

**Unregistered Placement Guidance**

(December 2023)

This guidance defines what an unregistered placement is in relation to children’s services placements. It outlines the processes undertaken when considering such placements, the risk mitigations and oversight in place.

**Definition and actions required**

**This guidance should be used for ALL placements of children under 18 in UNREGISTERED provision including both care arrangements and supported accommodation.**

**Unregistered**provision is when a child under the age of 18 yrs is provided with **‘care’** in provision that is not registered with Ofsted. **The local authority must not place any child under 18 in a setting which provides care and is not registered with Ofsted.**

***As of 28th October 2023, the requirement was extended so that any supported accommodation provider accommodating a young person 16 or 17 years old for whom the local authority has a duty to accommodate or arrange accommodation must also be registered with Ofsted.***

**The guidance is applicable when bespoke care packages are used for children in their own homes (or in exceptional circumstances temporary accommodation) which involve the commissioning of staff from private agencies. This is an unregistered care arrangement.**

This guidance applies to unregulated Connected Persons (Reg. 24) Placements: This is when a fostering assessment concludes that the connected carers do not meet fostering standards, even with extra support or if the assessment is not completed within timescale, or approval not granted by Fostering Panel.

Relevant guidance and legislation are set out below:

Guide to registration for children’s social care services, Ofsted, 2015: [www.gov.uk/government/publications/guide-to-registration-for-childrens-social-care-services](http://www.gov.uk/government/publications/guide-to-registration-for-childrens-social-care-services)

The Children Act 1989, section 105 (1), HMSO 1989:

[www.legislation.gov.uk/ukpga/1989/41/contents](http://www.legislation.gov.uk/ukpga/1989/41/contents)

Guide to the supported accommodation regulations including quality standards March 2023:

[Guide to the Supported Accommodation Regulations including Quality Standards (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1145117/Guide_to_the_supported_accommodation_regulations_March_2023.pdf)

Young people aged 16 and 17 who are homeless should also be considered under the following guidance.

<https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation>

**Children under 18 should not be placed in settings which are not registered with Ofsted**. However, given the current context of a general shortfall of sufficient, suitable places for looked after children, and an even greater challenge for those with the highest level of needs, it is recognised that it may be necessary to accommodate a child in temporary arrangements which are less than ideal. In such circumstances all efforts should be made to secure strong oversight and to ensure regular monitoring of what should be short term arrangements to satisfy that each child’s welfare is safeguarded.

In assessing the needs of any children being considered for an unregistered placement we must be able to demonstrate that we have done everything reasonably possible to meet statutory duties and responsibilities for each child.

Should there be a need to request approval to place a child under 18 in an unregistered provision (either a care arrangement or supported accommodation) then **Executive Director approval must be obtained prior to placement.**

The placement approval form in ***Appendix 1*** will be completed to highlight the steps taken to obtain a registered placement and the steps being taken to safeguard the child’s welfare, this will be sent to the Executive Director for their consideration.

If an unregistered placement is agreed the following best practice must be in place to ensure the needs of the child are fully addressed.

# Officers within the commissioning team will retain a focus on the providers actions to become Ofsted registered.

# Subsequent reviews should consider progress of registration arrangements

# Enhanced IRO oversight required

# Quality Assurance visit undertaken by the QA Team to obtain a view on the strength of practice in the provision, to highlight weakness and enforce a clear action plan if required

# Provision provides weekly reports to social work team

# Planning meeting chaired by Team Manager/Practice Supervisor with provider within 5 days of placement.

* The social worker will visit the placement within agreed timescales to review how it is meeting the needs of the child and highlight any concerns if they arise. ***Social work visits should take place weekly for children placed in unregistered settings unless agreed by the Team Manager (and recorded with a rational on the child’s record).***
* Continue to explore if child can be moved in a managed way into registered accommodation.
* Locality Scrutiny Panels should be used to ensure that oversight is in place for children which is appropriate to the level of risk in the unregistered arrangement.

For unregulated connected persons (Reg. 24) placements, the placement authorisation form in ***Appendix 2*** should be completed instead of Appendix 1. Enhanced IRO oversight and social work visits should be considered where risk is identified.

## Unregistered log updated by Commissioning

* Commissioning maintains a log that includes identified move on plans (as specified in the PAF) for all externally sourced commissioned placements outside of the block contract arrangement. All of these placements will have been secured via the Central Placements placement finding route.

**Additionally, for children under 16 placed in an unregistered setting:**a weekly Gold Meeting will be arranged to consider the needs of any child under 16 years who has been placed in an unregistered placement. The purpose of the meeting is to support finding solutions and action planning to safeguard positive outcomes for children. It will enable senior leaders to be sighted on the risks including the potential for unlawful arrangements to be accounted for.

The terms of reference for this meeting are attached:



## The following reporting mechanisms are in place:

* The Commissioning Service will provide monthly statistics around commissioned unregistered and crisis placements.
* The Commissioning Team maintains a placement log of all those in crisis and unregistered placements which will be routinely updated.
* The Commissioning Team will update the Assistant Director Early Help and Safeguarding of monthly activity for such placements.
* Assistant Director Early Help and Safeguarding will update Children’s Services Senior Management Team

# Notification to Ofsted

The local authority MUST notify OFSTED of all children under 18 who are placed in an unregistered setting. The Head of Service with case holding responsibility should email Ofsted at EYRegulatoryandSocialCare@ofsted.gov.uk using the template provided in *Appendix 3*

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#  Placement Authorisation Form: agreement to place a child in an agency placement or unregistered arrangements

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This form should be completed for ALL agency residential placements, agency supported accommodation placements and agency foster placements costing over £1000 per week and placements under £1000 pw which are ‘at a distance’ \*.

**This approval form should also be used for placements in UNREGISTERED provision of any description including bespoke care packages for children in their own homes or in exceptional circumstances temporary accommodation which involve the commissioning of staff from private agencies.**

**All providers of accommodation for children in care or care leavers up to the age of 18 must be registered with Ofsted. *As of October 2023, the requirement was extended so that any supported accommodation provider accommodating a young person 16 or 17 years old for whom the local authority has a duty to accommodate or arrange accommodation must be registered with Ofsted.***

Once authorised, please send the completed version of this form to Central.Placements@Derbyshire.gov.uk as soon as possible. Without this form, CPT are unable to secure the placement – meaning that the child cannot move, and delays could result in the placement being lost.

***\*This form also addresses the duty for the Director to approve children placed at a distance: defined as a placement within a local authority which does not directly border Derbyshire. This is a definition provided by legislation & regulation***

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| **PIN:** |  |
| **Name and D.O.B of Child/Young Person:** |  |

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| **TYPE OF PLACEMENT BEING REQUESTED** | ***Y / N*** |
| **Agency residential placement** |  |
| **Agency fostering placement (IFA)** |  |
| **Registered supported accommodation** |  |
| **Any unregistered care provision** |  |

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| **Name and Address of Proposed Placement:** |
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| **Most Recent Ofsted Rating (please attach Ofsted report):****If the proposed placement is not registered with Ofsted, explain the type of accommodation and why it is not registered.****Is the provider going to register with Ofsted?** |
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| **Is education provision required?**  |  |

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| **Education provision being provided: i.e. Mainstream, Special School, other. MUST be Registered with a DfE number. What is the current Ofsted judgement? (Please attach Ofsted report):** |
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| **For external provision include the cost of Proposed Placement** **£** **per week** |  |

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| **Detail the factors which have been considered in bringing the child into care *(if this is a new placement)*** **What alternative arrangements have been considered within the family?****Could risks be mitigated if the child was to remain in the family?** **(a synopsis of current decision making should be included to clarify the position i.e. PLO, Court, CP conference)** |
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| **Why is this placement being suggested for the child?** **What alternatives have been considered and ruled out and why?** |
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| **Needs of Child/Young Person** | **Placement Positives** | **Placement Negatives** | **Solutions** |
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| **How will this placement contribute to the child/young person’s overall Care Plan?** |
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| **How will we ensure the young person is kept as safe as possible in this placement? (e.g. advocate, SW visiting patterns, independent visitor, additional statutory reviews, contact with the provider etc.)** |
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| **Young person and parents’ views and agreement regarding the placement:** |
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| **Checklist (where applicable)** | **Y** | **N** | **N/A** |
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| I have consulted the area authority where I am considering making the placement, in good time to enable a thorough assessment of appropriateness. |  |  |  |
| I have consulted the child’s named Independent Reviewing Officer (IRO) before the final decision was made about making an out of authority placement, to enable the IRO to discuss the proposed arrangements with the child. |  |  |  |
| The child’s wishes and feelings have been recorded in relation to this placement. |  |  |  |
| Where appropriate the child’s relatives or parents have been consulted.  |  |  |  |
| The children’s home Statement of Purpose has been reviewed and considered? (Only applicable to placement in a children’s home OOA). |  |  |  |
| An assessment of the arrangements which will need to be put in place to enable the child to access services (such as primary and secondary health care) has been conducted. |  |  |  |
| The availability of specialist health services (such as CAMHS) has been researched. |  |  |  |
| The designated nurse for looked-after children in the area authority has been contacted for advice and information.  |  |  |  |
| The Virtual School Head for looked-after children in the area authority have been asked advice about access to school support.Derbyshire Virtual School have been included in sourcing the education in all cases. |  |  |  |
| The safeguarding unit of the children’s services in the area authority has been contacted, to seek intelligence and any risks associated with the identified placement area e.g. any risks related to CSE |  |  |  |

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| **Name of Social Worker:** |  |

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| **Name of Team Manager:** |  |
| **Team Manager’s comments (Please indicate what efforts have been made to look for an “in-house” placement):**  |

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| **Agreement to utilise an agency placement from Head of Children in Care Provision - confirmation to be provided that there are no suitable internal resources available** **OR****Agreement to place a young person over 16 years old in registered Supported Accommodation must be agreed by the Head of Service Leaving Care & Youth Justice prior to placement.**  |
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| **Comments**  |
| **Name and signature of Head of Service** **(Children in care provision or care leavers as appropriate)**  |  |

