



Department  
for Education

# **Consultation on Regulations and National Minimum Standards for Residential Family Centres**

**Government response**

**February 2013**

## Contents

Introduction	3
Summary of responses received and the Government's response	4
Next steps	12
Annex A: List of organisations that responded to the consultation	13

## Introduction

The consultation was held to seek views on proposed amendments to the Residential Family Centre Regulations 2002 and the National Minimum Standards (NMS) for residential family centres.

The amendments were proposed to increase the focus on the quality of assessments rather than processes and premises. This will enable Ofsted to base their new inspection framework, from April 2013, on issues of quality. This is expected to drive up the quality of assessments, thereby reducing the number of erroneous decisions about parental capacity to care for their children.

The consultation ran from 10 April to 13 July 2012 and a total of 13 responses were received. The organisational breakdown of respondents was as follows:

Residential Family Centre Provider	8
Local Authority	3
Ofsted	2

This document provides an overview of responses; a summary of the responses to individual questions with the Government's response; and explains the intended next steps.

There is also an annex which lists respondents.

The Amendment Regulations and the new NMS will be available on the DfE website.

## Summary of responses received and the Government's response

The responses to the consultation have been analysed and a snapshot of the key views is provided below:

- The majority of the responses were positive and welcomed the proposals.
- The proposed re-structuring of the NMS was welcomed. Respondents considered that the principal standard on assessments gave proper prominence to the business of RFCs.
- Respondents welcomed the new regulation and standard on surveillance as this had previously been a rather grey area.
- The majority of respondents already carried out a risk assessment as part of good practice and welcomed formalising this as a new requirement.
- Respondents largely welcomed the reduction in detail in the NMS in relation to fitness of premises, staffing and complaints procedures.
- Some respondents suggested additions to the qualifications requirements.
- The majority of respondents considered that the amended Regulations and NMS would have a positive impact on equality.

### Question 1: What are your views on the structure of the amended Regulations?

There were 13 responses to this question.

Respondents welcomed the structure of the amended Regulations. They considered that the introduction of a principal standard on providing robust, fair and evidence-based assessments was helpful in bringing the business of RFCs to the fore.

### Question 2: What are your views on dividing the NMS into family-focused standards and standards of the provider?

There were 13 responses to this question.

Respondents were in favour of the proposed division. They considered that it was helpful and improved clarity.

### Question 3: Do you have any other comments on the re-structuring of the NMS?

There were 13 responses to this question.

Yes: 8                      No: 5

Respondents considered that the re-structuring of the NMS was overdue and much-needed.

### Question 4: Do you have any comments on the new regulation and standard for assessments?

There were 13 responses to this question.

Yes: 13                      No: 0

Respondents welcomed the inclusion of the new regulation and standard for assessments and felt that it was positive to have this as the principal standard.

Three respondents suggested that there should be a specific reference to assessing risk in the principal standard.

One respondent suggested that parents should have the right to see their assessment and report.

One respondent suggested that parents should be helped to understand and accept the outcome of the assessment.

One respondent considered that there should be a specific indicator which made clear that if a parent being assessed had learning difficulties, mental health or substance misuse or faced other personal challenges assessors should take account of this.

**Government response:** 'Risk' is already covered in the NMS. Standard 1.12 makes clear that the final report should outline 'any ongoing risks or safeguarding issues'. We consider that it is for the professionals involved in producing the assessments to judge whether it is appropriate to share the assessments with parents. We agree that parents should be helped to understand the outcome of the assessment. We do not consider it necessary to add a further indicator in respect of parents with learning difficulties etc.

### Question 5: What do you consider to be the likely cost implications to providers of the new requirements in the regulation and standard for assessments?

There were 13 responses to this question.

Respondents were divided between those who considered that there should be no additional costs as RFCs should already be carrying out assessments and others who considered that there might be additional costs for training staff. Respondents in the latter camp did acknowledge that training costs were ongoing.

### **Question 6: Do you consider the new regulation and standard for assessments likely to have an impact on the quality of assessments provided?**

There were 13 responses to this question:

Yes: 11                      No: 2

The majority of respondents considered that this would have a positive impact on the quality of assessments. Five commented that they were already meeting this requirement.

### **Question 7: Do you have any comments on the new regulation and standard for surveillance?**

There were 13 responses to this question.

