Department for Education

Regulating supported accommodation for looked after children and care leavers

Consultation analysis report

March 2023

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Executive summary

Introduction

The Department for Education (DfE) sought views prior to the creation of regulations that will introduce quality standards and registration and inspection requirements for providers of supported accommodation that accommodates looked after children and care leavers aged 16 and 17.

The consultation on regulating this supported accommodation for looked after children and care leavers sought views on the quality standards, guidance that will accompany the regulations, requirements that providers will need to comply with, and the Ofsted regime.

The consultation sought the views of:

- Providers of supported accommodation.
- Local authorities.
- Children's social care workforce.
- Relevant national public, private and charitable sector organisations.
- Care experienced young people.

Methodology

Analysis of responses to the consultation involved coding the qualitative data using NVivo 12 software and quantitative data analysed in Excel. Coding frameworks were developed for each of the open text questions. Findings were analysed by stakeholder grouping as indicated in the stakeholder responses to the consultation. This was completed for the young people's consultation in the same way.

Email responses within the consultation were analysed to identify areas of similarity to the main consultation so that responses could be added to the relevant questions. These responses were then coded and analysed in the same way as the main data.

Analysis of consultation responses

About the respondents

A total of 220 respondents completed the main consultation. The breakdown of respondents was as follows:

- Independent and semi-independent provision provider (34% or 74).
- Local authority (29% or 63).
- Charity (17% or 37).
- Individual (11% or 23).
- Other (11% or 23).

Other respondents included national representation bodies and other national organisations. Individuals were respondents who did not represent an organisation. An additional 16 responses were submitted via email.

A total of 64 respondents completed the young people's consultation. The breakdown of young people respondents was as follows:

- Care leaver (58% or 37).
- Currently in care (20% or 13).
- Young person (22% or 14).

New mandatory quality standards for providers on supported accommodation

Questions 1 – 8 of the consultation asked questions about the respondents. Questions seeking respondents' views began at question 9.

Q9 To what extent do you agree with the proposed 'Leadership and Management Standard' and supporting guidance?

The most common response selected was 'fully agree' (47% or 96) when respondents were asked to what extent they agree with the proposed Leadership and Management Standard and supporting guidance, with 42% (or 87) selecting 'partly agree'. Qualitative responses from 170 respondents were coded against themes for this question. Around a third of respondents requested clarification or further guidance, most commonly regarding staff qualifications and experience. Similar proportions expressed agreement with the Standard or identified concerns, including highlighting issues related to registered manager. Smaller numbers commented on terminology use or identified additional costs that implementing that standard may incur.

Q11 To what extent do you agree with the proposed 'Protection Standard' and supporting guidance?

Just over half (54% or 112) of respondents selected 'fully agree' for the extend that they agreed with the proposed protection standard and guidance, with 36% (or 74) selecting 'partly agree' and 8% (or 16) selecting 'do not agree'. Qualitative responses from 175 respondents were coded against themes for this question. A large proportion expressed concerns about the proposed protection standard, mainly highlighting concerns about the use of restraint and raising varied issues related to location assessments, whilst a similar proportion expressed general agreement. Respondents also requested further clarification and guidance in a range of areas, including expected procedures for missing from home incidents, processes for completing location assessments and expectations around young people accessing 24-hour support, amongst others.

Q13 To what extent do you agree with the proposed 'Accommodation Standard' and supporting guidance?

Just over half of respondents opted for 'fully agree' (52% or 108) when respondents were asked to what extend do they agree with the proposed accommodation standard and supporting guidance. Just under two-fifths 'partly agreed' (38% or 79) and only 6% (or 12) 'did not agree'. Qualitative responses from 159 respondents were coded against themes for this question. A large proportion of respondents requested further clarification or guidance, mainly around the requirements related to private phones and Wi-Fi but also

regarding how requirements would apply to different types of accommodation. Some respondents expressed agreement with the proposed Accommodation Standard, including expressing agreement alongside comments stressing the importance of supported accommodation feeling 'home-like' for young people.

Q15 To what extent do you agree with the proposed 'Support Standard' and supporting guidance?

Just over half of respondents (51% or 105) selected 'fully agree' with just over two-fifths (41% or 84) choosing 'partly agree'. 6% (or 12) selected 'do not agree'. Qualitative responses from 167 respondents were coded against themes for this question. Around a half of respondents expressed concerns about the proposed Support Standard, mostly around proposals related to storing, handling and administering medication, something which was considered 'care' rather than 'support'. Another common concern was that the proposed frequency of quality of support reviews (every 6 months) would be overly burdensome for providers. In contrast, a large proportion of respondents expressed agreement with the Support Standard, whilst some highlighted areas in need of further clarification or guidance such as requirements for the quality of support reviews and those related to young people's support and pathway plans.

Q17 Are the Quality Standards or the Guidance missing anything that you would expect of any provider of supported accommodation?

A little over half of the total respondents (54% or 111) selected 'yes' the Quality Standards or Guidance were missing details, while just over a third (34% or 70) of respondents selected 'no'. Qualitative responses from 126 respondents were coded against themes for this question. Comments from respondents varied, covering a range of areas including different provider models, reference to existing standards, multi-agency working, terminology and transitions out of supported accommodation, amongst others.

Q19 Do you agree that this is the right approach to regulating mobile and non-permanent settings?

Half of respondents (50% or 102) selected 'yes' in agreement that this is the right approach to regulate settings, with just under a third opting for 'not sure' (32% or 66) and just under a fifth selecting 'no' (18% or 37). Qualitative responses from 157 respondents were coded against themes for this question. Most commonly respondents shared comments agreeing with mobile and non-permanent settings in exceptional circumstances and if regulated to the same degree as registered provision. However, some respondents viewed this type of provision as unsuitable, commenting that it does not support a young person's wellbeing or needs and can be isolating. Some respondents also expressed concern that the regulations may limit the supply of accommodation that is often required in crisis situations.

The administrative requirements on providers

Q21 To what extent do you agree that this is the right approach to staff recruitment, checks, induction, staff fitness requirements, training and supervision and disciplinary proceedings?

Two-thirds (66% or 136) of respondents selected 'fully agree' with a quarter (25% or 51) opting for 'partly agree' and respondents less likely to choose 'do not agree' 5% (or 10).

Qualitative responses from 142 respondents were coded against themes for this question. A large proportion highlighted areas in need of further clarification or guidance, including around the proposed requirements for staff training and qualifications and how the requirements will apply to different types of staff such as agency workers, volunteers and supported lodgings hosts. Varied suggestions were also made, including calls for greater reference to safer recruitment practices. Some respondents also raised concerns about the proposed approach, including concerns related to increased costs and existing sector recruitment issues.

Q23 To what extent do you think that the proposed approach to the service's protection policies is the right one to ensure the welfare of young people in supported accommodation?

Just over two-thirds (69% or 143) of respondents selected 'fully agree' with just under a quarter of respondents (23% or 47) opting for 'partly agree'. Qualitative responses from 130 respondents were coded against themes for this question. Some expressed general agreement, whilst others offered suggestions for additional requirements for provider Safeguarding and Missing from Home policies or additional policies they felt should be required or recommended. Some respondents highlighted that the proposed approach reflects current practice and a few sought further clarification or guidance around varied issues including terminology and missing from home requirements.

Q25 To what extent do you think that the proposed approach to restraint is right one to ensure the welfare of young people in supported accommodation?

Just under two-fifths (36% or 75) of respondents 'fully agree' and just under a quarter of the total respondents selected 'partly agree' (23% or 48), with just under a third of respondents more likely to select 'do not agree' (31% or 64). Qualitative responses from 151 respondents were coded against themes for this question. Most respondents expressed disagreement with or concerns about the proposed approach to the use of restraint, highlighting that training staff in the use of restraint does not reflect current practice in supported accommodation. Respondents felt it would be inappropriate and unsafe to enable the use of restraint on 16- and 17-year-olds in supported accommodation, suggesting instead to prioritise the use of de-escalation strategies. Varied suggestions were also made by some respondents, including additional requirements to notify the placing authority of any use of restraint and to emphasise in the guidance that use of restraint should be a last resort.

Q27 Do you agree that the proposed practices around producing, storing and maintaining records are proportionate and will ensure young people are kept safe and their needs are met?

Two-thirds of respondents opted for 'fully agree' (66% or 135), while just under a fifth selected 'partly agree' (18% or 38) and a small number of respondents selected 'do not agree' (9% or 19). Qualitative responses from 143 respondents were coded against themes for this question. Some expressed general agreement with the proposals, whilst others highlighted issues related to storing, access and sharing data about young people, including suggestions for strengthened requirements around the secure storage of data and greater reference to enabling young people to access data held about them. Some respondents also highlighted areas where the proposed requirements may overlap with existing local authority responsibilities.

Q29 Do you agree that the proposed practices around complaints and representations are proportionate and will ensure young people are kept safe and their needs are met?

Just over four-fifths of respondents selected 'yes' of (81% or 166) in agreement that the proposed practices around complaints and representations will keep young people safe and ensure their needs are met, with 10% (or 20) selecting 'no' and 9% (or 19) opting for 'not sure'. Qualitative responses from 131 respondents were coded against themes for this question. Common themes included respondents expressing agreement with the proposed approach and/or stating that the approach reflects current practice. Some highlighted the importance of young people receiving support to raise complaints, including from independent advocacy services, with suggestions that the requirements and guidance could be strengthened in this regard.

Q31 Do you agree that the proposed practices around notifications are proportionate and will ensure young people are kept safe and their needs are met?

Just over two-thirds (68% or 140) total respondents chose 'yes' in agreement that the proposed practices around notifications will keep young people safe and ensure needs are met, with a fifth (20% or 41) selecting 'not sure' and 11% (or 22) opting for 'no'. Qualitative responses from 140 respondents were coded against themes for this question. Some expressed general agreement with the proposed practices, whilst a large proportion requested further clarification on requirements for reporting incidents, child criminal and sexual exploitation and accommodation arrangements. Some respondents also expressed concern that the notification requirements would be administratively burdensome for providers.

Ofsted registration, inspection and enforcement and provider accountability

Q33 Do you agree that the proposed business continuity requirements are proportionate and will ensure young people are kept safe and their needs met?

Over four-fifths (83% or 171) of total respondents opted for 'yes' in agreement that the proposed business continuity requirements will keep young people safe and ensure their needs are met, with 12% (or 25) selecting 'not sure' and 4% (or 9) of respondents selecting 'no'. Qualitative responses from 102 respondents were coded against themes for this question. Respondents requested more clarity around some issues, whilst others stated that the proposed arrangements were positive and proportionate, with clear expectations. Some highlighted that the requirements reflected existing practice and a small number raised a few concerns.

Q35 To what extent do you agree that the proposed roles and responsibilities of the 'registered provider' and 'registered service manager' will ensure a proportionate level of oversight in supported accommodation?

Just over two-fifths (43% or 88) of respondents selected 'fully agree', with just over a third (37% or 77) opting for 'partly agree', and 11% (or 22) selecting 'do not agree'. Qualitative responses from 156 respondents were coded against themes for this question. A large proportion called for further clarification or guidance, mostly asking for more information about the role and qualifications of a registered service manager. Some also raised concerns regarding Ofsted, potential additional costs and recruitment and retention issues. Some also expressed positive support for the proposals.

Q37 Do you agree with the proposal to limit the number of registered service managers in each supported accommodation undertaking to one?

Just over two-fifths (41% or 85) of total respondents selected 'yes' in agreement with just under a third (30% or 61) of total respondents selecting 'no' and 29% (or 60) opting for 'not sure'. Qualitative responses from 148 respondents were coded against themes for this question. Respondents covered a range of themes, some of which took opposing views. Some suggested more than one registered service manager should be possible, whilst others said having one maintained accountability. Further clarification on some issues was requested. Other points covered views suggesting that limits were unhelpful to larger providers or that a mixed 'matrix' management approach was possible, as well as cost implications of the proposal and risks of reduction in standards linked to only having one registered service manager.

Q39 Do you agree that the proposals around the fitness and capacity of the registered provider and/or registered service manager are the right ones?

Just under three-quarters (71% or 146) of total respondents selected 'yes' in agreement with the proposals, just under a fifth (19% or 39) selecting 'not sure' and 10% (or 20) opting for 'no'. Qualitative responses from 122 respondents were coded against themes for this question. Respondents indicated why they broadly agreed with the proposals, suggested some refinements, highlighted some concerns and requested further clarification or guidance that they felt were needed.

Q41 Do you agree these categories for supported accommodation are the right ones?

Just over two-thirds (69% or 143) of respondents selected 'yes' in agreement with these categories, with respondents less likely to choose 'not sure' with only just under a fifth opting for this choice (17% or 36), and an even smaller amount selecting 'no' (13% or 27). Qualitative responses from 136 respondents were coded against themes for this question. Most respondents raised points for further clarification or where guidance is needed. Some confirmed that the categories are appropriate, although a few of these respondents also raised points for further clarification. A few identified specific concerns.

Q43 Do you agree with the proposal for providers to notify Ofsted of new settings and with the use of conditions to restrict providers from using new settings without having informed Ofsted?

Just over three-quarters (76% or 157) of respondents selected 'yes' in agreement, with 14% (or 28) selecting 'not sure' and respondents less likely to select 'no' with 10% (or 21) of respondents choosing this. Qualitative responses from 139 respondents were coded against themes for this question. Most respondents confirmed that the proposed approach is appropriate, some raised specific concerns and a few asked for further clarification or guidance.

Q45 Do you agree that the proposed Ofsted enforcement powers, offence provisions and tribunal appeal provisions are appropriate and proportionate for this type of provision?

Just under four-fifths of respondents answered 'yes' (78% or 160), followed by 16% (or 33) selecting 'not sure' and 6% (or 13) selecting 'no'. Qualitative responses from 112 respondents were coded against themes for this question. Most of these respondents

shared views of agreement suggesting the proposed enforcement powers, offence provisions and tribunal appeals were proportionate and, in some cases, expected. Others called for further guidance and clarity on certain aspects. A small number of respondents suggested the proposals were disproportionate, may have unintended consequences or that there would be a need for some support in the sector to implement.

Q47 Do you agree that this is the right approach to ensure provider adherence to the Quality Standards and the regulations across the service?

Just over three-fifths of respondents selected 'yes' (61% or 126) in agreement that this is the right approach to ensure provider adherence, with just over a fifth of respondents selected 'not sure' (22% or 46) and respondents were least likely to choose 'no' (17% or 24). Qualitative responses from 135 respondents were coded against themes for this question. Most commonly respondents shared views of general agreement. Some respondents called for inspections to be more regular for all providers or for those receiving lower judgements from Ofsted. Respondents also called for greater clarity and guidance around the outlined inspection framework and grading system. A small number of respondents made suggestions to alter the proposed inspection system including the use of other inspectors and organisations, announcing inspections, and Ofsted-selected sampling for large providers.

Q49 To what extent do you agree with the proposed new registration, variation and annual fees for providers of supported accommodation?

Just under one-third of respondents each selected 'partly agree' (32% or 65) and 'do not agree' (32% or 65) with just under a fifth selecting 'fully agree' (18% or 38).

Q50 How would the new fees affect you as a provider?

Just under two-fifths (36% or 75) of total respondents selected that the fees would have a 'moderate effect' on providers. The next most likely answer selected was 'neutral', with just over a fifth of respondents choosing this answer (21% or 44), followed by 'major effect' (17% or 35). Equal numbers of respondents selected 'minor effects' and 'no effect' (12% or 25). Qualitative responses from 166 respondents were coded against themes for this question. Most commonly respondents shared comments disagreeing with some of the proposed costs. Reasons included high costs potentially deterring providers from registering and suggestions that fees are not proportionate. Some respondents commented that there could be an increased burden to local authorities through increased fees, as well as suggesting that provider budgets would also be stretched, potentially reducing the quantity and quality of support provided. There were also calls for greater clarity relating to variations in fees and suggestions of alternative methods to make fees more proportionate.

Q52 Do you agree that this is the right approach to ensure that providers can register before it becomes an offence to operate supported accommodation undertaking without being registered and that inspections can be carried out in the first year?

Nearly three-quarters of respondents (74% or 152) selected that 'yes' they agreed this was the right approach, with only 5% (or 11) opting for 'no'. Qualitative responses from 128 respondents were coded against themes for this question. The largest number of respondents expressed agreement, commenting that a phased approach provided enough flexibility and time for providers to prepare. Others made suggestions to ensure a

smooth registration and transition period for all involved. Some called for an increase in the registration period given the consultation-period may lead to adjustments in requirements. Others suggested smaller providers would need a longer period to prepare.

Potential unintended consequences

Q54 What do you believe any potential unintended consequences of these reforms will be? We will use this input to inform our work with the sector.

Qualitative responses from 78 respondents were coded against themes for this question. Most respondents suggested there could be a reduction in the number of providers, limiting the choice for commissioners whilst also impacting the quality and appropriateness of provision. Some noted potential monetary implications such as increased fees to commissioners and constraints on provider's budgets. Others suggested the process may lead to disruption for young people due to the need for relocation to other, potentially less suitable, providers. Other potential consequences cited by respondents included the need for more staff to support the changes and the potential increased burden for local authorities relating to fees and support needed for providers.

Young people's consultation

Q6 Principles for supported accommodation – do these statements describe what it should feel like to be properly supported while living in high quality accommodation?

Over four-fifth of respondents selected 'yes' (81% or 52). Qualitative responses from 38 respondents were coded against themes for this question. Most respondents agreed with the statements and provided details on why they said this. A few respondents wanted further clarity on the language used in some of the statements.

Q7b Do you think we have missed anything that you would expect the new standards to cover?

Over two-thirds of respondents selected 'no' (67% or 43). Optional text answers to this question were provided by 25 respondents. Some respondents commented that nothing had been missed from the new standards, whilst a few suggested that changes were needed to the draft documentation specifically. Other respondents found the guide too long to read, commenting that it was difficult to process all the information sufficiently to answer the question, and some requested further explanations to limit any confusion.

Q8b Do you think we have included anything that shouldn't be included in the new standards?

Nearly four-fifths of respondents selected 'no' (73% or 47). Optional text answers to this question were provided by 20 respondents. Most commonly respondents commented that everything included was relevant in the new standards and that nothing needed to be altered.

Q10 Do you think the below rules and policies help to make sure that young people are protected in supported accommodation?

Over four-fifths of respondents selected 'yes' (84% or 54). Optional text answers to this question were provided by 32 respondents. A large proportion of respondents expressed agreement with the policies around ensuring safety of young people in supported accommodation, with some commenting that they were good rules to protect young people. Some respondents made suggestions regarding policies around self-harm and location assessments.

Q12 Do you think these checks made by Ofsted to get an overall sense of the quality of the support and accommodation delivered by that provider will make sure providers follow the standards and rules?

Nearly four-fifths of respondents selected 'yes' (78% or 50). Optional text answers to this question were provided by 28 respondents. Respondents commented positively in broad terms about the likelihood of providers following the standards and rules if checks are made by Ofsted. Some highlighted the importance of Ofsted speaking to young people living within the supported accommodation to get a true sense of provision quality.

Introduction

The Department for Education (DfE) sought views prior to the creation of regulations that will introduce quality standards and registration and inspection requirements for providers of supported accommodation that caters for looked after children and care leavers aged 16 and 17. This type of provision is often referred to as independent or semi-independent provision, or as 'unregulated' provision, as it is not currently registered and inspected by Ofsted.

The consultation on regulating supported accommodation for looked after children and care leavers sought views on:

- The Quality Standards.

- Guidance that will accompany the regulations.

- The requirements that providers will need to comply with in addition to the Quality Standards.

- The Ofsted regime, including how Ofsted will register, inspect and take enforcement action against providers.

The consultation sought the views of:

- Providers of supported accommodation.

- Local authorities.

- Children's social care workforce.

- Relevant national public, private and charitable sector organisations.

- Care experienced young people.

Definition of 'supported accommodation'

Local authorities place most of the children they look after in foster care or in a registered children's home. Local authorities can however place looked-after children in placements in accordance with "other arrangements" under section 2C(6)(d) of the Children Act 1989 and when arranging accommodation for care leavers where the young person's welfare requires it, local authorities must arrange "suitable accommodation" (section 23B(8)(b) Children Act 1989).

In the first set of regulations laid before Parliament on 18 July 2022, "supported accommodation" was defined as accommodation in England in which a child is accommodated pursuant to sections 22C(6)(d) or 23B(8)(b) of the Children Act 1989, subject to specified exceptions, which are already in some way regulated and would not be considered to be supported accommodation and therefore should not be regulated as such.

As with all placements, where local authorities place looked-after children and care leavers in supported accommodation, they must ensure that this meets the needs of the young person and keeps them safe.

Methodology

The methodological approach for analysis of the consultation data involved three phases, detailed in the following sections.

Phase 1: Data checking, review, and preparation

DfE staff undertook a process of cleaning and checking the Excel files prior to the secure transfer of data to York Consulting, i.e., to remove personal identifiable information. The data was then uploaded to NVivo 12 software for the analysis of open text questions. Analysis of quantitative data from closed questions was undertaken using Excel.

Phase 2: Analysis of responses

Analysis of the final data sets

Responses to open text questions were analysed by researchers using a combined a priori and inductive coding approach. Certain themes were decided in advance of coding based on the question asked. Other themes were then added to the coding framework for each question inductively as they were identified in the data by the researchers. Themes from the coding framework were set up as thematic 'nodes' in NVivo for each open text question. All respondent data (online consultation responses and emailed responses) were coded under the thematic nodes (this included coding into 'other' thematic nodes for references not aligning with any of the other thematic nodes).

In cases where the number of references was very low (under 5), consideration was given to merging these into other codes. Where the number of references was high (over 30 references) and where it was appropriate, further sub-coding was undertaken to assist the analysis process.

Responses within each thematic node of the coding framework were then summarised under the relevant question heading in this report. Further detail on the reporting of this analysis is outlined in Phase 3: Reporting.

The groups for the analysis of closed questions were determined by groupings based on results from the initial questions asking in what capacity respondents were responding to the consultation. The respondent groups are as follows:

- Independent and semi-independent provision provider.

- Local authority.

- Charity.

- Individual.

- Other.

A breakdown of consultation respondents by respondent group is outlined in the section titled Analysis of consultation responses.

Emailed responses

Responses to the consultation that were submitted by email (16 in total) were collated. The process for this included the following:

- Emailed responses were reviewed with reference to the format and scope of the information included. Most did not respond to the individual consultation questions using the precise structure of the online questions.

- Text from the emailed responses was then attributed to the relevant consultation questions based on the issues discussed. These sections of the emailed responses were then coded and analysed alongside the main consultation data relevant to each question.

Young people's consultation

Analysis of responses to the young people's consultation followed the same approach as outlined above, with the exception of the respondent groups which were:

- Care leaver

- Currently in care

- Young person

Analysis of consultation data: challenges

A range of challenges was identified during the analytical process. These specifically related to the qualitative responses provided by those participating in the consultation. The key challenges identified were:

- Some of the respondents provided detailed information in their answers to individual questions, often setting out a mix of views rather than only those related to the question. More detailed responses were frequently provided to the earlier sections of the consultation, and in many instances the respondents addressed subsequent questions as part of their initial answers.

- Participation in the consultation was on a self-selecting basis. The findings in the report therefore carry the unavoidable risk of self-selection bias meaning that those responding may not be representative of the whole population of potential respondents.

- Some respondents re-iterated their views across the questions, occasionally using the same wording. This resulted in a level of repetition across the text responses and different questions and sections. The analysis has aimed to capture the range of responses provided to each question and to reflect all views. As such, key issues and views are repeated in the reporting.

Phase 3: Reporting

Report Structure

The remainder of this report details our analysis of the consultation questions. It includes an introductory section describing the characteristics of the respondents followed by

quantitative and qualitative analysis of the consultation questions, in line with the 3 consultation headings.

For each question, the following approach to reporting has been used:

- The consultation question is the heading for reporting of results.

- Results for closed questions (where applicable) have been presented as a chart with an accompanying narrative of results, and with reference to the responses by respondent groups.

- Qualitative responses (open questions) have been presented under the main themes (thematic nodes). The order of themes has been determined by the number of respondents with responses coded under each theme. Themes with the highest number of respondents have been reported first, with the others in descending order. The number of respondents with responses coded under each thematic node is reported in brackets after the theme sub-heading.

- The summary of responses under each theme outlines the most common responses within the theme first, followed by less frequent responses.

- Tables and bullet points have been used to provide succinct and clear information regarding the views of respondents and key issues raised. Where sub-themes are reported in a table, the number of respondents with comments coded under each sub-theme is reported in brackets.

