

EXPLANATORY MEMORANDUM TO
THE SUPPORTED ACCOMMODATION (ENGLAND) REGULATIONS 2023

No. 416

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of His Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument introduces national standards and Ofsted registration and inspection arrangements for providers of supported accommodation for looked after children and care leavers aged 16 and 17.
- 2.2 These measures will raise the quality and consistency of supported accommodation provision, to ensure young people accommodated have access to support and accommodation which keeps them safe and meets their needs.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 These Regulations correct a minor error in the [Care Standards Act 2000 \(Extension of the Application of Part 2 to Supported Accommodation\) \(England\) Regulations 2022](#) ("the 2022 Regulations"). Regulation 3 of the 2022 Regulations applied Part 2 of the Care Standards Act 2000 ("the CSA 2000") to persons carrying on or managing supported accommodation undertakings, and made associated non-textual modifications to that Part. The effect of two of the modifications made to section 22 of the CSA 2000, at paragraph 3(a) and (f)(i) of the Schedule to the 2022 Regulations, was, in error, limited in scope. Regulation 40(2)(b) and (c) of these Regulations therefore amends the 2022 Regulations to remove the limiting wording, to make clear the extent of the modifications in question. A printed copy of these Regulations is therefore being issued free of charge to all known recipients of the 2022 Regulations. The Department for Education has complied with the requirement stated in paragraph 4.7.6 of Statutory Instrument Practice to consult with the SI Registrar on the use of the free issue procedure.

4. Extent and Territorial Application

- 4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required

6. Legislative Context

- 6.1 The duties on local authorities (“LAs”) to accommodate looked after children (“LAC”) and care leavers are set out in different parts of the Children Act 1989 (“the CA 1989”). The following section of this explanatory memorandum covers both groups but separates these for clarity.
- 6.2 These Regulations apply to the accommodation of 16- and 17-year-old LAC in accordance with section 22C(6)(d) of the CA 1989 and care leavers in accordance with section 23B(8)(b) CA 1989. The Regulations refer to the LA who is arranging the accommodation for the child as the ‘accommodating local authority’ to cover the accommodation of both looked after children and care leavers under the relevant legislation.
- 6.3 Section 42 of the Care Standards Act 2000 (“the CSA 2000”) gives the Secretary of State the power to extend the application provision of Part 2 of the CSA 2000 to persons prescribed in the Regulations. The persons carrying on or managing supported accommodation undertakings were prescribed through regulation 3(1) of the 2022 Regulations. Supported accommodation was defined by regulation 2 of the 2022 Regulations, by reference to the power under which the accommodation is provided, with a number of exclusions for England to the definition. Further details of the relevant powers are set out in the following sections on looked after children and care leavers.
- 6.4 These Regulations exercise powers in Part 2 of the CSA 2000 to make requirements which must be met in supported accommodation. In particular, they provide for registration of the person responsible for carrying on or managing supported accommodation with His Majesty’s Chief Inspector of Education, Children’s Services and Skills, referenced in the Regulations but referred to as Ofsted in this memorandum.
- 6.5 All the relevant regulation-making powers provided for in Part 2 of the CSA 2000 have been applied to supported accommodation via the 2022 Regulations. These Regulations apply the remaining relevant provisions with modifications as appropriate to prescribed persons and exercise those regulation-making powers to set out the substantive requirements and procedure related to registration with Ofsted.
- 6.6 The Regulations refer to the ‘supported accommodation undertaking’ as the term for the person or body that is responsible for the provision of supported accommodation. This could include where the provision of supported accommodation forms part of other activities or provision of other types of accommodation that the person is involved in but with these Regulations only applying to the provision of supported accommodation.