Yes: 12                      No: 1

Respondents welcomed the new regulation and standard as this had previously been a rather grey area.

One respondent considered that the regulation and standard needed to be clear about the rights of parents and how surveillance material should be shared with others.

Three respondents commented that surveillance should not be used as an alternative to observation or misused to minimise staffing requirements.

**Government response:** The NMS already set out that centres will have a policy for the keeping and retention of files, which includes information or material obtained through surveillance.

### **Question 8: What do you consider to be the likely cost implications to providers of the new requirements in the regulation and standard for surveillance?**

There were 13 responses to this question.

Respondents considered that the level of costs involved would depend on whether a centre was already using CCTV or needed to install it and train staff.

## **Question 9: Do you have any comments on the new requirement for risk assessments?**

There were 13 responses to this question.

Yes: 13                      No: 0

The majority of respondents already carried out a risk assessment as part of good practice and welcomed formalising this as a new requirement. They considered that carrying out a risk assessment should form part of the overall assessment plan.

## **Question 10: What do you consider to be the likely cost implications to providers of the new requirement for risk assessments?**

There were 13 responses to this question.

Some respondents thought that there would be no costs involved as they already carried out risk assessments, while others thought that there would be minimal costs for training and implementation.

## **Question 11: Do you have any comments on the new standard related to financial viability?**

There were 12 responses to this question.

Yes: 8                      No: 4

It was considered helpful to make this explicit, particularly in the current financial climate.

## **Question 12: What do you consider to be the likely cost implications to providers of the new requirements in the standard related to financial viability?**

There were 13 responses to this question.

Respondents considered that there would be no cost implications unless accountants needed to be employed where they were not already in place.

## **Question 13: Do you have any comments on the removal of the regulation on offences?**

There were 13 responses to this question.

Yes: 4

No: 9

Three respondents questioned why the regulation was being removed. One asked how Ofsted could be sure that every centre had complied with the necessary safeguarding checks. Ofsted was concerned that the removal of the clause relating to someone who once was, but no longer is, a registered person and their need to maintain records might mean that they would have no recourse to deal with such offences committed by people who were previously but are no longer registered.

**Government response:** The removal of the regulation on offences brings the Regulations into line with the amended Children's Homes Regulations. We do not consider that it is necessary to retain this regulation to cover the circumstance which Ofsted mention as we understand that it was rarely used.

### **Question 14: What do you consider to be the likely savings to providers resulting from the removal of the regulation on offences?**

There were 10 responses to this question.

Respondents were divided between those who thought that there would be no savings and those who did not know what the likely savings would be.

### **Question 15: Do you have any comments on the reduced detail in the NMS covering fitness of premises?**

There were 13 responses to this question.

Yes: 13

No: 0

Respondents welcomed the reduction in detail in the NMS. They considered that it would lessen the 'institutional' feel of centres and allow for the development of a more informal, relaxed and personalised environment. Two were concerned that there was a slight risk that standards might slip and that provision might become less than adequate.

**Government response:** We do not propose to make any changes in response to these comments. We consider that they are already covered by the NMS and the intention of the amended NMS is to remove unnecessary prescription.

### **Question 16: What do you consider to be the likely savings to providers resulting from the reduced detail in the NMS on fitness of premises?**

There were 13 responses to this question.



Respondents considered that there would be no real savings if standards were met and upheld.

### **Question 17: Do you have any comments on the reduced detail in the NMS covering staffing issues?**

There were 13 responses to this question.

Yes: 12                      Not sure: 1

Respondents largely welcomed the reduced prescription.

One respondent requested clarity over the use of agency staff. They also considered that it might be helpful to state that centres should have a learning and development programme for staff. One suggested a number of drafting changes, including expanding on the detail relating to pre-employment checks. They also considered that the list of learning and development opportunities should be amended from 'these may include' to 'these include'.

**Government response:** We agree that the wording of Standard 15.4 might be overly restrictive in relation to the employment of agency staff and will amend the wording to make clear that agency staff can be on duty at night provided that they meet the requirements for qualifications and have appropriate experience. We do not consider it necessary to state that centres should have a learning and development programme as this is implicit in the NMS. We do not consider it necessary to retain the previous level of detail on pre-employment checks as this is a matter for the employer. We do not consider it necessary to specify that learning and development opportunities 'include' rather than 'may include' as individuals' training needs may vary.

