

# Supported accommodation: response to government consultation

---

January 2023

# Contents

|   |    |
|---|----|
| Foreword from Dame Rachel de Souza.....   | 3  |
| Introduction.....   | 6  |
| Summary of proposed key changes.....  | 6  |
| Vulnerable children need care not just support.....   | 9  |
| The Quality Standards.....  | 11 |
| 1.1. To what extent do you agree with the proposed ‘Leadership and Management Standard’ and supporting guidance?.....   | 11 |
| 1.2. To what extent do you agree with the proposed ‘Protection Standard’ and supporting guidance?.....  | 12 |
| 1.3. To what extent do you agree with the proposed ‘Accommodation Standard’ and supporting guidance?.....   | 13 |
| 1.4. To what extent do you agree with the proposed ‘Support Standard’ and supporting guidance?.....   | 15 |
| 1.5. Do you agree that this is the right approach to regulating mobile and non-permanent settings?.....   | 18 |
| 1.6. To what extent do you agree that this is the right approach to staff recruitment, checks, induction, staff fitness requirements, training and supervision and disciplinary proceedings?.....   | 18 |
| 1.7. To what extent do you think that the proposed approach to the service’s protection policies is the right one to ensure the welfare of young people in supported accommodation?.....  | 19 |
| 1.8. To what extent do you think that the proposed approach to restraint is the right one to ensure the welfare of young people in supported accommodation?.....  | 19 |
| 1.9. Do you agree that the proposed practices around producing, storing and maintaining records are proportionate and will ensure young people are kept safe and their needs are met?.....  | 20 |
| 1.10. Do you agree that the proposed practices around complaints and representations are proportionate and will ensure young people are kept safe and their needs are met?.....   | 20 |
| 1.11. Do you agree that the proposed practices around notifications are proportionate and will ensure young people are kept safe and their needs are met?.....  | 21 |
| 1.12. Do you agree that the proposed business continuity requirements are proportionate and will ensure young people are kept safe and their needs met?.....  | 21 |
| 1.13. To what extent do you agree that the proposed roles and responsibilities of the ‘registered provider’ and ‘registered service manager’ will ensure a proportionate level of oversight in supported accommodation?.....                                  | 21 |
| 1.14. Do you agree with the proposal to limit the number of registered service managers in each supported accommodation undertaking to one? ..  | 22 |
| 1.15. Do you agree that the proposals around the fitness and capacity of the registered provider and/or registered service manager are the right ones?.....   | 22 |
| 1.16. Do you agree these categories for supported accommodation are the right ones?.....  | 23 |
| 1.17. Do you agree with the proposal for providers to notify Ofsted of new settings and with the use of conditions to restrict providers from using new settings without having informed Ofsted?.....   | 23 |
| 1.18. Do you agree that the proposed Ofsted enforcement powers, offense provisions and tribunal appeal provisions are appropriate and proportionate for this type of provision?.....  | 23 |
| 1.19. Do you agree that this is the right approach to ensure provider adherence to the Quality Standards and the regulations across the service?.....   | 24 |
| 1.20. Do you agree that this is the right approach to ensure that providers can register before it becomes an offence to operate supported accommodation undertaking without being registered and that inspections can be carried out in the first year?..... | 24 |
| 1.21. What do you believe any potential unintended consequences of these reforms will be?.....  | 25 |
| References.....   | 26 |

## Foreword from Dame Rachel de Souza



I want every child in care to have access to a stable home environment that is able to meet their needs and give them the love and care they need to thrive in every aspect of their life. They should be in familial environments that can provide them with care until they are at least 18.

The introduction of these regulations and guidance provides us with an opportunity to ask ourselves whether the level of support that these standards will impose would be good enough for our own children. This is the question I have asked myself as I responded to this consultation.

I have been struck by some of the reflections children have shared with me about their experiences of supported accommodation since taking up post as Children's Commissioner. I have been impressed by their resilience and strength. One child told me:

*'It was a whole load of different people of different ages thrown into a house. Even though there's people with you that can be so ' . You're young and living with literal strangers and there was nothing to bring us together'* - Girl, 16, reflecting on unregulated accommodation.

But they are still children, and often some of the most vulnerable in the country. We know that Unaccompanied Asylum-Seeking Children (UASC) are more likely to be placed in these settings. These are children who have faced some extremely challenging situations and experienced complex trauma.

My Help at Hand have supported many children who have been subject to exploitation in these supported accommodation settings. These 16 and 17 year olds are just like any other looked after child, they need care which will allow them to recover and lay strong foundations to help them thrive in all aspects of their lives.

