



Department
for Education

Consultation Response Form

Consultation closing date: 14 November 2014
Your comments must reach us by that date

Childrens homes regulations: high expectations and aspirations

If you would prefer to respond online to this consultation please use the following link:
<https://www.education.gov.uk/consultations>

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Name:	
Please tick if you are responding on behalf of your organisation.	/
Name of Organisation (if applicable): The Children's Society	
Address: Edward Rudolf House Margery Street London WC1X 0JL	
For further information contact: Iryna Pona – Policy Adviser Iryna.pona@childrenssociety.org.uk Richard Crellin – Policy Officer Richard.crellin@childrenssociety.org.uk	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the department's '[Contact Us](#)' page.

Please mark the category which best describes you as a respondent. If other please specify.

Please note; if selecting 'Children's home provider', please specify if you are an owner, registered manager, responsible individual or a member of staff in the box below.

<input type="checkbox"/> Childrens home private sector provider 1 home	<input type="checkbox"/> Childrens home private sector provider 2-4 homes	<input type="checkbox"/> Childrens home private sector provider 5+ homes
<input type="checkbox"/> Childrens home charity / voluntary sector provider 1 home	<input type="checkbox"/> Childrens home charity / voluntary sector provider 2-4 homes	<input type="checkbox"/> Childrens home charity / voluntary sector provider 5+homes
<input type="checkbox"/> Childrens home local authority provider 1 home	<input type="checkbox"/> Childrens home local authority provider 2-4 homes	<input type="checkbox"/> Childrens home local authority provider 5+ homes
<input type="checkbox"/> Care leaver (who has lived in a children's home)	<input type="checkbox"/> Child or young person living in (or has lived in) a children's home	<input type="checkbox"/> / Voluntary sector children's organisation
<input type="checkbox"/> Local Authority (please specify service)	<input type="checkbox"/> LSCB	<input type="checkbox"/> Educating organisation (including schools)
<input type="checkbox"/> Health service organisation	<input type="checkbox"/> Police	<input type="checkbox"/> Other (please specify in box below)

The Children's Society is a leading charity committed to improving the lives of thousands of children and young people every year. We work across the country with the most disadvantaged children through our specialist services and children's centres. Our direct work with vulnerable groups including disabled children, children in or leaving care, refugee, migrant and trafficked children, means that we can place the voices of children at the centre of our work.

We run 11 projects supporting young people in care and 13 specialist projects working with children who run away or go missing and/or are at risk or victims of sexual exploitation. As such we come into contact with children's homes regularly and feel well placed to offer our views to this consultation on Children's Homes regulations based on the views of our practitioners and the children who live and grow up in these homes.

We have not responded to the whole consultation, but instead focused on the areas which we have good knowledge about through our practice, interactions and participation work with children and young people.

Engaging with the wider system to ensure each child's needs are met (regulation 5)

1 a) Do you agree with the inclusion of a regulation about engaging with the wider system to ensure each child's needs are met?

<input type="checkbox"/> / Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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1 b) Do you agree with draft regulation 5 – engaging with the wider system to ensure each child's needs are met?

<input type="checkbox"/> Agree	<input type="checkbox"/> / Agree but with further development needed	<input type="checkbox"/> Disagree
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Not sure

1 c) Do you agree with the information included in the Guide relating to regulation 5?

Agree

/ Agree but with further development needed

Disagree

Not sure

1 d) If draft regulation 5 (engaging with the wider system) or relevant information in the Guide needs further development, tell us what is needed in the box below.

- In the regulations we encourage the insertion of “protection and education of children” to follow “in the care,” in regulation 5b(i) so as to ensure that the education system is fully integrated into the care of looked after children.

In our experience young people in children’s homes rely heavily on the home’s staff to guide them through the education system but often the information they receive and the communication between school and home can be of a poor quality. Education needs to be placed here in the regulation to ensure it receives the same status as protection and care.

- In the guidance section defining ‘relevant plans’ (2.3) we would encourage the specific mention of the ‘pathway plan’ for care leavers as a relevant plan.

Care leavers are an extremely vulnerable group and the explicit inclusion of their plans, in the guidance, would encourage more multi agency working around care leavers in order to improve outcomes. It should also help to ensure that children’s home staff effectively challenge the system and hold other actors to account to ensure that when children leave the care system they are prepared for and supported into independent living.

