



Unregulated and Crisis Placement Guidance

Children's Social Care

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This guidance defines what both a crisis and an unregulated placement are in relation to children's services placements. It outlines the processes undertaken when considering such placements and the risk mitigations in place.

Policy Governance

Title	Unregulated and Crisis Placements
Purpose/scope	Guidance for staff when unregulated placements have to be used in specific circumstances
Subject key words	Unregulated Placements
Council Priority	<ul style="list-style-type: none"> ▪ Protect care and invest to create a better borough ▪ Every young person and adult lives well in their community ▪ Openness, honesty, ownership, fairness, respect and involvement
Lead author & contact details	Darren Knibbs Director: Children's Safeguarding & Family Support
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Approver	Jo Britton Executive Director – Childrens Services

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There are exceptions to the rule which relate to holiday or activity-based provision and there are concerns these may allow for circumvention of the ban, with examples of children being placed in caravans, on narrowboats and even in tents. These can often be short term placements resulting in multiple moves for the child and therefore not providing the necessary stability needed by vulnerable young people.

There are also issues with providers operating as children's homes without being registered, sometimes due to being unaware that they provide the level of care which requires registration. In addition, the lack of available regulated placements for under-16s has led some Local Authorities to continue use unregulated placements as 'crisis' placements although this does not exist within the law and does not change the legality of the placement.

1. What type of placement is deemed a crisis placement?

Some establishments and types of accommodation are not required to register with Ofsted. These are sometimes known as 'unregulated settings'. A service where the accommodation is not permanent (such as a tent) or is constantly moving (such as a boat, narrow boat or motorised caravan), or has no permanent base is unlikely to meet the definition of a children's home and will not be required to register with Ofsted.

For the purposes of this guidance, a crisis placement relates to a placement that is available for a child/young person immediately for a set period of time. These can be activity based placements, outward bound placements or placements in a children's home for a limited time period. The duration of the placement will vary and is usually set by the provider. They range from 28 days to 90 days.

2. What type of placement is deemed an unregulated placement?

Where a service is providing care for a child under the age of 18 in a static placement, this service must be registered by Ofsted. Failure to do so results in the placement being unregistered and therefore illegal. It is the departments policy that we do not place in an unregistered setting wherever possible and a DOLS order is sought if this placement is needed.

Supported accommodation is now Ofsted registered and is therefore deemed a regulated setting.

(Annex A below provides Ofsted guidance on when a setting is supported accommodation and not care)

Where a service is providing care for a child under the age of 18 in a **static** placement, this service must be registered by Ofsted. Failure to do so results in the placement being unregistered and therefore illegal. It is the departments policy that we do not place in an unregistered setting.

Unregulated/unregistered fact sheet

Care/support Type of placement (If it should be regulated)

CARE + Mobile Placement = unregulated

CARE + Static Placement = regulated *(if the placement is not registered with Ofsted, CIW or CIS then this is an **unregistered** placement and is therefore illegal)*

SUPPORT + Static Placement = regulated

Exception to the rule:

1. If a child/young person is currently in a regulated placement and the provider is taking them away for a holiday the placement they go to for the holiday does not need to be registered as their main placement is within a regulated placement. This is only up to 28 days.
2. Some mobile placements are regulated, this only applies to those that registered with Ofsted prior to 2017.

