

# People and Health Overview Committee

14 September 2023

## Ofsted Regulation of Supported Accommodation for 16- and 17-Year Olds

### For Recommendation to Cabinet

**Portfolio Holder:** Cllr B Quayle, Children, Education, Skills and Early Help

**Local Councillor(s):** All

**Executive Director:** T Leavy, Executive Director of People - Children

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**Report Status:** Public

#### Brief Summary:

This report provides an overview of the implementation of a new national policy in relation to the regulation of supported accommodation for 16- and 17-year-olds. Supported accommodation is a form of accommodation or semi-independent living for 16- & 17-year-olds who are ready to start living with more independence and do not require significant levels of care. This can include children in care, care leavers and 16 and 17 years old who present as homeless to the Local Authority but do not need to come into care. It is different to the provision of care which is provided in Ofsted registered children's homes, kinship care and foster care and has not previously been subject to any form of regulation by Ofsted.

From October 2023, all providers of supported accommodation will be required to register with Ofsted and adhere to mandatory national Quality Standards. Ofsted propose to begin inspections of supported accommodation provision in April 2024.

The report will set out the background to this new regulation and inspection regime, our approach to the use of this provision; the current use of such accommodation by Dorset Council both within our internal Fostering Service and our externally commissioned services and progress towards Ofsted registration.

## **Recommendation:**

1. The People and Health Committee is invited to comment on the approach to implementation of the national policy and the progress to date.
2. The People and Health Committee recommends to Cabinet that this approach is adopted by the council.

## **Reason for Recommendation:**

To ensure compliance with the latest legislation and any subsequent regulation / statutory guidance.

## **1. Introduction and Background**

- 1.1 This report provides an overview of the implementation of a new national policy in relation to the regulation of supported accommodation for 16- and 17-year-olds. Supported accommodation is a form of accommodation or semi-independent living for 16- & 17-year-olds who are ready to start living with more independence and do not require significant levels of care.
- 1.2 The government first began consultations regarding the regulation of Supported Accommodation back in 2020 due to growing concerns about the increased use of this type of provision by many local authorities. There were concerns that it was sometimes being used for children aged under 16 years and for 16- and 17-year-olds who were not ready for the level of independence associated with supported accommodation along with evidence of varying levels of quality being provided to young people. In February 2021 Ofsted announced the first series of steps regarding the regulation of such provision.
- 1.3 Alongside this, the government also announced a ban on the placement of under-16s in provision that is not registered with Ofsted. This came into effect in September 2021 and they went on to legislate to give Ofsted additional powers to act against illegal unregistered children's homes. The result of this is that action can be taken against any provider of such provision and Directors of Children Services who make any such unlawful placements.
- 1.4 In August 2023, Ofsted issued [additional guidance](#) about the requirements for registration of placements for children subject to Deprivation of Liberty (DoL) orders, making it clear that these settings must also register with Ofsted. Unfortunately, due to lack of sufficient registered provision across the country unregistered placements or supported accommodation has been used to place children. Agreement of the courts to deprive the liberty of a child enables restrictions on a child's freedom, with the intention of keeping them safe. In these circumstances, the Ofsted guidance indicates that due to the level of care that these children are likely to require, that these settings should register to become a

children's home, and that a supported accommodation, even with the new regulations will not usually be sufficient.

- 1.5 Through the regulation of supported accommodation for 16- and 17-year-olds, it is anticipated that the quality of service that they can expect to receive will be strengthened. The registered manager must hold relevant qualifications and experiences to run a supported accommodation service and therefore it would be anticipated they would have a better understanding of young people's needs and how to respond appropriately. Supported accommodation providers will be required to have a formal complaint process in place for young people. Ofsted's scrutiny of how well providers have responded to young people and implemented learning from these complaints will help to improve the service to young people. In addition, these new regulations have offered greater clarity on the type of support being offered, making it easier to ensure that the right young people are placed in the right type of placement.
- 1.6 Ofsted opened the registration in April 2023. Providers currently operating a supported accommodation must apply to Ofsted no later than 28th October to continue running a service legally.

