

Unregistered Homes Guidance

Introduction

Children in care are one of the most vulnerable groups in our society, many of whom will have suffered abuse or neglect. Walsall recognises that children and young people who are in our care have the right to live in high-quality homes which best suit their needs. Every child is unique, and care must be tailored to meet their individual needs. Where a child or young person requires care, we will endeavour to find a registered home, which meets their needs.

Where this is not possible this guidance sets out the process and practice standards when considering unregistered placements. Taking into consideration the mitigation of risk, procedures for addressing safeguarding concerns and quality assurance checks.

Legal Context

When considering placing a child in our care looked after child in an unregistered home. Walsall will discharge its duties within the relevant legislation and statutory guidance.

- Section 22 (6)(d) of the Children Act 1989
- Regulation 27 Care Planning, Placement and Case Review (England) Regulations 2010
- The Children Act 1989 Guidance and Regulations. Volume 2: care planning, placement and case review - June 2015
- Care Standards Act 2000
- Supported Accommodation (England) Regulations 2023,
- Relevant Case Law

The Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021 came into force on 9th September 2021 **making it unlawful to place children under 16 in unregistered settings.**

The Supported Accommodation (England) Regulations 2023 introduced a new requirement on local authorities when placing children in our care aged 16 and 17 in provision in accordance with “other arrangements” under section 22C(6)(d) of the Children Act 1989 and when arranging accommodation for children in care aged 16 and 17 under s.23B(8)(b) of the Children Act 1989.

This means that from 28 October 2023, local authorities are no longer permitted to place children in our care aged 16 and 17 in unregistered provision.

Definition - Unregistered Provision

A provision is classed as unregistered where a child is being provided with some form of care, within a setting that is not registered with Ofsted. If a provider is delivering care, they are required to be registered with Ofsted. It is an offence not to do so.

Children aged 16 or 17 years old may only be placed in Supported Accommodation where their predominant need is support rather than care. This accommodation must be registered with Ofsted in-line with the Supported Accommodation regulations 2023

What type of home is an unregistered provision?

Where a service is providing **care** for a child under the age of 18 this service must be registered by Ofsted or it is considered unregistered and an illegal arrangement.

Note: There are certain types of arrangements that may not require registration. This may be applicable where accommodation is temporary, for the purpose of a holiday for example.

Examples of other arrangements that do not require registration include:

- A provider has a registered children's home and operates an outreach service at different premises. This is provided solely for the children living in the children's home. The premises used for the outreach service do not require a separate registration. This is because the children have a permanent bed in the children's home. They stay in the outreach premises for a fixed amount of time for focused work, for example to help move to independence or to work through specific issues.
- A provider owns several establishments, all of which apart from one are registered as children's homes. The unregistered establishment is used solely for holiday accommodation for children. If the provider then chooses to use the holiday accommodation for care and accommodation other than a holiday, this establishment may require registration.
- Provision of care and accommodation for separated migrant seeking asylum who has a claimed age of 16 or above to be placed in 'other arrangements' settings pending the outcome of an age assessment. The primary purpose of this is to assess their ages to determine what service the child/adult is entitled to. This will ensure that adults posing as children are not placed with children, and so registration is not required.
- Or that is registered with CQC as providing mainly health care

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 with a primary need for nursing or personal (intimate) care, it is likely this will be a care home that should register with CQC.
- If the primary need for accommodation is care, but not nursing or personal (intimate) 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, the following guidance should be considered:

<https://www.gov.uk/government/publications/ofsted-and-cqc-joint-registrationguidance-childrens-homes-and-health-care/childrens-homes-and-health-careregistration-with-ofsted-or-cqc>

The provider should provide written confirmation and evidence that they do not need to be registered with Ofsted.

How do I know whether the provider is providing support or care?

The Annex A of Ofsted's **Introduction to children's homes: a children's social care guide to registration July 2018** sets out criteria to help identify whether a proposed placement will provide 'support' or 'care' for an individual child or young person.

