# Children In Unregistered Settings

# Guidance and process

## DOCUMENT CONTROL

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### 1. Context:

1.1 On 9 September 2021, the law changed prohibiting local authorities from placing a child under the age of sixteen in an unregistered placement (The Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021). This legislation was in response to national concerns that an increasing number of vulnerable young children were being placed by Local Authorities in unregistered settings that did not meet their needs due to the shortage of appropriate registered children’s homes and approved foster placements across the country.

1.2 A lack of registered placements has featured regularly in decisions of the Senior Courts in recent years. Notable decisions include Re T (A Child) and Lancashire County Council v G (Unavailability of Secure Accommodation) in autumn 2020. More recently, the courts powers under its inherent jurisdiction were confirmed in Tameside MBC v AM.

1.3 In September 2023 new regulations will be introduced for supported accommodation for young people aged 16 and 17. This will mean that providers of these services will be required to register with Ofsted and adhere to Quality Standards. This is further confirmation that children and young people in care should be in a regulated placement.

1.4 It is important to note that the placement of children under 16 in unregistered settings is unlawful and will soon be illegal for those aged 16+. This process is in no way intended to create a precedent whereby it is accepted that this is ‘business as usual’ or an indication that North Somerset Council seek to place children in unlawful settings. Whilst we value and appreciate the services provided for our children by those providers, we want all of our children to be living in Ofsted registered accommodation.

1.5 This process and guidance is intended to support Social Workers, managers and leaders where children and practitioners are in situations where registered provision is unavailable despite exhaustive searches and where securing other provisions has been attempted and no other option is available.

1.6 **No child should be placed in an unregistered setting without the authorisation of the Assistant Director or Director of Children’s Services. The steps below set out the context and process required before this authorisation can be given. This includes any child being placed outside of core office hours.**

### 2. Care Planning Principles

2.1 Social Workers and their managers will always look to support children to live at home with their parent/s or primary carers whenever that is safe to do so, and where support can be provided to mitigate risk to enable that to happen. Where that isn’t possible, every effort will be made to identify a connected carer from with the child’s family or friendship network to support children to remain with their wider family system.

2.2 For those children for whom it is not possible or safe to make arrangements for them to remain living within their family or network, a decision will be made that they will need to be provided with somewhere else to live and the child becomes ‘looked after’ either by a voluntary arrangement or by virtue of a court order. Most children will be cared for by foster carers, though for some they may have their needs best met in a group living setting and will live with other young people in a residential home or supported accommodation.

2.3 The Independent Review of Social Care (2022) and Competition and Markets Authority (2022) both highlight the significant and challenging national landscape of sufficiency of children’s placements, leading to a national shortage of homes for those children who need them. This national problem also impacts locally in North Somerset and may result in a small number of children being cared for in settings which are not registered. In these circumstances, close scrutiny and oversight is needed until those children move to registered provisions.

2.4 Where children are living in unregistered settings under the age of 16, or over 16 with identified care needs; they will only be considered emergency and temporary situations until a registered setting is identified.