Looked after children

- 6.7 LAs have a duty to provide accommodation to children in their care (i.e. those children who are subject to a care order made by a family court under s.31 CA 1989) in accordance with s.22A CA 1989 and a duty to accommodate certain other children usually through s.20 CA 1989. In both cases (children in care and accommodated children – collectively known as looked after children as defined in s.22(1) CA 1989) the LA must place a child in accordance with s.22C CA 1989. For most young people, this will mean, if they can’t be placed with a parent or other person with parental responsibility for the young person, they are placed in a foster care placement or in a

children's home. However, some children may be deemed to be better suited to a placement which affords them a greater level of independence and this placement can be made in accordance with 'other arrangements' under s.22C(6)(d) which must comply with Regulations made under s.22C. The relevant Regulations are [The Care Planning, Placement and Case Review \(England\) Regulations 2010](#) ("the Care Planning Regulations") which are amended through these Regulations.

- 6.8 'Other arrangements' is not defined as a specific setting; it can be any type of setting that the local authority deems appropriate for the looked after child in meeting their needs but which is neither registered as a children's home nor is a foster care placement in England or Wales. This category is used to support LAC to live more independently (as confirmed by paragraph 40 of the Explanatory Notes to the Children and Young Persons Act 2008 which inserted these provisions into the CA 1989).
- 6.9 Provision that supports LAC to live more independently has often been referred to as 'unregulated' provision because it has not been required to be registered and inspected by Ofsted nor has it been subject to any particular requirements or standards that must be met in the way that children's homes are. Currently LAs are required to check provision is suitable and meets the needs of young people and to be satisfied of the matters set out in Chapter 3 of Part 4 of the Care Planning Regulations.

Care leavers

- 6.10 When LAC turn 18 they are discharged from care and become a 'care leaver'. Some young people are discharged from care earlier, aged 16 or 17.
- 6.11 LAs have a duty to safeguard and promote the welfare of care leavers who are aged 16 or 17 where they were looked after for a minimum of 13 weeks from the age of 14 and where they ceased to be looked after from the age of 16 (described as "relevant children" in s.23A CA 1989). This would include support by providing them with or maintaining them in suitable accommodation in accordance with s.23B(8)(b) CA 1989 unless the LA is satisfied that the child's welfare does not require it. Section 23B(10) sets out that that the Secretary of State may by regulations make provision about the meaning of "suitable accommodation". This has been done via the Care Leavers (England) Regulations 2010 ("Care Leavers Regulations") and these are amended through these Regulations.

Coming into force dates

- 6.12 These Regulations will come into force on 28th April 2023 except for Regulation 36, 37 and 43(2) which will come into force on 28th October 2023. Regulations 36 and 37 amend the Care Planning Regulations and Care Leavers Regulations to prohibit the accommodating of relevant 16/17-year-olds in provision that is not registered with Ofsted as supported accommodation. Regulation 43(2) applies the registration offence in s.11 CSA 2000 and the false descriptions offence in s.26 CSA 2000 to supported accommodation undertakings. These provisions will not come into force until later to allow for a six-month registration window where providers can submit their application to Ofsted to register before registration becomes mandatory, and LAs are prohibited from accommodating relevant LAC and care leavers in provision that is not registered.

7. Policy background

What is being done and why?

Why are the Regulations needed?