It is important to note that a supported accommodation provision which may start out providing just support but may change to provide some of the care aspects identified in Annex A based on escalating needs of the young person. Where care starts to be provided, this arrangement **would become an unregistered provision.**

This Ofsted Definition Tool (Annex A) should assist in the management decision-making, refer to Appendix 1 of this guidance. Each criteria is set out in a question form, with a 'yes' or a 'no' answer, helps to identify if care or support would be provided. This should be completed when any unregistered provision is being considered for a child under 16 or a young person aged 16/17 years.

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?	Supported accommodation (young people may ask for advice and help on their health, but if the decisions rest with the young person, the establishment is not providing care)	Care
Are young people in full control of their medication?		
Do staff have any access to any medical records?	Care	Supported accommodation
Can young people choose to stay away overnight?	Supported accommodation (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
Are there sanctions that go beyond house rules and 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

Do staff have any responsibility for aftercare once a young person has left?	Care (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

Unregistered Procedure if Care needs are identified

This procedure should be followed before an unregistered arrangement is pursued, unless, in an emergency or in exceptional circumstances. Where a child is already placed in supported accommodation and their needs change during the time they are accommodated, in which case, the procedure should be instigated as soon as ‘care’ needs are identified.

Process

Where home finding searches have not been able to identify a suitable match with a registered provider for a child who is under 16 years, or aged 16/17 with care needs, the Social Worker /Team Manager must alert the Group Manager and Head of Service.

The Head of Service should seek consent from Director for Children’s Social Work to pursue the option of unregistered accommodation setting out:

- the length of placement sought
- the plan to keep the child safe while living in the unregistered arrangement.
- the frequency of visiting, if not weekly, and the arrangements for management oversight.
- How the arrangements will meet the child’s individual needs.

In almost every circumstance where an unregistered provision is being considered, it should necessitate notice to the parents to advise them of the proposed arrangements and seek their views, unless there are exceptional circumstances that doing so would raise an immediate safeguarding issue. A manager should be consulted for guidance if this is not clear.

The Children’s Guardian and Independent Reviewing Officer (IRO) should also be informed and their views sought.

Expectations of Professionals

The Home Finding Team

- Complete searches and exhaust all registered provision options in line with the child’s care plan.
- Notify the Team Manager, Group Manager / Head of Service that a search for registered provision has been unsuccessful and seek approval to approach unregistered provision.

- Follow due diligence to include:
 - Consider any previous knowledge of the provider
 - Insurance
 - Gas & electric checks
 - Policies & procedures
 - Financial resilience check
 - Evidence of Ofsted registration submission, either a URN or reference number.
 - If regulated by CQC - registration number and rating
 - Consulting the host local authority commissioning or home finding team as to any issues with the provider or provision
- The Home Finding Team will update the log of due diligence/business checks held on the shared area.
- Continue to search for a registered placement
- Maintain a record of registered searches and their responses, sharing feedback with the social worker and team manager.
- Placement Support Manager will maintain a database of all children placed in **unregistered** placements or supported accommodation (SA) providers who are registered for SA 16+ but have a child placed who has 'care needs' or under 16 years.
- Home Finding Manager will meet weekly with the Head of Service to review unregistered arrangements and the plans to move children and young people from those arrangements.

Social Worker

Prior to the child moving to an **unregistered** arrangement, the Social Worker for the child will:

- Ensure that all possible family and social networks have been considered and fully explored.
- Seek endorsement from their Head of Service and Director to pursue a search for an unregistered placement.
- Complete the Annex A document to consider the balance of support and care. (**See Appendix 1**)
- Provide a clear rationale for why such provision is required.
- Complete the approval document and forward to Group Manager and Head of Service.

