Bristol City Council Children and Families and Safer Communities

Practice Direction regarding children placed in Unregistered provision

Practice Change: To ensure planning and oversight of children placed in unregistered provision.

**Children in unregistered provision**

This Practice Direction is to provide a set of practice principles where, in exceptional circumstances, a child under the age of 16yrs is placed in an unregistered (illegal) children’s home.

Bristol City Council want our children in care to be cared for in the best quality home or provision that is assessed to meet their needs. We expect carers to provide our children with the care, love and commitment that they need throughout their childhood. However, we recognise there have been exceptional circumstances when we have been unable to identify a regulated setting within the timescales required and have placed children in unregistered accommodation.

**Definitions**

**Unregulated/ Supported Accommodation**

Where a child or young person is provided with support hours in a static home this is termed as unregulated/ supported accommodation. Once a young person reaches 16yrs they can live in semi-independent living or supported lodging arrangements (Sch 6 of the 2010 regs) which are known as “other arrangements”. These arrangements are currently unregulated by Ofsted although this is changing and from approximately autumn 2023, national standards of such placements will become mandatory and from spring 2024, Ofsted will start inspecting such placements.

Examples of unregulated/supported homes for those over the age of 16yrs may be through Branch Out, Supported Accommodation and the Youth Housing Pathway (in a provision such as St. Georges House, the Foyer or Projects) or using External Support Accommodation (ESA). It is best practice that we do not place children in these settings until they are over 16yrs and have completed their GCSEs. Where children over the age 16yrs have been placed in these settings prior to completing their GCSEs, because this has been assessed in their best interests, this will require the permission of the Director of Children’s Services. Should this be deemed necessary then please see appendix 2 supported accommodation checklist to ensure the setting is meeting criteria for an unregulated/supported home.

Where a child over the age of 16yrs is placed in an unregulated home meeting the definition of care (as per checklist appendix) there needs to be an agreed and recorded plan to transition this arrangement to support or place the child in a regulated setting if it is assessed that this is what they need. Give their age the child’s views will be key in care planning decisions.

If a child is placed over the age of 16yrs in an unregulated setting meeting the definition of care as per the checklist and is subject to a Deprivation Of Liberty Order Ofsted will need to be notified. This will be completed by the Service Director.

Central to the planning is the view of the young person and it should be clearly recorded that the young person is aware of the legal framework in which they are being supported, and their view of this, and if any additional support is required to gather their view due to the young person’s communication needs. Additional support should be put into place, and oversight of the Court of Protection needs to be considered

**Use of unregistered (illegal) settings and arrangements**

Where a child or young person is provided with 24-hour care in a static home that is not registered with Ofsted – this is an illegal setting and should not be used without the expressed permission of the Director of Children’s Services for exceptional short-term crisis.

Where we have not been able to find a regulated home in the timescale for that child or young person’s an unregistered (illegal) setting may need to be considered in absence of any other bridging home. Before any agreement for an illegal placement to be considered, evidence needs to be provided of the exploration of the child’s family, significant friends and adults and their network -please see the section on friends and family care for further details.

Permission for any such unregistered home will need to be given by the Director of Children’s Services. It is anticipated any such arrangement will be for the shortest possible period and all efforts will be made to continue to search for a regulated home for the child or young person. The Service Director will inform Ofsted of this arrangement. A summary of the child’s circumstance and their care plan will be provided to Ofsted after notification.

Where such an arrangement has been agreed this will be reviewed weekly and a progress report provided to the Service Director through the weekly placements meeting. The Director of Children Services will receive weekly minutes of the placements meeting in order to maintain oversight.

The Child’s IRO should be immediately informed and kept updated on the key and significant events for the child.

The following practice principles will apply in the event of the agreement of an unregistered provision being agreed and arranged by the local authority.

Any unregistered crisis placement offer received will be subject to due diligence checks by the children’s placement team to ensure the relevant safeguarding, quality and financial resilience checks are in place.

