



Knowsley Council



MERSEYSIDE
POLICE

Knowsley Safeguarding Children Board

Children's Homes Protocol Knowsley

Issued 2016

Review date Dec 2017

INTRODUCTION

This handbook is a Children's Home Protocol and relates to any children's home that operates within the borough of Knowsley. This Protocol is a working document and subject to ongoing development.

Although the power to inspect children's social care services, including children's homes, lies with Ofsted, the Director of Children's Services (DCS) has professional responsibility for the leadership, strategy and effectiveness of local authority children's services. This includes (but is not limited to) responsibility for children and young people receiving education or children's social care services in their area. This also includes all children looked after by the local authority or in custody (regardless of where they are placed). There is no legal requirement to have a protocol of this nature, however, in carrying out his responsibilities the DCS wishes assurance that any looked after child living in Knowsley has access to the best provision available. This protocol will ensure that scrutiny is in place locally so children and young people are safe and the home operates in a way that provides the best setting for the child.

As well as children and young people looked after from Knowsley there are also out of area, also known as out of borough, placements of children and young people from other local authorities in settings in Knowsley. These take place for a variety of reasons including the need to access provision that is better able to meet the needs of a child or young person. Whilst living in Knowsley the DCS has responsibility to ensure these out of borough placements operate in a safe and effective manner, even though the home (placing) authority retains overall responsibility.

This protocol is in line with legislation and locally derived policy to support all agencies to deliver the safety and well-being of children and young people placed in residential care in Knowsley. This includes, but is not restricted to, The Children's Homes (England) Regulations 2015 and the associated statutory guidance in the Guide to Children's Homes Regulations, Including the Quality Standards, Merseyside Police's Missing Persons Policy, Knowsley Safeguarding Children's Board policies and alongside the responsibility of the Local Authority outlined in S22 G of the Children Act 1989, as amended by the Children and Young Person Act 2008. A full list of the relevant legislation, statutory guidance and locally derived policy is provided elsewhere in this protocol.

SECTION 1: The Knowsley Process

This guidance sets out Knowsley's role in relation to homes that are causing concern. It sets out the importance of ensuring children's homes are aware of and are addressing concerns.

Knowsley champions excellence by seeking to:

- 1) Understand the performance of homes in their area, using data to identify those homes that require improvement.
- 2) Take swift and effective action when failure occurs in a home, using 'letters of concern' whenever necessary to get leadership and standards back up to at least "good".
- 3) Encourage good and outstanding homes to take responsibility for their own improvement and to support other homes.
- 4) Build strong working relationships with leaders in their area and encourage high calibre home leaders to support and challenge others.
- 5) Signpost where homes can access appropriate support.

The core principles that guide the operation of Knowsley's Children's Homes Protocol are:

- Concerns about a children's home must be identified as early as possible to ensure that this does not become embedded and lead to children being placed at risk;
- Support and challenge must be provided immediately when unacceptable standards are identified in order to begin the improvement process as quickly as possible;
- Where there is evidence of significant and/or sustained non-compliance, decisive action will be taken to ensure that the life chances of children and young people are safeguarded.

Knowsley children's homes causing concern

Children's home may be causing concern where:

- The home is not delivering on a contract
- Notifications are not being received by the council of children placed within its boundary.
- Staff at the home don't have appropriate safeguarding training
- The home is not following 'Missing' procedures, including good practice regarding return interviews
- Signs of CSE are not being referred to appropriate agencies
- The placing authority are not cooperating with Knowsley's Child Protection Standards
- The home is not reporting safeguarding concerns to the LADO
- The home is not informing Ofsted of significant incidents
- The home is not following the Pan Merseyside Decriminalisation of CLA Protocol
- The home allows children to have contact with people assessed as being at risk
- The home is not undertaking assessments and placing children with similar or opposite risks together

This list is not definitive but provides some lines of enquiry for considering whether a home is of concern.

Knowsley Categories of Homes Causing Concern

There are 3 operational categories of children's homes causing concern under the Knowsley Protocol. These are homes at levels described as minor concern, level 1 and level 2.

In most cases, homes are placed on the Protocol after considering evidence that may be gathered from a range of sources. However, sometimes the 'concern' may be triggered by unexpected events such as serious safeguarding concerns. In such cases the Assistant Executive Director of Safeguarding & Quality Assurance Children's Services (AED) will, as chair of the SCHGG, take an executive decision and place the home on the Protocol.

