

**Procedure for placing children in care age 16 and 17 in Unregulated Supported Accommodation**

This procedure should be followed in conjunction with the Trafford Tri.x Procedure ***5.1.6 Placements in Residential Care and Leaving Care and Transition Procedures.***

Unregulated accommodation can be seen as a flexible way of meeting the needs of young people and care leavers. This procedure seeks to reflect the requirements for placing children in unregulated placements together with the local authority’s duties and responsibilities. It is essential that any such placement is identified as meeting the needs of the young person being placed.

Wherever possible, Trafford Council seeks to place and support all children in care in family based placements, local to Trafford. Residential care placements may be made as short term arrangements while the service supports a child to return to a family environment and while work is undertaken to source a suitable family placement.

For some children age 16 or 17 an Unregulated setting such as a Supported Lodgings Placement or an Unregulated Supported Provision may be the most appropriate setting in order to support a journey to independence. This should be recorded in the Care Plan and Pathway Plan with clear reasons why this is the plan. Clarification about the definition of Unregulated Provision is available in Appendix One.

If a child is 16 or 17 and there has been an unsuccessful search for a fostering or residential care placement, consideration may need to be given to placing a child in an Unregulated Supported Accommodation placement.

Young people’s views must be listened to and taken into account when all placements are made.

Consideration will be given to supporting and maintaining relationships which offer protection, stability and permanence.

Consideration will be given to maintaining stability and continuity for a child’s education, employment and training.

**Relevant Guidance**

The Children Act 1989 guidance and regulations - Volume 2: care planning, placement and case review (DfE, 2015)

**The Children Act 1989 guidance and regulations - Volume 3: planning transition to adulthood for care leavers (DfE, 2015).**

**Care Leavers Regulations 2010 and Schedule 6 of the Care Planning, Placement and Case Review Regulations 2010**

**1.** **Introduction**

Unregulated placements are those placements that ‘*will not be regulated under the Care Standards Act 2000 and as a result will not be inspected by Ofsted*.’

These placements are provided under sections of the Children Act 1989:

* Section 22C(6)(D) describes a placement ‘in accordance with other arrangements’;
* Section 23B(8) identifies that local authorities may provide, or maintain in accommodation, a relevant child in suitable accommodation, etc.
* Section 23B(10) considers that the Secretary of State may by regulation may make provision about the meaning of ‘suitable accommodation’ - ‘in particular about the suitability of landlords or other providers of accommodation’; and
* Section 24B(6) enables the local authority to provide suitable accommodation during vacation periods where the relevant child is in full time further or higher education.

A local authority can find meeting the needs of young people challenging because of the diversity of needs and because ‘transition’ inevitably means that young peoples’ needs will also change as they become more able to cope and function on an independent basis.

Unregulated accommodation can be a flexible way of meeting the needs of young people and care leavers at this stage of their lives.

Such placements include supportive lodgings, foyer-type placements, placements in independent accommodation that provide out-reach style support and other resources and services that have been commissioned by the local authority that provide a range of resources to meet care leavers needs.

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| [**The Children Act 1989 guidance and regulations - Volume 2: care planning, placement and case review (DfE, 2015)**](https://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review) and [**The Children Act 1989 guidance and regulations - Volume 3: planning transition to adulthood for care leavers (DfE, 2015)**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf) together with the [**Care leavers (England) Regulations 2010**](http://www.legislation.gov.uk/uksi/2010/2571/contents/made) provide the basis of a framework for working with and providing unregulated accommodation. |

**2. Considering Unregulated Placements**

In respect of unregulated placements, it will be essential that the responsible authority takes every step to establish that the child’s needs are identified in an assessment; that these are reflected in the Care Plan and Pathway Plan, and that the services provided by the placement meet these needs.

It is important to evaluate the level of support a child requires to ensure that their assessed needs identify a ‘supportive’ as against a ‘caring’ role for them (see Yvette Stanley ‘Unregistered and unregulated provision - what is the difference? Ofsted Blog, GOV.UK July 2019). See Appendix one for further information.

Where a local authority is making a placement with ‘other arrangements’ a statutory review must be carried out which recommends that such a placement is in the child’s best interests and welfare. However, the local authority can make such a placement where it is deemed necessary to do so, or where it is a matter of urgency.

Regulation 12(3)(c) requires that, where a young person is placed in ‘other arrangements’, then the local authority must make a placement plan involving the young person and the person responsible for supporting them in the accommodation. This should be the person who will have the most day to day contact with the young person, for example their ‘key worker’ or supported lodgings host / carer. Any support plan setting out how the supported accommodation service will support the young person should be integral to the placement plan and avoid duplication.

