

A photograph of a man with a beard and dark hair, wearing a black t-shirt, leaning in and talking to a young boy with dark hair wearing a grey t-shirt. They are in a room with blue storage bins in the background. The man is smiling and looking at the boy, who is looking back at him.

**"They actually  
take time to  
talk and listen  
to what I think"**

**Making the case for  
Regulation 44 Visits**

December 2022

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# 1. Context: Regulation 44 and the Care Review

**Regulation 44 visits are when an independent person visits a children's residential home on a monthly basis to determine how children and young people's wellbeing is being promoted. This person does not work for the government, police, or social services. NYAS (National Youth Advocacy Service) conduct an average of 640 Regulation 44 visits every month.**

Regulation 44 is within the Children's Homes (England) Regulations 2015. If Regulation 44 visits do not take place, there is no official independent safeguard for children and young people monitoring these homes between inspections and no such way to measure their quality or suitability.

The Independent Review of Children's Social Care in England said they saw little evidence that independent Regulation 44 visitors act independently, have a meaningful relationship with children, or that managers and Directors of Children's Services will regularly take action on the findings of their reports. The Review recommended to scrap the Regulation 44 Visitor role.



## Before visiting

Before visiting, the independent person will send children and young people their photograph and some brief information about themselves. This means that children and young people will know something about them before they visit.

## When visiting

Independent persons will firstly let young people know why they are visiting the home: to make sure they are safe, being looked after, and being listened to. They will take time to get to know children and young people by chatting about what interests them.

Children and young people choose where the conversation takes place. This might be the living room, garden, kitchen, or even outside doing an activity. The independent person will listen to what children and young people have to say about living in the home, but will also talk about things they like to do, places they like to go and if they get to choose what you eat. This conversation will not be rushed and children and young people can say what they want to say in their own time.

The recommendation of the Independent Review of Children's Social Care to scrap the role of Regulation 44 Visitors in its final report was unexpected. This is because of the absence of any discussion of Regulation 44 visits in the Care Review's 'Case for Change'. It was not clear if any consultation on this took place with children and young people. It did not appear to take place with Regulation 44 providers.

NYAS (National Youth Advocacy Service) believes that Regulation 44 Visitors should not be scrapped.



### After visiting

Independent persons write up their findings of their visit in a report about the home. This report will be passed on to Ofsted and the home's manager so they can see what they do well, and where improvements should be made.

If children and young people wish to contact their Independent Visitor after their visit, they are able to reach them by phone, text message, or email. An Independent Visitor will always leave their contact information with the staff so that children and young people can get in touch if they want to.

“

**Young people will have an issue, and will want to talk about that. They know the influence that Regulation 44 has.**

**Visitors are somebody else that they could talk to when they want to. If you get to know the young people, they are themselves around you.**

”

**Independent Regulation 44 Visitor, August 2022**

## 2. Why Regulation 44 was created

### Rochdale scandal (2008-10)

**Between 2008-10, a child abuse ring operated in Rochdale, Greater Manchester. This led to an independent inquiry which estimated that approximately 1,400 children were sexually exploited from 1997 to 2013.**

After the sentencing of nine men in 2012, then Education Secretary Michael Gove MP asked the Office of the Children's Commissioner (England) to produce an accelerated report on the emerging findings of its inquiry into Child Sexual Exploitation in Gangs and Groups.

The then Deputy Children's Commissioner's report recommended that an amendment should be made to Regulation 33 of Children's Homes Regulations 2001; that monthly inspection visits to private children's homes should be carried out by a person independent of the organisation and approved by the local authority.

“

Professor Alexis Jay's report into child sexual exploitation in Rotherham between 1997 and 2013 is a terrible account of the appalling failures by Rotherham council, the police and other agencies to protect vulnerable children.

What happened was a complete dereliction of duty.

We have important work under way but we will learn the lessons from Professor Jay's report to ensure that we are doing all we can to safeguard children and to prosecute the people behind these disgusting crimes.

