

Consultation

CoramBAAF submission to the consultation on Regulating supported accommodation for looked after children and care leavers aged 16 and 17

9 February 2023

Introduction

The Department for Education recently held a consultation on Regulating supported accommodation for looked after children and care leavers aged 16 and 17. CoramBAAF submitted a response to this consultation.

Below are responses that we submitted to specific questions within the consultation.

Please see below CoramBAAF's responses to questions in relation to the consultation Regulating supported accommodation for looked after children and care leavers aged 16 and 17.

To what extent do you agree with the proposed 'Leadership and Management Standard' and supporting guidance? Please provide details to explain your answer.

Within the leadership standards there is nothing about interagency work, working with the local authority or commissioning body. If a child is a Looked After Child there would need to be an expectation to be part of Looked After Children reviews, engagement with the child's social worker and other multi-agency work. Aspects of this are covered in the protection standard. However, there should be further evidence of this within the leadership standard due to the important role this plays in supporting a child.

To what extent do you agree with the proposed 'Protection Standard' and supporting guidance? Please provide details to explain your answer.

Below are some observations in response to some of the protection standards as set out. We would suggest within protection standard 2 (a) (iii) there should also be the following: should have an understanding of the child's individual needs, any risks associated with them and others and have their individual needs met. We would suggest within standard 22 (f) (v) there should also be the following: should have an understanding of who the child's core relationships are, who is considered safe and appropriate for the child to have a relationship and any known risks in respect of the child's relationships. For each child who is looked after, staff should know who their social worker is and who to contact if they have a concern about the child or their safety.



To what extent do you agree with the proposed ‘Accommodation Standard’ and supporting guidance? Please provide details to explain your answer.

It is not clear as to whether some of the non-permanent settings will comply with the “accommodation Standard” e.g. would a child on a narrow boat or caravan comply with health and safety legislation? Would a caravan or narrowboat be considered safe, secure and well-maintained? In most instances you would not expect these non-permanent settings to be able to comply with this standard. When completing a location assessment guidance in relation to children’s homes guidance says to consider “whether there are environmental factors that would represent a hazard to children, such as locations near level crossings or busy roads.” A narrow boat on water presents a drowning hazard. It is unclear how such provision could meet the standards as set out.

To what extent do you agree with the proposed ‘Support Standard’ and supporting guidance? Please provide details to explain your answer.

One of the standards says to: “Maintain a system for monitoring and improving the quality of support provided by completing a review (“the quality of support review”) at least once every six months, which demonstrates that the support provided is informed and improved by” Where possible we would suggest this review should be sent ahead of any Looked After Child review rather than in addition to it. There will likely be useful information about the child, their experiences and the support that they have received that could be considered in the Looked After Child review.

Are the Quality Standards or the Guidance missing anything that you would expect of any provider of supported accommodation? Please provide details to explain your answer.

Providers need to have a clear understanding of the different policies and procedures relating to different children. E.g. those accommodated under s.17 and those under s.20 for instance. There seems a general lack of what happens if the provider knows it is not meeting or is unable to meet aspects of the standards. For instance some standards may not be able to be met at any one time. An example could be if for some reason there is a lack of staff available. Another example could be what happens if it is difficult for a child to access local education, health service due to the location of the accommodation. The consequences of knowingly not adhering to the standards are not clear. There is little about supporting a child’s identity and culture within the setting and any standard in relation to this. This could be as simple as personal care, cooking, access to cultural events, religious events etc. The child’s identity should be encouraged and promoted.

Do you agree that this is the right approach to regulating mobile and non-permanent settings? Please provide details to explain your answer.

It is unclear how most non-permanent setting would comply with the standards as outlined. That being the case, the question is what happens when the standards are not met.



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

It is not clear within the guidance what would be considered as suitable training for a member of staff to restrain a young person. It is also not clear how recently the member of staff would need to have been on such training for this approach to be considered. If restraint is used against a child in supported accommodation there is no suggestion of notification required to the local authority in the approach outlined. If there was an incident that involved a member of staff restraining a child it would be important for the child's social worker to be notified. The use of restraint may indicate escalated risks for the child or risks to other children and staff. That restraint had been used may also indicate something about practice and issues within the accommodation setting that commissioning organisation or local authority may need to be aware of.

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? Please provide details to explain your answer.

The nature of the poorest quality accommodation can be that it is temporary. In some situations where there is poor practice companies may take over short leases and fail to invest in the buildings. These settings are less likely to be picked up on 3-year inspections of providers. It is important that Ofsted are told where children are being placed and are able to check on the provision on registration or notification.

What do you believe any potential unintended consequences of these reforms will be? We will use this input to inform our work with the sector. Please explain your answer here.

Legal

There is a legal error in the introduction on page 3 of the consultation - Young people age 16 or 17 can consent to their own accommodation under s20(11), but there is no provision allowing them to discharge themselves from care.

There should be a requirement to follow the Practice Guidance: "Placements in unregistered children's homes in England or unregistered care home services in Wales" - (<https://www.judiciary.uk/guidance-and-resources/practice-guidance-placements-in-unregistered-childrens-homes-in-england-or-unregistered-care-home-services-in-wales-2/>) where children are placed in supported accommodation under the inherent jurisdiction or where there is an order authorising Deprivation of Liberty.

Overall

The core issue linked to the duties and responsibilities of the State in relation to young people who cannot live with their parents and/or wider family, is the safety, welfare and development of each young person, determined by their individual needs, circumstances and history. There will be specific issues arising from the transition from early and middle childhood through to adolescence and into



adulthood. For some children and young people their early life will have been deeply influenced by uncertainty, stress, trauma and degrees of deprivation. This may include periods in care resulting from the risks they experienced at home.

The plan for the child or young person should be focused on fully understanding their experiences and identifying their needs, including recovery. Plans that address the long term recovery needs of the child and young person through to adulthood and beyond are required in any placement. Within the standards proposed there is limited information about how the young person's assessed needs, and any subsequent plan linked to those needs, will be met in that setting.

According to DfE figures published in 14 July 2022 almost a third of all looked after children aged 16 to 17 (32%) were living independently or in semi-independent living accommodation in England at 31st of March 2021. The majority of looked after children aged 16 to 17 living independently or in semi-independent accommodation were male (67% and 70% respectively at 31st of March 2021). The consultation states that "The Government is clear that this type of provision is not automatically the right choice for children aged 16 and 17 and where children of this age have needs that would best be met in a children's home or foster care placement, that is where they should be." There is a risk that an unintended consequence of regulating this type of accommodation is that supported accommodation becomes the "norm" in terms of the arrangements for 16-17 year old looked after children.