To me it is clear that these reforms do not go far enough. The proposed reforms, as they are, mean that children aged 16 and 17 can still be placed in settings where they legally cannot receive this much needed care. While I welcome the intention to drive up standards in this sector, I believe that these standards should be viewed as an interim step with a clear expiry date. My ultimate aim is to get to a point where every child in care is living in a setting that is able to provide them with care rather than just support.

Last year I set out my ambitions for social care reform and as we await the Government's strategy for the implementation of the Care Review, I want to emphasise the need for us all to be striving for the best for all children in care. I want every child to be listened and responded to, to have relationships that are trusting and consistent, to have a stable home environment and be able to access all of the practical help they need to follow their dreams. I have examined the proposed standards through the lens of these ambitions.

While my goal is for all children to live in settings that provide them with care, I believe that there is more that must be done in the interim to improve these standards in order to keep children safe. In my response I set out tangible changes that we can take now to strengthen the guidance and standards. These changes include calls for:

- **A greater focus on the importance of relationships.** Just because 16- and 17-year-olds are living in supported accommodation doesn't mean that they are not children who need loving and nurturing relationships that provide them with a stable base. We must remember they are children and use this language to reflect our duty to them as looked after children.
- **Clearer guidance around the need to review children's care if vulnerabilities arise.** The guidance should be much clearer on which children will be most at risk if placed in supported accommodation, and the steps that should be taken when risks are identified. These children are also often some of the most vulnerable children in our society. I believe that settings should be made acutely aware of the vulnerabilities that children may face and be prepared to review the

suitability of the setting whenever a child expresses the need for a level of care the settings are unable to provide.

- **Clearer guidance around the management and staffing structure.** I am concerned that the current draft of the guidance around the management and staffing structure will not adequately equip settings to make sure that children are able to develop and maintain consistent relationships with adults. And in the absence of strong sibling relationships – which we know are often disrupted when a child is placed in supported accommodation – I am deeply concerned that these children are at risk of becoming isolated at a time in adolescence when they need love and care most.
- **The need for strong accountability mechanisms and a focus on improvement.** Across the expected reforms to children’s social care system, I have been clear that we need a laser focus on system improvement, with strong accountability measures in place to facilitate that. Yet, the draft guidance falls substantially short of ensuring this, with a stark lack of oversight at management and inspectorate levels.

As I set out in this response to the government consultation my message is clear. Let’s use these reforms as an opportunity to make sure every child, no matter where they are in the system, is receiving excellent high-quality care right the way until adulthood.

## Introduction

The CCo acknowledges the concerns that an immediate requirement for all 16- and 17-year-olds to be placed in foster care or children's homes could exacerbate the existing sufficiency issues. The introduction of these regulations should therefore be treated as a welcome interim step, to enable these settings to register with Ofsted and meet certain standards. These standards could improve the quality of provision within the sector and create greater safety for children.

However, the next step should be a requirement for them register as children's homes and be able to provide the most crucial thing that these children need – care. The CCo is therefore responding to this consultation by suggesting improvements to the draft quality standards which in the interim will drive higher standards for the support provided, but which will also help settings to reach a point where they are able to register as children's homes.

To make sure that these regulations uphold children's rights, the CCo recommends that Child's Rights Impact Assessment is conducted to assess the impact of the changes on children. Moreover, the office would like to see a greater focus on understanding the impact of these changes on the outcomes and lives of the children who will be living in these settings.

The office's independent advice and advocacy service 'Help at Hand' speaks to children who are living in unsuitable (currently unregulated) accommodation on a regular basis. This consultation response has been shaped by the voices and experience of these children.

The CCo is delighted to see that children and young people are being consulted on the proposals and looks forward to seeing how their views shape the regulations and guidance.

## Summary of proposed key changes

### Language and tone

In order to make it clearer that the 16- and 17-year-olds living in supported accommodation are still looked after children, and to provide some mitigation against the risks of adultification of these children (which is a particular risk for those in ethnic minority groups)<sup>1</sup> the CCo believes 16 and 17 year olds that

---

are living in supported accommodation should be referred to as 'children' in the regulations and guidance.

This is particularly important given the fact that UASC are often placed in this form of accommodation.<sup>2</sup> It is essential that these children are seen as the vulnerable children they are, who may have faced significant trauma in their lives.

Care should be taken not to use the language of 'tenancy', or to ever imply that these children should be considered as anything other than looked after children.

The language throughout should also make clear that preparing children for adult life is not simply about supporting them with practical skills so they can be 'independent', but about ensuring they have a solid foundation of loving, caring relationships which will provide them with the emotional security that will allow them to thrive.

### **Amendments to content of standards**

Moreover, this consultation response points to specific amendments that if addressed the CCo believes would improve the quality of supported accommodation.

