank Judy Bedford from the NSPCC for her valuable contribution to the inquiry.

- 6 We are aware that the Government has expressed concern about the number of private homes in some local authorities and also that some children are placed a considerable distance from their home authority. We welcome the accelerated report of the Deputy Children's Commissioner '*the emerging findings of the Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Groups, with a special focus on children in care*' and the establishment of expert working groups in order to look into strengthening regulation and driving up quality in care homes.



Introduction and Scope

7 We also welcome the very recent step taken by Ofsted to share information with the police and other relevant parties on the location of Children's homes. We feel however that regulation to safeguard children could be further enhanced and therefore resolved to write to the Children's Minister Edward Timpson to communicate our views and help inform the ongoing work relating to the reviews. This letter is attached as Appendix 1

highlighted that children from a particular equality group are treated less fairly. The Board however does understand and recognise that children from deprived areas are likely to be at greater risk of being cared for by the Local Authority.

12 Where a Scrutiny Board has made recommendations and these are agreed, the individual, organisation or group responsible for implementation or delivery should give due regard to equality and diversity and where appropriate an equality impact assessment will be carried out.

Anticipated Service Impact

- 8 Our recommendations require a number of improvement measures. Such measures could require additional resources, the cost of which may be required from existing budgets.
- 9 The Children's Minister has been asked to consider the views and recommendations of the Scrutiny Board which may be reflected in national policy development.

Equality and Diversity

- 10 The Equality Improvement Priorities 2011 to 2015 have been developed to ensure that the council meets its legal duties under the Equality Act 2010. The priorities will help the council to identify work and activities that help to reduce disadvantage, discrimination and inequalities of opportunity to achieve its ambition to be the best City in the UK.
- 11 Equality and diversity issues have been considered throughout this Scrutiny Inquiry. The evidence submitted and the topics debated in this inquiry have not



Conclusions and Recommendations

Regulation

- 13 We were advised that all Children's homes, whether local authority or private must register with Ofsted, the body responsible for ensuring that a children's home meets all regulatory requirements, under The Children Act 1989 Guidance and Regulations Volume 5: Children's homes and the national minimum standards for children's homes. There is no legal requirement for a person planning to open a small¹ private home to inform the local authority, (with safeguarding and educational responsibilities), of their plans.
- 14 Each year Ofsted undertakes a full inspection of a children's home and a progress inspection . The outcome of every inspection is published on its website. Should an individual or agency have concerns about the management of a children's home they would contact Ofsted.
- 15 We are concerned about the absence of legislation that would require the Local Authority to be notified when a care home is due to operate in their area. Ofsted have recently provided Leeds City Council with a list of all children's homes in the area. It was however brought to our attention that this list only contains minimal information and did not provide addresses for the care homes listed.
- 16 We were advised that there are currently ten private children's homes in Leeds. Children's Services endeavours to work with each of these to try and establish positive relationships. We welcomed the

news that as part of the Child Friendly City Initiative Children's Services are looking to develop a residential children's home charter that all private children's homes in Leeds will be invited to sign up to. This will facilitate a way of building on existing relationships and engaging with providers to communicate our expectations under the child friendly city banner.

Recommendation 1 – That the Director of Children's Services provides a progress report on the development of the Children's Residential Home Charter as part of his formal response to the Board and early in the 2013/14 municipal year.

Safeguarding

- 17 We were keen to establish if a strong connection is maintained between children resident in private care homes and the Local Authority at all times. We were concerned about children placed away from the Leeds area and also about those children placed in Leeds by other local authorities.
- 18 We were advised that technically a child could be placed anywhere in the country, which could be a considerable distance from the responsible Local Authority. We wanted to identify how far children are being placed away from home. We were informed that the number of children placed within 25 miles is the initial measure which Leeds aims to achieve.
- 19 It was stated that in Leeds we try and find the most appropriate

¹ Less than 6 residents



Conclusions and Recommendations

accommodation close to a child's home geographical area however specialist needs may require children to be placed further away as the specialist provision cannot be provided locally.

- 20 It was brought to our attention that the Local Authority placing a child retains responsibility for their welfare and a Social Worker from the placing authority will regularly visit the child. Whilst we understand that regular checks are being undertaken for each child it concerned us that a situation could arise where no one local authority has a complete picture of how children are being cared for in a particular home.
- 21 We were advised that where there are safeguarding concerns about a child placed in a home in Leeds or concerns about an employee then it would be Leeds City Councils responsibility to investigate and report back to the relevant authority from which the child was placed and inform Ofsted. The police would also be involved.
- 22 We consider a strengthening in regulation would be beneficial to promote proactive safeguarding by utilising local resources to further support children from outside the area. This would enable a coherent and complete overview of the welfare of all the children placed in a private home within the Local Authority area.
- 23 We have advised the Children's Minister that in addition to receiving a notification that a child is being placed in their area it would be helpful if the local authority was provided with background information regarding the child and specifically the needs that had led to the

child being placed away from their home area.

