

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.

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.

The individual's specific needs and level of autonomy must be considered. **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.

The ongoing suitability of the placement and changing circumstances of the young person must be regularly reviewed 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>[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-cqcguidance-childrens-homes-and-health-](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-cqcguidance-childrens-homes-and-health-care/childrens-homes-and-health-)



<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.

Please note that CQC (that are not also Ofsted) registered homes will be subject to the same higher-level oversight as unregistered/ unregulated homes (as specified in section 8 below).

6. 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) and who does not require a high level of on-going care and supervision.

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.
- 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 a 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.

Prior to placing in an unregistered or unregulated setting

- Additional checks by ART will be carried out prior to placing in an unregistered or unregulated setting. These checks will include:
 - 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 certificates – any issues identified will be shared by ART with the social worker and a risk assessment will be carried out for Head of Service sign off
- Check staff 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

Before placing a looked after child in an unregistered or unregulated home the social worker must:

- Review the above documents and ensure that the home meets the needs of the young person.
- 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>)
- Visit the home (unless not reasonably practicable). Where it is not possible to visit the home then a virtual tour must be requested and viewed to check that the accommodation is to a suitable standard and would meet need.
- Arrange for the young person to visit the accommodation (unless not reasonably practicable). Where it is not possible for the young person to visit the home then a virtual tour must be requested and shared with the young person.
- 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, unregulated or CQC (not Ofsted) registered children's 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. The DMF must include a thorough risk assessment of the home and how it will meet a child's needs. It is essential that all relevant information is available to support informed decision-making during this meeting.

Following the discussion, the Head of Service will add the comments/details of the discussion and the decision to the DMF.

Once completed:

- **The decision must be recorded on a case note (using the case management type case note) on LCS.**
- **The DMF will also be uploaded and securely stored in Documentum.**



At the point of an unregistered/ unregulated home or CQC (not Ofsted) registered home being confirmed

ART will confirm to Children's Social Care (Social Worker and all relevant managers i.e. Team Manager and Senior Manager) and the Senior Commissioning Manager that a child has moved to an unregistered/ unregulated/ CQC only home so additional oversight can be undertaken (as specified in section 8 below).

Within 24 hours of an unregistered and unregulated home commencing

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

Additional Requirements Prior to Placing a Child in a Rental Home with Agency Staffing

ART carry out annual due diligence checks on agency staffing providers that are sent Lancashire requests to support children in rental homes (i.e. Air BnBs).

In addition, it is vital that **Children's Social Care** carry out the following checks prior to agency staff supporting a Lancashire child:

- Request to view all DBS certificates for all staff who will work with a child and complete a risk assessment for Head of Service sign off if any issues are raised
- Confirm hours required and costs
- Check that the agency has been set up on the system
- Add costs to LCS to ensure that staffing agencies are paid

It is also important to ensure that:

- Notice is given to staffing agencies when support is no longer required
- Any concerns are shared with ART and the LADO as required.

7. Notifying Ofsted of Unregistered Homes

Ofsted must be notified **within one week** of a child moving into an unregistered or unregulated home. Please note that this does not include CQC registered homes where the home is individually inspected by CQC but will include any homes operated by a CQC registered provider that have not been added to their registration certificate.

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/ unregistered home is confirmed.
- ART to contact unregistered 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)

8. Process for reviewing unregistered, unregulated and CQC (not Ofsted) registered homes

Increased oversight of known unregistered/ unregulated/ CQC only homes

- Minimum weekly visits to the home by the Social Work Team
- Checks by Social Work Team during weekly planning meetings of any new staff on duty. If any new staff are identified, then ART must be notified so they can request sight of the new staff member's DBS certificate.
- 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.
- Children's Social Care Senior Manager to have demonstrable oversight monthly.
- IRO to make contact in the first week and aim to 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 fortnightly unregistered home meeting will be held, 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 In-

House Fostering and Residential Services, where updates will be provided on all children living in unregistered/ unregulated/ CQC (not Ofsted) registered homes. This will also include scrutiny on the progress being made to move these children into regulated homes.

Increased oversight of semi-independent homes deemed to be high risk of support becoming care

- Social Worker and Provider to check **prior to** requesting/ agreeing changes to a supported accommodation/ semi-independent/ leaving care home that the changes would not result in it becoming care and not support and therefore unregistered.
- Provider to contact ART if concerned that changes being requested by Children's Social Care/ Inclusion Service to a 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.

9. Reporting

An unregistered home log will be maintained by the Policy, Commissioning & Children's Health Service. A fortnightly 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 fortnightly 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 7 of this policy, Ofsted will be notified of any unregistered homes made within one week of a child moving into the home.

