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STATUTORY INSTRUMENTS

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**2023 No. 416**

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

**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>(1)</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—
- (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,

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(1) 1986 c. 45; section 251A was inserted by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Schedule 17.

- 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(2) 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”.