”

Theresa May, Secretary of State for the Home Department, September 2014





**This is not just about Rotherham. If we look at Oxfordshire, Rochdale, the abuse by Savile ignored or covered up in the BBC and the health service, north Wales care homes, and allegations around Westminster and Whitehall, we see that this is about every town and city in the country. It is about every community.**

**Time and again, it is the same problems: children not being listened to, victims treated as though they were responsible for the crimes committed against them, and institutions that just looked the other way.**

**This is not just historic; it is happening today. That is why we need the overarching inquiry urgently in place. But we also need to go further. Child protection has rightly been strengthened over many decades but it has not yet gone far enough. I agree with the Home Secretary that action is needed by different Government Departments and different councils, agencies and police forces across the country, but I also call on her to consider changing the law because we need mandatory reporting to underpin a culture change, so that no one ever feels that they can just turn a blind eye or walk away when children are at risk. That means that Parliament and Government cannot turn a blind eye, too, and that is why all of us need to act.**



**Yvette Cooper, Labour MP for Normanton, Pontefract and Castleford, September 2014**



## What happened next (2010-15)

After the Deputy Children's Commissioner's recommendations and consulting with the children's social care workforce, the UK Government announced the nine children's homes quality standards to replace the 2001 Children's Homes Regulations. These included Regulation 44.

**The Children's Homes (England) Regulations came into force on 1st April 2015.**



## Independent Inquiry into Child Sexual Abuse

The Independent Inquiry into Child Sexual Abuse published its final report in October 2022, following a seven-year inquiry. It was established to investigate failings of organisations over several decades across England and Wales.

The UK Government is due to respond in full to the inquiry's report in Spring 2023 once proper consideration has been given to all recommendations within the report.





— “ —

Shocking revelations about the exploitation of children by predatory adults in their community have demonstrated the particular vulnerability of children living in children's homes. That is why this year we have been driving forward a significant programme of work to improve further the current regulatory framework for children's homes. Those improvements will place greater accountability on children's homes providers and local authorities to ensure that children are safeguarded effectively and provided with stable and good-quality care. That will be particularly important where children are placed in homes that are a considerable distance from their home. **No child should be out of sight, out of mind.**

We are planning to introduce new rules for children's homes, requiring them to have policies describing how they will prevent children from going missing, and to make monthly monitoring visits to children's homes more independent of a home's day-to-day management. **The independent person visiting children's homes will have a specific responsibility for assessing the effectiveness of each home's safeguarding arrangements.**

We are doing those things because I want to ensure that, in the future, only homes that can deliver high-quality care for our most vulnerable children will be acceptable, and that all homes will have a remit to strive for excellence in respect of the children in their care. My aim is to develop a revised framework for homes that is no longer based on meeting national minimum standards, but which requires them to set high aspirations for the children in their care. **There is no greater responsibility for the state, as corporate parents, than to protect children.**

— ” —

Edward Timpson, Minister for Children and Families,  
November 2013

### 3. Ofsted and Regulation 44

**Regulation 44 Visitors and Ofsted inspectors work together to safeguard children and young people living in children's homes.**

Regulation 44 Visitors conduct visits and write reports that provide an overview of the home's achievements and areas that need improvement. Ofsted is responsible for inspecting children's homes. Ofsted takes into account Regulation 44 Visitor's reports when rating children's homes.



Children's homes that are judged to be below good (ie. 'requires improvement to be good', or 'inadequate') are currently inspected twice per year, whereas homes that are judged to be 'good' or 'outstanding' in the previous year are only required to receive one inspection the following year.

At the beginning of the COVID-19 pandemic, Ofsted suspended all routine inspections. From March to September 2020, Ofsted relied on Regulation 44 Visitors to keep children and young people safe.

**183 days**

**Minimum number of days between Ofsted inspections**

**365 days**

**Maximum number of days between Ofsted inspections**

**31 days**

**Number of days between Regulation 44 Visits**

#### Inspection frequency

Independent Regulation 44 Visitors conduct monthly visits to children's homes to determine whether children are being kept safe.

Ofsted visits homes at least twice every year. Inspection frequency was prioritised on a more risk-assessed basis after COVID-19 to once a year.



## Throughout COVID-19

In Summer 2021, Ofsted ran a consultation proposing changes to their inspection frequencies for children's social care providers from October 2021 to 31st March 2022. This was to allow inspectors to catch up on inspections after COVID-19.

After the consultation, regulations were amended to allow Ofsted to comply with the minimum frequency of inspections "so far as is reasonably practicable."

UK Government's response cited the role of Regulation 44 Visitors as their rationale for allowing Ofsted to visit children's homes during COVID-19 less frequently.



