

Consultation on Proposals for the review of the National Minimum Standards for Children's Social Services (Phase One).

Introduction

The Government launched **Phase One** of its review of the regulatory framework for children's social services, ***Modernising the Regulatory Framework for Children's Social Services*** on **4th August 2006**. This phase focuses on the **frequency** and the **intensity** of inspection of these services. **Phase Two** which follows will examine the **detail** of the **National Minimum Standards (NMS)**. Consultation on **Phase One** ends on **10th November 2006**.

The NMS and associated Regulations for children's social services, which include the statutory minimum inspection frequencies, are made under the Care Standards Act 2000. There are nine sets of NMS for children's social services which cover:

- Voluntary adoption agencies and local authority adoption services
- Adoption support agencies
- Boarding schools
- Residential special schools
- Children's Homes
- Local authority fostering services and independent fostering agencies
- Private fostering arrangements
- Further education colleges providing accommodation for young people aged under 18
- Residential family centres

The first sets of these NMS were introduced in 2002, and Ministers made a commitment to review them after the first three years of operation. As part of the review process, this consultation document proposes making changes to current regulations which determine the **frequency** of inspection of these services by CSCI.

Proposals

- The current approach is based on universal coverage with all providers, regardless of quality, inspected on the basis of set frequencies. However, as part of the shift in focus of inspection (including CSCI's new inspection methodology) which now aims to concentrate on the experience of service users, and to improve outcomes across the service settings, this consultation proposes taking a more **proportionate** approach.
- In practice, this would mean that the longest interval between inspections for any children's services **except for children's homes and residential special schools** would be **three years**.

- This means that the statutory minimum three yearly inspection of all **adoption service providers** will **not** change
- The expectation that **boarding schools** and **further education colleges** which provide accommodation for students aged under 18 should receive three yearly inspections will also remain, although this will **not** be made a statutory obligation
- The requirement for the inspection of all local authority **private fostering** arrangements by 2009 will also remain unchanged, with the situation reviewed once this work has been completed
- But, the vulnerability of the children and young people living in **children's homes** and **residential special schools** is considered to be such that a three yearly minimum inspection frequency is **not** felt to be appropriate. It is therefore proposed that the minimum inspection frequency for these services should be one inspection each year. This is a reduction from twice a year for children's homes, but remains the same for residential special schools
- Yet, it is proposed that the statutory minimum inspection of **fostering services** and **residential family centres** will **change** from an annual inspection to the three yearly minimum inspection. Where appropriate this would mean that adoption & fostering services could be inspected at the same time
- However, this new minimum inspection frequency would only apply to the **fostering services** and **residential family centres** assessed as being the '**best performers**'
- It is proposed that CSCI will be given statutory powers to require all providers of children's services to carry out an **annual quality assurance assessment (AQAA)**, an evidence based self- assessment providing information about the quality of their services, how these services are experienced, the impact on outcomes and the involvement of service users in shaping what they do. They will also need to show how they have responded to previous inspection recommendations and identify areas for improvement
- Regulations would specify that providers must not make 'misleading' statements about the quality of their services
- This data will be used with CSCI's previous knowledge of the provider, their current CSCI quality rating, a service user assessment of the provider, and an analysis of concerns or complaints over the year to carry out an annual **Risk Assessment** of each provider to determine the **nature** and the **intensity** of the inspection needed in the coming year. This means that some **fostering service** providers and **residential family centres** would no longer receive a full '**Key**' inspection each year

- However, if CSCI receive new information during the year – particularly concerns or complaints – or if management of the service changes then they can decide to change their inspection plans for that year
- In addition to these full '**Key**' inspections – carried out at different intervals depending on the annual risk assessment – there will also be '**Random**' inspections on a sample basis that could take place at any time, without notice on any provider regardless of their quality rating or **AQAA**. And '**Themed**' or focused inspections, which again could take place at any time on a sample basis, and which could be used to report against new policy developments or particular issues
- There is also a proposal to give CSCI new powers to request an **improvement plan** from those not providing a good service

Comment

- The proposed shift in focus for inspection towards examining the experience of the services, and promoting good practice is welcome, and is consistent with the work CSCI have already completed in reviewing their inspection methodology
- However, the proposed new system for deciding the frequency of inspection relies very heavily on the new **AQAA** and self-assessment. This will have an impact of fostering service providers who will need to demonstrate how they are meeting the standards, and also involving service users in shaping their service. Are all providers prepared & do they have the skills to carry out a comprehensive self-assessment?
- The proposals suggest that only the 'best performing' fostering services will avoid a full '**Key**' annual inspection. But, in practice and over time, three yearly inspections could well become usual practice. Are we comfortable with this, when children in foster care may be equally 'vulnerable'?
- In addition, the consultation proposes sanctions for providers who 'misrepresent' their services – but is this measure enough? Are other checks and balances required to ensure that there is adequate quality assurance and that **Risk Assessments** really do have accurate information about the quality of particular services?
- This seems even more important as CSCI becomes incorporated in Ofsted and a Single Inspectorate for children's services is created. Will the inspectors who are carrying out the **Risk Assessments** in the new system have a good enough understanding of these particular services to enable them to make decisions about the quality of particular services, and the needs of looked after children?