

**Committee Name and Date of Committee Meeting**

Corporate Parenting Panel – 02 March 2021

**Report Title**

Unregulated and unregistered placements

**Is this a Key Decision and has it been included on the Forward Plan?**

No, but it has been included on the Forward Plan

**Strategic Director Approving Submission of the Report**

Suzanne Joyner, Strategic Director of Children and Young People's Services

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report is to provide information to the panel in respect of the use of unregistered and unregulated placements for looked after children and young people. The report will provide explanation of the terminology and assurance in respect of the types of accommodation used.

**Recommendations**

That Corporate Parenting Panel note the information contained within the briefing report and the key actions and timelines and seek further assurance from the assistant director for children's social care at subsequent meetings of the panel.

**List of Appendices Included**

None included

**Background Papers**

None included

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Not applicable

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Unregulated and unregistered placements

### 1. Background

1.1 Children who are looked after should live in suitably approved care arrangements, these are regulated placements and include:

- Foster placement with a foster carer approved by an ofsted regulated fostering service or agency
- Placement in a children's home which is registered with ofsted
- Placement with parents where this placement is supported and approved by placement with parent regulations and approved by the designated manager within the local authority (in RMBC that is the assistant director of children's social care)
- Placement made under section 38(6) of the Children Act where the arrangement is court ordered and therefore regulated by a direction of the court

1.2 If a placement within the above categories cannot be found and a child is placed in an alternative arrangement this is an unregistered placement arrangement. The exception to this is young people who are aged 16 or 17 who in some circumstances can be placed in placement which is not regulated by ofsted, these are known as unregulated placements.

### 2. Key Issues

2.1 Many people are unsure what it meant by unregulated and unregistered placements, and often confuse the two.

2.2 They are different things:

**Unregulated** provision is allowed in law. This is when children/young people (aged 16 and 17) need support to live independently rather than needing full-time care. Ofsted do not regulate this type of provision, but the placement is lawful.

It is often referred to semi-independent accommodation and should be used as a steppingstone to independence, and only ever when it is in a young person's best interests. Some young people do not want to live with foster parents or live in a children's home, and so semi-independent accommodation is the right choice. This type of accommodation is only appropriate when there is an assessment of the young person's needs which confirms that they require support to live independently as opposed to them needing care.

**Unregistered** provision is when a child/young person who is being provided with some form of 'care' is living somewhere that is not registered with ofsted, this is not a legal placement

What does 'care' mean? It is not defined in law. It is not just about the age of the child, although that is 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 are 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 a 'care' arrangement.

- 2.2 It is therefore possible that the same provision can be providing both unregulated and unregistered placements for young people with different needs, for example:

**Example 1**

**Paul** is 16 years old; he has completed his GCSE studies and is now undertaking a mechanics apprenticeship. Paul manages his time well, going to work and college and returning home at sensible times. He can broadly budget for himself with some advice and he can make sensible decisions about what to eat and how to look after himself. Paul does always not need staff to be present. Paul does benefit from having time with staff to think through choices that he makes and needs some help to learn how to some household tasks better.

Paul lives in a 16+ semi-supported provision which is not a regulated children's home.

**FOR PAUL THIS IS AN UNREGULATED PLACEMENT WHICH IS ALLOWED WITHIN THE CARE PLANNING REGULATIONS**

**Example 2**

**Martin** is 17 years old; he is not engaged in any education or training. Martin cannot budget and needs close supervision when he is given money. Martin is vulnerable to exploitation and as such can be enticed to spend time away from his placement and when he does not return home at night he is often in risky situations. Martin seems to struggle to understand age appropriate independence skills and requires adults to do things for him to keep him clean and healthy. There are concerns about Martin being exploited so there are extra staff employed to be with him lots of the day and someone is always there at night-time in case Martin goes missing.

Martin lives in the same 16+ semi-supported provision as Paul which is not a regulated children's home.

**FOR MARTIN THIS IS AN UNREGISTERED PLACEMENT WHICH IS NOT ALLOWED WITHIN THE CARE PLANNING REGULATIONS**

- 2.3 A further example of an unregistered placement arrangement is when a looked after child (under 16 years) or a 16/17-year-old where it is clear from their assessment of need that they require care as opposed to support and no regulated placement can be identified. In these circumstances the local

authority makes emergency care arrangements which means the child is provided with a safe place to reside and suitable adults (typically agency staff from approved staffing agencies) to care for them.