This includes amendments to the management and staffing structure that is mandated in the current draft of the guidance. For example, the CCo notes the need to amend the guidance around the role of the registered service manager which in the current draft allows a single service manager to oversee multiple settings (with no explicit limit).

In addition, there is no limit on the ratio of agency staff and volunteers that can be on shift within the settings at any one time and the guidance around what '24-7 on-call support' look like in practice lacks clarity. The CCo outlines its concern around the potential impact that this staffing structure could have on the stability of the relationships that children are able to develop and maintain with staff. Concern around the 'single occupancy' category of supported accommodation is raised as the office believes that it will be difficult for staff to provide children with the level of support that these standards mandate if children are living alone in bedsit style accommodation.

The CCo also believes that current draft fails to recognise the need for robust oversight from the inspectorate by only mandating that Ofsted inspect providers once every three years. This is a

---

substantial divergence from the inspection regime that operates across children's homes which requires homes to be inspected yearly and more often if a setting is rated less than good.<sup>3</sup>

There is need for greater recognition of the impact of a child's prior experiences of abuse and neglect on their mental health and ability to engage with learning and education. Guidance around ensuring that staff are equipped to identify children's mental health needs and seek out relevant support should be strengthened.

Ultimately the CCo believes that settings should be held accountable for ensuring that there is a greater connection between the child's home (the supported accommodation) and the education they are receiving. To achieve this the guidance around the role of staff should be strengthened to set out that in the way that a parent would, staff should support children to access education and pursue their dreams.

Throughout this guidance, examples are given that should be taken to protect or support children with particular vulnerabilities – those going missing from care, self-harming, in exploitative relationships, or missing education. While this guidance should include the necessary steps to take to protect children (and indeed, this response suggests additional guidance that should be included) it should also make clear that supported accommodation is not the right placement type for children who have this level of need. For example, there have been instances in which children under Deprivation of Liberty orders are placed in supported accommodation while awaiting placement in other secure setting. These settings are not appropriate for children with a high level of need that requires constant oversight.

The CCo therefore believes that the guidance should explicitly outline the need for settings to review a child's placement if a child is displaying any of the above behaviours, or others which indicate that supported accommodation cannot meet their needs.



## **Vulnerable children need care not just support**

Many of the children that come into the care system have had difficult experiences in their early life, often having experienced abuse and neglect. Care should be a place where children can begin to heal from their past trauma and start to pursue their interests and thrive.

Yet too often children experience instability within the care system, with many experiencing a high number of placement moves that can impact their ability to form close relationships and develop a sense of security and belonging. The latest available data shows that, of the children in care as of March 2022, 69% had one placement over the course of a year, 21% had 2 placements over the course of a year, and 10% had 3 or more placements.<sup>4</sup> Moreover, analysis from the CCo that is soon to be published shows that children placed in semi-independent accommodation are more likely to be separated from their siblings (93%) than children placed in foster care with a relative or friend (31%). Given how central we know sibling relationships can be for children in care it is vital that a child's placement supports rather than inhibits their ability to maintain these relationships.

Some older children (aged 16-17) express wanting more independence and freedom and they should be able to access living arrangements that facilitate this. But it is essential that there is also an understanding of the vulnerability of children that are aged between 16-17. Early adolescence is a period of psychological and social development and children will need love and care to help them navigate this period of their lives. It is also important to acknowledge that children's needs change over time depending on the challenges that they are exposed to and the stage they are at in their development. As their needs fluctuate, it is vital that they are in settings that would legally allow for staff to provide care as it is needed.

**Gino** has learning difficulties and complex mental health needs. He was in a specialist children's home providing mental health support and 2:1 care, but it was expensive and out of his local authority's area. When he reached 16, he was moved to semi-independent accommodation closer to home, but this had a much a lower level of support and he did not want to go. Professionals were also very concerned that he wouldn't be able to manage semi-independent living due to his learning difficulties. The local authority went ahead with the move, which was traumatic for Gino. His mental health declined, and, after a number of safeguarding incidents, his local authority accepted that he should move back into a children's home. However, he could not return to his original home, so this caused him a lot of disruption.

The case study below from the CCo's independent advice and advocacy service 'Help at Hand' demonstrates how children's needs can change over time.

Moreover, the reality is that much of the accommodation that is currently set up to support children to have more independence is poor quality and, in some instances, can even be dangerous for children. As some of the children that are placed in supported accommodation are often placed far away from the area they are from, they can become easy targets for exploitation from gangs that are involved in drug trafficking and crime.<sup>5</sup>

There is a careful balance that needs to be struck between giving children the care they need to heal from past traumas and preparing them for the world. But as good parents, foster carers and children's home staff know, it is possible to provide love and care, while also allowing older children to test out their increased levels of independence. This is all possible within existing regulatory frameworks.