Question numbering in the report reflects the question numbers from the online consultation. After each quantitative question in the online consultation questionnaire, respondents were invited to explain their answer via an open text question (except for question number 49, which did not include a request for a qualitative answer). The numbers for these open text questions are not included in the report for brevity.

It is also worth noting that percentages in tables may not always sum to 100 due rounding.

Analysis of consultation responses

About the respondents to the main consultation

In total 220 responses were received to the main consultation (Table 1). This includes 204 responses submitted through the online portal Citizen Space, plus 16 emailed responses. Other respondents included sector representation bodies and national organisations. Individuals were respondents who chose to respond independently rather than representing an organisation.

Table 1: Respondents to the main consultation

Respondent type	Number	Percentage
Independent and semi-independent provision provider	74	34%
Local authority	63	29%
Charity	37	17%
Individual	23	11%
Other	23	11%
Total	220	100%

Source: DfE Consultation responses January 2023. Base: 220 respondents.

The quantitative analysis in this report was conducted based on 206 responses made up from 204 respondents to the online consultation plus 2 emailed responses that precisely fitted the answer formats of the online consultation structure.

About the respondents to the young people's consultation

In total 64 responses were received to the young people's consultation through the online portal Citizen Space who were not identified as adults (Table 1). Two of these were adults explicitly responding on behalf of different types of young people, so these are included. Six adults responded and these have not been included to ensure they did not skew the responses from young people. The 64 responses from young people were categorised across 3 groups (Table 2). The young people group is for those respondents who did not provide sufficient information to include them in one of the other categories.

Table 2: Respondents to the young people's consultation

Respondent type	Number	Percentage
Care leaver	37	58%
Currently in care	13	20%
Young person	14	22%
Total	64	100%

Source: DfE Consultation responses January 2023. Base: 64 respondents.

The quantitative analysis in this report was conducted based on these 64 responses.

New mandatory quality standards for providers on supported accommodation

Questions 1 – 8 of the consultation asked questions about the respondents. Questions seeking respondents' views began at question 9.

Q9 To what extent do you agree with the proposed 'Leadership and Management Standard' and supporting guidance?

Just under half of respondents (47% or 96) selected the answer option 'fully agree'. Just over two-fifths selected 'partly agree' (42% or 87) and 9% (or 18) selected 'do not agree'. This pattern was broadly representative of provider, local authority and charity respondents. Individual respondents were more likely to 'fully agree' (65% or 15) and less likely to 'partially agree' (22% or 5). No other respondents selected 'fully agree', they were also more likely to select 'partly agree' (60% or 9) and 'do not agree' (33% or 5).

Figure 1: Quantitative analysis of responses to question 9
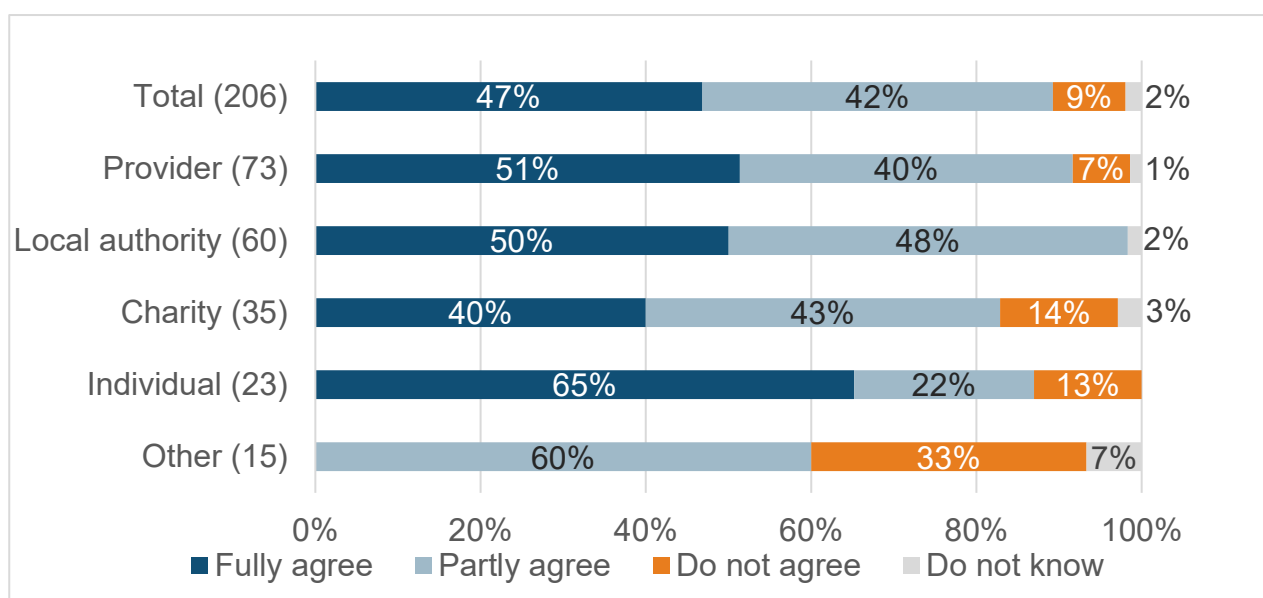
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 170 respondents were coded against themes for this question. Around a third of respondents requested clarification or further guidance, most commonly regarding staff qualifications and experience. Similar proportions expressed agreement with the Standard or identified concerns, including highlighting issues related to registered manager. Smaller numbers commented on terminology use or identified additional costs that implementing that standard may incur.

Clarification or further guidance (65)

Respondents suggested clarification in relation to staff qualifications, the registered service manager role, collaboration with other organisations and monitoring.

Staff qualifications (45)	The most common issue where respondents sought further clarification on was the qualifications and experience needed by the staffing teams, several respondents called for a detailed list of acceptable qualifications, highlighting the lack of detail and limited references to qualifications. Some respondents recommended L3 qualifications as a minimum standard. "The standard should include an annex list of examples of what are considered appropriate qualifications for support staff – without this guidance it leaves it potentially too open to interpretation by commissioners and providers and could result in inequitable application of standards. It is important that staff qualification requirements are proportionate and don't pose a barrier to entry to the sector." *Provider*
Registered service manager role (20)	Further clarity around the registered service manager's role included: • Whether there is a maximum number of settings that can be covered by one registered service manager. • Funding available for L5 qualifications. • Clarity on the role, responsibilities and liabilities. • Covering registered annual service managers during periods of annual leave and sickness. • The differences between the registered provider and the registered service manager. • Specific qualifications acceptable. • Whether the registered service manager role is more operational or strategic in focus. "It remains unclear as to whether the registered manager for the service would be responsible for overseeing and coordinating the daily function and operations; including team management and supervision, training, recruitment, and other operational duties, or whether this would be a predominantly strategic and thus senior management role, more focussed on service 'steer' and strategic response and progression." *Local authority*

Collaboration with other organisations/ agencies (10)	Further clarification requested regarding the expectations and responsibilities around the role of other organisations, namely the local authority and social workers.
	A few respondents suggested better collaboration and partnership working would be required to meet the standards. Further guidance surrounding pathway planning, assessments, placements and support reviews would be welcomed to ensure an effective, consistent multi-agency approach.
	A small number of respondents felt there should be further clarification of the specific role of social workers.
Monitoring (9)	Some respondents requested further guidance on how supported accommodation provision will be monitored, measured and rated.

Other areas in need of further clarification were identified by a few respondents, these included:

- Staffing ratios.

- 24-hour staffing.

- Refugee and asylum-seeking children.

- How larger organisation can operate across various types of support accommodation.

- Supported lodging schemes.

- The position of nominated individuals.

- Further detail surrounding "ensure children are protected from harm".

- The characteristics of the registered person and whether this could be the local authority for smaller provisions.

- Provisions within category 2 shared accommodation settings.

Agreement with standard (54)

Respondents expressed agreement with the proposed Standard and guidance. Some did not offer further detail or reasoning, whilst others commented that the requirements were clear, comprehensive and ensured a young person-centred approach. A small number of respondents stated that they welcomed the introduction of registered service managers and qualification standards.

> "The leadership and management standard will provide a level of uniformity across all providers. This will increase accountability and ensure adherence to set standards." *Other*

Concerns (53)

Registered service manager oversight (11)	Some respondents felt that the ability of registered service managers to cover multiple sites limits the direct oversight of supported accommodation provision, highlighting this may lead to a reduction in the safety and quality of these placement types.

Recruiting registered service managers (8)	Some respondents felt that the Standard and guidance do not reflect the current shortage of registered service managers, highlighting this regulation will create further pressures on the labour market. Respondents suggest this may lead to staffing issues and reduced services available across the UK.
	One respondent expressed there may be limited willingness to participate in training, particularly if they have obtained alternative qualifications. Another respondent highlighted that those who currently have a L5 Leadership and Management qualification will likely move to for-profit organisations that can offer higher salaries.
Staffing (7)	A small number of respondents expressed concerns surrounding the staffing within these settings. Respondents commented on the limited availability of suitably trained staff and the lack of specific training in areas such as mental health and anti-social behaviour.
Staff experience over qualifications (7)	A small number expressed concern over the lack of consideration towards industry relevant experience, commenting on the impact of supported accommodation providers to maintain and recruit staff members. Additionally, regulation surrounding qualifications may limit an organisation's ability to develop small scale local interventions.

A smaller number of respondents raised other concerns, including that:

- Timeframes for implementation will be challenging for providers and local authorities to meet, particularly given current budget, recruitment and training challenges.

- The proposed standards increase the administrative burden for providers and potentially duplicate other regulatory regimes that the accommodation falls under.

- The training undertaken by staff members must be accredited to discourage the use of online or one-week courses.

- The impact on introducing registered service managers may cause supply issues for registered children's homes, leading to an increase in costs.

- The was a lack of focus on the young person's voice, wellbeing and welfare.

- That guidance related to protecting a young person from harm conflicts with Annex A.

- This regulation may cause a two-tier service.

- The involvement of supported lodging hosts in the matching process.

- The lack of geographical consideration towards registration and registered service managers.

- Agency staff may be unable to offer the same level of care, respondents felt there should be an agency staff limit or an established ratio to ensure young people are able to develop and maintain strong relationships with staff.

Registered Service Manager (23)

Some respondents expressed that the current 3-year time period available to obtain the L5 Leadership and Management qualification is too long. A small number of respondents

felt this should be shortened to 2 years, with one respondent suggesting one year and another commenting that training should begin immediately. An equal number of respondents felt 3 years was an appropriate and reasonable expectation.

A small number of respondents commented the L5 qualification should not be a recommendation but a required standard to ensure registered service managers successfully complete the training.

> "Giving managers three years to achieve the desired qualification is too long a time period. The level of qualification needs to be mandatory and the qualifying period reduced." *Charity*

Some respondents expressed comments related to the increased workload associated to the registered service manager's role, highlighting an enhanced degree of responsibility for registration and safeguarding across multiple sites. Respondents commented additional workload would include completing further training, additional commissioning obligations and report writing.

> "Consideration must be given to the increased workload of managers working towards their Level 5 qualification - Introducing reporting requirements for Ofsted in addition to existing commissioning reporting obligations (some of which are very complex and have a high frequency of response) would be a significant increase in workload." *Provider*

Two respondents suggested the need for further support for registered service managers, suggestions included the provision of a superior manager or the introduction of an independent visitor role within these placement settings.

Terminology (21)

The following issues regarding specific terminology within the Leadership and Management Standard were raised:

- Querying why DBS checks should be required only 'where eligible' with suggestion this should be a minimum standard.
- The standard to be renamed to the 'Purpose, Leadership and Management Standard'.
- Clarity on the definition of 'leadership team' and its use throughout the guidance.
- Ambiguity surrounding the term 'suitably trained', commenting this needs to be more specific.
- Wording should place greater emphasis on young people developing positive, trusting relationships with supported accommodation staff.
- Amend the Statement of Purpose at 1(d) to include references to specific populations of children within the care system like unaccompanied asylum-seeking children, children subject to immigration control, children who have been trafficked and those leaving secure settings.

Additional costs (21)

Respondents referenced the following areas in relation to increased costs as a result of this Standard:

- The cost of training.
- Increased costs for employing a registered service manager and/or more staff to meet the guidance specifications.
- The cost of covering staff members whilst they undertake training.
- The costs attached to recruitment.
- Increased salaries to maintain and attract skilled employees.
- Increased insurance costs.
- Increased expenses as a result of reviews and inspections.

Statement of Purpose (17)

Several respondents referenced the Statement of Purpose, several of these respondents were positive about its introduction and felt it contributed towards further responsibility and accountability regarding improving outcomes for young people. One respondent commented it allows for greater comparability between providers which can better inform a local authority's choice.

One respondent felt the Statement of Purpose would need continual updating and maintaining, this would incur further administrative costs. Another respondent felt the Statement of Purpose should have a greater role in informing leadership and management activities and supporting the workforce plan. A small number of respondents requested a model or template version.

Suggestions (11)

Varied suggestions made by a few respondents included:

- Include floating support within the guidance.
- Specifically reference safer recruitment policies and procedures.
- Include a clear contingency plan, particularly for when a registered service manager may be absent.
- The inclusion of further external management and oversight roles.
- Reference to further plans post 18.
- The inclusion of trauma-based training and qualifications as part of this standard.
- Reference unaccompanied asylum-seeking children within this standard.
- Ensure specific matching risk assessments and dynamic risk assessments are overseen by the registered service manager.
- Further information on the use of agency staff,

Similar to Children's Home Guidance (10)

Some respondents referenced the similarity to the registered children's home regulations, most offered no further comment, however, a small number felt this standard did not align with the reality or the strengths of the supported accommodation sector.

Leave the market (8)

A small number of respondents referenced providers leaving the market, respondent responses included:

- Leaving the market due to the additional costs, making the provision unviable.

- The cost of registration for smaller providers.

- Difficulties in recruiting registered service managers.

- The new standards no longer fit with their organisational model.

- Increased financial or administrative burden.

- Unviable for those that take a small number of young people.

Other (12)

Other views raised by respondents are summarised below:

- Children and young people are best served by the children's homes framework.

- This provision does not act in the best interest of the young person.

- There are sufficient reviews and inspections, therefore this guidance is not necessary.

- Further consideration into the staffing and recruitment crisis within social care settings.

- Respondents highlighted their current practices.

Q11 To what extent do you agree with the proposed 'Protection Standard' and supporting guidance?

Just over half of respondents (54% or 112) selected the answer option 'fully agree'. Just over a third selected 'partly agree' (36% or 74) and 8% (or 16) selected 'do not agree'. This pattern was largely representative of provider, local authorities and charity respondents. Individual respondents were more likely to 'fully agree' (70% or 16) and much less likely to 'partially agree' (17% or 4). Other respondents were much less likely to 'fully agree' (with just one respondent) but much more likely to select 'partly agree' (53% or 8) and 'do not agree' (33% or 5).

Figure 2: Quantitative analysis of responses to question 11
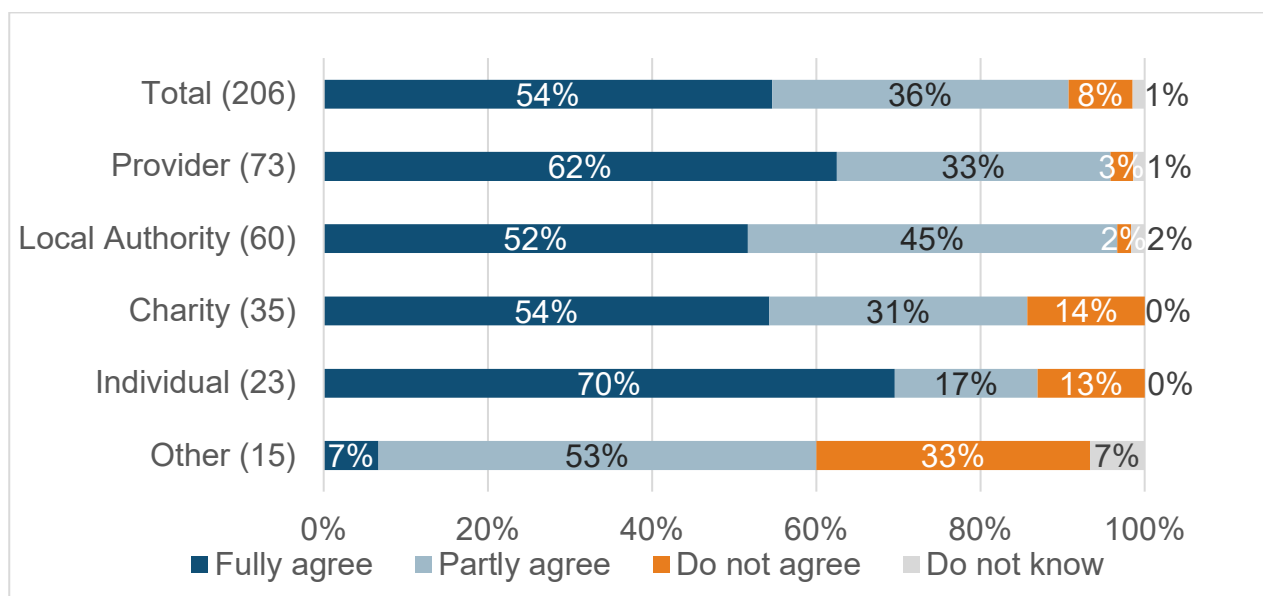
Category	Fully agree	Partly agree	Do not agree	Do not know
Total (206)	54%	36%	8%	1%
Provider (73)	62%	33%	3%	1%
Local Authority (60)	52%	45%	2%	2%
Charity (35)	54%	31%	14%	0%
Individual (23)	70%	17%	13%	0%
Other (15)	7%	53%	33%	7%

Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 175 respondents were coded against themes for this question. A large proportion expressed concerns about the proposed protection standard, mainly highlighting concerns about the use of restraint and raising varied issues related to location assessments, whilst a similar proportion expressed general agreement. Respondents also requested further clarification and guidance in a range of areas, including expected procedures for missing from home incidents, processes for completing location assessments and expectations around young people accessing 24-hour support, amongst others. There were also varied comments from some regarding the terminology and language used in the Protection Standard.

Concerns (75)

Respondents highlighted concerns regarding use of restraint, location assessments and safeguarding concerns. These as summarised in the table on the following page.

Use of restraint (42)	Most respondents raising concerns about the Protection Standard expressed concern about the use of restraint, suggesting that de-escalation strategies and trauma-informed approaches to behaviour management should be used instead. Some highlighted that staff in supported accommodation are not typically trained in the use of restraint and that this would be an unsafe practice for lone workers.

Some respondents felt that the guidance on when restraint is appropriate is too vague, with a few highlighting that the children's home guidance on restraint outlines clear parameters and situations where restraint is deemed necessary.

Many of the comments and concerns raised by respondents regarding the use of restraint are captured under the summary of responses for Q25 – Disagreements and concerns.

> "We are concerned at the proposed guidance regarding behaviour management, specifically restraint. This is not something we currently support in our accommodation settings where staff are often lone working or in our supported lodgings homes where there may single hosts. We welcome the suggestion of training for staff in de-escalation techniques but not physical restraint and would suggest that the request for this may actually deter Supported Lodgings Hosts from applying to the role." *Local authority* |
| Location assessments (15) | Most respondents expressing concerns about location assessments highlighted the importance of balancing risk assessments with young people's needs to be near support networks, amenities and cultural or faith resources, as well as taking into consideration the preferences of young people and developing their capacity to manage risks themselves. A few respondents also stressed the importance of considering different risk factors for individual young people, particularly trafficked young people where an out-of-area placement may be safer.

Other comments regarding location assessments made by a few respondents included concerns about:

- Requirements to notify Ofsted that a location assessment has been completed but not to notify them of the result.

- The potential administrative burden of such assessments, with suggestion that if this requirement is not sufficiently resourced it could lead to delays in registration.

- A lack of flexibility in the locations of some supported accommodation, for example, that which is not owned by the provider and where a significant notice period is required to end a contract. |

Safeguarding concerns (10)	Some respondents felt that the Standard and guidance could be more explicit regarding safeguarding. It was felt they do not go far enough in addressing the risks that many care experienced young people face, including criminal and sexual exploitation and abuse. It was suggested that the guidance make greater reference to potential risk factors and mitigating measures, including stricter requirements on joint-working, information sharing and training staff to identify signs of exploitation and abuse, as well as specific requirements and guidance around the responses needed in cases of child criminal exploitation and child sexual exploitation. A small number felt that regulations for supported accommodation should be aligned with those for children's homes regarding procedures in the event of an allegation of abuse, neglect or bullying.

A smaller number of respondents raised other concerns, including that:

- Some of the requirements, particularly regarding location assessments, missing from home episodes, and the use of restraint, could lead to significant capacity issues for providers which may reduce supply.

- Guidance stating any young people at risk of going missing should not be in supported accommodation is unhelpful, as arguably all teenagers are at risk of going missing to some extent.

- The standards and guidance are too similar to those for children's homes to be appropriate for supported accommodation.

- Timeframes for implementation will be challenging for providers and local authorities to meet, particularly given current budget, inflationary and recruitment challenges.

- The proposed standards increase the administrative burden for providers and potentially duplicate other regulatory regimes that the accommodation falls under.

- Providers will incur significant additional costs in meeting the proposed Standard.

Further clarification or guidance needed (69)

Respondents indicated that further clarification or guidance was needed in relation to missing from home episodes, location assessments, 24-hour staffing and general further guidance. These comments are summarised in the table on the following page.

Missing from home episodes (17)	Respondents called for greater clarity around expected missing from home protocols and procedures for supported accommodation providers. Specific areas in need of further clarification included: • Roles and expectations of staff and other professionals where a young person is missing from home. • Whether support should be reviewed if a young person is frequently missing from home. • How the requirements would be meant in situations where providers do not have daily contact with young people. A few respondents also highlighted that missing from home protocols often differ across different local authority areas and police forces, and that the Standard and guidance should consider this. "There is a lack of clarity on the role and expectations of the semi-supported provider and the local authority (specifically the child's social work team) when a young person goes missing." *Local authority*
Location assessments (16)	Further clarity around location assessments, including: • Whether these are required when a provider acquires a property or only when a local authority is considering placing a young person in a property. • Assessments in relation to supported lodgings, as often local authorities have little power over where these are located, and whether assessments would be required for each individual lodging. • Where a failed location assessment means an accommodation setting would automatically have to close. • How these requirements would be enforced for larger providers.
24-hour staffing (12)	Further clarification requested regarding expectations around access to support 24 hours per day. Respondents highlighted that some supported accommodation currently does not have staffing 24 hours a day or has minimal staffing during the night for example a concierge staff member offering minimal support. Respondents queried the requirement with reference to specific examples, such as whether a night worker assisting a young person to access emergency services would be sufficient or whether they would need to accompany the young person to attend the service. There were also questions about whether the requirements would necessitate replacing concierge staff with in-house night support staff, as the roles are typically resources via different types of funding. It was suggested that this change could have contracting and resource implications for the above commissioned types of accommodation.

General further guidance 911)	Some respondents called for further guidance on how the requirements outlined in the proposed Standard should be implemented by providers and how they would be monitored.

Other areas in need of further clarification were identified by a few respondents, including:

- Required qualifications and training for staff.

- Distinctions between care and support.

- Notifiable events.

- Overnight stays and visitors.

- Working with other agencies.

- Risk assessments.

- Emergency referrals and admissions.

- Placement matching or breakdown.

Agreement (68)

Respondents expressed agreement with the proposed Standard and guidance. Some did not offer further detail or reasoning, whilst others commented that the requirements were clear and would ensure the safety and wellbeing of young people within supported accommodation, whilst also improving accountability.

> "The standards and guidance are comprehensive and provide a clear framework for audit by Ofsted. They cover all aspects required to achieve best and safe practice. This standard will offer additional assurance for local authorities that young people are safeguarded and protected, and that risk is appropriately managed." *Local authority*

Terminology (32)

Comments made by small numbers of respondents regarding terminology included:

- Concern about that language regarding exploitative relationships places too much emphasis on supporting the young person to keep themselves safe and too little emphasis on the responsibilities of the accommodation provider to keep them safe.

- Suggestion for an overall change in language and tone to make it clearer than 16- and 17-year-olds in supported accommodation are still looked after children, including suggestion to refer to children rather than young people throughout. In contrast however, others felt that 'young people' should be used throughout instead of 'children'.

- Concern that statements on supporting young people to manage their own safety place too much responsibility on young people and that greater emphasis should be placed on the provider to meet this responsibility.

- Concern about use of the word 'ensure' throughout, as it was that many of the requirements would be challenging to fully 'ensure' without providing 'care' rather than 'support'.