Minor Concerns

This category is intended to allow Knowsley and an individual home and its owners to focus on a particular issue or issues that are of concern to them. In this category, outcomes may be satisfactory or above but Knowsley is acting proactively to ensure that these concerns do not have a negative impact on safeguarding. Depending on the concern either the LADO or the ART/Commissioning Team would be the appropriate lead to monitor this and to notify the authority of a child placed from elsewhere.

Level 1

This category reflects an increased level of concern on behalf of the LA and/or the home and its owners.

Where a home is at Level 1 Knowsley has serious concerns about one or more aspects which are impacting negatively on the home. It is likely that Ofsted would judge the home as having serious weaknesses and that it requires significant improvement.

Where there is a Knowsley placement with the provision, the ART/Commissioning Team will co-ordinate a Quality Assurance visit and this may be an arranged visit or unannounced. Where the child is placed by another authority, that authority will be advised of the concerns in order for them to consider a Quality Assurance visit.

Where a knowsley child is placed if the provider is part of a Framework, the framework protocol will be followed and an Information Sharing Protocol (ISP) will be raised and Ofsted will be informed as a result.

Where they are not on a commissioning framework Ofsted will be informed. This may trigger an inspection. An ISP will also be raised.

Where there is LADO involvement with regard to progress in Level 1, Ofsted will be made aware and invited to the meeting.

Level 2

This category reflects the highest level of concern.

Following a significant review of the evidence for improvement at Level 1 of the Protocol, the targeted issues have not been resolved and the home is seriously underperforming.

However, in some circumstances a home may go directly to Level 2 if serious concerns emerge. Where a home is at Level 2, it is likely that it would be placed in special measures in an Ofsted inspection.

For children placed from other authorities the AED, in the first instance, will have a conversation with the AD from the placing authority. Conversations are also likely to take place with the DCS, Chief Executive and Ofsted and an ISP will be raised if this has not been completed previously.

Acting on Concerns

Under the Children's Homes (England) Regulations 2015, Knowsley requests that all Children's Homes provide a copy of the independent person's monthly report under Reg 44 (7)(b). These should be forwarded to the Access to Resources Team via email at artplacements@knowsley.gov.uk.

Discuss concerns with leadership of home.

When concerns arise they will be discussed with the owner/responsible individual. For a child placed by another local authority, that authority will be advised of concerns raised in order for them to determine actions they wish to take.

If the concerns are then to be discussed with the Strategic Care Homes Governance Group (SCHGG) the Responsible Individual will be informed prior to the meeting. Wherever possible Knowsley will act in partnership with the home.

If the home does not share the concerns, the senior leadership team of the home **must** provide additional evidence to support its view. Failure to do so would indicate an unwillingness to accept the concerns.

Monitoring concerns

The SCHGG will meet to discuss the progress being made by all homes including those currently on the Protocol and those causing concern. Where required, the CHP Matrix (Appendix C) will be completed and where concerns are sufficiently serious the home will be placed on the Protocol and the home's progress will be monitored by the ART/Commissioning Team and reviewed at the SCHGG. Where a child is placed by another local Authority regular consultation will take place with that Authority.

Actions following SCHGG Meetings

Communication

Communication will be sent, within 10 working days following the SCHGG meeting, to all homes on the CHP. These inform homes and the Responsible Individual of the Group's decision regarding the level of concern with reasons for this decision. The Responsible Individual/owner will be briefed on future proceedings.

Home Action Plan

Homes placed on the Protocol are not expected to prepare a separate Action Plan, but are expected to amend their existing plans to address the areas requiring improvement. The implementation and impact of the Action Plan will be monitored by the SCHGG depending on the type of concern e.g. ART/ LADO, where a knowsley child is placed . Progress against the actions in the plan will form the basis of a report to the SCHGG.

Further intervention.

Where there is evidence of reluctance by a home to address serious concerns within a reasonable time frame then information will be provided to Ofsted which may trigger an inspection. Information about the framework for inspection is available direct from Ofsted. Additionally the ART/Commissioning Team may raise an ISP (information sharing protocol) if this has not occurred already, and in cases where there are children placed from other areas, the DCS will contact the DCS from those areas.

Procedures for homes in a formal Ofsted category of concern.

There are two Ofsted categories of concern, where 'Good' is the minimum expectation: 'Requires Improvement' and 'Inadequate'. Knowsley will place a home subject to 'Inadequate' at inspection at Level 2 on the CHP or appropriate level for a home with serious weaknesses.

The ART/Commissioning Team will hold responsibility for monitoring and reviewing the progress of the home's areas of improvement identified in the Action Plan, and will report the progress to the SCHGG.

The Chair of the SCHGG will produce a quarterly summary report for Knowsley Safeguarding Children's Board.

