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STATUTORY INSTRUMENTS

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**2023 No. 416**

**The Supported Accommodation (England) Regulations 2023**

**PART 1**

**General**

**Citation, commencement, extent and application**

1.—(1) These Regulations may be cited as the Supported Accommodation (England) Regulations 2023.

(2) These Regulations come into force on 28th April 2023, subject to paragraph (3).

(3) Regulations 36, 37 and 43(2) come into force on 28th October 2023.

(4) These Regulations extend to England and Wales but apply in relation to England only.

**Interpretation**

2.—(1) In these Regulations—

“the 2022 Regulations” means the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022(1);

“accommodating authority”, in relation to a child(2), means the local authority(3) that arranges for the child to be accommodated in supported accommodation;

“category of supported accommodation” means one of the following types of supported accommodation—

- (a) supported accommodation in a self-contained unit, where the accommodation is for the sole use of the child or for the child and other individuals living with the child as agreed by the accommodating authority or the supported accommodation undertaking;
- (b) supported accommodation in a shared or group living situation in premises used to accommodate only looked after children(4) or care leavers(5);
- (c) supported accommodation in a shared or group living situation in premises which are not limited to accommodating looked after children or care leavers;
- (d) supported accommodation provided by an individual or individuals in a private residence which is the main residence of that individual or those individuals;

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(1) [S.I. 2022/808](#).

(2) Section 121 of the Care Standards Act 2000 defines “child” as a person under the age of 18.

(3) Section 121 of the Care Standards Act 2000 specifies that “local authority” has the same meaning as in the Children Act 1989. Section 105 of the Children Act 1989 defines “local authority”, in relation to England, as the council of a county, a metropolitan district, a London Borough or the Common Council of the City of London.

(4) See section 22(1) of the Children Act 1989 for the meaning of a child who is looked after by a local authority.

(5) See section 23A of the Children Act 1989 for the meaning of “relevant child” and Schedule 2, paragraph 19B(2) of that Act for the meaning of “eligible child” in respect of care leavers.

“child protection enquiry”, in relation to a child, means any enquiry made by a local authority in the exercise of any of their functions conferred by or under the Children Act 1989 relating to the protection of children;

“child protection policies”, in relation to a supported accommodation undertaking, means the undertaking’s safeguarding policy (see regulation 20), missing child policy (see regulation 21) and behaviour management policy (see regulation 22);

“nominated individual”, in relation to a supported accommodation undertaking which is carried on by an organisation, means an individual who—

- (a) is a director of the organisation, or performs the functions of, or functions equivalent or similar to the functions of, a director, by whatever name called in the organisation, and
- (b) is nominated by the organisation for the purpose of acting as a single point of contact for the CIECSS<sup>(6)</sup>;

“organisation” means a body corporate or an unincorporated association other than a partnership (but a partnership does not include a limited liability partnership);

“registered person”, in relation to a supported accommodation undertaking, means the registered provider or the registered service manager;

“registered provider”, in relation to a supported accommodation undertaking, means the person who is registered under Part 2 of the Care Standards Act 2000 as the person carrying on the supported accommodation undertaking;

“registered service manager”, in relation to a supported accommodation undertaking, means an individual who is registered under Part 2 of the Care Standards Act 2000 as the manager of the supported accommodation undertaking;

“relevant person” means any person that the registered person considers to be relevant in relation to the support, protection or safeguarding of a particular child in all the circumstances;

“relevant plan” means—

- (a) a care plan, as defined by regulation 2(1) of the Care Planning, Placement and Case Review (England) Regulations 2010<sup>(7)</sup> (“the Care Planning Regulations”),
- (b) a pathway plan, as defined by section 23E(1)(a) or (b) of the Children Act 1989<sup>(8)</sup>,
- (c) a placement plan, as defined by regulation 9(1)(a) of the Care Planning Regulations,
- (d) an EHC plan, as defined by section 37(2) of the Children and Families Act 2014<sup>(9)</sup>, or
- (e) where a child is remanded to local authority accommodation pursuant to sections 91 and 92 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012<sup>(10)</sup>, any other plan prepared by that child’s accommodating authority in relation to the remand or sentencing of that child;

“statement of purpose” means the statement compiled in accordance with regulation 9;

“supported accommodation” has the same meaning as in regulation 2 of the 2022 Regulations;

“supported accommodation undertaking” has the same meaning as in regulation 2 of the 2022 Regulations.

(2) In these Regulations, in relation to a supported accommodation undertaking—

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(6) Sections 5 and 121 define the “CIECSS” as His Majesty’s Chief Inspector of Education, Children’s Services and Skills.  
 (7) [S.I. 2010/959](#), to which there are amendments not relevant to the definition of “care plan”.  
 (8) Section 23E was inserted by the Children (Leaving Care) Act 2000, section 3 and amended by the Children and Young Persons Act 2008, section 22(3) and (4) and [S.I. 2016/413](#).  
 (9) Section 37(2) was amended by [S.I. 2015/914](#).  
 (10) [2012 c. 10](#); section 91 was amended by the Police, Crime, Sentencing and Courts Act 2022 ([c. 32](#)), section 157(2).

- (a) references to a child or children are to a child or to children provided with supported accommodation by the undertaking;
- (b) references to staff include—
  - (i) persons who are employed, whether or not for payment, and whether under a contract of service or a contract for services, and
  - (ii) persons who are allowed to work as volunteers,by the undertaking for the purposes of the provision of supported accommodation, and references to an employee, a person being employed or a person working for the undertaking or at premises used by the undertaking as supported accommodation are to be construed accordingly.

## PART 2

### Quality standards and related matters

#### Quality standards for supported accommodation undertakings

3. The following standards are prescribed for the purposes of section 22(1A) of the Care Standards Act 2000 as it applies in relation to supported accommodation undertakings by virtue of the 2022 Regulations—

- (a) the leadership and management standard (see regulation 4);
- (b) the protection standard (see regulation 5);
- (c) the accommodation standard (see regulation 6);
- (d) the support standard (see regulation 7).

#### The leadership and management standard

4.—(1) The leadership and management standard is that the registered person enables, inspires and leads a culture in relation to the supported accommodation undertaking that puts children first and prioritises their wellbeing and development.

- (2) In particular, the standard in paragraph (1) requires the registered person to—
  - (a) lead and manage the supported accommodation undertaking in a way that is consistent with the ethos, and delivers the outcomes, set out in the undertaking’s statement of purpose;
  - (b) ensure that staff work effectively as a team, where appropriate, to meet the needs of children;
  - (c) ensure that staff have the experience, qualifications and skills appropriate for the work that they are to perform;
  - (d) ensure that the supported accommodation undertaking has sufficient staff to support and accommodate children safely and effectively;
  - (e) implement recruitment practices that ensure staff are suitable to work with children and to keep them safe from harm<sup>(11)</sup>;
  - (f) ensure that arrangements are in place to manage referrals of children to the supported accommodation undertaking and admissions of children to premises used as supported accommodation, including, where relevant, emergency referrals and admissions;

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(11) Section 121 of the Care Standards Act 2000 defines “harm” as ill-treatment or the impairment of health or development.

- (g) ensure that arrangements are in place for the supervision, training and development of staff;
- (h) ensure that each child is fully aware of their entitlements throughout the duration of their placement in supported accommodation, including—
  - (i) what they can expect from the provision of supported accommodation,
  - (ii) their entitlement to education,
  - (iii) where relevant, their entitlements as a looked after child,
  - (iv) where relevant, their entitlements as a care leaver, andwhere necessary, support each child to access those entitlements;
- (i) ensure that staff have the skills necessary to support children to identify, access and receive their entitlements in a way that helps them to learn to identify, access and receive their entitlements independently in the future;
- (j) ensure that a workforce plan (see regulation 10) for the supported accommodation undertaking is in place;
- (k) ensure that a business continuity plan is in place, outlining the actions the registered provider will take during unplanned disruption, covering all areas of the undertaking's operation, including staffing, premises and emergency scenarios.

### **The protection standard**

5.—(1) The protection standard is that children are enabled to feel safe and that their needs are met.

- (2) In particular, the standard in paragraph (1) requires the registered person to—
  - (a) ensure that children—
    - (i) are protected from harm;
    - (ii) are enabled to keep themselves safe;
    - (iii) have their individual needs met;
    - (iv) have 24-hour access to help in a crisis or emergency situation;
  - (b) prepare and implement child protection policies;
  - (c) ensure that the effectiveness of child protection policies is kept under review and ensure that, where appropriate, those policies are revised;
  - (d) comply with requests from a local authority to provide it with information relating to a child for which it is the accommodating authority;
  - (e) ensure that there is a suitable person representing the supported accommodation undertaking available to attend any meeting the accommodating authority may hold about a child;
  - (f) ensure that staff—
    - (i) are familiar and act in accordance with child protection policies;
    - (ii) have the skills to identify and act upon signs that a child is at risk of abuse, neglect, exploitation or any other harm, and act to reduce such risk;
    - (iii) work collaboratively with children to help them understand how to keep safe, by offering guidance and support on how to minimise any potential risk of harm;
    - (iv) work collaboratively with other professionals and agencies, and share information where relevant to keep children safe;

- (v) support children to maintain appropriate and safe relationships with family, friends and other people who are important to them;
- (vi) understand the relevant roles and responsibilities assigned to them by the registered person in relation to protecting children.

### **The accommodation standard**

6.—(1) The accommodation standard is that children experience a comfortable and secure living environment.

