

Crisis & Unregulated Placement Guidance

This guidance defines what a crisis and unregulated placement is in relation to placements for our Children Looked After. It outlines the processes to be undertaken when considering such placements and the risk mitigations in place.

January 2020

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This guidance should be read in conjunction with Children's Act 1989 and Care Planning, Placement and Case Review Regulations (2010 and 2015)

1. What type of placement is deemed a crisis placement?

For the purposes of this guidance, a crisis placement relates to a placement that is available for a child/ young person **immediately** for a **set period of time**.

These can be activity based placements, outward bound placements or placements in a children's home for a limited period.

The duration of the placement will vary and is usually set by the provider. They range from 28 days to 90 days.

2. What type of placement is deemed an unregulated placement?

Some establishments and types of accommodation are not required to be registered with Ofsted. These are sometimes known as 'unregulated settings'.

A service where the accommodation is **not permanent** (such as a tent) or is **constantly moving** (such as a boat, narrow boat or motorised caravan), or has **no permanent base** is unlikely to meet the definition of a children's home and will not be required to register with Ofsted. It is very rare that this type of provision would be used for a Lancashire child.

Supported accommodation/ semi-independent living which provides **support and not care** is not Ofsted registered and is therefore deemed an unregulated setting.

3. How do I know whether a placement provides support or care?

The table below (based on 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. Each criteria is set out in the form of a question, and suggests whether a 'yes' or a 'no' answer means care or support would be provided.

Criteria	Yes?	No?
Can young people go out of the establishment without staff permission?	Support	Care
Do young people have full control of their own finances?	Support	Care
Do young people have control over what they wear and of the resources to buy clothes?	Support	Care
Do staff have any access to any medical records?	Care	Support

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?	Support (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
Can young people choose to stay away overnight?	Support (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	Support
Where an establishment accommodates both adults and young people, do those aged under 18 have any different supervision, support, facilities or restrictions?	Care	Support
Are there regularly significant periods of time when young people are on the premises with no direct staff supervision? <i>Please note that a member of staff being on the premises 24 hours a day does not necessarily mean that care is being provided.</i>	Support	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)	Support
Does the establishment's literature promise the provision of care or relate to specific care support provided to all residents?	Care	Support
Does the establishment provide or commission a specialist support service, which forms part of the main function of the establishment?	Care	Support

4. What is an unregistered placement?

Where a service is providing **CARE** for a child under the age of 18 in a **static** placement, this service must be registered by Ofsted. Failure to do so results in the placement being **unregistered** and therefore **illegal**.

All steps must be taken to avoid placing a child in an unregistered placement.

It is important to note that a supported accommodation/ semi-independent/ leaving care placement may start out providing just support but may change to provide some of the care aspects identified in the previous table. Where care starts to be provided, the placement would cease to be an unregulated placement and **would become an unregistered, illegal placement.**

5. Easy reference guide

CARE+MOBILE PLACEMENT = UNREGULATED (does not need to be registered with Ofsted)

Examples of placements are:

- Crisis placement on a **constantly moving** barge (It is very rare that this type of provision would be used for a Lancashire child)

CARE+STATIC PLACEMENT = REGULATED (any placement not registered with Ofsted is an unregistered placement and therefore illegal)

Examples of placements are:

- Crisis placement in a home (Providers such as Hexagon Short Breaks)
- Residential short/ long term placements
- Post 16 placement where care is being provided in line with Ofsted Annex A *Introduction to children's homes: a children's social care guide to registration (July 2018)* - Provision such as Nurture Care's Lily House in Burnley (which is registered with Ofsted)

SUPPORT+STATIC PLACEMENT = UNREGULATED (does not need to be Ofsted registered)

Examples of placements are:

- Post 16 placement in a shared house with communal facilities
- Post 16 placement with a supported lodgings host
- Post 16 placement in self-contained flat with floating support
- Post 16 placement in solo occupancy building with staff (*staffing ratio of 1:1 + at all times would translate to care. Young person must have free time (i.e. regularly significant periods of time when on the premises with no direct staff supervision) if the placement is providing support and not care.*)

Exceptions to the rule:

1. If a child/ young person is currently in a regulated placement and the provider is taking the child away for a 'holiday' the placement they go to for the 'holiday' does not need to be registered as their main placement is within a regulated placement. This type of arrangement can only be used for up to 28 days.

2. Some mobile placements are regulated, this only applies to those that registered with Ofsted prior to May 2017 (example being Care Afloat).