The role of the Home

The Responsible Individual and the Registered Manager (or their representative) may have access to intervention/support strategies provided by Ofsted to assist improvement. In some homes. The independent person conducting Reg 44 inspections may also offer support and Knowsley's ART/Commissioning Team may assist improvement.

Homes deemed to have serious weaknesses or who are placed in special measures by Ofsted are not required to prepare a separate Action Plan but are expected to amend their existing home improvement plan to ensure that it shows how it will address the areas for improvement identified in the SCHGG's concerns.

Features of strong action plans:

- Success criteria and measurable objectives that ensure good practice (at least) and which staff can be held accountable for.
- A reasonable and appropriate timescale, given the capacity of the home.
- Actions in a sequence that reflects the reality of the home.
- Clear milestones by which to monitor progress.
- Identification of who has the skills and is accountable for delivering, monitoring and evaluating – and sharing out of the responsibilities.
- Clear indication of roles of external agencies, management and others.

The home is required to present a range of evidence to demonstrate progress against the action points in the plan at each monitoring meeting.

The home will be expected to use its own resources to buy in additional support e.g. external consultants.

A home requires further scrutiny where:

- 1) a notice has been given with which the home has failed to comply or has failed to comply to the satisfaction of the SCHGG and the SCHGG have also given the registered manager a written notice that they are concerned;
- 2) a home requires significant improvement and,
- 3) a home requires special measures.
- 4) it has been judged “inadequate” by Ofsted

Homes requiring intervention as a result of a letter of concern

Letters of concern should be used as an early form of intervention, particularly where standards are unacceptably low and other tools and strategies have not secured improvement.

A letter of concern may be given by Knowsley in one of three circumstances:

- 1) the standards of care at the home are unacceptably low and are likely to remain so; or,
- 2) there has been a serious breakdown in the way the home is managed or which is placing children at risk or likely to place children at risk; or,
- 3) the safety of young people or staff at the home is of concern (whether by a breakdown of behaviour management strategies or otherwise).

The definition of what constitutes “low standards of performance” is set out in the Ofsted Inspection Framework.

For the purpose of this guidance, “unacceptably low standards of performance” is where the performance of a home is not meeting the expected standards of comparable homes.

In these situations Knowsley will issue a letter of concern unless there is a particular reason not to do so. Knowsley is not limited to giving a letter of concern only to those homes which persistently have high levels of concern.

Knowsley should consider issuing a letter of concern to homes that have not responded robustly or rapidly enough to a recommendation by Ofsted. Such recommendations are normally made as part of inspections in homes 'requiring improvement' where the standard of performance is judged to be unacceptably low, or where homes are judged 'inadequate'.

Since it is a core function of Responsible Individuals to create robust accountability for the performance of the home, failure to address such recommendations by Ofsted should be seen as an indication that the home is causing sufficient concern for the local authority to consider issuing a letter of concern. Following the inspection, where no significant improvement is realised by the home within reasonable timeframes, Knowsley should consider intervening to stimulate and drive change.

Homes do not need to wait for an Ofsted inspection recommendation to seek an external review of their arrangements. Knowsley may themselves consider issuing such recommendations where they have concerns about the quality of a home's performance and governance and levels of care, before considering intervention. This might be in response to an ISP or Framework compliance visit.

Homes requiring intervention as a result of having been judged as “requiring significant improvement” or “special measures”

If, following an inspection Ofsted judges a home to be inadequate for overall effectiveness (Grade 4), it will give a judgement that the home requires either “significant improvement” (described as a home with “serious weaknesses”) or “special measures”.

Where a home requires intervention there are a number of powers Ofsted may use to drive home improvement. These can be found with reference to Ofsted's framework.

LETTERS OF CONCERN

A letter of concern should be used where there is evidence to justify both Knowsley's concerns and the home's reluctance or inability to address those concerns successfully within a reasonable time frame. Before deciding to give such a letter of concern, the panel must draw on a suitable range of quantitative and qualitative information to form a complete picture of a home's performance. Where necessary Knowsley will consult with the placing authority of a child.

1 Giving a Letter of Concern

When used effectively letters of concern have a positive impact on homes, often providing a catalyst for more focused and appropriate action from both the leadership team and the owners.

A letter of concern will be given in writing to the owners of the home and will set out:

- 1) The matters on which Knowsley's concerns are based. These should be set out in some detail and explain the facts that exist in that particular home and the circumstances which are giving cause for concern;
- 2) The action which the owners are required to take in order to address the concerns raised;
- 3) The initial compliance period beginning with the day when the letter of concern is given and ending 15 working days following that day, during which time the owners are to address the concerns set out in the letter, or make representations against the concerns detailed in the letter; and,
- 4) The action which Knowsley is prepared to take if the owners do not take the required action.

