

Children's Social Care

UNREGULATED PLACEMENTS POLICY and PROCEDURE for SOCIAL WORKERS

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CONTENTS

- 1. Introduction**
- 2. Purpose**
- 3. Scope**
- 4. Policy**
- 5. Roles and Responsibilities**
- 6. Procedure**
- 7. Monitoring, Review, and Evaluation**
- 8. Associated legislation, policies and documents**
- 9. Appendices**

1 Introduction

- 1.1 The London Borough of Lambeth (LBL) is committed to the health and well-being of all its residents and to building strong and sustainable neighbourhoods.
- 1.2 In order to achieve these aspirations, Children's Social Care (CSC) will ensure that all children receive the support that they need for happy and secure childhoods which give them the best start in life, provide integrated care which actively promotes recovery and independence, and which protects the vulnerable. The service will also work with partners to make the borough a safer place and keep people safe from harm, by reducing violence in all its forms and reducing the gap between Lambeth and other boroughs, in particular in areas such as violence against women and girls, serious youth violence and gang crime, as well as anti-social behaviour.
- 1.3 In addition, CSC will work with partners in relation to children and young people, in out of borough placements, who may potentially have additional vulnerabilities.
- 1.4 An essential element in achieving these objectives is to ensure the effective safeguarding of all unregulated placements, where they are necessary, for all Lambeth's children in care.
- 1.5 There has been sustained media coverage regarding unregulated placements, specifically highlighting the vulnerability of young people to exploitation and the inadequacy of some of the provisions.
- 1.6 Nationally, partners in children's services and the police service have raised concerns about the safety of children and young people in unregulated placements. As a result of these concerns, and in the absence of sufficient legislation and national guidance, in this document LBL is making a clear statement of its policy and procedures relating to these placements.
- 1.7 When considering placing a looked after child in an unregistered and hence, unregulated placement, Lambeth will always seek to discharge it's duties within the relevant legislation and statutory guidance;
 - Section 22 (6)(d) of The Children Act 1989
 - Regulation 27 of the Care Planning, Placement and Case Review (England) Regulations 2010
 - The Children Act 1989 Guidance and Regulations. Volume 2: care planning, placement and case review - June 2015
 - Care Standards Act 2000

This policy details how LBL will achieve this and includes the procedure for staff to follow to achieve these objectives.

2 Purpose

2.1 This document covers the following:

- Duties of LBL as corporate parents regarding unregulated placements;
- Responsibilities of Children's Social Care staff regarding unregulated provision;
- Quality assurance and monitoring of the entire process.

3 Scope

3.1 Children in care are one of the most vulnerable groups in society, the majority of whom have suffered abuse or neglect. LBL recognises that these children and young people have the right to live in high-quality placements which best suit their needs and this policy aims to meet this responsibility. Each child is unique and, therefore, their requirements must be tailored to their individual needs.

3.2 This policy covers the range of possible unregulated placements, both in and out of the borough, that may need to be available for children and young people in care. The policy sets out the checks that are needed prior to approval of such a placement and the importance of understanding procedures for addressing any safeguarding concerns that may arise.

This policy should be read alongside the practice guidance for social workers on the difference between unregulated and unregistered placements and supported accommodation [[LINK TO THE DOCUMENT ONCE REDRAFTED](#)]

3.3 LBL, as corporate parents, has developed this policy to ensure that children and young people in such unregulated placements are protected and are not disadvantaged. It is the responsibility of Children's Social Care to establish that the children's needs are matched to the services provided by that placement.

3.4 **Unregulated** placements are allowed in law and occur when children, usually over the age of 16 years, need support to live independently rather than needing full-time care. Ofsted do not regulate this type of provision.

3.5 Unregulated provision is intended as a steppingstone to independence and only when in the child's best interests. This can occur where some children do not want to live with foster carers or in a children's home and can be the best option for some unaccompanied asylum-seeking children.

3.6 Unregulated provision enables flexibility of provision as it may also be an option where there is a lack of available, suitable, regulated provision and in such circumstances, an unregulated provision would normally be regarded as an emergency or temporary placement, available for a child/young person immediately and for a set period of time.

3.7 In every case, before making the placement Lambeth will always establish that the accommodation is suitable. By taking into account, as far as is reasonably

practicable, the needs of the child including their wishes and feelings, the character and suitability of the landlord or other provider, that it complies with health and safety requirements related to rented accommodation and it meets the child's education, training or employment needs.