The quality and purpose of care standard (regulation 6)

2 a) Do you agree with the inclusion of a standard on quality and purpose of care in the new regulations?

/ Agree

Disagree

Not sure

2 b) Do you agree with draft regulation 6 - the quality and purpose of care standard?

/ Agree

Agree but with further development needed

Disagree

Not sure

2 c) Do you agree with the information included in the Guide relating to the quality and purpose of care standard?

Agree

/ Agree but with further development needed

Disagree

Not sure

2 d) If the quality and purpose of care standard draft regulation or relevant information in the Guide needs further development, tell us what is needed in the box below.

- In section 3.2 of the guidance there needs to be an explicit statement of immigration status in the list factors needing to be taken into account to provide personalised care.

In our advocacy work with Looked After Children we often encounter young people without the right to remain in the UK whose lives are thrown into chaos when they begin their exit of the care system. Staff in children's homes must know the immigration status of the young people in their care so that they can act in the child's best interests as they approach adulthood.

- In section 3.4 include a reference to young people's participation in decision making.

Unless children feel empowered to participate in decisions about their lives it is unlikely that they will ever experience high levels of emotional wellbeing. At present the guidance only calls for the child's wishes and feelings to be taken into account, but often professionals assume they know what is best for a child and fail to seek out the child's views. If decisions are to be effective once implemented, it is important that children have the opportunity to participate in, and therefore feel ownership of, the decision. This also means that if decisions are made that a young person disagrees with, that they are properly explained to them and they are supported to accept the outcome. The rights of Looked After Children to be heard are found in a number of different legislative instruments including The Children Act 1989 and its guidance, the United Nations Convention on the Rights of the Child, the guidance for Independent Reviewing Officers and the statutory guidance for the Roles and Responsibilities of the Lead Member for Children's Services and the Director of Children's Services. It should be included in these regulations and guidance too.

The children's wishes and feelings standard (regulation 7)

3 a) Do you agree with the inclusion of a standard on children's wishes and feelings in the new regulations?

/ Agree

Disagree

Not sure

3 b) Do you agree with draft regulation 7 - the children's wishes and feelings standard?

<input type="checkbox"/> /	Agree	<input type="checkbox"/>	Agree but with further development needed	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Not sure				

3 c) Do you agree with the information included in the Guide relating to the children's wishes and feelings standard?

<input type="checkbox"/>	Agree	<input type="checkbox"/> /	Agree but with further development needed	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Not sure				

3 d) If the children's wishes and feelings standard draft regulation or relevant information in the Guide needs further development, tell us what is needed in the box below.

<ul style="list-style-type: none">- In the regulation there should be an explicit reference to the participation of children in decisions about their lives The wishes and feelings standard is one that The Children's Society welcomes as we always strive to place the voices of young people at the centre of our work. We are concerned however that at no point in either the regulations or the guidance that the word participation is used. We feel it must be included in both. Professionals often think they have adequately listened to children and that they know what a child thinks but in many instances we find the gap between the child's wishes and the professionals assumptions to be very large indeed. As such we would ask that the participation of children and young people in decision making about their lives be included in both the regulations and guidance.- In section 4.16 on advocacy support we urge the guidance to be rewritten in more robust terms. We welcome the inclusion of advocacy support in the regulations and guidance but argue that it should be expanded upon. At the moment the only obligation on children's homes is to ensure that children are aware of their right to advocacy and to provide the service for non-looked after children. The guidance should state that every home must have an advocacy plan in place which details how provision is arranged and who has been appointed in an advocacy role by the placing authority. It should also detail methods for children to contact advocates and if possible should ensure that first contact with an advocate is done in the most confidential manner possible for the child so they feel they can confidently ask for advocacy without fear of consequence. The plan should also include how advocacy will be reviewed by the home, in review meetings with the child, so that each advocacy intervention results in lessons learned for the home's staff and the child involved, in order to improve decision-making in the home.
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- Produce a new guide for advocacy

We would suggest that the materials cited in 4.19 “Get it Sorted” are now considerably out of date and a newer publication should be selected, or a new guide created to include the developing best practice of the last ten years.

- Include children’s rights, responsibilities and entitlements in the Children’s Guide.