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| **Comments from case holding Head of Service Locality**  |
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| **Name and signature of Head of Service Locality:****Date:** |

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| **Comments from Assistant Director (Specialist services or EH&S)** |
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| **Comments from Director Early Help & Safeguarding, Children’s Services**  |
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| **Approval signature** *Director approval required for placements over £1000 pw and for ALL children placed at a distance* *Assistant Director approval for ‘local’ IFA foster placement / placements under £1000 pw*  | **Name & Designation:** **Signature:**  | **Date:**  |

**Placement Rationale:**

* No LA provision
* Specialist placement
* Placement out of area required
* Therapeutic placement

Other – please comment

**Once authorised, please send the completed version to** Central.Placements@Derbyshire.gov.uk **as soon as possible. Without this form, CPT are unable to secure the placement – meaning that the child cannot move, and delays could result in the placement being lost.**

**Appendix 2**

# *Unregulated Connected Persons/family and friends (Reg. 24) Placement* Authorisation Form

**This form should be used for** ***Unregulated Connected Persons/family and friends (Reg. 24) Placement:***

*In the event that it is the SW’s assessment that the connected/family and friends’ carers do not meet fostering standards, even with extra support or if the assessment is not completed within the timescale, or approval not granted by Fostering Panel, then it will become an* ***unregulated placement*** *and agreement for its continuation must be given by Executive Director, Director or Assistant Director.*

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| **PIN:** |  |
| **Name and D.O.B of Child/Young Person:** |  |
| ***Unregulated Connected Persons/amily and friends (Reg. 24) Placement:***  |
| **Background information** (brief summary of the case)  |
| **Reasons why the connected carers do not meet fostering standards** **and why it will not be regulated under Reg 24/35** (completed *by the family and friends assessing SW, please add workers name also)* |
| **Name and Address of Placement:** |
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| **Cost of Placement** **£** **per week**(*This to include the costings previously paid (such as fostering allowance), and the suggested costings moving forward, continued fostering allowance/ equivalent to CAO/SGO or other)*   |  |

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| **How will this placement contribute to the child/young person’s overall Care Plan?****How will we ensure the young person is kept as safe as possible in this placement (***SW visiting patterns, additional statutory reviews, contact***)?**Include the following details * What is the frequency of Social Worker visits? (*statutory/weekly etc )*
* When will a review of the young person’s care plan take place? (*next LAC review/record any additional placement meetings etc)*
* State what the planning moving forward will be? (*plans to return to court for order to regulate / CAO/SGO*)
* What are the expected timescales? (*next court date/expected timeframe*)
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| **Young person and parents’ views and agreement regarding the placement:** |
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| **Checklist**  |  **Y** | **N** | **N/A** |
| --- | --- | --- | --- |
| I have consulted with the area authority where the placement is. |  |  |  |
| I have consulted the child’s named Independent Reviewing Officer (IRO) before the final decision was made about to enable the IRO to discuss the proposed arrangements with the child. |  |  |  |
| The child’s wishes and feelings have been recorded in relation to this placement. |  |  |  |
| Where appropriate the child’s relatives or parents have been consulted.  |  |  |  |
| Home safety / fire, gas and electrical safety certificates has been considered |  |  |  |
| The placement affords the opportunity to access Education and training  |  |  |  |
| The safeguarding unit of the children’s services in the area authority has been contacted, to seek intelligence and any risks associated with the identified placement area e.g. any risks related to CS |  |  |  |

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| **Name of Social Worker:** |  |

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| **Name of Team Manager:** |  |
| **Comments of team manager:** |

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| **Name of Head of Service Locality:** |  |
| **Comments of Head of Service locality:** |

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|  **Comments from Director – Early Help & Safeguarding, Children’s Services**  |
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| **Director – Early Help & Safeguarding, Children’s Services approval to place at distance**  | **Designation:** **Director – Early Help & Safeguarding****Children’s Services****Signature:**  | **Date**  |

**Appendix 3**

UNREGISTERED NOTIFICATION:

Please use this form to notify Ofsted of a child under the age of 18 years receiving care and accommodation that is not registered with Ofsted.

Email to EYRegulatoryandSocialCare@ofsted.gov.uk

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| Name and contact details of person notifying: |  |
| Name of organisation: |  |
| Date of notification to Ofsted: |  |
| Name of child: |  |
| DoB: |  |
| Placing Local Authority: |  |
| Host Local Authority: |  |
| Social Worker name and contact details: |  |
| Date the placement commenced: |  |
| Is the child subject to a Deprivation of Liberty (DoL) order? |  |
| If yes, start date (please provide a copy): |  |
| Address where the care being provided: |  |
| Who is providing the accommodation? (please include name and contact details). |  |
| Who is providing the care? (please include name and contact details). |  |
| Who is overseeing the day-to day arrangements for the child’s care? |  |
| If an application to register with Ofsted has been submitted please insert the date and provide the application reference no: |  |
| Please provide a brief summary of the child’s care needs (including staffing ratios) |  |
| Please outline the main risks you are managing in this arrangement: |  |
| **Please attach DoL Order (if applicable)**. |  |

**Section B:**

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| For Ofsted use only: |
| Case reference number:  |