- (2) In particular, the standard in paragraph (1) requires the registered person to—
  - (a) ensure that the location of the premises used as supported accommodation is suitable for the category or categories of supported accommodation provided, by—
    - (i) reviewing the appropriateness and suitability of the location of each of the premises used as supported accommodation (“a location assessment”), and in doing so, consulting and taking into account the views of each relevant person;
    - (ii) carrying out a location assessment of each of the premises used as supported accommodation at least once in each calendar year;
  - (b) ensure that the premises used as supported accommodation—
    - (i) provide stability and consistency of accommodation for children;
    - (ii) enable children to have consistent and continuous access to local services, including education and healthcare;
    - (iii) promote children’s positive self-esteem and sense of belonging within the local community, and discourage stigmatisation of children;
    - (iv) are located so as to enable children to actively participate and form relationships in the local community;
    - (v) are designed and furnished so as to meet the needs of each child individually and all children collectively;
    - (vi) are suitable for the purposes of supported accommodation and are accessible, safe, secure and well-maintained;
    - (vii) offer a comfortable, positive and nurturing environment, while respecting children’s need for privacy;
    - (viii) are adequately maintained so as to provide a welcoming and homely environment within both individual and shared living spaces;
    - (ix) are designed, furnished and maintained to remove avoidable hazards which could pose a health and safety risk to children;
    - (x) comply with all relevant statutory provisions dealing with health and safety or fire safety matters;
  - (c) only use devices for monitoring or surveillance in communal areas and then only if—
    - (i) the monitoring or surveillance is for the purposes of safeguarding and promoting the welfare of children,
    - (ii) each child’s accommodating authority consents to the monitoring or surveillance,
    - (iii) children are informed in advance of the intention to carry out monitoring or surveillance, and
    - (iv) the monitoring or surveillance is no more intrusive than necessary, having regard to each child’s need for privacy;

- (d) ensure that each child is provided with a private bedroom—
  - (i) with sufficient space to accommodate a reasonable number of personal possessions,
  - (ii) which is equipped to meet the child’s individual needs,
  - (iii) which has sufficient telephone or internet connectivity in order to enable the child to maintain relationships and feel connected, and
  - (iv) which is physically secure;
- (e) ensure that each child is provided with basic items such as bedding, towels, personal hygiene products and kitchen equipment, where the child does not have access to such items;
- (f) provide children with a written agreement, in an accessible format, which outlines their rights, the terms and conditions of the supported accommodation and how they can raise concerns about the provision of supported accommodation;
- (g) ensure that the supported accommodation undertaking has adequate levels of insurance to cover all aspects of the provision of supported accommodation.

### **The support standard**

7.—(1) The support standard is that children receive individual and tailored support that meets their needs.

- (2) In particular, the standard in paragraph (1) requires the registered person to—
  - (a) ensure that children are encouraged and enabled to take a lead role in determining the support they receive and to participate in and influence how the supported accommodation operates;
  - (b) ensure that plans for support are based on initial referral information, are meaningful and are created in full consultation with the child, taking account of relevant plans for the child;
  - (c) keep the child’s support under review, taking into consideration the plans for support, and relevant plans, to ensure that the child’s needs continue to be met and that the child is kept safe;
  - (d) co-operate with the child’s accommodating authority in agreeing the child’s placement plan or, as the case may be, pathway plan;
  - (e) comply with requests by the child’s accommodating authority to provide—
    - (i) the accommodating authority with information relating to the child;
    - (ii) a suitable representative to attend any meeting the accommodating authority may hold about the child;
  - (f) engage and work with the accommodating authority if the registered person has concerns or if the child’s support needs to be changed, including where that change may mean that the child requires more intensive support;
  - (g) ensure that processes are in place to enable children to access support from other organisations and community services, such that they are encouraged and enabled to access a range of services, including those offered by advocacy organisations and training providers;
  - (h) in the event that the registered person or a member of staff considers that an accommodating authority or a relevant person is failing to provide the support set out in a child’s relevant plans, make representations, or, as the case may be, enable staff to make representations, to the accommodating authority or relevant person with a view to ensuring that the child’s needs are met;

- (i) ensure that staff seek to develop and maintain effective professional relationships with such individuals or organisations that the registered person considers appropriate, having regard to the range of needs of children for whom it is intended the supported accommodation undertaking is to provide support and accommodation;
- (j) before a child arrives or upon a child's arrival, ensure that the child is given a written guide, in an accessible format, containing information about—
  - (i) the support and accommodation provided by the supported accommodation undertaking;
  - (ii) what advocacy support or services are available, how the child may access that support or those services, and any entitlement the child may have to independent advocacy;
  - (iii) how to make a complaint or representation in relation to the support and accommodation provided and how any such complaint or representation will be dealt with;
  - (iv) what services and facilities are available that take account of children's needs arising as a result of cultural differences or disability;and which the registered person must keep under review, seeking children's comments before revising the written guide;
- (k) ensure a plan for support is in place to support the child to develop the resilience and skills required to transition out of supported accommodation when the child is ready to live more independently;
- (l) ensure that an adequate level of support is available to the child to assist with the transition out of supported accommodation;
- (m) ensure that children are supported to access education, training or employment;
- (n) ensure that children are supported to understand and manage the impact of any experience of abuse or neglect.

**Duty to have regard to statements of national minimum standards published under section 23 of the Care Standards Act 2000**

8. If the Secretary of State publishes a statement of national minimum standards applicable to supported accommodation undertakings under section 23 of the Care Standards Act 2000<sup>(12)</sup>, the registered person must have regard to the statement.

**Statement of purpose**

9.—(1) The registered person must compile a statement (“the statement of purpose”) which covers the following matters in respect of the supported accommodation undertaking—

- (a) its purpose, including its ethos, core aims and function;
- (b) the category or categories of supported accommodation it offers;
- (c) the services it provides for children it accommodates and supports;
- (d) the characteristics of the children for whom it is intended the supported accommodation undertaking will provide accommodation and support, including the age range, number and sex of the children;
- (e) the facilities it provides to the children it accommodates;

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<sup>(12)</sup> Section 23 was amended by the Adoption and Children Act 2002 (c. 38), Schedule 3, paragraph 110, the Health and Social Care (Community Health and Standards) Act 2003, Schedule 9, paragraph 21, the Children and Young Persons Act 2008, section 28(6) and the Children and Families Act 2014, section 104.

- (f) a description of the accommodation it provides, including how the accommodation meets the accommodation standard (see regulation 6), how the accommodation might be adapted to meet the individual needs of children it accommodates and the security arrangements in place;
  - (g) the address of the registered provider's principal office, except where this is the same address as where the children are accommodated;
  - (h) the organisational structure, including management structure and staffing arrangements;
  - (i) how it ensures that the child's rights and views are at the centre of the support, service delivery and planning;
  - (j) the arrangements in place to ensure a child is fully aware of their entitlements throughout the duration of their placement in supported accommodation;
  - (k) the positive outcomes the service seeks to achieve for children and its approach to achieving those outcomes;
  - (l) the arrangements in place to support the development of children's independent living skills, in line with their identified individual needs;
  - (m) the arrangements in place to promote children's involvement and progress in education, training or employment;
  - (n) the arrangements for and policies on protecting and promoting the mental and physical health needs of children, including medication handling, recording and safekeeping;
  - (o) anti-discriminatory practices in respect of children and their families;
  - (p) how it supports the cultural, linguistic and religious needs of children;
  - (q) details of who to contact if a person has a complaint and how that person can access the complaints procedure (see regulation 31);
  - (r) details of how a person involved in the support or protection of a child can access the supported accommodation undertaking's child protection policies.
- (2) The registered person must provide a copy of the statement of purpose to the CIECSS and make a copy of it available on request to—
- (a) a member of staff of the supported accommodation undertaking;
  - (b) a child, or a child for whom supported accommodation provided by the supported accommodation undertaking is being considered;
  - (c) a parent<sup>(13)</sup> of a child, or a parent of a child for whom supported accommodation provided by the supported accommodation undertaking is being considered;
  - (d) a child's accommodating authority.
- (3) The registered person must—
- (a) keep the statement of purpose under review and, where appropriate, revise it, and
  - (b) notify the CIECSS of any revisions and send the CIECSS a copy of the revised statement within 28 days of the revision.
- (4) Subject to paragraph (5), the registered person must ensure that the supported accommodation undertaking is at all times conducted in a manner which is consistent with its statement of purpose.
- (5) Nothing in paragraph (4) requires or authorises the registered person to contravene or not comply with—
- (a) any other provision of these Regulations, or

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<sup>(13)</sup> Section 121 of the Care Standards Act 2000 defines "parent", in relation to a child, as including any person who is not a parent of the child but who has parental responsibility for the child, and "parental responsibility" has the same meaning as in the Children Act 1989 (see section 3).



- (b) any conditions in relation to the registration of the registered person under Part 2 of the Care Standards Act 2000.

### **Workforce plan**

**10.**—(1) The registered person must compile, in relation to the supported accommodation undertaking, a plan (“the workforce plan”) which covers the following matters in respect of the recruitment and employment of all staff—

- (a) the management and staffing structure;
  - (b) the experience and qualifications of managers and other staff, and any further training required for those managers and staff;
  - (c) the processes and timescales for staff to complete induction, probation and core training, including in safeguarding and health and safety;
  - (d) the process for managing and addressing poor performance;
  - (e) the process and timescales for supervision and monitoring of staff.
- (2) The registered person must—
- (a) keep the workforce plan under review and, where appropriate, revise it, and
  - (b) make a copy of the workforce plan available on request to the CIECSS.

## **PART 3**

### **Registered persons**

#### **Fitness of registered provider**

**11.**—(1) An individual may only carry on a supported accommodation undertaking if the individual satisfies the requirements in paragraph (5).

(2) An individual may only carry on a supported accommodation undertaking with another individual or other individuals, otherwise than in a partnership, if that individual and each other individual satisfies the requirements in paragraph (5).

(3) A partnership may only carry on a supported accommodation undertaking if each partner satisfies the requirements in paragraph (5).

