

## Making the Decision about 'Support' or 'Care' – Placing into 'Other Arrangements' or a 'Children's Home' - Guidance

The primary decision when determining whether an individual child looked after (young person) aged 16 or 17 can, or should be placed into supported accommodation or semi-independence, i.e., any provision that is deemed 'Other Arrangements', is whether the young person requires 'Care' or 'Support' as well as accommodation.

Whilst this decision may be relatively straightforward where young people have a broad range of complex needs and therefore require 'Care', or where young people can benefit from a period living in a semi-independent setting as a 'steppingstone' to independent accommodation and are able to make reasoned and well-structured decisions and would therefore benefit from 'Support'. The major challenge comes where young people may have a range of vulnerabilities and risks which may increase in a provision where there is limited oversight and where their needs may vary, change or increase overtime and it is not clear if they need or are being given 'Care' or 'Support' or if these may fluctuate.

Documents that provide useful information and guidance on the principal determinants of needing a Children's Home or 'Other Arrangements' are Annex B of the Children's Homes Guidance and Regulations (Volume 5) October 2013, Department for Education and Annex A and B of the Introduction to Children's Homes, A Children's Social Care Guide to Registration, Ofsted, July 2018.

Key factors to consider when deciding on whether 'Care' or 'Support' is needed (or is being provided), include assessing how much responsibility and self-determination the young person can manage and gain from as a planned stage from care to independence. The less able the young person is to manage semi-independent living (with support), or the poorer their ability to make risk free, sensible and guidance free decisions the more likely they are to need 'Care' rather than Support'. Whilst no one factor will indicate that 'Care' or 'Support' is being provided or needed, a determination should be based on the overall service that is being provided or needed.

In addition, where a young person is being provided with advice and guidance aimed at helping them develop self-care skills this would not necessarily be a determinant of 'Care' being provided. If it can be determined that the young person is using the advice and guidance to develop and improve their self-care skills then this could be deemed an indicator of 'Support', consideration would need to be given to a 'reasonable timescale' for developing and improving skills, if the timescale is very extended and the young person is not improving their abilities over an extended period, and is therefore reliant on repeated advice and guidance, that could be an indicator that 'Care' is being provided and needed rather than 'Support'.

### Indicators of the need for 'Care' rather than 'Support':

Where a young person aged 16 or 17 (child looked after) goes 'missing' and returns, there should always be a review of the plans and arrangements for the young person which should include the suitability of the placement. Looked after children who go missing, or who are away from placement without authorisation, can be at increased risk of sexual or other forms of exploitation or of involvement in drugs, gangs, criminal activity, or trafficking. Particular attention should be paid to repeat missing episodes.

In circumstances where a young person has had one or more missing episodes and they are living in 'Other Arrangements', consideration should be given as to whether the young

person's needs can still be met in 'Other Arrangements' and whether they should be moved to a placement registered under the Care Standards Act 2000 given their level of need which may have changed from requiring 'Support' to that of needing 'Care'.

In situations where young people are struggling to manage their weekly allowance and may be spending it on inappropriate activities or items, and a decision is taken to pay young people via their bank account on a more regular basis which is less than weekly, or the allowance is paid via the provider through a number of payments spread over the week, consideration should be given as to whether this could be deemed to indicate that the young person is unable to manage their finances which is a further predeterminant of being given (and needing) 'Care'.

If a young person requires reminders to take medication, or neglects their health and welfare needs, i.e., doesn't make doctor or other health appointments when required, or repeatedly does not attend appointments, this is likely to be an indicator that 'Care' is needed. Equally, if the young person fails to attend or make appointments occasionally, it may be more of an indicator that they need advice, guidance, and 'Support' to be more organised as part of preparing for adulthood and independence.

A pattern of self-harming and/or putting themselves at risk over an extended period is likely to be an indicator of the need for 'Care' rather than 'Support'. However, if the young person can be self-analytical and can address a pattern of self-harm or risk-taking behaviour and their vulnerability reduces, this could suggest they need a service that provides 'Support' advice and guidance.

A positive indicator of the need for 'Support' is often where young people have a positive and mature relationship with provider staff and keep appointments, keywork sessions and also inform provider staff of what they are doing and when they are likely to return and where they let staff know if they will be late returning to the provision. Young people living in 'Other Arrangements' are still required to have a placement plan and delegated authority continues to apply. Where young people are well engaged in the placement plan and delegated authority is used appropriately, this could be deemed an appropriate use of a placement providing 'Support'. For example, the delegated authority being used to check-out decision making and the use of advice and guidance, rather than the provision of 'Care'.

Where the young person is living in 'Other Arrangements' and their circumstances change and start to indicate that there is a need for 'Care', or 'Care' is starting to be provided. Consideration needs to be given as to whether this is going to be a short-term change and can be evidenced as such, i.e., part of a passing pattern of behaviour or if it is a longer-term need. Where it can be evidenced that the need for 'Care' is a short term need, it may be deemed more appropriate to leave the young person in the placement, if it is assessed that it would be more disruptive to move them and then subsequently return them.

Where a pattern of behaviour is indicating there is a longer term need for 'Care', a more formal review of the young person's care/pathway plan and placement should be undertaken, and consideration given to a move to a placement that can provide 'Care'.

