
STATUTORY INSTRUMENTS

2023 No. 416

The Supported Accommodation (England) Regulations 2023

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⁽¹⁾ 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;

⁽¹⁾ Section 121 of the Care Standards Act 2000 defines “medical” as including surgical, and “treatment” as including diagnosis.

- (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.

(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)).