

Crisis & Unregulated Homes Guidance

This guidance defines what a crisis and unregulated home is in relation to children in care. It outlines the processes to be undertaken when considering the use of such homes and the risk mitigations required if this type of home is to be used.

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This guidance should be read in conjunction with Children's Act 1989 and Care Planning, Placement and Case Review Regulations (2010, 2015 and 2021)

1. What type of home is deemed to be a crisis home?

For the purposes of this guidance, a crisis home relates to a home that is available for a child/ young person immediately for a set period. These can be activity-based or outward-bound provision or in a short-term children's home for a limited period. The duration of the home will vary and is usually set by the provider. They range from 28 days to 90 days.

2. What type of home is deemed to be an unregulated home?

Some establishments and types of accommodation are not required to be registered with Ofsted. These are sometimes known as 'unregulated settings'.

A service where the accommodation is not permanent (such as a tent) or is constantly moving (such as a boat, narrow boat or motorised caravan), or has no permanent base is unlikely to meet the definition of a children's home and will not be required to register with Ofsted. **It is rare that this type of provision would be used for a Lancashire child.** *Please note that some mobile provision is registered with Ofsted - this only applies to those that registered prior to May 2017 (e.g. Care Afloat). Please also note that permanently moored boats or permanently sited caravans or lodges where children and young people can stay throughout the year with no specified limit on the length of the placement are required to be registered with Ofsted.*

Places where children (other than disabled children) are accommodated while on holiday or taking part in leisure, sporting, cultural or educational activities where each individual child stays there for less than 28 days in any 12-month period are not required to be registered with Ofsted. This includes holiday homes and residential events that provide these activities for children **who have a home elsewhere**, such as in a children's home or foster home, as long as that holiday or event does not last longer than 27 days. **It is important to note that this does NOT include where a child has had to be moved into a holiday home/ Air BnB and can no longer return to their previous Ofsted registered children's home** – this arrangement would be classed as an unregistered children's home (see section 4 below).

Supported accommodation/ semi-independent living homes have not previously been required to be Ofsted registered and were therefore deemed an unregulated setting. This included 'Independent living' homes (such as flats) and 'Semi-independent living accommodation' (such as hostels, and foyers). However, Ofsted has now begun to register these settings from April 2023, with all such **providers being mandated to have submitted applications to register with Ofsted by 28th October 2023.** **After this date it will be an offence to provide supported accommodation/ semi-independent living without having a registration application accepted as complete.**



Following amendments to the Care Planning, Placement and Case Review Regulations, it is prohibited to place children under 16 years of age in an unregulated setting ('other arrangements'). This ban came into force on 9 September 2021. The only exception is when placing an unaccompanied asylum-seeking child whose age is uncertain and who claims to be 16 or 17 years old. Where that child is later assessed as being under 16, they cannot remain in the unregulated home for longer than 10 working days beginning with the day on which the child's age has been assessed as being under 16.

CHILDREN AND YOUNG PEOPLE AGED UNDER 16 YEARS SHOULD NOT BE PLACED IN ANY UNREGULATED SETTING.

3. How do I know if a supported accommodation/ semi-independent home is suitable for a young person?

As stated above, from 28th October 2023 all supported accommodation/semi-independent provision settings will need to be registered with Ofsted to legally operate.

The criteria that were previously referred to help to identify whether a proposed home would be providing care (requiring a registered setting) or support (previously unregulated) no longer applies (i.e. the table in Annex A of Ofsted's *Introduction to children's homes: a children's social care guide to registration*).

The DfE guidance states that 'Care', insofar as it describes a service, is delivered in children's homes and 'support' is delivered in supported accommodation but acknowledges that supported accommodation is part of the continuum of care and support for looked after children and care leavers as they grow up and are ready for increased independence. A rigid distinction between 'care' and 'support' would fail to capture the nuance of the varying needs and transitions that are a normal part of a child growing up.

Staff must consider the individual's specific needs and level of autonomy. **Where a young person has complex needs and/or requires a greater level of ongoing care and supervision, supported accommodation is unlikely to be appropriate.** Supported accommodation should be flexible enough to accommodate temporary increases in support for young people who would otherwise manage well in this type of provision, enabling placement stability where appropriate.

Staff must review the ongoing suitability of the placement and changing circumstances of the young person to ensure the service continues to meet their support needs. A review must be carried out if it becomes apparent that a young person's needs are such that they require, on a longer-term basis, high levels of care from their placement as opposed to the support that can be delivered in supported accommodation.