- 24 In addition private homes should be required to provide a report to the Local Children's Safeguarding Board on all significant incidents, such as where children had gone missing or there has been an assault on staff. This would provide additional scrutiny of the homes to support the Ofsted inspection framework.
- 25 We consider that a close working relationship between Local Authority, the Local Safeguarding Children's Board, Ofsted and all private children's homes will promote better safeguarding arrangements and that current inspection and visiting arrangements do not facilitate this sufficiently.
- 26 The NSPCC stated that they are also keen to support Local Authorities in building relationships with children's care homes to prevent problems arising rather than reacting.

Planning and Consultation

- 27 As stated earlier in this report we were advised that there is no legal requirement for a person or organisation planning to open a small private home to inform the local authority of their plans, to consult with local residents or elected members. This has led to some authorities experiencing large numbers of small private homes being opened in their area, with a significant impact on the local community and resources.
- 28 We were advised that Planning regulations in relation to residential provision for both adults and children



Conclusions and Recommendations

were simplified to make it easier for small group homes to be opened as part of the move away from large residential institutions. In practice this means that where an existing residential dwelling that accommodates less than 6 residents (staff and children) is to be used for a children's home planning permission is not required.

29 It was clarified that where Planning Services become aware of an intention to open a children's home they currently notify Children's Services. However, as planning permission is not required for most small homes the local authority may not be made aware of the existence of the home. The local authority therefore has no opportunity to refuse a small children's home in an area, even if unsuitable. In addition community consultation is also not required. We consider that good practice would be to inform and consult with local residents and the community to ensure that the location is suitable and ensure local support, a further point stipulated in the letter to the Children's Minister.

30 Following the relaxation of planning regulations the issue was the subject of a parliamentary debate on the 1st of February 2010². This debate suggested that it may be possible to interpret planning regulations differently, so that planning permission is required. We would welcome any action which required the local authority to engage with individuals or organisations operating a private care home but we also understand the need to ensure that all operations adhere to Planning Regulations.

Recommendation 2 – That the Director of City Development explores the interpretation of planning regulations to identify if a different approach can be implemented which requires all private children's care homes to seek planning permission, regardless of size. The Director is required to report the viability and potential impact of implementing a revised interpretation in his formal response to the Scrutiny Board.

Conclusion

31 We have resolved to influence positive change to regulation thereby enhancing proactive safeguarding measures for children in private care homes. We will lobby Government in order to raise awareness of the views and findings of the Board. This has been instigated by writing to the Children's Minister. The Scrutiny Board will also be contacting Leeds Members of Parliament to request that they also raise the matter for debate.

²<http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100201/debtext/100201-0024.htm>



Desired Outcomes and Recommendation Summary

Desired Outcome – The implementation of a Children’s care home charter to establish positive relationships between care home operatives and the local authority.

Recommendation 1 – That the Director of Children’s Services provides a progress report on the development of the Children’s Residential Home Charter as part of his formal response to the Board and early in the 2013/14 municipal year.

Desired Outcome – To identify the existence of all private care homes. To ensure that all care homes are situated in the most suitable environments. To promote engagement and build relationships thereby enabling better proactive safeguarding.

Recommendation 2 – That the Director of City Development explores the interpretation of planning regulations to identify if a different approach can be implemented which requires all private children’s care homes to seek planning permission, regardless of size. The Director is required to report the viability and potential impact of implementing a revised interpretation in his formal response to the Scrutiny Board.

Communication with Children’s Minister – Letter issued 11th October 2012, see appendix1

Desired Outcome – To influence positive change in the national review of the regulation of private children’s care homes and subsequent reform.

Communication with Children’s Minister – Letter issued 11th October 2012, see appendix1



Monitoring arrangements

Standard arrangements for monitoring the outcome of the Board's recommendations will apply.

The decision-makers to whom the recommendations are addressed will be asked to submit a formal response to the recommendations, including an action plan and timetable, normally within two months.

Following this the Scrutiny Board will determine any further detailed monitoring, over and above the standard quarterly monitoring of all scrutiny recommendations.

