
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 Leavers (England) Regulations 2010

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

⁽¹⁾ [S.I. 2010/2571](#), to which there are amendments not relevant to these Regulations.

- (ii) in a hospital as defined in section 206(1) of the National Health Service (Wales) Act 2006,
 - (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.