Please note:

- **A young person who is aged 16 but is still of statutory school age (before the last Friday in June in Year 11) should not be placed in a supported accommodation/ semi-independent home (regardless of whether they are accessing education or not).**
- **If a young person has high or complex needs (for example if their liberty is restricted, or if they require a high-level of ongoing care and supervision, it is not likely that supported accommodation would be an appropriate option for them.**

4. What is an unregistered home?

Where a service is providing **care** for a child under the age of 18 in a **static** home, this service **MUST** be registered with Ofsted. Failure to do so results in the home being **unregistered** and therefore **unlawful**.

All steps must be taken to avoid placing a child in an unregistered home.

It is important to note that a supported accommodation/ semi-independent/ leaving care home may start out as being appropriate but may change. Where liberty is restricted, or high-level on-going care and supervision is required then such a home would be considered unregistered.

Please note that if a child/ young person is currently in a regulated home and the provider is taking the child away for a holiday, the home they go to for the holiday does not need to be registered, if the intention is for the child to return to their regulated home. This type of arrangement can only be used for up to 28 days.

5. CQC registered homes

There are circumstances when it may be appropriate for a care home to be registered with CQC (Care Quality Commission) rather than as a children's home with Ofsted. If a child is placed in accommodation because of their need for nursing care or personal care, it is likely this will be a care home that should register with CQC. Whereas, if the primary reason for placing a child in that accommodation is care that is not nursing care or personal care it is likely this will be a children's home that should register with Ofsted.

Prior to placing in a setting which is CQC (and not Ofsted) registered, ART and Children's Social Care should consult the following guidance:

<https://www.gov.uk/government/publications/ofsted-and-cqc-joint-registration-guidance-childrens-homes-and-health-care/childrens-homes-and-health-care-registration-with-ofsted-or-cqc> and request evidence from the provider to confirm that they do not need to be registered with Ofsted.

5. Home Finding and Approval Process

Supported accommodation/ semi-independent home search requests

- A search for a supported accommodation/ semi-independent home will only be undertaken for a young person who is no longer of statutory school age (classed as from the last Friday in June in the final year of secondary school).
- On receipt of a request to search for a supported accommodation/ semi-independent/ leaving care home for a young person, the Access to Resources Team (ART) will forward the checklist in Annex A of Ofsted's *Introduction to children's homes: a children's social care guide to registration* to the Social Worker. ART will advise the Social Worker to check that the home required meets the support criteria and would not require any aspects of care.
- If the Social Worker feels that the home required should include any aspects of care then ART must be contacted as soon as possible and asked to change the request to a residential children's home search.

Children's Home search requests

- Where the search for a children's home for a young person aged 16+ (who has completed their final year of secondary school) is proving difficult, ART will contact the Social Worker to discuss whether the young person's needs could be met in a supported accommodation/ semi-independent home, using Annex A of Ofsted's *Introduction to children's homes: a children's social care guide to registration*.
- Where it is agreed that a young person's needs could be met in such a home, ART will commence a supported accommodation/ semi-independent search.
- **A young person who is aged 16 but is still of statutory school age** (before the last Friday in June in Year 11) **SHOULD NOT be placed in an unregulated supported accommodation/ semi-independent home (regardless of whether they are accessing education or not).**
- Where it is confirmed that the home needs to provide aspects of care, ART will exhaust all regulated home options.
- Where, despite best efforts, a regulated children's home (for a young person of any age) has been unable to be sourced, senior managers will be notified and next steps will be agreed.

Additional Provider Checks

- Additional checks will be carried out at point of an offer of a home on providers of short term crisis homes and high risk unregulated homes (where the risk of care and not just support being provided/ required is considered to be high, due to a young person's more complex needs). These checks will include:



ART	Social Care
<ul style="list-style-type: none"> - Gather Statement of Purpose, latest Ofsted Report and last 3 months Regulation 44 reports (<i>regulated homes only</i>) - Gather Compatibility Risk Assessment and Locality Risk Assessment - Review Manager's experience and qualifications - Request Host Authority Reference - Request Local Authority References - Check staff DBS Numbers and skill sets - Check Insurance - Request and review 5 key policies: Safeguarding, Child Exploitation, Missing from Home, Information Governance, Safer Recruitment - Gather and review training matrix 	<ul style="list-style-type: none"> - Social worker to review documents and ensure home meets needs of young person - Social worker to visit home and complete Social Worker Risk Assessment

Prior to placing in an unregulated setting

Before placing a looked after child in an unregulated setting (i.e. 'other arrangements') the social worker must:

- Be satisfied that the accommodation is suitable (as set out in Schedule 6 of the Care Planning, Placement and Case Review Regulations (2010) <http://www.legislation.gov.uk/ukxi/2010/959/schedule/6/made>)
- Arrange for the young person to visit the accommodation (unless not reasonably practicable);
- Inform the Independent Reviewing Officer if the child has one.