- 7.1 Most LAC live in settings regulated by Ofsted such as in foster care placements and children's homes. On 31 March 2022, there were a total of 82,170 looked after children, 57,540 (70%) of these children were placed with foster carers and 7,440 (9%) were placed in children's homes. An increasing number of children, however, are being placed in 'other arrangements' under s.22C(6)(d) of the 1989 Act. As of 31st March 2022, there were 7,360 looked after children aged 16 to 17 living independently or in semi-independent living accommodation. This is up from 6,010, a 23% increase, in 2021 and has more than doubled (130% increase) since 2012, when the total was 3,200. The proportion of looked after children aged 16 to 17 living independently has fallen from 17% in 2012 to 10% in 2022, while the proportion in semi-independent living accommodation has risen from 6% to 26% in 2022.
- 7.2 These independent and semi-independent settings, referred to as supported accommodation in these Regulations, are not currently required to be registered and regulated by Ofsted. This provision, often referred to as 'unregulated' settings, also does not currently have to comply with any national quality standards. Our research and consultations have highlighted the variability in quality and consistency of provision with some children being placed in provision which has not kept them safe or met their needs.
- 7.3 As children grow up and become young people, they gradually gain more independence from their parents. The care system seeks to replicate this transition to independence: beginning at 16, a young person can leave care (becoming a 'care leaver') or could move to supported accommodation. This provision can be appropriate for some older children where it is part of a carefully managed transition to independence and aligned with their care and pathway plans, which are the responsibility of the LA. Supported accommodation covers a broad range of different types of provision. This could include group-living arrangements with other young people, supported lodgings where the young person lodges with a family, or solo-living arrangements with either on-site or visiting support.
- 7.4 As the role of these settings in the care system has grown in significance, rightly so has the need to examine this provision and its quality more closely. As a result, the Government has committed to improving the quality and consistency of provision via the introduction of mandatory quality standards, requirements for providers and Ofsted regulation and inspection of providers of supported accommodation. The Government has already introduced a ban on the placement of children under 16 years old in independent and semi-independent provision. This took effect in September 2021.
- 7.5 The Government has recently published its plans to reform children's social care, 'Stable Homes, Built on Love'. This followed three reviews published in 2022 which shone a light on the urgent need for reforms, including the Independent Review of Children's Social Care. The Government's plans included continued commitment to reform supported accommodation for 16- and 17-year-olds, noting this provision can be the right option for some older children who are ready for the level of independence it promotes.

- 7.6 We have delivered these reforms via two statutory instruments. The first of which, as set out above, applied certain regulation making powers in Part 2 of the CSA 2000 to supported accommodation undertakings to enable the second statutory instrument, these Regulations to which this EM attaches, to be made. Following the final consultation, this second statutory instrument will implement the quality standards, requirements on providers and the Ofsted registration and inspection regime.
- 7.7 These Regulations are accompanied by the [Guide to Supported Accommodation Regulations including Quality Standards](#) which has already been published to enable local authorities and providers time to prepare for the changes.

What is being done?

- 7.8 In this second statutory instrument we are:
- (a) Applying the relevant provisions of Part 2 CSA 2000 with necessary modifications to supported accommodation undertakings. These modifications are set out in schedule 4 and schedule 5 to these Regulations.
 - (b) Introducing the substantive requirements, including quality standards, that must be met by a supported accommodation undertaking.
 - (c) Making amendments to other relevant Regulations made under the CSA 2000 to facilitate and enable registration and regulation of supported accommodation by Ofsted and consequential amendments to other Regulations made under the CA 1989.
 - (d) Introducing a prohibition on LAs from placing or accommodating relevant 16/17 year old children in accommodation that is not registered as supported accommodation, subject to the exhaustive list of exceptions which will still enable 16/17 year old children to be accommodated in other types of accommodation that are regulated via other means.
- 7.9 There will be a series of requirements on the registered persons – those registered to carry on or manage supported accommodation undertakings – including around the management, administration and service delivery of supported accommodation provision. The Regulations refer to the ‘registered person’ who will be accountable for meeting the vast majority of the requirements. This means the ‘registered service manager’ or the ‘registered provider’ depending on how the supported accommodation undertaking is organised, run and managed. This has been explained in the [Guidance](#) that has been published ahead of the laying of these Regulations.

Quality standards (Part 2 of the Regulations)

- 7.10 The introduction of national quality standards and independent regulation will raise the quality of supported accommodation and ensure that action can be taken where provision is not meeting the quality standards. The quality standards will ensure that providers are required to operate to a shared set of expectations on quality of accommodation and support for the first time.
- 7.11 These Regulations will implement four quality standards against which Ofsted will regulate supported accommodation:
- (a) the leadership and management standard; will ensure that the registered person enables, inspires and leads a culture that puts children first and prioritises their wellbeing and development.

- (b) the protection standard; will ensure that children are enabled to feel safe and that their needs are met.
- (c) the accommodation standard will ensure that children experience a comfortable and secure living environment.
- (d) the support standard will ensure that children receive individual and tailored support that meets their needs.