In addition to giving the owners a letter of concern, Knowsley must also give a copy to the Responsible Individual.

Where a letter of concern has been given which has not been complied with to the satisfaction of the SCHGG within the compliance period, the SCHGG must also give the home reasonable notice in writing. Whilst what is reasonable will vary depending upon the circumstances, the expectation is that Knowsley will notify the home that they propose to exercise one or more options such as reporting to Ofsted, which may trigger an inspection, within two months from the end of the compliance period.

2 Making representations against the letter of concern

The letter of concern must state that the owners of a home can make representations in writing. Knowsley have not specified the grounds for making representations, but it could be that the home believes that the SCHGG has:

- 1) Given the letter of concern without sufficient objective evidence
- 2) Proposed action that is disproportionate to the scale of the issues facing the home

The representations must be made in writing within 15 working days of receipt of the letter. For the representations to be valid, they must be sent to the DCS.

In rare cases, a home may have the capacity to improve but refuses to recognise its weaknesses or is unwilling to accept external support. In such circumstances the Authority will invoke its powers of intervention particularly if there is a safeguarding issue.

The Strategic Care Home Governance Group (SCHGG) will oversee the CHP

SECTION 2: Strategic Care Homes Governance group

Roles and Responsibilities

The Panel will be chaired by the AED for Quality Assurance and will have the following representation:

- Senior Commissioning Manager, Knowsley Council
- Team Manager, Access to Resources, Knowsley Council
- Local Authority Designated Officer (LADO)

- Safeguarding Unit Manager
- A Merseyside Police Knowsley BCU PVU representative
- Ofsted representative – invited as per responsibility as Regulatory Inspector for the individual Children’s Home, as required.
- Team Manager from Independent Return Interviews Service (Catch 22)
- Team Manager Shield (CSE Service)

And any other representation that is deemed fit.

The function of the SCHGG is to:

- Enable strategic oversight of the CHP; the homes causing concern; the action taken to bring about home improvement and the outcomes of Ofsted Inspections;
- Organise action plans and progress reports;
- Produce communications to homes;
- Liaise with other placing authorities;
- Prepare reports for KCSB;
- Enable Responsible Individuals to be held to account for the effectiveness and impact of action taken

Executive Director (Children) (DCS)

The Executive Director (Children) has responsibility for the strategic leadership of the CHP. The AED, as his representative, chairs the SCHGG meetings and ensures that there is an opportunity for members to contribute to the discussions and decisions. However, in cases where there isn’t a consensus of opinion the final decision rests with the Director.

The Director has the authority to take executive action if serious concerns about a home arise between meetings. In these circumstances, this action will be reported to the members of the SCHGG at the next meeting.

The ART/Commissioning Team

The ART and Commissioning Team are responsible for the operational management of the CHP and reports directly to the AED on this issue. They will ensure that all homes on the Protocol are closely monitored and where necessary negotiate additional support from other partners or homes.

The ART/Commissioning Team supports the chair of the SCHGG to ensure the co-ordination of the evidence base and compliance with Knowsley’s CHP policy and procedures. They are responsible for the effective administration of procedures and ensure that accurate information is gathered through monitoring visits and other available data and along with other partners are responsible for ensuring that Action Plans are completed, monitored and evaluated.

The group will have a key role in monitoring any home placed in an Ofsted category of concern or with a letter of concern from the group. The LADO or ART/Commissioning Team will also lead and organise intensive focused visits where these are required.

Safeguarding Unit Manager/LADO/Missing and CSE Services

The Safeguarding Unit Manager/LADO/Missing and CSE Services have a responsibility to report any homes that are giving cause for concern. The focus is to investigate any concerns together with the leadership of the home in order to determine the causal factors. Progress against the actions in the plan will form the basis of a report to the SCHGG.

The Safeguarding Unit Manager and Missing/CSE services are responsible for bringing the voice of the child / young person to the discussions.

Police

The police will have information about any community safety or criminal activity in the area of a children's home, or raised in connection with a children's home. The Police may also have concerns that the Provider has not raised CSE concerns about a child or any other concerns related to a missing child episode. The named officer and PCSO to the individual Children's Home will have an insight to the practice of the staff within the Provision when a child has been reported as missing.

Further reports may be received from Neighbourhood & Antisocial Behaviour Teams, Complaints Manager, and Virtual Head teacher with regard to any issues that may have arisen.

