

The following are draft responses for us to define and build on before sharing with the group and submitting by 19th July.

The [consultation can be accessed here](#).

Consultation questions

Has there been consultation with relevant parties? Care leavers, those who are about to leave care, those working in Children's homes to establish needs?

1. To what extent do you believe that each of these indicators is helpful in determining whether a provider is delivering 'care' or 'support'?

This is a scaling question from helpful to unhelpful.

We will tick unhelpful on all except the following as, for example, in our view a young person could be living in a children's home with appropriately relaxed boundaries, or in a supported arrangement but needing extra care. **Agreed**

The only helpful question is Are there regularly significant periods of time when young people are on the premises with no direct staff supervision? There **needs to be** clarity here – what is regular, what is significant, what is a period of time, what is direct?

2. Please explain your answer

The Independent Person Network is concerned about this binary division which in our experience does not reflect children's lived experiences. This is reflected in law – Parental Responsibility is a diminishing right, not a switch that changes at 16 or 18. Nor is child development linear – it jumps forwards and backwards and children at age 16 and 17 have just as much right to seek care as any other child. We worry that providers may not feel empowered to offer such care for fear of affecting registration.

Young people who have experienced trauma in my experience have huge gaps in learning on all levels and the bravado learnt/displayed and poor coping strategies, covers up a myriad of insecurities or securities at a much lower level than the average 16 and 17 year olds.

Examples have been given in respect of the less helpful criteria:

Can young people go out of the establishment without staff's permission? A young person of 16 with capacity in a children's home should be able to make this decision. It does not make it support

Do young people have full control of their own finances? Again this is achievable in a children's home

Do young people have control over what they wear and the resources to buy clothes? This should be happening from 14!

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? Again 16/17 in a children's home should be doing this where they have capacity, **however those with long term health needs may require additional support especially if they have been moved around the country and need to be in touch with specialist teams – CAMHS, Diabetes... especially important relating to long term health needs and the strain on resources going into adult services. Signposting is not enough. How do you know what you need if you have never had support, lack understanding, unable to navigate the systems?**

Do staff have any access to any medical records? A young person in a home has the right to withhold these from staff from the age at which they understand the implications of those rights. Equally, a young person in supported arrangements might choose to share these. We're not sure the idea of total independence is realistic – even as adults we may choose to give access to others to discuss such significant decisions

Can young people choose to stay away overnight without first seeking permission? Seeking permission vs informing staff? It's part of the challenge of parenting a 17 year old!

Is there a sanctions policy that goes beyond house rules and legal sanctions that would be imposed on any adult? This is perhaps not how many children's homes operate anyway. If the establishment accommodates both adults and young people, do those under 18 have any different supervision, support, facilities or restrictions? Where an 18 year old is living in a children's home it is likely there will be individually tailored boundaries

Are there regularly significant periods of time when young people are on the premises with no direct staff supervision? This is a useful question, **what does no direct staff supervision mean? Could be a loophole if undefined.**

Do staff have any responsibility for aftercare once a young person has left? Unsure – **perhaps in as much as informing local authority/placing authority/Ofsted?, ensuring paperwork is kept as we do in Children's Homes.**

Does the establishment's literature promise the provision of care or relate to specific care support provided to all residents? This again challenges the perception that 16/17 year olds do not need care – **on a needs led basis**

Does the establishment provide or commission a specialist support service, which forms part of the main function of the establishment? Again there are dangers of limiting the effectiveness of services.

In the view of the National Independent Person Network the boundary between care and support is blurry. The imposition of a regulatory framework that distinguishes between these and creates separate market places, commissioning, regulation, visiting arrangements, powers and similar is organisation centric rather than young person centric. **As the current provision is unregulated, there is no independent overview of services to meet a young persons need and surely this should be at the centre of what we are trying to achieve to hold poor provision providers to account and improve services and outcomes.**

Let's try an example ****

In our view it would be better to extend the Children's Homes Regulations and have specific provisions for elements to be relaxed in line with the young person's needs for 16 and 17 year olds.

3. Do you agree that the Government should define all of this provision as 'supported accommodation for older children' in future?

No

4. Please explain your answer, including any alternative suggestions

In our experience young people of this age do not like being called children. Children's homes also need rebranding in law.