- Respondents highlighting that the term 'accommodating authority' is not typically used and could cause confusion as it could mean both the placing authority or the authority in which the accommodation is located. There were also calls for clarity over whether the placing or area authority is referred to throughout.

- Concern that the term 'curfew' indicates a higher level of restriction than would be expected of a supported accommodation provider, with 'safe return time' suggested instead.

- Concern that terms like 'house rules' appear institutionalised and not trauma informed.

- Suggestion that there appears to be a default assumption that looked after 16 and 17 year olds will have 'higher levels of autonomy' when this may not be the case for certain young people, particularly children trafficked and unaccompanied asylum-seeking children.

- Suggestion that the registered person 'must' involve the placing authority wherever there is serious concern about a young person, rather than 'should'.

- Suggestion that the statement 'young people aged 16 and 17 are no less vulnerable than younger children and face similar risks' undermines the basis for the guidance and rationale for placing these young people supported accommodation.

Suggestions (21)

Varied suggestions made by a few respondents included:

- Greater acknowledgement within the Standard and guidance of the need for young people to take risks and supporting them to develop independence.

- Additional reference to adult safeguarding policy where a young person may remain with an accommodation provider for a period after they turn 18.

- Regarding the section on elevated risks, including reference to groups other than unaccompanied asylum-seeking children, such as trafficked children and those with special educational needs and mental health issues.

- An additional requirement to include the young person in the risk management meeting for young people regularly missing from home.

- Requiring the registered service manager to notify the local authority in which a setting is located if a child is placed outside of the area.

- Greater emphasis on shared responsibility and accountability to keep young people safe between the provider and local authority.

Reflects current practice (22)

Respondents commented that the proposed Protection Standard reflects current practice.

Q13 To what extent do you agree with the proposed 'Accommodation Standard' and supporting guidance?

Just over half of the respondents (52% or 108) selected the answer option 'fully agree'. Just under two-fifths chose 'partly agree' (38% or 79) and 6% (or 12) selected 'do not agree'. This pattern was displayed for all respondent groups. Other respondents were

more likely to choose 'partly agree' (47% or 7), less likely to select 'fully agree' (20% or 3) with just over a quarter selecting 'do not agree' (27% or 4).

Figure 3: Quantitative analysis of responses to question 13
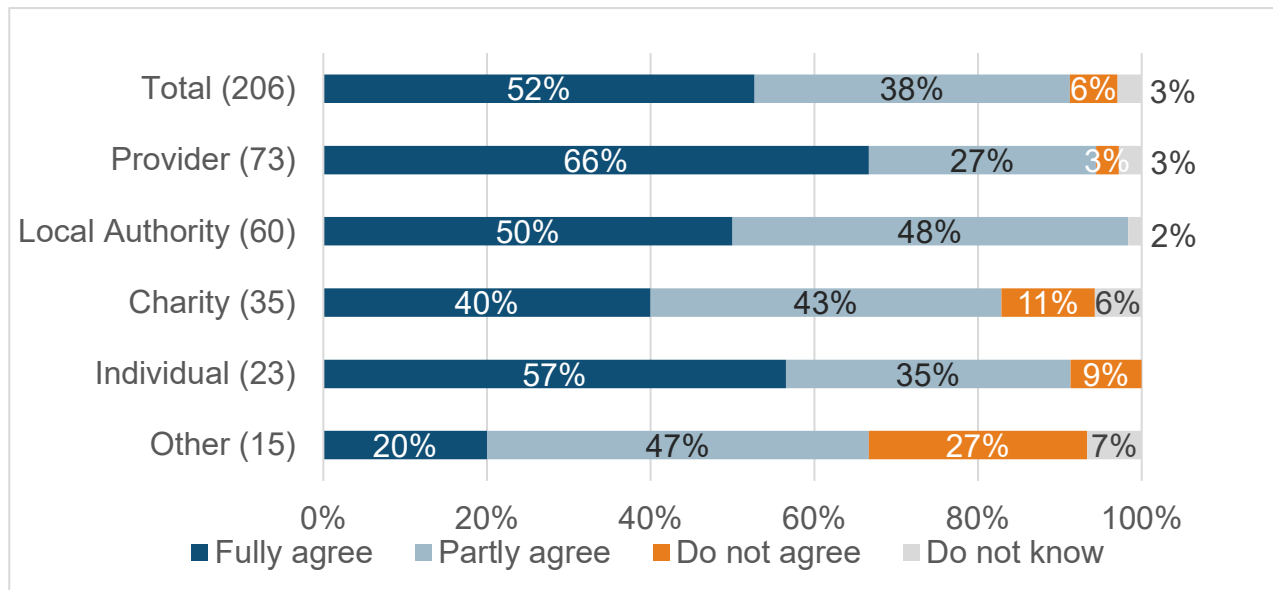
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 159 respondents were coded against themes for this question. A large proportion of respondents requested further clarification or guidance, mainly around the requirements related to private telephones and Wi-Fi but also regarding how requirements would apply to different types of accommodation. Some respondents expressed agreement with the proposed Accommodation Standard, including expressing agreement alongside comments stressing the importance of supported accommodation feeling 'home-like' for young people.

Further clarification or guidance needed (70)

Telephones and Wi-Fi (25)	The most common issue where respondent sought further clarification or guidance was around the proposed telephone and Wi-Fi requirements. Some respondents stated that it is not common practice for supported accommodation to provide telephones for private use and that, whilst Wi-Fi is often provided in some types of supported accommodation, for some this requirement would likely have additional cost implications. There were therefore calls for further clarification around how requirements related to telephone and Wi-Fi access should or would be funded. "To have written in the standards that we also have to provide telephone and/or Wi-Fi (whilst we understand the premise of this) again could have huge costing issues for providers." *Provider* A few respondents also questioned whether, particularly regarding self-contained accommodation, the provider would be required to supply Wi-Fi or simply ensure the opportunity to install Wi-Fi was available to a young person. Others called for greater detail around expectations for safeguarding and managing risks in relation to telephone and internet use. Concerns were raised that non-staffed supported living homes would struggle to monitor the use of private telephones provided in line with the requirements. Others called for further clarification on whether telephones provided in communal areas would be sufficient. There were also concerns about larger providers or those in rural areas meeting requirements regarding mobile phone reception and Wi-Fi connectivity in individual rooms. "We would like to see acknowledgement in the guidance that internet access and mobile phone reception across a range of networks in each bedroom could be difficult to achieve for some services, especially in rural areas." *Provider*
Type of accommodation (13)	Respondents called for greater distinction in the guidance between different types of accommodation to reflect differing approaches and expectations. Respondents felt requirements for lockable bedroom doors would not be practical in supported lodgings, nor would they be in keeping with the ethos of these family-based settings. Other differences between accommodation types were highlighted, for example, one respondent stated bedding would not typically be provided in a self-contained flat.

Decent home standard (12)	Calls to strengthen the guidance through reference to the Decent Homes Standard and health and safety legislation, including fire safety regulations.
	Questions about whether the guidance should reference the need for accommodation providers to comply with House of Multiple Occupancy requirements.
Accommodation expectations (11)	Further definition of the term 'spacious' required, with suggestion that minimum standards would be beneficial.
	Additional detail requested on health and safety requirements related to lockable bedroom doors. Concerns were also raised that the requirement to provide lockable storage is too prescriptive and unnecessary if the bedroom door also has a lock.
	Calls for greater clarity around what 'basic items' should be provided to young people, particularly hygiene products, and whether this is an ongoing expectation or in relation to a one-off welcome pack.
	Calls for greater clarity on what is considered a communal area in relation to CCTV requirements and what would be considered 'more intrusive than necessary'.
	Regarding accessibility, respondents note an incomplete sentence on page 38 of the guidance ("If a service cannot meet the needs of a disabled young person…") and highlight that this responsibility may lie with other stakeholders such as the landlord or corporate parent.

Other points of clarification raised by a small number of respondents included:

- **Location reviews:** queries relating to location reviews and assessments, such as whether Ofsted expects these to be reported, how these should be reported by providers with several settings under one registration and the impact on the registered provider if one setting amongst many is deemed unsuitable.

- **Insurance:** calls for greater clarity on what insurance cover should include and suggestion that minimum standards are required regarding cover.

- **Evidencing meeting standards:** questions regarding how providers will be expected to evidence they are meeting the standards.

Agreement (52)

Respondents expressed agreement with the proposed approach on the grounds that it:

- Sets clear expectations for providers and will ensure minimum standards are met.

- Will support the safeguarding and wellbeing of young people in supported accommodation.

- Is proportionate.

> "We completely agree with the proposed 'Accommodation Standard' and supporting guidance as we believe it lists all reasonable and relevant requirements to its providers and suggests a guidance to providers on what is required from them." *Provider*

Concerns (32)

Respondents raised varied concerns about the proposed Accommodation Standard:

- **Supply issues:** it was felt by some that the requirements would come with cost implications which may reduce the supply of providers. For supported lodgings in particular, it was felt that the health and safety requirements could require significant adaptations to homes and therefore dissuade hosts from supporting young people.

- **Unsuitable temporary accommodation:** a few respondents disagreed with allowing the use of caravans, bedsits etc in emergency situations, deeming these unsuitable for young people, particularly if sharing with adult strangers.

- **Location reviews:** concern that requirement to review each year could conflict with commissioning cycles.

Other concerns raised by one to two respondents related to:

- The potential administrative burden of the proposed Accommodation Standard.

- Young people placed out of area.

- Timeframes for implementation.

- Lack of consideration regarding landlord – tenant relationship in the proposals.

Safe, personalised space (23)

Respondents stressed the importance of ensuring supported accommodation is safe and 'home-like', with young people being given opportunities to personalise their rooms. For many, these comments were made alongside expressed agreement with the proposed Accommodation Standard.

> "The accommodation should meet young people's physical, cultural and emotional needs. Young people should be able to personalise their own space and be encouraged to bring in their own possessions." *Local authority*

Reflects current practice (20)

Respondents commented that the proposed Accommodation Standard reflects current practice.

Terminology (16)

The follow issues regarding terminology within the Accommodation Standard were raised:

- Querying what is meant by the term 'therapeutic' and suggestion that offering this type of support may not be feasible for some supported accommodation providers, due to the additional cost and staffing implications.

- Amend sentence 2b(ii) to include 'places of worship and immigration legal advice'.

- Standard D (iii) to include "and to promote education, employment and training opportunities".

- Wording should place greater emphasis on young people developing positive, trusting relationships with supported accommodation staff.

Funding (12)

Respondents raised various issues related to funding, including:

- Highlighting limitations on available budgets for designing and furnishing accommodation to meet the needs of each child individually, particularly if placements are short-term or if there is repeated damage to accommodation caused by young people.

- A potential lack of funding available for some of the 'basic items' listed, with requests for further clarification on this.

- General calls for additional funding to support providers in meeting the proposed accommodation standards.

Suggestions (11)

Suggestions made by one or two respondents regarding additions they would like to see made to the guidance included:

- Making explicit reference in the guidance to location assessments include an assessment of exploitation and trafficking risks for individual young people.

- Expectations that young people moving into supported accommodation are greeted face to face upon arrival.

- That all young people should have access to a private bathroom.

- That any provider agreements shared with young people should be offered in English and the young person's home language.

- That the list of basic essentials to be provided to young people includes adequate laundry and drying facilities.

- The inclusion of minimum standards for health and safety.

- Requirements for Locality Risk Assessments to include consultation with local authority teams involved in commissioning, placements or access to resources.

Rented supported accommodation challenges (9)

Respondents highlighted challenges with meeting the requirements around repairs, adaptations and redecoration in instances where a provider leases a property from a landlord rather than owning it themselves. Questions were raised about the extent to which providers would be held responsible if landlords failed to make necessary repairs and adaptations.

Other (10)

A few respondents expressed overall disagreement with the accommodation standards on the grounds that:

- All looked after children under the age 18 should be cared for where they live and that the proposed Accommodation Standard risks introducing a 'two-tier' system of accommodation.

- The Standard is not sufficiently robust or detailed enough to enforce good practice.

A few respondents also shared the views of young people regarding supported accommodation. The young people stated that it was important for them not to live in

settings alongside adult strangers, to live near good transport links and communities, to have their own bedroom, to have friends to visit, and to feel safe.

Q15 To what extent do you agree with the proposed 'Support Standard' and supporting guidance?

Just over half of respondents (51% or 105) selected 'fully agree' with just over two-fifths (41% or 84) choosing 'partly agree'. 6% (or 12) selected 'do not agree'. This pattern was representative for provider and local authority respondents. However just over half of charity respondents selected 'partly agree' (51% or 18), more than those who selected 'fully agree' (34% or 12). Just over three-fifths of individuals selected 'fully agree' (61% or 14) and were less likely to select 'partly agree' (30% or 7) and 'do not agree' (9% or 2). Only 3 other respondents (20%) chose 'fully agree' with two-fifths more likely to select 'do not agree' (40% or 6).

Figure 4: Quantitative analysis of responses to question 15

Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 167 respondents were coded against themes for this question. Around a half of respondents expressed concerns about the proposed Support Standard, mostly around proposals related to storing, handling and administering medication, something which was considered 'care' rather than 'support'. Another common concern was that the proposed frequency of quality of support reviews (every 6 months) would be overly burdensome for providers. In contrast, a large proportion of respondents expressed agreement with the Support Standard, whilst some highlighted areas in need of further clarification or guidance such as requirements for the quality of support reviews and those related to young people's support and pathway plans.

Concerns (79)

Medication or medical appointments (30)	The most common concerns raised by respondents were those related to medication or medical appointments. Storing, handling, and administering medication for young people was considered as 'care' rather than 'support' and therefore viewed as an inappropriate requirement for a supported accommodation provider. It was highlighted that this is not something that many supported accommodation providers currently do, although some respondents described supporting young people to manage their medication themselves. It was suggested that this would have significant training and cost implications if required of accommodation providers. In addition to raising these concerns, respondents called for greater clarity on this issue. Similarly, a few respondents highlighted that staff currently only accompany young people to medical appointments where they are invited to by the young person. It was suggested that requirements for staff to attend medical appointments with young people would have significant staffing implications. "We do not agree that Supported Accommodation providers should be recording, handling or storing medication. As an exempt housing provider there is a clear distinction between care and support, and we believe this should be maintained to ensure appropriate referrals and the correct level of care to those that require it. By including this we feel the lines are being blurred." *Provider*
Quality of support reviews (22)	Respondents also commonly raised concerns that the requirement to produce a quality support review every 6 months is overly burdensome, particularly when considered alongside existing commissioner reporting requirements. Respondents suggest annual reviews would be more appropriate and proportionate, as well as aligning with review requirements for foster care provision. "We agree that a review would be good but feel that annually would be a better frequency. Equally, an annual review could potentially therefore be more thorough and it would also give time to implement any actions forthcoming from the review." *Charity*

Care versus support (18)	It was felt that the proposed Support Standard and guidance lacks sufficient definitions of 'support' and 'care'. Some respondents reference the previously published Annex A document as a helpful framework for determining differences in expectations around support and care.
	Some expressed concern that the proposed support standards appear to align requirements too closely to those of the 'care' provided by registered children's home, therefore blurring the boundary between the two types of accommodation. In contrast, others felt that all care experienced young people require a combination of care and support, and that these needs can change rapidly depending on circumstance. It was suggested that defining accommodation rigidly by whether it provided 'care' or 'support' could therefore result in frequent changes of accommodation for young people as their needs change.
Costs and funding (12)	Concern that accommodation providers may require increased staffing levels to comply with the proposed Support Standard, which would have significant cost implications. There was suggestion that extra funding was therefore needed to meet these additional costs.

In addition to the above more commonly raised concerns, issues were raised by smaller numbers of respondents. These included concerns:

- That the transport requirements would have significant additional cost and staff implications, as well as suggestion that the Standards should specify requirements for risk assessments and insurance regarding transport.

- That the proposed Standards risk the loss of well-run supported accommodation through increased administrative burden that potentially duplicates other regulatory regimes that the accommodation falls under.

- There is not more emphasis on relationships between providers and local authorities in the proposed Standard, particularly regarding information sharing and joint working with social workers.

- Over whether the proposed Support Standard will ensure that young people's mental health needs are met and suggestion that greater emphasis on this is required in the guidance and Standard.

- That timeframes for implementation will be challenging for providers and local authorities to meet, particularly given current budget, inflationary and recruitment challenges.

Agreement (68)

Respondents expressed agreement with the proposed Support Standard for various reasons. Most commonly, respondents commented that they felt the Standard centres on the needs, rights and voice of children and young people.

> "The support standard clearly demonstrates that the young person is at the heart of all planning and support with a view of a positive transition into adulthood whilst ensuring the young person's view is central to planning. The standard will ensure that providers are evidencing the support and progress of all young people placed thus removing opportunity for sub-standard provisions." *Provider*

Further clarification or guidance needed (53)

Quality of support review (12)	Some respondents requested further guidance and detail on expectations for how the quality support review should be completed. They called for clarification over the level of detail and type of information that would need to be included, as well as expectations for professionals involved. A few also questioned whether, in the case of supported lodgings, the overseeing local authority would need to submit one review for all lodgings or a review per lodging. There was some suggestion that a template would be helpful for completing the reviews.
Support planning (11)	Various calls for further clarification around supporting planning, including: • Concern about contradictions with or duplication of a young person's existing care, placement or pathway plan developed by the local authority. • Whether care and support plans would need to be provided to Ofsted for all young people, or if these would be shared with Ofsted via the relevant local authority or the local authority's provides quality assurance process. • Questions about expected frequency of support plan reviews and progress reports.
Changing needs (6)	Calls for further guidance and clarity around the issue of offering temporary higher levels of care for young people newly arrived to supported accommodation.

A few respondents made requests for further clarification or guidance around other issues, including:

• Visitors or overnight stays, such as expectations around visitors aged under 16, how these might conflict with a young person's rights within their tenancy agreement and decisions regarding overnight stays.

• Levels of support for different types of accommodation, including upper limits of support (i.e., when it becomes care) and expectations regarding 24-hour support.

Suggestions (42)

Some respondents felt that the guidance could place greater emphasis on tailoring support to meet the needs of young people as well as centring their voices and wishes in any support planning and key decision making. A few also felt that there could be greater emphasis in the guidance on the quality of relationships that young people develop with those who support them.

Suggested additions to the guidance made by a few respondents included:

• Minimum requirements regarding staffing levels and training, with associated funding to meet such requirements.

- Safeguards within existing children's home regulations related to the independent person (Regulation 44), prohibited measures (Regulation 19) and the notification of abuse, sexual exploitation and other serious events to Ofsted (Regulation 40).

- Additional standards around health and wellbeing, positive relationships and care planning.

- Greater emphasis on loving relationships and emotional support in the section on preparing for adulthood, as well as supporting staff to have conversations with young people about healthy relationships and sexual health.

- Strengthened requirements about education support, that go beyond accommodation staff simply signposting young people to other professionals.

- Greater reference to engaging with young people's parents and other family members.

- Reference to supporting young people to access health and wellbeing services similar to the requirement to support access to education, training or employment.

- Greater reference to young people's access to advocacy services.

- A requirement for young people to have a named key worker or personal adviser.

- Greater reference to measures required to support young people with their immigration status, including but not limited to unaccompanied asylum-seeking children.

- Greater reference to ensuring immediate access to mental health support where required.

- Greater reference to, and support with, multi-agency working, particularly regarding developing support plans and communication between stakeholders where a young person's needs change.

Terminology (18)

Comments regarding terminology made by one or two respondents included:

- Concern that terminology such as "transition out of supported accommodation" appears insensitive.

- The view that 16- and 17-year-olds should not be viewed as adult care leavers.

- Concern about the word 'ensure', as it was suggested that to fully 'ensure' many of the requirements providers would need to employ one-to-one staffing, which was viewed as unfeasible.

- Suggestion to reword 2(I) so that it reads: "Ensure that children are supported to access appropriate interventions to understand and manage the impact of any abuse and neglect."

- Suggestion that the Standard and guidance should not exclusively refer to unaccompanied asylum-seeking children as the only group of children requiring immigration advice, to highlight the support needs of other young people who may be subject to immigration control. It was also suggested that there should be greater reference to accommodation providers supporting young people with their immigration status.

- Referring to 'young people' rather than 'children' throughout the Standards and guidance.

- Suggestion that the language around the provider's contribution to care planning is changed, to acknowledge that, whilst collaboration and information sharing should be encouraged and practiced, this is ultimately the responsibility of the local authority not the provider.
- Suggestion that quality of support reviews 'must' identify required actions to address weaknesses rather than 'should'.

Reflects existing practice (13)

Respondents commented that the proposed Support Standard reflects current practice.

Q17 Are the Quality Standards or the Guidance missing anything that you would expect of any provider of supported accommodation?

A little over half of the total respondents (54% or 111) selected 'yes' the Quality Standards or Guidance were missing details, while just over a third (34% or 70) of respondents selected 'no'. Respondents were less likely to choose 'not sure' (12% or 24). This was representative of local authorities, charity, individual and other respondents. Most provider respondents selected 'no' (53% or 39), whilst just over one-third selected 'yes' (36% or 26).

Figure 5: Quantitative analysis of responses to question 17
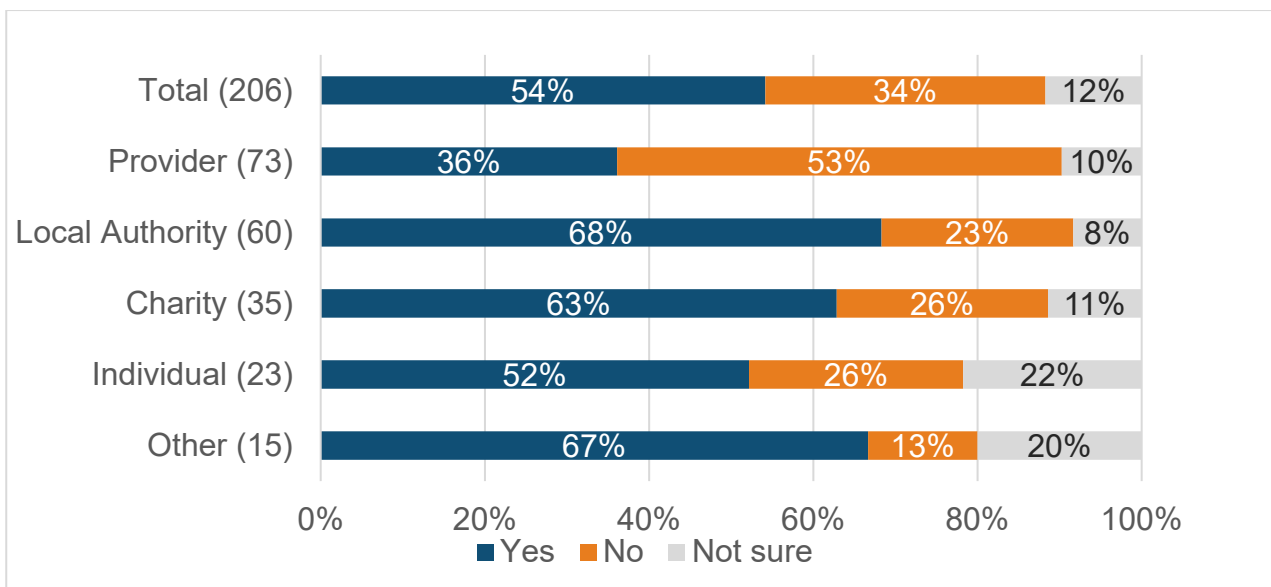
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 126 respondents were coded against themes for this question. Comments from respondents varied, covering a range of areas including different provider models, reference to existing standards, multi-agency working, terminology and transitions out of supported accommodation, amongst others.

All areas covered (20)

Several respondents felt the guidance covered all the areas they expected, providing a comprehensive and clear framework.

Different provider models (16)

Some respondents discussed the need for further acknowledgement of the variety of provider models, the most commonly cited included supported lodgings and floating support. Respondents requested further information on the differences between commissioned and non-commissioned providers and more clarity on how standards may be interpreted differently between settings, and how settings may operate across 2 or more categories.

Referencing specific standards (14)

A small number of respondents specifically referenced guidance missing within specific standards, they suggested the following:

- **Leadership and Management Standard:** The inclusion of the safer recruitment policy, specified qualification levels for staff and further emphasis on experience as opposed to qualifications.

- **Accommodation Standard:** What should be supplied to new young people joining supported accommodation, the requirement for outdoor space and the role of the landlord. Reference to home standards and safety requirements such as gas safety certificates and PAT testing would be beneficial.