Provider Forum

In addition, all providers are invited to attend a quarterly Providers' Forum. This will enable opportunities to share intelligence and good practice to positively impact the care of all children within Knowsley. It is expected that representatives from each organisation at least, and preferably from each home, will attend the forum to demonstrate their commitment to continuous improvement in outcomes for children. Attendance at the Providers' Forum will be monitored and reported to the SCHGG.

Relevant Legislation, Statutory Guidance and Locally-Derived Policy:

- Children Act 1989
- Children Act 2004
- Care Standards Act 2000
- Care Planning, Placement and Case Review (England) Regulations 2010
- Children's Homes (England) Regulations 2015
- Children and Families Act 2014 (Education, Health and Care Plans)
- Children Act 1989 guidance and regulations volume 5: children's homes (and other statutory guidance from the Department for Education)
- Sections 18(7) (Director of Children's Services) and 19(2) (Lead Member for Children's Services) of the Children Act 2004.
- The Town and Country Planning (Use Classes) (Amendment) Order 2005 (amended further in 2010)
- Knowsley Children's Safeguarding Board Policies
- Merseyside Police Missing Person Policy
- Pan Merseyside Decriminalisation of CLA Protocol
- Working Together to Safeguard Children 2015

SECTION 3: APPENDICES

Appendix A: Calendar for the Year 2016-17

Appendix B: Sample forms and templates

- Matrix for reporting concerns
- Action Plan for use when a child is placed by Knowsley
- Letter to homes

Appendix C: Planning Applications

Appendix A - Calendar dates for Strategic Children's Home Governance Group Meetings and Provider Forums 2016

Strategic Care Home Governance Group:

15th January

28th March

5th July

3rd October

Providers' Forum:

26th January, 2:30pm, Huyton Annex public meeting room 2

21st April, 10am, Huyton Annex public meeting room 2

18th July, 2:30am, Huyton Annex public meeting room 2

20th October, 10am, Huyton Annex public meeting room 2

Appendix B: Sample Forms and Templates
Children's Homes Protocol
Causing Concern Matrix for Reporting Concerns

GUIDANCE TO SUPPORT THE COMPLETION OF THE MATRIX

Home:

Person:

Date:

Initial reason for concern being raised.

Outcomes for Children & Young People	Minor Concerns	Level 1	Level 2
<ul style="list-style-type: none"> ▪ The outcomes for children and young people looked after are adequate or their welfare is safeguarded. 	<ul style="list-style-type: none"> ▪ There is inconsistency in outcomes across groups. This provides evidence that some young people are not reaching expectations. This could include health, attendance at school or other educational provision, achievement at school or other educational provision, making a positive contribution to their home and the wider community, effective preparation for transition to independence and adult life. 	<ul style="list-style-type: none"> ▪ Children and young people are not making adequate progress in outcomes ▪ Outcomes are below similar homes in one or more areas. ▪ Outcomes for some children and young are below standards ▪ Provider does not follow the LSCB Missing Children / CSE procedures. 	<ul style="list-style-type: none"> ▪ Standards have remained significantly below similar homes and have not improved over time ▪ Low standards are affecting the life chances of the majority of young people or a specific group ▪ Progress is not being addressed effectively ▪ Child placed within a Secure Unit as an outcome of being looked after by the Provider not being able to manage their behaviour. ▪ Provider regularly does not follow the LSCB Missing Children / CSE Procedures.
Quality of care	Minor Concerns	Level 1	Level 2
<ul style="list-style-type: none"> ▪ Children and young people are cared for in line with their individual placement/ short break care plan and the contribution of those plans is of high quality 	<ul style="list-style-type: none"> • Children are not being cared for in line with their individual plan. • Accepting a child's placement without a child's Care Plan or risk assessment. 	<ul style="list-style-type: none"> ▪ The level of concern will be determined by the number of related issues of concern and the home's capacity to address the issues effectively. 	<ul style="list-style-type: none"> ▪ The level of concern will be determined by the number of related issues of concern and the home's capacity to address the issues effectively. ▪ Repeatedly to accept a child's placement without a risk assessment or care plan being provided.
<ul style="list-style-type: none"> ▪ Needs of the children and young people are identified and positively addressed 	<ul style="list-style-type: none"> ▪ Staff do not set clear, consistent and appropriate boundaries for children and young people or take into account their wishes and feelings in the running of the home, including helping young people to understand why it may not be possible to act upon their wishes in all cases 	<ul style="list-style-type: none"> ▪The level of concern will be determined by the number of related issues of concern and the home's capacity to address the issues effectively. 	<ul style="list-style-type: none"> ▪ The level of concern will be determined by the number of related issues of concern and the home's capacity to address the issues effectively