* The child will be placed by a qualified Social Worker and the property seen prior to the child’s placement by the placement team. The home should be viewed in person prior to the child’s placement except in exceptional circumstances, for example a child moving on the day in crisis out of area in which case the home check can be completed virtually. In these cases, the placing Social Worker should ensure that the full property is viewed as part of their placing visit and their findings triangulated against the virtual visit.
* The Social Work and Placement Team will complete a joint risk assessment (appendix 1) based on the provider checks, the suitability of the property and information relevant to the child’s circumstances, needs and key risks. The social worker will outline how the needs and risks of the young person will be managed through the monitoring and support arrangements, as well as the regular reviews of the placement and visiting frequency. The risk assessment will be approved by the Service Manager, Head of Service and Service Director. This will be monitored at the weekly placement meetings with the Service Director.
* The initial visiting schedule for the child or young person will be no less than weekly by a qualified social worker until the first Children in Care Review which will be held within 20 days of the child’s placement. Social Work visiting frequency will then be reviewed with the Service Manager and IRO and may be decreased to no less than monthly by the qualified social worker if the placement is meeting the child’s needs. In this event the child must still be seen in placement on a weekly basis by another professional e.g. CAMHS, YOT, FSW, Education etc.
* Weekly network/risk management meetings will be held until the child’s first Child in Care review where there frequency will be reviewed but should continue to be no less than 4 weekly. These meetings should include the social worker and other key professionals in the child’s network incl. Education, the HOPE and children in care nurse and an appropriate representative from police colleagues such as the missing co-ordinator. Consideration should also be given to the inclusion of the child’s parent/significant family members where this is safe and appropriate. The meeting will agree the support, input, and intervention of the child’s network both to the child but also to the provider caring for that child or young person. This meeting should consider if the young person is being deprived of their liberty and if any relevant court application in the court of protection needs to take place and legal advice sought.
* It will need to be determined by the child’s social work team and network the best way for the child’s voice to be represented in these meetings. It should be considered, where not already in place, if the child has an advocate or key relationship who can represent their views and input into the care planning process. This is in additional to the professional that knows them best as there may be a conflict in views.
* The provider and other key network professionals will require a copy of the child’s care plan, any risk assessments completed, trigger plan where applicable, any CAMHS formulation or any other relevant assessments or written advice provided to inform the child’s care and risk management.
* Where there is a presenting mental or emotional health need for the child Thinking Allowed and the appropriate CAMHS Service should be invited and in attendance at these meetings.
* Where there are issues of extra familiar harm, child sexual exploitation or criminal exploitation or risk of youth offending the Safer Options team or specialist provider brokered by the team should be consulted and invited to attend.
* Daily written logs and a weekly updating report should be provided to the social work team by the provider at the end of each week and uploaded onto LCS.
* The Child’s IRO should be immediately informed, and their views sought, of the plan for an unregulated crisis placement and kept updated on the key and significant events for the child.
* Any unregistered setting will be reviewed by the Service Director at the weekly placement meeting and by the Head of Service at the weekly placement panel. Plans for a regulated setting for the child to move to will also be discussed and scrutinised. Searches for a regulated home for the child will continue.

**Temporary Unregistered (illegal) homes with family and friends**

Children and young people should always be placed within their family and networks, when they cannot be cared for by their parent, provided this is assessed as safe to do so. In circumstances where it is considered a family or network home is in the child’s best interest a referral should be made to the Kinship and SGO Team. Best practice is for a joint reg 24 viability assessment will be completed by the social work and kinship team and signed off by the ADM if positive. A full kinship assessment will then be progressed by the kinship and SGO team.