### 3. Process where unregistered provision is being considered.

**Appendix 1** provides a flowchart for ease of reference for the following steps;

**On the same day/ or where placed out of hours, the next working day:**

* ‘**Need to Know’ (see Appendix 2)** briefing document will be completed. This must identify the support provided to stabilise an existing living arrangement or identify an appropriate alternative home; include details of the placement searches undertaken and details as to why the child could not return to their family network with support.
* The wishes and views of the child need to be obtained by the child’s Social Worker and clearly recorded on the child’s electronic file and in the ‘Need to Know’ briefing.
* The views of those with Parental Responsibly should be clearly articulated on the child’s electronic record and in the ‘Need to Know’ briefing.
* The **child’s risk assessment (see Appendix** **3)** will be completed by the child’s Social Worker in consultation with partner agencies, the IRO, Child’s Guardian (where applicable), the proposed provider and their manager.
* The Team Manager will complete the **Health and Safety Property Checklist (see Appendix 4)**
* The Placements team will ensure references are obtained of the provider (if they are new to North Somerset) and notify the Head of Service of the outcome which should then be included in the ‘Need to Know’ briefing.
* The Head of Service will review the ‘Need to Know’, ‘Child’s Risk Assessment and ‘Property Risk Assessment’ and provide their analysis of the suitability of the arrangement for the child, detail why there is no other option available and outline next steps.
* The Head of Service will add their analysis and view to the ‘Need to Know’ briefing and provide to the Assistant Director.
* The Assistant Director will consider the request and if considered suitable, and there are no other available registered provisions, will provide a decision which should be clearly recorded on the child’s electronic records and notify the DCS.
* The Head of Service will undertake a visit to the property which is to be used to complete a property checklist and ensure the property is welcoming, homely, equipped and suitable for a child.
* All key information will be shared with the provider via a documented joint planning meeting including key contacts and relationships, medical information, care plan, education plan, risk assessment., expectations of care and support, restriction of liberty.
* The child will be ‘placed’ by their Social Worker adopting the requirements of the Care Planning and Review Regulations.

**Within 48 hours**

* A Placement Planning meeting will take place as set out within the statutory guidance.
* The IRO should consider whether a Looked After Review should be convened and record their decision and rationale.
* The Social Worker and Team Manager will undertake a looked after statutory visit jointly.
* A legal planning/ advice meeting should be convened to consider if any legal orders should be applied for, or where children are already subject to Public Law Proceedings, whether any new applications ought to be made. This should be chaired by Head of Service and any decision clearly recorded on the child’s electronic record.
* The Head of Service will provide a notification letter addressed to the Regional Ofsted Inspector, to the Assistant Director for consideration and sending within one week.
* The Assistant Director will undertake an initial visit to be carried out jointly with commissioners within one week of placement and monitoring visits at a frequency agreed by the Assistant Director.

### Weekly until child placed in registered setting

* A Care Team/ Risk Management meeting should be chaired by the Team Manager. This should include the child / young person, the parents, provider and multi-agency partners including commissioning representatives; the care provided to the child is reviewed and the appropriateness of the provision is considered, along with progress in exiting from the arrangement into regulated provision. This meeting should use **Appendix 5 – Risk Management meeting prompts for an unregistered setting** and include a documented update on all minimum standards.
* The child’s risk assessment should be updated within this meeting by the chair and uploaded to the child’s electronic records cross referenced with a case note detailing any update or change.
* The child will be visited **at least** weekly by their Social Worker
* The Placement Request should be reviewed by the Team Manager each week and a progress update provided to the Head of Service.
* The IRO should review the child’s records and risk assessment each week, making their own enquiries as necessary to be assured of the appropriateness of the living arrangement. Their oversight should be added each week to the child’s records and the unregistered setting tracker and consider at each point whether a Looked After Review needs to be convened and whether they need to use the Dispute Resolution Process
* The Assistant Director will review the plans for children living in unregistered settings on a weekly basis with the relevant Head of Service. The meeting will be provided with an update on Risk Management Meeting notes, adherence to minimum standards, placement searches to secure a registered provision, the options available, child’s care plan and progress in their home.
* The Assistant Director will report to the DCS/ DMT and QA Performance board on a minimum of a monthly basis and keep the DCS appraised of any key changes for children in unregistered arrangements.

### If the child is in an unregistered placement for more than 4 weeks

* The Operational Head of Service will arrange to visit the child with the Social Worker at least 4 weekly until a registered provision has been secured. The purpose of this visit reflects the level of senior oversight needed for children living in unlawful settings.
* The Head of Service/ Innovation Lead will chair a monthly Risk Management/ Care team Meeting to provide additional senior oversight.

## Appendix 1 – Flow Chart for Approval

The Assistant Director must be notified immediately where an unregistered setting is being considered.