Unless it is identified as not being in a child’s best interests, placements should be placed near the child’s home; enable the child to maintain contacts with siblings; not disrupt their education or training and be within the local authority. (See Section 22C Children Act 1989).

Nevertheless, where children have been placed out of area, e.g. to meet complex needs (see Out of Area Placements Procedure), they may choose to remain in that local authority area and the local authority must seek to ensure that a service is provided that is commensurate with the service which they would receive if they had remained resident in the area.

**3. Quality Assurance**

Trafford Council has two Supported Accommodation block contracts, Forest Court and Daban House which provide support to young people age 16+. The quality of these providers is reviewed through regular contract monitoring meetings and is consistent with the standards set by the Placements Northwest Framework. Elstree Court offers accommodation to young people age 16+ who are supported by a team of Trafford Council staff. The manager of Elstree is supervised by the Team Leader for Aftercare. Greenbank offers supported accommodation to homeless young people aged 16-19 years and there are quarterly monitoring meetings with Trafford Commissioners focused on performance indicators.

When placements are individually commissioned for young people Trafford Council will aims to commission Supported Accommodation from a provider that is on the PNW Leaving Care Framework which is facilitated by Placements North West (PNW). Providers on this contract have been through a procurement process which offers a level of assurance around a provider’s capabilities. There is a set of minimum standards for supported accommodation which all providers must meet and is monitored by PNW.

Trafford Council’s Commissioning Team undertakes a programme of Quality Assurance (QA) visits to current 16+ placements. The visits will be planned in throughout the year but the team is able to respond to concerns by visiting a provision outside of the QA programme. The QA Programme consists of desk top research on organisations, the provider completing self-assessment and returning to the commissioning team, followed by an on-site visit by the commissioning team to the provider to verify information provided in the self-assessment. Where there are any concerns the commissioning team will develop an action plan and revisit the provider once actions have been taken.

A summary of the findings from these Quality Assurance visits is presented to the DCS Safeguarding meeting on a monthly basis.

All Unregulated Providers are required to send weekly reports to the social worker and Commissioning Team.

**4. The referral, approval and funding agreement process**

Requests for placements in Unregulated Supported Provision should only be made if this is in accordance with the child’s care plan **or** if there has been an extensive search for a regulated placement and no suitable regulated placement has been identified. These requests should be made as part of the permanence planning process and should not be made on an emergency basis.

Agreement must be given for the use of an unregulated placement by the Strategic Lead for Children in Care or another member of the Senior Leadership Team.

If an unregulated placement is not consistent with the care plan for the child, a search for a more suitable placement should continue and the case must be reviewed at 16+ panel each fortnight in order to review the outcome of the ongoing placement search. Commissioning must be kept informed regarding the requirement for ongoing searches in these circumstances.

**Referrals to Forest Court and Daban House**

The Children’s Commissioning Team in Trafford will notify service managers and team leaders from all social care teams when vacancies arise at Daban House and Forest Court. Social worker / Aftercare Workers should discuss potential referrals with their manager ensuring that the young person is assessed as needing a ‘supportive’ not ‘caring’ role. If agreed, the referral is completed and signed by both worker and manager.  Referrals without a service manager signature will be returned. The referral is then sent to childrens.commissioning@trafford.gov.uk who will forward to the provider. Discussions between provider and social worker / PA regarding the young person will take place. The decision will be ratified at the next 16+ panel (social workers/PAs do not need to attend).

**5. Informing people with PR of unregulated placements**

All those with Parental Responsibility for the child who is being placed in an unregulated provision should be informed before the child is placed or within 24 hours of the placement being made.

**6. Urgent placements in unregulated provision when searches for children’s homes /fostering have failed and the preferred care plan is not an unregulated provision**

All children should have robust and considered Permanence Planning. Placement Requests for 16+ placements should be made in advance and should be presented to the 16+ Placement Panel. Social Workers should completed a 16+ Placement Panel Request form endorsed by their line manager and this should be submitted to the panel using the email address LACPanel@trafford.gov.uk.

It is recognised that on occasions emergencies arise which require placement moves to take place at short notice before the next panel. In these circumstances Social workers must complete a Placement Request form which must be endorsed by their Service Manager or Team Leader and sent to the Strategic Lead for Children in Care.

The Strategic Lead for Children in Care will record on LCS the decision that has been made and the reasons why the child has been placed in an Unregulated Placement.

