

# Unregulated and Unregistered Overview in context of the Unregulated Placing Children Policy

10 July 2023

When young people live in unregulated or unregistered settings, the local authority must take steps to ensure that their accommodation is suitable and that they are protected against any risks to their safety or welfare.

The unregulated placing children policy has been written in the content of the legal framework and can be found in appendix A.

## 1. Definition of unregulated and unregistered place to live

- Unregulated provision is allowed in law. This is when children (over the age of 16) need support to live independently rather than needing full-time care. Ofsted do not currently regulate this type of provision. However, within the ILACS framework, Ofsted will investigate this area of practice to ensure it is robustly managed, is subject to effective quality assurance and overseen by senior managers.
- Within South Gloucestershire unregulated provision would include all semi-independent settings and housing related support contracts as well as other provisions.
- 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.
  - Ofsted link - Register as a children's social care provider or manager: introduction - GOV.UK ([www.gov.uk](http://www.gov.uk))
- An unregulated place to live becomes unregistered if the child placed there is under 16 years old. If, when they turn 16 years old and children have ongoing care needs it will remain unregistered, if they do not have care needs it will become a legal unregulated place to live.
- A young person aged 16 and 17 placed in an unregulated placement that require a high level of support initially, will be classed and tracked as unregulated place to live. This will not be classed as an unregistered place to live providing there is no deprivation of liberty (DOL) application in which case for this policy will be classed as unregistered.
- There are some types of arrangements that are unlikely to obtain or require a registration; for example, where the children already have a regulated placement and stays with their carer's in other forms of accommodation such as hotels, tents, caravans for recreation and holidays. However, in the circumstances

where this is the only place to live for the young person and there is no other residential address even if it is on a temporary basis will be classed and tracked as an unregistered place to live.

- The law doesn't define what 'care' is. However, for guidance see appendix B for the examples of 'care' and 'support'

*\*this overview only extends to those young people in care and does not cover those young people aged 16-18 who are not in care but receive housing related support.*

## 2. Types of scenarios of unregulated and unregistered place to live

### 2.1. Semi-independent providers and supported accommodation

Under the ILACS framework Ofsted will inspect the following: 'When young people live in unregulated settings, the local authority takes steps to ensure that their accommodation is suitable and that they are protected against any risks to their safety or welfare'. Children **under 16 years of age or have care needs** should not be placed in a setting that is unregulated and should only happen in extra ordinary circumstances where other places to live are not available.

### 2.2. Children placed within family and friends fostering arrangements where the place to live is not compliant with fostering regulations (Regulation 24 and 25)

Children in Care who are living with family and friends as connected carers where they have not been approved by the fostering panel under the relevant fostering regulations, are also living in a place to live that is unregulated.

Children **under 16 years** of age or have care needs should not be placed in a place that is unregulated and should only happen in extra ordinary circumstances where other places to live are not available.

These places to live may have arisen in the following circumstances.

- A child is placed with relatives or family and friends, and a viability assessment has not been completed or signed off by the agency decision maker (ADM)
- Where a child is living with a family member, and this is a 'agreed formal family arrangement' but the local authority has been significantly involved in the arrangement e.g. advising parents that the child cannot be removed from the family member or that they need supervised contact.
- The temporary foster-care approval under Regulation 24 agreement has lapsed, in that it has gone beyond the 16-week assessment period and an extension for a further eight weeks under Regulation 25 (CPPCR Regs 2010), has not been sought from the fostering panel.
- The Regulation 25 agreement has lapsed after 24 weeks, and the completed full fostering assessment has not yet been presented to fostering panel within this timescale.

- The connected persons fostering assessment has been presented to fostering panel and panel have not recommended approval; the child remains in the care of the adults who are being assessed but are not approved.
- The Police have used their powers to intervene and remove a child from home into a place of safety for 72 hours; and have placed the child with a family or friend's where an initial viability assessment has not been completed.
- or any other that was unintended and happened under extenuating circumstances".

### **2.3. Placements made by the court (Regulation 38(6))**

- Placement that has not passed an assessment by a social worker to enable a child under the age of 16 a place to live with family and friends fostering arrangements under (Regulation 24 and 25) may be instructed by a court decision under regulation 38(6) to make the placement whilst further assessment is being undertaken.
- These placements are regulated by the court and not the local authority and will be therefore classed as an unregistered placement and tracked accordingly.

### **2.4. Place to live with Parents under a Care Order (Regulation 19)**

- Child subject to a Care Order/ Interim Care Order and placed with parents with no assessment completed in accordance with Regulation 17 and that has not received Regulation 19 approval by the Service Director of Children's Social Care.

There is a separate procedure to manage this scenario please refer to the TriX procedure [Link](#), however this type of place to live will also be tracked as an unregistered place to live.

### **2.5. Other accommodation types**

- Provisions such as temporary accommodation rented, Bed and Breakfast (B&B), hotel, caravan, unmoored boat accommodation staffed by social care and or agency staff will be classed and tracked as an unregulated place to live.

### **2.6. Out of hours Emergency Duty Team (EDT) (All regulation)**

If an unregistered or unregulated placement is made, out of hours in an emergency, then the authorisation will be made by the on-Call Service Manager. The ongoing decision procedure for the given scenarios above will then be followed up the next working day.

### 3. Decision Procedure

#### 3.1. Agreed high level decision procedure

If a place to live of the above scenario types is needed; it is expected that each child's circumstance will be set out clearly in the unregulated and unregistered place to live notification form (appendix C) and logged on the unregulated and unregistered tracker log spreadsheet by the social worker and or team manager and will be considered by senior managers and presented to the Executive Director of People for a decision before an agreement is given. for the place to live with the following issues covered.