- **Protection Standard:** The inclusion of mental health support.

Collaborative organisations (10)

Some respondents requested further guidance surrounding multi-agency approaches, requesting clarity on particular responsibilities of specific organisations, in particular, the local authority and social workers. Respondents wish to create a wraparound support package which is not overburdensome for any party. Respondents highlighted the need for including keyworkers and Local Authority Designated Officers (LADOs) within this framework.

Terminology (10)

Comments made by small numbers of respondents regarding terminology specifically included:

- Avoiding any language which implies that immigration needs should be considered only in reference to unaccompanied asylum-seeking children.

- Reflect a trauma-informed or psychologically informed approach in all sections.

- Using the term young people as opposed to children.

- The addition of 'register and', into the section below: young people should be provided with information on the local GP, dentist, and other health services, including mental health services, upon arrival. Staff should support the young person to 'register and' access relevant health services, including identifying relevant therapeutic or other treatments in line with their care/pathway plan.

Transitioning or leaving supported accommodation guidance (10)

A small number of respondents requested a further focus on creating transitional adulthood plans in collaboration with adult social care, this would support individuals through this transitional period and reduce the risk of sudden placement endings.

Clarification or further guidance (9)

Points of clarification and guidance raised by a small number of respondents included:

- Clarity over the legality of registered service managers.

- How community-based support or office staff can sufficiently meet the standard requirements.

- Further guidance on minimal staffing standards.

- How to minimise the burden on the local authority.

Other (74)

Additional suggestions regarding missing guidance are outlined below:

- **16-25 guidance:** Further guidance for providers who offer support for those aged 16 to 25.

- **Care vs support:** Greater detail surrounding the differentiation between care and support.

- **Young person centred:** The guidance lacks a young person focused approach with limited reference to supporting a child's identity or culture.

- **Education, employment and training:** Limited references to education, employment and training, respondents highlight the importance of this and the need for supported accommodation providers to support these ambitions.

- **Inspection period:** Concerns regarding the 3-year time period between inspections, respondents feel this should be reduced.

- **Assessments and monitoring:** Greater need for independent reviews conducted by an independent individual.

- **Local authority assessments:** Guidance is missing a link to the local authority's assessment of need and how suitable their assessment is.

- **Business continuity plans:** Further guidance on more comprehensive business continuity plans.

- **A young person's finances**: Guidance on how individuals will be supported with their finances.

- **Emergency or short-term placements:** Guidance on the use of emergency/short-term beds within supported accommodation and whether requirements around recording support plans and impact on other young people may differ.

- **Exploitation:** Respondents feel this is not adequately covered within the guidance, respondents request clearer guidance and policies within this subject area.

- **Gaining a young person's feedback**: The introduction of a policy to survey and/or gain feedback from those placed within supported accommodation settings.

- **Homelessness:** More detailed guidance for those who are homeless or not looked after status.

- **Prescriptive:** Respondents felt this regulation is too prescriptive and fails to acknowledge the varying types of provision.

- **Limited references to legislation:** No reference to the decent homes standard, the housing act or the safer recruitment policy within the guidance.

- **Protected characteristics:** No reference to individuals with neurodiversity, unaccompanied asylum seekers, individuals with disabilities, LGBTQ or other protected characteristics.

- **Scope:** A few respondents feel the scope of the guidance is too small.

- **Specific policies:** A few respondents feel the need for additional policies surrounding bullying, whistleblowing and missing person procedures.

- **Commissioning and regulatory bodies:** Some respondents feel there needs to be further guidance on how these regulations interact with existing regulatory frameworks, namely the CQC, the children's care review and DLUHC's review of supported accommodation.

- **Poor practice:** Guidance on the consequences of inadequate provision and not adhering to the standards.

- **Pricing structure:** The standards do not reference ensuring provision is good value for money for the placing LA, or that pricing structures should be consistent with a young person's assessed needs.

- **Risk assessments:** The inclusion of guidance surrounding written risk assessments.

- **Staffing:** Guidance on staffing ratios between support staff and young people.

- **Templates:** Respondents have asked if templates of report formats and other associated documentation relating to this standard can be provided.

- **Other:** Respondents suggested shared detailed information on the monitoring and inspection process and further guidance on what events Ofsted would be notified about e.g. restraint.

Q19 Do you agree that this is the right approach to regulating mobile and non-permanent settings?

Half of respondents (50% or 102) selected 'yes' in agreement that this is the right approach to regulate settings, with just under a third opting for 'not sure' (32% or 66) and just under a fifth selecting 'no' (18% or 37). This pattern was broadly representative of all respondent groups. Two-fifths of other respondents had equal answers for 'no' and 'not sure' (40% or 6 respectively) and were less likely to opt for 'yes' with a fifth (20% or 3) selecting this option.

Figure 6: Quantitative analysis of responses to question 19
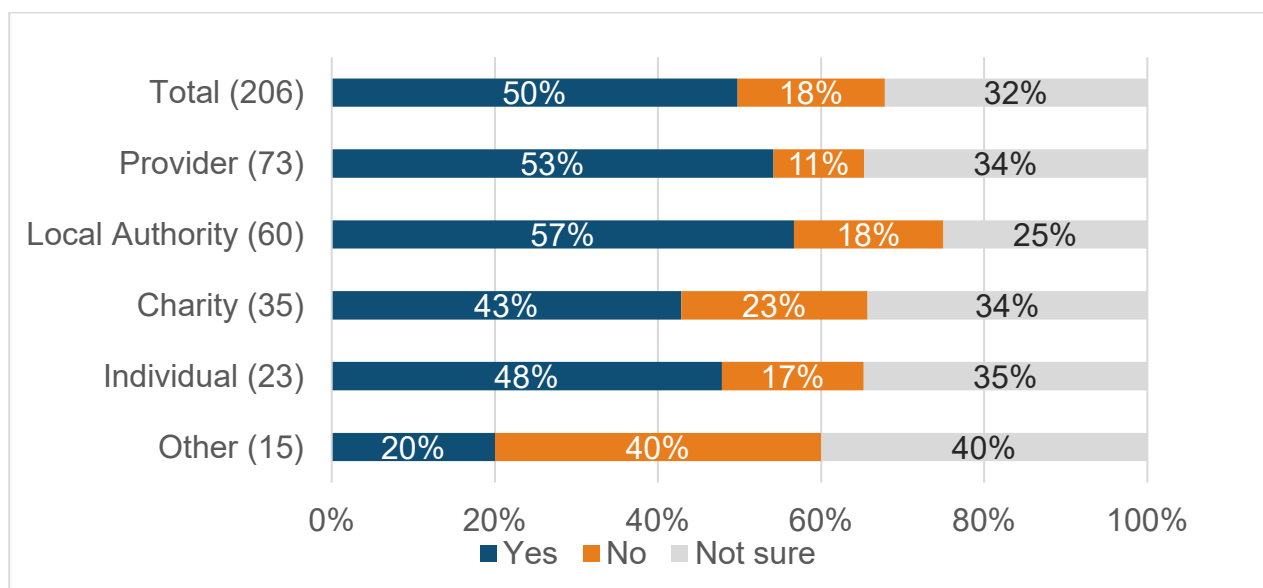
Category	Yes	No	Not sure
Total (206)	50%	18%	32%
Provider (73)	53%	11%	34%
Local Authority (60)	57%	18%	25%
Charity (35)	43%	23%	34%
Individual (23)	48%	17%	35%
Other (15)	20%	40%	40%

Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 157 respondents were coded against themes for this question. Most commonly respondents shared comments agreeing with mobile and non-permanent settings in exceptional circumstances and if regulated to the same degree as registered provision. However, some respondents viewed this type of provision as unsuitable, commenting that it does not support a young person's wellbeing or needs and can be isolating. Some respondents expressed concern that the regulations may limit the supply of accommodation that is often required in crisis situations. There were also calls for greater clarity regarding the definition of exceptional circumstances and queries about holiday accommodation.

Agree with mobile or non-permanent settings (53)

Respondents expressed agreement with the proposed approach on the grounds that it:

- Is used in exceptional circumstances, emergency periods or for time-limited placements.

- Is regulated to the same standard as permanent settings.

- Can offer a safe environment.

Some respondents expressed this placement type may be unable to offer long-term stability and therefore is unsuitable for long-term placements, however, a few respondents expressed the flexible nature of this setting was specifically appropriate for particular cultures.

A few respondents acknowledged the shortage of accommodation, highlighting that removing this type of setting would decrease the supply of housing and exacerbate existing placing pressures.

> "Mobile accommodation should only be used in an emergency and for a time limited period. Though acknowledged this should be considered on a case-by-case basis and monitored carefully." *Local authority*

"I feel these proposed standards allow supported accommodation providers to still have flexibility within their models of both accommodation and support too." *Provider*

Disagree with mobile or non-permanent settings (46)

Many respondents expressed disagreement with using mobile or non-permanent settings. Respondents felt this type of setting is unsuitable for the following reasons:

- It is unable to fully meet a young person's needs and support their wellbeing and development.

- They do not offer stability or security.

- They can cause a young person to become isolated from local services.

- They are unlikely to meet the Quality Standards.

Some respondents identified this setting as high risk or unsafe, commenting that this provision cannot provide a safe and stable environment. A few respondents felt this provision would be able to operate unregulated, using the 27-day limit to avoid registration. One respondent commented that legitimising this form of provision may lead to an increased use of this setting.

A small number of respondents felt mobile and non-permanent settings should be banned.

"[Redacted] do not deem it appropriate for young people to be placed in non-permanent settings such as barges or caravans. We cannot see circumstances where this provision can meet the needs of young people and provide a homely, safe and secure environment that would comply with the quality standards outlined." *Charity*

Concerns (24)

Respondents raised varied concerns about mobile and non-permanent settings.

Concerns expressed by respondents mainly centred around the potential isolation caused by these placement settings, expressing this may prevent individuals from accessing support, local services and cultural communities. Additionally, they may affect an individual's ability to develop and maintain long-term relationships.

Some respondents were concerned that the proposed requirements would impact the supply of this provision, highlighting the additional costs related to regulation may reduce the supply of providers. Respondents highlight these placement types are commonly used in crisis or exceptional circumstances, therefore, reducing the supply of this provision may leave young people displaced.

A few respondents discussed the challenges of regulating and monitoring mobile and non-permanent settings, stating this provision must be subject to more frequent inspections in order to adhere to the Quality Standard. One respondent highlighted the need for a robust system to ensure Ofsted are notified when provision is moved. Another respondent highlighted the mobility of this provision increases safeguarding concerns.

Other concerns expressed by small numbers of respondents included:

- Implications for bank accounts and benefit payments.

- Access to Wi-Fi and/or phone.

- The opportunity to access personal development opportunities.

Not relevant or no experience (19)

Several respondents felt unable to comment on mobile or non-permanent settings, this was due to a lack of experience within this area or because this setting is not relevant to their working practices.

Further clarification or guidance needed (16)

Points of clarification and guidance raised by a small number of respondents included:

- **Exceptional circumstances:** queries relating to the definition and specification surrounding exceptional circumstances, in particular, what is an exceptional circumstance, how long can these settings be used for and how frequently can they be used.
- **Holiday accommodation:** queries relating to the definition of holiday accommodation.
- **Lack of detail:** further detail on this setting type required, in addition to further detail on access to mental health support.

All care settings should be regulated (12)

Some respondents felt all care settings should be regulated to ensure equal standards of quality are maintained, this will help ensure safe support that delivers good quality, accountable provision.

Agree with approach (11)

A few respondents felt this is the right approach to mobile and non-permanent settings. They offered no further comment.

Disagree with approach (4)

A small number of respondents disagreed with this approach, commenting this provision should not sit within this framework.

Recommendations (4)

Recommendations made by a few respondents included:

- Risk assessment: Additional individual risk assessments would provide additional quality assurances.
- Non-permanent: consider changing this term as it may cause confusion when distinguishing between the type of accommodation, or the status of the supported accommodation episode.

Other (12)

Other views raised by respondents are summarised below:

- Young people need permanence and safety, this provision does not offer that.

- The guidance is heavily focused on group living.

- Caveats should be in place to ensure the provider of these settings is pro-active in identifying suitable alternative arrangements for the young person in an appropriate setting.

- There is a risk this could replicate the challenges emerging from the first phase of these reforms whereby local authorities are unable to find registered children's homes to accept children aged under 16 with complex needs.

- In some situations, it may be appropriate for young people to move out of an area for safeguarding reasons. However, this should be considered on a case-by-case basis and should be seen as care and not support.

- Supported accommodation should not become another form of residential placement.

The administrative requirements on providers

Q21 To what extent do you agree that this is the right approach to staff recruitment, checks, induction, staff fitness requirements, training and supervision and disciplinary proceedings?

Two-thirds (66% or 136) of respondents selected 'fully agree' with a quarter (25% or 51) opting for 'partly agree' and respondents less likely to choose 'do not agree' 5% (or 10). This pattern was largely representative of local authorities, charity and individual respondents. For providers, respondents were much more likely to opt for 'fully agree' (81% or 59). Other respondents were more likely to opt for 'partly agree' with two-fifths (40% or 6) choosing this answer and less likely to select 'do not agree' (13% or 2).

Figure 7: Quantitative analysis of responses to question 21
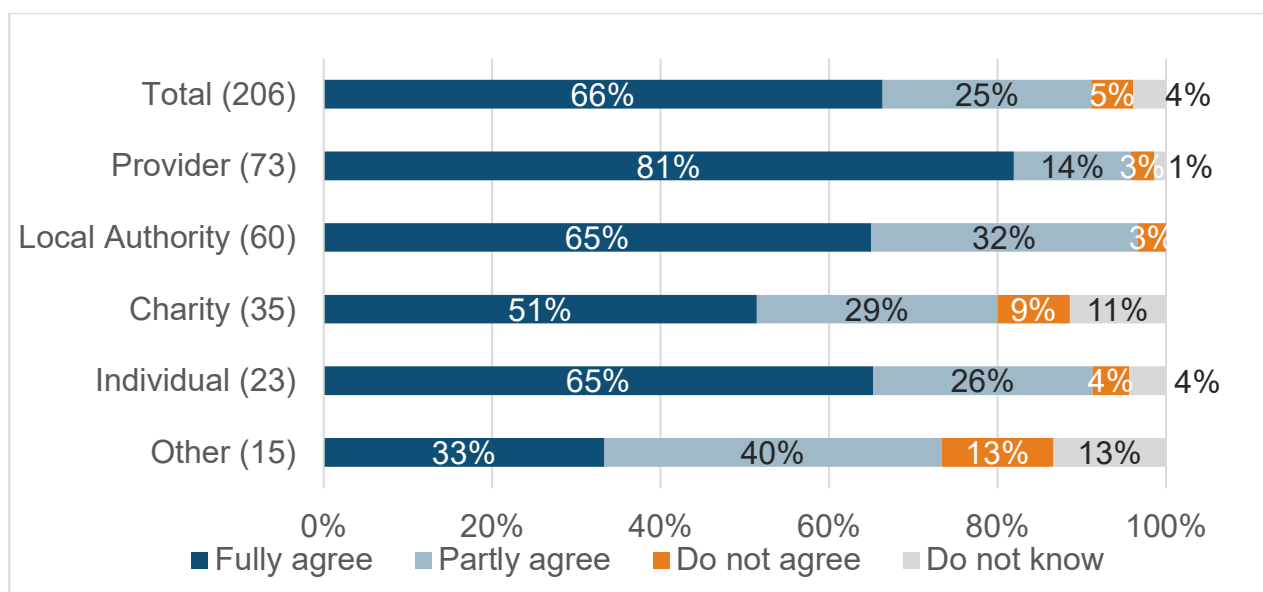
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 142 respondents were coded against themes for this question. A large proportion highlighted areas in need of further clarification or guidance, including around the proposed requirements for staff training and qualifications and how the requirements will apply to different types of staff such as agency workers, volunteers and supported lodgings hosts. Varied suggestions were also made, including calls for greater reference to safer recruitment practices. Respondents also raised concerns about the proposed approach, including concerns related to increased costs and existing sector recruitment issues.

Further clarification needed (51)

Training and qualifications (25)	Further details regarding what qualifications, skills and experience will be deemed suitable, particularly qualification level and whether experience is a sufficient substitute for qualifications. Generally, respondents call for greater advice and guidance in this area rather than additional requirements.
	Further guidance on training requirements, particularly what is considered mandatory training and training requirements for specific staff such as Registered Service Managers and agency workers.
	Questions about whether there will be a grace period for staff other than the Registered Service Manager to gain the required qualifications.
	"More guidance is needed on what constitutes an experienced member of staff - this may limit organisations who recruit on values. Some staff recruited do not have experience but have the values we perceive as vital to learn the skills "on the job". Where we are currently having difficulty with resourcing staff, there is a greater reliance on agency staff. Being limited to those with experience of working with the cohort will also limit organisations in emergency cover situations." *Provider*
Different types of staff and volunteers (14)	Calls for specific guidance on how the requirements apply to supported lodgings, as it was felt that categorising lodgings hosts and volunteers as 'staff' mischaracterises their role. There was suggestion that this role was more closely aligned with foster carers than with provider staff or agency workers, and that flexibility was therefore needed regarding recruitment, fitness and training requirements (further comment under 'Concerns').
	Further guidance around monitoring the use of agency staff, in recognition of young people's need for continuity in relationships.
	Questions about whether responsibility for ensuring agency staff are suitably qualified, trained and inducted would lie with the provider or the agency.

Governance and registration (9)	Lack of clarity around who should register as a provider in cases where accommodation and support are provided by two separate organisations.
	Lack of clarity around the different specified roles i.e., 'registered person/manager', 'individual provider', 'registered provider' and calls for greater clarity on where liability lies within these roles and within organisations with developed governance structures including a board of trustees.
	Suggestion that the 'registered organisation' rather than 'registered person' should be responsible for meeting these requirements, to reflect the structures already in place (e.g. human resources departments) in many organisations.
	Questions regarding whether:
	• The approach to registering managers is aligned with requirements for registered children's homes.
	• Requirements for staff includes board members.
	• The local authority could provide the registered persons role for providers accommodating small numbers of 16- and 17-year-olds.
Other issues (19)	Other issues where respondents sought further clarity included:
	• **Staff fitness:** further guidance on approaches to assess staff fitness, particularly 'mental and physical fitness' and whether this would apply to existing as well as new staff.
	• **Recruitment:** further clarity and guidance on good recruitment practices, including obtaining references and overseas criminal records checks.
	• **Supervision:** further detail on formal support requirements, such as the regularity of supervision and type of support and training, such as opportunities for reflective practice.
	• **Staffing ratios:** requests for clarity on what would be considered a sufficient staffing ratio.
	• **Monitoring:** greater clarity on how the registered person would be expected to monitor staff performance and how young people might provide feedback on this.

Suggestions (47)

Respondents made suggestions across a range of areas.

Some respondents called for safer recruitment practices to be recommended as part of the proposed approach. There was also a suggestion from some that recruitment should aim to reflect the diversity of those living in supported accommodation.

Others stressed the importance of training and qualifications for staff working in supported accommodation, with a few calling for minimum standards in this area. Specially, a few respondents felt that minimum qualification levels should apply to all staff rather than just registered managers, aligning with existing standards for registered

children's homes. Regarding training, a few respondents suggested that the proposed approach should specify child protection and safeguarding training as mandatory.

A small number of respondents called for requirements to report abuse or suspected abuse to the local authority designated officer and other appropriate people or organisations, such as the registered person, Ofsted, the local authority or the police.

> "All providers should have staffing policies and procedures in place which would include sickness, management and development. There should also be minimum qualification/experience requirements."
> *Local authority*

Agree (40)

Respondents expressed general agreement with the proposed approach, with many not offering further detail or reasoning. Others highlighted that the approach would:

- Help to ensure young people's safety.

- Improve accountability.

- Improve the quality of provision and ensure young people's needs were met through the recruitment of appropriate staff.

> "The approach could help to ensure safer practices. We particularly welcome the move towards enhanced recruitment checks." *Charity*

Concerns (37)

Concerns expressed by respondents mainly centred around potential increased costs and sector recruitment issues.

Some respondents were concerned that the proposed requirements would incur additional costs for providers in terms of training costs and paying for more highly qualified staff. It was felt that paying staff a wage that reflected their responsibilities was already challenging and there were suggestions that local authorities would require additional funding to meet increased provider costs in this regard.

> "Timescales are a challenge, particularly in the current climate of budget cuts and inflation. It's challenging to recruit and retain staff in supported housing given the lack of commissioned funding and therefore to pay staff a wage commensurate with their responsibilities, which leads to staff being lost. This will be especially true if additional qualifications are required but pay cannot reflect this increase in qualification level. This will have an impact on the ability of "having enough suitably trained staff" and "the registered person must demonstrate every effort to achieve continuity of staffing", which may be determined by funding rather than effort on behalf of the provider." *Charity*

One respondent highlighted the significant difference in funding between registered children's homes and supported accommodation. They suggested a need either for increased funding to meet the new standards or revisions made to the standards to reflect these differences in funding.

Existing, sector-wide challenges in recruiting staff were also highlighted, with suggestion that additional requirements regarding qualifications and experience could exacerbate these issues, including recruitment of suitably qualified registered service managers.

Other concerns expressed by small numbers of respondents included:

- That the additional requirements and regulation proposed are overly burdensome for providers, particularly smaller providers, and may risk sufficiency and supply issues. In particular, providers that only occasionally support 16- and 17-year-olds may no longer be able to support such placements.

- That some of the requirements are vague and open to interpretation, with specific areas requiring further clarity outlined in the 'Further clarification needed' section.

- That the proposed registered person requirements unnecessarily concentrate risk and responsibility with one individual, particularly where the registered person is responsible for several different forms of accommodation.

Reflects current practice (18)

Some respondents highlighted that the approach described in the question reflects current practice.

Q23 To what extent do you think that the proposed approach to the service's protection policies is the right one to ensure the welfare of young people in supported accommodation?

Just over two-thirds (69% or 143) of respondents selected 'fully agree' with just under a quarter of respondents (23% or 47) opting for 'partly agree'. Respondents were less likely to select 'do not agree' (4% or 9). This was broadly representative of all respondent groups. For other respondents, just under half (47% or 7) selected 'partly agree' with fewer respondents selecting 'fully agree' (27% or 4) and a fifth selecting 'do not agree' (20% or 3).

Figure 8: Quantitative analysis of responses to question 23
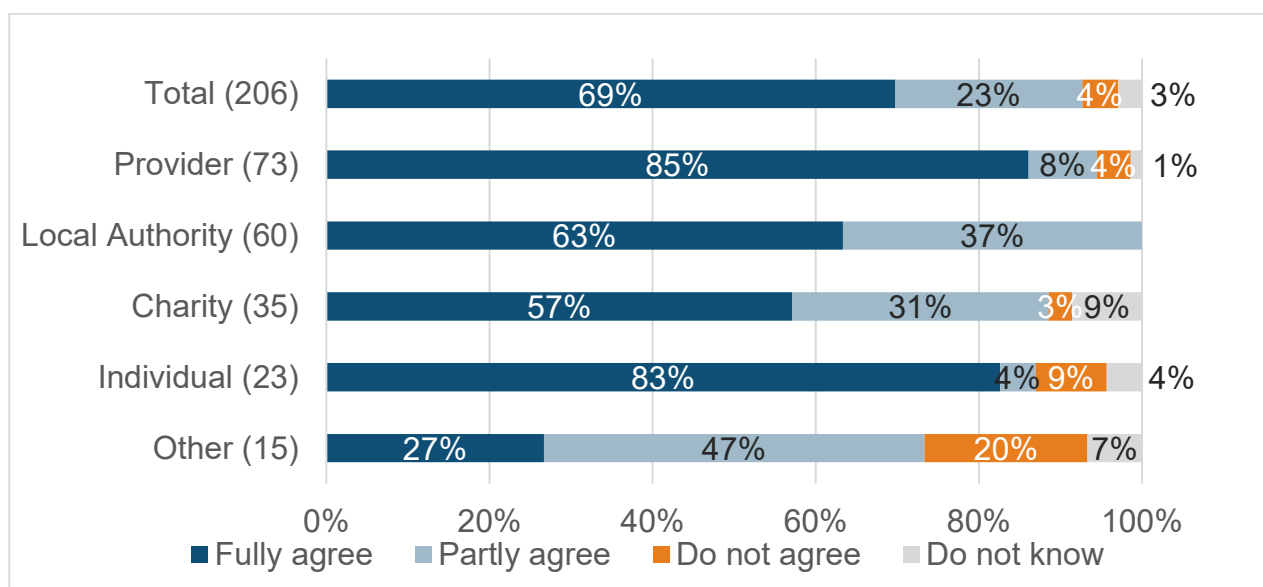
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 130 respondents were coded against themes for this question. Some expressed general agreement, whilst others offered suggestions for additional requirements for provider Safeguarding and Missing from Home policies or additional policies they felt should be required or recommended. Some respondents highlighted that the proposed approach reflects current practice and a few sought further clarification or guidance around varied issues including terminology and missing from home requirements.