Where a child may need the provision of an unregistered setting our of hours, the Service Director must be notified by 9am the next working day

**Need to Know** to be completed immediately by the Social Worker and their Team Manager – this must include the details of the proposed provisions and care arrangements

Team Manager to contact the Placements Team

to identify care providers and start the quality assurance process before 11am on the day or as soon as possible on the day in an emergency.

**Risk assessment and safety plan** in relation to the child/young person and property to be completed by the social worker to the Team Manager.

Quality Assured **Risk Assessments** and **safety plan; Need to Know** and **Health and Safety Property Checklist** to be provided by Team Manager to Head of Service by 1pm on the day

Head of Service and Assistant Director review the need for an unregistered provision and a decision is made. The Assistant Director must authorise the placement and notify the DCS.

**If unregistered arrangement agreed;**

Visit to the property which is to be used, by Head of Service to confirm property checklist and ensure that the property is welcoming, homely and suitable for a child.

Joint Placement Planning meeting

**Within 48 hours;**

* Placement planning meeting
* Joint visit to the child – Social Worker and Team Manager
* IRO determines whether a CLA review should, be convened
* Head of Service chairs legal planning meeting to consider whether any legal orders are necessary.
* Head of Service letter for Ofsted sent to Assistant Director
* Assistant Director arrange joint initial commissioning visit and monitoring frequency.

**Weekly** until placed in a registered setting:

* Risk Management meeting chaired by Team Manager or Service Manager
* Social Worker visits the child in placement
* Weekly review meeting chaired by Assistant Director

## Appendix 2 - Need to Know briefing

In the course of the work of the Children’s Safeguarding and Support Service there will at times be incidents of such seriousness that senior leaders must be made aware with immediacy and clarity. This ‘Need to Know’ process enables us to share accountability. Issues can include incidents affecting individual or groups of children, staff, building security or issues affecting the Council more widely including;

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| Type of concern | |
| 1 | Death or serious injury to a child, whether or not open to CSS. This includes the hospitalisation of a child in care or care leaver as part of corporate parenting oversight. |
| 2 | Death or serious injury of a parent with whom we are working. |
| 3 | Serious offence committed by a child- e.g. serious sexual offence, significant arson |
| 4 | Serious issue involving local authority designated officer (LADO) function e.g. referral of a prominent person, allegations of offences by a staff member |
| 5 | Serious incident concerning staff member- e.g. significant assault, serious accident, death |
| 6 | Issue likely to attract media attention, or announced in the press without prior warning |
| 7 | Building Issue requiring business continuity planning |
| 8 | Significant team issue that represents a risk to staff wellbeing, service continuity or delivery. |
| 9 | Incident triggering citywide emergency response- e.g. major incident |
| 10 | Emerging concern likely to require a co-ordinated strategic response- e.g. Child Criminal Exploitation Operation. Modern Slavery or Trafficking |
| 11 | Any child open to CSS that is removed, without permission by a parent or other unauthorised person |
| 12 | Threat of Judicial Review or other legal action |
| 13 | High profile or significant police action or operation |
| 14 | Missing episode of any child open to CSS that is more than 24 hours. |

**Immediately** upon receiving information a relevant incident, the information holder must alert their Team Manager who must ensure immediate notification of the Head of Service. Full Need to Know briefings must then be produced by the Team Manager and forward to the Head of Service where they meet one of the listed criteria **within one working day.**

Head of Service will review and determine the need for upward escalation to Assistant Director, notification to the QAS Head of Service for tracking and date for review.

Assistant Director will determine whether to inform the Director of Children’s’ Services, Chief Exec, Leader of the Council, Portfolio Holder and/or Press Office, as appropriate.