That is why the CCo wants to see every child in care entitled to receive care. It is not right that some 16- and 17-year-olds will be living in a children's home, where regulations set out that they must receive high quality care, which should help them develop relationships, enjoy themselves, and achieve in education, while others will live in accommodation which cannot provide care, and where regulations set out much lower ambitions. The Children's Home regulations set out that 'staff should act as champions for their children, expecting nothing less than a good parent would'; the CCo wants this for every child in care.

## The Quality Standards

While the CCo is therefore clear that the longer-term goal should be for all these settings to abide by Children's homes regulations, the response to this consultation will focus on how the proposed standards and inspection regime could be improved in the interim. Some of these suggestions will be based on provisions in the Children's homes regulations which the CCo believes should be applied to Supported Accommodation.

### **1.1. To what extent do you agree with the proposed 'Leadership and Management Standard' and supporting guidance?**

The CCo partly agrees with the standard.

#### **Please provide details to explain your answer:**

The management of a setting is crucial in ensuring the safety and well-being of children within it. The CCo is concerned that the draft standards allow for a single registered service manager to oversee multiple settings, with no formal limit to the number. This increases the risk of a lack of oversight. Additionally, it is concerning that guidance suggests a year's experience in youth services is sufficient to oversee settings of this type. Moreover, the guidance in the workforce plan around the requirement of staff to have a DBS is unclear, stating that an enhanced check should be undertaken 'where eligible'.

In leadership and management standard in the children's homes guidance there is clear guidance that states that 'no more than half the staff on duty at any one time, by day or night at the home should be from an external agency'. Yet, there is no clear limit set in the supported accommodation standard. At times these settings may face severe staffing pressures, that may mean they have to rely on more agency staff. The lack of guidance on the ratio of agency staff in these settings raises concern over the feasibility of ensuring that the settings are able to support children to develop and maintain strong relationships with staff.

In addition to this, the CCo is concerned that volunteers are included in the definition of staff that can be working in within supported accommodation settings. There is no reference to the ratio of volunteers that could be working at any one time and no specific mention of the screening and training required of potential volunteers.

## **1.2. To what extent do you agree with the proposed 'Protection Standard' and supporting guidance?**

The CCo partly agrees with the standard.

### **Please provide details to explain your answer:**

While the CCo agrees in principle with the standard, the office believes the guidance in the behavioural management section could be strengthened in several areas, namely around the use of restraint and police involvement.

The standard discusses what should be done in the case of a child going missing. The guidance also states, 'we expect that young people who are known to be at risk of going missing or frequently go missing are unlikely to be appropriately placed in supported accommodation as their needs are such that they would likely require a greater level of care and supervision.' However, it is not made clear that if a child is going missing that the appropriateness of a supported accommodation placement should be reviewed. The standard also includes some guidance on what should be done if a child is self-harming, although this guidance is minimal. It is very concerning that the guidance does not set out that supported accommodation is not suitable for a child who is self-harming. It should be made clear that a child who has this level of need should not be placed in supported accommodation.

The language used on addressing exploitative relationships is concerning: 'staff should be skilled to recognise the signs and provide support to young people in danger of or involved in exploitative or damaging relationships with others and where appropriate, provide guidance and advice to young people on how to keep themselves safe.' It is not appropriate to suggest that the responsibility for keeping a child who is being abused or exploited within a relationship safe lies with the child themselves. It should be made clear what steps the setting will take to keep that child safe, including reviewing whether supported accommodation is a safe option for them.

There is guidance on the use of restraint in supported accommodation settings in the behavioural management section, and it does outline the need for staff to be trained in 'preventative and de-escalation techniques' as well as a commitment to aftercare following a restraint. However, the guidance around the appropriateness of the use of restraint and when it is warranted is vague. The only reference to use is, if the 'situation results in a member of staff restraining a young person for the purposes of

---

preventing harm or injury to any person this should be the minimum restraint for as short a period as necessary'. But the guidance does not currently clearly state that restraint should only be used to prevent injury or damage.

In comparison the protection of children standard in the children's home guidance clearly outlines the instances in which restraint can and should be used. The children's home guidance also goes further to outline practice guidelines which clearly state that the use of restraint has risks including 'causing physical injury, psychological trauma or emotional disturbance'. The practice guidance around restraint notes the need for staff to consider the age and size of the child as well as the 'impact of the restraint on the carer's future relationship with the child'.

It is clear that the supported accommodation guidance needs to be updated to include clear parameters on when restraint can be used and practice guidance on assessing the vulnerability of the child.