Agree (48)

Some respondents expressed general agreement to the proposed approach without offering further detail or reasoning. Others stressed the importance of the proposed approach for safeguarding the welfare of young people. A few felt that the approach would improve monitoring and accountability and raise standards.

> "The guidance is clear and affords parity of experience for young people across fostering and children's home service, placing equal emphasis on their welfare regardless of setting. This in turn will make it easier to monitor and implement, driving consistency and ensuring all services have the same expectations and requirements." *Provider*

Suggestions (40)

Some respondents suggested additional requirements or guidance for provider Safeguarding and Missing from Home policies, whilst others suggested additional policies they felt should be required or recommended.

It was suggested by some that the guidance on Safeguarding and Missing from Home policies should include reference to:

- Supporting young people to access a return to home review.
- Support young people's mental health.
- Location assessments for trafficked young people or those at risk of trafficking.
- The importance of risk assessments and multi-agency communication.
- Linking provider policies with other local policies.

There was also suggestion that policies should be signed off by the local authority to ensure they are fit for purpose.

Additional policies that small numbers of respondents felt should be included in the requirements were:

- Whistle blowing.
- Adult safeguarding policy for settings with young people who are 18+.
- Data protection.
- Behaviour management.
- Criminal and sexual exploitation.
- Bullying.
- Substance misuse.

A few respondents felt that greater reference should be made to ensuring policies are understandable for young people, that young people are involved in reviewing policies and are also supported to self-report safeguarding issues.

Others stressed the importance of training to help staff fully understand the policies and procedures, as well as good lines of communication between staff and the registered service manager. It was also suggested the guidance required greater recognition that, in some areas, responsibility for implementing policies is often delegated to team managers.

Reflects existing practice (25)

Some respondents highlighted that the approach described in the question reflects current practice.

Further clarity needed or changes to wording (16)

Terminology (6)	Replace 'behaviour management' with 'behaviour support'.
	Clear definitions needed regarding what constitutes care and what constitutes support.
	Reference 'children aged 16 and over' rather than simply 'children'.
Missing from home (4)	Clarification of requirements for providers when a young person is missing from home. For example, whether staff should go looking for the young person (one respondent felt this would be challenging to implement in practice)
	Greater emphasis needed on provider responsibilities to work with the local authority where a young person is at risk of criminal or sexual exploitation or missing from home.
	Clear timescales required for when providers should notify social workers when a young person is missing from home.
	Confusion around the proposed requirement for the registered person to consult with others before implementing or amending policies.
Other (5)	Concern about the capacity of registered service managers overseeing multiple homes to effectively implement the proposed policies.
	Further clarity on what is meant by 'proportionate' and avoiding 'unnecessary criminalisation'.
	Clarity on whether services run by local authorities would require distinct policies separate to those already developed by the local authority.
	Distinct guidance required around approaches to safeguarding and missing person policies for supported lodgings.

Missing from home - issues (14)

In addition to the requests for further clarification detailed above, respondents raised other issues related to the missing from home policy requirements:

- Concern that the requirements may blur boundaries between supported accommodation and children's homes. It was felt that if a provider has an in-depth missing from home policy, this is an indication that the provider is offering a high level of care rather than support.

- Concern that the requirements may be viewed negatively by young people moving towards independence.

- Suggestion that the guidance should recommend personalised missing from home plans for each young person, and that these personalised plans should assess risk based on the young person's age and needs alongside the local authority's own policies.

Concerns (13)

Some respondents raised other, varied concerns, including:

- General comments that the proposed approach could create supply issues, without offering further detail.

- That certain types of supported accommodation would be unable to fully meet the protection requirements, for example, those without 24/7 staffing.

- That young people living in supported accommodation require greater flexibility and independence than the proposed approach offers.

- Expected challenges in meeting the proposed information request requirements, as some information about young people is not always available to providers. It was therefore suggested that the guidance should also reference local authority responsibilities to share information.

Q25 To what extent do you think that the proposed approach to restraint is right one to ensure the welfare of young people in supported accommodation?

Just under two-fifths (36% or 75) of respondents 'fully agree' and just under a quarter of the total respondents selected 'partly agree' (23% or 48), with just under a third of respondents more likely to select 'do not agree' (31% or 64). This was broadly representative of provider and local authorities, for charity responses however just under half of respondents were more likely to select 'do not agree' (49% or 17), followed by 'do not know' (20% or 7) and 'fully agree' (17% or 6). Individual respondents had just over half selecting 'fully agree' (52% or 12), with just below two-fifths selecting 'do not agree' (39% or 9). For other respondents, two-fifths selected 'do not agree' (40% or 6), with a fifth selecting 'fully agree' and 'partly agree' (20% or 3 respectively).

Figure 9: Quantitative analysis of responses to question 25
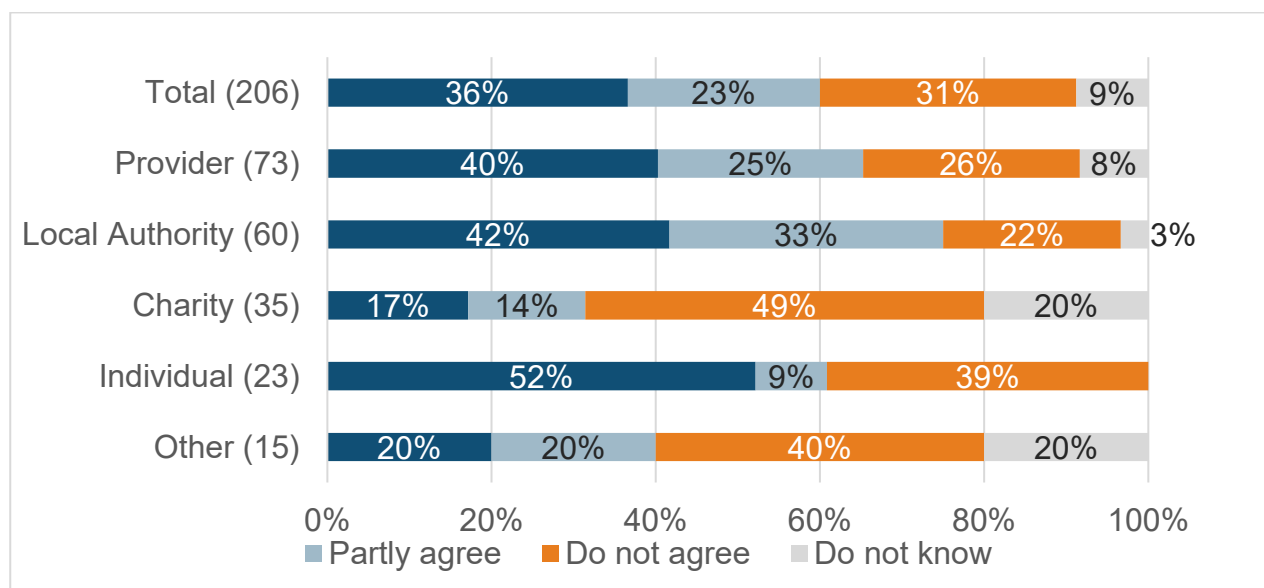
	Agree	Partly agree	Do not agree	Do not know
Total (206)	36%	23%	31%	9%
Provider (73)	40%	25%	26%	8%
Local Authority (60)	42%	33%	22%	3%
Charity (35)	17%	14%	49%	20%
Individual (23)	52%	9%	39%	
Other (15)	20%	20%	40%	20%

Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 151 respondents were coded against themes for this question. Most respondents expressed disagreement with or concerns about the proposed approach to use of restraint, highlighting that training staff in the use of restraint does not reflect current practice in supported accommodation. Respondents felt it would be inappropriate and unsafe to enable the use of restraint on 16- and 17-year-olds in supported accommodation, suggesting instead to prioritise the use of de-escalation strategies. Varied suggestions were also made by some respondents, including additional requirements to notify the placing authority of any use of restraint and to emphasise in the guidance that use of restraint should be a last resort in instances where a young person is at risk of causing harm to themselves or others.

Disagreement or concerns (89)

Most respondents expressing disagreement or concerns about the proposed approach stated that they did not think restraint should be used at all within supported accommodation, with many suggesting that de-escalation strategies should be used instead.

It was felt by many that the use of restraint was not appropriate for 16- and 17-year-olds and would not align with the ethos of supported accommodation providers aiming to foster independence and greater responsibility. Respondents often stated that the proposed approach does not reflect current practice within the supported accommodation in which they work, where staff are trained in de-escalation strategies rather than restraint. Some respondents also highlighted that they had never had to use restraint in the many years that had worked in the supported accommodation sector. A few respondents described how, in situations where restraint could be deemed necessary, provider policies often stated that staff should remove themselves from the situation and call the emergency services where necessary and as a last resort.

Some respondents expressed specific concerns about the proposed approach to restraint, including that:

- It would create unnecessary risks for staff and young people. It was felt that staffing levels in some supported accommodation, particularly where lone working is common, would not be sufficient to enable safe restraint and that the age of the young people also introduced greater risks.

- It would risk damaging relationships between staff and young people within supported accommodation settings and could mean staff think less creatively about approaches to behaviour management.

- Allowing and enabling restraint within supported accommodation blurs the boundaries between care and support, with restraint seen as more appropriate for a care setting.

- Restraint training would not be appropriate for those working in supported lodgings.

- The requirement for restraint training may put off applicants to supported accommodation roles or potential supported lodgings hosts.

In addition, some respondents commented that supported accommodation typically does not accept young people who exhibit behaviours which may require restraint as this indicates a higher level of need than is appropriate for this type of accommodation. It was felt that these young people's needs would be more suitably met in a more intensive and therapeutic care placement.

> "Restraint - we do not feel supported Accommodation services should be required to restrain YP, given their age and the nature of the service. We would suggest that providers are able to outline in their statement of purpose whether they use restraints or not. If not, we would not expect a provider to have training around this. This is particularly relevant to Supported Lodgings services or floating support services, where single hosts or staff will be supporting young people and restraint would not be appropriate." *Local authority*

Suggestions (42)

Some respondents would like to see a requirement to notify the placing local authority of the restraint within the proposed approach, with a few also suggesting an additional requirement to notify Ofsted. A small number also suggested strengthened requirements regarding providers monitoring the use of restraint and conducting risk assessments to mitigate its use. Others recommended full debriefs with any staff and young people involved in a restraint, including self-reported injuries or harm resulting for the young person and reflections on what measures could prevent the use of restraint in the future.

In addition, there was suggestion from some that restraint should be used only as a last resort in instances where a young person is at risk of causing harm to themselves or others, and that this should be reflected in the guidance. A few suggested that, whilst the use of restraint and restraint training may be necessary in some supported accommodation settings, they would not wish this to become the norm across the sector. There was also suggestion that the guidance should place greater emphasis on providing training in de-escalation and positive behaviour management strategies alongside restraint training, including links to further guidance in this area.

A few respondents stressed the need for robust policies on the use of restraint, suggesting that these should detail the provider's approach to its use and clearly outline situations where restraint would be deemed appropriate.

Further clarification or issues with wording (23)

Use of restraint (15)	Some respondents felt it was unclear why restraint training is required if, as stated in the guidance, the use of restraint is not expected for 16- and 17-year-olds in supported accommodation.
	Calls for greater clarity on what constitutes 'exceptional' and 'rare' circumstances requiring restraint.
	Calls for greater clarity on what is deemed 'restraint'. For example, one respondent suggested there is a difference between a practitioner engaging in physical contact to stop a young person harming themselves and a practitioner restraining a young person who is trying to harm someone else.
Training (6)	Lack of clarity around what would be considered suitable restraint training or the required frequency of such training.
Terminology (1)	Suggestion that the term 'Behaviour Management Policy' seems more appropriate for an under 16 setting and that 'Accommodation Management Policy' or 'Positive Resident Policy' could be used instead.
Other (3)	Confusion regarding potentially contradictory time periods specified for the registered person to speak with the young person involved and check the record of the incident.
	Greater clarity needed around the appropriate use of restraint if Deprivation of Liberty Safeguards are deemed necessary for a young person in supported accommodation.

Agree (23)

Some respondents expressed general agreement with the proposed approach without offering further detail or reasoning. Others commented that the guidance clearly outlines a proportionate approach to the use of restraint, with some highlighting that this reflects existing practice. Some also expressed agreement on the grounds that the proposed approach will help to ensure the safety of young people and staff.

Staff training (18)

Comments from some respondents highlighted the training implications for providers of the proposed approach, with suggestion that this would likely result in increased costs. In addition, there was concern about whether there is sufficient availability of restraint training opportunities for providers to meet the requirements, as well as suggestion that frontline supported accommodation staff roles may require regrading, with associated salary increases, if restraint training become a requirement of the job.

Q27 Do you agree that the proposed practices around producing, storing and maintaining records are proportionate and will ensure young people are kept safe and their needs are met?

Two-thirds of respondents opted for 'fully agree' (66% or 135), while just under a fifth selected 'partly agree' (18% or 38) and a small number of respondents selected 'do not agree' (9% or 19). This was largely representative of provider, local authority and individual respondent groups. For charity respondents, just under three-fifths (57% or 20) chose 'fully agree', with 14% (or 5) selecting 'partly agree' and 11% (or 4) selecting 'do not agree'. For other respondents, 27% (or 4) selected 'fully agree' and 'partly agree' respectively, with a fifth opting for 'do not agree' (20% or 3).

Figure 10: Quantitative analysis of responses to question 27
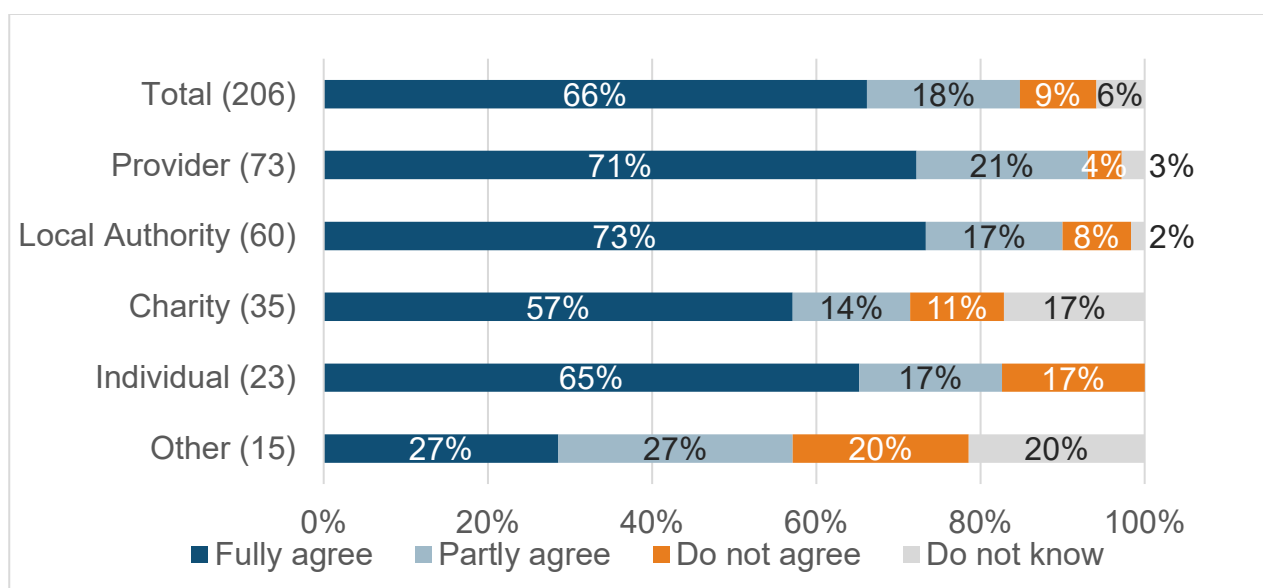
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 143 respondents were coded against themes for this question. Some expressed general agreement with the proposals, whilst others highlighted issues related to storing, accessing and sharing data about young people, including suggestions for strengthened requirements around the secure storage of data and greater reference to enabling young people to access data held about them. Some respondents also highlighted areas where the proposed requirements may overlap with existing local authority responsibilities.

Agree (41)

Some respondents expressed general agreement with the proposed approach without offering further detail. Those who did offer a reason highlighted the importance of accurate record keeping for the purposes of safeguarding, accountability and offering a high-quality service. A few also expressed support on the grounds that it is important for care experienced young people and adults to have access to records kept about them. In addition, a small number of respondents commented that the proposed approach seemed workable in practice.

> "The standards and guidance are comprehensive and provide a clear framework for audit by Ofsted. They cover all aspects required to achieve best and safe practice." *Local authority*

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Storage, access and sharing issues (20)

Some respondents highlighted a need to include requirements about storing information securely, including measures for keeping electronic data safe and keeping physical files in locked storage. Some also felt there should be greater reference to enabling young people to access data held about them.

> "Additional clarity is needed on how records are secured and who has access to the records, including the right of young people to access their records." *Representative body*

Other comments related to data storage, access and sharing issues made by one or two respondents included:

- Comments highlighting that there is no mention within the proposed approach of registering with the Information Commissioner's Office as a data processor.

- Suggestion that reference should be made to stored data being accessible in the event of audit or inspection.

- Suggestion that young people's education records should also be kept by the provider.

- Providers stating that they do not have access to all of the types of information listed as information about a young person is not always shared by a local authority.

- Comment highlighting the importance of gaining young people's consent to store data in such a way post-18.

- Suggestions that there should be reference to providers having a data protection policy in the proposed approach.

Reflects existing practice (19)

Some respondents highlighted that the approach described in the question reflects current practice.

Further clarification or questions (18)

A few respondents requested further clarification or raised questions about the proposed approach to producing, storing and maintaining records, including:

- Apparent confusion and questions regarding reference to the independent person's and personal adviser reports. For example, one respondent highlighted that there is no mention of these roles elsewhere in the guidance.

- Clarity sought over the rationale behind the requirement to keep records for 15 years.

Requests for clarification or questions raised by one or two respondents included:

- Seeking further clarity around expectations for record keeping, particularly in the case of supported lodgings.

- Comments highlighting that there are types of information listed in the proposals to which providers do not typically have access.

- A question about whether copies of provider policies and documents will need to be stored within a young person's record or if dated versions of these polices and documents stored separately would suffice.

- Seeking further clarity over what is meant by financial information.

Local authority policies or responsibilities (18)

Some respondents highlighted areas where the responsibilities outlined in the proposed approach for providers overlapped with existing responsibilities for local authorities in producing, storing and maintaining records. Respondents commented that it is typically the responsibility of the social worker, rather than the provider, to maintain records of the information listed. It was also suggested that certain information is not always shared with providers by the local authority and social workers, with these respondents therefore querying where accountability would lie for ensuring providers have access to the required information.

In addition, respondents highlighted that many providers will have existing contracts and arrangements with local authorities regarding producing, storing and maintaining records, suggesting that it would therefore be the responsibility of the local authority to amend these in order to meet the requirements.

A few respondents also felt that the proposed approach does not adequately take into account the nature of supported lodgings, suggestions that requirements for producing, storing and maintain records should align with fostering.

Content and format of records (14)

A few respondents stressed the importance of using young person friendly language in any records and avoiding negative or generalising language, as well as recording information with the view that the young person will access it in the future.

A few respondents suggested information they felt should be included in a young person's record, including details about:

- Support offered regarding the young person's immigration status.

- Any protected characteristics of the young person, to help identify and address discriminatory practices.

- Things the young person has achieved and enjoyed doing during their time at the accommodation.

- The use of CCTV, including the young person's consent.

There was also concern from one organisation that excessive reporting can damage relationships between staff and young people, suggesting that only the most serious incidents should therefore require recording.

Should be longer (13)

Some respondents felt the length of time for keeping young people's records should be longer, often citing requirements for children's case records to be kept for 75 years from the date of birth of the child, or if the child dies before the age of 18, for 15 years from the date of their death. These respondents questioned why the proposed length of time differed from these requirements for children's case records, with some stressing the importance of young people having access to records kept about them throughout their lives.

A small number of respondents also suggested that records of disclosures or indications of abuse should be kept longer than 15 years in case they are needed in criminal proceedings.

Too long (10)

Some respondents felt that requirements to store data for 15 years are too long, mainly citing the administrative burden for providers as their main reasoning. A few respondents suggested a time period of around 5 years would be more appropriate.

Q29 Do you agree that the proposed practices around complaints and representations are proportionate and will ensure young people are kept safe and their needs are met?

Just over four-fifths of respondents selected 'yes' of (81% or 166) in agreement that the proposed practices around complaints and representations will keep young people safe and ensure their needs are met, with 10% (or 20) selecting 'no' and 9% (or 19) opting for 'not sure'. This is broadly representative of provider, local authority and individual respondents. For charity responses, three-fifths (60% or 21) selected 'yes' with respondents more likely to select 'not sure' (26% or 9) than 'no' (14% or 5). Just under half (47% or 7) of other respondents selected 'yes', with two-fifths (40% or 6) opting for 'no' and 13% (or 2) 'not sure'.

Figure 11: Quantitative analysis of responses to question 29
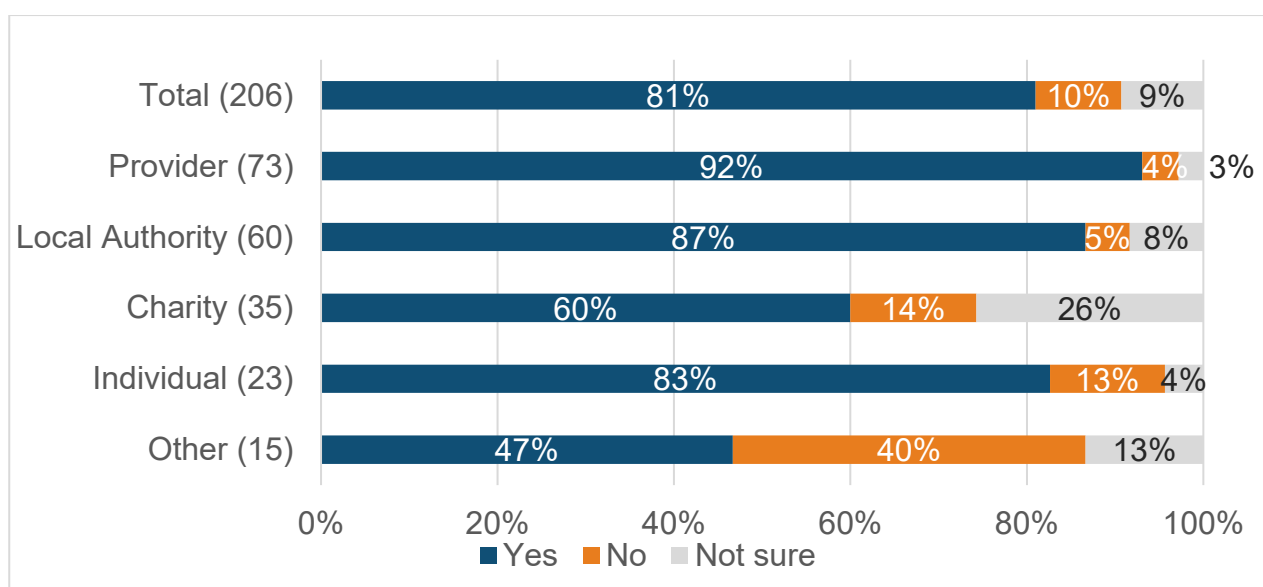
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 131 respondents were coded against themes for this question. Common themes included respondents expressing agreement with the proposed approach and/or stating that the approach reflects current practice. Some highlighted the importance of young people receiving support to raise complaints, including from independent advocacy services, with suggestions that the requirements and guidance could be strengthened in this regard.

Agree (41)

Most of those expressing agreement about the proposed practices around complaints and representations did not offer further detail or reasoning. A few felt that the proposed practices would support improvements within supported accommodation provision, whilst others highlighted that the requirements and guidance describe good practice.

66

"The proposed practices around complaints and representations are proportionate and if these are followed they will ensure young people are kept safe and their needs are met. I agree with the proposed guidance." *Provider*

Reflects current practice (30)

Some respondents highlighted that the approach described in the question reflects current practice.