- (4) An organisation may only carry on a supported accommodation undertaking if—
- (a) each director of the organisation, except for a director who is the nominated individual, who is involved in the carrying on of the supported accommodation undertaking by that organisation, satisfies the requirements in paragraph (6), and
  - (b) the organisation has notified the CIECSS of the name and address of the nominated individual.
- (5) The requirements are that—
- (a) the individual or partner is of integrity and good character;
  - (b) the individual or partner has the capacity, appropriate experience and skills to carry on a supported accommodation undertaking having regard to—
    - (i) the number of premises used as supported accommodation by the undertaking concerned;
    - (ii) the number of children accommodated in the premises used as supported accommodation by the undertaking concerned;

- (iii) the geographical scope of the premises used as supported accommodation by the undertaking concerned;
- (iv) the statement of purpose of the undertaking concerned;
- (v) the category or categories of supported accommodation provided by the undertaking concerned;
- (c) full and satisfactory information is available in relation to the individual or partner in respect of each of the matters in paragraphs 1 and 3 to 6 of Schedule 1 and, where applicable, paragraph 2;
- (d) the individual or partner is mentally and physically fit to carry on the supported accommodation undertaking;
- (e) the individual or partner is financially fit to carry on the supported accommodation undertaking.
- (6) The requirements are that—
  - (a) the individual is of integrity and good character, and
  - (b) full and satisfactory information is available in relation to the individual in respect of the matters in paragraphs 1 and 3 to 6 of Schedule 1 and, where applicable, paragraph 2.
- (7) A nominated individual must—
  - (a) be a director of the organisation carrying on the supported accommodation undertaking in respect of which they are the nominated individual;
  - (b) satisfy the requirements in paragraph (5)(a) to (d);
  - (c) have the capacity, appropriate experience and skills to represent the organisation in its dealings with the CIECSS, having regard to the category or categories of supported accommodation provided by the supported accommodation undertaking in respect of which they are the nominated individual;
  - (d) undertake, from time to time, such training as is appropriate to ensure that they have the experience and skills necessary to represent the supported accommodation undertaking in its dealings with the CIECSS.
- (8) For the purposes of paragraph 5(e), an individual is not financially fit to carry on a supported accommodation undertaking—
  - (a) if the individual has been made bankrupt and has not been discharged from the bankruptcy and the bankruptcy order has not been annulled or rescinded,
  - (b) if sequestration of the individual's estate has been awarded and the sequestration order has not been annulled or rescinded,
  - (c) a moratorium period under a debt relief order (within the meaning of section 251A of the Insolvency Act 1986<sup>(14)</sup>) applies in relation to the individual, or
  - (d) if the individual has made a composition or arrangement with the individual's creditors and the individual has not been discharged in respect of the composition or arrangement.
- (9) For the purposes of this regulation, "director" includes any individual who performs the functions of, or functions equivalent or similar to the functions of, a director, by whatever name called.

### **Fitness of registered service manager**

- 12.** An individual may only be registered as a registered service manager if—

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<sup>(14)</sup> 1986 c. 45; section 251A was inserted by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Schedule 17.

- (a) the individual is of integrity and good character,
- (b) having regard to—
  - (i) the number of premises used as supported accommodation,
  - (ii) the geographical scope of the premises used as supported accommodation,
  - (iii) the supported accommodation undertaking's statement of purpose,
  - (iv) the number of children accommodated by the supported accommodation undertaking, and
  - (v) the category or categories of accommodation provided by the supported accommodation undertaking,the individual has the appropriate skills to manage the supported accommodation undertaking effectively,
- (c) the individual has the appropriate experience, which must include, within a period of five years before the day on which the application to register as a registered service manager is received by the CIECSS, having worked for a period of at least two years in a position relevant to the residential support of children or adults,
- (d) the individual is mentally and physically fit to manage the supported accommodation undertaking, and
- (e) full and satisfactory information is available in relation to the individual in respect of each of the matters in Schedule 1.

### **Registered person – general requirements**

- 13.—**(1) The registered provider and the registered service manager must, having regard to—
- (a) the number of premises used as supported accommodation by,
  - (b) the number of children accommodated in the premises used as supported accommodation by,
  - (c) the geographical scope of the premises used as supported accommodation by,
  - (d) the statement of purpose of, and
  - (e) the category or categories of supported accommodation provided by
- the supported accommodation undertaking concerned, carry on or manage that undertaking with sufficient care, competence and skill.
- (2) The registered provider must ensure that—
- (a) where the registered provider is an individual, that person,
  - (b) where the registered provider is an organisation, the nominated individual,
  - (c) where the registered provider is a partnership, one of the partners,
- undertakes, from time to time, such training as is appropriate to ensure that they have the experience and skills necessary for carrying on the supported accommodation undertaking.
- (3) The registered service manager must undertake from time to time such training as is appropriate to ensure that they have the experience and skills necessary for managing the supported accommodation undertaking.
- (4) There must be no more than one full-time equivalent registered service manager managing a supported accommodation undertaking at any one time.

### Appointment of manager

**14.—**(1) The registered provider must appoint an individual to manage the supported accommodation undertaking if—

- (a) there is no registered service manager in respect of the undertaking, and
- (b) the registered provider—
  - (i) is an organisation or a partnership,
  - (ii) does not satisfy regulation 12, or
  - (iii) is not, or does not intend to be, in day-to-day charge of the supported accommodation undertaking.

(2) If the registered provider appoints a person to manage the supported accommodation undertaking, the registered provider must, without delay, give the CIECSS notice of—

- (a) the name of the person so appointed, and
- (b) the date on which the appointment takes effect.

### Compliance with regulations

**15.** Where there is more than one registered person in respect of the supported accommodation undertaking, anything which is required under these Regulations to be done by the registered person is not, if done by one of the registered persons, required to be done by any of the other registered persons.

### Amendments to the Care Standards Act 2000 (Registration) (England) Regulations 2010

**16.—**(1) The Care Standards Act 2000 (Registration) (England) Regulations 2010(15) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in paragraph (1)—
  - (i) after the definition of “behaviour management policy”, insert—
    - ““category of supported accommodation” has the meaning given to it in regulation 2(1) of the Supported Accommodation (England) Regulations 2023;”;
  - (ii) after the definition of “holiday scheme for disabled children”, insert—
    - ““nominated individual” has the meaning given to it in regulation 2(1) of the Supported Accommodation (England) Regulations 2023;”;
  - (iii) after the definition of “organisation”, insert—
    - ““pathway plan” means a pathway plan as defined by section 23E(1)(a) or (b) of the Children Act 1989;”;
  - (iv) in the definition of “registered person”, at the end insert “, or a person who is the registered provider or registered service manager in respect of a supported accommodation undertaking”;
  - (v) in the definition of “registered provider”, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
  - (vi) after the definition of “registered provider”, insert—

- ““registered service manager” means a person who is registered as the manager of a supported accommodation undertaking.”;
- (vii) in the definition of “representative”, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (viii) in the definition of “responsible person”—
- (aa) in paragraph (a)(ii), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (bb) in paragraph (c), at the beginning insert “other than in respect of a supported accommodation undertaking.”;
- (cc) after paragraph (c), insert—
- “(d) where the applicant in respect of a supported accommodation undertaking is an organisation, the nominated individual.”;
- (ix) in the definition of “service user”, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (x) in the definition of “statement of purpose”, after sub-paragraph (f), insert—
- “(g) in relation to a supported accommodation undertaking, the written statement required in relation to the undertaking in accordance with regulation 9 of the Supported Accommodation (England) Regulations 2023.”;
- (xi) after the definition of “subsidiary”, insert—
- ““supported accommodation” has the same meaning as in regulation 2 of the Care Standards Act 2000 (Extension of Part 2 to Supported Accommodation) (England) Regulations 2022;
- “supported accommodation undertaking” has the same meaning as in regulation 2 of the Care Standards Act 2000 (Extension of Part 2 to Supported Accommodation) (England) Regulations 2022;
- “young person’s guide” means a document produced by the registered person in respect of a supported accommodation undertaking in accordance with regulation 7(2)(j) of the Supported Accommodation (England) Regulations 2023.”;
- (b) in paragraph (2), for “or holiday scheme for disabled children”, each time those words appear, substitute “, holiday scheme for disabled children or supported accommodation undertaking”.
- (3) In regulation 3 (information and documents to be provided by an applicant)—
- (a) after paragraph (2), insert—
- “(2ZA) Subject to paragraphs (2B) and (5), a person who is seeking to be registered as a person who carries on a supported accommodation undertaking shall provide to the CI—
- (a) full information in respect of the matters set out in Parts 1 and 2 of Schedule 1 but excluding the matters set out in paragraph 4 of Part 1 and paragraph 10 of Part 2 of that Schedule,
- (b) if the CI so requests, full information in respect of the matters set out in Part 3 of Schedule 1, and

- (c) the documents listed in paragraphs 1 to 3 and 5 to 10 of Schedule 2 and, where applicable, the documents listed in paragraph 4 of that Schedule.”;
- (b) after paragraph (2A) insert—
  - “(2B) An application for registration as a person carrying on a supported accommodation undertaking must be accompanied by an application for registration as the registered service manager of the supported accommodation undertaking concerned.”;
- (c) in paragraph (3), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (d) after paragraph (4), insert—
  - “(4A) Subject to paragraphs (2ZA), (2B) and (5), a person who is seeking to be registered in respect of a supported accommodation undertaking shall provide to the CI full information in respect of the matters set out in Schedule 4 but excluding the matters set out in paragraph 7 of that Schedule.”.
- (4) In regulation 4 (interview), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”.
- (5) In regulation 6 (information as to staff engaged after application made), for “or holiday scheme for disabled children”, each time those words appear, substitute “, holiday scheme for disabled children or supported accommodation undertaking”.
- (6) In regulation 7 (registers)—
  - (a) in paragraph (1), after sub-paragraph (f), insert—
    - “(g) supported accommodation undertakings.”;
  - (b) in paragraph (2), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
  - (c) in paragraph (4), for “other than a children’s home” substitute “, other than a children’s home or a supported accommodation undertaking.”;
  - (d) after paragraph (5), insert—
    - “(5A) Subject to paragraph (6), subsections (1) and (2) of section 36 of the Act do not apply to those parts of the register listed in paragraphs 1 to 3, 6, 8 and 10 of Schedule 5 that contain the address of premises, or that contain details that can identify the address of premises, used as supported accommodation to accommodate children.”;
  - (e) in paragraph (6), for “Paragraph (5) does” substitute “Paragraphs (5) and (5A) do”.
- (7) In regulation 8 (contents of certificate)—
  - (a) in paragraph (c), at the end insert “, or where relevant the name of the nominated individual”;
  - (b) in paragraph (d), at the end insert “, or where relevant the name of the registered service manager”;
  - (c) for paragraph (e), substitute—
    - “(e) the description of—
      - (i) the establishment or agency by reference to a description of establishment or agency specified in section 4(8)(a) or (9)(a) of the Act, or
      - (ii) the residential holiday scheme, or
      - (iii) in relation to a supported accommodation undertaking, the category or categories of supported accommodation.”;