- The reason that the child was unable to live in a registered home, including in-house provision and external settings.
- Whether searches have been undertaken, for how long and whether they are still being pursued.
- A brief synopsis of the child's legal status, his/her needs and how the current place to live is meeting them, addressing risks and preparing the child to move on to a more suitable place to live as soon as practically possible.
- The nature of the setting and the level of staffing provided.
- When the place to live started and the cost.
- The implications for deprivation of liberty for the young person in relation to their age and whether an order has been made, sought or being applied for
- How long the place to live is planned to last and what steps are being taken to move the child into a stable, legal arrangement; including where providers have agreed to apply for registration as a children's home.
- The type and date of the most recent risk assessment.
- The Head of Service and Service Director of Children Social Care recommendations and comments.

The Executive Director of People decision recommendations and comments will be captured and recorded for all unregulated and unregistered places to live on the unregulated and unregistered place to live notification form (appendix C) and logged on the unregulated and unregistered tracker log spreadsheet. The notification form will be added to the young person's file on Mosaic by the Team Manager as part their management oversight.

All unregistered placements will also require a delegated decision report to be completed by the Head of Service and verified and signed off by the Executive Director of People this is to ensure all key services such as Legal, Finance and Equalities have been consulted and their feedback incorporated into the decision-making process prior to the sign off. Appendix F DDR front sheet and Appendix G Unregistered placement delegated decision report must be completed and coordinated by the HoS.

Please note legal comments must be obtained and the front sheet and DDR report must be emailed to Simon Banks cc: [LegalSupport@southglos.gov.uk](mailto:LegalSupport@southglos.gov.uk) and their response recorded before The Executive Director of the Department for People is able to sign off this report.

Where required, notification to Ofsted of an unregistered setting will be authorised by the Executive Director of People and actioned by the Service Director of Children's Services using Appendix E.

#### **4. Staff awareness and ongoing briefing**

4.1. The Commissioning and Partnership Service and Social Care Locality and Corporate Parenting Service have produced a joint briefing paper to complement this policy and procedure document outlining the responsibility to meet the legal requirements.

The briefing will be shared at regular intervals at Service and Team briefing and will form part of any new induction to ensure staff are fully aware of their duties.

#### **5. Social Work practice; guidance for teams**

- When a young person is placed in an unregulated setting, there is a requirement to notify the appropriate Service Manager, as soon as the place to live starts; and to notify the relevant managers and senior managers within the timescales set in appendix D; guidance for teams.
- When a young person is planned to be placed in an unregistered setting, there is a requirement to notify the appropriate Service Manager, before the place to live starts to seek approval as identified in the scenarios and decision procedure above; and to notify the appropriate managers and senior managers within the timescales set in appendix D; guidance for teams.

#### **6. Management oversight and senior management scrutiny and reporting**

##### **6.1. Management oversight unregulated and unregistered place to live**

- When a young person is placed in an unregulated or unregistered setting there is a mandatory requirement for the team manager's weekly oversight and monitoring to be recorded on MOSAIC, with daily contact between the young person's social care team, the place to live and the young person although the frequency will depend on circumstances for unregulated placement. This is checked weekly by the appropriate Service Manager.
- Team managers and Service managers would need to present a fortnightly update for each child in their area to the unregulated and unregistered tracker meeting for as long as the place to live remains unregulated or unregistered attend. Social workers will need to send updates to the business support person the week before the meeting so the tracker log can be updated.
- There will be a mandatory requirement for the young person to be visited at the placement and seen alone on a weekly basis until the placement ends.
- The unregulated and unregistered place to live notification form (appendix C) must be completed by the appropriate Service Manager, approved by a Head of Social Care Locality and Corporate parenting or Head of Service for Preventative/ART/0 - 25 Disability and EDT and signed off by the Service Director of Children's Social Care and logged on the unregulated and unregistered tracker log spreadsheet.
- There is a requirement for Team Managers to complete a management oversight note on MOSAIC when an unregulated or unregistered arrangement ends. This will be endorsed by the appropriate Service Manager.

- Head of Social Care Locality and Corporate Parenting will be the custodian of the list of children living in an unregulated or unregistered place to live and this will be updated daily.
- The unregulated and unregistered tracker meeting will oversee the children or young people who may need an unregulated or unregistered place to live and for any child or young person not to proceed and if already placed remain in an unregistered or unregulated place to live without approval from the Executive Director of People.
- The unregulated and unregistered tracker meeting also scrutinises the plan to ensure the young person's needs are being met safely; ensure Deprivation of Liberty is tested and legal advice is sought; and permanence is being progressed. The unregulated and unregistered tracker meeting notes applicable to the young person will be added to the young person's record in Mosaic by Business Support.
- The unregulated and unregistered place to live notification form (appendix C) will be added to the young person's file on Mosaic by the Team Manager as part their management oversight.  
Any required notice to Ofsted will take place and be recorded in the unregulated and unregistered tracker log by the Service Director of Children's Social Care.

## 6.2. Other scrutiny across the system.

- Regular auditing and monitoring of unregulated and unregistered places to live will be conducted by the corporate auditing team including senior leadership scrutiny and monitoring.
- Report to senior leadership team by the Policy & Procedures & Quality Assurance Manager as a standing item monthly and link to agenda item on performance
- Report to Corporate Parenting Board by the Head of localities and Corporate Parenting on a quarterly basis.
- Monthly meetings with Service Leads to review practice and trouble shoot problems and sharing learning chaired by Head of Localities & Corporate Parenting.

## 7. Document Control

Document title:	Unregulated and Unregistered Place to Live Overview in context of the unregulated Placing Children Policy
Date approved:	05/07/23
Approving persons:	<u>Shanti Eaves</u>
Last review date:	July 2023
Next review date:	July 2024
Document owner:	Head of localities and Corporate Parenting