6. CQC registered homes

There are circumstances when it may be appropriate for a care home to be registered with CQC (Care Quality Commission) rather than as a children's home with Ofsted. If a child is placed in accommodation because of their need for nursing care or personal care, it is likely this will be a care home that should register with CQC. Whereas, if the primary reason for placing a child in that accommodation is care that is not nursing care or personal care it is likely this will be a children's home that should register with Ofsted.

Prior to placing in a setting which is CQC (and not Ofsted) registered, ART and Children's Social Care should consult the following guidance: <https://www.gov.uk/government/publications/ofsted-and-cqc-joint-registration-guidance-childrens-homes-and-health-care/childrens-homes-and-health-care-registration-with-ofsted-or-cqc> and request evidence from the provider to confirm that they do not need to be registered with Ofsted.

7. Process at point of placement

Supported accommodation/ semi-independent placement search requests

- On receipt of a request to search for a supported accommodation/ semi-independent/ leaving care placement for a young person, the Access to Resources Team (ART) will forward the checklist in Annex A of Ofsted's *Introduction to children's homes: a children's social care guide to registration* to the Social Worker. ART will advise the Social Worker to check that the placement required meets the support criteria and would not require any aspects of care.
- If the Social Worker feels that the placement required should include any aspects of care then ART must be contacted as soon as possible and asked to change the request to a residential children's home placement search.

Children's Home placement search requests

- Where the search for a children's home placement for a young person aged 16+ (who has completed their final year of school) is proving difficult, ART will contact the Social Worker to discuss whether the young person's needs could be met in a supported accommodation/ semi-independent placement, using Annex A of Ofsted's *Introduction to children's homes: a children's social care guide to registration*.
- Where it is agreed that a young person's needs could be met in such a placement, ART will commence a supported accommodation/ semi-independent search.
- **A young person who is aged 16 but is still of secondary school age SHOULD NOT be placed in an unregulated supported accommodation/ semi-independent placement (regardless of whether they are accessing education or not).**

- Where it is confirmed that the placement needs to provide aspects of care, ART will exhaust all regulated placement options.
- Where, despite best efforts, a regulated children's home placement (for a young person of any age) has been unable to be sourced, senior managers will be notified and next steps will be agreed.

Additional Placement Provider Checks

- Additional checks will be carried out at point of placement on providers of short term crisis placements and high risk unregulated placements (where the risk of care and not just support being provided/ required is considered to be high, due to a young person's more complex needs). These checks will include:

ART	Social Care
<ul style="list-style-type: none"> - Gather Statement of Purpose, latest Ofsted Report and last 3 months Regulation 44 reports (<i>regulated placements only</i>) - Gather Compatibility Risk Assessment and Locality Risk Assessment - Review Manager's experience and qualifications - Request Host Authority Reference - Request Local Authority References - Check staff DBS Numbers and skill sets - Check Insurance - Request and review 5 key policies: Safeguarding, Child Exploitation, Missing from Home, Information Governance, Safer Recruitment - Gather and review training matrix 	<ul style="list-style-type: none"> - Social worker to review documents and ensure placement meets needs of young person - Social worker to visit placement and complete Social Worker Risk Assessment

Prior to placing in an unregulated setting

Before placing a looked after child in an unregulated setting (i.e. 'other arrangements') the social worker must:

- Be satisfied that the accommodation is suitable (as set out in Schedule 6 of the Care Planning, Placement and Case Review Regulations (2010) <http://www.legislation.gov.uk/ukxi/2010/959/schedule/6/made>)
- Arrange for the young person to visit the accommodation (unless not reasonably practicable);
- Inform the Independent Reviewing Officer.

The social worker must also request information from the provider in relation to any other young people who are placed in the provision and use this information to determine whether the placement being put forward is suitable.