- (d) in paragraph (h), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (e) after paragraph (l), insert—
  - “(m) in the case of a supported accommodation undertaking, the address of the principal office used to carry out the administration of the undertaking, if different from the address at paragraph (b).”
- (8) In regulation 9 (return of certificate), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”.
- (9) In regulation 10 (application for variation or removal of a condition), in paragraph (3)—
  - (a) in sub-paragraph (c)—
    - (i) in the opening words, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
    - (ii) in paragraph (i), at the end insert “or supported accommodation undertaking”;
  - (b) in sub-paragraph (d), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”.
- (10) In regulation 11 (report as to financial viability), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”.
- (11) In regulation 12 (cancellation of registration), for “or holiday scheme for disabled children”, each time those words appear, substitute “, holiday scheme for disabled children or supported accommodation undertaking”.
- (12) In regulation 13 (application for cancellation of registration), in paragraph (4)—
  - (a) in sub-paragraph (b), after “by the agency” insert “or the supported accommodation undertaking.”;
  - (b) in sub-paragraph (d)(iii), after “by the agency” insert “or supported accommodation undertaking”;
  - (c) after sub-paragraph (d)(iii), insert—
    - “(iv) in the case of a supported accommodation undertaking, each local authority that arranges for children to be accommodated by the undertaking.”;
  - (d) at the end of sub-paragraph (e)(ii), omit “and”;
  - (e) after sub-paragraph (e)(iii), insert—
    - “(iv) in the case of a supported accommodation undertaking, each local authority that arranges for children to be accommodated by the undertaking, or, if a different local authority, each local authority in whose area the premises used as supported accommodation by the undertaking are located.”;
  - (f) in sub-paragraph (f), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”.
- (13) In Schedule 1 (information to be supplied on an application for registration as a person who carries on an establishment etc.)—
  - (a) in the heading, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
  - (b) in Part 1 (information about the applicant)—
    - (i) in paragraph 1—

- (aa) in sub-paragraph (c), for “or holiday scheme for disabled children”, each time those words appear, substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (bb) in sub-paragraph (f)(ii), for “or holiday scheme for disabled children”, each time those words appear, substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (cc) in sub-paragraph (g), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (ii) in paragraph 3(b), at the end insert “, or in respect of a supported accommodation undertaking, of the nominated individual”;
- (iii) in paragraph 4, after “where the applicant is a local authority” insert “and in the case of applications for registration in respect of supported accommodation undertakings”;
- (iv) after paragraph 4, insert—
  - “**4A.** Where the applicant is applying in respect of a supported accommodation undertaking, except where the applicant is a local authority—
    - (a) except where the applicant is an organisation, a statement as to whether the responsible person has been made bankrupt, is a person in respect of whom a debt relief order has been made or sequestration of his estate has been ordered, or whether the responsible person has made a composition or arrangement with, or granted a trust of deed for, their creditors;
    - (b) a statement as to the applicant’s ability to ensure the financial viability of the supported accommodation undertaking for the purpose of achieving the aims and objectives of the undertaking set out in its statement of purpose;
    - (c) a business plan in respect of the supported accommodation undertaking;
    - (d) details of the cash-flow or, where unavailable, predicted cash-flow in respect of the supported accommodation undertaking.”;
- (c) in Part 2 (information about the establishment etc.)—
  - (i) in the heading, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
  - (ii) in paragraph 5, at the end insert “or supported accommodation undertaking”;
  - (iii) after paragraph 6, insert—
    - “**6A.** In the case of a supported accommodation undertaking, for each of the premises at which the supported accommodation undertaking is to provide supported accommodation—
      - (a) the address of the premises;
      - (b) the characteristics of the children for whom it is intended the undertaking will provide accommodation and support at the premises, including the age range, number and sex of the children;
      - (c) the category or categories of supported accommodation which is to be provided by the undertaking.”;
  - (iv) in paragraph 7, after “the holiday scheme for disabled children” insert “, or the description of the supported accommodation undertaking by reference to the



- category or categories of supported accommodation which is to be provided by the undertaking.”;
- (v) in paragraph 8, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (vi) after paragraph 9A, insert—
- “**9B.** A statement as to the accommodation, facilities, services, level of support and the category or categories of supported accommodation which is to be provided at each of the premises at which the supported accommodation undertaking is to provide supported accommodation.”;
- (vii) in paragraph 11, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (viii) in paragraph 13—
- (aa) in the opening words, after “holiday scheme for disabled children” insert “or supported accommodation undertaking”;
- (bb) in sub-paragraph (a), at the beginning insert “other than for a supported accommodation undertaking.”;
- (cc) in sub-paragraph (b), at the beginning insert “other than for a supported accommodation undertaking.”;
- (dd) after sub-paragraph (c), insert—
- “(d) in respect of a supported accommodation undertaking, a statement confirming that a location assessment has been completed in accordance with regulation 6(2)(a) of the Supported Accommodation (England) Regulations 2023.”;
- (ix) in paragraph 14—
- (aa) in the opening words, after “the purposes of an agency” insert “or a supported accommodation undertaking”;
- (bb) in sub-paragraph (a), for “establishment or agency” substitute “establishment, agency or supported accommodation undertaking”;
- (cc) in sub-paragraph (b), at the end insert “or 9B”;
- (x) in paragraph 15(a), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (xi) in paragraph 16, after “holiday scheme for disabled children” insert “or supported accommodation undertaking”;
- (xii) in paragraph 17, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (d) in Part 3 (further information about staff)—
- (i) in paragraph 19—
- (aa) in the opening words, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (bb) in sub-paragraph (a), after “for the purposes of the agency” insert “or supported accommodation undertaking”;
- (cc) in sub-paragraph (b), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;

(ii) in paragraph 20, after “for the purposes of the agency” insert “or supported accommodation undertaking”.

(14) In Schedule 2 (documents to be supplied on an application for registration as a person who carries on an establishment etc.)—

- (a) in the heading, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (b) in paragraph 2, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (c) in paragraph 3(2), after “referred to in sub-paragraph (1),” insert “or in every case where the responsible person is making an application in relation to a supported accommodation undertaking.”;
- (d) in paragraph 7, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (e) in paragraph 8, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (f) in paragraph 9(1)(a)—
  - (i) in sub-paragraph (i), for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
  - (ii) in sub-paragraph (ii), at the end insert “or, in the case of a supported accommodation undertaking, the nominated individual”;
- (g) in paragraph 10, after sub-paragraph (2), insert—
 

“(3) In the case of a supported accommodation undertaking, a copy of the young person’s guide and the contingency plan policy produced in respect of the undertaking in accordance with regulation 23 of the Supported Accommodation (England) Regulations 2023.”.

(15) In Schedule 3 (information and documents to be supplied on an application for registration as the manager of an establishment etc.)—

- (a) in the heading, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (b) in Part 1 (information)—
  - (i) in paragraphs 3, 4 and 7(b) for “or holiday scheme for disabled children”, each time those words appear, substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
  - (ii) for paragraph 8 substitute—
 

“**8.** The name, address, telephone number, facsimile number (if any), and electronic mail address (if any)—

    - (a) of the establishment or agency; or
    - (b) in relation to a holiday scheme for disabled children, of the principal office used to carry out the administration of the scheme; or
    - (c) in relation to a supported accommodation undertaking, of the principal office used to carry out the administration of the undertaking.”;
- (c) in Part 2 (documents)—
  - (i) in paragraph 10, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;

(ii) in paragraph 11(2), after “referred to in sub-paragraph (1),” insert “or in every case where the applicant is making an application in relation to a supported accommodation undertaking.”

(16) In Schedule 4 (information to be supplied on an application for registration in respect of a children’s home or holiday scheme for disabled children)—

- (a) in the heading, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (b) in paragraph 1, after “holiday scheme for disabled children” insert “, or by the supported accommodation undertaking”;
- (c) in paragraph 2, at the end insert “or the supported accommodation undertaking”;
- (d) in paragraph 3, after “holiday scheme for disabled children” insert “or supported accommodation undertaking”;
- (e) in paragraph 8, at the end insert “or by the supported accommodation undertaking to provide supported accommodation”;
- (f) in paragraph 9, after “holiday scheme for disabled children” insert “or by the supported accommodation undertaking”;
- (g) in paragraph 10, at the end insert “, or the arrangements for the education, training or employment of any child accommodated by the supported accommodation undertaking”;
- (h) in paragraph 11, at the end insert “or the arrangements for dealing with reviews of the placement plans or pathway plans of any children accommodated by the supported accommodation undertaking”;
- (i) in paragraph 12, at the end insert “or, in the case of a supported accommodation undertaking, copies of the safeguarding policy (as defined by regulation 20 of the Supported Accommodation (England) Regulations 2023), the missing child policy (as defined by regulation 21 of the Supported Accommodation (England) Regulations 2023) and the behaviour management policy (as defined by regulation 22 of the Supported Accommodation (England) Regulations 2023)”;
- (j) in paragraph 13, at the end insert “or, as the case may be, a copy of the young person’s guide”.

(17) In Schedule 5 (particulars to be recorded in the registers kept by the CI)—

- (a) in paragraph 1, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”;
- (b) in paragraph 2(b), at the end insert “or any nominated individual”;
- (c) in paragraph 3, after “holiday scheme for disabled children” insert “or the supported accommodation undertaking”;
- (d) in paragraph 4, at the end insert “, or as the case may be, the category or categories of supported accommodation provided by the supported accommodation undertaking”;
- (e) in paragraph 10, for “or holiday scheme for disabled children” substitute “, holiday scheme for disabled children or supported accommodation undertaking”.

## PART 4

### Staffing

#### **Fitness of staff**

17.—(1) The registered person must recruit staff using recruitment procedures that are designed to ensure children’s safety.

(2) Subject to paragraph (4), the registered person may only—

- (a) employ an individual for the purposes of the provision of supported accommodation, or
- (b) if an individual is employed by a person other than the registered person to work for the supported accommodation undertaking in a position in which the individual may have regular contact with children, allow that individual to work for the supported accommodation undertaking,

if the registered person is satisfied that the individual satisfies the requirements in paragraph (3).

(3) The requirements are that—

- (a) the individual is of integrity and good character,
- (b) the individual has the experience, qualifications and skills appropriate for the work that the individual is to perform,
- (c) the individual is mentally and physically fit for the purposes of the work that the individual is to perform, and
- (d) full and satisfactory information is available in relation to the individual in respect of each of the matters in Schedule 1.

(4) The registered person may permit an individual to start work for the purposes of providing supported accommodation or, as the case may be, for the supported accommodation undertaking, despite the fact that the requirement in paragraph (3)(d) has not been met if—

- (a) the registered person has taken all reasonable steps to obtain full information about each of the matters in Schedule 1 in respect of the individual, but the enquiries in relation to any of the matters in paragraphs 3 to 6 of that Schedule are incomplete,
- (b) full and satisfactory information in respect of the individual has been obtained in relation to the matters in paragraphs 1 and 2 of Schedule 1,
- (c) the registered person considers that the circumstances are exceptional, and
- (d) the registered person ensures that the individual is appropriately supervised while carrying out the individual’s duties, pending receipt of any outstanding information on the matters in paragraphs 3 to 6 of Schedule 1, which is then considered satisfactory by the registered person.

(5) The registered person must take reasonable steps to ensure that any individual who is working at premises used as supported accommodation and who does not fall within paragraph (2)(a) and (b) is appropriately supervised while carrying out the individual’s duties.

#### **Employment of staff**

18.—(1) The registered person must—

- (a) ensure that each employee completes an appropriate induction,
- (b) ensure that each permanent appointment of an employee is subject to the satisfactory completion of a period of probation, and

- (c) provide each employee with a job description in writing outlining the employee's responsibilities.
- (2) The registered person must operate a disciplinary procedure which, in particular—
  - (a) provides for the suspension from work of an employee if necessary in the interests of safety or welfare of children, and
  - (b) provides that the failure on the part of an employee to report an incident of abuse, or suspected abuse, whether past or present, in relation to a child to the appropriate person is a ground on which disciplinary proceedings may be instituted.
- (3) For the purposes of this regulation, “the appropriate person” is—
  - (a) the registered person;
  - (b) an officer of the CIECSS;
  - (c) an officer of the local authority in whose area the premises used as supported accommodation by the supported accommodation undertaking are located;
  - (d) an officer of the accommodating authority of a child referred to in sub-paragraph (2)(b);
  - (e) a police officer.
- (4) The registered person must ensure that all employees—
  - (a) undertake appropriate continuing professional development,
  - (b) receive practice-related supervision by a person with appropriate experience, and
  - (c) have their performance and fitness to perform their roles appraised at least once every year.

### **Temporary staff**

**19.** The registered person must ensure that the employment of any person on a temporary basis does not prevent children from receiving from the supported accommodation undertaking such continuity of support as is reasonable to meet their needs.

## **PART 5**

### **Policies for the protection of children and maintenance of records**

#### **Safeguarding policy**

- 20.**—(1) The registered person must prepare and implement a policy which—
- (a) is intended to safeguard children from abuse or neglect, and
  - (b) sets out the procedure to be followed in the event of an allegation of abuse or neglect.
- (2) The procedure to be followed in the event of an allegation of abuse or neglect must, in particular—
- (a) provide for liaison and cooperation with any local authority which is, or may be, making a child protection enquiry in relation to a child accommodated by the supported accommodation undertaking;
  - (b) provide for the prompt referral of an allegation about current or ongoing abuse or neglect in relation to a child to the accommodating authority and, if different, the local authority in whose area the premises in which the child is accommodated are located;
  - (c) provide for the prompt referral of an allegation about past abuse or neglect in relation to a child to the accommodating authority and, if different, the local authority in whose area the alleged abuse or neglect occurred;

- (d) provide for records to be kept of an allegation of abuse or neglect, and the action taken in response;
- (e) describe the measures which may be necessary to protect children following an allegation of abuse or neglect;
- (f) describe how and to whom staff are to report, without delay, any concern about abuse or neglect of a child.

### **Missing child policy**

- 21.—**(1) The registered person must prepare and implement a policy setting out—
- (a) the steps taken, and to be taken, to prevent children accommodated by the supported accommodation undertaking from going missing, and
  - (b) the procedures to be followed, and the roles and responsibilities of persons working for the supported accommodation undertaking, in relation to a child who is, or has previously been, missing.
- (2) Before implementing, or making an amendment to, the missing child policy, the registered person must—
- (a) consult, and take into account the views of, each relevant person, and
  - (b) have regard to any relevant local authority or police protocols on missing children.

### **Behaviour management policy and records**

- 22.—**(1) The registered person must prepare and implement a behaviour management policy setting out—
- (a) the approach to supporting children to maintain a reasonable standard of behaviour that reduces the risk of harm to, and supports the welfare and protection of, children and other individuals;
  - (b) the expectations of children in relation to their behaviour, what will happen if those expectations are not met, and how the registered person will ensure that children know what those behaviour expectations are;
  - (c) how appropriate behaviour is to be promoted in the premises providing supported accommodation;
  - (d) how the registered person will deal with challenging behaviour, including—
    - (i) methods of de-escalation;
    - (ii) taking a proportionate approach to involving other authorities;
  - (e) how the registered person will promote the development of positive and respectful relationships between children who are accommodated by the supported accommodation undertaking and staff;
  - (f) the measures of restraint which may be used exceptionally in relation to children in the supported accommodation, bearing in mind that—
    - (i) restraint of a child is only permitted for the purpose of preventing injury to any person, including the child, or serious damage to the property of any person, including the property of the child;
    - (ii) restraint of a child must be necessary and proportionate.
- (2) Where there is use of a measure of restraint (“the measure”) of a child in premises used for supported accommodation, the registered person must ensure that—
- (a) within 24 hours of the use of the measure, a record is made which includes—

- (i) the name of the child;
  - (ii) details of the child’s behaviour leading to the use of the measure;
  - (iii) the date, time and location of the use of the measure;
  - (iv) a description of the measure and its duration;
  - (v) details of any methods used or steps taken to avoid the need to use the measure;
  - (vi) the name of the person who used the measure, and of any other individual present when the measure was used;
  - (vii) the effectiveness and any consequences of the use of the measure;
  - (viii) a description of any injury to the child or any other person, and any medical treatment<sup>(16)</sup> administered, as a result of the measure;
- (b) within 48 hours of the use of the measure, the registered service manager, or a person who is authorised by the registered service manager to do so (“the authorised person”), has—
- (i) spoken to the child about the measure;
  - (ii) signed the record, completed under sub-paragraph (a), to confirm it is accurate;
- (c) within five days of the use of the measure, the registered service manager or the authorised person adds to the record confirmation that they have spoken to the child about the measure to agree the accuracy of the report.

### **Contingency plan policy**

**23.**—(1) The registered person must prepare and implement a policy setting out—

- (a) what would happen to the children accommodated by the supported accommodation undertaking, and
- (b) what measures would be taken to ensure the appropriate transfer of records,

in the event that the undertaking ceases, whether permanently or temporarily, to provide supported accommodation, as a result of closure, conditions or restrictions imposed on the registration of the undertaking, or because of a suspension or cancellation of registration.

(2) The registered person must provide the contingency plan policy to a local authority considering accommodating a child with the supported accommodation undertaking.

### **Children’s case records**

**24.**—(1) The registered person must maintain records (“case records”) in relation to each child accommodated by the supported accommodation undertaking which—

- (a) include the information and documents listed in Schedule 2,
- (b) are kept up to date, and
- (c) are signed and dated by the author of each entry.

(2) Case records must be kept—

- (a) if the child dies before attaining the age of 18, for 15 years from the date of the child’s death,
- (b) in cases not falling within sub-paragraph (a), for 75 years from the child’s date of birth,
- (c) in a secure place by the supported accommodation undertaking.

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<sup>(16)</sup> Section 121 of the Care Standards Act 2000 defines “medical” as including surgical, and “treatment” as including diagnosis.

(3) Where a supported accommodation undertaking is to cease to operate, including temporarily, the registered provider must transfer the case records for each child to the accommodating authority for the child to whom the records relate.

### **Other records**

**25.**—(1) The registered person must keep records of other information relating to the supported accommodation undertaking set out in Schedule 3.

(2) The registered person must—

- (a) maintain the records in Schedule 3, which may be kept in electronic form;
- (b) ensure that the records are kept up to date;
- (c) ensure that the records are accessible to children, the CIECSS and each accommodating authority;
- (d) retain the records for at least 15 years from the date of the last entry.

### **Storage of records**

**26.** The registered person must ensure that the following items, which may be kept in electronic form, are stored in an accessible manner—

- (a) the statement of purpose (see regulation 9);
- (b) the written guide for children admitted to supported accommodation (see regulation 7(2)(j));
- (c) the safeguarding policy (see regulation 20);
- (d) the missing child policy (see regulation 21);
- (e) the behaviour management policy (see regulation 22);
- (f) any records of the use of measures of restraint (see regulation 22);
- (g) children's case records (see regulation 24);
- (h) other records (see regulation 25);
- (i) a record of the procedure for considering complaints and representations (see regulation 31);
- (j) any records of complaints and representations (see regulation 31);
- (k) the reports setting out the actions the registered person intends to take as a result of quality of support reviews (see regulation 32);
- (l) records of the annual reviews of the appropriateness and suitability of the location of the supported accommodation undertaking's premises (see regulation 6(2)(a)).

## **PART 6**

### **Notifications and complaints**

#### **Notification of a serious event**

**27.**—(1) If a child dies, the registered person must without delay notify—

- (a) the CIECSS;
- (b) the accommodating authority;
- (c) the Secretary of State;



- (d) the local authority in whose area the premises used as supported accommodation are located (if that local authority is not the accommodating authority);
  - (e) the integrated care board (established under Chapter A3 of Part 2 of the National Health Service Act 2006<sup>(17)</sup>) for the area in which the premises used as supported accommodation are located;
  - (f) any relevant person not included in sub-paragraphs (a) to (e).
- (2) If there is a referral of a person working for the supported accommodation undertaking pursuant to section 35 of the Safeguarding Vulnerable Groups Act 2006<sup>(18)</sup>, the registered person must without delay notify—
- (a) the CIECSS;
  - (b) the accommodating authority;
  - (c) any relevant person not included in sub-paragraphs (a) and (b).
- (3) The registered person must notify the CIECSS and any relevant person without delay if—
- (a) a child is involved in or subject to, or is suspected of being involved in or subject to, sexual exploitation or child criminal exploitation;
  - (b) an incident requiring police involvement occurs in relation to a child and the registered person considers that incident to be serious;
  - (c) there is an allegation of abuse against the supported accommodation undertaking or a person working for it;
  - (d) a child protection enquiry—
    - (i) is instigated, or
    - (ii) concludes (in which case, the notification must include the outcome of the child protection enquiry);
  - (e) there is an incident involving the use of a measure of restraint of a child;
  - (f) there is any other incident relating to a child which the registered person considers to be serious.
- (4) The registered person must ensure that a notification made under this regulation—
- (a) includes details of—
    - (i) the event concerned;
    - (ii) any other individuals or organisations who or which have been notified;
    - (iii) any actions taken by the registered person as a result of the matter;
  - (b) is made or confirmed in writing.

### **Notification with respect to children admitted into, or discharged from, supported accommodation**

**28.**—(1) Subject to paragraph (2), the registered person must notify, without delay, the local authority for the area in which the premises used as supported accommodation are located, of every admission of a child into that accommodation and every discharge of a child from that accommodation.

(2) The registered person is not required to notify the local authority in paragraph (1) if that local authority is also the accommodating authority for the child in question.

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<sup>(17)</sup> 2006 c. 41; Chapter A3 of Part 2 was inserted by the Health and Care Act 2022 (c. 31), sections 19(2), 20(2) and 25(2).

<sup>(18)</sup> 2006 c. 47; section 35 was amended by the Protection of Freedoms Act 2012 (c. 9), Schedule 9, paragraph 61 and S.I. 2012/3006.

(3) The registered person must ensure that a notification made under paragraph (1) is in writing and states—

- (a) the child’s name and date of birth;
- (b) whether the child is provided with accommodation under section 22C(6)(d) or section 23B(8)(b) of the Children Act 1989(19);
- (c) whether the child is subject to a care or supervision order under section 31 of the Children Act 1989(20), or to an interim care order under section 38 of that Act(21);
- (d) the contact details for—
  - (i) the child’s accommodating authority, and
  - (ii) the independent reviewing officer appointed for the child’s case, or as the case may be, the personal adviser appointed in accordance with section 23B(2) of, or under paragraph 19C of Schedule 2 to, the Children Act 1989(22);
- (e) whether the child has an education, health and care (“EHC”) plan, as defined by section 37(2) of the Children and Families Act 2014, or a statement of special educational needs and, if so, details of the local authority with responsibility for the EHC plan or for maintaining the statement of special educational needs.

#### **Notification of offences**

**29.**—(1) A person listed in paragraph (2) who is convicted of a criminal offence, whether in England and Wales or elsewhere, must without delay give notice in writing to the CIECSS of—

- (a) the date and place of the conviction;
  - (b) the offence;
  - (c) the penalty imposed for the offence.
- (2) The persons are—
- (a) the registered provider;
  - (b) the registered service manager;
  - (c) if the registered provider is an organisation, the nominated individual;
  - (d) if the registered provider is an organisation, any director of that organisation;
  - (e) if the registered provider is a partnership, any partner in that partnership.

#### **Amendments to the Care Standards Act 2000 (Enforcement of Care Standards) (Notification) (England) Regulations 2011**

**30.**—(1) The Care Standards Act 2000 (Enforcement of Care Standards) (Notification) (England) Regulations 2011(23) are amended as follows.

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- (19) Section 22C was substituted by the Children and Young Persons Act 2008, section 8(1); section 23B was inserted by the Children (Leaving Care) Act 2000, section 2(4); there are amendments to sections 22C and 23B which are not relevant to these Regulations. See [S.I. 2010/959](#), regulation 27 for the general duties of the local authority when placing a child in accommodation in accordance with section 22C(6)(d). See [S.I. 2010/2571](#), regulation 9 for the meaning of “suitable accommodation” under section 23B(8)(b).
  - (20) Section 31 was amended by the Criminal Justice and Court Services Act 2000 (c. 43), Schedule 7, paragraph 90, the Adoption and Children Act 2002, section 120, the Criminal Justice and Immigration Act 2008 (c. 4), Schedule 4, paragraph 35, the Children and Families Act 2014, section 15(1), the Children and Social Work Act 2017 (c. 16), section 8, the Sentencing Act 2020 (c. 17), Schedule 24, paragraph 109 and [S.I. 2013/1465](#).
  - (21) Section 38 was amended by the Children and Families Act 2014, sections 14(4) and 13(11) and Schedule 2, paragraph 32.
  - (22) Section 23B(2) was inserted by the Children (Leaving Care) Act 2000, section 2(4). Paragraph 19C of Schedule 2 was inserted by the Children (Leaving Care) Act 2000, section 1.
  - (23) [S.I. 2011/552](#).

(2) In regulation 3 (information to be contained in a notification under section 30A(2) of the Act)—

- (a) in paragraph (2)(a), at the end insert “, and in the case of a supported accommodation undertaking, the address of the principal office”;
- (b) in paragraph (2)(b) and (c), for “or agency”, each time those words appear, substitute “, agency or supported accommodation undertaking”;
- (c) in paragraph (2)(e), for “section 30A(2)(a), (b) or (c)” substitute “section 30A(2)(a), (aa), (ab), (b) or (c)”;
- (d) after paragraph (3), insert—

“(3A) In relation to a notification under section 30A(2)(aa) (decision to adopt a proposal to suspend the registration of P or to extend any such suspension) or (ab) (notice under section 20B of the Act to suspend the registration of P or to extend any such suspension, or to vary or remove a condition for the time being in force in relation to the registration of P, or to impose an additional condition, where P is managing or carrying on a supported accommodation undertaking) of the Act, the date from which the suspension takes effect and the date on which the suspension ends.

(3B) In relation to a notification under section 30A(2)(ab) of the Act, where the notice relates to the variation or removal of a condition for the time being in force in relation to the registration of P, or imposes an additional condition, where P is managing or carrying on a supported accommodation undertaking, a description of the condition and the date on which the decision under section 20B(3) of the Act takes effect.”;

- (e) for paragraph (4), substitute—

“(4) In relation to a notification under section 30A(2)(c) of the Act (notice under section 22B of the Act restricting accommodation at certain establishments)—

- (a) the date on which the notice is to cease to have effect if specified in the notice;
- (b) where the notification relates to a supported accommodation undertaking, the addresses of the premises at which accommodation is restricted.”.

(3) In regulation 4 (notification of prescribed circumstances under section 30A(3) of the Act)—

- (a) after paragraph (2), insert—

“(2A) In relation to a notice served on P under section 19(3) of the Act (notice of decision of registration authority) to suspend the registration or extend the period of suspension—

- (a) an appeal by P to the Tribunal against that notice;
- (b) the decision of the Tribunal on an appeal by P against that notice; and
- (c) where no appeal is brought by P.

(2B) In relation to a notice served on P under section 20B of the Act (urgent procedure for suspension or variation) to suspend or vary the registration or to add a condition to or remove a condition from the registration—

- (a) if that notice ceases to have effect;
- (b) an appeal by P to the Tribunal against that notice; and
- (c) the decision of the Tribunal on an appeal by P against that notice.”;

- (b) in paragraph (4)(c), at the end insert “or direct that the notice ceases to have effect”.

### **Complaints and representations**

**31.**—(1) Subject to paragraph (6), the registered person must establish a procedure for considering complaints and representations made by or on behalf of children.

(2) In particular, the procedure must provide that no person who is the subject of a complaint or representation takes any part in its consideration or investigation, except at the informal resolution stage if the registered person considers it appropriate.

(3) The registered person must ensure that a record is made of any complaint or representation, the action taken in response, and the outcome of any investigation.

(4) The registered person must ensure that no child is subject to any reprisal or detriment for making a complaint or representation.

(5) The registered person must provide to the CIECSS upon request a statement containing a summary of any complaints or representations made during the 12 months preceding the date of the request and the action that was taken in response to each complaint or representation.

(6) This regulation (with the exception of paragraph (4)) does not apply to any matter to which the Children Act 1989 Representations Procedure (England) Regulations 2006(24) apply.

## **PART 7**

### **Reviewing and monitoring supported accommodation undertakings**

#### **Quality of support review**

**32.**—(1) The registered person must maintain a system for monitoring and improving the quality of support provided by the supported accommodation undertaking by completing a review (“a quality of support review”) at least once every six months, which must take into account—

- (a) the views of children, including any feedback and complaints received;
- (b) feedback from individual children on the impact the supported accommodation has had on the child’s life, especially regarding how well prepared the child felt for transition into supported accommodation and how well prepared the child feels for transition out of supported accommodation;
- (c) feedback from each child’s accommodating authority, staff and any relevant persons;
- (d) any relevant research and developments in relation to the way in which the needs of children are best met.

(2) After completing a quality of support review, the registered person must produce a written report setting out the actions the registered person intends to take as a result of that quality of support review.

(3) The registered person must provide a copy of the review report to the CIECSS within 28 days beginning with the day on which the report is completed, and make a copy of it available on request to each child’s accommodating authority.

#### **Absence of registered service manager**

**33.**—(1) If the registered service manager proposes to be absent from the supported accommodation undertaking for a continuous period of 28 days or more, the registered provider must—

- (a) give notice in writing to the CIECSS of the proposed absence, and

- (b) ensure that appropriate arrangements are made to ensure that there is limited disruption to the service provided during the period of absence.
- (2) Except in the case of an emergency or unforeseen absence, a notice under paragraph (1)(a) must—
  - (a) be given no later than one month before the proposed absence commences, or within such shorter period as may be agreed with the CIECSS, and
  - (b) specify with respect to the proposed absence—
    - (i) its length or expected length;
    - (ii) the reason for it;
    - (iii) the arrangements which have been made under paragraph 1(b) for the management of the supported accommodation undertaking during the absence;
    - (iv) the name, address, qualifications and experience of the person who will be responsible for the supported accommodation undertaking during the absence;
    - (v) the arrangements that have been, or are proposed to be, made for appointing another person to manage the supported accommodation undertaking during the absence, including the proposed date by which the appointment is to be made.
- (3) If the absence in paragraph (1) arises as a result of an emergency or is unforeseen, the registered provider must—
  - (a) give notice of the absence—
    - (i) within one week of the beginning of the absence;
    - (ii) specifying the matters in paragraph (2)(b), and
  - (b) ensure that appropriate arrangements are made to ensure that there is limited disruption to the service provided during the period of absence.
- (4) If the notice required under paragraph (2) or (3) has not been given as required, it must be given without delay.
- (5) The registered provider must notify the CIECSS of the return to duty of the registered service manager not later than seven days after the date of the registered service manager's return.