Awareness and support to raise a complaint (29)

Respondents highlighted the importance of young people receiving support to raise complaints. It was felt that the guidance should place greater emphasis on ensuring young people are aware of their right to advocacy, including a suggested additional requirement for providers to promote and support access to advocacy services.

A few respondents highlighted that young people can often struggle to access advocacy services, commenting that simply providing information about advocacy services will not be enough to ensure young people access them. There was suggestion that an 'opt out' offer of independent advocacy support was needed for all young people in supported accommodation, with necessary funding provided for such an offer.

It was also felt by a few respondents that the guidance should make greater reference to ensuring young people are aware of complaints procedures and that documents are written in clear, young person-friendly language.

One respondent also expressed concern that that the guidance references Help at Hand, which the respondent commented is not an advocacy service, suggesting that the guidance should instead recommend Always Heard in the first instance[1].

"It's important that the views, feelings and thoughts of a young person is encouraged. There should be availability for a young person to make a complaint and they should feel confident that this would not impact them. As well as complaints being made, they should be able to make comments and suggestions to better the service and accommodation they are receiving." *Charity*

"Young people must also be made aware of the Independent Advocate that is available to them alongside any other advocacy services that are available." *Local authority*

Records & notifications (19)

Respondents made suggestions regarding the recording and notification requirements around complaints. This included suggestion that:

- Providers should provide details of complaints to Ofsted as a matter of course rather than only when requested. However, another respondent disagreed, expressing

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[1] https://coramvoice.org.uk/for-professionals/always-heard-the-national-advocacy-helpline-and-safety-net-for-england/

concern that the reporting requirements to Ofsted would be administratively burdensome.

- The requirements should reference notifying the placing authority of any complaints.

- There is a need for an additional requirement for providers to compile complaints centrally, so as to include them in the quality-of-service review, as well as a requirement to notify the young person's social worker and/or personal adviser of any complaints.

- Records of complaints shared with Ofsted should include the young person's views on whether the complaint was resolved satisfactorily.

- Requirements should reference the need to notify the young person of the outcome of the complaint.

Further clarification and guidance needed (9)

Further clarification and detail were sought regarding:

- Reporting timescales.

- Whether providers would be required to report all complaints to Ofsted or only those meeting a certain severity level.

- Complaints or allegations against staff members and how these should be dealt with, including processes for handling suspected malicious complaints or allegations.

- Definition of complaint thresholds, for example, what constitutes a request for formal action as opposed to informal resolution.

Other (22)

Some respondents expressed concern about increased administrative burden for providers in the complaint reporting requirements. There were concerns about potential duplicated requirements, for example, where charities and social housing providers are subject to other regulations regarding complaints. A few respondents also raised concerns about resource implications if new complaints procedures needed to be developed for supported lodgings settings separate to established local authority processes.

In addition, a few respondents felt that the requirements should outline processes for handling suspected malicious complaints or allegations, as well as ensuring that the person subject to the allegation or complaint has the opportunity to respond.

Q31 Do you agree that the proposed practices around notifications are proportionate and will ensure young people are kept safe and their needs are met?

Just over two-thirds (68% or 140) total respondents chose 'yes' in agreement that the proposed practices around notifications will keep young people safe and ensure needs are met, with a fifth (20% or 41) selecting 'not sure' and 11% (or 22) opting for 'no'. This is broadly representative of provider, local authority and individual responses. For charity respondents, just under half (49% or 17) opted for 'yes', with two-fifths (40% or 14) being much more likely to select 'not sure' (11% or 4). A third (33% or 5) of other respondents selected 'yes' and 'no' equally, with a fifth (20% or 3) opting for 'not sure'.

Figure 12: Quantitative analysis of responses to question 31
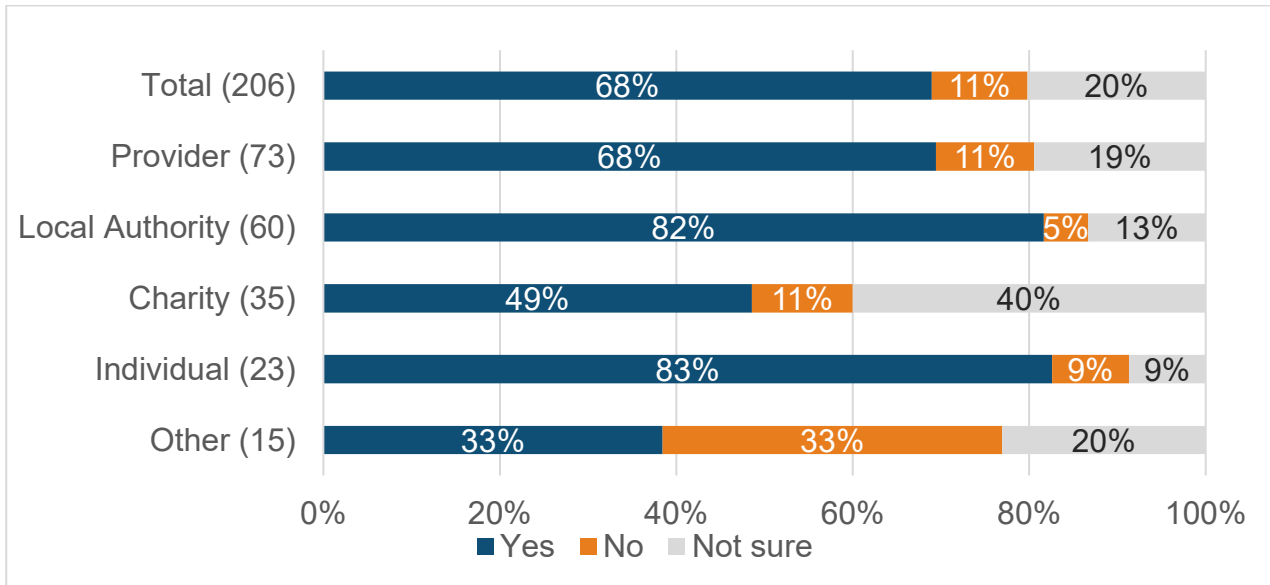
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 140 respondents were coded against themes for this question. Some expressed general agreement with the proposed practices, whilst a large proportion requested further clarification on requirements for reporting incidents, child criminal and sexual exploitation and accommodation arrangements. Some respondents also expressed concern that the notification requirements would be administratively burdensome for providers.

Agree (49)

Most respondents expressing agreement with the proposed practices did not offer further detail or reasoning. Some reasoned that they felt the proposed practices would help to keep young people safe and ensure their needs are met, as well as helping to improve accountability and quality. Respondents also commented that the associated guidance was clear.

> "We believe that the proposed practices around notifications are proportionate, reflect current practice and is the right approach to keep young people safe in our services." *Provider*

Further clarification or guidance needed (47)

Incidents and child criminal/ sexual exploitation (24)	Most respondents requesting further clarification regarding the incident reporting requirements asked for greater definition of and guidance on what would be considered a serious incident. It was felt clarification on this issue was important to ensure consistency across providers and local authorities. "There may be some concern that there will be different interpretations of what is classed as a 'serious incident' by different providers which may need further exploration – and it may be helpful to provide some further examples within the guidance." *Provider* Other areas where further clarification was sought included: • Questions about why criminal exploitation is not included alongside sexual exploitation. • Calls for greater definition of timescales as it was felt that 'without delay' was too ambiguous. • Comments that the proposals are unclear regarding what actions Ofsted will take after notification and how they link to statutory arrangements under Local Safeguarding Children Partnerships.
Accommodation arrangements (16)	Most requests for further clarification regarding the accommodation arrangements commented that the wording on notification requirements when accommodation is arranged or ceased is unclear, with confusion around whether this refers to referral processes or out of area notifications. A few respondents also suggested that the procedures described are the responsibility of the local authority rather than the provider, suggesting that the guidance should make clearer the requirements for the placing authority regarding notifications. Other points of clarification raised included: • Questions around whether the requirement is asking providers to notify Ofsted each time a young person moves into or out of a setting and what the purpose of this notification would be. • Whether 'arranged' means the young person has moved into the accommodation or simply that the move has been agreed with the provider. • Highlight that in some cases, the information specified in the requirements is not provided by the placing local authority.
Safeguarding referral (11)	A few respondents felt it was unclear what was meant by a safeguarding referral and there were also calls for further clarification around the timescales implied by the term 'without delay'.

In addition to the comments above regarding specific notification requirements, a few respondents made comments that the timescales across all notification requirements were unclear.

Concerns (28)

Most respondents expressing concern about the proposed notification practices suggested that the requirements would significantly increase the administrative burden for providers and have cost implications. There were specific concerns that the notification requirements for young people moving into or out of accommodation would be onerous, given the high frequency of movements. Similar concerns were raised regarding notifications of incidents and safeguarding referrals, particularly requirements to notify where criminal or sexual exploitation is suspected.

There were also concerns about the risk of duplicated notification requirements, particularly for commissioned providers of supported accommodation.

> "Most of the requirements in this section are not proportionate, and increased reporting requirements for staff may be to the detriment of working in a multi-agency way to address challenges. This takes away time from frontline staff who should be working with young people, increasing the costs of work without increasing the contact time, or time spent helping to resolve the issues that arise. We welcome the regulations as they strengthen the quality of the provision and ensures we are working to better outcomes but this aspect has the potential to take away valuable time spent with young people." *Charity*

Suggestions (18)

A few respondents suggested that notification processes are made as simple as possible, to ease the administrative burden on providers. For example, using templates and having a single reporting channel. It was also suggested that providers should be responsible for notifying the placing authority only, with that authority then responsible for notifying the other stakeholders listed.

A few stakeholders suggested additional instances where they felt a notification requirement was necessary. These included:

- Any instances of restraint.
- Welfare concerns.
- Where a young person is subject to or at risk of trafficking.

Reflects existing practice (15)

A few respondents highlighted that the approach described in the question reflects current practice.

Other (14)

Other comments made by respondents not captured in the above themes included:

- Comments highlighting the importance of any interim registered service manager in place where a registered service manager is absent for more than 28 days or in the event of their death should be suitably qualified and experienced.

- Respondents querying the rationale behind reporting to Ofsted some of the notifications listed, particularly safeguarding referrals, accommodation movements and suspected child exploitation.

- Suggestion that the notification of death requirements overlap with existing local authority responsibilities.

Q33 Do you agree that the proposed business continuity requirements are proportionate and will ensure young people are kept safe and their needs met?

Over four-fifths (83% or 171) of total respondents opted for 'yes' in agreement that the proposed business continuity requirements will keep young people safe and ensure their needs are met, with 12% (or 25) selecting 'not sure' and 4% (or 9) selecting 'no'. This was broadly representative of provider, local authority and individual respondents. Charity and other respondents were less likely to select 'yes', with 63% (or 22) of charity respondents and 67% (or 10) of other respondents selecting this option. Charity respondents were most likely to select 'not sure' (31% or 11).

Figure 13: Quantitative analysis of responses to question 33
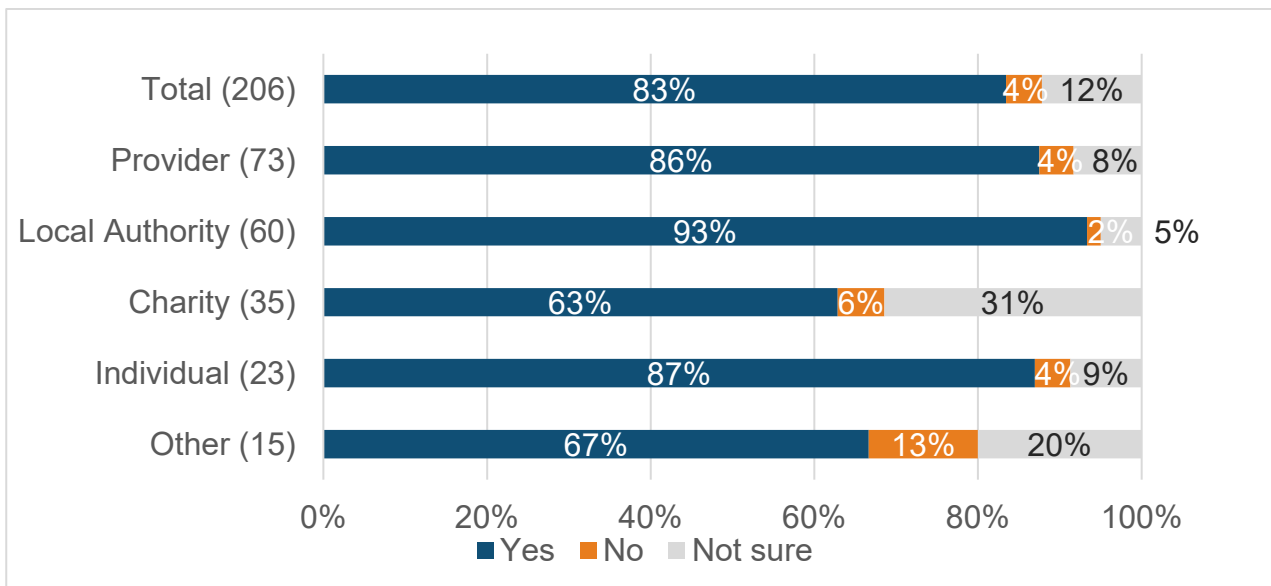
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 102 respondents were coded against themes for this question. Respondents requested more clarity around some issues, whilst others stated that the proposed arrangements were positive and proportionate, with clear expectations. Some highlighted that the requirements reflected existing practice and a small number raised a few concerns.

More clarity needed (30)

Respondents requested more clarity on certain issues.

Ofsted-related (12)	Respondents thought it was unclear how a provider could implement a contingency plan if Ofsted cancelled their registration.
	A few respondents thought that Ofsted should be responsible for ensuring contingency plans are in place. Especially accommodation for young people who pose a risk to themselves, staff or other service users (which is hard to find) who might need to be removed from the service within 24 hours.
Continuity of care (6)	Respondents emphasised the disruptive effects for young people to be moved and to change schools. They wanted assurances to minimise changes and maintain continuity of care.
Local authority role (6)	Respondents explained that the length of commissioning arrangements is outside the accommodation provider's control and depends on local authority decisions and funding arrangements. They felt that the contingency plan therefore must include funding from the local authority and must be drawn up with the local authority, not submitted to the local authority for approval. In the case of smaller providers then the local authority may have to become more involved.
Alternative properties (3)	Would the provider be expected to have a property available at all times, and if so, could the costs for this be passed onto the local authority in higher placement costs? Other respondents said that excluding the use of hotels or bed and breakfast accommodation in these situations may hamper the ability of a provider to maintain business continuity.

Other concerns expressed by one respondent each included:

- Request for a specification of exactly what providers need to be covered for. Examples included fire, floods, pandemic responses and cyber-attacks to inform insurance arrangements.

- Understand the landlord's role, tenure and occupancy agreement.

- Guidance on the ratio of external agency staff that is permitted within settings at any one time.

Positive and proportionate (25)

Some respondents felt this was a positive, welcomed and proportionate response. They gave some additional clarification on why they said this including: specific reference to a young person's guide to contingency planning and the benefits to young people of greater stability and security.

> "Contingency planning is a welcomed aspect of these proposals."
> *Local authority*

Currently in place (25)

Some provider, charity and local authority respondents thought that such policies were already in place.

> "This is standard in most of our contracts with local authorities so it is not an issue but good practice." *Charity*

Some provider respondents explained that they regularly tested their business continuity plans.

Clear expectations (20)

Respondents confirmed that the expectations for business continuity were clear. Respondents said this was a necessary requirement, that they agreed with the guidelines and that it was fair and appropriate.

Concerns (22)

The main concerns raised by a few respondents included:

- Limits for response within this sector compared with the children's home sector due to differing funding.

- Uncertainty about who would have responsibility for re-location in the event of a flood or fire.

- Excessive nature of the proposed arrangements. One respondent thought that smaller providers may struggle to meet these requirements. Another respondent thought that unique supported accommodation settings (for example, a foyer) may not be possible within a locality at short notice.

- Existing business continuity plans need to be improved (citing COVID-19 as a major challenge). One respondent thought that supported accommodation providers would benefit from guidance or templates to assist them to produce a suitable document.

Other (17)

Other responses indicated that business continuity plans could encourage placement stability and support continuity of care.

Ofsted registration, inspection and enforcement and provider accountability

Q35 To what extent do you agree that the proposed roles and responsibilities of the 'registered provider' and 'registered service manager' will ensure a proportionate level of oversight in supported accommodation?

Just over two-fifths (43% or 88) of respondents selected 'fully agree', with just over a third (37% or 77) opting for 'partly agree', and 11% (or 22) selecting 'do not agree'. This sequence was mostly representative for provider and local authority respondents, however just over half (51% or 18) of charity respondents selected 'partly agree' and were less likely to 'fully agree' (23% or 8). Individuals were more likely to select 'fully agree' (52% or 12) and were less likely to select 'partly agree' (30% or 7) and 'do not agree' (9% or 2). Interestingly, other respondents were most likely to opt for 'do not agree' with almost half (47% or 7) of respondents opting for this response.

Figure 14: Quantitative analysis of responses to question 35
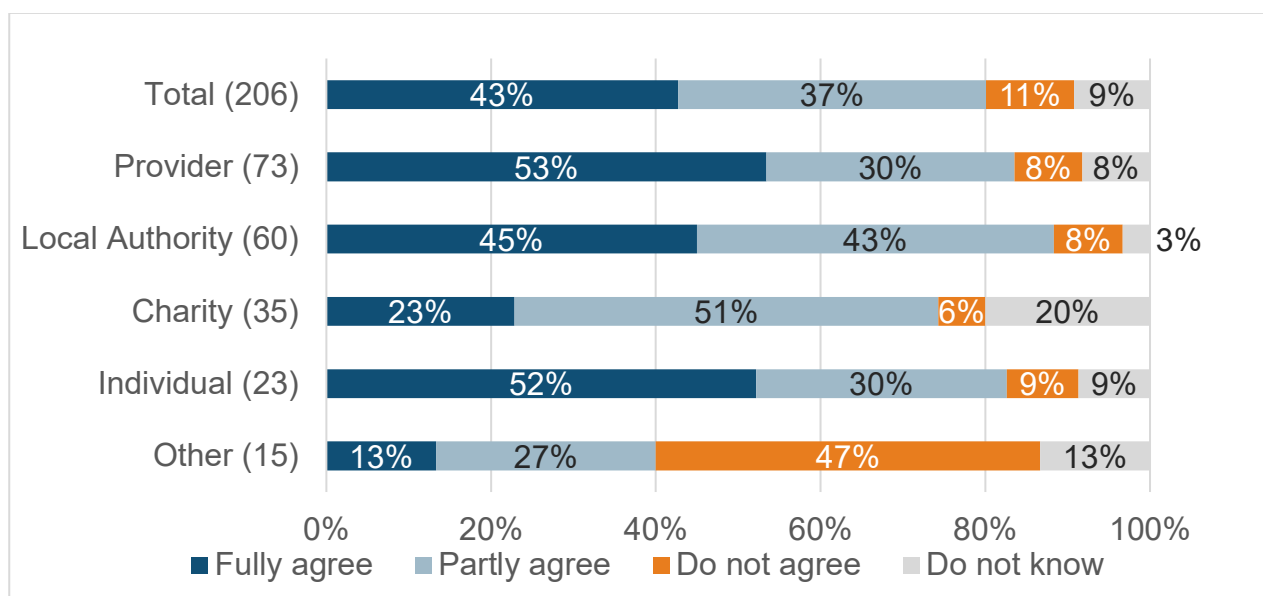
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 156 respondents were coded against themes for this question. A large proportion called for further clarification or guidance, mostly asking for more information about the role and qualifications of a registered service manager. Some also raised concerns regarding Ofsted, potential additional costs and recruitment and retention issues. Some also expressed positive support for the proposals.

Further clarification or guidance needed (73)

Respondents requested more details in relation to a range of issues.

Role and qualifications of a registered service manager (52)	The most mentioned issue related to wanting more information about the role and qualifications of a registered service manager. "There is more clarity needed about the role of registered manager and how it relates to one service, all services and the entire organisation. This is a particularly pressing distinction for larger providers." *Provider*
Limits on number of settings or number of young people (10)	Some respondents disagreed with the statement about not setting a specific benchmark or limits. Respondents said this was necessary to ensure consistency of standards across the sector, that sufficient resource and oversight is given to all settings within a provider's registration, and that staff have appropriate supervision and line management resource.

Other areas where clarification was requested included:

- **Numbers of registered service managers.** Clarification was requested about numbers of registered service managers. Respondents noted reference to a registered provider only being able to register one service manager, however later mentioning that a provider can apply for more than one.

    "Should there be a limit on how many registered service managers are led by a registered provider?" *Provider*

- **Terminology.** A few respondents, who agreed in principle with the necessity to register accommodation providers, were struggling with what they described as interchanging terminology of registered person, registered provider, and registered service manager, which they thought was confusing and unhelpful. Respondents were concerned about overlapping roles and wanted clarification that for smaller providers the registered provider and registered service manager may be the same individual. Others said this should not be the case.

- **Staff training and qualifications.** A few respondents asked what the requirements were for staff skills and training (beyond the registered service manager). Clarification was also sought about equivalent qualifications.

- **Supervision.** Two respondents mentioned that there is reference in the records section to an "independent person", but the role of the independent person and any requirements do not appear to be described anywhere else.

    "Why is there no independent visitor role to support the work of the registered person?" *Local authority*

- **Liability.** Concerns about the liability of a registered service manager and what this means for what is effectively a role as an employee of an organisation yet with 'personal' liability as an individual.

Concerns (63)

The main areas of concern covered three aspects:

The Ofsted approach (22).	There were different views among respondents about whether inspection should be planned or unannounced. Those who thought they should be planned thought there might be difficulties accessing some types of property or negative effects on young people from unannounced inspection. Those who supported an unannounced approach thought this was necessary to avoid preparing for the inspection. A few respondents were sceptical about the proposal for Ofsted to inspect at provider rather than setting level. One respondent said further clarification is required in relation to how the provisions will be judged and what actions are needed if a provider receives a poor rating (requires improvement/inadequate).
Additional costs (19).	Respondents raised concerns about costs in relation to registration, re-registration, management time, training and implications for existing contracts. A few respondents, especially larger organisations, said this would require organisational restructuring.
Recruitment and retention (13).	Respondents raised a number of concerns about skills shortages in the labour market for staff for this role and competition from other related sectors (children's homes).

Other concerns mentioned by a few respondents included: not bringing supported accommodation in line with children's home regulations, the need for more time to bring in these new arrangements and greater detail around the differentiation between care and support.

Positive about roles and responsibilities (48)

A group of respondents gave positive explanations of why they agreed with the proposals. Although, some also raised concerns and other issues alongside their support.

> "I feel that this is a fair proposal for services to provide the best level of support to our young people and I fully support the registration. I feel that it will deliver continuity between service providers and enhance the support given." *Individual*

> "We agree with notion of having a registered provider and registered service manager; given the significant variation we are likely to see in both size (number of accommodation units and young people) and the locality (local, regional or national) of provision further clarity on expectations of registered and non-registered managers may have been helpful." *Local authority*

Respondents said the proposed arrangements covered what has been missing from this sector, that proposed arrangements improved accountability and that they were proportionate.

Other (31)

Other responses covered a request for more than one registered service manager, a question about whether a local authority could be a registered service manager for a smaller provider and whether or not a director should be the registered provider for a larger organisation.

Q37 Do you agree with the proposal to limit the number of registered service managers in each supported accommodation undertaking to one?

Just over two-fifths (41% or 85) of total respondents selected 'yes' in agreement with just under a third (30% or 61) of total respondents selecting 'no' and 29% (or 60) opting for 'not sure'). This was largely representative of all respondent groups. Other respondents were more likely to select 'no' with just under half opting for this (47% or 7) rather than 'yes', with a fifth selecting this option (20% or 3). A third of other respondents selected 'not sure' (33% or 5).