See Appendix 3 form in the procedure for Unregistered Homes Guidance for the Directors' approval for children under 16 and 16/17 in unregistered/unregulated accommodation

- Notify the IRO and the parent when a child or young person moves to an unregistered setting where the child has care needs
- Complete the young person's risk assessment / safety plan outlining how the needs and risks of the young person will be managed. This should be updated at a minimum every three months with relevant and appropriate information. **(See Appendix 2)**
- The risk assessment / safety plan needs to be shared with the provider, including updates in line with the child's care plan.
- Visit the provision wherever possible prior to the move date and assist the young person on the day of move.
- In accordance with the risk assessment, visit the young person within **72 hours** and record on file within **24 hours thereafter**, as to how the home is meeting the child's needs and highlight any concerns.
- For children placed within CQC provisions due to complex health needs which can't be met within Ofsted registered home, frequency of visits will be determined by level of need in consultation of line manager.
- Visit the child in the provision and for those under 16 on a **weekly basis**.
- Discuss advocacy services with the child.
- Notify the child's Guardian and Independent Reviewing Officer.
- Raise any worries/concerns regarding standards of care directly with the provider and team manager in the first instance and escalate to the Home Finding Team and Commissioning Team if issues are significant or are not being address by the provider.
- Arrange multi-disciplinary meetings to oversee the unregistered provision with a specific focus on whether with the right support from the provider the child's care needs are reducing and are becoming aligned to usual support needs for a child of that age.
- Review weekly the logs provided by the provider.
- Update the child's referral form regularly **(4 weeks)** to ensure it captures the most up to date information about the child and where care needs continue to be identified, liaise with Home Finding team to search for registered provision.
- Attend External Placement Panel to review the child's care package.

Team manager and Group Manager will:

- Ensure the child's care plan is reviewed in monthly supervision or more often as required.

- Chair regular MDTs/ care planning meetings to review and ensure that a registered provision continues to be pursued and record the minutes on the child's record.
- Approve and review if the visit pattern changes from weekly setting out a clear rationale as to why the visiting pattern is reducing from weekly visits.
- Attend External Placement Panel as required to enable review and oversight.
- Ensure any quality assurance and/or safeguarding issues are shared with the Home Finding and Commissioning Teams.
- Attend any wider review meetings, that aim to track the progress of children in unregistered placements.

Independent Reviewing Officer (IRO) will:

- Ensure the child is visited according to the frequency agreed.
- Review the suitability of the home and safeguarding arrangements for the child.
- Visit the child at least 3 monthly and convene midway reviews meeting.
- Ensure there is oversight and scrutiny of the current care plan and review of suitability of arrangements to include safeguarding considerations.
- Ensure advocacy services have been discussed with the child/ young person.
- Ensure there is no drift or delay in the continued search for a registered provision.

Commissioning Officers (CO) and Placement Support Manager (PSM) will:

- Undertake regular monitoring visits to unregistered arrangements, the frequency of which will be determined on an individual child basis (CO and PSM)
- The Commissioning Service will visit the provision within one week of the young person moving to ensure the Provider is meeting the needs of the young person through compliance to the Individual Placement Agreement and Annex A. (CO and PSM)
- Complete compliance checks, in line with the QA Framework of each provider, which will include (not exhaustive list) a review of: (CO)
 - Insurance certificates.
 - Gas & electric certificates
 - Policies & procedures
 - Staff training matrix
 - Safer recruitment compliance
 - Evidence of Ofsted submission – either a URN or other reference number.
 - If regulated by CQC - registration number and rating

- Consulting the host authority (if applicable)
 - Key working sessions
 - Menu and activity planning
 - The property where the child is due to be placed, either through an in-person visit or if the placement is at significant distance and it's impractical to complete a visit, through a video call and maintain photographs on file.
- Respond to concerns/issues regarding the placement raised by the social worker or IRO. (CO and PSM)
 - Email and communicate with unregistered providers regarding reporting requirements to ensure weekly reports are sent through as per Ofsted mitigation requirements. (PSM)
 - Attend **relevant professionals'** meetings and other key professional meetings involving quality and contractual matters. (CO and PSM)
 - Undertake continuous monitoring and tracking of each unregistered provider to ensure good quality and standards. (CO and PSM)
 - Provide support to unregistered providers in their registration process

Director for Children's Social Work will:

Consider the request for approval to for a child to live in a unregistered home
Alert Ofsted regarding the placement of a child under 16 in unregistered accommodation.