Safeguarding children and young people	Minor Concerns	Level 1	Level 2
<ul style="list-style-type: none"> ▪ Children and young people are safe or feel safe. They are protected from harm, including neglect, abuse, exploitation, accidents and bullying. 	<p>Factors to consider include:</p> <ul style="list-style-type: none"> • Staff recognising issues • Staff training • Children reporting they do not feel safe • Children making complaints • Clear practices and agreed arrangements of what to do if a child goes missing • Clear practices and agreed arrangements if a child or young person is at risk of CSE 	<ul style="list-style-type: none"> ▪ The level of concern will be determined by the number of related issues of concern and the home's capacity to address the issues effectively. 	<ul style="list-style-type: none"> ▪ The level of concern will be determined by the number of related issues of concern and the home's capacity to address the issues effectively.
<ul style="list-style-type: none"> ▪ The safeguarding meets requirements and is appropriate to the needs of young people 	<ul style="list-style-type: none"> ▪ There is inadequate provision to develop skills of the workforce. ▪ Behaviour is poor and is not well managed ▪ 	<ul style="list-style-type: none"> ▪ Planning is weak and the home is unable to trace continuity, progression and / or the development of skills of staff ▪ Behaviour is poor and contributes to the reduced care of young people. ▪ Poor behaviour is not being managed effectively. ▪ Young people are not or do not feel safe 	<ul style="list-style-type: none"> ▪ Requirements are not met ▪ The support does not meet the needs of a significant proportion of young people ▪ Planning and structure are weak leading to slow and patchy progress ▪ Behaviour is poor and contributes to the reduced care of young people. ▪ Poor behaviour is not being addressed effectively. ▪ Young people are not or do not feel safe

Safeguarding children and young people	Minor Concerns	Level 1	Level 2
<ul style="list-style-type: none"> ▪ Staff and volunteers working with children are carefully vetted and there is monitoring of such people to prevent unsuitable people from being recruited. Investigations into allegations or suspicion of harm are handled fairly, quickly and consistently 	<ul style="list-style-type: none"> ▪ Clear practices and agreed arrangements of what to do if an allegation against a member of staff is made are not in place or being followed appropriately. ▪ Report to LADO not made within 24 hours of the complaint / allegation being made. ▪ Provider commences own investigation re: an allegation about a staff member before making LADO referral and the Police can be consulted re: has an offence taken place. 	<ul style="list-style-type: none"> ▪ The level of concern will be determined by the number of related issues of concern and the home's capacity to address the issues effectively. ▪ There are no clear safe recruitment policies. ▪ Training is not regularly / consistently recorded on a staff members records. 	<ul style="list-style-type: none"> ▪ The level of concern will be determined by the number of related issues of concern and the home's capacity to address the issues effectively. ▪ Another agency makes a LADO referral, Provider has not made a LADO referral but was

Leadership and Management	Minor Concerns	Level 1	Level 2
<ul style="list-style-type: none"> ▪ The home is managed effectively and efficiently, including the permanent employment of a suitable registered manager. 	<ul style="list-style-type: none"> ▪ Lack of clear focus on raising standards 	<ul style="list-style-type: none"> ▪ Home improvement planning is weak ▪ Leadership lacks impact 	<ul style="list-style-type: none"> ▪ Poor sense of purpose and inappropriate priorities ▪ The home is deteriorating
<ul style="list-style-type: none"> ▪ Governance 	<ul style="list-style-type: none"> ▪ Owners are not providing clear vision and strategic direction and do not have an understanding of the home's strengths and weaknesses. 	<ul style="list-style-type: none"> ▪ Senior Leadership not sufficiently diligent in holding the home to account for young people' achievement, the quality of safeguarding and effective and efficient deployment of resources. 	<ul style="list-style-type: none"> ▪ Senior Leadership is not sufficiently diligent in holding the home to account for young people' achievement, the quality of safeguarding and effective and efficient deployment of resources.
<ul style="list-style-type: none"> ▪ The home can demonstrate capacity for continued improvement and / or evidence of the impact of improvements 	<ul style="list-style-type: none"> ▪ Roles and responsibilities are not clear and there is inconsistency of practise ▪ The home does not have systems for self-evaluation 	<ul style="list-style-type: none"> ▪ The home does not have a clear view of strengths and areas for development ▪ Management of staff and resources are not focused on the home's priorities ▪ Priorities are not fully addressed and planned improvements are not embedded 	<ul style="list-style-type: none"> ▪ Capacity to improve is poor ▪ There are frequent crises because systems of management are weak
<ul style="list-style-type: none"> ▪ Statutory requirements – the home meets its aims and objectives of its statement of purpose. Ofsted's framework for inspection of children's homes is known and understood 	<ul style="list-style-type: none"> ▪ The home does not have a clear understanding of its statutory requirements 	<ul style="list-style-type: none"> ▪ Some statutory requirements are only partly met and this has persisted over time – the home is unwilling or unable to meet them 	<ul style="list-style-type: none"> ▪ Important statutory requirements related to provision are not met
<ul style="list-style-type: none"> ▪ Safeguarding – concerns or complaints have been addressed and resolved 	<p>Safeguarding arrangements are questionable e.g.:</p> <ul style="list-style-type: none"> ▪ Young people safety is at risk ▪ Identification of children in need or at risk is inadequate ▪ Safer recruitment processes are not adhered to. ▪ Child Protection arrangements are inappropriate. 	<ul style="list-style-type: none"> ▪ The level of concern will be determined by the home's capacity to address the issues efficiently and effectively 	<ul style="list-style-type: none"> ▪ The level of concern will be determined by the home's capacity to address the issues efficiently and effectively

