

Professor Steven Broomhead
Chief Executive

Amanda Amesbury

DCS & Operational Director

Children’s Social Care

New Town House

Buttermarket Street

Warrington

WA1 2NH

DATE

**To whom it may concern;**

**Re:
Placed since -**

As you are aware providers can provide accommodation and support for young people aged over 16, without being registered. However, the level of care provided is not specified in the Care Standards Act and clearly some young people as they move into independent living require some level of support in order to make the transition. This level of care usually reduces over time and does not include the provision of meals, medication, personal care etc. The young people are free to come and go as they wish. Staff may be present for parts of the day and even overnight for security reasons but not providing direct care.

In July 2019 a report by the Howard League for Penal Reform raised some important issues about the care system and children’s homes. One area of concern is provision for children that is not regulated by Ofsted, and the safety of the children who use it.

Many people are unsure what is meant by unregulated and unregistered provision, and often confuse the two. They’re different things.

**Unregulated** provision is allowed in law. This is when children (usually over the age of 16) need support to live independently rather than needing full-time care. Ofsted do not regulate this type of provision.

It should be used as a stepping stone to independence, and only ever when it’s in a child’s best interests. For many children, it’s the right choice. Some children do not want to live with foster parents or live in a children’s home. For some unaccompanied asylum-seeking children this can be the right option too, but not for all.

**Unregistered** provision is when a child who is 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.

What does ‘care’ mean? It is not defined in law. It is not just about the age of the child, although that’s a factor. It is about a child’s vulnerability and the level of help that they need. If a child does need care, then the service they’re getting is very likely to need registration as a children’s home. Certainly, if children are under constant supervision then this is likely to be ‘care’.

Since July there has been a lot of interest in unregulated provisions and moving forward Ofsted will be asking us to provide data and information with regard to all children placed in such provision who are under and over the age of 16.

Ofsted have provided a ‘checklist’ – Annex A – which is attached. In order to seek assurance that your provision is providing ‘support’ and not ‘care’ and therefore does not need to register with Ofsted, we would like you to complete the checklist below.

Please can you return the checklist (to Sharon Cooper) and we will contact you if we need to discuss the services you are currently offering to the child detailed above.

Kind regards



Sharon Cooper

Head of Service – Children in Care and Care Leavers

Families and Wellbeing Directorate

Warrington Borough Council

New Town House, Buttermarket St, Warrington, WA1 2NH

Tel: 01925 443539

Email: Sharon.cooper@warrington.gov.uk



**Annex A – Ofsted Supported Accommodation Check List**

* This table sets out criteria to help identify whether the service being proposed or provided is ‘supported accommodation’.
* The table below sets out each criteria in the form of a question, and suggests whether a ‘yes’ or ‘no’ answer means care is provided, or supported accommodation.
* Where care is provided, this service meets the definition of a children’s home and will usually need to register with Ofsted.

|  |  |  |
| --- | --- | --- |
| **Criteria**  | **Yes?**  | **No?**  |
| Can young people go out of the establishment without staff permission?  | Supported accommodation  | Care  |
| Do young people have full control of their own finances?  | Supported accommodation  | Care  |
| Do young people have control over what they wear and of the resources to buy clothes?  | Supported accommodation  | Care  |
| Are young people in charge of meeting all of their health needs, including such things as arranging GP or specialist health care appointments? Are young people in full control of their medication?  | Supported accommodation (note that young people may ask for advice and help on their health, but if the decisions rest with the young person, the establishment is not providing care)  | Care  |
| Does staff have any access to any medical records?  | Care  | Supported accommodation  |
| Can young people choose to stay away overnight?  | Supported accommodation (note that being expected to tell someone if they are going to be away overnight does not indicate providing care, but needing to ask someone’s permission does)  | Care  |
| Is there a sanctions police that goes beyond house rules and legal sanctions that would be imposed on any adult?  | Care  | Supported accommodation  |
| If the establishment accommodates both adults and young people, do these under 18 have any different supervision, support, facilities or restrictions?  | Care  | Supported accommodation  |
| Are there regularly significant periods of time when young people are on the premises with no direct staff supervision?  | Supported accommodation  | Care  |
| Do staff have any responsibility for aftercare once a young person has left?  | Care (note that some supported accommodation services will off some support to help young people get established in their  | Supported accommodation  |
|  |

**Please return to –**

Sharon Cooper

Head of Service – Children in Care and Care Leavers

Families and Wellbeing Directorate

Warrington Borough Council

New Town House

Buttermarket St

Warrington WA1 2NH

Or Email to Sharon.cooper@warrington.gov.uk