



## Report to Policy Committee

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**Report of:** Joe Horobin, Director of Integrated Commissioning

**Report to:** Education, Children and Families Committee

**Date of Decision:** 31<sup>st</sup> January 2023

**Subject:** Briefing on the forthcoming regulation and inspection of supported accommodation

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
This is a briefing on the consultation on the <i>Guide to supported accommodation regulations including Quality Standards and as such an Equality Impact Assessment is not required.</i>				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
This is a briefing on the consultation on the <i>Guide to supported accommodation regulations including Quality Standards and as such a Climate Impact Assessment is not required.</i>				
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below: -				
<i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i>				

**Purpose of Report:**

The purpose of the report is to provide the Education, Children and Families Committee with a briefing on the proposals for the future regulation and inspection of supported accommodation for 16- and 17-year-olds for whom the Local Authority has a duty to accommodate or arrange accommodation.

The Department for Education has recently undertaken a consultation on the *Guide to supported accommodation regulations including Quality Standards.*

The consultation period was from 5<sup>th</sup> December 22 to 16<sup>th</sup> January 23.

Ofsted will begin registering providers from April 2023 ahead of the new national standards becoming mandatory for all providers from Autumn 2023 at which point all providers will need to be registered. The first full inspections are expected to begin from April 2024.

**Recommendations:**

The report is to brief the Education, Children and Families Committee of the forthcoming regulation, standards and inspection and for the Education, Children and Families Committee to note the contents of the report.

**Background Papers:**

Guide to supported accommodation regulations including Quality Standards, DfE, December 2022.

<b>Lead Officer to complete: -</b>	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Kayleigh Inman
	Legal: Patrick Chisholm
	Equalities & Consultation: Bashir Khan
	Climate: Jessica Rick
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>
2	<b>SLB member who approved submission:</b> Andrew Jones, Director for Children’s Services
3	<b>Committee Chair consulted:</b> Briefings have been undertaken with the Co-Chair, Vice Chair and Spokesperson of the Education, Children and Families Committee
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> Victoria Gibbs
	<b>Job Title:</b> Head of Children’s Commissioning
<b>Date: 20<sup>th</sup> January 2023</b>	

## 1. PROPOSAL

- 1.1 The Department for Education has recently undertaken a consultation on the *Guide to supported accommodation regulations including Quality Standards* for looked after children and care leavers aged 16 and 17 for whom the Local Authority has a duty to accommodate or arrange accommodation.
- 1.2 The consultation was live from 5<sup>th</sup> December 22 to 16<sup>th</sup> January 23.
- 1.3 The consultation invited views on;
- new mandatory quality standards for providers of supported accommodation
  - how Ofsted registration, inspection and enforcement will work in practice to ensure provider accountability
- 1.4 The regulations will come into effect from spring 2023. Ofsted will begin registering providers from April 2023 ahead of the new national standards becoming mandatory for all providers from Autumn 2023, at which point all providers will need to be registered.
- 1.5 The first full inspections are expected to begin from April 2024.

### **Principles for supported accommodation**

- 1.6 The principles upon which supported accommodation for young people is delivered are important elements that underpin the Regulations and the Guidance. The principles have been collated following engagement with care experienced young people.

Providers will be expected to ensure that all settings deliver a service that realises the principles below:

- *I feel safe and secure where I live and in my wider environment*
- *my voice is respected, heard and advocated for, so I can influence the support I receive*
- *I have confidence that the adults who support me understand me, are skilled and work effectively together to best meet my needs*
- *I have my own space that I feel proud of and live in a comfortable, well maintained, and stable accommodation*
- *I receive high quality, tailored support that sustains my health and wellbeing*
- *I have strong, trusting, and meaningful relationships within my support system and can rely on the adults around me*

- *I feel empowered to learn and apply skills for independent adult living*
- *I feel positive about my future and opportunities as a result of the support I receive*

### **Diversity and Categories of supported accommodation settings**

- 1.7 There is a diverse range of settings within supported accommodation provision for young people aged 16 and 17. The regulatory framework sets out ambitions for all young people in this provision, recognising the distinct needs and levels of support offered by a wide variety of different settings.
- 1.8 As such, it will be a legal duty that all registered providers meet the Regulations having regard to the specific needs of young people placed in their service and the role and aims of the service, as set out in their Statement of Purpose.
- 1.9 While one provider type's approach will likely differ from another's due to the purpose of the service and/or the needs of the young people they accommodate and support, all registered providers must ensure compliance with the quality standards.
- 1.10 In line with Ofsted registration categories, the table below outlines the categories of supported accommodation and a broad description of what they provide. Providers will be required to state which category / categories they are applying for at the point of registration. If a provider is applying to run more than one category of supported accommodation, the registered service manager will need to have the skills and experience to oversee the management of each category.