Moreover, the children's homes regulations clearly set out that police involvement should be managed carefully and minimised. To counteract any unnecessary police involvement in children's homes there is clear guidance in the control, discipline, and restraint and behaviour management section of the children's home guidance that the setting should work with their local police force to agree 'procedures and guidance on police involvement with the home to reduce unnecessary police involvement in managing behaviour'. This is vital to ensuring that children are not charged with offences as a result of their behaviour in the home, which may often occur as a response to the previous trauma they have experienced. The children's home guidance rightly explains that behavioural issues that may occur in a children's home 'would not similarly lead to police involvement if it occurred in a family home'.

Given the vulnerability of some of the children that may be in supported accommodation settings, it is paramount that staff are adequately equipped to keep children safe and avoid unnecessary police involvement that may result in criminalisation. The CCo believes that guidance should be updated to reflect the children's homes guidance and avoid the unnecessary criminalisation of vulnerable 16- and 17-year-olds.

### **1.3. To what extent do you agree with the proposed 'Accommodation Standard' and supporting guidance?**

The CCo partly agrees with the standard.

---

**Please provide details to explain your answer:**

The language in this section is not always appropriate. For example, at one point the guidance states that 'as with standard practices in a tenancy agreement, a young person's bedroom should not generally be entered without their permission or advance notice'. This risks conflating the support provided in this form of accommodation with any standard tenancy, which of course it is not. This guidance will set the tone for how staff treat and interact with the children living in the settings, and it must be made clear at all times that the relationship is not one of landlord to tenant.

The guidance around food and meals presents a particularly stark disparity in what children in children's homes, where they are entitled to care, and children in supported accommodation will receive. The children's homes guidance makes it clear that there is an expectation that 'children are provided with nutritious meals suitable for each child's needs'. The supported accommodation guidance instead focuses on helping children to develop their cooking skills, with no requirement for children to be provided with meals.

While the CCo understands that the cooking and preparing meals for children could fall under the banner of 'care', and that 16- and 17-year-olds should have the opportunity to cook independently and develop their skills for living independently, it is essential that they have access to reliably nutritious meals as other who lives at home with their parents would. The guidance should make clear that staff should ensure that all children are receiving healthy and nutritious meals.

Moreover, in the children's homes guidance on the quality and purpose of care standard there is acknowledgment that some children living in residential homes may be 'worried about being stigmatised or bullied by their peers' because of their living arrangement. This is an important issue for staff in supported accommodation to be aware of too. Guidance around the need to be aware of this and support children through this experience should be reflected in the supported accommodation guidance.

Moreover, while the children's homes guidance notes the need to ensure that staff understand the value of life story work for helping children understand what has happened in their life and to support them to process previous trauma and challenges. Again, this guidance is not reiterated in the supported accommodation guidance.

---

#### **1.4. To what extent do you agree with the proposed 'Support Standard' and supporting guidance?**

The CCo partly agrees with the standard.

##### **Please provide details to explain your answer:**

The CCo would like to see the section on 'preparing for adult living' redrafted.' This section is entirely focused on practical skills and does not acknowledge the importance of building loving relationships and ongoing emotional support. This section risks reinforcing an idea that all children need in order to live on their own is the right financial and practical skills.

The guidance around this standard is clear that children should 'take a lead role in determining the support they receive'. The CCo believes that while children should be involved in determining the level of support they need, they should not be made responsible for determining if and when they need it. The guidance sets out that a review of the quality of support a child is receiving should be reviewed 'at least once every six months'. The CCo believes that it should be mandated that support is reviewed more regularly.

To put this in context, the guidance around a young care leavers 'Pathway Plan' is that it should be reviewed every six months. <sup>6</sup>As mentioned earlier, 16- and 17-year-olds should be viewed as children and not adult care leavers. In addition, in the quality and purpose of care standard in the children's homes guidance there is an expectation that staff consider the level of care a child needs on a daily basis. The CCo is clear the guidance should go further to outline how the setting should regularly review the child's care, as a six-month review process is too long.

The support standard should also be the place where clear guidance is set out about when supported accommodation is not likely to be appropriate for a child, and which behaviours – such as self-harming, going missing, missing education, or being in exploitative relationships – should be triggers for a placement being reviewed.

Below, the subsections that are outlined in the support standard are considered.