The Provider will:

Submit the weekly logs to the allocated social worker regarding the daily regime and progress of the child.

- Submit incident/accident reports to the allocated social worker within 24 hours of the incident occurring.
- Maintain a copy of the child's safety plan, care plan, risk assessment, etc.
- Raise any concerns regarding the child with the allocated social worker immediately.
- Contact the Emergency Duty service out of hours to alert/log when a significant incident occurs outside of usual working hours.
- Escalate in a timely manner any practice concerns to the social worker / team manager.
- Apply for Ofsted children's home registration in the circumstances where care is being delivered.
- Provide timely updates of their Ofsted registration process and or Ofsted visits restrictions /compliance notices etc. to the commissioning team.

Governance

Where a home has been identified as unregistered care, it will be subject to oversight and regular review by External Placements Panel which is chaired by the Director of Social Work.

Enhanced oversight:

- By social worker through weekly visits, review of weekly logs and care planning meetings
- By the Team Manager/Group Manager through supervision and MDTs/Care planning meetings
- By the IRO as stipulated above.
- The Placement Manager and Commissioning Team as stipulated above.
- Relevant Heads of Service will review these arrangements.

Monthly reports will be provided to the Directorate Senior Management Team.

Report to the Placement Sufficiency Board in respect of children in unregistered accommodation.

APPENDIX 1

Annex A Ofsted Supported Accommodation Check List

This table sets the criteria to identify whether the service being proposed / provided is accommodation with ‘support’ or with ‘care’. Each criteria is in the form of a question and suggests whether a ‘yes’ or ‘no’ answer means care or support is being provided. Where care is provided, this service meets the definition of a children’s home and will need to be an Ofsted registered organisation.

Child Name / Mosaic:	Provider:	Date of Annex A Assessment:
Accommodation Outcome: Support / Care (delete)	Decision: Proceed / Refuse (delete)	Officer completing:
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 the decisions rest with the young person, the establishment is not providing care)	Care
Does staff have any access to any medical records?	Care	Supported accommodation
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 police 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 these 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

Child Name / Mosaic:	Provider:	Date of Annex A Assessment:
Accommodation Outcome: Support / Care (delete)	Decision: Proceed / Refuse (delete)	Officer completing:
Criteria	Yes?	No?
Do staff have any responsibility for aftercare once a young person has left?	Care (note that some supported accommodation services will off 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

Appendix 2

Children’s Unregistered Risk Assessment:

This risk assessment is to be used when consideration is given to place a young person in an unregulated placement. The risk assessment evidences the quality assurance checks taken when placing with an unregistered provider.

Children and Family Unregulated Placement Risk Assessment		
Young Person Details		
Mosaic No:	Name of YP:	
D.O.B:	Age:	Legal Status:
Provider Details (this section to be completed by Placement Team)		
Name of Provider:		
Company Registration No:		
Location of placement:		
Type of placement and staffing level (e.g. 2:1 staffing, activity based placement etc)		
Detail any regulatory body involved with the provider (e.g. CQC, CIW):		
Providers insurances:	The provider’s insurances are in line with service and Walsall Council requirements.	
Providers policies & procedures:	The provider’s policies & procedures are in line with Walsall Council requirements.	
Has the provider evidenced a gas safety certificate dated within the last year?	Yes / No	
Has the provider confirmed that the wiring in the property has been checked within the last 5 years?	Yes / No	
Has the provider shared their Statement of Purpose?	Yes / No	
Matching consideration (this section to be completed by social worker)		
Outline how the identified needs of the young person can be met in this placement:	Guidance Social worker to state what the needs of the young person are, such as health, education, self-care skills and evidence how this will be supported by the proposed placement.	
Provide detail of how the risks to / from the young person will be managed within the placement.	Guidance Social worker to state what the known risks are and how this will be managed in the proposed placement. (i.e. High level of absconding behaviour – staffing ratio is 1:1 24/7 therefore any absconding behaviour will be known immediately. If this happens the provider will update police	

	and social worker/out of hours when the young person is missing,)
Monitoring of the placement	
The Social Worker and / or Personal Advisor will undertake statutory visits to the young person in the placement. List planned site visits to young person:	
Ongoing review (this section to be completed by Social Worker)	
What is the frequency of Social Worker visits?	
When will a review of the young person's risk assessment take place	
State the move on plan for the young person	Guidance This could be move on to registered home, move on to adults provision or move back home
What are the expected timescales for move on?	Guidance This will either be led by the time restrictions (i.e. time-limited placement, funding approved for set period of time) or led by review and the ongoing plan for the young person (i.e. within 6 months will return home.)

