

**Supporting Document to accompany Certificate of Lawfulness Application on behalf of:**

**Fortitude Residential Childcare Ltd.**

**Planning and Purpose**

±± This application is not an application to intensify the existing use as it is only for two children in a property which currently has four bedrooms. It is believed that there will be little difference in the nature of the property when compared to the residential use by a family with children. It should be noted, although there may be a change of use involved, this does not mean that it is an unacceptable change, or that there would be any significant effect on adjacent properties.

The proposed use is to provide a stable and nurturing living environment for children and young people under the care of local authorities. There would be no more than two children being looked after at the home at any one time, it may even sometimes result in only one young person being cared for depending on care agreements made with local authorities. This is a type of use that is generally accepted to be best located in the community. It is, in reality, very similar to a dwelling house used as a family home.

**Oversight of Service**

It is a legal requirement in England that children's home providing care and support to children up to the age of 18 years old seek and successfully obtain registration from the regulatory body OFSTED, in which the process of registration is thorough. OFSTED will complete rigorous checks to ensure that any such provider is fit for purpose and falls in line with the legislation set out in The Children's Home (England) Regulations 2015 and Quality Standards. In order to meet these regulations, providers must be financially viable and are fit and proper person(s) to carry on the business. Falling part of the legislation, all providers must seek appropriate and 'fit' people to carry out the role of Manager and a Responsible Individual. It is a legal requirement for the identified manager to complete a location risk assessment to determine and satisfy that the area proposed for business is appropriate in the safeguarding of children and young people as well as offering them a chance to live a 'normal' life. Within this assessment the manager ensures that children and young people are able to access services to meet their needs which will be further identified and supported by their local authority care plans.

The applicant is confident that the location of the premises would not set the service apart or advantage / disadvantage the community, of which already accommodates families, similar to how the home will operate.

All Children's Home must have a Statement of Purpose as set out in legislation. This document will set out the home's ethos and purpose and lay down ways in which the manager and staff team will achieve positive and rewarding outcomes for our children. The Statement of Purpose will adhere to the requirements set out in legislation from The Childrens Homes (England) Regulations 2015 and Quality Standards (specifically - **Regulation 16**).

As part of their duty of care, OFSTED will conduct inspections on the home in line with the Social Care Common Inspection Framework (SCCIF) there is a minimum expectation that all children's home

should be working towards a rating of 'Good' or higher. The types of inspections in which OFSTED can/may visit the home include: Full inspection (annually), Assurance Inspection (additional to the Full inspection and required if home judged lower than 'Good') and Monitoring inspection – this is when OFSTED have concerns for the safety and welfare of those within the home and when a complaint has been received.

Aside from OFSTED, the provider has a legal duty to appoint an Independent Person (**Regulation 44**) who, under legislation set out in from The Childrens Homes (England) Regulations 2015 and Quality Standards, must visit the home once a month to ascertain that the manager is satisfactorily meeting the needs of the children and young people and engaging in the wider community addressing any concerns promptly and effectively. The Reg 44 inspector holds a duty to report any failings to OFSTED and discuss improvement strategies with the manager when the need has been identified.

Again, in line with lawful legislation, the manager will ensure a transparent and honest approach to information sharing and conduct this through **Regulation 40** and **Regulation 45** of The Childrens Homes (England) Regulations 2015 and Quality Standards.

The Responsible Individual and Proprietor will have oversight of the home along with the registered manager.

### **Referral of Children and Successful Placements**

It is of intention that Fortitude Residential Childcare Ltd will endeavour to build firm and trusting relations with local geographical authorities to the boundaries of Hambleton and will therefore prioritise to accommodate children who fall under the Lancashire 'umbrella' district, namely; Preston, Blackpool, Wyre, Fylde, Chorley, Leyland, Blackburn with Darwin and Burnley, although it is recognised that some children do have to be placed out of the area for short periods for their own care and protection needs.

All children considered for placement will be referred by a local authority.

