

# Response ID ANON-1B1H-AEAT-7

Submitted to **Reforms to unregulated provision for children in care and care leavers**  
Submitted on **2020-04-07 10:05:25**

## Introduction

### 1 What is your name?

**Name:**  
Sara Ortiz

### 2 What is your email address?

**Email:**  
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### 3 What is your organisation?

**Organisation:**  
TACT Fostering and Adoption

## Setting the context

### Appropriateness of placements

#### Ending the use of independent and semi-independent provision for children under the age of 16

**4 Please set out any positive and/ or negative impact you think this change would bring about, and the areas we should consider to ensure it is effectively implemented.**

**Please give us your views:**

We think that the cut-off point of 16 goes against the rights of the Looked after Young People. When a family court gives the local authority parental responsibility through a care order, these duties of care stand until the young person turns 18 years old and enters legal adulthood. All children and young people under 18 should live in families or residential settings where they are expected to receive the care that any child deserve, not matter if looked after by the state or not.

### 5 Please share any examples of good practice here

**Please share any examples you wish:**

There is plenty of evidence supporting the care of children and young people in family or residential environments with the care element attached to these. These environments are regulated, which means that there is a duty to check the safety and the standard of care provided, with regular monitoring of this.

### Requiring local authorities to liaise with police forces when making out of area placements

**6 Do you agree that we should introduce a new requirement for local authorities to consult with relevant local police forces when they place a child out of area in independent and/ or semi- independent provision?**

No

### 7 Please explain your answer, including any positive and/or negative impact you think this change would bring about.

**Please provide your views:**

This only could contributed to further criminalisation of the young people placed in unregulated accommodation. If we are really want to support the young people that would be at risk of exploitation, the place where they live should be the first port of call, and therefore, should be the same level of support that a fostering placement or regulated residential setting would provide.

### Defining 'care' to clarify when 'other arrangements' may be used by local authorities and to clarify the distinction between 'unregulated' and 'unregistered' provision

**8 Do you agree that we should amend legislation to define 'care', in order to provide clarity on what amounts to 'other arrangements' i.e. 'unregulated' provision, and what constitutes 'unregistered' provision?**

No

### 9 Please explain your answer, including any positive and/or negative impact you think this change would bring about.

**Please give your views:**

There is already a legal definition of care and children's homes regulations requires them to follow 9 quality standards, including one on the purpose and the

quality of care. Also, every child in care must have a care plan and regulations set out what must be included in their care plans.

**10 Do you have any suggestions for areas where we might go further? In making your suggestions, please provide any supporting evidence or information you have.**

**Please provide any suggestions you have:**

## **Checks and balances in the system**

### **National standards for providers**

**11 Please set out any positive and/or negative impact the introduction of new national standards would have**

**Please give your views:**

There should not be any introduction of new national standards for semi-independent and independent accommodation as these would mean that 16 and 17 years old in care are deny the care they are entitled as under 18s. There are already quality standards for children's homes and national minimum standards for fostering placements, both the right type of placements where children looked after by local authorities can live up to and beyond their 18th birthday.

**12 Please set out any other areas you think should be covered in the new national standards**

**Please provide your views:**

As above, no new national standards for semi- independent and independent accommodations should be draft. However, modifications could be made for children's home specifically looking after teenagers aged 16+ recognising their need for growing autonomy while still providing care and support.

### **Status of national standards**

**13 Which option, 1 or 2, do you think would most effectively raise the quality of independent and semi-independent provision?**

Option 2

**14 Please set out the consequences and implementation challenges that should be considered when introducing new standards?**

**Please give your views:**

Local authorities already have an overarching duty to safeguard and promote the welfare of each child in care. In addition, they already have duties to ensure the accommodation in which they place children is suitable, including safety and location. In any case, it is clear that an independent scrutiny is required.

### **Independent Reviewing Officers**

**15 Do you agree that we should clarify statutory guidance, to ensure that IROs undertake visits to a placement to be able to assess whether it is meeting the needs of the child or young person and that they must send a report to the local authority to inform their decision making process about next steps for the individual child or young person?**

Yes

**16 Please explain your answer.**

**Please give your views:**

Although any independent reviewing placements is a positive step, careful consideration should be taken into account when pointing at IROs as the professionals undertaking these reviews. IROs are professionals who are independent of local authorities, so they should not be the only ones handed over with the responsibility of making decisions about the suitability of accommodation for individual children in care.

### **Ofsted powers**

**17 Do you agree that we should legislate to give Ofsted powers to issue enforcement notices to illegal unregistered providers before proceeding with prosecutions?**

Yes

**18 Please explain your answer**

**Please give your views:**

Ofsted should have enforcement powers, however the premise that children under the age of 18 can manage without day to day care is something that we questioned and disagree with. We also feel that leavers should be consulted specifically as an interest group about supported accommodation.

## **Next Steps**