Reports and Publications Submitted

- Director of Children's Services - Scrutiny Inquiry into Private Care Homes (Children and Young People) – 23rd August 2012



Witnesses Heard

Evidence was presented to us by:

Martin Sellens – Head of Planning Services

Steve Walker – Deputy Director Safeguarding, Specialist and Targeted Services

Nigel Richardson – Director of Children’s Services

Judy Bedford - NSPCC

Dates of Scrutiny

23rd August 2012



Appendix 1



Councillor Judith Chapman

Chair, Scrutiny Board
(Children and Families)
3rd Floor (East)
Civic Hall
LEEDS LS1 1UR

Edward Timpson MP - Children's Minister
Westminster
House of Commons,
London,
SW1A 0AA

E-Mail address judith.chapman@leeds.gov.uk
Civic Hall tel 0113 24 74792

Your ref
Our ref
Date
JC/SN
11th October 2012

Dear Edward Timpson MP

Re: Leeds Scrutiny Board (Children and Families) Safeguarding Children – Private Care Homes

We are writing to you to express the concerns of the Scrutiny Board (Children and Families) resulting from our recent inquiry into Private Childrens Homes.

The vision for Leeds is that by 2030 it is a Child Friendly City and part of that vision is to ensure Children and Young People are safe from harm. We consider in a Child Friendly City all children and young people would have their basic rights met by having a home, feel they have a reasonable standard of living and also be protected from harm.

As a Local Authority Scrutiny Board we are conscious that children who are looked after often encounter other significant challenges that impact on their achievement and success. Mindful of recent events of child exploitation in Rochdale we conducted an inquiry into Private Care Homes (homes not owned or managed by the Local Authority) on the 23rd of August 2012. Experts from Leeds City Council and a representative from the NSPCC took part in the inquiry.

The following matters were of specific areas of interest to us:

- Regulation and inspection of private care homes
- Planning and establishing private care homes
- Community and Local Authority consultation
- Safeguarding vulnerable children and young people

We are aware that the Government has expressed concern about the number of private or independent homes in some local authorities and that some children are placed a considerable distance from their home authority. We welcome the report of the Deputy Children's



Appendix 1

Commissioner and the establishment of expert working groups in order to look into strengthening regulation and driving up quality in care homes.

A number of nationally relevant concerns were debated during our inquiry which we would like to highlight to you to inform the wider work of the Expert Working Groups. These are as follows:

1) All private care homes are required to notify Ofsted as the regulatory body of their intention to operate as a children's care home before opening. There is no legal requirement to notify the local authority (with Safeguarding and Education responsibilities) unless planning permission is required for the use of the building. Planning permission is only required for properties that accommodate 6 or more individuals, therefore small scale homes can be opened without the knowledge or the Local Authority. Ofsted have very recently provided Leeds with a list of homes which we welcome, however we consider that this arrangement should be strengthened and regular sharing of meaningful information should be encouraged to identify private homes. We recommend that all private children's care homes, regardless of size, should be under a statutory duty to notify a Local Authority of their existence prior to opening.

2) There is currently no requirement for a person planning to open a private care home to consult with the Local Authority, local residents or elected members. Private care homes opening in inappropriate areas could diminish positive outcomes for children, particularly if they are not supported by the local community. The problem in Margate where there are five care homes in one street was highlighted to us. If consultation was made a statutory requirement the Local Authority could assist in the process providing guidance on local consultation and advice on localities, schools and recreational provision in the area. The outcome should result in homes being placed in areas that can enhance the support for children in care.

3) Technically a child could be placed anywhere in the country, which could be a considerable distance from the responsible Local Authority. We are aware that the Local Authority placing a child maintains responsibility for their welfare and a Social Worker from the placing authority will regularly visit the child. We were also advised that Ofsted inspect each home on a six monthly basis. We consider more should be done to ensure that local resources are utilised to support children from outside the area and to ensure that the welfare of children placed in a local authority area is safeguarded and promoted. In addition to receiving a notification that a child is being placed in their area it would be helpful if the local authority was provided with background information regarding the child and specifically the needs that had led to the child being placed away from their home area. In addition private homes should be required to provide a report to the Local Children's Safeguarding Board on all significant incidents, such as where children had gone missing or there had been an assault on staff. This would provide additional scrutiny of the homes to support the Ofsted inspection framework.

We consider that a close working relationship between Local Authority, the Local Safeguarding Children's Board, Ofsted and all private children's homes will promote better safeguarding arrangements and that current inspection and visiting arrangements do not facilitate this sufficiently.



Appendix 1

We hope to be instrumental in influencing any change which will protect and enhance the lives of children and young people in care and would welcome greater regulation. We would welcome the opportunity to discuss our findings further with yourself and would be interested to hear if our views and recommendations have been beneficial to the reform process.

Yours sincerely

Judith M. Chapman.

Councillor Judith Chapman (Chair)
On behalf of the Scrutiny Board (Children and Families)
Leeds City Council

Copy issued to constituency address.

DRAFT

DRAFT

**Scrutiny Board (Children and Families)
Safeguarding Children – Private Care Homes
8th November 2012
Report author: Sandra Newbould**