### **Question 18: What do you consider to be the likely savings to providers resulting from the reduced detail in the NMS on staffing issues?**

There were 12 responses to this question.

All respondents said that they would not expect the reduced detail on staffing issues to result in savings.

### **Question 19: Do you have any comments on the reduced detail in the NMS for complaints procedures?**

There were 13 responses to this question.

Yes: 7                      No: 5                      Not sure: 1

One respondent said that the NMS needed to be clear over parents' rights to appeal and the external avenues open to them.

One respondent said that there was no mention of the possibility of complaining to someone external to the centre, but that it would be useful to include this.

Respondents commented that complaints should always be taken seriously but that the reduced details would make dealing with complaints more manageable in smaller organisations.

**Government response:** We will include a reference to external complaints in the NMS.

## **Question 20: What do you consider to be the likely savings to providers from the reduced detail in the NMS on complaints procedures?**

There were 10 responses to this question:

Respondents considered that there would be no savings from the reduced detail on complaints procedures.

## **Question 21: Do you consider the qualifications listed in paragraph 3.4.1 of the consultation document to be the most relevant qualifications for staff?**

There were 12 responses to this question:

Yes: 8                      No: 3                      Not sure: 1

Of those who considered that the qualifications listed were not the most relevant:

- one considered that the manager's qualifications should reflect their professional duties and responsibilities in managing, supervising and delivering court required evidence-based social work assessments;
- one considered that Level 3 should be the minimum requirement for care staff and that the staff team need a variety of professional requirements,
- the third considered that the manager must hold a social work qualification and have experience of working with children and families. They considered that there must be an experienced social worker on or linked to the staff team who oversees the assessment and compilation of the court report where appropriate. They also considered that the team should include a worker with an early years background, someone qualified to work with babies and, where necessary, additional health professionals such as psychologists, psychiatrists and family therapists.

Three respondents said that the centre manager should be a qualified social worker with appropriate experience in child protection. One considered that managers should have

Diploma Level 5 in management. Another considered that there should also be a requirement for safeguarding training.

**Government response:** We do not intend to make any changes to the qualification requirements at this stage. However, we will keep this issue under review and consider whether amendments to the qualification requirements are necessary at a later stage.

## Question 22: Do you consider that the amended Regulations and NMS will have a positive impact on equality?

There were 12 responses to this question

Yes: 9                      Not sure: 3

The majority of respondents considered that the amended Regulations and NMS would have a positive impact on equality provided that they led to the anticipated quality improvements in assessments (outcomes for children) and in families' experience of the process of being assessed residentially.

## Question 23: Do you have any other comments you wish to add in relation to the draft amended Regulations and Standards?

There were 11 responses to this question.

Yes: 5                      No: 6

Two respondents said that communicating the revised Regulations and Standards to all staff members would have a cost implication.

Ofsted made a number of detailed comments, including asking for clarification of the support for parents; the rights of parents to see assessments; restricting the liberty of children; child protection procedures and procedures for handling allegations against staff and the need for a drugs and alcohol policy.

**Government response:** We have considered Ofsted's specific comments carefully and will clarify the wording of the NMS where appropriate. In particular we accept the need to clarify the support for parents; to clarify that the liberty of children should not be restricted as a matter of course; to expand on procedures on child protection and handling allegations and to provide for a drugs and alcohol policy.

## Next steps

We have carefully considered the responses to the public consultation and, as a result, we have made a number of amendments to the NMS, including:

- increasing the flexibility relating to continuity of staffing;
- providing for external complaints procedures;
- making clear that a child's liberty should not be restricted as a matter of routine;
- clarifying the support for parents;
- expanding on the procedures on child protection and handling allegations; and
- providing for a drugs and alcohol policy.

We have also made other minor drafting changes to improve clarity.

We will review the policy after Ofsted's initial three-year cycle of inspection.

## **Annex A: List of organisations that responded to the consultation**

Aberdale Residential Family Assessment Centre

Bonner House

Cheshire House Group

Chrysalis Assessment and Support Centre

Cornwall Council

Dudley Lodge

Federation of Residential Family Assessment Centres

Herts Family Assessment Unit

Nottingham City Council

Ofsted

Ofsted (2)

Serendipity Devon Ltd

Wandsworth Children's Services Department



Department  
for Education

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