7.12 Regulation 8 requires the registered person to have regard for the statement of the national minimum standards applicable to supported accommodation undertaking under s.23 CSA 2000.

Statement of purpose

7.13 The registered provider must set out what the supported accommodation undertaking offers and how it can meet the needs of young people to whom it intends to provide accommodation and support.

Workforce plan

7.14 The registered person will need to compile a workforce plan which covers the management and staffing structure, the experience and qualifications of staff and managers, the process and timescales for staff to complete induction, probation and core training, the process for dealing with poor performance and the process and timescales for supervision of staff.

7.15 This plan will need to be reviewed and presented to Ofsted, if requested.

Registered persons (Part 3 of the Regulations)

7.16 The Regulations set out the requirements for provider to be registered under Part 2 of the CSA 2000 as the person responsible for carrying on the supported accommodation undertaking. They also set out requirements for the person appointed to manage the supported accommodation to be registered with Ofsted under Part 2 of the CSA 2000. The registered service manager, who is appointed by the registered provider, will be accountable for overseeing the management of all the provider's settings. Both the registered service manager and the registered provider will be required to meet a number of fitness requirements for the role set out in regulations 11, 12 and 13 and in schedule 1 to the Regulations.

Amendments to Registration Regulations

7.17 The Regulations amend The Care Standards Act 2000 (Registration) (England) Regulations 2010 ("Registration Regulations") to facilitate registration of supported accommodation undertakings and to make provision for the keeping of registers. The amendments also include a requirement that an application for registration as a provider must be accompanied by a separate application for a person to be registered as the registered service manager.

Requirements on staffing (Part 4 of the Regulations)

7.18 The Regulations provide that staff are considered to be those who are not only directly employed by the supported accommodation undertaking but also those who are under a contract to provide services which would capture hosts of supported lodgings as well as agency workers and volunteers involved in delivering the provision. There are also a number of requirements on the registered person in relation to the staff

employed at a supported accommodation undertaking, including on recruitment, fitness of staff and undertaking disciplinary procedures where required. The registered person must also ensure that the employment of staff on a temporary basis does not prevent children from receiving continuity of support as is reasonable to meet their needs.

Policies for the protection of young people and maintenance of records (Part 5 of the Regulations)

- 7.19 The registered person will be required to prepare and implement child protection policies intended to safeguard young people accommodated in the undertaking from abuse or neglect. Child protection policies consist of a safeguarding policy, a missing child policy and a behaviour management policy.
- 7.20 The registered person must implement and prepare a contingency plan policy which covers failure across all areas including, but not exclusively, staffing, building and emergency scenarios. The registered person must also prepare and implement a policy setting out what would happen to the young person accommodated by the provider and their records, in the event of the provision closing down or the supported accommodation undertaking being unable to provide supported accommodation permanently or temporarily.

Records

- 7.21 The registered person will be responsible for securely maintaining and updating records for each young person accommodated in the undertaking and retaining the records for at least 15 years from the date of the last entry. The requirements on case records are similar to the requirements for children's homes.

Notifications and complaints (Part 6 of the Regulations)

- 7.22 The registered person will be required to notify Ofsted, local authorities and other relevant persons as necessary, without delay, of serious events in respect of children accommodated by the supported accommodation undertaking, when children are admitted into, or discharged from, supported accommodation and of offences committed by the registered provider, registered service manager, nominated individual, any director of organisations or any partner of partnerships.

Amendments to Notification Regulations

- 7.23 These Regulations amend the Care Standards Act 2000 (Enforcement of Care Standards) (Notification) (England) Regulations 2011 to apply to supported accommodation undertakings. The amendment to these Regulations will mean that where certain enforcement action is taken by Ofsted in respect of supported accommodation undertakings this must be notified to LAs.

Complaints and representations

- 7.24 The registered person will be required to establish a procedure for considering complaints made by or on behalf of young people. The registered person must ensure that a record is made of any complaint, the action taken in response, and the outcome of any investigation and if requested, must supply to Ofsted a statement containing a summary of any complaints made during the preceding twelve months and the action that was taken in response to each complaint.