The registered manager will complete a thorough background check on all referrals by completing an impact risk assessment before offering a placement. Within the assessment the manager will review individual needs against the knowledge and understanding the staff have, compare more high-risk behaviours against any other already placed young person to measure compatibility and determine the positive and negative effects these may have on the home direct, other young people and the community.

#### ***Residential location:***

The property has been identified as being in a residential area, within a village type location housing a smaller community to that of neighbouring towns/communities. National and Local Governments dictate that children should be cared for within the community where possible, in homes which resemble a "normal" family living model of care being achieved. Children should be able to live a life without stigma with others recognising that behavioural issues have stemmed from abuse such as neglect, emotion and physical harm as well as sexual; our goal is to allow children to heal, feel loved and supported and be given access to services that promote this and their overall wellbeing so they can go on to live fulfilling and successful adult lives. As a provider, we will promote enrichment work with broken families where possible so that our children maintain or rebuild their relationships for the purpose of having a strong support network in the future once they become semi-independent or

leave local authority care entirely. Investing in our children today will lead way to a better future generation.

The property is a large, detached dwelling with 4 bedrooms and although their will only be two young people permitted to live there under the Ofsted registration it could comfortably house a family with three children or more.

***How old are our children:***

It is our intention to accommodate children between the ages of 8 and 17 years although by law a child is up to the age 18.

It is common within children's social care for local authorities to prepare children and young people for semi-independent living from the age of 15 years and 10 months through a Pathway Plan, although no child should live independently in any form until completion of secondary education. Placing authorities may begin the process soon after a young person has left secondary education or has turned 16 whichever is last, this is often for financial and other reasons related to their corporate parenting responsibilities.

**How will children be supervised?**

**(curfews, monitoring, visits)**

- ❖ Children will not be left alone in the property regardless of age, ability and maturity level, this is strictly forbidden in line with company policy and procedures.
- ❖ Children are permitted to leave the home in line with placement plans agreed in advance with the allocated social worker and registered manager (age dependant), staff would engage with young people daily about their plans to ensure they know of their intentions and whereabouts upon leaving the home at any given time.
- ❖ There is no 'curfews', children will be expected as they would be in a family home to adhere to pre-arranged 'home times'. These will be reflected in a child's placement plan and remain under regular review with their allocated social worker.
- ❖ The home will promote a 'normal' living environment with 'house rules & expectations' around mealtimes, attending education or work experience and settling to bed. Age will be considered a factor when these plans are made with our children and in agreement with the placing authorities.
- ❖ The security of the home will be as of a normal residential dwelling with the additional security of a waking night support worker – allowing for the home to know of any disturbances in or outside of the home.
- ❖ Surveillance and Monitoring can be seen as an infringement upon our children's right to privacy and in the initial instance recording equipment would not be installed. As with modern security measures on residential dwellings, an external doorbell security camera may be installed on the building to monitor the driveway only. It may be deemed necessary dependant on risk level to install a sounder alarm system to internal doors to provide staff with an advanced warning of potential unsettlement within the home so they can respond quickly and efficiently, although this will not be done as a standard. All security measures mentioned are for safety and security reasons only and will be in line with that of a family dwelling house.

- ❖ Children have the right to see family and friends and have them visit their 'home' as would anyone in a family household, although unlike a normal home, these visits would be pre-arranged which we feel is a benefit to the home as opposed to anyone being able to turn up unannounced.