## **2. Our approach to the use of supported accommodation in Dorset**

- 2.1 In Dorset, we seek to support our children in care to remain in foster care or a residential children's home until they are 18 years of age and for many we aim to support them to stay with foster carers beyond their 18<sup>th</sup> birthday in appropriate through 'Staying Put' arrangements or close to their residential children's home through 'Staying Close' arrangements. We do not place children under the age of 16 in provision that is not registered with Ofsted.
- 2.2 For some young people, however a move to supported accommodation on their path to independence is the most suitable plan for them. If following a review of a young person's care plan, a planned move to supported accommodation is suitable this is approved by the Service Manager and ratified by the child's Quality Assurance Reviewing Officer (QARO) as part of a change to the young person's plan.

## **3. Registration Requirements**

- 3.1 It is imperative that all supported accommodation settings are safe places where children are protected from harm and where their individual needs are met. Supported accommodation should offer stability and consistency, enable continuous access to local services including education and healthcare, and should facilitate the development of strong relationships within the local community. Supported accommodation should promote positive self-esteem, protect against stigma, and support young people to access opportunities.

3.2 All supported accommodation settings must fall into one of the categories set out in the Regulations. There are four distinct categories of Supported Accommodation and providers can register for more than one type of provision. These are:

- **Supported accommodation in a self-contained unit.** This includes bedsits and self-contained flats and is designed for the sole use of the young person placed there and others from their family unit.
- **Shared or group living limited to children in care and care leavers.** This is shared accommodation, where young people have their own bedroom but share communal areas such as living room/kitchen. Care leavers over 18 years can be accommodated here too.
- **Shared or group living not limited to children in care and care leavers.** This is shared accommodation similar to that described above but where other people who are not children in care and care leavers can be accommodated too.
- **Supported accommodation provided by an individual or individuals in a private residence.** This is where a private individual offers a room in their family home. These arrangements are typically coordinated by a supported lodgings provider which recruits and supports a network of supported lodgings hosts.

3.3 To register supported accommodation with Ofsted, a range of requirements have been set out regarding the experience and qualification of individuals running the provision and following a [consultation with the sector](#), four quality standards to be met. Further detail is provided in the background papers: [Guide to the Supported Accommodation Regulations including Quality Standards](#). These quality standards are:

- The leadership and management standard
- The protection standard
- The accommodation standard
- The support standard
- The Statement of Purpose

## 4. The Inspection Framework

4.1 Ofsted will begin to inspect providers in April 2024, and will consider the following to make a judgement: overall experiences and progress of children; how well children are helped and protected and the effectiveness of leaders and managers. They will inspect the Head office of a provider not individual settings where young people live and will give 2 working days notification to the registered manager that an inspection will be taking place.

4.2 Whilst Ofsted are consulting on the inspection process currently, they have indicated that the first round of inspections will receive one of the following

outcomes and associated approximate time limits for reinspection. Ofsted recognise there is no national benchmarking currently with respect to quality and as they progress and learn from experiences inspection judgements will be updated.

- Consistently strong service delivery leads to typically positive experiences and progress for children. Where improvements are needed, leaders and managers take timely and effective action. The timeframe for next inspection will be within 3 years.
- Inconsistent quality of service delivery adversely affects children's experiences and limits their progress. Leaders and managers must make improvements. The timeframe for the next inspection will be within 18 months.
- Serious or widespread weaknesses lead to significant concerns about the experiences and progress of children. Leaders and managers must take urgent action to address failings. The timeframe for the next inspection will be within 6 months.

