



Jersey Care
Commission

INSPECTION REPORT

Unregistered Children's Home 1

Date of Inspection

13 January 2023

THE JERSEY CARE COMMISSION

Under the Regulation of Care (Jersey) Law 2014, all services carrying out any regulated activity as defined in the Regulation of Care (Jersey) Law 2014 and its associated Regulations, must be registered with the Jersey Care Commission ('the Commission').

This inspection was carried out in accordance with Regulation 80 of the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 to monitor compliance with the Law and Regulations, to review and evaluate the effectiveness of the regulated activity and to encourage improvement.

ABOUT THE SERVICE

This is a report of the inspection of an unregistered children's care home service. The location of this service has been withheld to protect the identity of care receivers; it is therefore referred to as Children's Home Number 1. This service is no longer operating.

This service operates from a three-bedroom home over two floors, with the bedrooms on the first floor and the main living area on the upper floor. There is a house bathroom on the lower floor for the use of care receivers; the staff bedroom has an en-suite provision. The home also benefits from a small, enclosed garden.

Provider (Not Registered)	Government of Jersey Children's Social Care Accountable Officer: Robert Sainsbury (Chief Officer Children, Young People, Education and Skills (CYPES))
Registered Manager	No registered Manager
Regulated Activity	Children's care home
Conditions of Registration	The Commission has not received an application to register the premises
Date of Inspection	13 January 2023
Time of Inspection	12:30 pm to 2.45 pm
Type of Inspection	Announced
Number of areas for improvement	N/A
Number of Regulation Officers	2

The children's care home is operated by the Government of Jersey Children's Social Care Service through the Children, Young People, Education and Skills (CYPES) Department. There is no Registered Provider or Registered Manager in place for the service, and this service is not registered with the Commission.

As part of registration with the Commission, care providers receive mandatory and sometimes discretionary conditions for delivery of care. However, as this care home is not registered, the Commission has not been able to establish these.

The inspection took place following anonymous information provided to the Commission. It was later confirmed that the service had been operating from this location since early December 2022.

SUMMARY OF INSPECTION FINDINGS

The following is a summary of what we found during this inspection. Further information about the findings is contained in the main body of this report.

The requirement to be registered to carry on or act as a manager in relation to a regulated activity is set out in Article 3 of the Regulation of Care (Jersey) Law 2014. A person must not carry on a regulated activity unless he or she is registered as the provider of the activity.

There was no Registered Manager identified for the home. The Regulation Officers met with the Service Lead for Children's Homes and Short Breaks (known as the Service Lead for this report) and a Registered Manager from another children's home provision on 13 January 2023 to conduct an announced inspection.

The Commission has not received an application to register the children's home. Following initial discussions with the Service Lead, in the professional opinion of the Regulation Officers the service was operating as a children's care home service and was an 'unregistered regulated activity'. This contravenes the Regulation of Care (Jersey) Law 2014, Article 2.

The service has no Registered Provider or Registered Manager in place. There was no Statement of Purpose or Young Person's guide in place on the date of the inspection, and this is a failure to adhere to Standard 1 of the Care Standards for Children's Homes.

The Service Lead and the Registered Manager from another service shared that they were involved in the transitional arrangements associated with transferring this service to residential services. This provided some assurance to the Regulation Officers that standard operating procedures for a children's home care service would be put in place as part of these transitional arrangements. The Regulation Officers were advised that some existing staff would continue supporting care receivers

throughout this transition period. The intention of this was to ensure that some familiarity between care receivers and the staff team would be maintained.

It was not clear from the Regulation Officers enquiries that one person had overall oversight of the care being delivered to care receivers in this home. Under the Standards, this would be the Registered Manager. This indicated that Standard 2 of the Care Standards for Children's Homes was not being met.

The rotas inspected by the Regulation Officers evidenced that social and family support workers provided all the care for the children in this home.

At least 18 staff provided care for care receivers in this service over the 38 days before this inspection. The Regulation Officers concluded that it was very likely that this would have adversely impacted the care workers' ability to form, nurture, and maintain positive relationships with care receivers. This indicated that Standard 5 of the Care Standards for Children's Homes was not being met.

The rotas had not been completed fully; there was no information about who provided care during the first two days that this service was operating. On four other occasions, only one care worker was listed. This is a matter of concern to the Commission, given that if an allegation is made or a concern is raised in respect of a member of staff, it would be difficult to determine who was providing support during these periods. This indicated that Standards 3.7 and 4 of the Care Standards for Children's Homes were not being met.

During the inspection, the Regulation Officers raised concerns about the number of shifts staff were allocated on the rota and whether these shifts were undertaken in addition to the staff members' substantive roles within the organisation. The Regulation Officers were concerned that staff had regularly worked above the 48 hours per week stipulated in Standard 3.7 of the Care Standards for Children's Homes.

The Regulation Officers evidenced that the staff providing care did not have the required mandatory training of a Residential Child Care Officer. This increases risks to care receivers and the staff team delivering care and does not meet the Care Standards for Children's Homes. In particular, this fails to meet Standard 3.10, in terms of the mandatory training requirements, and 5.10 in terms of staff working outside their 'profession, competence, or job description.'

On the day of the inspection, on-site documentation was viewed by the Regulation Officers. This was found to be inadequate in assuring the Regulation Officers that 'Looked After Child' procedures had been followed. Care receivers' care plans were not of adequate quality and failed to adequately identify care receivers' needs and how these needs were to be met. Consequently, Standards associated with meeting the health, education, and family contact needs were unmet in circumstances where person-centred principles are vital.

The quality of care receivers' placement plans could have been more consistent, and it was evident that such plans had not been completed promptly and within reasonable timescales. This indicated that Standard 7 of the Care Standards for Children's Homes was unmet.

The Regulation Officers were not satisfied that fire policy and procedures were being followed regarding this service. The Regulation Officers were not provided with, and could not evidence, the type of documentation which would have provided this assurance. This indicated that Standard 9 of the Care Standards for Children's Homes was unmet.

An environmental risk assessment, including health and safety-related matters, had only been undertaken on the day of the inspection. The Regulation Officers identified immediate risks to the safety and well-being of care receivers because of their vulnerability and were not satisfied that sufficient action had been taken to mitigate these risks. This indicated that Standard 9 of the Care Standards for Children's Homes was unmet.

The accommodation was not fit for purpose as a care home. To avoid doubt, this property was not designed as a care home and would not meet the Standards associated with care homes, whether for adults or children. It was noted that a staff member had to sleep on a temporary Z-bed in the main living area. Clearly, Standard 9 of the Care Standards for Children's Homes was not being met.

The Regulation Officers identified that staff had sometimes used their own vehicles to transport care receivers. The Regulation Officers questioned whether all staff providing transport to care receivers had the relevant business insurance. Records that would confirm this have not been provided, therefore the Commission has been unable to ensure that Standard 2.19 of the Care Standards for Children's Homes was being met.

Regulation Officers also asked for evidence of adequate general and liability insurance as required by Standard 2.19 of the Care Standards for Children's Homes. The service had provided clarification from the legal department that Government of Jersey liability covered the home, even though the care activity is not being carried on in Government of Jersey premises and is an unregistered regulated service.

The management of medications in this service concerned the Regulation Officers. There was evidence that Medication Administration Records had not been completed and that staff had not been trained in dispensing and managing medicines. This indicates that Standard 11.7 of the Care Standards for Children's Homes was not being met.

This service had not implemented appropriate food hygiene measures to ensure a children's home operates safely. This indicates that Standard 12.1 of the Care Standards for Children's Homes was unmet.

At the time of the inspection, care receivers in this home had not been referred to an advocacy service. The role of such a service is to ensure that care receivers' views, wishes and feelings are 'heard', intending to ensure that these are acted upon where possible. This indicates that Standard 6.4 of the Care Standards for Children's Homes was unmet.

A suitably qualified medical professional did not complete the health assessments with care receivers in this service. Health assessments were also completed outside timescales associated with best practice. This indicated that Standard 4.1 of the Care Standards for Children's Homes was unmet.

The supervision records supplied to the Regulation Officers did not provide evidence that staff undertaking the care of care receivers had been given adequate reflective supervision. This indicated that Standard 2.10 of the Care Standards for Children's Homes was unmet.

The Regulation Officers viewed Impact Risk Assessment documents on the day of the inspection. While these documents identified risks, the Regulation Officers were unable to verify the range of interventions that might be taken to manage, reduce or mitigate risks. This indicated that Standard 10.10 of the Care Standards for Children's Homes was unmet.

INSPECTION PROCESS

This inspection was announced and was completed on 13 January 2023. Notice of the inspection was provided to the service on the day before the inspection. This was to ensure that staff were available to receive the Regulation Officers. Two emails were sent to the service on the 18 and 27 January 2023 requesting additional information and documentation integral to completing this inspection report.

The Care Home Standards were referenced throughout the inspection.¹ This inspection focused on the following lines of enquiry:

- **Enquiry into unregistered regulated activity**
- **Management of the service**
- **Care and support**
- **Choice and safety**

Due to this being an unregistered children's care home service, the Commission had limited knowledge of this service, and as a consequence, standard pre-inspection procedures could not be followed.

Records, including policies, care records, rotas, and health assessments, were examined during the inspection. This inspection included a tour of the premises.

At the conclusion of the inspection, the Regulation Officers provided feedback to the Service Lead for Children's Homes and Short Breaks and the Registered Manager from another provision.

This report sets out findings identified during the inspection. No improvement plan has been established, as this regulated service is not registered. Where it is identified that the service does not meet the Care Standard's for Children's Homes, this will be identified in the body of the report.

¹ The Children's Home and all other Care Standards can be accessed on the Commission's website at <https://carecommission.ie/child-standards/>

INSPECTION FINDINGS

As this service is unregistered, this is the first inspection completed. It is unlikely that any additional inspections of this service will be undertaken. The service provider informed the Commission that the unregistered regulated Children's Home service is due to come to an end. Subsequently the provider confirmed that the service had ended.

This inspection has highlighted multiple concerns regarding this unregistered regulated activity, where standard operating procedures for a children's home have not been adhered to. The considered professional opinion of the Regulation Officers is that this has placed both care receivers and the staff providing care and support in these services at unnecessary risk.

Enquiry into unregistered regulated activity

The Standards outline what policies and procedures should be in place for 'regulated activity' and that a service conducting 'regulated activity' must be registered with the Commission and have a Registered Provider and Manager in place.

In early January, the Commission established by correspondence with CYPES that 'unregistered regulated activity' was taking place at this location. The inspection carried out on 13 January 2023 confirmed this. No application has been made to register this regulated activity. This contravenes the Regulation of Care (Jersey) Law 2014, Article 2. As an extension to this point, it is essential to note that no application to become a Registered Provider or for a Registered Manager was received from those operating the service.

Management of the service

The Standards outline the Provider's responsibility to ensure that where children and young people reside is right for them and is safe. There will be a management structure in place, with an integrated organisational and governance framework appropriate to the service's needs, size and complexity of the service.

No Statement of Purpose or Young Person's Guide was in place for this service. A Statement of Purpose is intended to set out the service type, its objectives, and how care will be provided to the identified category of care receivers. A children's home care service operating without a Statement of Purpose represents a risk to care receivers in that there is not a clear written statement of the nature, type and scope of service being provided or of the measures which are in place to protect care receivers from possible harm, abuse, exploitation, injustice, and discrimination. This indicates that Standard 1.1 of the Care Standards for Children's Homes was unmet.

The purpose of a Young Person's Guide is to provide care receivers with a documented explanation, in a format that is understandable to them. The guide explains precisely what they can expect of the service, of the care and support that they can expect to receive, of the qualifications and competence of staff members providing this care and support. It also sets out their rights in receiving the service and how they can make a complaint. Consequently, the absence of such a document is considered detrimental to care receivers having sufficient assurance that the service is safe and high-quality. This indicates that Standard 1.2 of the Care Standards for Children's Homes was unmet.

The rotas inspected by the Regulation Officers evidenced that social and family support workers provided all the care for care receivers in this home. A typically sized children's care home service would operate with around ten carers working across rotas. An audit of the rota over the 38-day period before the inspection indicated that at least 18 care workers had provided care in this home. The exact number of care workers providing care could not be confirmed due to gaps in the record of the rota.

It is the considered professional opinion of the Regulation Officers that this would have adversely impacted the care workers' ability to foster and maintain positive and genuine relationships with care receivers. This indicated that Standard 5 of the Care Standards for Children's Homes was unmet.

The rotas had not been completed fully. There was no information regarding precisely who provided care during the first two days that this service was operating. On four other occasions, only one carer was listed on the rota when the identified need was for two staff on duty at all times. This is a matter of significant concern, particularly given the possibility that an allegation or concern/complaint could be made in respect of any staff member and there is therefore a need to be able to identify who was providing care at any given time. This indicates that Standard 4 of the Care Standards for Children's Homes was unmet.

During the inspection, the Regulation Officers raised concerns about the number of shifts staff were allocated on the rota and whether these shifts were being undertaken in addition to a staff member's substantive roles within the organisation. A request was made to this service for this information on 20 January 2023. Such information has yet to be provided. The Commission strongly recommends that staff do not exceed 48 hours of work in any given week, set out in Standard 3.7 of the Care Standards for Children's Homes. It is acknowledged that there are some occasions when this recommended maximum is exceeded due to specific pressures and unforeseen circumstances. However, such arrangements should not become the norm and efforts should be made to avoid such eventualities. The Commission is concerned that staff may have been regularly working over and above this recommendation.

Care and support

The Standards outline that children and young people in receipt of care and support should experience compassion, dignity, and respect. Care receivers, where appropriate, should be involved in all decisions relating to their care and support in a way that respects their rights, individuality and beliefs.

The documentation reviewed on the day of the inspection by the Regulation Officers was found to be inadequate in providing an assurance that Looked After Children procedures had been followed. Information about care receivers' routines and copies of school and activity timetables was informative. However, documentation of care receivers' views, wishes and feelings could not be located. Other documentation viewed by the Regulation Officers also needed a record of care receivers' views, wishes and feelings. This indicated that Standard 7.2 of the Care Standards for Children's Homes was unmet.

Care plans supplied to the Commission on 26 January 2023 needed to be of better quality. They did not adequately identify care receivers' needs regarding health, education and family contact or how these needs would be met.

Care planning is expected to be person-centred and focused on needs. There was limited evidence of this. This indicated that a range of Standards associated with care planning would not have been met.

The Regulation Officers received care receivers' placement plans on 27 January 2023, following a documentation request on 20 January 2023. One placement plan had been completed to an adequate standard, although the wishes and feelings of the care receiver were not recorded.

The Regulation Officers noted that the placement planning meeting, from which placement plans were intended to be derived, took place 22 days after care episodes had commenced. This exceeds the service's timescales for best practice by 17 days. Other placement plans had not been completed. This indicated that Standard 7.2 of the Care Standards for Children's Homes was unmet.

The Regulation Officers noted on the day of the inspection that a staff member was required to sleep on a temporary z-bed in the home's main living area, as there was no alternative available. The Service Lead who facilitated the inspection stated that the bed is stored away during the day and is only unfolded once care receivers are asleep. However, the bed was still in the main living area at the time of inspection and would have been present when care receivers accessed the main living area earlier in the day. This indicated that Standard 9 of the Care Standards for Children's Homes was unmet.

The Standards require that care receivers' views, wishes and feelings be explored, recorded and acted upon by the professionals providing care and support. This should occur when care receivers begin to receive the service (and where possible, before the service commences) and should be a continual process throughout the provision of care. At the time of the inspection, several weeks after care receivers were placed in this service, there had been no referral to an advocacy service.

These advocacy services ensure that care receivers' views, wishes and feelings are 'heard', with a view towards them being acted upon where possible. This indicated that Standard 6.4 of the Care Standards for Children's Homes was unmet.

The health assessments completed with care receivers in this service were not undertaken by a suitably qualified medical professional, as required by statutory guidance, 'Promoting the Health and Well-being of Looked After Children' (2015, Department of Education and Department of Health), and in line with Children Looked After procedures in Jersey. Health assessments for care receivers were also completed outside the timescales for best practice of this type of service. This indicates that Standard 11 of the Care Standards for Children's Homes was unmet.

Supervision is essential in ensuring that staff providing care are adequately supported. This is particularly critical in a children's home setting and was even more pressing in this instance, as a newly set up service. Staff should also have the assurance that an adequate management structure is in place to provide appropriate support; this was not evident in this service.

The supervision records supplied to the Regulation Officers did not provide evidence that the staff had been given adequate reflective supervision concerning the care they were providing to care receivers in this home. This indicated that Standard 3.11 of the Care Standards for Children's Homes was unmet.

