



David Johnston OBE MP

Minister for Children, Families and Wellbeing

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18 December 2023

Dear providers of residential care for disabled children,

National Review – Children with disabilities and complex health needs living in residential settings

In April 2023, the Child Safeguarding Practice Review Panel (the Panel) published their [Phase 2 report](#) reviewing safeguarding children with disabilities and complex needs in residential settings. This was in response to the appalling abuse suffered by children and three residential special schools dual-registered as children's homes run by the Hesley Group in Doncaster. The report set out recommendations for providers, central and local government, health and other partners for changes to policy and practice to improve the safety, support, and outcomes for children with disabilities and complex health needs.

You can find the Government's response to the Panel's review on the [government website](#).

We know that the vast majority of those who provide residential care for disabled children work hard every day to ensure these children are safe and well supported, and for that we are incredibly grateful. However, it is clear from the Panel's report that, in the case of the three residential settings run by the Hesley Group, safeguarding standards were not being met, leadership, management and oversight was inadequate, and children were harmed as a result. We are therefore writing to remind you of your responsibilities, and to emphasise that the safety and wellbeing of children in your homes must always be paramount.

In light of the findings of the Panel, it is critical that within your organisations and across your settings you review your current working practices to ensure that they meet the standards set out in legislation and guidance, including that you are registered with the correct regulators – whether that is Ofsted, the Care Quality Commission (CQC) or both. In particular, we would like you to ensure that you are notifying your relevant regulators where legally required, fully and completely. Beyond that, that you ensure your provisions have strong leadership in place; your staff are properly trained; that you work closely with children's social workers and schools where relevant; that you share information about the safety of children with other agencies when required to keep children safe; that you take whistleblowing concerns from your staff seriously; and, critically, that you listen to children and their parents when they tell you something is not right. Complaints from children, parents and staff about your provision should be taken very seriously.

There were two specific recommendations that the Panel directed to providers of residential education and care for disabled children with complex health needs. These were:

- i. to ensure that practitioners understand the requirements for legally compliant practice in relation to Deprivation of Liberty (DoL) Safeguards, local authorities, health services and residential settings should review their current systems, procedures, and practice to determine their readiness for meeting the requirements under this framework when it is implemented.
- ii. that national leadership and investment by providers is urgently required to address the longstanding challenges in recruiting, retaining and developing a skilled workforce in residential settings.

It was announced in April 2023 that the implementation of the Liberty Protection Safeguards will not be completed during this Parliament. However, our expectation is that there should always be adherence to DoLs legislation and so we ask you to review practices within your organisation in relation to DoL Safeguards and to take remedial steps where you find them to be necessary.

At national level, we take seriously the challenge of ensuring the most vulnerable children are cared for by well-trained, professional staff. You will already be aware that the Department for Education has carried out a census of the residential care workforce and is considering options for introducing professional registration of the residential children's homes workforce and developing a leadership programme for new managers.

As you are aware, providers of children's homes are required to comply with the safeguarding requirements set out in the [Children's Homes \(England\) Regulations 2015](#) and accompanying guidance. These specify that registered managers must build a strong safeguarding culture where children are listened to, respected, and involved in both the development of the home and decisions about the home. The regulations also include responsibilities around notification of serious events, the role of the independent person (Regulation 44) in making rigorous and impartial assessments of a home's safeguarding arrangements, and policies that providers must set within the home for the protection of children.

As employers, you also have an important responsibility in recruiting, retaining and developing a skilled, stable, and compassionate workforce that can provide safe, excellent quality, culturally sensitive care to all children, and particularly the disabled children in your care. Regulations require you to make sure that staff are recruited using procedures that ensure children's safety, and that recruitment, supervision and performance management of staff safeguards children and minimises potential risks to them. You should be ensuring that all children living in children's homes are safe. We expect you to prioritise effort and investment in ensuring you have the right staff with appropriate training to meet children's needs, including where necessary ensuring your staff receive appropriate training to look after disabled children in their care. We are concerned that around 14% of children's homes do not have a

registered manager in post. It is clear from the Panel's report that strong leadership in residential settings is critical to the safety of children and staff. It is also essential that you do everything you can to ensure all the children you care for are safe and well supported. We would ask you to review your policies and procedures to ensure that these are as robust as they can be and are being fully implemented across all your settings. This is particularly important where you run provision that could be considered a 'closed culture' environment.

We must retain an unwavering focus on children's safety and high standards of care. You are key partners for us as we work to review the standards of care and more broadly, our children's social care and SEND/AP reforms, which apply in residential settings. Working to deliver improvements to our regulatory framework that will help you and your staff to keep children safe and thriving.

Thank you for your continued support and collaboration on this vital work.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Johnston', with a large, stylized initial 'D'.

David Johnston OBE MP
Minister for Children, Families and Wellbeing