**Maintaining an open referral for children who have an assessed need for a children’s home or foster placement**

If a child has been placed in an Unregulated Provision and this is not in accordance with his / her care plan a further referral must be made immediately so that a search can continue for a fostering or residential provision in house or external.

When a child in care age 16 or 17 is placed in Unregulated Supported Provision which is not in accordance with the care plan/ pathway plan for the child the social worker will:

* Undertake a visit to the placement prior to the child being placed (see Appendix two for details of what must be considered).
* The social worker or Aftercare Worker will undertake at least fortnightly visits to the child in placement to seek their views.
* Assess on each visit how the placement is managing any safeguarding issues.
* Make a further referral for the child to enable a search to continue for a foster or residential placement.
* Consider alternative placement options and assess whether a child should move to a regulated provision if it is found.
* Share any concerns regarding the provider should be shared with the Commissioning Team: childrens.commissioning@trafford.gov.uk

The service manager or team leader will make a management visit within 4 four weeks of the placement being made.

**7. Pathway Plan - Reviews for Relevant and Former Relevant Children**

Apart from ensuring that the Pathway Plan continues to respond to all the dimensions of the young person’s needs, one of the essential functions of this (first) review will be to establish that they have settled into their accommodation and that this is, in practice, suitable in the light of their needs. The Pathway Plan review should establish the service being provided is as commissioned, as well as explore the young person’s progress and consider whether the arrangements should be adjusted.

Any review should always be mindful as to whether there are any safeguarding concerns, such as:

• Child Sexual Exploitation (see Greater Manchester SCP, Safeguarding Children and Young People Abused Through Sexual Exploitation);

• Missing (see Greater Manchester SCP, Children Missing from Home and Care - A Standardised Approach to Dealing with Missing and Absent Children and Young People Across Greater Manchester);

• That the child may be a Victim of Modern Slavery, Trafficking and Exploitation (see Greater Manchester SCP, Children who are Victims of Modern Slavery, Trafficking and Exploitation);

• Gang related activity (see Greater Manchester SCP, Safeguarding Children and Young People Who May be Affected by Gang Activity);

• Radicalisation and Violent Extremism (see Greater Manchester SCP, Safeguarding Children and Young People Vulnerable to Violent Extremism);

• Or that the young person is being Bullied (see Greater Manchester SCP, Bullying).

The Local Authority must:

i. Arrange a review 28 days (or as soon as practicable thereafter) from the time the accommodation is provided; and

ii. Determine at what intervals (not exceeding 3 months) subsequent reviews will be carried out;

**Appendix One Unregistered and unregulated provision - what's the difference?**

The following is taken from the Government Blog from 8 July 2019 - **Unregistered and unregulated provision - what's the difference?**

***Unregulated provision is allowed in law. This is when children (usually over the age of 16) need support to live independently rather than needing full-time care. Ofsted do not regulate this type of provision.***

***It should be used as a stepping stone to independence, and only ever when it’s in a child’s best interests. For many children, it’s the right choice. Some children do not want to live with foster parents or live in a children’s home. For some unaccompanied asylum-seeking children this can be the right option too, but not for all.***

***Unregistered provision is when a child who’s being provided with some form of ‘care’ is living somewhere that is not registered with Ofsted. This is illegal. Once a provider delivers a care element as well as accommodation, they must register as a children’s home. It’s an offence not to.***

***What does ‘care’ mean? It is not defined in law. It is not just about the age of the child, although that’s a factor. It is about a child’s vulnerability and the level of help that they need. If a child does need care, then the service they’re getting is very likely to need registration as a children’s home. Certainly, if children are under constant supervision then this is likely to be ‘care’.***

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**Appendix Two**

[**http://www.legislation.gov.uk/wsi/2015/1818/schedule/7/made**](http://www.legislation.gov.uk/wsi/2015/1818/schedule/7/made)

**The Care Planning, Placement and Case Review (Wales) Regulations 2015**

**SCHEDULE 7Matters to be considered before placing C in accommodation in an unregulated setting under section 81(6)(d) of the 2014 Act**

**1.  In respect of the accommodation, the—**

**(a)facilities and services provided,**

**(b)state of repair,**

**(c)safety,**

**(d)location,**

**(e)support,**

**(f)tenancy status, and**

**(g)the financial commitments involved for C and their affordability.**

**2.  In respect of C, C’s—**

**(a)views about the accommodation,**

**(b)understanding of their rights and responsibilities in relation to the accommodation, and**

**(c)understanding of the funding arrangements.**