## **5. Registration of Dorset Council Provision**

- 5.1 Dorset Council recruits and supports a network of supported lodgings providers and therefore are considered to be a Supported Lodgings Provider and must register this provision with Ofsted. The Supported Lodgings service is managed and overseen by the Dorset Fostering Service and is currently supporting a total of 21 households who provide supported lodgings care to 23 young people, aged between 17 and 23 years old and is currently assessing a further 2 households.
- 5.2 Activity is currently underway to ensure that the service has all the necessary requirements in place for registration, including the appropriate policies and procedures in line with the regulations and completion of location risk assessments for each household.
- 5.3 The identification of the registered manager has been completed. This role will be undertaken by the Fostering Service Manager and will ensure compliance with the regulations. All registration documents will be submitted by 8<sup>th</sup> September 2023 in order to ensure that the Ofsted deadlines are met and the provision of the service can continue.
- 5.4 The council does not currently operate any other forms of supported accommodation for 16- and 17-year-olds, however if any further provision is developed as part of our Sufficiency Strategy in the future, the pipeline for development of new provision will need to account for this registration process.

## **6. Registration of externally commissioned provision Dorset**

- 6.1 Dorset Council went live with a new framework contract of local supported accommodation providers in April 2023, which can accommodate and support up to 85 young people aged 16 to 25 years including children in care, care leavers or

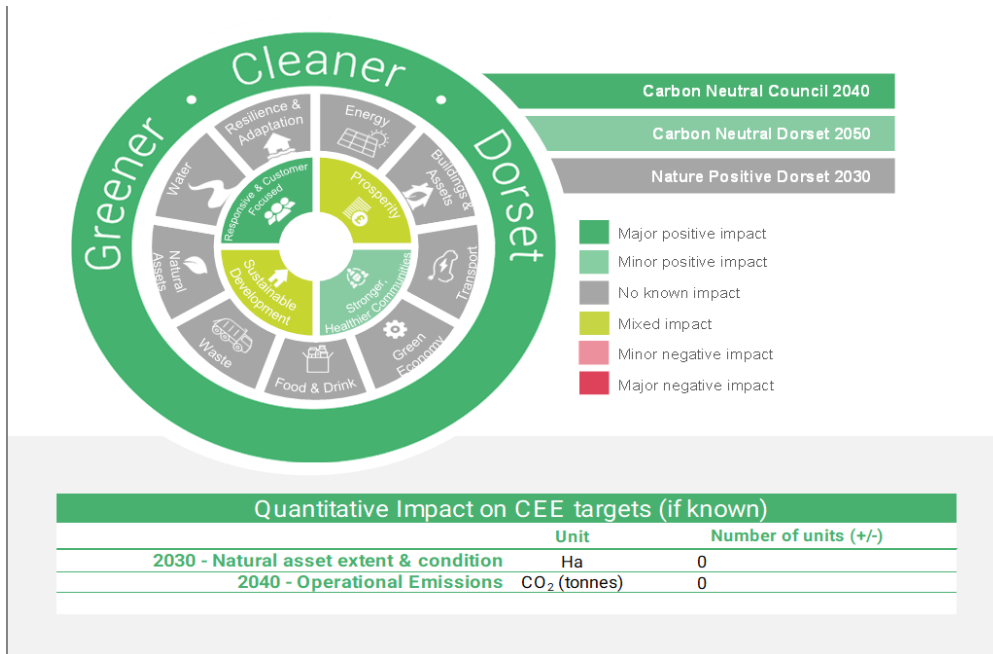
16- and 17-year-olds at risk of homelessness. We have further arrangements with additional Supported Accommodation providers where we commission for individual young people through spot purchasing arrangements when our framework is unable to provide for young people or where they are living outside of Dorset and want to remain in that area.

- 6.2 All of our supported accommodation providers are aware and have acknowledged the upcoming requirement to register and we have signposted them to the Ofsted Guidance. Weekly oversight of progress towards registration is underway. 3 providers who only provide accommodation to over 18s have indicated that they will not register and 2 providers from the framework have already submitted registration and provided evidence.
- 6.3 During August, meetings are taking place with all providers to understand progress and to ensure compliance with timescales. If providers are unable or unwilling to register with Ofsted by early September, we will be required to seek alternative homes for any young people placed in this provision. We will do everything we can to support providers with their registration in the intervening period, in order to support stability for our young people. However, it will be unlawful for any young people to be in a provision that is not registered with Ofsted or in the process of being registered from October 2023 so we must take timely action to ensure that young people are in appropriate provision.