Figure 15: Quantitative analysis of responses to question 37
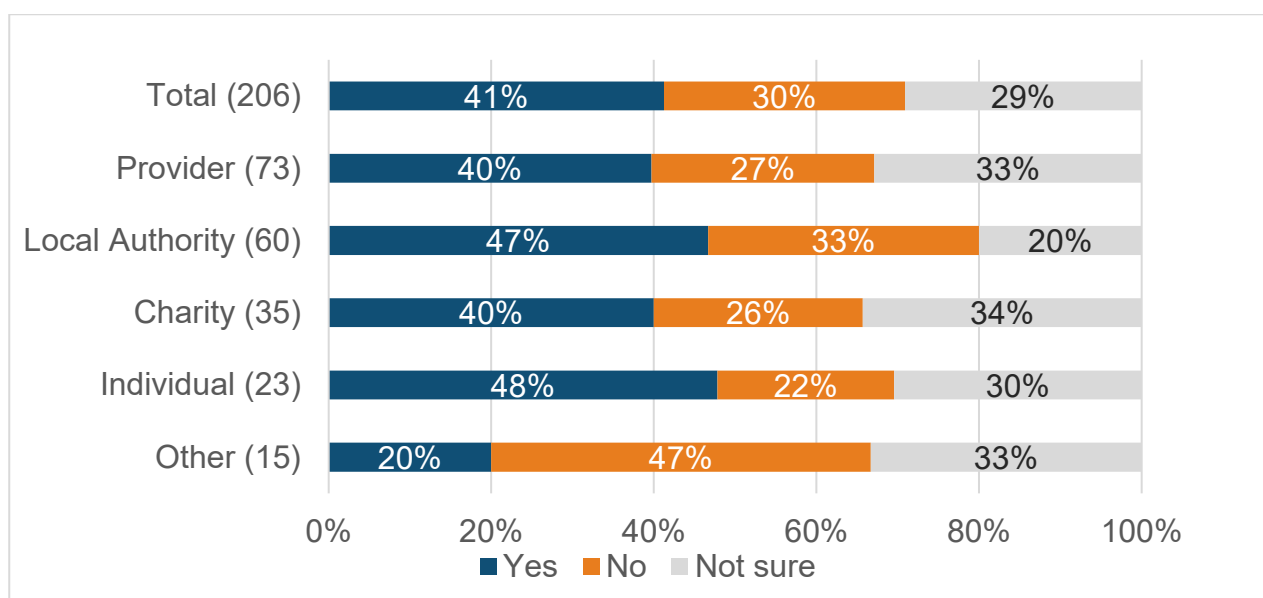
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 148 respondents were coded against themes for this question. Respondents covered a range of themes, some of which took opposing views. Some suggested more than one registered service manager should be possible, whilst others said having one maintained accountability. Further clarification on some issues was requested. Other points covered views suggesting that limits were unhelpful to larger providers or that a mixed 'matrix' management approach was possible, as well as cost implications of the proposal and risks of reduction in standards linked to having only one registered service manager.

Suggest more than one registered service manager (57)

A range of issues was identified by respondents who felt that more than one registered service manager would be required.

Some respondents said that they intended to have two registered service managers or that they felt it was good practice to do so; in particular, this was the case for larger providers. Some clarified that they planned to have a registered service manager and a deputy. A few respondents expanded this further to say covering different characteristics might be important for effective service delivery, for example, different sexes. Other respondents justified this approach as minimising the risk of closed cultures by having multiple responsibilities, enabling job shares or providing cover for any absences of the registered service manager.

One perspective shared by a few respondents was that multiple registered service managers should be linked to size of the organisation and the number of residents by accommodation and location. Another was that employers have a legal responsibility to protect, manage and safeguard their staff in cases where they need to reduce individual workloads.

Respondents were uncertain about how these arrangements might work in practice:

> "Can a manager be added in or does the whole process start again?"
> *Provider*

> "We are also concerned that one organisation, split into a number of different undertakings, could have several different Ofsted ratings?"
> *Provider*

Some respondents who agreed with this suggestion gave their reasons as follows:

- The most significant issue is that a single company is linked to the Ofsted registration and the permitted number of registered service managers should be secondary to this.

- The registered service manager is the person who has the day-to-day responsibility and oversight for a service. So, if two separate services exist each with differing aims and objectives, for example, two supporting young parents, and the other young people moving to independence, then having two registered service managers will be necessary. In particular, this may be the case across distinct categories of accommodation.

- A lone registered service manager will face an impossible task, with risks of failure to perform their leadership and management role, or exhaustion, leading to them exiting the setting and sector.

- The breadth of the role from oversight of leadership and management as well as the nuances of individualised support given to the young person (relationships) potentially across a number of sites makes it too demanding for one person.

- There may be different requirements depending on if a service is 24/7 staffed, visiting support, longer stay, short/emergency stay or supported lodgings that may lead to a requirement for more than one registered service manager.

Maintains accountability (50)

Some respondents (especially smaller providers) who agreed with the idea of having only one registered service manager to maintain accountability and consistency gave the following reasons:

- One person should have ultimate command and authority.

- This should clarify lines of communication.

- This will keep everything streamlined.

- Good governance is key to good provision.

- This is in keeping with current practice where one service manager is the lead (although they have senior workers in each accommodation setting reporting directly to them).

- Supported accommodation providers do not necessarily have the financial resources to recruit to more than one registered service manager.

- This provides a clear link to registered children's home regulations.

Further clarification or guidance needed (17)

The main area where clarity was sought relates to a conflict of definition between whether there should be one registered service manager covering all of a provider's services or one registered service manager for each discrete service. Some respondents thought that it should be possible to have a registered service manager at the setting level or covering their geographically dispersed services.

A few respondents thought that an example might help with understanding.

A related area identified by a few respondents was how to handle arrangements for re-registering a property if the register service manager leaves or is replaced and any risk of delay that this might cause.

One respondent from a larger business with national interest understood that only one registered service manager would be permitted. They perceived the impact of this to be potentially severe and raise a question about inspection. They stated that as they perceive there are no limits to the number of provisions or geographies the registered service manager can hold responsibility for, then how will Ofsted be able to effectively evaluate the performance of the manager in comparison to a much smaller provider?

Limits unhelpful to larger providers (10)

A few respondents specifically pointed out the challenges that having one registered service manager might pose for larger providers. These included costs to the business, risks of delays, recruitment and retention of the staff member and risks to service quality of an overly burdensome role.

Mixed 'matrix' management approach (9)

An alternative approach suggested by a few respondents, especially in relation to larger providers was a mixed matrix approach to management. There were a number of variants of this suggested by respondents.

- One registered service manager over the whole company scaffolded by 3-4 assistant or deputy registered service managers.

- A registered service manager must be supported by providers having a clear management system which has a number of non-registered managers to evidence effective management and control across multiple services while also considering the span of location.

- The leadership and management standard indicates that the registered service manager assumes all responsibilities, which may not be in line with their skills and experience. One larger provider described a matrix management approach enabling

the registered service manager to draw on the skills and experience of other key officers across areas of expertise to ensure compliance and quality of support.

A local authority respondent recognised that for much larger providers the impact of the registered service manager role will be affected by how successfully and carefully they delegate to the tiers below the registered service manager. Accordingly, they felt there could then be a variation in quality. In terms of accountability, this respondent thought it would be essential for the local authority to understand the structure and functioning of the provider's organisation in order to feel clear about roles and responsibilities. They also noted that spans of control are considered as part of the inspection framework.

Cost implications (9)

Respondents highlighted the potential impact of costs associated with registration and training, especially if larger providers had multiple services and locations. There was further concern for the impact on providers and indirectly commissioners (to whom the costs will be passed on) of turnover of the registered service manager role.

An unintended consequence of this might be for scope of provision, including providers deciding to limit provision to adults only, where only a handful of 16- to 17-year-olds access services across a wide geographic area.

Risks of reduction in standards (8)

Respondents identified risks to quality standards linked to the role of registered service manager.

- In larger providers as the scope for oversight decreases then this could in effect lead to a reduction in standards.

- The registered service manager model disseminates responsibility and without other service managers who are registered with Ofsted within each setting on a day-to-day basis there could be opportunities for failings at a setting level that go unnoticed by the registered service manager.

One respondent suggested that this requirement could push current providers away from registering and reduce the amount of quality accommodation available.

Other comments (31)

Respondents covered other themes about the limit on registered service managers.

A few described the impact of geography in terms of dispersed delivery requiring more than one registered service manager due to the scale and spread of provision.

Given local authorities do their own annual reviews and inspection of such providers then there is no need for another regulator.

As the registered service manager will be responsible for multiple supported accommodation settings, this does not fit with 'one accommodation, one manager'.

Clear expectations as to how many bedspaces and/or services a registered service manager should be expected to have oversight of would help.

Q39 Do you agree that the proposals around the fitness and capacity of the registered provider and/or registered service manager are the right ones?

Just under three-quarters (71% or 146) of total respondents selected 'yes' in agreement with the proposals, just under a fifth (19% or 39) selected 'not sure' and 10% (or 20) opted for 'no'. This was broadly representative of provider, local authority and individual respondents. For charity respondents, just under half (49% or 17) chose 'yes' and equal numbers selected 'not sure' (49% or 17), and respondents therefore being much less likely to select 'no' with only one respondent opting for this. Two-fifths (40% or 6) of other respondents selected 'yes' in agreement, a third (33% or 5) selected 'no' and just over a quarter opted for 'not sure' (27% or 4).

Figure 16: Quantitative analysis of responses to question 39
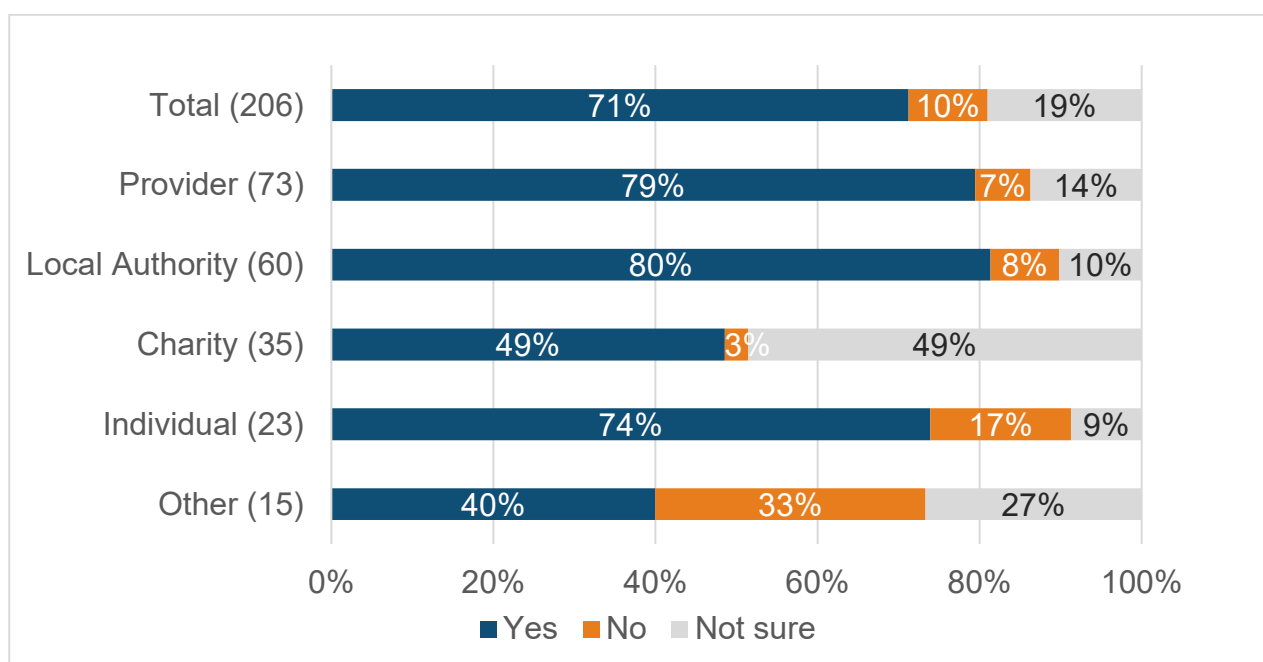
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 122 respondents were coded against themes for this question. Respondents indicated why they broadly agreed with the proposals, suggested some refinements, highlighted some concerns and requested further clarification or guidance that they felt were needed.

Focus is proportionate (64)

Respondents mostly confirmed that they agreed the focus of the proposals were proportionate. A few said they broadly agreed and also made comments under other themes for this question which indicated some uncertainty or disagreement.

Some respondents elaborated to explain why they agreed:

- The proposal is in line with current practice of providers and local authorities.
- Agree with fitness to practice expectations.
- Welcome greater scrutiny of larger private sector organisations.
- Appears similar to what is required to be registered as a social worker.

- Expect an improvement in the quality of leadership as a result.

- Appears to mirror CQC requirements.

- Reflects requirements of a registered manager of a children's home.

> "We agree with the requirements regarding fitness of providers and managers and are hopeful that this will raise the quality and consistency of providers and accommodation offering this kind of support to young people." *Local authority*

Suggested refinements (44)

A range of suggestions for refinements were made by respondents.

Registered Service Manager role specification (16)	Good continuous professional development, similar to that of qualified social workers, should be enforced with documented evidence provided.
	Experience needs to be recognised, not just qualifications. Some registered service managers may have competence through doing the role for a long time and those with lived experience who may have limited work history.
	Include disqualification, for example, if person is disqualified from running a school.
	Undertake a fit person interview.
	Include understanding of a psychosocial model (including trauma informed support, psychologically informed environment and co-production).
	More specifics around the skills and experience, for example youth work, social work, business skills.
	International DBS for those having spent time overseas.
Registered Service Manager minimum qualifications (9)	There was uncertainty among respondents whether holding a Level 5 management qualification in advance (or to achieve this within 3 years of starting) is a recommendation or a requirement.
	A few respondents said explicitly that holding a Level 5 management qualification should be a requirement.
Requirements for registration (7)	Important to understand who the landlord is and where responsibilities will sit and to know that the provider understands accommodation and not just support.
	There was a suggestion that existing charity or provider governance should ensure appropriate assurance and reporting to Ofsted. A few respondents believed this should already be part of the recruitment process and should sit with the registered provider to verify through their safe recruitment processes and compliance.

One respondent wished to raise the potential unintended consequences that could occur from this new role, given the learning they had from challenges in the residential care sector around the recruitment and retention of registered managers. They have found

that an over-reliance on registered managers, and excessive requirements on formal qualifications, contributed to creating staff shortages due to increased barriers to entry for practice-based colleagues and the time needed to take training before starting a position.

Other suggestions covered different themes including:

- That safer recruitment practices must be explicitly referenced. A few respondents said that the guidance does not go above and beyond safer recruitment in terms of scrutiny. "The wording does not match the guidance which states that the providers will have to apply for the service only and not each property." *Local authority*

- Young people should also be involved in the decision making during the interview process according to a few respondents.

- Linked to recruitment, a few respondents asked for guidance on acceptable forms of identification where prospective candidates do not hold passports or other usual documents. For example, birth certificate to provide assurance without creating barriers to recruitment. Other respondents wanted guidance on acceptable employment history for example, aligning with CQC requirements to seek evidence of employment history over previous 3 years.

- That local authorities should not need to be made aware of settings operated by providers in their area via local Ofsted monthly reporting because the local authority commissions the settings and refers the young people.

- Level of insurance need to be in line with the local authority requirements.

- A declaration of interests for example if associated companies or directors are family members.

- Undertake consultation with current providers around accountability to learn from registered providers of social housing.

- A review of registered service managers' on-going registration should be triggered by situations such as excessive complaints.

- Consider a different model to registered persons, such as models of department experts to deliver expertise in the areas of each standard. For example, those responsible for case management would be responsible for support standards and protection, housing managers for accommodation. This would spread risk and target high-quality expertise amongst the service.

Concerns (30)

A range of concerns was raised by respondents including:

- Some financial concerns included: a clearer sense of what being financially fit looks like and a recognition that for many organisations statutory accounts will not break down to service level.

- The information requirements for registered service managers were perceived to be excessive, risking a negative effect on those coming forward for roles.

- The requirements are not sufficiently prescriptive such as those that apply to residential care.

- The level of experience required of a registered service manager was a concern which one respondent felt should be reconsidered.

- Registered service managers may not be legally able to obtain an enhanced DBS certificate as the person's role may fall outside the scope of direct interaction with clients.
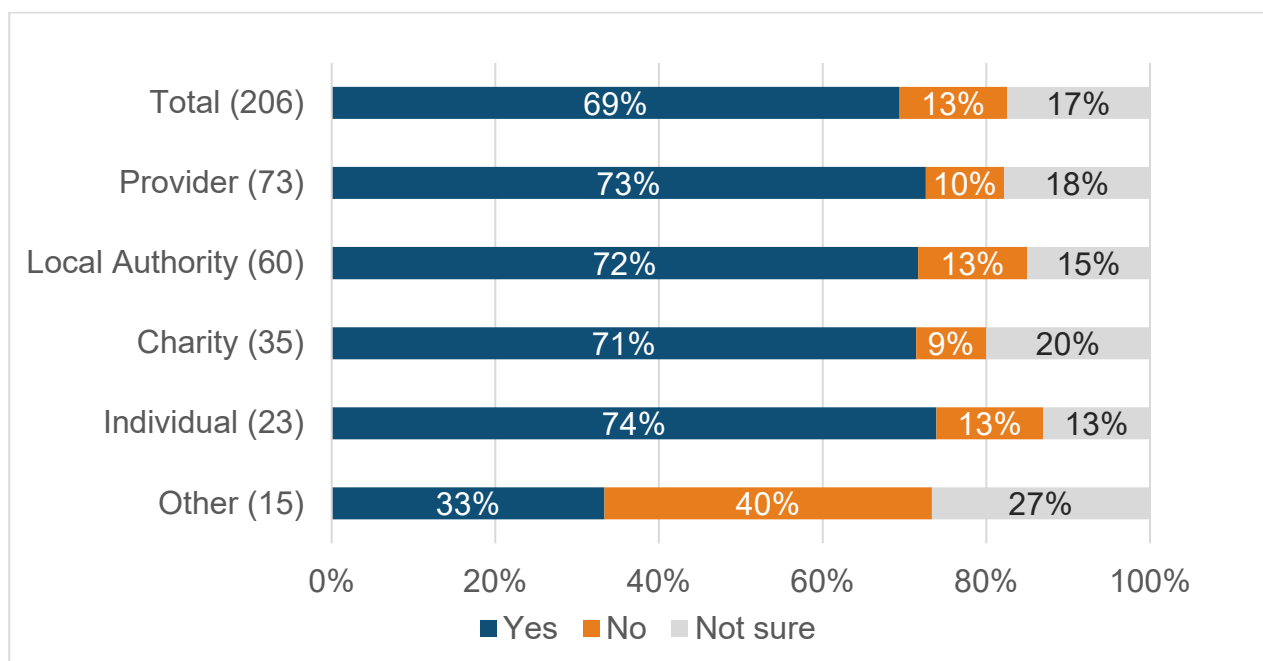
Further clarification or guidance needed (13)

A few respondents specifically requested clarity around the following issues.

- Mental and physical fitness. More clarity was requested around what criteria this would involve and how this would demonstrate inclusiveness, equality and diversity. One respondent felt that annual reviews may prove onerous and resource heavy for their service if this was the requirement. Another respondent wondered if the reference to fitness was more akin to its use when governance and trustees are required to be 'fit and proper persons' as in trustworthy, credible and experienced.

- DBS checks. A question was raised about whether DBS checks have to go through the Ofsted portal, and whether they need to include local authority checks, GP or medical checks, and a fitness interview, similar to Children's Homes regulations.

- Insurance. The requirement for "a certificate of insurance for the registered person in respect of liability" was raised as a concern in that it duplicates organisational insurance for the same liabilities but was perceived to change the nature of the chief executive officer role within a charity and their liability within the organisation.

- Role definition. The wording was perceived to be insufficiently specific and potentially discriminatory with unconscious bias. A requested was made for roles to explicitly outline fitness and capacity as per children's homes regulations, while reflecting the distinct nature of working in supported accommodation.

- Procurement. In terms of procurement, one local authority respondent wanted to know what happens if a contract is awarded and Ofsted is not happy with the documents requested, querying whether Ofsted or the local authority take precedence. They thought, depending on the response, this might mean the local authority needs to change their procurement checks.

- Inspection. The guidance was perceived to detail how providers will notify Ofsted of additional settings that are registered but not to cover how settings would be notified as being removed (including where the young person reaches the age of 18). Given the workforce is new to regulation, then one respondent felt that where further developments are required to fulfil standards providers should be supported and not be sanctioned with compliance notices.

Q41 Do you agree these categories for supported accommodation are the right ones?

Just over two-thirds (69% or 143) of respondents selected 'yes' in agreement with these categories, with respondents less likely to choose 'not sure' with just under a fifth opting for this choice (17% or 36), and an even smaller amount selecting 'no' (13% or 27). This is broadly representative of all respondent groups. For other respondents, this category had a higher number of respondents selecting 'no' at two-fifths of responses (40% or 6) and were less likely to opt for 'yes' with a third (33% or 5) selecting this, and just over a quarter (27% or 4) selecting 'not sure'.

Figure 17: Quantitative analysis of responses to question 41

	Yes	No	Not sure
Total (206)	69%	13%	17%
Provider (73)	73%	10%	18%
Local Authority (60)	72%	13%	15%
Charity (35)	71%	9%	20%
Individual (23)	74%	13%	13%
Other (15)	33%	40%	27%

Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 136 respondents were coded against themes for this question. Most respondents raised points for further clarification or where guidance is needed. Some confirmed that the categories are appropriate, although a few of these respondents also raised points for further clarification. A few identified specific concerns.

Further clarification or guidance needed (80)

Respondents identified a range of alternative categories that they thought should be recognised including:

- Parents. Supported accommodation types for young parents aged 16 and 17, which obviously would not be single occupancy. There is a legal duty on local authorities to provide supported housing for young parents and so this needs to be acknowledged and understood more. If there are concerns the baby may also become a looked after child one respondent wondered whether this would then be 2 placements.

  > "Single occupancy would suggest a young person living with a partner and their child would be living in a setting which should be regulated – is this a breach of their right to private life? What is the expectation on local authorities in these circumstances?" *Local authority*

- Flexible models. Some respondents suggested models such as dispersed move-on accommodation in the community (for example Housing First and the National Housing Project), short term/time limited crisis or activity-based provision (referenced in the standards) or foyer type provision which is often self-contained and can be shared.

- Additional support models. Some respondents suggested models such as single or shared accommodation (a single house – private tenancy/tenancy agreement held by local authority), where young people live alone and receive outreach or floating

support only, others suggested the need to categorise by those with 'support on site' and those with 'visiting support' as these can represent very different levels of service.

Specific points and questions raised by respondents about the category of **single occupancy** included:

- How will a bedsit or single occupancy flat be able to provide the level of support that these standards require, such as staff developing meaningful relationships with children and how will staff provide 24/7 on-call support?

- Include sub-categories for 24/7 onsite support and floating support.

- Is this ring-fenced as in description 2? Whether single or shared occupancy, accommodation could be for children looked after or care leavers only, or could also support young people post-18, who may not be care-experienced.

- Single occupancy should be capped and only be an option for those aged over 18.

- Is solo accommodation within one individual building structure covered by the definition of 'single occupancy'?

- Does the category of single occupancy not go against the accommodation standard that all need communal space?

- The following statement in category one is confusing and needs clarifying, "This category does not include provision that is not designed for anything other than solo occupancy."

- It is not clear if single occupancy includes self-contained studios that have staff on site 24/7 and is ringfenced for children who are cared for.

Specific points and questions raised by respondents about the category of **shared ring-fenced accommodation** included:

- Include sub-categories for 24/7 onsite support and floating support.

- 16- and 17-year-olds should not be placed into non-staffed services as they are still children, therefore non-24-hour staffed supported accommodation should not be included as a category.

- Will DBS checks need to be completed on 18 or over care experienced young people who are living in the same shared accommodation as 16- to 18-year-olds?

- Why the need for this category? There is no real need to ring fence accommodation for looked after children.

- No upper age limit has been set for the shared accommodation categories. Some respondents said this should be 24, others said 25.

- A question about whether young people would have to move at 18, which they did not feel was a person-centred approach.

- Clarity requested about where houses of multiple occupancy sit and whether they fall in the ringfenced category?

Specific points and questions raised by respondents about the category of **shared non-ringfenced accommodation** included:

- Is this definitely suggesting the placement of under-18s and over-18s in the same provision? It was suggested that most local authorities would have serious concerns about this.

- Include sub-categories for 24/7 onsite support and floating support.

- Should this category have an upper age limit of 25?

- This category should be removed, to be in line with a children's home where over-18s are not allowed.

Specific points and questions raised by respondents about the category of **family-based accommodation/supported lodgings** included:

- Provision of one bathroom per bedroom is not considered possible for some providers. Other respondents argued that this was a basic requirement.

- Supported lodgings, where provided by the local authority should not require additional registration.

- Family-based accommodation/supported lodgings should be renamed as 'host schemes'. This was felt by respondents to better reflect the current variety of family based, emergency and medium-term settings that are provided. Plus, it is also the case that some of this provision is provided by individuals rather than families. The current label was believed by respondents to risk confusion with fostering schemes.