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| **1. Incident details** | |
| **Type of Incident** |  |
| **Date of incident** |  |
| **Summary reason for this briefing** |  |

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| **2. Child / young person details** *(where incident relates to a child)* | |
| **Name of child / young person** |  |
| **Age** |  |
| **Date of birth** |  |
| **LCS ID number** |  |
| **Legal status** |  |
| **Care arrangement currently in place** *(and start date)* |  |
| **Brief overview / pen picture of child / young person** |  |

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| **3. Allocation / team details** *(where incident relates to a child or staff member in a particular service area)* | |
| **Allocated social worker** |  |
| **Allocated team manager** |  |
| **Allocated head of service** |  |
| **Allocated service area** |  |
| **ISRO** (where relevant) |  |
| **Education contact name and contact details** (head teacher / DSL / other) |  |

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| **4. Initial risk assessment** | |
| **Date and details of the most recent risk management meeting / strategy meeting or similar** |  |
| **Initial identified/known risks** |  |
| **Initial identified/known protective factors** |  |
| **Initial analysis of risk** |  |

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| **5. Initial actions undertaken to reduce / manage risk and need** | | |
| **Action** | **Who** | **What difference has this made or will this make?** |
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| **Further actions to be undertaken to reduce / manage risk and need** | | |
| **Action** | **Who** | **What difference will this make?** |
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| **6. Quality assurance** | |
| **Name and role of person completing this briefing** |  |
| **Name and role of person quality assuring this briefing** |  |
| **Additional comments following quality assurance** |  |

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| **7. Confirmation of initial notification**  *Once senior manager has added comments, that is the version added to a case note on Eclipse.* | |
| **Name and role of senior manager** |  |
| **Date of notification** |  |
| **Oversight comments and requested actions** |  |
| **Does this require onward notification to anyone else?** |  |
| **Date of notification to QAS HoS for tracking** |  |

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| **8. Confirmation of onward notification** *(such as assistant director, director for children’s services, chief executive)* | |
| **Name and role** |  |
| **Date of onward notification** |  |
| **Oversight comments and requested actions** |  |

*Where an incident is ongoing, there may be a need for regular updates. This will be agreed / requested by the relevant senior manager. Where this is needed, updates can be provided below and sent on for appropriate notification. All further sections are for updates only.*

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| **Update 1** | |
| **Name and role of person providing update** |  |
| **Date of update** |  |
| **Summary update of incident** |  |
| **Update against all identified agreed actions to date** |  |

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| **Further actions to be undertaken to reduce / manage risk and need** | | |
| **Action** | **Who** | **What difference will this make?** |
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| **Confirmation of further notification** | |
| **Name and role of senior manager** |  |
| **Date of further notification** |  |
| **Oversight comments and requested actions** |  |
| **Does this require onward notification to anyone else?** |  |
| **Date of notification to QAS HoS for ongoing tracking** |  |

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| --- | --- |
| **Confirmation of onward notification** *(such as assistant director, director for children’s services, chief executive)* | |
| **Name and role** |  |
| **Date of onward notification** |  |
| **Oversight comments and requested actions** |  |

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| **Update 2** | |
| **Name and role of person providing update** |  |
| **Date of update** |  |
| **Summary update of incident** |  |
| **Update against all identified agreed actions to date** |  |

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| **Further actions to be undertaken to reduce / manage risk and need** | | |
| **Action** | **Who** | **What difference will this make?** |
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| --- | --- |
| **Confirmation of further notification** | |
| **Name and role of senior manager** |  |
| **Date of further notification** |  |
| **Oversight comments and requested actions** |  |
| **Does this require onward notification to anyone else?** |  |
| **Date of notification to QAS HoS for ongoing tracking** |  |

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| --- | --- |
| **Confirmation of onward notification** *(such as assistant director, director for children’s services, chief executive)* | |
| **Name and role** |  |
| **Date of onward notification** |  |
| **Oversight comments and requested actions** |  |

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| **Update 3** | |
| **Name and role of person providing update** |  |
| **Date of update** |  |
| **Summary update of incident** |  |
| **Update against all identified agreed actions to date** |  |