In section 4.21 there needs to be a reference to the Children’s Guide including, as a minimum, a written statement of children’s rights and entitlements that is comprehensive and clear. It should also clearly set out the responsibilities that children may have.

- Change wording in section 4.24 to remove the phrase ‘disabled children who cannot communicate’

In section 4.24 we would strongly urge a change in wording. All children can communicate and describing procedures for ‘disabled children and children who cannot communicate’ is not only offensive but also implicitly suggests that you cannot listen to these children as well as you can to those who can communicate verbally. We agree that special considerations may be need to be put in place to meet the provision laid down in the regulations but the starting point should be that all children can communicate, but that some may need to do so in ways that are not verbal. Over half of The Children’s Society’s advocacy caseload of looked after children involve young people with learning disabilities (Pona and Hounsell 2012) and so the guidance must be clear that all children should receive high quality advocacy regardless of how they communicate. Advocacy is extremely important for young people with learning needs and disabilities as their needs are often misunderstood and not met. We recommend the inclusion of non-instructive advocacy in the guidance as this is another effective route by which young people can have their wishes and feelings heard if they face communication difficulties.

The education standard (regulation 8)

4 a) Do you agree with the inclusion of a standard on education in the new regulations?

<input type="checkbox"/> / Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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4 b) Do you agree with draft regulation 8 - the education standard?

<input type="checkbox"/> / Agree	<input type="checkbox"/> Agree but with further development needed	<input type="checkbox"/> Disagree
<input type="checkbox"/> Not sure		

4 c) Do you agree with the information included in the Guide relating to the education standard?

<input type="checkbox"/> Agree	<input type="checkbox"/> / Agree but with further development needed	<input type="checkbox"/> Disagree
<input type="checkbox"/> Not sure		

4 d) If the education standard draft regulation or relevant information in the Guide needs further development, tell us what is needed in the box below.

<p>- In section 5.11 we would alter the guidance to read “Staff should have sufficient understanding of the relevant local education administration and the education options in the area, including...”</p> <p>We recommend this change in order to ensure that staff has a knowledge of what is available to the young people in their care and not just where they should go to get more information. Children and young people rely on the staff running the home for all kinds of advice and take their opinions very seriously when making decisions. If young people are to be effectively engaged in education or training then they need to have good advice within their home as well as from other sources.</p>
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The health and well-being standard (regulation 10)

6 a) Do you agree with the inclusion of a standard on health and well-being in the new regulations?

<input type="checkbox"/> / Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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6 b) Do you agree with draft regulation 10 - the health and well-being standard?

<input type="checkbox"/> Agree	<input type="checkbox"/> / Agree but with further development needed	<input type="checkbox"/> Disagree
<input type="checkbox"/> Not sure		

6 c) Do you agree with the information included in the Guide relating to the health and well-being standard?

<input type="checkbox"/> Agree	<input type="checkbox"/> / Agree but with further development needed	<input type="checkbox"/> Disagree
<input type="checkbox"/> Not sure		

6 d) If the health and well-being standard draft regulation or relevant information in the Guide needs further development, tell us what is needed in the box below.

- In the regulations include as 2(e) "each child has access to their medical records".

In consultations we have conducted with young people on their health needs we often hear how important it is for children to be able to access their health records if they are going to be able to address their health needs adequately.
- In the guidance, under 'supporting children' an additional section should be added that requires children's homes to actively monitor the subjective wellbeing of the children in their care.

The Children's Society's work on wellbeing, published annually in the Good Childhood Report, highlights important trends that need to be considered in regulations and guidance. The reports consistently find Looked after Children to have significantly worse emotional wellbeing compared to other children and we therefore urge the inclusion of both measuring subjective wellbeing and putting in place strategies to improve wellbeing for children in children's homes. Subjective wellbeing could be effectively monitored by simple self-surveys and a range of interventions could be chosen from to improve wellbeing in the home.

Furthermore the reports demonstrate how, as young people approach the transition to adulthood their wellbeing tends to decline. We recommend that children's homes pay particular attention to their young people who are about to exit the care system. Especially considering how, from 16, Local Authorities are no-longer required to carry out the strength and difficulties survey with their young people. 16 and 17 year olds are a particularly vulnerable group who will require close attention and proper care if they

are to successfully transition into adulthood.

The positive relationships standard (regulation 11)

7 a) Do you agree with the inclusion of a standard on positive relationships in the new regulations?

<input type="checkbox"/> /	Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Not sure
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7 b) Do you agree with draft regulation 11- the positive relationships standard?

<input type="checkbox"/>	Agree	<input type="checkbox"/> /	Agree but with further development needed	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Not sure				

7 c) Do you agree with the information included in the Guide relating to the positive relationships standard?

<input type="checkbox"/>	Agree	<input type="checkbox"/> /	Agree but with further development needed	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Not sure				

7 d) If the positive relationships standard draft regulation or relevant information in the Guide needs further development, tell us what is needed in the box below.

Children in Children's Homes may never have had a positive relationship before and many will struggle to maintain positive relationships. Problems around positive relationships can make young people extremely vulnerable to all kinds of exploitation. As such we recommend:

- In the regulation a further item should be added at 2(c)xi that reads "are able to identify relationships that place a child at risk of exploitation and know how to mitigate the risks"
- In the guidance, in section 8.7 the following should be inserted after "skills to build and maintain" :- "positive and safe relationships"

We would urge the addition of safe relationships here because so often, when a child is exploited they mistake a warm and seemingly loving relationship for one that is safe when this is not the case in reality. Obviously a positive relationship would always be a safe one, but we feel that through the inclusion of safe the guidance could reinforce the duty incumbent on children's homes to protect their young people from various forms of exploitation.

- The guidance section on bullying should be entitled “Bullying and Exploitation”
- Between section 8.7 and 8.8 there should be an additional section that discusses specific kinds of relationships.

It should detail how staff must work to maintain relationships in the child’s original locality if they are placed out of area. There should also be mention of online relationships and how these too need to be positive and safe relationships that do not put the child at risk of bullying or exploitation.

- There should be guidance on how the behaviour of staff may affect young people

Relationships with staff at the home may begin to become more difficult as children grow up. We have particular concerns about the relationships between a whole range of professionals and those aged 16 and 17. We often find that these young people are neglected because they are seen to be adults by professionals and are therefore expected to cope with problems on their own. Staff in children’s homes must work doubly hard to maintain good relationships with the oldest children in their home and realise that these young people, with a history of neglect and trauma, may not be as capable of solving their problems as might be expected of some of their peers. In section 8.13 the following should be inserted at the end of the guidance “and consider how their behaviour and attitudes might influence the behaviours of the children they work with.

The protection of children standard (regulation 12)

8 a) Do you agree with the inclusion of a standard on the protection of children in the new regulations?

<input type="checkbox"/> /	Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Not sure
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8 b) Do you agree with draft regulation 12 - the protection of children standard?

<input type="checkbox"/> /	Agree	<input type="checkbox"/>	Agree but with further development needed	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Not sure				

8 c) Do you agree with the information included in the Guide relating to the protection of children standard?

<input type="checkbox"/>	Agree	<input type="checkbox"/> /	Agree but with further development needed	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Not sure				

8 d) If the protection of children standard draft regulation or relevant information in the Guide needs further development, tell us what is needed in the box below.

<ul style="list-style-type: none">- Section 9.10 needs to be extended to identify sources of risk. As such, it could read “a child is in any way at risk of harm from people within the home, outside the home, and at risk of self-harm. At the moment suicide and self-harm are only mentioned explicitly in the section relating to secure homes. We feel this to be an oversight and would recommend that they are included in the main section relating to all settings.- In section 9.19 we would urge the inclusion of an agreement between the placing authority and the children’s homes to outline the procedure that should be taken in relation to the placing authority if a child goes missing.- Section 9.20 should be expanded to include within the strategy specific positive behaviour management techniques, tailored to the individual child, to reduce the risk of running away. In our experience professionals often rely on ineffective punitive behaviour management methods to reduce the risk of running away and if the guidance can focus homes on looking for positive solutions it could have a significant impact on keeping children safe from the risks they may be exposed to when missing from care.- In section 9.27 we would extend the list of bodies with which to share information about

running away behaviour, including the local authority in which the home is based and other local partners.

We would also recommend that the guidance states that information related to both episodes of running away and patterns of running away is included as children's homes might have valuable information about patterns of running away behaviour that could be used to protect other young people and to disrupt exploitative behaviours.

The care planning standard (regulation 14)

10 a) Do you agree with the inclusion of a standard on care planning in the new regulations?

<input type="checkbox"/> /	Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Not sure
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10 b) Do you agree with draft regulation 14 - the care planning standard?

<input type="checkbox"/> /	Agree	<input type="checkbox"/>	Agree but with further development needed	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Not sure				

10 c) Do you agree with the information included in the Guide relating to the care planning standard?

<input type="checkbox"/>	Agree	<input type="checkbox"/> /	Agree but with further development needed	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Not sure				

10 d) If the care planning standard draft regulation or relevant information in the Guide needs further development, tell us what is needed in the box below.

- An additional paragraph should be inserted after 11.9 that requires the registered person to challenge the placing authority to make adequate plans for any child leaving the setting, particularly so for care leavers.

The registered person must be able to confidently challenge the placing authority if the young person is not ready to leave care and should challenge them to make comprehensive plans that will increase the young person's chances of living a successful independent life.

- A further paragraph should be added requiring the children's home to be aware of what stage a young person's immigration or asylum status is at, throughout their time in the home. The registered person must challenge the authorities to progress any claims being made and make comprehensive plans about the future.

Employment of staff (regulation 35)

13 a) Do you agree with expanding the employment of staff regulation to include further requirements relating to staff training and supervision?

<input type="checkbox"/> /	Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Not sure
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13 b) Do you agree with draft regulation 35?

<input type="checkbox"/>	Agree	<input type="checkbox"/> /	Agree but with further development needed	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Not sure				

13 c) Do you agree with the information included in the Guide relating to staff training and supervision?

<input type="checkbox"/>	Agree	<input type="checkbox"/> /	Agree but with further development needed	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Not sure				

13 d) If the employment of staff regulation or relevant information in the Guide needs further development, tell us what is needed in the box below.

Children and young people in children's homes are often some of the most vulnerable in our society and as such they should be looked after by dedicated and well trained staff. Whilst we understand the need to build in a two year window in the regulations in order to bring staff currently employed by children's homes up to standard we think that all future staff employed by children's homes should already have the necessary qualifications before they begin work.

We would also urge the government to look at creating career routes for Looked after Children and Care Leavers to enable them to pursue careers in the youth work and caring for children. So many of the Looked after Children we interact with express a desire to help other children, like themselves, when they grow up, as they understand how difficult growing up in care can be and believe they have unique skills and experience that could help children in the future.

General questions

18 g) Is there anything else you wish to tell us about our proposals that you have not told us elsewhere?

The Children's Society welcomes the new guidance and the quality standards as an important step forward in guaranteeing a better childhood for Looked after Children and other young people who may have to live in a children's home. We feel that the responsibilities placed upon children's homes are very heavy and that significant assistance will be required of both central and local government to make sure that the guidance becomes embedded in high quality practice. It will not be enough to release the guidance and expect improvements straight away. There will need to be close monitoring if the implementation of the standards and procedures in place to offer additional help in meeting them.

References:

Pona and Hounsell (2012) "The value of independent advocacy for looked after children and young people" The Children's Society, London,
http://www.childrenssociety.org.uk/sites/default/files/tcs/the-value-of-advocacy_final.pdf [Last accessed November 13 2014]

The Good Childhood Report 2014, The Children's Society, London,
<http://www.childrenssociety.org.uk/what-we-do/research/well-being-1/good-childhood-report-2014> [Last accessed November 13 2014]

18 i) Was this consultation easy to follow?

<input type="checkbox"/> Easy	<input type="checkbox"/> Difficult	<input type="checkbox"/> Prefer not to say
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Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply.	
E-mail address for acknowledgement:	

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)
The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

If you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Coordinator, tel: 0370 000 2288 / email: aileen.shaw@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed responses should be sent to the address shown below by 14 November 2014
Consultation responses can be completed online at <https://www.education.gov.uk/consultations>
by emailing: chqualitystandards.CONULTATION@education.gsi.gov.uk or by downloading a response form which should be completed and sent to:
Rhianna Hamer, Children's Services and Departmental Strategy Directorate, Ministerial and Public Communications Division, Department for Education, Platform 2, Piccadilly Gate, Store Street, Manchester M1 2WD.