— “ —

**Monthly independent visits under Regulation 44 also play an important role in helping to report on the safety, welfare and progress of children. On each visit, independent visitors regularly communicate with the child and provide them with a chance to raise concerns.**

**The reports provided after each monthly visit provide Ofsted with key information to identify if there are concerns and whether a home needs a follow up inspection. We expect these visits to continue regardless of whether there is a slightly longer length of time between inspections.**

— ” —

**UK Government response, September 2021**

**88% of survey respondents** were in favour of the UK Government's decision to justify the temporary slowing down of Ofsted inspections.

The consultation response said that a large number of respondents did not identify any problems with this proposal, citing current safeguards such as independent Regulation 44 visits as sufficient in identifying where there may be concerns with a home.

## 4. Advocacy and Regulation 44

**NYAS is a leading advocacy service, providing support to 10,000 children and young people in 2020/21. Advocacy support can help safeguard children and young people. However, advocates and Regulation 44 Visitors have very different roles.**



### What did the Care Review say?

The Care Review said that independent, opt-out, high quality advocacy for children in care and in proceedings should replace the existing Independent Reviewing Officer and Regulation 44 Visitor roles.

— “ —

**The role of an advocate is to be the voice of the child, whereas a Regulation 44 Visitor looks at what's happening. As a Regulation 44 Visitor, I cannot come from anything one-sided.**

— ” —

**Regulation 44 Visitor, August 2022**

A main task of any advocate and Regulation 44 Visitor is to listen to what children and young people have to say about their lives. However, what they are listening out for will be different.

Advocates empower the voices of children and young people while Regulation 44 Visitors must take a more holistic view of a home's practices. While this includes understanding young people's experiences, there are many parts of the Regulation 44 role that explore aspects of the home that a child may have limited knowledge of, such as safeguarding processes and management issues. Asking advocates to take on Regulation 44 duties would therefore dilute rather than strengthen their role.

**Both roles are separate and vital.**

## 5. NYAS visits

NYAS' Regulation 44 Visitors carry out thousands of visits annually to safeguard children and young people.

**4840**

Number of Regulation 44 visits NYAS carried out in England.

2020/21

**5957**

Number of Regulation 44 visits NYAS carried out in England.

2021/22

**8829**

Number of young people who NYAS Regulation 44 Visitors collected feedback from.

2021/22

**12,580**

Number of recommendations made to children's homes by Regulation 44 Visitors.

2021/22

During their visits Regulation 44 Visitors prioritise collecting feedback from children and young people. They then make recommendations to improve the safety and care of children and young people.

**343**

Number of Regulation 44-style visits NYAS carried out in Scotland and Wales.

2021/22

In Wales and Scotland, children's homes are not required to appoint Regulation 44 Visitors as they are in England.

Despite this, many children's homes across the border still appoint Regulation 44 Visitors as best practice.



Several unregulated accommodation providers also subject themselves to Regulation 44 visits as a matter of best practice.

**9**

Number of Regulation 44 visits NYAS carried out in unregulated providers in England.

2020/21

**31**

Number of Regulation 44 visits NYAS carried out in unregulated providers in England.

2021/22



## 6. Recommendations

NYAS' research paper has set out the origins of keeping Regulation 44 Visitors and highlighted how they benefit the lives of the children and young people they safeguard. We believe if the role of Regulation 44 visitors were to be scrapped, the UK Government would be making children living in residential care less safe.

**NYAS do believe there exists an opportunity to improve certain elements of Regulation 44 to further contribute to young people's safety, happiness, and security.**

01

### **The Regulation 44 Visitor role should continue.**

The role should be maintained by UK Government as they consider the Care Review's recommendations.

02

### **Regulation 44 Visitors need to be truly independent of home providers.**

Regulation 44 Visitors should not be appointed by the homes they monitor. All Regulation 44 services should therefore be independent from local authorities and other home providers.

03

### **There must be equality of service between different types of homes.**

Children living in supported accommodation must not be put at risk due to an absence of vital independent Regulation 44 visits in their homes. It should be included within legislation and guidance that independent monitoring visits must be carried out in these homes too.

04

### **Young-person friendly feedback should be provided by Regulation 44 Visitors.**

There is no duty within the Children's Homes (England) Regulations 2015 for Regulation 44 Visitors to provide young person-friendly feedback alongside their reports, which NYAS already do. This should be included within government guidance.

We thank our  
Regulation 44  
Visitors for the  
vital work they  
do to keep  
children safe.



NYAS (National Youth Advocacy Service)



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