The social worker must also request information from the provider in relation to any other young people who are placed in the provision and use this information to determine whether the home being put forward is suitable.

Senior Managers must review the current assessment of the young person's care and/or support needs, the My Home My Place Request and the proposed Placement Plan and confirm that the proposed home is appropriate in line with Regulation 27 (other arrangements) provisions.

Director level approval is required to place a child in an unregistered home. This requires the completion of a Decision Making Form (DMF) which the relevant Head of Service will present for a decision at the scheduled approval meeting.

At the point of an unregistered or high risk unregulated home being confirmed

ART will confirm to Children's Social Care (Social Worker and all relevant managers i.e. Practice Manager, Team Manager and Senior Manager) and the Senior Commissioning Manager that a child has moved to a high risk unregulated home so additional oversight can be undertaken (as specified in section 9 below).



Within 24 hours of an unregistered or high risk unregulated home commencing

- A placement planning meeting must be held .
- An individual behaviour support plan and residential risk assessment must be completed.

6. Notifying Ofsted of Unregistered Homes

Ofsted must be notified **within 72 hours** of a child moving into an unregistered home. The following process should be prioritised by all parties to ensure that Ofsted are notified without any undue delay:

- ART to notify Senior Commissioning Manager as soon as a known unregistered home is confirmed.
- ART to contact Provider to confirm whether there are plans to register the home.
- Senior Commissioning Manager (or in their absence Access to Resources Team Manager) to contact CSC Senior Manager to request the completion of the summary template below.
- CSC Senior Manager to complete summary template and send to Head of Service for review and sign off.
- Completed summary template to be returned to Senior Commissioning Manager.
- Senior Commissioning Manager to forward to Director of Policy, Commissioning and Children's Health.
- Director of Policy, Commissioning and Children's Health (or in their absence, the Director of Children's Social Care) will notify Ofsted via email of the unregistered home and include in the notification the completed summary template.

Summary template for Ofsted Unregistered Home Notification:

Name (SU number)

Age: xx years

Date of Birth: xx/xx/xxxx

Current provider: xxx since xxx

Current home address: xxx

Circumstances that led to current home: xxx

Current position: xxx

Proposed Plan: xxx (to include whether the Provider is planning to register the home or not)

7. Process for reviewing unregistered and high risk unregulated homes**Increased oversight of known unregistered/ very high risk unregulated homes**

- Daily telephone/ video phone contact from allocated social workers
- Minimum weekly visits to the home by the Social Work Team
- Weekly internal planning meeting looking at child's needs and the provider's response to those needs



- Minimum two weekly multi-agency care planning meetings held. At least one of these meetings each month should be chaired by the Children's Social Care Senior Manager
- IRO to make contact in the first week and undertake an IRO visit to the home within two weeks
- Child to be referred to Advocacy Service and offered an independent advocate
- Increased oversight by ART's contract monitoring function including more regular provider visits

A weekly unregistered home meeting, attended by the Director of Children's Social Care, the Director of Policy, Commissioning and Children's Health and Heads of Services for Children's Social Care, and the Head of Service for Fostering and Residential Director will be held where children living in unregistered homes and progress being made to move into regulated homes will be scrutinised.

Increased oversight of unregulated homes deemed to be high risk (i.e. risk of support becoming care)

- Social Worker and Provider to check Annex A of Ofsted's *Introduction to children's homes: a children's social care guide to registration* **prior to** requesting/ agreeing changes to an unregulated supported accommodation/ semi-independent/ leaving care home to ensure that the changes would not result in it becoming unregistered/ illegal.
- Provider to contact ART if concerned that changes being requested by Children's Social Care/ Inclusion Service to an unregulated supported accommodation/ semi-independent/ leaving care home could be deemed as care.
- IRO oversight through CLA Review and wider regular case monitoring activity
- Increased oversight by ART's contract monitoring function including more regular provider visits and regular checks of Ofsted's Annex A.

8. Reporting

An unregistered home log will be maintained by the Policy, Commissioning & Children's Health Service. A weekly update on the child's current needs/ behaviours and progress towards a move to a regulated home will be provided by Children's Social Care.

The unregistered log will be shared weekly with the Executive Director of Children's Services, the Director of Children's Social Care, the Director of Policy, Commissioning and Children's Health and Heads of Service for Children's Social Care and Fostering and Residential Services.

The Director of Children's Social Care will provide an overview of children living in unregistered provision at the monthly leaders safeguarding meeting.

As set out in Section 6 of this policy, Ofsted will be notified of any unregistered homes made within 72 hours.