**THIS IS NOT A REGULATED PLACEMENT AND SO IS AN EMERGENCY UNREGISTERED PLACEMENT WHICH IS NOT ALLOWED WITHIN THE CARE PLANNING REGULATIONS**

- 2.4 The use of unregulated semi-independent provision has been a matter of public debate over the past 12-24 months and there have been national concerns about the ability of providers to set up provision quickly and with little oversight. In Rotherham we have developed a semi-independent provider framework to ensure that providers are adhering to clear criteria in the provision of their service.
- 2.5 In respect of practice in Rotherham we understand the issues relating to unregulated and unregistered placements well and the following is an indication of what is working well in this area of work:
- The majority of Rotherham's looked after children are cared for in regulated placements which meet their needs well.
  - A local 16+ placement framework is now in place, which will ensure quality assurance of unregistered providers.
  - We know our children and their needs well which means that we suitably assess and understand the placements that they are living in and can correctly identify unregulated and unregistered arrangements.
  - We are developing 2 emergency placements which will be regulated children's homes within the current residential children's home strategy.
  - A relatively small number of 16- and 17-year olds live in unregulated placements which are suitable placement for them and meet their assessed needs (16 at the time of the report out of a cohort of 107 16- and 17-year olds).
  - There is a clear internal system of identification regarding placements meaning that when an unregistered arrangement is being considered appropriate senior management oversight is in place.
  - The assistant director for children's social care and the head of service for looked after children's services receive a weekly report relating to all children and young people in emergency unregistered and unregistered placements.
  - The assistant director reports regularly to the directorate leadership team.
- 2.6 Placement sufficiency means that children/young people do at times live in unregistered arrangements and although placement searches are ongoing for some children this takes time resulting in them remaining in unregistered placements for more extended periods. We are currently undertaking work to improve our placement sufficiency which will reduce the reliance on unregistered provision.

- 2.7 There are 8 (at the time of writing on 09/02/21) 16- and 17-year olds living in unregulated provision, but their needs assessment identifies that they require care not support and so their placement is unregistered. These young people are all receiving the additional help that they need in these placement arrangements and are making good progress. Many have been supported to reduce their reliance on care staff and are making good progress in gaining independence skills and some young people (who are no longer on this list) have moved to a position that they are now only in receipt of support as opposed to care. There is a higher degree of scrutiny of the placement arrangement given that it is unregistered, meaning workers visit more frequently and independent reviewing officers (IROs) are vigilant within their reviewing of the plan.
- 2.8 There are 3 other children/young people who are in emergency unregistered care arrangements, for each of these they need care as opposed to support (either due to their age or level of needs). There is increased oversight by social workers (weekly visiting) and IROs (monthly reviews) to ensure that these arrangements are closely monitored and there is an active placement search ongoing to identify a regulated placement alternative.

### **3 Options considered and recommended proposal**

- 3.1 The work is ongoing, and it is proposed that it will continue ensuring that:
- An up to date tracker continues to be used to record details of all children and young people in emergency unregistered, unregistered, and unregulated placements – this is in place and updated weekly
  - Refresh of procedures and guidance for staff to ensure the issues are well understood and that the processes are consistently followed meaning that the correct safeguards/alerts are in place when unregistered arrangements are used – by end of March 2021
  - Continue to develop the sufficiency strategy to ensure the development of varied in-house options to provide flexible/emergency care when this is required – as set out in cabinet papers

### **4 Consultation on proposal**

- 4.1 There is no proposal contained within this briefing report on which to consult.

### **5 Timetable and Accountability for Implementing this Decision**

- 5.1 There are no decisions being sought at this meeting, rather assurance being offered regarding work already planned with timeline set out in section 3.

### **6 Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

- 6.1 There are no direct financial implications to this report.
- 6.2 All placements are closely monitored to ensure robust financial projections.

## **7 Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

7.1 The information provided in the report setting out unregulated and unregistered placements is legally correct. There is continued oversight of any unregistered placements to ensure children are safeguarded.

## **8 Human Resources Advice and Implications**

8.1 There are no human resource implications that require consideration.

## **9 Implications for Children and Young People and Vulnerable Adults**

9.1 Increasing oversight of unregulated and unregistered placements means that looked after children and young people are safeguarded and provided with appropriate additional support/oversight when required.

## **10 Equalities and Human Rights Advice and Implications**

10.1 This is not a cabinet report, so an equality impact assessment is not required.

## **11 Implications for Partners**

11.1 There are no implications to consider in relation to this report.

## **12 Risks and Mitigation**

12.1 There is nothing further to consider that is not addressed elsewhere in the report.

## **13 Accountable Officer(s)**

Ailsa Barr, assistant director, children's social care  
Rebecca Wall, head of service, children in care

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Not required for this report	<a href="#">Click here to enter a date.</a>
On behalf of Strategic Director of Finance & Customer Services (S.151 Officer)	Neil Hardwick	10/02/21
On behalf of Assistant Director of Legal Services (Monitoring Officer)	Clare Jordan	11/02/21
Assistant Director of Human Resources (if appropriate)	Not applicable	<a href="#">Click here to enter a date.</a>
Head of Human Resources (if appropriate)	Not applicable	<a href="#">Click here to enter a date.</a>

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