Impact Risk Assessment documents were available on-site on the day of the inspection. These documents did provide informative background information and noted some of the vulnerabilities and risks of care receivers. However, in the considered professional opinion of the Regulation Officers, this did not constitute formalised risk assessment documentation designed to identify and mitigate risk for care receivers. Instead, it represented documentation relating to decisions associated with placement provision. This indicated that Standard 10.10 of the Care Standards for Children's Homes was unmet.

Choice and safety

The Standards outline the Provider's responsibility to ensure that children and young people will feel safe and are kept safe. Children and young people will be supported, enabled and empowered to be as independent and autonomous as practicable. Children's and young people's rights will be supported and protected.

The Service Lead indicated that the organisation of rotas had been the responsibility of several professionals. Until a meeting on 23 December 2022, which they attended, this service had not been operating within what would be deemed 'standard operating procedures' for a children's care home service. The Service Lead shared that she had advised the professionals in attendance, of some of the basic policies and procedures the service should be following, such as those regarding medication management. The absence of such policies and procedures or adherence to them has compromised the safety of care receivers in this service. It indicates that Standard 2 of the Care Standards for Children's Homes was unmet.

As part of the data request made to the service on 20 January 2023, the Regulation Officers asked for details of the mandatory training provided to and undertaken by the staff that provided care. The response evidenced that the staff team had not undertaken the mandatory training expected for staff working in a children's care home service (for example, First Aid, fire safety, infection control, food hygiene and behaviour management (MAYBO)).

This represents a risk to both care receivers and the staff delivering care. It is evident that Standard 3.10, which relates to mandatory training requirements and Standard 5.10, which relates to the requirement that staff only work within their 'profession, competence, or job description', have not been met.

At the time of the inspection, Personal Emergency Evacuation Plans for care receivers had only been in place for one day. The Regulation Officers questioned how fire policy and procedures had been followed for this service. The Regulation Officers requested the Fire Certificate and associated logs for this service; however, at the time of writing this report, these have not been provided. The Regulation Officers were not satisfied that this service's fire policy and procedure were being followed and were not assured that Standard 9.2 of the Care Standards for Children's Homes was being met.

In relation to the home environment, risks were identified with thumb-turn locks on fire escape doors in care receivers' bedrooms. At the time of the inspection there were plans to fit alarms to these doors to alert staff if they had been opened. However, the vulnerability of care receivers means that this needed to be in place when the service was established.

The open-plan stairwell was also of concern to the Regulation Officers because of the potential risk of falls. An environmental risk assessment was completed on the day of the inspection but had not been in place since the service was established. This indicates that Standard 9 of the Care Standards for Children's Homes was not being met.

The Regulation Officers were informed that a social worker was insured for the hire car which was used to transport care receivers. However, at other times it appears that staff used their own vehicles. The Regulation Officers requested assurance from the service that staff transporting care receivers were suitably insured to use their cars for business use and that each had a valid driving licence.

The response provided by this service on 26 January 2023 was, *'It is not clear who used what car and when'* and *'Driving licences were being checked and logged for all staff.'* This is of significant concern to the Regulation Officers, given the possibility that care receivers may have been placed at risk of harm.

The service had provided clarification from the legal department that Government of Jersey liability insurance covered the home, even though the care activity is not

being carried on in Government of Jersey premises and is an unregistered regulated service.

The management of medications in this service concerned the Regulation Officers. No Medicines Administration Records were completed for care receivers before 23 December 2022 and no controlled drug register was in operation during this period. This service was unable to provide assurance that staff had undertaken mandatory medications training. Consequently, care receivers may have been placed at risk of potential harm. Standards 11.7 and 11.8 of the Care Standards for Children's Homes were not being met until 23 December.

The Regulation Officers noted that this service had not implemented appropriate food hygiene measures that typically operate within a children's home service. For example, policies, procedures and guidance associated with using coloured food preparation boards, the recording of fridge temperatures and measures to ensure that food was thoroughly cooked using a temperature food probe were not in evidence. This indicated that Standard 12.1 of the Care Standards for Children's Homes was not being met.

Conclusion

The Regulation Officers concluded that this service was operating as a children's care home service and, as such, was operating as an 'unregistered regulated activity.' This is in contravention of the Regulation of Care (Jersey) Law 2014, Article 2.

There was no Registered Provider or Registered Manager in place for this service, there was a failure to adhere to the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 and a failure to adhere to the Standards for Children's Homes. If this service had been a registered service a number of requirements for improvement would have been set out in this report.



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