There may be exceptional circumstances where, in the absence of a regulated home, a short-term family or network arrangement where the conditions for a reg 24 home are not met may be agreed by the ADM. This would mean for an interim period the child could be in an unregulated friends or network home. This will only be agreed in the event this is in the child’s best in interests and there are no other regulated homes available for the child or young person. The following practice principles will apply: -

* Where a family or network home is considered for a child a joint reg 24 assessment will be completed by the social work and kinship and SGO team. This will analyse whether the criteria of a home under reg 24 can be met for the child. If agreed by the ADM a full kinship assessment will be completed and the child will be placed under reg 24 as a child in care. A fostering allowance will be provider to the kinship carer.
* Where the criteria of reg 24 is not met, a risk assessment and safety plan (see appendix 1) will be completed. The social worker will outline how the needs and risks of the young person will be managed through the monitoring and support arrangements, as well as the regular reviews of the placement and visiting frequency. The risk assessment will be approved by the Service Manager, Head of Service and Director of Children Services. This will be monitored at the weekly placement meetings with the Service Director. This should include a clear plan shared with the child’s carer in writing about what to do in the event the child goes missing, or any other significant risk factors.
* The child’s IRO should be informed and kept regularly updated of significant events for the child. Any change in the child’s care plan should trigger consideration by the IRO of holding an early review.
* A Supervising Social Worker or Family Support Worker will be allocated from the kinship team informally to provide support to the carer within this interim arrangement.
* The initial visiting schedule for the child or young person will be no less than weekly until the first Children in Care Review which will be held within 20 days of the child’s placement. Social work visiting frequency will then be reviewed with the Service Manager and the IRO and determined according to the child’s needs but must be at least monthly. The child must still be seen in placement on a weekly basis by another professional e.g. CAMHS, YOT, FSW, Education etc in addition to social work visits.
* Regular network/risk management meetings should be held for the child or young person in these circumstances. These should be no less than every 4 weeks but of a higher frequency if there are issues for the child of significant risk. These meetings should include the social work and Kinship and SGO team and other key professionals in the child’s network incl. Education, the HOPE and children in care nurse and an appropriate representative from police colleagues such as the missing co-ordinator. Consideration should also be given to the inclusion of the child’s parent/significant family members where this is safe and appropriate. The meeting will agree the support, input, and intervention of the child’s network both to the child but also to the provider caring for that child or young person.
* It will need to be determined by the child’s social work team and network the best way for the child’s voice to be represented in these meetings. It should be considered, where not already in place, if the child has an advocate or key relationship who can represent their views and input into the care planning process.
* A child in need allowance will be paid to the child’s carer and any other reasonable expenses for the child agreed by the Practice Lead such as clothes, school trips/expenses activities etc. These expenses should be agreed in advance and receipts provided.
* The child or young person will be provided with the amount of pocket money that would be given if they were cared for by a foster care (see attached guidance).
* Searches for a regulated home for the child will continue.

**Oversight by Senior Managers**

Arrangements for all children in care placed in unregistered placements or family arrangements will be reviewed by the Service Director and Head of Service for Permanency and Specialist Services on a weekly basis through meeting with the placement team. This meeting will be informed by the following information:

* The date of the most recent social work visit to the child
* The date of the most recent Child in Care Review and any issues raised by the IRO about the arrangements
* Details of the ongoing placement searches made by the placement team to find alternative care arrangements.

Oversight by the Service Director will be recorded on the Child’s record and the minutes of the meeting will be sent to Director of Children Services.

When approving an illegal placement the Director of Children Services will inform the Chief Executive and Lead Member in addition to Ofsted.

Practice Directions are supported by:

* Working Together to safeguard children 2018
* Social Work England Standards
* South West Child Protection Procedures
* Bristol Children and Families, Quality Assurance Framework

Objective: the aim of Practice Directions are intended to provide clarity of any change of expectations in practice OR clarity on elements of practice where there is confusion. Practice Directions are intended for practitioners and managers. Practice Directions enable an audit trail of change in practice expectations to be maintained.

Process: Children’s Management Team will consider and approve PD’s. The PSW will issue and ensure that Practice Directions are entered onto Tri-x.

Quality Assurance of practice change:

Compliance with Practice Directions will be monitored by deep dive audit and performance indicators where possible.

Timeliness of visits and reviews, use of mappings and chronologies and genograms will be monitored in performance clinics.

Service Areas / roles applicable:

All service areas

Date of Change: February 2023

PSW: