

---

STATUTORY INSTRUMENTS

---

**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.

---

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