**CARE + MOBILE
PLACEMENT**

CRISIS PLACEMENT

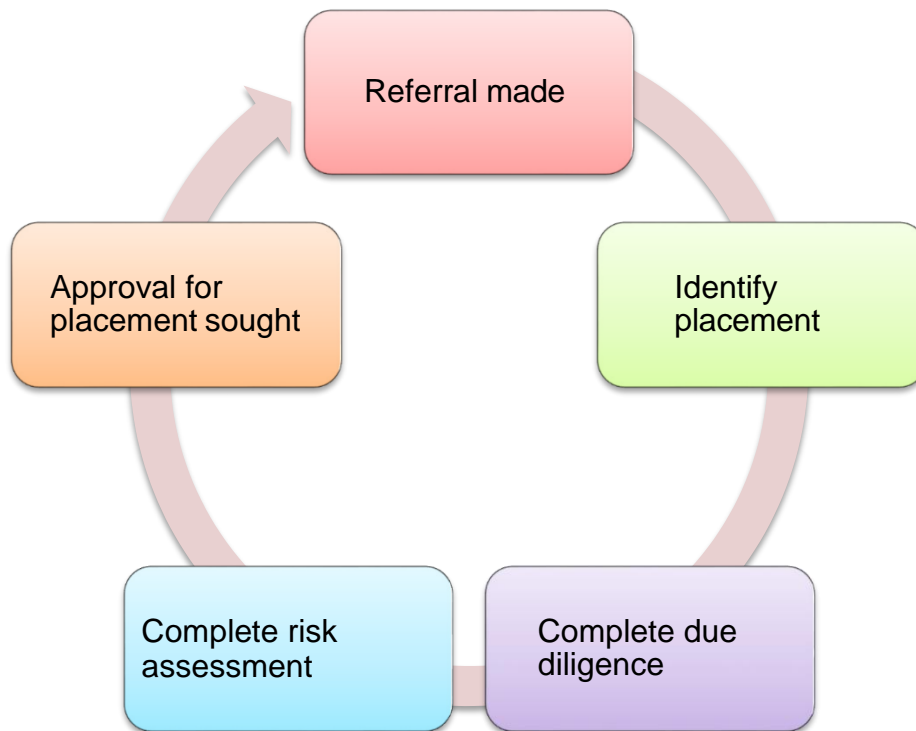
**CARE AND STATIC
PLACEMENT**

- Crisis Placement in a home
- Residential short/long term placements
- Post 16 Placement where care is being provided in line with Ofsted Annex A

**SUPPORT + STATIC
PLACEMENT**

- Post 16 placement in a shared house with communal facilities
- Post 16 placement with supported lodgings host
- Post 16 placement in a self-contained flat with floating support.
- Post 16 placement in solo occupancy building with staff – staffing ratio of 1:1 + all times would translate to care.
- Young person must have free time if it is a supported accommodation placement.

3. Process at point of placement



Referral made - the SW will state the type of regulated placement this child needs to be sourced.

Brokerage identify placement offers.

- Brokerage complete placement search based upon the referral.
- Brokerage will exhaust all regulated options in line with the referral, prior to searching for any other placement.
- Due Diligence. Checks are made against the provider offering the placement, including:
 - Insurances
 - Gas & electric checks
 - Policies & procedures
 - Regulatory body rating (if applicable)
 - Consulting the host authority

- Quality Assurance Team to provide any intelligence on quality.
- The information to be filed in provider's file reflecting what has been completed, including due diligence outcome,
- Any unregulated or crisis placement offer received will be discussed with the Social Worker/Team Manager.

Where the placement is unregulated Risk assessment completed

- Brokerage completes the relevant sections of the risk assessment based on the provider checks and provider-level information on the child.
- The social worker completes the risk assessment outlining how the needs and risks of the young person will be managed, as well as the regular reviews of the placement.
- Link to the risk assessment: [CF unregulated placement risk assessment](#) (Annex B)

Approval for placement sought

- If the type of placement sourced meets the category of unregulated or crisis, the social worker will be asked to provide a clear rationale for such a placement.
- The SDM/TM will seek Director approval prior to any placement and add management oversight to the young person's record to confirm Director approval.
- Funding request sent to the relevant manager as per approvals process via Brokerage Team Manager.
- The unregulated risk assessment will be approved by the relevant Manager and recorded on the child's file in documents.
- LGP/LGP referral to be made if a DOLs application is required.
- A need-to-know form will be completed by the TM/SDM to notify the Executive Director (C&F) of any new placement made for any young person in an unregulated and/or crisis placement within 24 hours of placement

4. Review of Placement

Discussion will take place directly between the SDM and Director regarding any proposal for an unregulated placement. Where there is no alternative identified the SDM will add management oversight to the young person's record summarizing the discussion with the Director authorizing the unregulated placement.

5. Reporting

The Executive Director will be provided with a "need to know" form completed by the TM/SDM to notify them of any new placement made for any young person in an unregulated and/or crisis placement within 24 hours of placement.

SW visits to placement

- As per the risk assessment, the social worker will visit the placement to review how it is meeting the needs and highlight any concerns if they arise.
- The social work/social work assistant/PA will visit weekly as included in the monitoring form for any unregulated or crisis setting.
- Social Worker to make a referral to Quality Assurance Team (Brokerage) if quality concerns have been identified.

IRO Contact

- The IRO will visit the placement within two weeks of placement and as agreed below in the monitoring form.
- The IRO will make regular contact with the young person as agreed in the monitoring form.

Management Oversight

- The Team Manager and SDM will review weekly and add management oversight to the record regarding attempts to identify regulated placement.

- The Director will be kept updated fortnightly and add senior management oversight.
- The Executive Director will be kept informed and updated of any unregulated placements on a fortnightly basis.

Crisis/unregulated log updated by Contracts and quality monitoring

- Maintain detail of those in a crisis and/or unregulated placement on the Quality Monitoring Sheet, including details of move on plans.
- Maintain chronological log of quality contact with provider.
- Maintain contact with the Provider to share any quality issues identified.
- Liaise with social worker/Team Manager re on-going regulated placement searched and referral update on a weekly basis.
- Detail of placement searches to be added to the child's record.

SW visits to placement

- As per the risk assessment, the social worker will visit the placement as per the monitoring form below to review how it is meeting the needs and highlight any concerns if they arise.
- The social work and social work assistant visits will be more frequently and will be agreed and included in the monitoring form for any unregulated or crisis setting for the duration of the placement.
- Social Worker to make a referral to Quality Assurance Team if quality concerns have been identified and inform Team Manager/SDM.

IRO Contact

- The IRO will visit the placement within two weeks initially and thereafter as agreed below in the monitoring form thereafter.
- The IRO will make regular contact with the young person as agreed in the monitoring form below.

Management Oversight

- The Team Manager and SDM will review weekly and add management oversight to the record regarding attempts to identify regulated placement.
- The Director will be kept updated on fortnightly basis and will add senior management oversight to the young person's record.
- The Executive Director will be kept informed and updated of any unregulated placements on a fortnightly basis.

Crisis/unregulated log updated by Contracts and quality monitoring

- Maintain detail of those in a crisis and/or unregulated placement on the Quality Monitoring Sheet, including details of move on plans.
- Maintain chronological log of quality contact with provider.
- Maintain contact with the Provider to share any quality issues identified.
- Liaise with social worker/Team Manager re on-going regulated placement searched and referral update.
- Detail of placement searches to be added to the child's record.

The following reporting mechanisms are in place:

- The Quality Monitoring spreadsheet will track the journey of the young person and where they are and what type of placement they are in.
- The Director will be updated with the move on plan for those in time limited placements one week prior to the placement ending by SDM.

Annex A – Ofsted Supported Accommodation Check List

Guide to Supported Accommodation Arrangements

[Guide to the Supported Accommodation Regulations including Quality Standards \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- 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
Do 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 policy 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 those 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?	Some supported accommodation services will offer some support to help young people get established in their next accommodation)	Supported accommodation
Does the establishment's literature promise the provision of care or relate to specific care and support provided to all residents?	Care	Supported accommodation
Does the establishment provide or commission a specialist support service, which forms part of the main function of the establishment?	Care	Supported accommodation

Annex B – C&F Unregulated Placement Risk Assessment

Children and Families Unregulated Placement Risk Assessment

- 1.1 This risk assessment is to be used when consideration is given to place a young person in an unregulated placement.
- 1.2 This risk assessment evidences the quality assurance checks taken when placing with an unregulated provider.
- 1.3 An unregulated placement may be one of the following:
- Crisis outward bound activity placements
 - Post 16 placements for 16 & 17 year olds placed with non-contracted providers or providers on the high needs framework

C&F Unregulated Placement Risk Assessment			
Young Person Details			
ID. No:		Name of YP:	
D.O.B:		Age:	Legal Status:
Provider Details: This section to be completed by Brokerage			
Name of provider:			
Company Registration No:			
Location of placement:			
Type of placement and staffing level (e.g. 2:1 staffing, activity based placement etc.)		<i>What type of placement (crisis- 28 day placement/unregistered) to include level of support/staffing e.g. 2:1, 1:1</i>	
Detail any regulatory body involved with the provider (e.g. CQC, CIW):			
Providers insurances:		<i>The provider's insurances have been reviewed – details</i>	
Providers policies & procedures:		<i>The provider's policies & procedures have been reviewed if required.</i>	
Has the provider evidenced a gas safety certificate dated within the last year?		Yes/No	
Has the provider confirmed that the wiring in the property has been checked within the last 5 years?		Yes/No	

Has the provider shared fire risk assessment?	Yes/No <i>Any comments from fire risk assessment</i>
Has the provider shared their Statement of Purpose?	Yes/No
Response of references and feedback received from other LA	Yes/No
WMQA Portal checks undertaken	Yes/No <i>Any comments/warning placed on the provider?</i>
Financial stability risk score	xx/100
Matching consideration : this section to be completed by Social Worker	
Outline how the identified needs	<u>Guidance</u> <i>Social Worker to state what the needs of the young person are, such as health, education, self-care skills. The social worker will then need to evidence how this will be supported in the current placement.</i>
Is the Young Person at risk of exploitation?	<i>Please specify what risks and level - Low/Medium/High</i>
Provide detail of how the risks to/from the young person will be managed within this placement.	<u>Guidance</u> <i>Social Worker to state what the known risks are and how this will be managed in the proposed placement. (e.g., High level of absconding behaviour – Staffing ratio is 1:1 24/7 therefore any absconding will be known immediately. If this happens the provider will update police and social worker/out of hours when young person is missing).</i>
Has the location risk assessment been reviewed	<u>Any location concerns/areas of risk</u>
Monitoring of the placement	
The allocated Social Worker and/or Personal Advisor will undertake statutory visits to the young person in the placement. As part of these visits, they will review the support and accommodation offered to the young person.	
On-going review – section to be completed by the social worker	
What is the frequency of Social Worker / Personal Advisor visits:	Weekly
When will a review of the young person's risk assessment take place	Monthly or as required earlier

State what the move on plan for the young person is:	<u>Guidance</u> <i>This could be move on to a regulated placement, move on to adult's, move back home.</i>
What are the expected timescales for move on:	<u>Guidance</u> <i>This will either be led by time restrictions (e.g., time limited placement, funding approved for set time period) or lead by review and the ongoing plan for the young person (e.g., within 6 months they will return home)</i>
Provide detail of how the needs of the young person can be met in this placement:	<i>Social worker to state what the needs of the young person are, such as health, education, self-care skills. The social worker will then need to evidence how this will be supported in the current placement.</i>
Provide detail of how the risks to/from the young person will be managed within this placement.	<u>Guidance</u> <i>Social worker to state what the known risks are and how this will be managed in the proposed placement. (e.g., High level of absconding behaviour – Staffing ratio is 1:1 24/7 therefore any absconding will be known immediately. If this happens the provider will update police and social worker/out of hours when young person is missing).</i>
Management Oversight	
What management oversight will be recorded	The Team Manager will update the SDM weekly regarding Brokerage activity to identify regulated provision and this will be evidenced on the young person's record. The Director will be updated on a fortnightly basis and review unregulated placements with tracking/residential meetings.
IRO involvement	The IRO will visit within the first two weeks of placement and maintain contact thereafter with the young person on a monthly basis. LAC Reviews will be held three monthly.
Signed Social Worker	
Signed Team Manager	
Signed SDM	
Signed Director	
Date	