Reviewing and monitoring supported accommodation undertaking (Part 7 of the Regulations)

Quality of support review

- 7.25 The registered person will be required to maintain a system for monitoring and improving the quality of support provided by the supported accommodation undertaking. This is through completing a ‘quality of support review’ at least once every six months, taking into account the views of and feedback from children, feedback from the accommodating authority and any relevant research and developments in relation to best meeting the needs of children.

Absence of registered service manager

- 7.26 If the registered service manager is to be absent for a continuous period of 28 days or more, the registered person will be required to notify Ofsted and make appropriate arrangements to ensure there is no disruption to the supported accommodation undertaking during the period of absence. There are requirements for the registered provider in situations of emergency or unforeseen absence of the registered service manager.

Notice of changes

- 7.27 The registered person must notify Ofsted, as soon as practicable, in the event of a number of changes having taken place or expected to take place. The registered provider must notify Ofsted within 10 days if a premises is no longer to be used or intended to be available for use as supported accommodation.
- 7.28 The registration of a person in respect of supported accommodation will cover all premises that form part of the supported accommodation undertaking and will not require registration in respect of individual premises. In light of the model of registration for supported accommodation, the registered person will need to give notice in writing with specified details to Ofsted of certain changes with regard to the use of premises. Notification must be provided where the provider uses premises which did not form part of the original application for registration, where premises are no longer used as supported accommodation either temporarily or permanently and where premises that were specified on registration or later notified but subsequently notified as not in use come back into use as supported accommodation. The purpose of these requirements is to ensure that Ofsted are aware of where children are being accommodated by a supported accommodation undertaking at any given time without requiring individual registration of those premises. This will enable providers to bring new accommodation on stream quickly and easily where needed but continues to ensure that Ofsted have overall oversight over the premises being used.

Financial position

- 7.29 The registered provider must carry on the supported accommodation undertaking in a way which ensures it will be financially viable for the purpose of achieving the aims and objectives as set out in the statement of purpose.
- 7.30 There are also a number of requirements of the registered person in relation to the financial position of supported accommodation undertaking including the keeping and supply of financial records to Ofsted, if requested.

Prohibition on placing a child in unregistered supported accommodation (Part 8 of the Regulations)

- 7.31 These Regulations use the powers in s.22C(11) CA 1989 to amend the Care Planning Regulations to prohibit the placing of LAC aged 16 and 17 in accordance with other arrangements accommodation, unless it is supported accommodation in respect of which a provider is registered with Ofsted. This is subject to some limited exceptions detailed in the Regulations, which are already regulated via other means, such as hospitals and education institutions or in similar settings in Wales or Scotland.
- 7.32 These Regulations use the powers in s.23B(10) CA 1989 to make amendments to the meaning of “suitable accommodation” for 16-and-17-year-old care leavers in the Care Leavers (England) Regulations 2010. This will mean that suitable accommodation can only be supported accommodation in respect of which a provider is registered with Ofsted or the accommodation is in one of the limited exceptions listed in the Regulations which could include accommodation in Wales or Scotland.

Further amendments (Part 9 of the Regulations)

- 7.33 Further consequential amendments have been made to the Disqualification from Caring for Children (England) Regulations 2002 (“the Disqualification Regulations”). These amendments mean that anyone who is refused registration in respect of supported accommodation, who has had their registration cancelled or is convicted of a specified offence in respect of a supported accommodation undertaking will be disqualified from privately fostering a child without the consent of the LA. The person will also be disqualified from carrying on or being involved in the management of or having any financial interest in or being employed in a children’s home without first obtaining the consent of Ofsted.
- 7.34 Amendments have also been made 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 (“Fees and Frequency Regulations”). These amendments set out fees in relation to the registration of supported accommodation. The intention is to make the amendments to the Fees and Frequency Regulations next year to provide that Ofsted must inspect each undertaking at least once every three years. In the meantime, Ofsted will be able to carry out inspections as necessary under their powers in the CSA 2000. Ofsted will charge separate fees for provider registration, registered service manager registration, annual fees and fees for variation of registration.
- 7.35 Regulation 40 of the 2022 Regulations is also being amended to clarify and correct the scope of modifications to the application of powers in respect of supported accommodation in the first set of Regulations.