Our preference is for an annex to the children's homes regulations titled something like Adjustments for older young people

5. Please provide examples of the types of independent or semi-independent provision that exist in the sector. For local authorities responding, this may be types of provision that you commission or, for providers, this may be a description of the service you offer. We are keen to hear a range of perspectives on this. These may be broad categories of provider types or bespoke examples.

a. What do you call the type of provision(s) that you use/deliver?

b. Could you tell us about the provision, including who the provision accommodates, and how the needs of those accommodated are met through different forms of support?

c. What are the positive features and characteristics of the provision that you would want to retain in future?

d. What are the negative features and characteristics of the provision that you would not want to retain in future?

On researching this providers I have come across do/did have unregulated provisions. One company has now changed the provision to regulated – they offered an 'assessment type' provision which generated income and 'screened' young people prior to offering a potential placement when vacancies became available, the other uses staff trained in the regulated provision to support the young people.

6. Are there examples of where it would be appropriate to place a looked after child or care leaver aged 16 or 17 in a setting that does not deliver any care or support?

Yes. And no. (no, if we have to choose) If they have been assessed as being Looked After their situation has been deemed as vulnerable – they may need re assessment prior to 16 to decide if they have the necessary skills to live in a settling without care/support. The concern is that local authorities see this as a cost saving measure compared to the needs of the young people and realistically they are support in my experience by good will of staff they have been involved with previously. They are not likely to ask for help.

7. Please explain your answer

Where a young person has reached the last Friday in June of Year 11 they have the same rights as any other young person to leave home. However, like any parent the local authority should be seeking to avoid such as situation and this should require approval at DCS level. The local authority should always seek to act in the best interest of a child, taking into account their wishes and feelings in the light of their age and understanding.

Young people are hugely vulnerable at this age, care leavers more so. We should be doing everything possible to avoid leaving them without support and care.

Example –

I worked with a young person who was living at home for years in a neglectful situation that 'never met threshold' and eventually came to the Children's home. His social worker made it clear that we had 6/7 months to teach him independence skills as his name was down on the housing list for a new development. It was pointed out that from a base line assessment this was not achievable, however in all his subsequent meetings the local authority tried to seduce him and get him to buy in to the opportunity. He recognised he was not ready and had the support of an advocate, however the LA refused to extend his placement. At the end of his 6 months at the Home he was moved into the provision – no basic support to move in, unpack, show him around, only had a number to call which was emphasised was for emergencies only. Approximately 2 weeks later staff from the home visited (he hadn't been answering calls so went round as a courtesy call) – he was living in squalor – no washing done, bed not made, not showering, was surviving on fast food, pot noodles, snacks, had acquired a dog to keep him company which had defecated everywhere and was surviving on left over food – he had no idea how to look after it, he was unable to leave the property due to threats made by a peer, and had no support/visit from social worker and she was not responding to his/our calls. This experience was traumatic – he hit crisis in such a short period of time - having experienced neglect as a child, had flourished in the children's home – became a role model for others, enjoyed being part of a family and living in a home that was homely, safe, basic needs met to going back to a neglectful situation that he could not cope with. How is this acceptable??

Young people housed in sub standard flats, HMO, holiday homes with sometimes with agency staff that have no training or no staff at all is a national tragedy.

We know of children going from several foster placements, experiencing several children's homes (there's a discussion needed on why this happens) to then being put in 16-17 accommodation – how is this normal??? The focus is always on cheapest option not needs of the child/young person and this proposal continues to legitimatise this process.

8. Are the proposed national standards missing anything that you would expect of any provider of independent and/or semi-independent provision?

Regrettably I have to concur with other critics of this proposal regarding the lack of detail contained in the consultation document. It falls well short of the expectations and initial discussions held especially in light of the care recent review. With the best will in the world there will always be young people that require services that the family unit cannot meet. There appears to be a lack of understanding of the needs of young people in unregulated care provisions and their right to appropriate care/support in order to keep them safe and increase their life chances.

The current proposal reads little more than current HMO properties with no development of skills, learning, opportunities and a distinct lack of care, love, homeliness, relationship, attachment, listening, fun, activity, food and healthy eating, boundaries/guidance, activities, wishes and feelings, encouragement, enjoyment, anything about education other than in the statement of purpose, everything that young people who remain in family situations and children's homes are entitled to. It appears as a lack of duty of care to the most vulnerable. From experience it is sink or swim and disheartening for those who have invested in the lives of young people when they move on. It is dressed up and enticing to a 16 year old – the reality is very different.