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## APPENDIX FOUR (A)

### Supported Accommodation - Children's Home - Department for Education - Guidance

#### Annex B – Supported Accommodation

The Annex below sets out criteria to be used in order to form a judgement about whether a placement option constitutes “supported accommodation” rather than children’s home.

Where evaluation of these criteria indicates that staff are primarily responsible for resident care, rather than residents generally being able to assume responsibility for themselves - this would indicate that registration as a children home is likely to be appropriate.

- **Can young people go out of the establishment without staff permission?** Where young people remain in the care of staff, whether the young people are in or out of the establishment, and therefore are expected to ask permission to leave the establishment, that indicates that care is provided.
- **Do young people have full control of their own finances?** Where staff have any control or responsibility for a young person’s finances this is an indicator that care is provided.
- **Do young people have control over what they wear and of the resources to buy clothes?** Where staff have any control or responsibility for a young person’s finances this is an indicator that care is provided.
- **Are young people in charge of meeting all of their health needs, including such things as arranging GP or specialist health care appointments? Do staff control any young person’s medication?** Young people may ask for advice and help but if decisions rest with the young person that does not mean that care is being provided. Where staff manage a young person’s health needs as described this is an indicator that care is provided.
- **Do staff have any access to medical records?** Where staff have access to a young person’s medical records this is an indicator that care is provided.
- **Can young people choose to stay away overnight?** Where staff have control about whether a young person stays away overnight this is an indicator that care is provided. Being expected to tell someone if they are going to be away overnight does not indicate provision of care, but needing to ask someone’s permission does.
- **Is there a sanctions policy which goes beyond house rules and legal sanctions that would be imposed on any adult?** Where an establishment has and implements a formal or informal sanctions policy as described above this is an indicator that care is provided.
- **If the establishment accommodates both adults and young people, do those under 18 have any different supervision, support, facilities or restrictions?** Where an establishment accommodates both adults and young people and there are significant differences in the levels of support, supervision or care these two groups receive this is an indicator that care is being provided for those under 18.

- **Are there regularly times when young people are on the premises with no direct staff supervision?** Where young people are expected to spend a significant amount of their time on their own, without staff supervision, then this would suggest that though perhaps they are being offered some support, they are not being offered care.
- **Do staff have any responsibility for aftercare once a young person has left?** Where staff have any responsibility for aftercare once a young person has left this is an indicator that that care is being provided, although some supported accommodation services will offer some support to help young people get established in their next accommodation.
- **Does the establishment's available literature promise provision of care, or relate to specific care support provided to all residents rather than provide general information about services young people can choose whether they use or not?** Where the establishment's literature demonstrates an expectation that residents will be provided with care or use specific care support services, this is an indicator that that both care and accommodation are provided.
- **Does the home provide or commission a specialist support which forms part of the primary function of the establishment for a significant number of young people?** Where there is a specialist support service which forms part of the primary function of the establishment this is an indicator that care is provided.

## **Annex B**

### **Department for Education – Volume 5 - Children's Homes Guidance and Regulations 2013**

## APPENDIX FOUR (B)

### Supported Accommodation - Children's Home – Ofsted - Guidance

#### Annex A – Supported Accommodation

This annex sets out criteria, which may be useful to a provider of accommodation to young people over the age of 16, to help identify whether the service being proposed or provided is 'supported accommodation' and would therefore not require the provider and manager to register under the Care Standards Act 2000, rather than a children's home, which would require the provider and manager to register.

The table below sets out each criteria in the form of a question and suggests whether a 'yes' or 'no' answer means care is provided, or supported accommodation.

Where care is provided, this service meets the definition of a children's home and will usually need to register.

Criteria	Yes?	No?
Can young people go out of the establishment without staff permission?	Supported accommodation	Care
Do young people have full control of their own finances?	Supported accommodation	Care
Do young people have control over what they wear and of the resources to buy clothes?	Supported accommodation	Care
Are young people in charge of meeting all of their health needs, including such things as arranging GP or specialist health care appointments? Are young people in full control of their medication?	Supported accommodation (note that young people may ask for advice and help on their health, but if decisions rest with the young person, the establishment is not providing care.)	Care
Do staff have any access to any medical records?	Care	Supported accommodation

<b>Criteria</b>	<b>Yes?</b>	<b>No?</b>
Can young people choose to stay away overnight?	Supported accommodation (note that being expected to tell someone if they are going to be away overnight does not indicate providing care, but needing to ask someone's permission does.)	Care
Is there a sanctions policy that goes beyond house rules and legal sanctions that would be imposed on any adult?	Care	Supported accommodation
If the establishment accommodates both adults and young people, do those under 18 have any different supervision, support, facilities or restrictions?	Care	Supported accommodation
Are there regularly significant periods of time when young people are on the premises with no direct staff supervision?	Supported accommodation	Care
Do staff have any responsibility for aftercare once a young person has left?	Care (note that some supported accommodation services will offer some support to help young people get established in their next accommodation – this is not care.)	Supported accommodation
Does the establishment's literature promise the provision of care or relate to specific care support provided to all residents?	Care	Supported accommodation
Does the establishment provide or commission a specialist support service, which forms part of the main function of the establishment?	Care	Supported accommodation

**Introduction to Children's Homes, A Children's Social Care Guide to Registration, Ofsted July 2018**