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| --- | --- | --- |
| **Further actions to be undertaken to reduce / manage risk and need** | | |
| **Action** | **Who** | **What difference will this make?** |
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| --- | --- |
| **Confirmation of further notification** | |
| **Name and role of senior manager** |  |
| **Date of further notification** |  |
| **Oversight comments and requested actions** |  |
| **Does this require onward notification to anyone else?** |  |
| **Date of notification to QAS HoS for ongoing tracking** |  |

|  |  |
| --- | --- |
| **Confirmation of onward notification** *(such as assistant director, director for children’s services, chief executive)* | |
| **Name and role** |  |
| **Date of onward notification** |  |
| **Oversight comments and requested actions** |  |

## Appendix 3 - Risk Assessment and Safety Plan of a Child / Young Person

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| --- | --- |
| **Name of Young Person:** |  |
| **Age and DOB OF Young Person:** |  |
| **Child’s plan and legal status** |  |

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| --- | --- | --- | --- | --- | --- | --- |
| **Risk** | **Yes** | **No** | **H** | **M** | **L** | **Past /Ongoing**  **(Please Specify)** |
| **Emotional control in the community:**  Does the young person have challenges in managing their anger in ways that have physically hurt the public (include last known date and context) |  |  |  |  |  | . |
| **Emotional Control in support settings:**  Is there evidence that the young person’s responses have physically hurt those supporting them? |  |  |  |  |  |  |
| **Protecting others:**  Is there evidence that the young person recently carries items, which if used on others, could cause significant harm? |  |  |  |  |  |  |
| **Personal responses to trauma and mental ill health:**  Has trauma, adversity or mental ill health been a serious challenge to the young person in terms of harming himself or herself?  (Specify the dates of anything requiring clinical treatment) |  |  |  |  |  |  |
| **Mental wellbeing:**  Are we worried that some of the ways the young person manages challenges in life could hurt them? |  |  |  |  |  |  |
| **Substance Misuse**  Is there evidence that the young person’s use of drugs is problematic for them or those supporting them? (If no drug use concerns, tick ‘no’) |  |  |  |  |  |  |
| **Alcohol**  Does the young person consume alcohol in ways that are harmful for them or problematic for others? |  |  |  |  |  |  |
| **Exploitation by others:**  Are we worried that the young person has been, or may be, exploited by others for their purposes, whether criminal or otherwise harmful for the young person? |  |  |  |  |  |  |
| **Behaviour that is sexually harmful to others:**  Are there any current behaviours by the young person, or evidence of past behaviour, that indicate the young person’s sexual behaviour has caused harm to others? |  |  |  |  |  |  |
| Social Networks:  Are there substantiated concerns that some people in the young person’s network may influence the young person in ways that could lead, or have led, to harm? |  |  |  |  |  |  |
| **Management of mental health conditions:**  Does the young person have a formal diagnosis of a recognised mental health condition, where treatment regimens or day-to-day management is not delivering optimal health for the young person? |  |  |  |  |  |  |
| **Management of physical health:**  Does the management of any disabilities, diagnosed illnesses or ability to maintain good physical health worry those who support the young person? |  |  |  |  |  |  |
| **Respecting rules and boundaries set by others:**  Is there evidence of a sustained pattern in multiple settings, indicating that the young person finds following rules and respecting boundaries set by others significantly problematic? |  |  |  |  |  |  |

**SUMMARY:**

**SAFETY PLAN:**

Plan/ Actions: (include how this plan is reviewed, include time scales and assurance framework.

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| --- | --- | --- | --- |
| **Completed by:** |  | **Date Completed / updated :** |  |
| **Relationship to young person:** |  | | |
| **Contact number / email:** |  | | |

## Appendix 4 - CRISIS PROVISION

## HEALTH AND SAFETY - PROPERTY CHECK LIST



## Appendix 5 – CRISIS PROVISION

## MINIMUM STANDARDS REVIEW TEMPLATE