### **Q&A of regular and frequent concerns**

#### **What would the needs of the children who would be living in the home be? e.g. Social, emotional, mental health or physical needs.**

The children we intend on helping reshape their lives are indeed considered vulnerable given they are under local authority care which is not a decision that will have been taken lightly. Our home will be subject to caring for children considered to suffer from SEMH difficulties (social, emotional and mental health) along with some mild additional learning needs in adherence to our registration. Contrary to common opinion and beliefs, children in care tend to display anti-social behaviours away from their home environments even though some children verbalise a dislike to being a child looked after, we find from experience, many do tend to find a sense of 'safety' from it. The most common behaviour seen within children's homes is 'missing children' whilst this may seem an alarming phrase, it often relates to children who feel anxious and stressed and are unable to verbalise their needs so choose to hide away and revert to old coping mechanisms to help them through their emotions. On most occasions missing children are often found at known associates or family addresses and have not come to any harm. The impact missing children have on the community and direct neighbouring properties is very minimal and most would be unaware of anything untoward. Staff will be highly experienced and frequently trained in dealing with such behaviours whereby the aim is to reduce and stop them completely. Every child will have individual tailored risks assessments that remain under constant review so that their needs are being met and areas of concern are highly monitored and supporting measures are implemented promptly.

#### ***Why do they display challenging behaviours?***

Some children may exhibit behavioural problems, which is almost always linked to previous trauma and/or parenting issues they have been subjected to in their childhood. Removing them to a stable home in which they can be cared for and nurtured by supportive and effectively trained people will play a large part in addressing these problems and in some cases prove to provide immediate relief. Some members of the community may have concerns for other children already living in the area, again children looked after rarely tend to form relationships with new people and when they do they seek to find children who they feel more a likeness to, this is generally down to a sense of feeling accepted more easily.

#### **Would children attend local schools or be educated within the home?**

All children have the right to education by default whether looked after or living at home. Our children's educational needs are reviewed in line with statutory requirements and the type of school placement is also subject to the outcomes within Personal Education Plans and EHCP's. Some children in our care will find it difficult to function in a school setting and may require temporary arrangements of home tutoring, any such plans would be carefully considered and the use of public spaces such as

libraries and community hubs will be explored so to give our children the normal feeling of *'attending'* education externally rather than in the home. It should not however be seen as a negative should education temporarily need to take place within the home. The provider does not foresee any impact on the wider community should this be a need.

### **Will there be disturbances from noise that will affect surrounding properties?**

The dwelling in which we have proposed the change of use for is a large, detached house which gives an advantage on noise disruption from internal. As this is a working establishment with an extremely high level of boundaries and restrictions, we feel noise may be less frequent than what is often displayed within a family household, reasons supporting this are: we would not be holding or hosting large gatherings, and would only host appropriate celebrations in the home, but they would be limited in time and numbers attending. The permanent presence of carers who are able to implement rules, boundaries and consequences to unacceptable behaviours would also alleviate any issue relating to noise.

Our children will have agreed home times and agreed settling down and bedtimes. Shift handovers will be at a minimum and will not take place in early or late hours.

### **±± Will there be an excessive increase in traffic or issues around parking caused by visitors to the home or staff attending to look after the children?**

## **Note on Vehicular Movements of Typical Residential Home for 2 Children in Need of Care**

### **Introduction**

1. This note has been produced to address a particular aspect of the operation of homes for young people in need of care. The basic model of care with which it is concerned is a small home for up to two children, with no more than two carers present overnight.
2. The home would operate very much as it has done as a private dwelling, and those traffic movements would be very little different from the use as a dwelling.
3. In order to address this in more detail, and on an objective basis, this note has been prepared with specific reference to typical traffic generation.

### **Anticipated Traffic generation**

4. The survey property is in fact a larger property that can support up to four resident children, but in actual fact the number of children currently proposed for this home is two.
5. It should be noted that the home operates with one dedicated vehicle for the property, but with access to other vehicles as necessary.
6. **Vehicular Movements** - projecting normal activity through a 24-hour weekday. There would be two main arrival and departure times for staff working at the home, these would be at approximately 8:00 AM and 11:00 PM.
7. Supplementary to the above during the week there is the potential for the arrival and departure of senior management, this will be during assumed office hours.