An adapted version of the Children's Home Regulations tailored to older young people was the expectation.

Lack of detail re policy expectations for the provision.

Lack of fluidity/transition from Children's Home to this proposal.

Should be based on needs of a young person as to whether they stay in Children's home (and wishes) not age (and cheaper costs) and a method where if this 16-17 provision does not meet need they can go back to Children's home provision – a ring fence time period.

Time scales proposed re registration.

The staff teenagers need.

Any recognition of the risk of peer on peer abuse as set out in the recent Ofsted review, short of behaviour that has already been criminalised.

We're worried that without the balance of things like the principles in the quality standards some of these settings could be very institutional... homeliness for example to balance the accommodation and furnishings are maintained around avoidable hazards and health and safety.

These are not places we would want our children to go at such a vulnerable age.

Depth of training for staff around the statement of purpose of the organisation, so for example in trauma/attachment or relationships.

The document appears extremely basic and not in line with the complexity of the young people we have come to know and love.

There is an absence of independent scrutiny of the settings other than the regulator, and it is not clear how that will operate. How often will they be inspected? What happens inbetween inspections? How do provisions maintain standards or improve outcomes without scrutiny? Surely the situation will remain the same without a level of scrutiny?

9. Are there any elements of the proposed national standards that you think would be difficult for providers to implement?

Due to the lack of detail we think this offer will provide a race to the bottom with cheap, clean settings that local authorities under financial pressures will feel compelled to use. The experience of young people in such settings is likely to be dire and they will embody the impact of the low expectations of the settings. This will lead to life long poor outcomes, reliance on already resource strapped services – benefits, NHS due to poorer health outcomes, potentially increase in crime and therefore prison services. This is an opportunity to raise the bar and expectations for care leavers. This is also an opportunity to raise standards and expectations of providers.

10. Which elements of the proposed national standards do you expect would carry the most significant costs? Please explain your answer, providing estimates of cost where possible.

Raising standards above what is proposed will incur cost, but what cost at this time of there lives compared to the long term reliance on other services as previously mentioned?

- 11. How much do you expect the costs of provision to increase by if these national standards are introduced? Please explain your answer, providing estimates of cost where possible.**
- 12. What do you think the main advantages would be of a model where Ofsted registers and inspect at individual-setting level?**
- Raising standards and expectations, ensuring quality services and those that do not meet these are closed.
- 13. What do you think the main disadvantages would be of a model where Ofsted registers and inspect at individual-setting level?**
- 14. What do you think the main advantages would be of a model where Ofsted registers and inspects at provider level?**
- Raising standards and expectations, ensuring quality services and those that do not meet these are closed.
- 15. What do you think the main disadvantages would be of a model where Ofsted registers and inspects at provider level?**
- 16. If you think an alternative model would be appropriate, please explain this.**
- 17. How often do you think providers and/or settings should be inspected? Please explain your answer, including if you think this inspection should be at provider level or individual-setting level, as set out in the previous question.**
- Independent visitor visits and reports submitted to the regulator to ensure standards and the needs of the young people are met inbetween regulator inspections

Annex B: The proposed national standards

The leadership and management standard

This standard should enable a young person to have confidence in the organisation providing their accommodation and support, and the people responsible for running it

The purpose and intent statement

The registered provider must ensure that a clear statement (the purpose and intent statement) of the core aims, purpose and function of the service is produced, updated, reviewed regularly and is accessible to all interested parties.

The purpose and intent statement should include:

- A Statement of the overall aims of the service, and the objectives to be achieved with regard to the young people being accommodated there. This should include details such as the age range, gender and numbers of young people the accommodation is to be provided for, whether the service is to provide any specialist accommodation or support, and the range of needs which the project intends to meet. This statement should cover how providers intend to manage the different risks young

people in the setting present to each other and ensure that matching issues are considered in the admission of young people. **Agreed**

- A statement of the facilities and services to be provided for the young people accommodated at the service.
- The name and address of the registered provider
- The name of the registered provider and their relevant qualifications and experience.
- The number, relevant qualifications and experience of staff working at the service.
- The arrangements for the supervision, training and development of staff, and the organisational structure of the service.
- The arrangements in place for the management of referral and admission to the service including for emergency admissions i.e. whether these are offered, and how these are managed.
- Details of the provider's ethos, the outcomes it seeks to achieve, and its approach to achieving them.
- The arrangements in place to protect and promote the mental, **emotional, social** and physical health needs of young people at the service.
- The arrangements in place to support the development of skills, **to include independent living and personal skills** which will enable the young person's transition towards independence.
- The arrangements in place to promote the young person's involvement in education, training or employment.
- The arrangements in place to ensure a young person is fully aware of their entitlements.
- A description of the accommodation offered by the service, including how the accommodation meets the accommodation standard.
- Details of who to contact if a person has a complaint about the service and how that person can access the relevant complaints policy.

The leadership and management standard

Each individual service must have an allocated person who is accountable for all elements of service delivery.

This allocated person must:

- Enable, inspire and lead a culture in relation to the service which:
 - o helps young people aspire to fulfil their potential
 - o helps young people build and develop the skills required to live independently; and
 - o promotes their welfare.

Minimum qualifications? Experience?

- Lead and manage the service in a way that is consistent with the approach and ethos, and delivers the outcomes set out in the statement of purpose.
- Ensure that all young people in the service are fully aware of their entitlements and, where possible are encouraged to access them.
- Ensure that staff work as a team where appropriate.
- Ensure that staff have the experience, qualifications, and skills to meet the needs of each young person. **Minimum qualifications?**
- Ensure that the service has sufficient staff to support and accommodate young people safely and effectively. Staffing levels expectations eg **similar to early years provision?? Unless specified 1:3??**
- Demonstrate that practice is informed and improved by considering and acting on:
 - o Feedback on the experiences of young people, including complaints received
 - o Feedback on the impact that the service has had on a young person's life, especially on how well-prepared they feel when moving on, and
 - o Use of monitoring and review systems to make continuous improvements in the quality of support provided by the service.

As part of a development plan?

Notification of a serious event

If a young person dies, the registered provider must without delay notify:

- HMCI (Ofsted)
- The placing authority
- The local authority in whose area the supported accommodation is located (if that local authority is not the placing authority)
- Each other relevant person.

If there is a referral of a person working in the home pursuant to section 35 (Regulated activity providers: duty to refer) of the Safeguarding Vulnerable Groups Act 2006(1), the responsible person must without delay notify:

- HMCI (Ofsted)
- The placing authority, and
- Each other relevant person.

The registered provider must notify HMCI (Ofsted) and each other relevant person without delay if:

- a young person is involved in or subject to or is suspected of being involved in or subject to, sexual or criminal exploitation.

- an incident requiring police involvement occurs in relation to a young person which the responsible person considers to be serious.
- there is an allegation of abuse against the service or a person working there.

A notification made: (equivalent to reg 40 Children's Home Regulations)

- Must include details of—
 - o The matter (concern/incident),
 - o The details of other persons, bodies or organisations (if any) who or which have been notified; and
 - o Any actions taken by the responsible person as a result of the matter;
- Must be made or confirmed in writing.

The protection standard

This standard should ensure that young people feel safe? (definition needed?) and their needs are met

The protection standard is to ensure all young people are protected from harm, enabled to keep themselves safe and their individual needs are met. This standard requires the responsible person to ensure:

- That staff have the necessary skills (definition/guidance needed) to identify and act upon signs that a child is at risk of abuse, neglect, exploitation, or any other risk that may cause a young person harm, and act to reduce this risk as effectively as possible.
- That staff work collaboratively with young people to ensure they understand how to keep safe and offer guidance and support on how to minimise any potential risks.
- That the accommodation, and all accessible areas of the service are designed, furnished, and maintained to remove avoidable hazards which could pose a health and safety risk. Minimum requirements/expectations?
- That a 'location assessment' is undertaken, with focus on any potential local safeguarding concerns, and the accessibility of local services. To be inline with Children's Homes regulations?
- That the service's child protection policies are monitored regularly. Bullying. Peer/peer?

Medications? Ligatures/self harm training? Drug and alcohol training? Mental Health first aid? First aid training? PREVENT? CSE? CCE? Covid? Trauma informed practice?