Leadership and Management	Minor Concerns	Level 1	Level 2
	<ul style="list-style-type: none"> ▪ Children missing is not followed up or reported to the appropriate agencies 		
<ul style="list-style-type: none"> ▪ Staff – the home employs a sufficient number of staff, who are appropriately trained and effectively supervised and supported. They receive high quality training to enhance their individual skills and to keep them up to date with professional and legal developments. 	<ul style="list-style-type: none"> ▪ Staff do not have appropriate safeguarding training ▪ Signs of CSE are not being reported to the appropriate agencies ▪ An assessment of accepting a placement of children or similar or opposite risks has not been carried out 	<ul style="list-style-type: none"> ▪ The level of concern will be determined by the home's capacity to address the issues efficiently and effectively ▪ The Provider does not inform the Safeguarding Children Unit of a child placed in their care by an Other Local Authority (OLA) ▪ Staff do not attend Safeguarding / CSE / missing children training. ▪ Staff are not provided with regular supervision. 	<ul style="list-style-type: none"> ▪ The level of concern will be determined by the home's capacity to address the issues efficiently and effectively. ▪ Staff have not attended Safeguarding / CSE / missing children training after guidance / challenge has been undertaken. ▪ Staff are not provided with regular supervision after guidance / challenge has been undertaken.
<ul style="list-style-type: none"> ▪ Registered Manager and Responsible Individual ensure that risk assessments and compatibility assessments are undertaken for all children placed in their care. ▪ Registered Managers ensure that risk assessment are regularly updated subsequent to missing episodes and concern re: CSE being raised / child being made subject of a MACSE Plan. ▪ Placements are only agreed for children that the provider is able to offer an appropriate level of care to the needs and risks identified. ▪ An appropriate and professional relationship in place between the RI, RM and LA Commissioning Service and Children's Social Care. 		<ul style="list-style-type: none"> ▪ There is no Registered Manager in place. ▪ A compatibility assessment has not been undertaken upon a child's placement. 	<ul style="list-style-type: none"> ▪ There is ongoing concern that a Registered Manager is not in place. ▪ A Registered Manager / Responsible Individual is subject of Ofsted 'intervention'. ▪ Compatibility assessments have not been regularly undertaken. ▪ The Provider regularly takes a child whose needs they cannot meet. ▪ Provider accepts a placement for a child who is outside of their 'statement of purpose' criteria. ▪ There are concerns regarding influence in the relationship between the placing authority and provider which has led to children being placed outside of the statement of purpose / the provider and placing authority agreeing for a child to be placed when the placement cannot meet the child's needs / safeguard the child and or others, including members of

			Knowsley community, from presenting risks.
--	--	--	--

Home not on Protocol			
Recommended Level?			
Responsible individual informed? Please use X as appropriate	Yes	No	Informed by:

Home on Protocol – Current Level			
Recommended Level?			
Responsible individual informed? Please use X as appropriate	Yes	No	Informed by:
Progress since the last meeting			

Children's Homes Causing Concern Action Plan

Home:	Originator of plan: This is the responsibility of the person that identified the cause/s for concern	Name	Date agreed:
	Monitor of progress: This would be ART/Commissioning Team	ART/Commissioning Team:	Planning period: From – to