Miscellaneous (Part 10 of the Regulations)

- 7.36 This part sets out the requirements for the appointment of liquidators and the requirements in the event of the death of a registered person. This part also applies the remainder of Part 2 of the CSA 2000, except where excluded, to supported accommodation undertakings.

Transitional arrangements

- 7.37 A provider or manager will continue to be able to carry on or manage supported accommodation after 28 October 2023 even though it will otherwise be unlawful to do

so without a person being registered, provided that a completed application for registration has been submitted to Ofsted before 28 October 2023. They will be able to continue to operate until that application has been determined and the decision notified by Ofsted or until the determination or withdrawal of any appeal in respect of conditions imposed on registration. For the purpose of supported accommodation registration, a “complete application” means an application in accordance with the requirements set out in the Registration Regulations and Fees and Frequency Regulations. LAs will also be permitted to continue to place or arrange accommodation for 16 and 17 year old LAC and care leavers during this transitional period.

What will it now do and why is this important?

- 7.38 These Regulations will enable Ofsted to begin registering providers and managers from 28 April 2023, and will end the use of provision that isn’t registered with Ofsted from 28 October 2023 (other than where the transitional arrangements apply). Providers of supported accommodation will now be required to comply with the standards and requirements as outlined above in order to be registered. This new regulatory scheme for supported accommodation will drive up quality and consistency of this type of provision and mean, for the first time, providers offering accommodation and support for LAC and care leavers in scope of the Regulations will have to be registered and inspected by Ofsted. Through these Regulations, Ofsted will be given powers to take enforcement action against providers where provision does not meet the standards and requirements as set out.
- 7.39 Supported accommodation is not always good enough and there are examples where the provision has failed to keep children safe and meet their needs. Every child growing up in the care system should have a stable, secure environment where they feel supported. These Regulations represent an important step to bring in new requirements and standards meaning young people in supported accommodation will have access to safe and secure provision. This provision needs to keep them safe and support them to flourish as they move towards adulthood.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 Not applicable.

10. Consultation outcome

- 10.1 The Government has consulted extensively on the implementation of national standards and Ofsted regulation for supported accommodation. Following research in 2019 into the drivers behind increasing use of these settings, the Government published a 16 week consultation ‘[Reforms to unregulated provision for children in care and care leavers](#)’ which ran from February to June 2020.
- 10.2 In February 2021, the Government published its [consultation response](#) setting out that it would:
- Ban the placement of children aged under 16 in unregulated supported accommodation. (This was delivered through The Care Planning, Placement

and Case Review (England) (Amendment) Regulations 2021 and the ban came into force in September 2021).

- Consult on national standards and Ofsted-led registration and inspection for providers of unregulated provision that accommodates 16- and 17-year-old LAC and care leavers to improve the quality of provision and better meet their needs.