Category	Description
1. Single occupancy	<ul style="list-style-type: none"> <li>• Includes bedsits under a licence agreement and self-contained flats, which may be at the same location, or within the same building</li> <li>• This category does not include provision that is not designed for anything other than solo occupancy</li> </ul>
2. Shared accommodation/group living (ring-fenced provision for looked-after children and care leavers)	<ul style="list-style-type: none"> <li>• Shared accommodation</li> <li>• Young people have their own bedroom, and may have their own bathroom, and share communal areas (e.g., living room/s, kitchen)</li> <li>• Provision may include foyer-type accommodation that combines</li> </ul>

	<p>support with opportunities for education, training and employment</p> <ul style="list-style-type: none"> <li>• This provision may support care leavers aged 18+</li> </ul>
3. Shared accommodation/group living (non-ring-fenced provision)	<ul style="list-style-type: none"> <li>• See description for 2 above, plus:</li> <li>• In addition to being registered to support looked-after children and care leavers aged 16-17, this provision may also provide accommodation for people aged 18+ and who are not care-experienced</li> </ul>
4. Family-based accommodation/supported lodgings	<ul style="list-style-type: none"> <li>• Provided by private individuals who offer a room in their family home</li> <li>• Provision is typically co-ordinated by a supported lodgings scheme (the registered provider), which recruits and supports a network of supported lodgings 'hosts'</li> </ul>

### Quality Standards

1.11 The Regulations prescribe four Quality Standards which must be met by a supported accommodation service and within its individual settings;

- the leadership and management standard
- the protection standard
- the accommodation standard
- the support standard

1.12 The leadership and management standard includes;

- sufficient, suitably trained and qualified staff
- the requirement to have a registered person or manager
- employment and supervision of staff
- oversight and monitoring of the provision by the registered service manager
- statement of purpose
- support
- multi-agency working

1.13 The protection standard includes;

- policies and procedures
- managing risk

- safeguarding culture and ethos
- supervision
- safe accommodation
- understanding harm and abuse
- processes for reporting allegations
- location assessments

1.14 The accommodation standard includes;

- a welcoming and homely environment
- tailored design to meet the needs of young people with disabilities
- providing personal space including access to the internet and sufficient mobile reception from their bedroom
- a safe and secure environment

1.15 The support standard includes;

- providing tailored and personalised support
- establishing and maintaining, healthy positive and supportive relationships
- preparation for adult living
- supporting the health and wellbeing of young people
- supporting young people to access medical appointments including mental health services
- medication policy
- choice of expression
- supporting education and training
- access to leisure and community
- transitions
- advocacy and rights of young people
- producing a young person's guide
- hearing the views of young people
- review of quality and support

### **Inspection**

1.16 Supported accommodation providers must register with Ofsted who will regulate and inspect the supported accommodation service, inclusive of all the settings the provider operates.

1.17 There are four elements to Ofsted's function as a regulator: registration; inspection; compliance; and enforcement. The purpose of Ofsted's inspection of supported accommodation is to assess the quality of support provided to young people, promote improvement and raise standards.

1.18 Inspection focusses on the experiences and progress of young people in supported accommodation and the effectiveness of the help they receive to achieve good outcomes.

