
STATUTORY INSTRUMENTS

2023 No. 416

The Supported Accommodation (England) Regulations 2023

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(1);

- (ii) in an institution within the further education sector as defined in section 91(3) of the Further and Higher Education Act 1992(2);
 - (iii) in a 16 to 19 Academy as defined in section 1B of the Academies Act 2010(3);
 - (iv) in a hospital as defined in section 275(1) of the National Health Service Act 2006(4);
 - (v) in a residential family centre as defined in section 4(2) of the Care Standards Act 2000(5);
 - (vi) in a school within the meaning of section 4 of the Education Act 1996(6) 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(7);
- (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(8) (“the RISCWA 2016”);
 - (ii) in a hospital as defined in section 206(1) of the National Health Service (Wales) Act 2006(9);
 - (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(10);
 - (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(11) (“the PSR(S)A 2010”);

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

(3) 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).

(4) 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).

(5) 2000 c. 14; there are amendments to section 4 not relevant to the definition of “residential family centre”.

(6) 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.

(7) S.I. 2013/1394.

(8) 2016 anaw. 2.

(9) 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.

(10) 1995 c. 36; paragraph (a) of the definition of “residential establishment” was amended by S.I. 2013/1465.

(11) 2010 asp. 8.

- (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⁽¹²⁾;
- (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⁽¹³⁾.”.

Amendments to the Care Leavers (England) Regulations 2010

37.—(1) The Care Leavers (England) Regulations 2010⁽¹⁴⁾ 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—

- (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,

⁽¹²⁾ 1978 c. 29.

⁽¹³⁾ 2005 asp. 6.

⁽¹⁴⁾ S.I. 2010/2571, to which there are amendments not relevant to these Regulations.

- (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.”.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*