CH Concern level:	<p>Cause/s for concern: Please complete in bullet points</p> <p>Where this is known, the causes should be identified from the main elements in the quality of provision of care</p> <ul style="list-style-type: none"> ○ <p>[If the causes have not been identified this should be the first action in the home's plan and the analysis should be evaluated by the adviser]</p> <p>Where this is known, links between weak educational provision and leadership and management should be identified</p> <p>[If these links have not been identified this should also be an action in the home's plan and the analysis should be evaluated by the adviser]</p>
-------------------	--

<p>Success criteria</p> <p>Short term: Completion of actions in home plan</p> <p>Medium term: Improvements in quality of care provision</p> <p>Long term: Improvements in progress and achievement</p>
--

Actions to Implement	Lead Person(s) responsible	Timescale	Monitoring Milestones (who, when, how)	Evaluation Criteria (who, when, how, quantified targets)	Progress against actions Impact on concerns Date:
These are the actions taken by partners to support, challenge and monitor the home. They should be matched against the home's action plan. The first actions in this Authority plan relate to drawing up the home plan if this is not already in place.	ART/Commissioning Team and Lead person for home if appropriate	Specific dates for actions or start and end dates	Dates for monitoring progress against implementation of home action plan	Evidence base, e.g. data, documentation, interviews with key staff and young people, observations	To be completed by relevant person See success criteria
Advise the home on action plan required by SCHGG. This should be completed as a priority following the home being placed on protocol	ART/Commissioning Team	Date of meeting with responsible individual			
Evaluate structure of home's plan and appropriateness of actions	ART/Commissioning Team				
Agree SCHGG action plan	ART/Commissioning Team and responsible person from home				

Executive Director (Children)
Address:

Date:
Please Contact:
Contact Number:
Email:

Sample Letter to Children's Homes

Dear (*Responsible individual/registered manager's name*),

Name of Home Children's Homes Causing Concern – Month

In order for me as Director of Children's Services to fulfil my strategic role to monitor and evaluate Knowsley homes and promote high standards in those homes and the wellbeing of all children and young people within Knowsley, we have established a Strategic Children's Home Governance Group.

At its most recent meeting, the Group considered evidence that

There are concerns about? (Where the home is being placed on the Protocol)

Short resume of the progress being made (where the home is already on the Protocol)

What the home now needs to do where appropriate

Commendations for progress/dedication etc. where appropriate

Decision about level

An action plan is required to address the above concerns.

The Group will monitor the progress being made by the home at the next meeting and you will be kept informed of their decisions. There is also an expectation that the owners will monitor the progress of the home against the home's action plan and that you will make them aware of the Local Authority's concerns and how they will be addressed.

If you would like officers from the Local Authority to discuss these issues with the Owners and Home Leadership Team please let me know.

If you have any questions regarding this letter please do not hesitate to contact me.

Yours sincerely,

Paul Boyce
Executive Director (Children)

Appendix C - Planning applications for potential new children's homes

Most of this protocol is concerned with children's homes that are already open and operating, however, there are circumstances where a new children's home is planned. The Strategic Care Home Governance Group reports into the Quality Assurance sub group of the Local Safeguarding Children Board (LSCB) and the objectives of the group include not allowing providers of concern to set up homes within the borough. The following will be borne in mind when new homes are being established.

The Town and Country Planning (Use Classes) (Amendment) Order 2005 (amended further in 2010) distinguishes a range of uses of buildings. Noted below are Class C2 and Class C3 which are Residential Institutions and Dwelling houses and it would not normally be possible to change between these two classes without planning permission being required.

Class C2 (Residential Institutions) of the above Order reads as follows:

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre.

Use Class C3 (Dwellinghouses) reads as follows:

Use as a dwellinghouse (whether or not as a sole or main residence) by —

- a) a single person or by people to be regarded as forming a single household;
- b) not more than six residents living together as a single household where care is provided for residents; or
- c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)

All cases will be assessed on their own merit. Regardless of which type of application this protocol would allow the Planning Dept. to send notifications when planning permission has been applied for to the Clerk of the CHP Panel in order that any safeguarding issues or concerns are considered and fed into the planning process.

If permission is granted planning conditions would at the most control the number of children at any one time and any planning enforcement would be around the planning conditions and not around other issues such as fitness of the applicants which would be dealt with by other procedures, such as this one.

If permission is refused this would have to be defended at appeal and real harm to an amenity would have to be demonstrated. In such cases Officers will have to express their concerns and they must be willing to offer evidence potentially even at Public Inquiry.

Where a home has operated without planning permission for a period of 10 years or more, its use becomes lawful and immune from enforcement action. In these circumstances it may only be brought to the attention of Knowsley when a notification of a young person is being placed there or if an issue or concern is raised