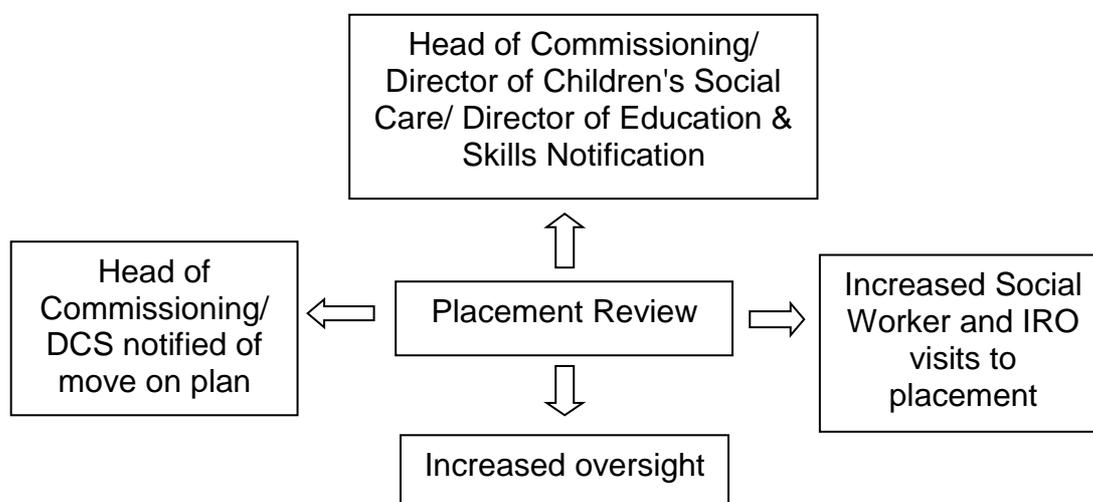
Senior Managers must review the current assessment of the young person's care and/ or support needs, the Placement Request and the proposed Placement Plan

and confirm that the proposed placement is appropriate in line with Regulation 27 (other arrangements) provisions.

At point of a high risk unregulated placement being confirmed

- ART will send an email to Children's Social Care/ Inclusion Service (Social Worker and all relevant managers i.e. Practice Manager, Team Manager and Senior Manager) and Safeguarding Inspection and Audit Senior Manager to advise that a high risk unregulated placement has been made so additional oversight can be undertaken (as specified in section 8 below).

8. Process for reviewing short term crisis and high risk unregulated placements



Head of Commissioning/ Director of Children's Social Care/ Director of Education & Skills Notification

- Monthly email sent by ART to Head of Policy, Information and Commissioning (Start Well) and Head of Safeguarding, Inspection and Audit outlining all those in a high risk unregulated and/ or crisis placements as per log maintained by ART, to include details of move on plan.
- Head of Policy, Information and Commissioning (Start Well) and Director of Children's Social Care/ Director of Education & Skills to be notified where a regulated placement has not been able to be sourced and next steps will be agreed.
- Head of Policy, Information and Commissioning (Start Well), Head of Safeguarding, Inspection and Audit and Director of Children's Social Care/ Director of Education & Skills to be notified of any new placement made for a child in a high risk placement.

Visits to short term crisis and high risk unregulated placements

a) Children's Social Care/ Inclusion Service:

- Within 5 days of placement, the social worker/ personal advisor will:
 - complete the care plan including key placement outcomes
 - revisit the placement
 - review the risk assessment, missing from home process and care plan
- Carry out fortnightly visits initially to review placement. Subsequent timescales to be reviewed and agreed with senior managers in line with risk.

b) Independent Reviewing Officer:

- Within 5 days of placement, the IRO will:
 - agree action plan and evidence of progress
 - make contact with the provider and arrange a visit to the placement

Increased oversight

- Social Worker and Provider to check Annex A of Ofsted's *Introduction to children's homes: a children's social care guide to registration* **prior to** requesting/ agreeing changes to an unregulated supported accommodation/ semi-independent/ leaving care placement to ensure that the changes would not result in it becoming unregistered/ illegal.
- Children's Social Care/ Inclusion Service management oversight through regular reviews and case monitoring.
- Provider to contact ART if concerned that changes being requested by Children's Social Care/ Inclusion Service could be deemed as care.
- IRO oversight through CLA Review and wider case monitoring activity
- Increased oversight by ART's contract monitoring function including more regular provider visits and regular checks of Ofsted's Annex A.

9. Reporting

The following reporting mechanisms are in place:

- ART will notify the Head of Policy, Information and Commissioning (Start Well) and Director of Children's Social Care/ Director of Education & Skills of any new children being placed in high risk placements
- ART will maintain a placement log of all those in crisis and high risk unregulated placements which will be routinely updated
- ART will provide a monthly update on the use of crisis and high risk unregulated placements
- The Head of Policy, Information and Commissioning (Start Well) will update the Director of Children's Social Care/ Director of Education & Skills and the

Executive Director of Education and Children's Services of monthly activity for such placements, including the move on plan for those in time limited placements

- The Head of Policy, Information and Commissioning (Start Well) will provide details of any child placed in unregistered provision (including reason for placement and details of move on plan) for inclusion in the monthly Safeguarding Report.