##### **Building strong and meaningful relationships**

---

The guidance considers the need to support children to develop resilience and states that, 'resilience is not just learned practical skills to manage difficult moments alone but relies on the building and maintaining of loving relationships and ongoing emotional support'. It is positive that this acknowledges that development also relies on the ability to build and maintain relationships with staff. Yet the guidance itself currently sets a clear tone that children should be developing independence and doing so through developing practical skills. It also states that staff should be there to support children 'to cope without the service's support'. There is therefore an inherent tension within the guidance, which acknowledges that resilience is based on ongoing support and loving relationships, but does not set out that staff should develop loving relationships or provide ongoing support once children leave. This is exacerbated by the fact there is the potential for there to be many temporary (agency) staff operating in 'floating support' positions, therefore making it difficult for children to develop meaningful relationships with staff.

The CCo also believes that there should be more guidance on supporting staff to navigate topics about supporting healthy relationships. As many parents would, staff in supported accommodation should be expected to help 16- and 17-year-olds to develop their knowledge about their sexual health and managing healthy relationships. The children's homes guidance is clear that staff should be equipped to navigate these topics with children stating that staff should 'help each child to understand, in a way that is appropriate according to the child's age and understanding, personal, sexual and social relationships'. This guidance should be reflected in the supported accommodation standards.

### **Supporting the health and wellbeing of young people**

The supporting the health and wellbeing of young people section of the support standard does outline that a child's previous experiences (including that of abuse and neglect) will impact their mental health. It also clearly indicates that a child's should be accessing mental health support if it has been identified as a need through their relevant plan.

However, the CCo believes there should be a greater responsibility on staff to identify mental health needs and seek support for the child. For example, the children's homes guidance states that staff should ensure that children have 'immediate access to any specialist medical, psychological or psychiatric support required' and that they should challenge the child's placing authority if support isn't available.



Given how vulnerable we know some children in supported accommodation settings can be, it is vital that this same sense of urgency around children's mental health needs is reflected in the guidance and regulations. As discussed above, it should be made clear that if children are displaying a high level of mental health need, their placement in supported accommodation should be reviewed. The case study from the Help at Hand team below illustrates this need.

**Emma** is a 16-year-old looked after child who has significant mental health problems. After being discharged from a Tier 4 mental health unit, she was placed in unregulated accommodation because the local authority could not find a therapeutic children's home place. She had very little support in the accommodation and felt intimidated by the other young people there. She had her belongings stolen from her room and couldn't use the communal kitchen because it had been damaged by residents. Emma felt desperate and alone, which had a significant detrimental impact on her mental health. She was reliant on workers from the accommodation to drive her to CAMHS appointments, but they were often unable to do this due to being short staffed. Emma told Help at Hand she wanted to move to a therapeutic setting, where she could feel safe and be supported with her mental health. The team wrote to senior managers to raise concerns and asked for a more appropriate placement to be found for her. The managers acknowledged that unregulated accommodation was unsuitable and, while intended as an emergency measure, should not have continued for so long. After a further search, Emma was moved to a registered children's home, with therapeutic support, where she felt much happier.

### **Education and training**

There is scope for significant improvement in the section on education and standards, to ensure that supported accommodation staff are doing more than simply sign-posting children towards other professionals. The guidance should set out that staff should be aware of the impact that previous trauma, the impact of mental health difficulties and the experience of exclusion can have on children's approach to learning. It should set out that staff should be aware of whether a child is attending

---

education or not, and to take steps to address either poor attendance or inappropriate educational provision. The guidance should set out that if a child is persistently not attending education that this should be a trigger for a review of whether supported accommodation is the right placement.

### **Transitions**

The CCo is clear that every child in care should be able to stay with carers until at least the age of 23, but fundamentally the moment they move on should be determined by when they are ready to, not when it suits the system.<sup>7</sup> They should also be able to choose whether they would prefer a Staying Close scheme, or to 'Stay Put' with either a previous foster carer or in a new arrangement.

### **1.5. Do you agree that this is the right approach to regulating mobile and non-permanent settings?**

No

#### **Please provide details to explain your answer:**

The CCo does not agree with this approach. Instead, the office would like to see a ban on the use of non-permanent settings given the office believes that these settings will never be able to provide children aged 16 and 17 with safe and nurturing environments.

It is unclear how these regulations will ensure that these settings are only used in 'exceptional circumstances' and what these circumstances are. The CCo is clear that there is no circumstance in which a child should be placed in a tent or caravan as these types of accommodation cannot provide the level of support children need.

### **1.6. To what extent do you agree that this is the right approach to staff recruitment, checks, induction, staff fitness requirements, training and supervision and disciplinary proceedings?**

The CCo partly agrees with this approach.

#### **Please provide details to explain your answer:**

---

The CCo believes that the language about staff knowledge of child development, and the barriers to healthy child development that children face should be strengthened to ensure that staff are equipped with the knowledge and skills to respond to children needs and identify any issues they may face.