- 3.8 If a child or young person is currently in a regulated placement and the provider is taking them away on a holiday, the placement they go to on holiday does not need to be registered as their main placement is within a regulated placement. This arrangement can only be for a maximum of 28 days.
- 3.9 **Unregistered** provision occurs where a child or young person, who is provided with some sort of care, is living somewhere that is not registered with Ofsted. Once a provider delivers a care element, as well as accommodation, they must register as a children's home.
- 3.10 'Care' is not defined in law and does not just concern the age of the child but is more than merely support. Care concerns the child's vulnerability and the level of help that they need. Where children are under constant supervision, this is likely to be construed as 'care'.
- 3.11 The regulator Ofsted says there is nothing in law that allows an unregistered home to take in under 16-year olds, unless for a holiday or for "cultural, educational, recreational or sporting purposes".

4 Policy

- 4.1 The most common form of unregulated provision is supported living. This is accommodation where children and young people are visited and receive some support as they progress towards independence. Supported accommodation is not Ofsted registered.
- 4.2 Additional forms of unregulated placements may include the placement of a child, on a Care Order or an Interim Care Order, with a parent or a person with parental responsibility or certain people holding a Residence Order immediately before the Care Order was made. Children may also be placed with parents having achieved looked after status following a remand to Local Authority accommodation.
- 4.3 In rare/emergency circumstances, young people under 16 years may have to be placed in semi-independent living arrangements or in children's homes which have not been approved. In such exceptional circumstances, LBL will always ensure that the placement is suitable before placing the child in such a placement.
- 4.4 Unregulated provision will only be considered when, in the circumstances, it is in the best interests of the individual child or young person. In all other circumstances, the aim is to regulate provisions for all children in care. All regulated options will be exhausted in line with the care plan prior to considering an unregulated or crisis placement, i.e. an emergency short term placement.

- 4.5 Additional forms of crisis placement may, of absolute necessity, include the use of premises such as hotels, hostels, lodgings and holiday parks.
- 4.6 In the absence of Ofsted inspection, LBL, as the corporate parent, will ensure that all placements are safe and suitable for the specific child and, recognising this, will make the best decision achievable for each child. This decision is key to the safe placement of the child or young person and will consider proportionality, impact and unintended consequences.
- 4.7 LBL will not place the most vulnerable children with complex needs in unregulated placements.
- 4.8 In adhering to statutory guidance, LBL will ensure that the child or young person's needs are matched to the services provided by the placement and that the accommodation is suitable. Ofsted will inspect LBL's performance on meeting these statutory duties.
- 4.9 LBL will require all providers to maintain up to date Disclosure and Barring Service (DBS) checks on all their members of staff.
- 4.10 All providers will be required to ensure all their staff receive relevant, updated training such as safeguarding, health and safety, first aid, General Data Protection Regulations (GDPR), etc.
- 4.11 All providers will develop, and submit to LBL, policies and procedures to support safeguarding issues, including:
- safer recruitment
 - missing persons
 - child sexual exploitation
 - serious youth violence
 - safer caring, including self-harming, anti-bullying, etc.
 - mental health
 - substance/alcohol abuse
 - sexual health
- 4.12 LBL will ensure that the requirements of this policy are evident in the agreed contract with the provider prior to any placements being made.

5 Roles and Responsibilities

- 5.1 **Strategic Director, Children's Social Care** has responsibility for the strategic overview for the safeguarding of children and young people looked after by the London Borough of Lambeth. They have specific responsibility for approving unregulated placements for children under 16 years of age. If the Strategic Director is not available, this can be delegated to the Director, CSC, where needed, in discussion with another Strategic Director.
- 5.2 **Director, Children's Social Care** will deputise for the Strategic Director and has day to day operational responsibility for CSC, ensuring adequate management processes are in place for CSC to carry out their safeguarding responsibilities. The Director will also have oversight of relevant policies and procedures, will monitor performance with the management team and has overall responsibility for the management of placements of children and young people. Where the Strategic Director is not available, the Director will approve unregulated placements for children under 16 years of age as at 6.1. In addition, the Director can approve placements involving parents with regulations and will sign such placement off for the AD, Corporate Parenting.
- 5.3 **Assistant Directors** have specific responsibilities to support staff in their management and decision-making processes in managing unregulated placements for children and young people and operational monitoring of all cases. They will implement this policy for the Director when not available and have responsibility for approving placements for young people over 16 years. Specifically, the AD, Corporate Parenting will agree any placements involving parents with regulations – this agreement will be signed off by the Director. It is essential that all placements outside the borough's framework have AD oversight as a minimum.
- 5.4 **Service Managers/Team Managers/Social Workers/Personal Advisors** have responsibility for safeguarding of LBL children and young people and specific responsibilities for unregulated placements as detailed in the accompanying procedure. They will seek appropriate advice in dealing with all placements which are not included in the borough's framework.
- 5.5 **Independent Review Officers** have specific oversight and monitoring responsibilities for children and young people under 18 years and these are detailed in the accompanying procedure in relation to unregulated placements.
- 5.6 **Local Authority Designated Officer (LADO)** has specific responsibilities for dealing with allegations involving staff and carers of LBL children and young people and liaising with LADOs in other boroughs/councils as required.
- 5.7 **All Employees** have a duty to alert LBL managers of any concerns relating to the safeguarding of children and young people in Lambeth. This responsibility brings many staff into contact with unregulated placements where the safety of our children and young people must always be a priority.