### **Notice of changes**

- 34.—**(1) The registered person must give notice in writing to the CIECSS, as soon as it is reasonably practicable to do so, if any of the following events take place or are expected by the registered person to take place—
- (a) a person other than the registered person carries on or manages the supported accommodation undertaking;
  - (b) a person ceases to carry on or manage the supported accommodation undertaking;
  - (c) where the registered provider is an individual—
    - (i) the individual's name changes;
    - (ii) a trustee in bankruptcy is appointed;
    - (iii) the individual makes a composition or arrangement with the individual's creditors;
  - (d) if the registered provider is a partnership, any change in the membership of the partnership;
  - (e) if the registered provider is an organisation—
    - (i) the organisation's name or address changes;
    - (ii) any change of director, manager, secretary or other similar officer of the organisation;

- (iii) any change in the identity of the nominated individual;
  - (f) if the registered provider is a company—
    - (i) any change in ownership of the company;
    - (ii) a liquidator or a provisional liquidator, a manager or a receiver is appointed;
  - (g) the premises of the supported accommodation undertaking are significantly altered or extended, or additional premises are acquired for use as supported accommodation.
- (2) If premises are no longer used, or intended to be available for use, as supported accommodation by the supported accommodation undertaking, the registered person must give notice in writing to the CIECSS no later than 10 working days after the registered person becomes aware of the decision to cease use of the premises.
- (3) Where additional premises are acquired, commissioned or arranged, or the supported accommodation undertaking intends to acquire, commission or arrange additional premises, and the supported accommodation undertaking intends to provide supported accommodation at those premises, the registered person must give notice in writing to the CIECSS as soon as it is reasonably practicable to do so, of the following—
- (a) the address of the additional premises;
  - (b) the characteristics of the children for whom it is intended the supported accommodation undertaking will provide accommodation at the premises, including the age range, number and sex of the children;
  - (c) the category or categories of supported accommodation to be provided at the premises.
- (4) The registered person must give notice in writing to the CIECSS within 72 hours of the supported accommodation undertaking—
- (a) accommodating a child for the first time in any premises which were not referred to in the registered person's application for registration;
  - (b) accommodating a child in premises for the first time after the premises are brought back into use, after the undertaking temporarily ceased to use the premises as supported accommodation.

### **Financial position**

**35.—**(1) The registered provider must carry on the supported accommodation undertaking in a manner which is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

- (2) The registered person must—
- (a) ensure that adequate financial records are maintained and kept up to date in respect of the supported accommodation undertaking, and
  - (b) provide a copy of the financial records and most recent accounts to the CIECSS upon request.
- (3) The registered person must provide the CIECSS with such information as the CIECSS may reasonably require for the purpose of considering the financial viability of the supported accommodation undertaking, including—
- (a) the annual accounts of the supported accommodation undertaking certified by an accountant;
  - (b) information as to the financing and financial resources of the supported accommodation undertaking and the registered provider;

- (c) where the registered provider is a company, information as to any of its associated companies;
  - (d) a certificate of insurance for the registered provider in respect of liability which may be incurred by the registered provider—
    - (i) in relation to the supported accommodation undertaking, and
    - (ii) all premises used as supported accommodation by the undertaking, in respect of damage, death, injury, public liability and other loss.
- (4) For the purposes of this regulation, a company is an associated company of another company if one of the companies has control of the other company or both companies are under the control of the same person.

## PART 8

### Prohibition on placing a child in unregistered supported accommodation

#### **Amendments to the Care Planning, Placement and Case Review (England) Regulations 2010**

**36.**—(1) The Care Planning, Placement and Case Review (England) Regulations 2010 are amended as follows.

(2) In regulation 27 (general duties of the responsible authority when placing a child in other arrangements), for sub-paragraph (a) substitute—

- “(a) be satisfied that the accommodation is suitable for C and—
  - (i) where that accommodation is specified in regulation 27C(1)(a), must have regard to the matters set out in Schedule 6, and
  - (ii) where that accommodation is specified in regulation 27A or 27C(1)(b), must have regard to the matters set out in paragraph 2(a) of Schedule 6.”

(3) After regulation 27B (exception to the prohibition on placing a child under 16 in other arrangements), insert—

#### **“Prohibition on placing a child who is 16 or 17 years old in other arrangements**

**27C.**—(1) A responsible authority may only place a child who is 16 or 17 years old in accommodation in accordance with other arrangements under section 22C(6)(d), where the accommodation—

- (a) is supported accommodation, as defined in regulation 2 of the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022, that is provided by a supported accommodation undertaking—
    - (i) in respect of which a person is registered under Part 2 of the Care Standards Act 2000, or
    - (ii) where regulation 44 of the Supported Accommodation (England) Regulations 2023 applies to the person carrying on the undertaking, or
  - (b) is excepted accommodation.
- (2) Excepted accommodation is accommodation—
- (a) in relation to placements in England—

- (i) in a care home as defined in section 3 of the Care Standards Act 2000**(25)**;
  - (ii) in an institution within the further education sector as defined in section 91(3) of the Further and Higher Education Act 1992**(26)**;
  - (iii) in a 16 to 19 Academy as defined in section 1B of the Academies Act 2010**(27)**;
  - (iv) in a hospital as defined in section 275(1) of the National Health Service Act 2006**(28)**;
  - (v) in a residential family centre as defined in section 4(2) of the Care Standards Act 2000**(29)**;
  - (vi) in a school within the meaning of section 4 of the Education Act 1996**(30)** providing accommodation that is not registered as a children’s home;
  - (vii) in an establishment that provides care and accommodation for children as a residential holiday scheme for disabled children as defined in regulation 2(1) of the Residential Holiday Schemes for Disabled Children (England) Regulations 2013**(31)**;
- (b) in relation to placements in Wales—
- (i) provided by a care home service within the meaning of paragraph 1(1) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016**(32)** (“the RISCWA 2016”);
  - (ii) in a hospital as defined in section 206(1) of the National Health Service (Wales) Act 2006**(33)**;
  - (iii) provided by a residential family centre service within the meaning of paragraph 3(1) of Schedule 1 to the RISCWA 2016;
  - (iv) in a school within the meaning of section 4 of the Education Act 1996 providing accommodation together with nursing or care that does not constitute a care home service;
  - (v) provided by an institution within the further education sector, as defined in section 91(3) of the Further and Higher Education Act 1992 providing accommodation and care that does not constitute a care home service;
- (c) in relation to placements in Scotland—
- (i) in a residential establishment within the meaning of paragraph (a) of the definition in section 93(1) of the Children (Scotland) Act 1995**(34)**;

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**(25)** Section 3 was amended in relation to England by the Health and Social Care Act 2008, Schedule 5, paragraph 4(3).

**(26)** 1992 c. 13; section 91(3) was amended by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), Schedule 8, paragraph 13(2).

**(27)** 2010 c. 32; section 1B was inserted by the Education Act 2011 (c. 21), section 53(7) and amended by the Police, Crime, Sentencing and Courts Act 2022, section 164(1).

**(28)** The definition of “illness” in section 275(1), to which the definition of “hospital” refers, was amended by paragraph 24 of Schedule 1 to the Mental Health Act 2007 (c. 12).

**(29)** 2000 c. 14; there are amendments to section 4 not relevant to the definition of “residential family centre”.

**(30)** 1996 c. 56; section 4 was amended by the Education Act 1997 (c. 44), section 51 and Schedule 7, paragraph 10, the Education Act 2002 (c. 32), Schedule 22, the Childcare Act 2006 (c. 21), section 95, the Education Act 2011, Schedule 13, paragraph 9(2) and S.I. 2010/1080, 2019/1027.

**(31)** S.I. 2013/1394.

**(32)** 2016 anaw. 2.

**(33)** 2006 c. 42; the definition of “illness” in section 206(1), to which the definition of “hospital” refers, was amended by the Mental Health Act 2007, Schedule 1, paragraph 25.

**(34)** 1995 c. 36; paragraph (a) of the definition of “residential establishment” was amended by S.I. 2013/1465.



- (ii) provided by the Scottish public fostering service within the meaning of paragraph 10(a) of Schedule 12 to the Public Services Reform (Scotland) Act 2010<sup>(35)</sup> (“the PSR(S)A 2010”);
- (iii) provided by a care home service within the meaning of paragraph 2 of Schedule 12 to the PSR(S)A 2010;
- (iv) provided by a school care accommodation service within the meaning given by or under paragraph 3 of Schedule 12 to the PSR(S)A 2010;
- (v) in a hospital as defined in section 108(1) of the National Health Service (Scotland) Act 1978<sup>(36)</sup>;
- (vi) in an establishment that provides fundable further education or fundable higher education, as defined in section 5 of the Further and Higher Education (Scotland) Act 2005<sup>(37)</sup>.”.

### **Amendments to the Care Leavers (England) Regulations 2010**

**37.**—(1) The Care Leavers (England) Regulations 2010<sup>(38)</sup> are amended as follows.

(2) In regulation 9 (support and accommodation)—

(a) in paragraph (2), from “means accommodation” to the end of sub-paragraph (c)(ii), substitute—

“means accommodation which is—

(a) in relation to accommodation in England—

- (i) supported accommodation, as defined in regulation 2 of the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022, that is provided by a supported accommodation undertaking in respect of which a person is registered under Part 2 of the Care Standards Act 2000, or where regulation 44 of the Supported Accommodation (England) Regulations 2023 applies to the person carrying on the undertaking,
- (ii) in a care home,
- (iii) in an institution within the further education sector as defined in section 91(3) of the Further and Higher Education Act 1992,
- (iv) in a residential family centre as defined in section 4(2) of the Care Standards Act 2000,
- (v) in a 16-19 Academy as defined in section 1B of the Academies Act 2010,
- (vi) in a school within the meaning of section 4 of the Education Act 1996 providing accommodation that is not registered as a children’s home,
- (vii) in an establishment that provides care and accommodation for children as a residential holiday scheme for disabled children as defined in regulation 2(1) of the Residential Holiday Schemes for Disabled Children (England) Regulations 2013, or

(b) in relation to accommodation in Wales—

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<sup>(35)</sup> 2010 asp. 8.

<sup>(36)</sup> 1978 c. 29.

<sup>(37)</sup> 2005 asp. 6.

<sup>(38)</sup> S.I. 2010/2571, to which there are amendments not relevant to these Regulations.