More generally, the CCo is concerned that without a limit on the number of settings that a registered service manager can oversee it will be very challenging in practice for this approach to be implemented.

**1.7. To what extent do you think that the proposed approach to the service's protection policies is the right one to ensure the welfare of young people in supported accommodation?**

The CCo partly agrees with this approach.

**Please provide details to explain your answer:**

Overall, the CCo believes that there should be a greater emphasis on ensuring that staff are informed about the children's previous experiences, including issues around self-harm behaviours and absconding.

The guidance should clearly outline that staff should be aware of children who are at risk of self-harm behaviours and be equipped to appropriately respond to incidents of self-harm and identify professional support in a timely manner.

This section should set out clearly that there will be some key 'flags' – such as a child going missing, self-harming, being in an exploitative relationship, missing education – which should trigger a review of whether supported accommodation is appropriate for that child.

**1.8. To what extent do you think that the proposed approach to restraint is the right one to ensure the welfare of young people in supported accommodation?**

The CCo partly agrees with the approach.

**Please provide details to explain your answer:**

For more details on this please see the answer to the protection standard above. Moreover, the CCo would like to add that as with the children's homes guidance, as well as receiving emotional support

---

following restraint, the guidance should note that children should be able to express their feelings about their experience of the restraint. Children's reflections on should then inform the accommodations' policies and practices around restraint.

**1.9. Do you agree that the proposed practices around producing, storing and maintaining records are proportionate and will ensure young people are kept safe and their needs are met?**

No

**Please provide details to explain your answer:**

Children's case records must be kept for 75 years from the date of birth of the child, or if the child dies before the age of 18, for 15 years from the date of his or her death.

The children's homes guidance outlines that a child's records should be kept for 75 years and only in cases where a child dies before the age of 18 should the records be kept for less (15 years). Whereas the guidance on supported accommodation only mandates that the records be kept for 15 years. The reasoning for this disparity is unclear and the CCo believes that further explanation should be provided. Moreover, there isn't guidance on the storage of records for children who die before the age of 18 as there is in the children's homes guidance. Care experienced adults often seek information about their life in care and should be able to access as much information as possible about their experiences in supported accommodation.

In addition, the children's homes guidance encourages staff to support children to read their records and add to them by reflecting on their experiences. This is important for helping children to process their experiences and reflect on them as adults later in life. The CCo believes that this guidance should be reflected in the supported accommodation guidance.

**1.10. Do you agree that the proposed practices around complaints and representations are proportionate and will ensure young people are kept safe and their needs are met?**

Yes

---

**Please provide details to explain your answer:**

To add to the practices around complaints, the CCo believes that to ensure that 'no young person is subject to any reprisal for making a complaint or representation' the guidance around the need for children to be aware of their right to independent advocacy should be reiterated.

**1.11. Do you agree that the proposed practices around notifications are proportionate and will ensure young people are kept safe and their needs are met?**

Yes

**Please provide details to explain your answer:**

In regard to the notification of incidents, as with children's homes guidance, the guidance should include a category around the need for serious notifications on the basis of welfare concerns. This category should include incidents involving self-harm and where children have gone missing.

**1.12. Do you agree that the proposed business continuity requirements are proportionate and will ensure young people are kept safe and their needs met?**

Yes

**Please provide details to explain your answer:**

The CCo does believe that the business continuity and contingency planning provides a helpful guidance for the registered person. Yet, as mentioned earlier, to ensure that adequate staffing levels and continuity in the care and support that children receive is maintained, there should be clearer guidance on the ratio of external agency staff that is permitted within settings at any one time.

**1.13. To what extent do you agree that the proposed roles and responsibilities of the 'registered provider' and 'registered service manager' will ensure a proportionate level of oversight in supported accommodation?**

The CCo partly agrees.

---

**Please provide details to explain your answer:**

The CCo believes that the parameters around the number of settings and young people that the registered service manager is responsible should be clearer to avoid failing across multiple settings that may be spread geographically across the country. While there are merits to the registered service manager holding overarching responsibility, without clear benchmarks or limits the CCo is concerned that it will be difficult for Ofsted as the inspectorate to establish a clear standard of good practice.

The CCo would also like to reiterate the importance of ensuring that the regulations do not set a standard which enables providers to profit from the running of these settings.

**1.14. Do you agree with the proposal to limit the number of registered service managers in each supported accommodation undertaking to one?**

No

**Please provide details to explain your answer:**

As noted above, the CCo is concerned that the registered service manager model disseminates responsibility and that without other service managers who are registered with Ofsted within each setting on a day-to-day basis there could be opportunities for failings at a setting level that go unnoticed by the registered service manager.