Workforce plan

The protection standard requires the responsible person to ensure that a workforce plan is in place which sets clear expectations on the employment and recruitment of all staff, and must include statements to confirm:

- The responsible person has undertaken a fit and proper persons assessment.
- Every individual involved in delivering any part of the service to young people has undertaken an enhanced DBS check.
- That recruitment policies have been developed to ensure the safeguarding of young people, by carrying out all necessary pre-employment checks.
- The management and staffing structure, the experience and qualifications of staff currently working within the service and any further training required for those staff. **Minimum expectations??**

This includes confirmation that staff understand the roles and responsibilities assigned to them in relation to protecting young people.

- The processes and agreed timescales for staff to complete induction, probation, and any core training, such as safeguarding, health and safety qualifications.
- The process for managing and improving poor performance.
- The process and timescales for supervision and monitoring of practice.
- Details of all how this information is recorded, in line with any other applicable legislation.

Location assessments

- The protection standard requires the registered provider to ensure that a location assessment has been completed and has identified the local area as a suitable location for the type of service provided. The location assessment should take into account:
 - o Publicly available local data, such as local crime rates and the availability of amenities and services.
 - o Consultation with appropriate local services such as the police, local authorities children's services, clinical commissioning groups and other relevant parties.
- This information should be used to produce a full risk assessment which also includes any relevant risk mitigation strategies to reduce potential risks.

The accommodation standard

This standard should ensure that young people experience a comfortable and **secure (could be misconstrued)** environment.

The accommodation standard is to ensure that the accommodation, and physical premises used for the purpose of providing supported accommodation for young people:

- complies with all relevant aspects of legislation to ensure the service is designed, furnished, and maintained to remove all avoidable hazards;
- is suitable for its stated purpose, is accessible, safe and **secure (could be misconstrued)**, well maintained and provides for the young person's individual and collective needs in a comfortable, positive and therapeutic environment, while respecting their privacy; and

- is adequately insured.

This standard requires the responsible person to ensure:

- That each young person is provided with a bedroom or self-contained area which is lockable and equipped to meet the individual's needs and lifestyle.
- There is space within each bedroom or self-contained area for a young person to house a reasonable number of personal possessions. **Minimum dimensions?**
- A comfortable space is provided, either for shared or private use, in line with the service's statement of purpose.
- That, where a young person does not have access to basic essentials such as bedding, personal hygiene products and eating **and cooking** utensils, these are provided by the service.
- That each young person is provided a written agreement, in an accessible format which outlines their rights, the terms and conditions of the service and how they can complain.
- A good standard of decor and furnishings (**minimum expectations??**) are maintained throughout the service, and within individual and shared living spaces.
- The building complies with all relevant health and safety legislation and fire regulations.
- That appropriate security checks and measures are in place to maintain a safe service for young people.
- That appropriate arrangements are in place for young people to access help in a crisis or emergency, 24 hours a day. **Minimum expectations?? Sleep in? response within XX minutes and someone on site in XX minutes – needed for security, to manage anxiety**
- A written statement is available which sets out the agreed protocol with regard to any incidents of criminal or violent behaviour at the service. This statement should ensure the safeguarding and protection of all young people and staff but must also be measured and proportionate, so as not to cause unnecessary criminalisation.
- An adequate level of insurance is provided for the service, its staff and the young people using the service.

The support standard

This standard should ensure that young people experience high quality, tailored support

The support standard is to ensure that all young people using the service receive individual and tailored support. The support package should be appropriate to a young person's needs, promote and support their independence and clearly identify the services contribution to meeting their needs.

This standard requires the responsible person to ensure:

- That young people are encouraged and enabled to take a lead role in the support they receive.

- That support plans are created from initial referral information, consultation with the young person and take account of other existing plans for the young person.
- That an information pack containing relevant information about the service and external services is available for young people accommodated at the service. This information should be produced in user friendly formats which also address cultural and disability needs.
- That a formal plan is in place to support a young person to move on when ready for more independent living and that, where appropriate, an adequate level of support is available to the young person to assist with the next stage of transition.
- That the service is conducted in a way which is compliant with equality legislation and promotes the rights of young people.
- The service engages with other organisations and community services to encourage and enable young people to obtain a range of services such as advocacy organisations and training providers.
- Young people are enabled to maintain appropriate and safe relationships with family and friends.
- Young people are able to participate in and influence how the service operates. And evidence of how this has been achieved?? Development plans??

Something equivalent to reg 44 and reg 45 of the Children's Homes Regulations needed.