- (i) provided by a care home service, within the meaning of paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (“the RISCWA 2016”),
  - (ii) in a hospital as defined in section 206(1) of the National Health Service (Wales) Act 2006,
  - (iii) provided by a residential family centre service, within the meaning of paragraph 3(1) of Schedule 1 to the RISCWA 2016,
  - (iv) in a school within the meaning of section 4 of the Education Act 1996 providing accommodation together with nursing or care that does not constitute a care home service,
  - (v) provided by an institution within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992 providing accommodation and care that does not constitute a care home service, or
- (c) in relation to accommodation in Scotland—
- (i) provided by a school care accommodation service, within the meaning given by or under paragraph 3 of Schedule 12 to the Public Services Reform (Scotland) Act 2010 (“the PSR(S)A 2010”),
  - (ii) in a residential establishment, within the meaning of paragraph (a) of the definition in section 93(1) of the Children (Scotland) Act 1995,
  - (iii) provided by a care home service, within the meaning of paragraph 2 of Schedule 12 to the PSR(S)A 2010,
  - (iv) in an establishment providing fundable further education or fundable higher education, as defined in section 5 of the Further and Higher Education (Scotland) Act 2005, and
- (d) where the accommodation falls under sub-paragraph (a)(i)—
- (i) so far as reasonably practicable, is suitable for the relevant child in the light of their needs, including any health needs and any needs arising from any disability,
  - (ii) in respect of which the responsible authority has satisfied itself as to the suitability of the supported accommodation undertaking, and
  - (iii) in respect of which the responsible authority has, so far as reasonably practicable, taken into account the relevant child’s wishes and feelings, and their education, training or employment needs, or
- (e) where the accommodation falls under any of sub-paragraphs (a)(ii) to (vii), (b) or (c)—
- (i) so far as reasonably practicable, is suitable for the relevant child in the light of their needs, including any health needs and any needs arising from any disability, and
  - (ii) in respect of which the responsible authority has, so far as reasonably practicable, taken into account the relevant child’s wishes and feelings, and their education, training or employment needs.”;
- (b) for paragraph (3), substitute—
- “(3) In determining whether accommodation is suitable for a relevant child, the responsible authority must have regard to—

- (a) for the purposes of determining the suitability under paragraph (2)(d)(i), the matters set out in Schedule 2, and
- (b) for the purposes of determining the suitability under paragraph (2)(e)(i), the matters set out in paragraph 2(a) of Schedule 2.”.

## PART 9

### Further amendments

#### **Amendments to the Disqualification from Caring for Children (England) Regulations 2002**

**38.**—(1) The Disqualification from Caring for Children (England) Regulations 2002(**39**) are amended as follows.

(2) In regulation 1(2)—

- (a) at the end of the definition of “the Act”, delete “and”;
- (b) after the definition of “the 2000 Act”, insert—

““supported accommodation undertaking” has the same meaning as in regulation 2 of the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022.”.

(3) In regulation 2(7) (grounds for disqualification)—

- (a) in sub-paragraph (b), omit “or”;
- (b) after sub-paragraph (c), insert—
  - “(d) who has been refused registration in respect of a supported accommodation undertaking under section 13 of the 2000 Act;
  - (e) whose registration in respect of a supported accommodation undertaking has been cancelled under section 14 or 20(1) of the 2000 Act; or
  - (f) who has been concerned in the management of, or had any financial interest in, a supported accommodation undertaking in respect of which the registration of any person has been cancelled under section 14 or 20(1) of the 2000 Act.”.

(4) In paragraph 1 of the Schedule (specified offences), after sub-paragraph (3), insert—

“(4) An offence in relation to a supported accommodation undertaking under or by virtue of any of the following provisions of the 2000 Act—

- (a) section 11(1) (failure to register);
- (b) section 24 (failure to comply with conditions);
- (c) section 26 (false descriptions of establishments and agencies); or
- (d) section 27 (false statements in applications).”.

#### **Amendments to the Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2015**

**39.**—(1) The Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2015(**40**) are amended as follows.

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**(39)** S.I. 2002/635; relevant amending instruments are S.I. 2011/2581, 2013/1465, 2018/48, 2019/237.

**(40)** S.I. 2015/551; relevant amending instruments are S.I. 2019/1094, 2022/196, 2023/276.

- (2) In regulation 2 (interpretation)—
- (a) in the definition of “approved place”, after paragraph (b), insert—
- “(c) in relation to a supported accommodation undertaking, premises at which supported accommodation is to be provided by the undertaking;”;
- (b) after the definition of “holiday scheme for disabled children”, insert—
- ““large supported accommodation undertaking” means a supported accommodation undertaking which has 10 or more approved places;”;
- (c) after the definition of “small residential family centre”, insert—
- ““small supported accommodation undertaking” means a supported accommodation undertaking which has fewer than 10 approved places;”;
- (d) at the end insert—
- ““supported accommodation” has the same meaning as in regulation 2 of the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022;
- “supported accommodation undertaking” has the same meaning as in regulation 2 of the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022.”.
- (3) After regulation 9 (holiday schemes for disabled children), insert—

**“Supported accommodation undertakings**

- 9A.**—(1) Where the application is for registration as the person who carries on a small supported accommodation undertaking, the fee is £3,600.
- (2) Where the application is for registration as the person who carries on a large supported accommodation undertaking, the fee is £4,600.
- (3) Where the application is for registration as the individual who manages a supported accommodation undertaking, the fee is £900.”.
- (4) After regulation 16 (fostering agencies), insert—

**“Supported accommodation undertakings**

- 16A.**—(1) Where the application relates to a supported accommodation undertaking, the fee, subject to paragraph (2), is £910.
- (2) In the case of an application for a minor variation, the fee is £176.”.

**Amendments to the 2022 Regulations**

- 40.**—(1) The 2022 Regulations are amended as follows.
- (2) In regulation 3(2) (application of Part 2 of the Act to persons carrying on or managing supported accommodation undertakings), omit sub-paragraph (h).
- (3) In the Schedule (modifications to Part 2 of the Act)—
- (a) in paragraph 1, in the opening words, omit “insofar as they apply to paragraph (d)”;
- (b) in paragraph 3(a), omit “insofar as they apply to that paragraph”;
- (c) in paragraph 3(f)(i), omit “insofar as they apply to paragraphs (a) to (j)”.

## PART 10

### Miscellaneous

#### **Appointment of liquidators etc.**

- 41.**—(1) This regulation applies to a person appointed (“the appointed person”) as—
- (a) the manager or receiver of the property of a company or partnership which is the registered provider of a supported accommodation undertaking,
  - (b) a liquidator or provisional liquidator of a company or partnership which is the registered provider of a supported accommodation undertaking, or
  - (c) the trustee in bankruptcy of the registered provider of a supported accommodation undertaking.
- (2) The appointed person must—
- (a) have regard to children’s welfare when acting in relation to the operation of the supported accommodation undertaking and its future,
  - (b) without delay, notify the CIECSS of the appointed person’s appointment and the reasons for it,
  - (c) if there is no registered service manager, appoint a person to be registered as the registered service manager, and
  - (d) not more than 28 days after the appointed person’s appointment, notify the CIECSS of the appointed person’s intentions regarding the future operation of the supported accommodation undertaking.

#### **Death of a registered person**

- 42.**—(1) Where—
- (a) more than one person is registered in respect of a supported accommodation undertaking, and
  - (b) a registered person dies,

the other registered person must notify the CIECSS of the death in writing without delay.

- (2) If only one person is registered in respect of a supported accommodation undertaking, and that person dies, that person’s personal representatives must notify the CIECSS in writing—
- (a) without delay, of the death, and
  - (b) within 28 days, of their intentions regarding the future running of the supported accommodation undertaking.
- (3) The personal representatives of a deceased registered provider—
- (a) may carry on the supported accommodation undertaking without being registered in respect of it—
    - (i) for a period not exceeding 28 days,
    - (ii) for such further period as may be determined in accordance with paragraph (4),
  - (b) must appoint a person to be registered as the registered service manager, and
  - (c) must have regard to children’s welfare when acting in relation to the operation of the supported accommodation undertaking and its future.
- (4) The CIECSS—

- (a) may extend the period in paragraph (3)(a)(i) by such further period, not exceeding one year, as the CIECSS may determine, and
- (b) must notify any such determination to the personal representatives in writing.

### **Application of Part 2 of the Care Standards Act 2000 to persons carrying on or managing supported accommodation undertakings**

**43.**—(1) The provisions of Part 2, other than sections 11, 20A, 25, 26, 28, 30ZA, 30ZB, 36A and 38 to 41, of the Care Standards Act 2000, insofar as the provisions of that Part apply to England and are not already applied by the 2022 Regulations, apply to persons carrying on or managing supported accommodation undertakings and, where relevant, with the modifications specified in Schedule 4.

(2) Sections 11 and 26 of the Care Standards Act 2000, insofar as they apply to England and are not already applied by the 2022 Regulations, apply to persons carrying on or managing supported accommodation undertakings and, where relevant, with the modifications specified in Schedule 5.

### **Transitional provisions**

**44.**—(1) This paragraph applies where, by the end of 27th October 2023, a person has submitted to the CIECSS a complete application for registration as a supported accommodation undertaking and that application has not been withdrawn or returned by the CIECSS.

(2) Where paragraph (1) applies, the person does not commit an offence under section 11 of the Care Standards Act 2000(**41**)—

- (a) where the registration is granted, either unconditionally or subject to conditions agreed in writing between the person and the CIECSS, until such time as the written notice of the decision to grant registration under section 19(1) of the Care Standards Act 2000 is served;
- (b) where the CIECSS proposes to grant the application subject to conditions which have not been agreed between it and the person, and a written notice of the decision to adopt a proposal under section 17 of the Care Standards Act 2000(**42**) is served under section 19(3) of that Act, until such time as—
  - (i) where the person appeals the proposal, the appeal is determined or withdrawn, or
  - (ii) where the person does not appeal, 28 days after the day on which the notice is served, or
  - (iii) where the person does not appeal and before the expiry of 28 days after the day on which the notice is served, the person gives the CIECSS written notice that they do not intend to appeal;
- (c) where the registration is refused, until such time as the notice of the decision to refuse is served.

(3) In this regulation a “complete application for registration as a supported accommodation undertaking” means an application—

- (a) that has been made in accordance with the requirements set out in the Care Standards Act 2000 (Registration) (England) Regulations 2010;
- (b) that is accompanied by the relevant fee as set out in the Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2015.

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(41) Section 11 was amended by the Adoption and Children Act 2002, Schedule 3, paragraph 106, the Health and Social Care (Community Health and Standards) Act 2003, Schedule 9, paragraph 20, the Education and Inspections Act 2006, Schedule 14, paragraph 42 and the Health and Social Care Act 2008, Schedule 5, paragraph 10.

(42) Section 17 was amended by the Health and Social Care Act 2008, Schedule 5, paragraph 16.

5th April 2023

*Barran*  
Parliamentary Under Secretary of State  
Department for Education