- 10.3 On 24 May 2021, the Government launched an 8-week public consultation: [Introducing national standards for independent and semi-independent provision for LAC and care leavers aged 16 and 17](#). This included a main version of the consultation which was aimed at local authorities, providers, and other stakeholders and [a version specifically intended to be answered by children and young people](#). Alongside these consultations, the government also commissioned independent qualitative research with care experienced young people aged 16 and over, as part of focus groups, to seek their views on the consultation proposals. These consultations asked for views on a proposed suite of national standards for providers of semi-independent provision for LAC and care leavers aged 16 & 17, how these settings should in future be regulated by Ofsted and for views on indicators used to determine whether a provider offers ‘care’ or ‘support’.
- 10.4 This consultation and focus groups gave clear support for the introduction of the proposed national standards, and for pursuing Ofsted-led registration and inspection at a provider-level, as opposed to at individual setting-level. The [Government’s response](#) to the consultations was published on 20 December 2021.
- 10.5 On 5 December 2022, the Government launched a final consultation: [Regulating supported accommodation for looked after children and care leavers aged 16 and 17](#). This consultation sought views on the quality standards, the guidance that will accompany the regulations, the requirements that providers will need to comply with in addition to the quality standards and the Ofsted regime, including how Ofsted will register, inspect and take enforcement action against providers. This consultation included [a version aimed at care-experienced children and young people](#).
- 10.6 A total of 300 respondents were received: 236 to the main consultation and 64 to the version aimed at care-experienced young people. Through this consultation, we received strong support for the vast majority of proposals, this included 89-92% of respondents to main consultation fully or partly agreeing with each of the quality standards. We used the input received to make some changes to the draft Regulations and guidance before finalising these. On [23 March 2023] we published an [analytical report](#) of the consultation, alongside the [Government response](#) and [response aimed at young people with experience of care](#)

11. Guidance

- 11.1 The Department published the accompanying guidance, '[Guide to the Supported Accommodation Regulations including Quality Standards](#)' on 23 March 2023.

12. Impact

- 12.1 The impact on business, charities or voluntary bodies is that they will need to comply with a regulatory framework which will carry a cost. We used the best possible data available to make the assumptions on new burdens funding requirements for local authorities, and these calculations were agreed across Government as part of Spending

Review 2021. The department recognises that the introduction of quality standards and regulation represents a change and possible challenge to some providers. For some providers, this may be felt as a result of the administrative requirements for the workforce and staff employed. Some providers of supported accommodation will be required to increase their standard of provision in order to meet the requirements. Broadly, providers of supported accommodation have agreed with the proposed approach to these Regulations. To support providers to meet the new requirements and prepare for registration and inspection, the Department for Education has awarded the National Children's Bureau (NCB) a contract up to April 2024 to provide expert practical support and information targeted directly at providers and LAs.

- 12.2 The impact on the public sector is likely to come through increased financial burdens on local authorities as we believe it is likely that there will be an increase in the fees charged by supported accommodation providers to local authorities for accommodating children. The Department for Education is investing over £123 million over the next three years, up to 2025, to support local authorities to respond to these changes, and offset the costs associated with the reforms.
- 12.3 A full impact assessment has not been produced for this instrument because the provision of supported accommodation does not fall within the definition of "business activities" in section 27 of the Small Business, Enterprise and Employment Act 2015, given that it is carried out on behalf of public authorities, local authorities, who are under a statutory duty to accommodate the children in scope of the Regulations. The Department has been considering the impact of these Regulations on providers of supported accommodation. Following multiple consultations, the Department believes these Regulations achieve proportionality through driving quality improvements and accountability whilst not creating undue burden on providers.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 To minimise the impact of the requirements on small businesses (employing up to 50 people), the approach taken is to ensure the Regulations are proportionate for the group of children accommodated. Unlike in children's homes, Ofsted will register and inspect at provider-level as opposed to requiring providers to register every individual address with Ofsted. The work of the NCB to prepare the sector for the changes will support small business in preparing for the regulatory regime. We expect the work of NCB to focus on parts of the provider market who need the most support, which is likely to be the smallest providers/businesses.

14. Monitoring & review

- 14.1 The Department will continue to monitor and review the Regulations and amendments moving forward. This will include evaluating whether the quality of support and accommodation for looked after children and care leavers placed in this provision has improved as a result of these Regulations.

15. Contact

- 15.1 Milly Powers at the Department for Education, Telephone: 02045289938 or email: milly.powers@education.gov.uk or Ali Mills, at the Department for Education, Telephone: 07551401751 or email: ali.mills@education.gov.uk can be contacted with any queries regarding the instrument.

- 15.2 Emily Bigham and Rachel Race, Deputy Directors for Looked After Children Placements and Care System at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Claire Coutinho MP, Minister for Children, Families and Wellbeing at the Department for Education, can confirm that this Explanatory Memorandum meets the required standard.