6 Procedure

6.1 It is essential that LBL procedures seek to ensure that all children and young people in their care have the right to live in high-quality placements. These placements must be regarded as their home, for whatever length of time they are there.

6.2 This procedure addresses the way in which unregulated placements are approved, how they are subsequently monitored, and the process to be followed where there is any concern about the level of care or safety in a child or young person's new home.

6.3 Placements, Checks, Approvals and Monitoring:

The most common form of unregulated provision is **supported living**. This is accommodation where children and young people are visited and receive some support as they progress towards independence.

6.3.1 LBL recognises unregulated provision as a steppingstone to independence and it will only be considered, in the circumstances, when it is in the best interests of the individual child or young person.

6.3.2 In the absence of Ofsted regulation, LBL, as the corporate parent, will ensure that all placements are safe and suitable for the specific child and, recognising this, will make the best decision achievable for each child. This decision is key to the safe placement of the child or young person and will consider proportionality, impact and unintended consequences.

6.3.3 In considering an unregulated placement, LBL will have regard to proportionality, impact and unintended consequences. These considerations will be recorded on an Unregulated Placement Risk Assessment (Appendix 2)

6.3.4 In adhering to statutory guidance, LBL will ensure that the child or young person's needs are matched to the services provided by the placement and that the accommodation is suitable. Ofsted will inspect LBL's performance on meeting these statutory duties.

6.3.5 Suitable accommodation is:

- Suitable for the child in light of his/her needs, including health needs;
- One in which LBL has satisfied itself as to the character and suitability of the landlord or other provider;
- Complies with health and safety requirements related to rented accommodation;
- Where reasonably practicable, takes into account the child or young person's education, training and/or employment needs.

6.3.6 Matters to be considered before placing a child or young person in unregulated accommodation include:

- Facilities and services provided;
- State of repair;
- Safety;
- Location;

- Support;
- Tenancy status;
- Financial commitments for young person where appropriate;
- Financial resilience check;
- Consultation with host authority where appropriate.

6.3.7 In respect of the child or young person, LBL will consider:

- Their views about the accommodation;
- Their understanding of their rights and responsibilities in relation to the accommodation;
- Their understanding of funding arrangements where appropriate.

6.3.8 LBL will require all providers to maintain up to date Disclosure and Barring Service (DBS) checks on all their members of staff.

6.3.9 All providers will be required to ensure all their staff receive relevant, updated training such as safeguarding, health and safety, first aid, General Data Protection Regulations (GDPR), etc.

6.3.10 All providers will develop, and submit to LBL, policies and procedures to support safeguarding issues, including:

- safer recruitment
- missing persons
- child sexual exploitation
- serious youth violence
- safer caring, including self-harming, anti-bullying, etc.
- mental health
- substance/alcohol abuse

6.3.11 LBL will ensure that the requirements of this procedure are evident in the agreed contract with the provider prior to any placements being made.

6.3.12 All such placements involving children under 16 years of age will be authorised by the Strategic Director, or, in their absence, the Director in consultation with another Strategic Director.

6.3.13 Circumstances arise where children are placed with **parents with regulations** in place, such as a Care Order, Interim Care Order or following Remand to Local Authority Accommodation. These can be planned and unplanned placements and arise due to a lack of suitable alternative accommodation or the lack of engagement of the child or young person to accept any other option.

6.3.14 Such placements must be authorised by the Assistant Director, Corporate Parenting, will comply with The Placement of Children with Parents, etc Regulations 1991¹ and with the remaining requirements for supported living in this section. The AD, Corporate Parenting, will convene a planning meeting to ensure a decision is made in the best interests of the child and plans are

¹ The Placement of Children with Parents, etc Regulations 1991
<http://www.legislation.gov.uk/uksi/1991/893/contents/made>

implemented to achieve regulated provision. All such placements must be signed off by the Director.

6.3.15 In rare circumstances it may be necessary to place a ***child under 16 years in semi-independent living arrangements***. Such circumstances occur where the child has serious and complex needs and regulated providers (on LBL framework) cannot be found which are suitable. Such a placement may be the only option. This can only be authorised by the Strategic Director, or the Director in their absence in consultation with another Strategic Director. The AD, Corporate Parenting, will authorise a care plan and arrangements to secure a regulated placement. Compliance with the remaining elements of this procedure will be sought.