Signed.....Date.....

Social Worker.....

Signed.....Date.....

Team Manager.....

APPENDIX 3 - Directors’ approval for children under 16 and 16/17 in unregistered / unregulated accommodation

This template should be used to record the rationale for decisions that need to be made in balancing needs and harm for children and young people placed in unregistered or unregulated arrangements.

It should be completed by the Social Worker / Team Manager and quality assured by the Group Manager, then sent to the relevant Head of Service who will need to sign off the recommendation before seeking approval from Director/Executive Director.

Please identify the type of approval you are requesting at point ^ using the drop down box:

Children under 16 years old - The decision requires approval by the Director of Social Work and Executive Director of Children’s Services

Children aged 16/17 years - The decision requires approval by the Head of Service and Director of Children’s Social Work.

Details of the Social Worker and Team Manager:		
Name:	Social Worker	Team Manager
Team/service:		
Date:	Click or tap to enter a date.	

1	Full Name of Child (including Alias):	
2	Date of Birth:	
3	Mosaic ID:	
4	Home Address:	
5	Please indicate the child’s status:	Choose an item.

6	Category of approval – use relevant drop down based on CARE or SUPPORT needs	Choose an item.
8	Has legal advice been sought?	Choose an item.
9	Name and Address of proposed Provider	
10	Weekly cost of the provision	
11	Is the Provider registering with Ofsted	Choose an item.
12	If Yes - Add Ofsted URN or application reference number if available	
13	Is the Provider CQC registered	Choose an item.
14	Have commissioning been alerted.	Choose an item.
15. Brief Summary of Child's circumstances leading to the child becoming accommodated: (What is the issue that needs oversight and agreement from the Director /Executive Director ?		
<div></div>		
16. Brief history of care including why the current provision is required, what alternatives have been explored, include what searches have taken place for Ofsted registered provision. <i>include family options have been considered, summary of the of providers contacted, those who have responded and reasons provided as to why the child's needs can not be met in Ofsted registered provision</i>		
<div></div>		
17. Assessment of needs and harm and how will the Provider meet the needs of the child: (What is the harm to the child, what has happened and how likely would it be to happen in the future ? Is there a safety plan? Does the provider meet the child / young person's needs?		
<div></div>		

18. Is Deprivation of Liberty Safeguards required? *set out the rational for this, outcome of consultation with legal services and date when this will be considered at DOLS Panel.*

19. Have checks about the Provision / Provider have been undertaken / feedback sought?

20. What are the views, wishes and feelings of the child/YP? *How have these been balanced against the presenting needs and harms?*

21. What are the views, wishes and feelings of the parent or carer *How have these been balanced against the presenting needs and harms?*

22. What are the views of the IRO:

23. What are the views of professionals who have been consulted, including legal and health professionals? (Set out the views of the legal and health professional / commissioners. Has an MDT taken place or planned with the relevant Health professionals and commissioners?)			
24. What further actions are in progress to secure registered provision for the child?			
Date to be reviewed at External Placements Panel NB – children under 16 will be reviewed at EPP monthly			
HEAD OF SERVICE RECOMMENDATION: (does the HOS endorse the proposed plan, what actions are needed, any outstanding issues which need to be addressed?)			
Head of Service:			
SIGNED:		Print HOS Name:	DATE:
DIRECTOR of SOCIAL WORK DECISION			

Director of Social Work:			
SIGNED		Director name	DATE:
EXECUTIVE DIRECTOR DECISION			
Executive Director of Children’s Service:			
SIGNED		Executor Director Name	DATE: