

**18<sup>th</sup> March 2019****Agenda Item: 15****REPORT OF THE SERVICE DIRECTOR, COMMISSIONING AND RESOURCES**  
**ROTA VISITS BY ELECTED MEMBERS****Purpose of the Report**

1. The purpose of this report is to seek approval for:
  - a) the current guidance on Rota Visits by Elected Members to be withdrawn and Rota Visits to cease
  - b) the establishment of a new Governance Board to oversee the Council's children's homes, with Terms of Reference to be agreed by the Committee and reports from the Governance Board to the Committee every six months
  - c) a review of the revised governance arrangements to be presented to Committee in 12 months' time.

**Information**

2. Nottinghamshire Council's approach to the way that Elected Members oversee the quality of children's homes has been subject to scrutiny through the Independent Inquiry into Child Sexual Abuse (IICSA). As a result of some of the observation made during the evidence given at the Inquiry, a review has been undertaken to consider whether the current Rota Visit system is fit for purpose and what the best model might be for Elected Members to assure themselves of the safety and quality of provision of residential care for looked after children in the future.
3. Rota Visits by Councillors are distinct from visits under Regulation 44 of the The Children's Homes (England) Regulations 2015. This states that "the registered person must ensure that an independent person visits the children's home at least once each month" and "...must produce a report about a visit ("the independent person's report") which sets out, in particular, the independent person's opinion as to whether ... children are effectively safeguarded and the conduct of the home promotes children's well-being". Whilst Rota Visits have long been undertaken in Nottinghamshire they have no legal or statutory basis. Neither are they expressly required by the Council's constitution, although Members of the Children and Young People's Committee have:
  - responsibility for ensuring that the County Council's children's services meet the needs of all children and young people, including the most disadvantaged and vulnerable
  - responsibility for overseeing the County Council's responsibilities as the corporate parent of children and young people in care and for championing their interests.

4. Whilst the current guidance is not explicit the construction of the guidance is such that Rota Visits are conducted only at those children's homes operated by the County Council. In recent times, in addition to visiting those homes, Elected Members have carried out some visits to private settings where Nottinghamshire children are accommodated. Again, these are not Regulation 44 visits. Private children's homes providers must themselves organise independent visits to their settings and must provide Ofsted with these reports. Under the regulation they must also provide reports to the local authority for the area in which the home is located (upon request) and also to the placing authorities of children. Current practice is to request these if there is any concern about the performance of a setting or care provided.
5. There have been a number of advantages and disadvantages identified regarding the undertaking of Rota Visits in line with current guidance.

#### **Advantages:**

- such visits develop the corporate parenting role of Elected Members by increasing contact with and understanding of the experiences of children in care and to positively influence outcomes for them. *(It must be noted that many visits do not include direct contact with looked after children)*
- they help with exercising the responsibilities of Children and Young People's Committee Members as described in **paragraph 3**
- they provide additional scrutiny of the wellbeing and safety of children in residential care settings.

#### **Disadvantages:**

- the presentation of a home during a visit may be different from the norm. The current guidance makes it clear that the registered manager should accompany the Elected Member on the visits and they are likely to be influential in what is seen and understood by what is seen. As a result of this a "falsely positive" view of the setting could emerge
  - there is potential for allegations or actual abuse of power if children are seen alone, and a lack of credibility in presenting children's views if they are not. Nationally, allegations and convictions involving Elected Members and contact with vulnerable children illustrate the potential risks at the most extreme end. Conversely, the accompanying of Members by the registered managers make disclosures by children of unhappiness or concerns about the setting far less likely.
  - there are practical considerations with additional unannounced visits in terms of the impact on the home, particularly if scheduled when children are present. These would be in addition to unannounced Regulation 44 visits.
  - there may be a duplication of effort – it is questionable if there is significant additional useful oversight to be gained from these visits above that from Regulation 44 visits, Ofsted inspections and management oversight.
  - some Elected Members may not have the professional and technical knowledge sufficient to reach a judgement on the areas for scrutiny in the current guidance e.g. physical intervention and de-escalation, human rights restrictions.
6. There is some evidence that concerns raised in both Rota Visits and, on occasion, Regulation 44 visits, have not resulted in prompt enough management action. There is a

clear case for the reports following visits to be given a higher degree of independent oversight and challenge to make the improvements identified. At present it could be argued that the system is too insular and the reports' commissioners are too intrinsically linked to the homes under scrutiny.

7. Whilst there are undoubtedly positive aspects to the Rota Visit system, the guidance as currently written is unrealistic in terms of the expectations of what Elected Members can achieve and the impact that such visits can have on quality. The role of Elected Members as champions for children in care and as corporate parents is of huge importance and therefore any changes to the manner in which they can gain an understanding of the contemporary issues of children in care and provide strong oversight and governance of children's homes, and residential provision, must strengthen that ability. Given that, it is recommended that the current guidance on Rota Visits by Elected Members is withdrawn and visits in their current format cease and that a new Governance Board to oversee children's homes, including Clayfields House Secure Unit, is established, led by Elected Members and with cross-party representation alongside senior professionals from multi-disciplinary backgrounds. As part of Elected Members' involvement on the Governance Board they will continue to visit the Council's children's homes to observe and gain insight to inform their discussions and decisions at the Board. Any concerns that Elected Members have regarding residential care, whether following a visit or for any other reason, should be reported to the Group Manager responsible for the homes, the Group Manager for Safeguarding, Assurance and Improvement, and to the new Governance Board.
8. It is also recommended that clear Terms of Reference, to be approved by the Committee, are established for the Governance Board that include:
  - the Governance Board considering all Regulation 44 reports, Ofsted reports and subsequent action plans and hold the service area accountable for delivery of those
  - the Governance Board taking an active involvement in the development and model for residential children's home provision in Nottinghamshire including setting the purpose and vision
  - the Governance Board receiving reports on the physical environment, health and safety, effective use of resources (including finance and workforce) and the use of de-escalation, restraint and serious incidents
  - the Governance Board taking an active interest in the services delivered by health, justice and school/education partners for children in residential settings
  - the Governance Board receiving exception reports on Regulation 44 and Ofsted reports from private children's homes where Nottinghamshire children are placed.
9. It is also apparent that the current system with the Children's Service Manager, acting as Responsible Individual and effectively commissioning Regulation 44 visits and reports, receiving those reports and being responsible for delivering change as a result of the recommendations, lacks the accountability necessary for such a high profile and high risk area of provision. Given this, these reports should now be overseen by the Group Manager for Safeguarding, Assurance and Improvement so that an independent view on any concerns and progress against recommendations can be monitored.

## **Other Options Considered**

10. The continuation of the current model of Rota Visits has been considered. However this, and the alternative of Rota Visits taking place on an unannounced basis, is not recommended due to the disadvantages identified in **paragraph 5**.

## **Reason for Recommendations**

11. The recommendations are made to ensure the strong and effective oversight of children's homes provision by Elected Members.

## **Statutory and Policy Implications**

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Financial Implications**

13. There are no financial implications arising from this report.

## **RECOMMENDATION/S**

That Committee approves:

- 1) the withdrawal of current guidance on Rota Visits by Elected Members and that visits in their current format cease
- 2) the establishment of a new Governance Board to oversee the Council's children's homes, including Clayfields House Secure Unit, led by Elected Members and with cross-party representation alongside senior professionals from multi-disciplinary backgrounds
- 3) proposed Terms of Reference for the Governance Board to be produced and brought to the Committee for approval
- 4) reports from the Governance Board being brought to the Committee every six months
- 5) that a review of the revised governance arrangements is presented to Committee in 12 months' time.

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**Constitutional Comments (LW 19/02/19)**

14. The Children and Young People's Committee is the appropriate body to consider the content of the report.

**Financial Comments (SAS 15/02/19)**

15. There are no financial implications arising directly from this report.

**Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.

**Electoral Division(s) and Member(s) Affected**

All.

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