6.4 Addressing Concerns

There are a wide variety of circumstances where staff may have a concern regarding unregistered placements of a child or young person. In all cases where an issue cannot be resolved, it must be escalated for advice and/or action. Specific issues will be addressed as follows:

- 6.4.1 All staff concerned about alleged abuse on the part of parents, carers or professionals working with the young person will discuss this immediately with their Team or Service Manager (TM/SM). The TM/SM must inform an Assistant Director. Senior managers will provide guidance as to appropriate action. This may require a referral to the LADO and the LADO of the area where the placement is located. The Lambeth LADO will require all the papers relating to the out of area LADO investigation to make sure our young people are fully protected. There will need to be a discussion as to whether immediate removal of the young person is necessary with the TM and SM. It is the responsibility of the local LADO to decide if other placing local authorities need to be informed and it is up to other local authorities to decide what they want to do with their young people placed in the semi-independent provision. Twice yearly visits by an LBL Independent Visitor (IV) – to be increased if concern substantiated.
- 6.4.2 Where a Social Worker (SW) or Personal Advisor (PA) has concerns about the home environment, they will Inform TM and SM, the ARTs TM and IRO (if the child is under 18). If the decision is made to leave the child in the home, a Concerns Discussion Meeting (CDM) must be set up within 10 working days and the CDM template completed (Appendix 3). The meeting must be attended by the SW/PA, the TM, ARTs TM, IV and IRO (if young person is under 18) as well as the manager of the semi-independent provider. A copy of the completed CDM should be given to the agency and kept in the young person's records. IV visits to be increased if of sufficient concern.
- 6.4.3 Where an IRO/IV has concerns about the home environment, they will inform TM, SM, young person's SW, their TM, SM. If the decision is made to leave the child in the home, a Concerns Discussion Meeting will be arranged. A CDM must be set up within 10 working days and the CDM template completed (Appendix 3). The meeting must be attended by the TM, ARTs TM, IV and IRO as well as the manager of the provider. A copy of the completed CDM should

be given to the agency and kept in the child's records. The IRO will provide a copy to the agency manager and place a copy on Mosaic. A copy must also be sent to Commissioning if the semi-independent provider is on Lambeth's preferred provider framework. IV visits to increase if sufficient concern.

- 6.4.4 A CDM will be chaired by the SM for the child. Attendees will share the concern, ascertain evidence and impact on the child / young person. Professional judgement will be used to decide if steps should be taken to make improvements in the interest of placement stability or whether the young person needs to be removed from the placement. If a young person is removed due to concerns about standards of care being substantiated and the agency is on Lambeth's Preferred Provider Framework a copy of the concerns and decisions for removal will be provided to the Commissioning Team by the SM.

6.5 Notification to Parents

Parents who share parental responsibility should always be informed by letter (Appendix 4) if their child or young person has been removed from their placement. The new placement address does not have to be provided in all instances. This issue must be considered on a case by case basis, be subject of discussion and evaluate the safety of the child or young person.

7 Monitoring, Review and Evaluation

- 7.1 This policy and attendant procedures will be reviewed annually and approved by the Director, Children's Social Care.
- 7.2 Each service provision contract will be approved by the Assistant Director, Corporate Parenting or, if they are not available, another Assistant Director, CSC.
- 7.3 The Independent Reviewing Service will ensure that all arrangements for each child and young person in unregulated placement provision is reviewed and agreed.
- 7.4 Reports will be submitted electronically by the AD Corporate Parenting to the Strategic Director and Senior Management Team of all children and young people in unregulated placements, every month for young people aged 16 to 18 years and every week for children under 16 years.
- 7.5 In addition, the AD Corporate Parenting will submit a quarterly report electronically to the Lead member for Children's Social Care.

8 Associated legislation, policies and documents

Lambeth Unregulated Placements Procedure
Lambeth Placements Practice Guidance
The Children Act 1989
Care Standards Act 2000
The Placement of Children with Parents etc Regulations 1991
National Minimum Standards for Fostering Services 2011
Independent Person Visits and Reports (Regulation 44, Children's Homes (England) Regs 2015)
National Minimum Standards for Children's Homes
Care Planning, Placement and Case Review, (England Regulations) 2010
Care Leavers (England) Regulations 2010
Ofsted Introduction to Children's Homes

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726907/Introduction_to_childrens_homes_180718.pdf

9 Appendices

- Appendix 1 Concerns about Placements for Looked After Children and Care Leavers – Practice Guidance
- Appendix 2 Unregulated Placement Risk Assessment
- Appendix 3 Template for Concerns Decision Meeting
- Appendix 4 Template Letter – Notification to Parents