## **7. Financial Implications**

- 7.1 To aid the registration process local authorities have been awarded a grant to support the costs incurred by these new regulations. Dorset Council has been awarded a total of £333,378 to be paid in four instalments, the first of which was received in April 2023. To date we have used this grant to purchase the full range of policies and procedures and to undertake the work Ofsted require us to be compliant with the new regulations.
- 7.2 There is a financial cost to registration with Ofsted, which is dependent on the size of the undertaking. Dorset Council Supported Lodgings Scheme is classified as a large undertaking and therefore will be required to pay a total of £5,500 for registration. The grant will also be used to cover this payment. Additional oversight and quality assurance will also be required to ensure compliance with the regulations and to prepare for Ofsted Inspections.
- 7.3 External providers of supported accommodation will also incur costs associated with regulation and may increase fees as a result. This will be monitored closely and the grant used to offset any increase in fees, particularly, in spot purchased supported accommodation arrangements.

## 8. Environment, Climate & Ecology Implications



## 9. Well-being and Health Implications

By regulating this form of accommodation for young people will only strengthen the standards expected of carers and providers of such accommodation which can only lead to an improved service for young people and their outcomes.

## 10. Other Implications

N/A

## 11. Risk Assessment

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

## 12. Equalities Impact Assessment

As part of their consultation on the new inspection regime, Ofsted published an [Equality Impact Assessment](#). They do not foresee and do not believe the three outcome's judgements will impact the 9 protected characteristics defined in the Equality Act 2021.

### 13. Appendices

13.1 Appendix 1: Accessible Table Showing Impacts

13.2 Appendix 2: Table of Recommendations

### 14. Background Papers

- a. Ofsted warning against use of unregistered children’s homes: Available at: <https://www.gov.uk/government/news/ofsted-warns-against-use-of-unregistered-childrens-homes#:~:text=Ofsted%20has%20issued%20a%20fresh,orders%2C%20in%20unregistered%20children%27s%20homes.&text=Children%20subject%20to%20deprivation%20of,of%20skilled%20care%20and%20supervision>.
- b. Government response to the consultation on regulating supported accommodation for looked after children and care leavers aged 16 and 17: Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1145589/Supported\\_accommodation\\_-\\_government\\_response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1145589/Supported_accommodation_-_government_response.pdf)
- c. Guide to supported accommodation regulations including quality standards: Available at: [Providing supported accommodation for children and young people - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1145589/Supported_accommodation_-_government_response.pdf)
- d. [Equalities impact assessment: inspections of supported accommodation for looked after children and care leavers aged 16 and 17 - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1145589/Supported_accommodation_-_government_response.pdf)

### Appendix 1: Accessible Table Showing Impacts

#### ACCESSIBLE TABLE SHOWING IMPACTS

Natural Environment, Climate & Ecology Strategy Commitments	Impact
Energy	No known impact
Buildings & Assets	No known impact
Transport	No known impact
Green Economy	No known impact



Food & Drink	No known impact
Waste	No known impact
Natural Assets & Ecology	No known impact
Water	No known impact
Resilience and Adaptation	No known impact

<b>Corporate Plan Aims</b>	<b>Impact</b>
Prosperity	neutral
Stronger healthier communities	minor positive impact
Sustainable Development & Housing	neutral
Responsive & Customer Focused	strongly supports it

## Appendix 2: Table of Recommendations

### TABLE OF RECOMMENDATIONS

Recommendations	Responses -will this be incorporated into your proposal? How? And if not, why not?
<b>Energy</b>	
No recommendations found for this category	
<b>Buildings &amp; Assets</b>	
No recommendations found for this category	
<b>Transport</b>	
No recommendations found for this category	
<b>Green Economy</b>	
No recommendations found for this category	
<b>Food &amp; Drink</b>	
No recommendations found for this category	
<b>Waste</b>	
No recommendations found for this category	

<b>Natural Assets &amp; Ecology</b>	
No recommendations found for this category	
<b>Water</b>	
No recommendations found for this category	
<b>Resilience &amp; Adaptation</b>	
No recommendations found for this category	