8. Children would have statutory visits from their social worker on a four to six weekly basis. This would be anticipated to take place on a weekday and within normal assumed range of office hours.
9. Unless prohibited, families may visit the home for contact with children. The frequency would be determined by each child's care plan. In some cases, there would be no contact at all, when family do visit their children, out of home activities often take place.
10. Other professionals may visit the home on an ad hoc basis. This would include visits from Ofsted inspectors, an independent visitor once a month, and those representing other agencies engaged with the children.
11. **Parking** - there is sufficient parking space on the driveway of the home to accommodate up to two vehicles at ease and a third smaller vehicle, there is potential for onsite parking to accommodate 3 family sized cars by removing a very small purpose built single brick landscape design to the front left corner of the existing driveway, which the applicant will proceed with upon successfully being granted a CoL, this will then provide parking for up to one additional vehicle when needed, the amendments will remain in keeping with neighbouring properties that have also extended their onsite parking spaces and the use of the current dropped curb would be sufficient to support the changes and would not result in any disruption to current vehicular or pedestrian movements on the subject street.
12. All visitors to the home would be advised of parking arrangements before their arrival and would be encouraged to be respectful to the neighbours and their parking needs. Visitor's will be granted priority for driveway parking to allow a quiet and smooth arrival and departure from the home.
13. The reality here is that there is only actually a need throughout the weekdays for there to be parking for up to four cars, however, this will reduce at weekends as no management will be in the home and there will be no other statutory professionals visiting at the weekends.
14. It should not be assumed that because the children are in receipt of care there will be a very significant vehicular movement or demand for car parking. That is simply not the case, and this is why the applicant consistently explains that the home will operate in very much the same way as a dwelling house with a family in resident.
15. It is also useful to note that the children accommodated will not be of an age to have their own cars or vehicles and therefore the car owned by the home and the cars used by staff would not exceed the parking needs of the majority of family homes.
16. Weekends would see a diminution in traffic arrivals and departures as the 'business' aspects of the homes function are not on-site at the weekend.
17. **Staff Turnaround** - staffing is in the form of three teams of up to three people, however typically there will only be two people providing care on a daily basis.
18. The registered manager would be present at the home most days during the week, and if an emergency dictated, at the weekend although we would hope this not to be the case. The registered manager is supported by the responsible individual who will visit the home on an ad hoc basis.
19. Staff work for a 15-hour period commencing at 8:00 AM and finishing at 11:00 PM one staff member remains in the home to 'sleep in'. The other staff member leaves the home and is replaced by a staff member who remains awake overnight in the home. The overnight worker and sleep in worker will leave the premises at 8:00 AM the following day and two new staff members commence shift at 8:00 AM.

## Conclusion

20. For the above reasons, the applicant considers that this additional data, applying to vehicle movements, addresses one of the potential key areas of concern in terms of impact on the neighbours.
21. Standing aside from the issue of the actual data, there is a particular reason why the applicant is confident in asserting that there will be no material change of use, and that is because it is fundamental to the operation of the care home use provided by the applicant, that it provides a home which is as similar to a family home as possible. It is right and proper that each case is treated on its own merit, but when that principle is applied, the applicants believe that the issue of vehicular movements and parking should not give rise to a reason for refusal.

### **++ Do we need children's homes in established communities?**

It is acknowledged across the country that there are not enough suitable placements for children who need to live in residential settings. Furthermore, choice locally has become limited due to some of the barriers facing new providers setting up homes leading to the expansion of some providers who are owned by private equity houses or venture capitalists.

Equally the rapid expansion of these provisions leads to stricter planning controls and increased regulation. The Competition & Marketing Authority were commissioned to carry out a market study with a full report due for publication in March 2022. The interim report - published 11<sup>th</sup> of October 2021 identified:

*"We also have concerns that a range of other barriers, including access to staff, recruitment and retention of foster carers, and property acquisition and planning process is maybe restricting the ability of providers to provide more placements where they are needed".*

Fortitude Residential Childcare Ltd has elected to submit this application in good faith that the application will be considered in the round and enable us to establish an excellent service and give a chance for Lancashire children to maintain links within their home county until such time they are safely able to return to their families and own communities.

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