**1.15. Do you agree that the proposals around the fitness and capacity of the registered provider and/or registered service manager are the right ones?**

Yes

**Please provide details to explain your answer:**

The CCo agrees with the proposals around fitness and capacity but suggests that, as in the children's homes guidance, an acknowledgment of need for the registered service manager/ provider to have an 'understanding of both effective practice in responding to the needs of looked-after children and of local authority care planning duties' is included in the supported accommodation guidance. The level of experience required of a registered service manager is also concerning and should be reconsidered.

---

**1.16. Do you agree these categories for supported accommodation are the right ones?**

No

**Please provide details to explain your answer:**

It is unclear where the aforementioned 'non-permanent' settings fit into this categorisation. Guidance should be clearer on where caravans, barges and boats as non-permanent settings fit.

The CCo is also concerned about the 'single occupancy' category of supported accommodation. It is unclear how a bedsit or single occupancy flat will be able to provide the level of support that these standards require of settings. The CCo would like to see further guidance around how staff will be able to develop meaningful relationships with children and regularly review the support they are receiving if children are living alone in a bedsit. Moreover, it is unclear what the 24/7 on call support will look like for a child in a single occupancy setting such as a bedsit.

**1.17. Do you agree with the proposal for providers to notify Ofsted of new settings and with the use of conditions to restrict providers from using new settings without having informed Ofsted?**

Yes

**Please provide details to explain your answer:**

However, the timeframe for notifying Ofsted of the placement of a child in an unregistered setting should be shorter than 72 hours given the danger that some settings pose to vulnerable young people. Moreover, the guidance should clearly mandate the contact arrangements that should be made with the local authority responsible for the child at the point of placement.

**1.18. Do you agree that the proposed Ofsted enforcement powers, offense provisions and tribunal appeal provisions are appropriate and proportionate for this type of provision?**

Yes

---

**Please provide details to explain your answer:**

The office would reiterate the need for the implementation of these reforms to be adequately funded to ensure that Ofsted enforcement powers are enacted appropriately.

**1.19. Do you agree that this is the right approach to ensure provider adherence to the Quality Standards and the regulations across the service?**

No

**Please provide details to explain your answer:**

The CCo believes that to ensure that quality standards are met, supported accommodation settings should be inspected at the same frequency as children's homes (yearly) compared to once every three years as is proposed for supported accommodation.

Moreover, the CCo would like to see more detail on what the 'the initial registration visit to ensure that providers are meeting the standards' will entail and more detail on what is the plan for providers that are not meeting the standards prior to registration.

**1.20. Do you agree that this is the right approach to ensure that providers can register before it becomes an offence to operate supported accommodation undertaking without being registered and that inspections can be carried out in the first year?**

Yes

**Please provide details to explain your answer:**

While the CCo agrees with this approach it is important to reiterate that Ofsted inspections of all providers should begin as soon as reasonably possible to ensure that settings are providing the best possible support.

---



**1.21. What do you believe any potential unintended consequences of these reforms will be?**

As reiterated throughout this consultation response, while the CCo welcomes the quality standards and regulations, the office is concerned that the standard of care that this guidance mandates is not aligned with the level of care that the CCo believes vulnerable children aged 16 and 17 need. The office is clear that these children should be treated as children first and foremost and that ultimately the government and the sector should be working to ensure that all looked after children have access to a stable home environment that is able to replicate the love and care that a family would. Therefore, a potential unintended consequence of these quality standards and regulations is that the expectation is created that 16- and 17-year-olds are only entitled to a lower level of 'support', which is a notably lower standard than the care which other children are able to receive.

## References

---

- <sup>1</sup> HM Inspectorate of Probation, 2022, Adultification bias within child protection and safeguarding, [link](#). Accessed on 11/01/22.
- <sup>2</sup> Department for Education, 2020, Use of unregulated and unregistered provision for children in care, [Link](#). Accessed on 11/01/22.
- <sup>3</sup> Ofsted, Social care common inspection framework, 2022, [link](#). Accessed 24/01/22.
- <sup>4</sup> Department for Education, Children looked after in England including adoptions, 2022, [Link](#). Accessed 21/12/22.
- <sup>5</sup> Department for Education, 2020, Use of unregulated and unregistered provision for children in care, [Link](#). Accessed on 11/01/22.
- <sup>6</sup> GOV.UK, leaving foster or local authority care, [link](#). Accessed on 20/02/23.
- <sup>7</sup> Children's Commissioner for England, Vision for care leavers, 2022. [Link](#). Accessed 25/01/23.



**Sanctuary Buildings, 20 Great Smith  
Street London, SW1P 3BT**

020 7783 8330

 @childrenscommissioner

 @ChildrensComm

 @childrenscommissionersoffice