- 1.19 Ofsted is required to register providers (not individual settings) at the level of the service. Ofsted must inspect providers and provide a grading at least every three years. Ofsted will inspect services at provider-level and visit a representative sample of the provider's settings at inspection to inform the overall rating of the provider.
- 1.20 Following an inspection, inspectors will make a number of judgements, including a judgement on the overall progress and experiences of young people accommodated by the service.
- 1.21 From Spring 2023, if a provider, once registered, fails to meet a regulation, Ofsted will consider the appropriate enforcement action to take in the circumstances. In determining whether a regulation has been met, Ofsted will take into account how the registered provider is following the guidance. Any failure to meet the Regulations or quality standards may lead to consideration of enforcement action. Inspectors will also make recommendations for improvement.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 The regulations and registration of supported accommodation providers will support Sheffield City Council's one year plan for:
- strong and connected neighbourhoods which people are happy to call a home
  - happy young people who have the start they need for the future they want

## **3. HAS THERE BEEN ANY CONSULTATION?**

3.1 The Department for Education currently had an open consultation in respect of the introduction of the draft guidance for supported accommodation and are seeking the views of looked after children and care leavers aged 16 and 17 on the proposed new guidance for supported accommodation.

3.2 The DfE also published a separate version of this consultation, which was aimed at local authorities, providers and other organisations who wish to respond.

The consultation closed on 16<sup>th</sup> January 2023.

3.3 The Integrated Commissioning service will be meeting with providers in January 2023 to support and advise of the guidance, regulation and inspection.

3.4 In addition, the monitoring activity to supported accommodation providers will also offer opportunity to explore with providers how they are preparing for the future regulation and inspection.

- 3.5 The Integrated Commissioning service is currently re-commissioning the current Dynamic Purchasing System framework (DPS) for supported accommodation. The re-commissioning exercise will include consultation with young people and will be informed by the DfE consultation and the final guidance once published.

## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1 Equality Implications**

#### **4.1.1 Equality of Opportunity Implications**

Decisions need to take into account the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The Equality Act 2010 identifies the following groups as a protected characteristic: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

As this report is a briefing on the proposals for the future regulation and inspection of supported accommodation for 16- and 17-year-olds Education, Children and Families Committee no Equality Impact Assessment (EIA) is required at this stage.

An EIA will be completed as part of the recommissioning of supported accommodation.

### **4.2 Financial and Commercial Implications**

- 4.2.1 There are no direct financial implications for the local authority as a result of this briefing.

### **4.3 Legal Implications**

- 4.3.1 The Guidance which was the subject of the consultation exercise will be issued to support the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022 and will be a statement of the national minimum standards pursuant to section 23 of the Care Standards Act 2000 applicable to establishments or agencies.



- 4.3.2 The Regulations and the accompanying guidance for supported accommodation are applicable to accommodation in England in which a child is accommodated by the local authority pursuant to section 22C(6)(d) (“other arrangements” for looked after children) or 23B(8)(b) (“suitable accommodation” for 16- and 17-year-old care leavers) of the Children Act 1989.
- 4.3.3 The Quality Standards for supported accommodation for young people are issued by the Secretary of State under section 23 of the 2000 Act. The Secretary of State will keep the standards under review and may publish amended standards as appropriate.
- 4.3.4 The Education, Children and Families agreed to extend the current Dynamic Purchasing System Framework for supported accommodation on 9<sup>th</sup> November 22 to allow for a re-commissioning exercise. The new guidance will be included within the extension and future commissioning of supported accommodation.

#### **4.4 Climate Implications**

- 4.4.1 There are no direct climate implications in respect of this briefing, however, improving the quality of care for children in care and care leavers to enable positive outcomes is crucial in the sustainable growth of Sheffield.
- 4.4.2 The Education, Children and Families Committee requested that as part of the re-commissioning of the DPS Framework that providers are encouraged to be environmentally friendly in relation to any accommodation that they own or lease.

#### **4.5 Other Implications**

There are no other implications arising out of this briefing.

### **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 There are no alternative options that need to be considered as this is a briefing on the *Guide to supported accommodation regulations including Quality Standards*, that is currently subject to consultation.
- 5.2 The future guidance on the supported accommodation regulations including the Quality Standards will be incorporated into the current DPS framework and the recommissioning of the framework for supported accommodation.

### **6. REASONS FOR RECOMMENDATIONS**

- 6.1 This report provides a briefing on the *Guide to supported accommodation regulations including Quality Standards*, that was recently subject to a DfE consultation.

- 6.2 The future guidance on the supported accommodation regulations including the Quality Standards will be incorporated into the current DPS framework and the recommissioning of the framework for supported accommodation.