- Supported lodgings should not be aligned to the same types of regulations as supported accommodation provision. They are more aligned to fostering as they are 'family-based settings'. One respondent felt this designation ignored the context of supported lodgings settings, for example, having locks on bedrooms, hosts being treated as staff and family homes being subject to certain property expectations that may not be appropriate.

Some examples of complex scenarios cited by one respondent each included:

- There are times when young people are moved into shared accommodation but need to be on their own for various reason such as having 2:1 staffing or not being able to mix due to historical behaviour. It may be the case that a shared property is the only one available. Whilst this is not cost effective in the long term, working to the needs of the young people may override the specified categories. Would the provider need to re-register a property each time it is used for a different reason? In this instance the concern is that properties are fluid and used to suit the needs of young people rather than the specified categories.

- Basing the accommodation definition solely on shared facilities, or the lack of, was considered unhelpful. Projects with self-contained flats may also have communal areas, and 24-hour staffing, and some self-contained flats may be isolated and only receive visiting support. Likewise, ring-fenced accommodation should be accessible to a broader range of 16/17 year olds rather than just children in care and care leavers. The respondent suggested a matrix approach which details accommodation type plus support type and level.

Other clarifications covered by a few respondents were:

- Although bed and breakfast accommodation should not be used, it is considered preferable to homelessness.

- The descriptions around where 16- and 17-year-olds who are not looked after children or care leavers would sit within the categories. Other respondents said that the categories do not seem to include scope for 16- to 17-year-olds whose care status is ambiguous or are placed in settings outside of section 20, or even section 17.

- Confirm if hotels and/or reception centres for unaccompanied asylum-seeking children fall into these categories or whether these will be assessed separately.

- Does a child in care living with a partner need to be registered as supported accommodation or under Regulation 24?

- A consistent upper age limit.

- Links to the nature of supervision should be cross-referenced, which might range from 2-hour supervision through to floating or visiting support.

- Non-permanent settings were felt by one respondent to be unclearly explained in this model (they recognised such settings were not ideal), however, another respondent thought that they should be explicitly ruled out.

- Linking the requirement for registration to the provision of accommodation means the standards do not cover those providers offering floating support without accommodation. This potentially leaves a cohort of providers offering a significant number of support hours to young people without any requirement to become registered.

- Disagree with licence agreements, due to ease of asking a young person to leave.

- Will the ability to provide a service for those aged over 18 require CQC registration?

Categories are appropriate (68)

Many respondents confirmed that they agreed the categories were appropriate, although some also provided clarifications and concerns alongside their broad agreement.

Some respondents said that these categories covered the main areas they were aware of or currently operated, without giving any further explanation.

In particular, some respondents welcomed the distinction being drawn between family-based accommodation and other types of supported accommodation.

Some very specific points made by one respondent each, while broadly agreeing with the categories included:

- Agreement that provision for CQC registered homes for 16- and 17-year-olds where personal care is not delivered have to be registered as supported accommodation.

- Agreement with Section 2 regarding bed and breakfast accommodation, but it should include hotels, Airbnb and other similar accommodation, to close potential loopholes.

- Further clarification sought around the housing accommodation where under licenced agreement which can convert to a tenancy at 18 being within the scope of registered premises. This was seen as having the potential to impact on transition planning for care leavers who might move into settled housing accommodation prior to their 18th birthday.

> "We agree that these categories are correct as [they] capture the diverse nature of supported accommodation. The descriptions are broad which we feel will enable providers to deliver innovative and flexible services." *Provider*

Concerns (12)

Respondents raised concerns related to housing management, risks to young people and risks to the market providing these types of accommodation.

Housing management concerns included:

- There is a potential housing management issue for providers where single occupancy flats are under an assured shorthold tenancy and not an excluded license agreement - this means legally rights of access are not as easy to administer as for those under a licence agreement. This can make the management of such placements difficult as the young people have more freedom and control which can prevent support services providing the supervision or support required. This also has implications for placement breakdown as it is difficult to end placement on an assured shorthold tenancy as it requires section 21 court proceedings to legally evict the tenant from the tenancy. So, where a local authority might want to terminate the 'placement' as in cease the funding and support element, the provider might be in a situation whereby they are left with a legal tenant that is not funded or under any formal placement procedures.

- There is no mention of landlord responsibilities where there are management agreements in place between registered landlords and support providers.

- Local authorities do their own annual reviews and inspection of such providers and need this flexibility for children in this age range, therefore a new regulator is not required.

Risks to young people identified by respondents included:

- Some of these types of accommodation, as they are likely to be without appropriate support and safeguarding, are unsuitable and potentially dangerous for young people - shared accommodation, bedsits, boats, caravans - leaving them open to abuse and neglect.

- Risks associated with accommodating young people 18 and over with 16- to 17-year-olds in non-ringfenced provision.

- The right level of flexibility can be found within the current Children's Homes Regulations 2015 to help equip children in care with the skills they need for independence, without placing them in accommodation which risks their safety.

- Risks and negative experiences that children aged 16 and 17 have faced in shared accommodation when living with vulnerable adults: including alcohol or drug abuse; risky, sexualised or anti-social behaviour.

- Uncertainty about how registered managers and staff will reasonably be able to ensure that the minimum standards are upheld in full in single occupancy settings, such as bedsits, whilst respecting children's need for and right to privacy, and given that every child is to have a bedroom with a lockable and secure door.

Risks to the market providing these types of accommodation articulated by respondents included:

- Providers of shared accommodation are unlikely to register, and as such these regulations will preclude the use of these placements for local authorities, such as Foyers and YMCAs.

- Many providers will not realise that they have to register non-ringfenced accommodation, especially as it seems disproportionate to undertake registration in, say, accommodation for 20 people when only one is a 16- or 17-year-old care-experienced person. There could be some fallout in sector provision.

- These provisions are scarce as they are and having another regulator to deal with and pay fees to is going to put off providers.

- There is a concern that shared accommodation or group living (non-ringfenced provision) providers will change their age groups and take only those aged 18 and over which will negatively impact local authority sufficiency for housing pathways for young people aged 16 and 17.

- It is unlikely some organisations will agree to use the third category without further details on the other people aged 18 and over using the accommodation and a safe matching risk assessment.

- Increasing regulation around 'Family-based accommodation/supported lodgings' is likely to have a detrimental impact on the provision for this particular group. These are often well-meaning individuals that want to do something positive for a young person and a concern is that this would deter this group from implementing the provision available for young people. The safeguarding of the child will be covered by the activity undertaken by the local authority, so there is likely to be little benefit to registration. This respondent felt that family homes should fall outside of the remit of these reforms believing that it will lead to families being put off from offering their homes.

Q43 Do you agree with the proposal for providers to notify Ofsted of new settings and with the use of conditions to restrict providers from using new settings without having informed Ofsted?

Just over three-quarters (76% or 157) of respondents selected 'yes' in agreement, with 14% (or 28) selecting 'not sure' and respondents less likely to select 'no' with 10% (or 21) of respondents choosing this. This order was broadly displayed for all respondent groups including other respondents, where three-fifths selected 'yes' (60% or 9) and a fifth (20% or 3) opting for 'not sure' and 'no' respectively.

Figure 18: Quantitative analysis of responses to question 43
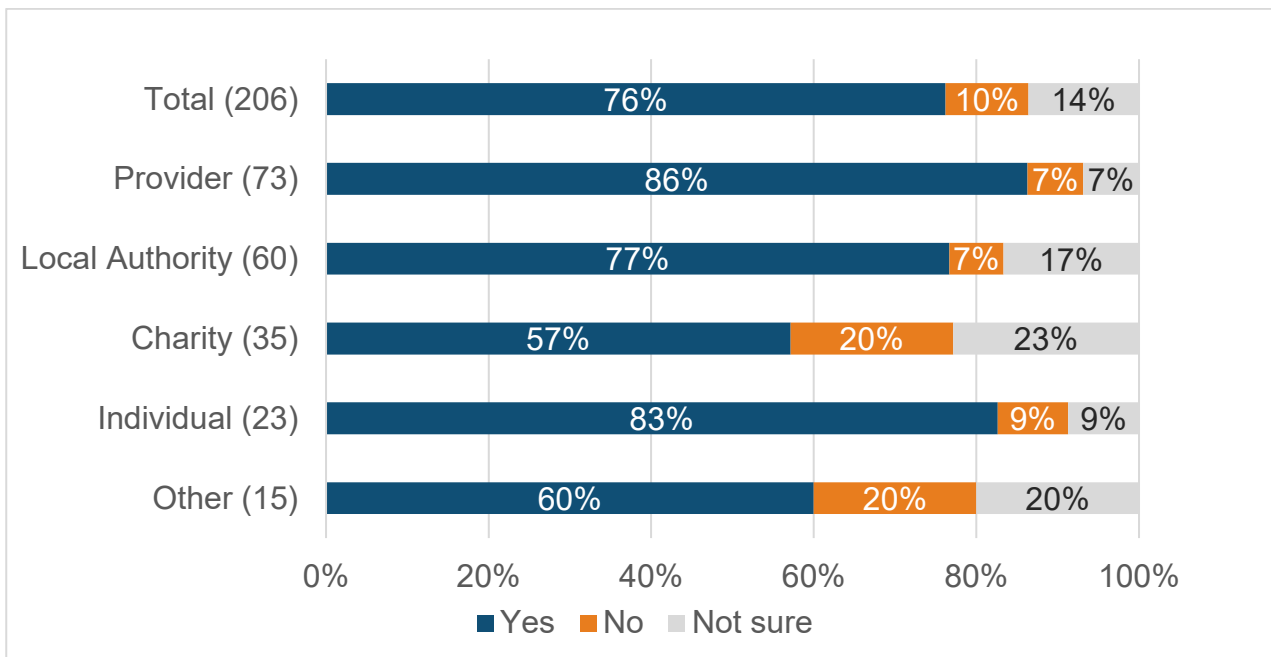
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 139 respondents were coded against themes for this question. Most respondents confirmed that the proposed approach is appropriate, some raised specific concerns and a few asked for further clarification or guidance.

Proposed approach is appropriate (95)

Many respondents confirmed why they answered 'yes' to Question 43, although some explained why they answered 'yes' whilst also expressing concerns or sought clarification referenced below.

> "This approach is considered appropriate and reasonable. It allows flexibility for each Registered Provider to utilise a new location/setting in the case of an emergency, but also ensures any new settings are registered within 72 hours of use." *Provider*

The main reasons respondents gave for saying that the proposed approach is appropriate included:

- Agreeing with the proposal for providers to notify Ofsted of new provision within 72 hours.

- Greater safety and continuity for young people.

- Re-assurance of quality through inspections every 3 years and the power to close or suspend services that are unsafe or inadequate.

- A perception that it is good practice to bring provisions supporting 16- to 17-year-olds more in line with other regulated children's homes.

- Closing perceived loopholes in the current system.

One local authority respondent said that notification of new settings is important, in that it will allow local authorities to identify existing provision to help with identifying provision for children and young people. They explained that at present, it has been challenging to identify provision if a connection with a provider does not exist.

Concerns (57)

A range of concerns raised by small numbers of respondents included:

- **Sequencing of registration approval**. Respondents wanted reassurance that the registration process would not leave young people waiting for accommodation, especially when happening at short notice.

- **Cost burden**. Respondents identified that the inspection arrangements would increase costs, especially for small providers and those who infrequently accommodate 16- to 17-year-olds.

- **Local authority notification**. Respondents said the guidance did not require providers to consult the authority in which the provision is located before establishing the setting. One respondent believed this would help providers and local authorities better manage location-based risks and challenges around over-supply in some localities.

- **Limitations for flexibility**. Respondents highlighted risks to flexibility due to costs and paperwork required to make additional accommodation available. One respondent explained that in dispersed accommodation and supported lodgings, they change properties and host addresses from time to time, as new settings become

available. This respondent understood that registration of a new address comes with a minor variation fee which may limit services that by their nature are usually considered flexible. Another respondent described similar issues in clustered single occupancy properties where young people may move between properties (to ensure choice and to manage disputes).

- **Less than 72 hours preferred**. Respondents felt that 72 hours was too long and that a shorter time period should be set. One respondent said they preferred a 24-hour limit.

Concerns raised by 2 or 3 respondents included: a lack of precision over the length of the initial review timeframe, disputing the role of Ofsted, perceived loopholes (such as set up unregistered accommodation or poor quality that may not be inspected for up to 3 years), the need for a grace period (where there is evidence that the standards are being worked towards, for staff recruitment and gaining qualifications).

Concerns raised by one respondent each included: how young care leavers maintain parity with their peers to attend alternative residential learning and well-being venues where support will continue but the environment is controlled by others such as supported holidays or personal development camps, health and safety risks if no checks or inspections have confirmed a new home is fit for purpose, the right for Ofsted to enter premises used to accommodate young people could be an issue if that young person is accommodated under an assured shorthold tenancy, proposed arrangements do not take into account local needs assessments and planning policies, that accommodation should be registered as children's homes, the need to be able to take robust action in respect of specific settings without jeopardising the overall position of the provider.

Further clarification or guidance needed (13)

A few respondents raised questions they had about the registration process, clearer additional wording and information sharing.

- Registration process. In a housing first model, working alongside private landlords, would a provider need to register these as they are often changed on a weekly basis? What is the Ofsted process once a provider has notified the regulator of the use of a new provision? Will the provider need to complete a new application to register the provision or will there be an expedited process to be able to add new provision to the existing registration? Should the provision of an arm's length management organisation, providing housing support to young people into their own tenancies, be registered?

- Clearer additional wording. Title suggests providers have to notify before and then narrative says "within 72 hours of accommodating", respondents felt there needs to be flexibility to allow new settings in emergency and then to notify. Other respondents said, guidance around "Notification of a new setting" needs strengthening to clarify that this only applies to providers that are already registered with Ofsted, rather than entirely new providers – which would need to go through the overall registration process ahead of establishing a setting. For commissioned services respondents a few said this would also be a requirement by local authorities who have commissioned the service. Would it now be the duty of the local commissioning authority to liaise with Ofsted on this?

- Information sharing. In order for Ofsted to successfully manage the quality standards of each provider Ofsted will need to know location information. A few respondents felt there needed to be clarity around sharing of information with Ofsted if relocating a young person to another registered service not sitting under the management of the

previous registered manager. Will this have implications for the provider or the placing authority?

Q45 Do you agree that the proposed Ofsted enforcement powers, offence provisions and tribunal appeal provisions are appropriate and proportionate for this type of provision?

Just under four-fifths of respondents answered 'yes' (78% or 160), followed by 16% (or 33) selecting 'not sure' and 6% (or 13) selecting 'no'. This pattern is largely representative of provider, local authority and charity responses. For individual respondents, 91% (or 21) selected 'yes' and were much less likely to select 'no' and 'not sure' (both 4% or 1). Three-fifths of other respondents selected 'yes' (60% or 5), with just over a quarter of these respondents selecting 'not sure' (27% or 4).

Figure 19: Quantitative analysis of responses to question 45
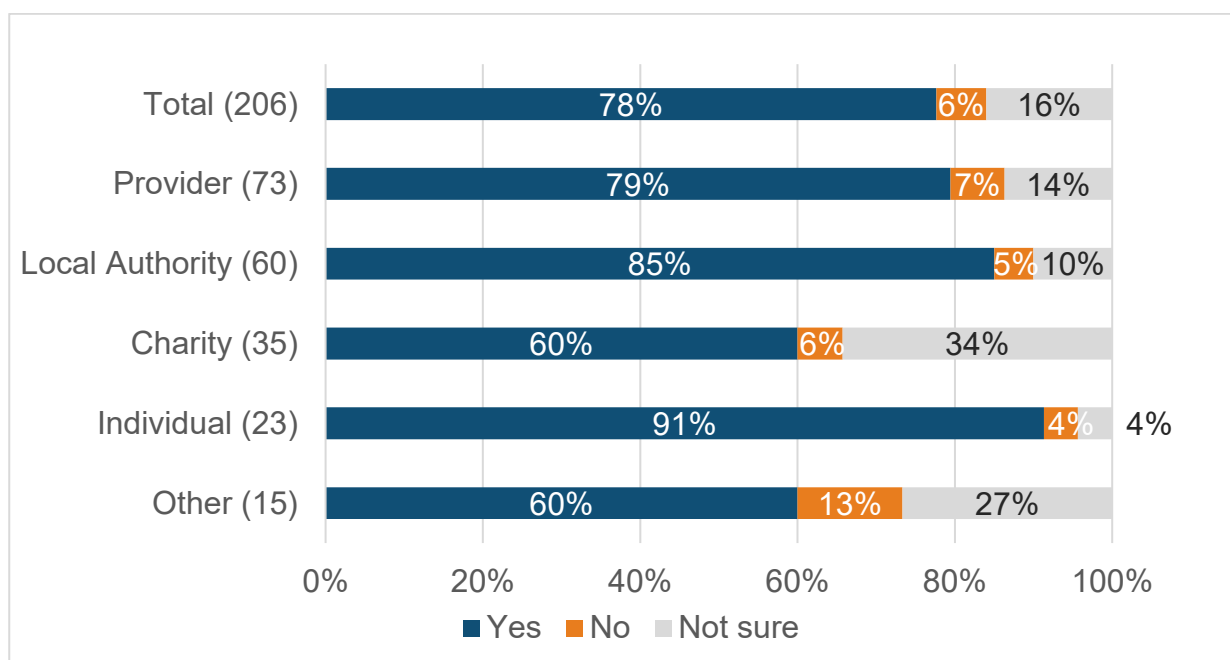
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 112 respondents were coded against themes for this question. Most of these respondents shared views of agreement suggesting the proposed enforcement powers, offence provisions and tribunal appeals were proportionate and, in some cases, expected. Others called for further guidance and clarity on certain aspects. A small number of respondents suggested the proposals were disproportionate, may have unintended consequences or that there would be a need for some support in the sector to implement.

Agree (77)

Most of the respondents to this question expressed agreement. Most commonly these views were of general agreement with some suggesting the proposals were both expected and welcomed. Some went on to comment that these proposals would lead to an overall increase in standards across the supported accommodation sector and lead to the closure of inadequate and unsafe services, which was welcomed.

"We believe these to be necessary to ensure compliance, to identify poorly performing providers, to correct bad practice, and to effectively monitor the sector." *Charity*

Further clarification or guidance needed (16)

Some respondents identified areas where they required further clarity before making a decision. A few respondents called for greater clarity on the process including what would lead to an inadequate judgement, examples of enforcement action that may take place and more detail in relation to the inspection regime. A few respondents did not provide detail on where more clarity was needed.

The following questions were raised by one or two respondents:

- Whether Ofsted powers extend to a whole organisation or just the 16-17 care leavers.

- What happens if the registered manager role is not filled?

- Whether action is taken against the registered providers or person.

- What is considered a representative sample?

- Would landlords have responsibility for young people if services are suspended?

Disagree (6)

A few respondents disagreed with the proposed arrangements as they suggested that liability for wrongdoing would disproportionately lie with a registered person, rather than an organisation, or with a provider if the failings were on part of the local authority.

Other reasons for disagreement provided by one or two respondents were that a two-tier system would be created in children's care as other schedules apply for children's homes, as well as the view that Ofsted do not have enough social care experience to be given the proposed powers.

Unintended consequences (6)

A small number of respondents highlighted some potential unintended consequences which may arise due to the proposed enforcement powers. Some suggested that some providers may choose not to register, which, coupled with those potentially suspended from provision, will reduce the supply of providers for local authorities to choose from. Further comments were made that this may result in local authorities turning to unregulated provision to house young people and those suspended may still be able to provide to out-of-scope young people.

Support would be required (6)

A few respondents made the following points in relation to support that may be required in implementation of these proposals:

- Adequate funding in place to support providers to reach these standards.

- A longer timeframe for providers to implement and receive support to achieve the required standards.

- Support to ensure Ofsted is fully equipped to deal with the large number of applications and inspections.

Other (14)

Other views raised by respondents are summarised below:

- Flexible/different approaches required which take into account different service models.

- Suggestions that young people should be consulted in inspections and a panel of "outstanding" providers to be consulted on any actions or sanctions to be enforced.

- Greater scrutiny would be required.

- CQC and local authorities already provide this service.

- Providers may be concerned about taking on higher risk children due to inspection requirements.

Q47 Do you agree that this is the right approach to ensure provider adherence to the Quality Standards and the regulations across the service?

Just over three-fifths of respondents selected 'yes' (61% or 126) in agreement that this is the right approach to ensure provider adherence and just over a fifth of respondents selected 'not sure' (22% or 46). Respondents were least likely to choose 'no' (17% or 24). This order was broadly representative of provider, individual and local authority responses. Charity respondents were more likely than other groups to answer 'not sure' (34% or 12), whilst other respondents were least likely to answer 'yes' (33% or 5) and most likely to answer 'no' (40% or 6).

Figure 20: Quantitative analysis of responses to question 47
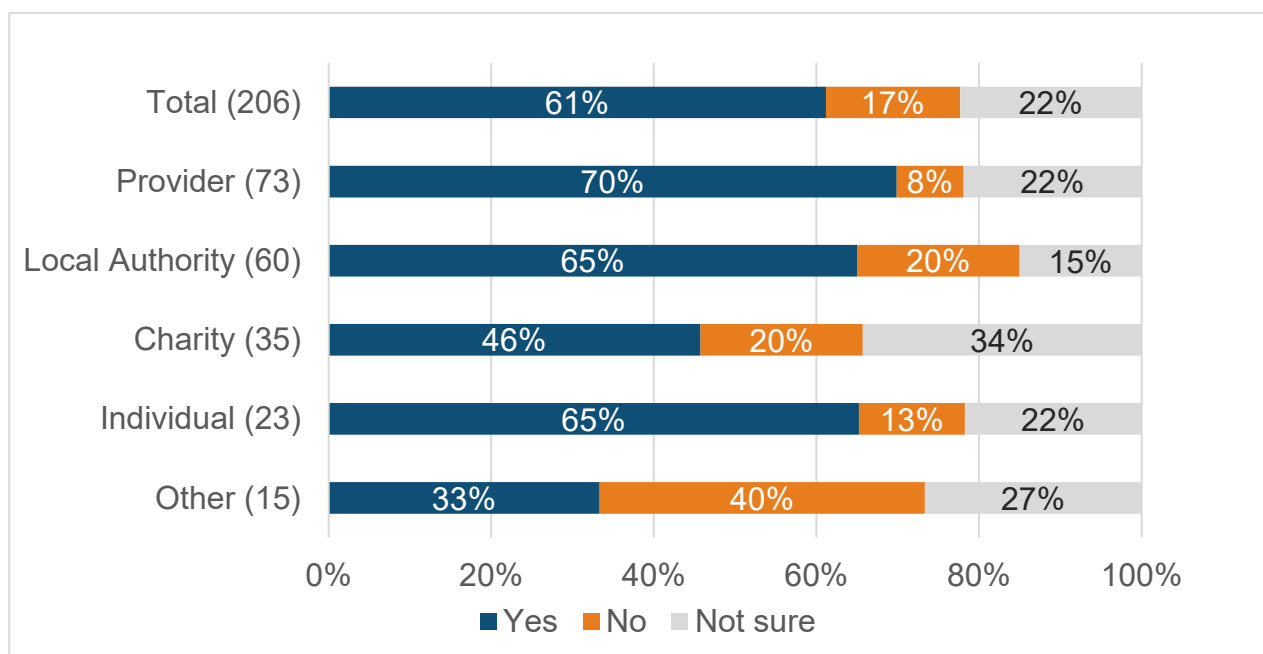
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 135 respondents were coded against themes for this question. Most commonly respondents shared views of general agreement, suggesting the proposed approach would ensure providers adhere to the Quality Standards and regulations. Some respondents called for inspections to be more regular for all providers

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or for those receiving lower judgements from Ofsted. Respondents also called for greater clarity and guidance to be provided in relation to the outlined inspection framework and grading system. A small number of respondents made suggestions to alter the proposed inspection system including the use of other inspectors and organisations, announcing inspections and Ofsted-selected sampling for large providers.

General agreement (61)

Many respondents expressed agreement with the proposed approach. Most commonly, these respondents did not add further reasoning or detail to their responses. Some of those providing more detail commented on their agreement with the proposed timetable of inspections, the acknowledgement of intelligence in the form of complaints triggering inspections and the use of representative samples for large providers.

> "We agree with regulation of this sector to ensure that young people are accommodated in safe, comfortable and good quality provision. It is logical that Ofsted need to carry out monitoring checks and enforcement to ensure compliance with this regulation." *Charity*

More regular inspections (37)

Some respondents called for a change in the schedule of inspections, with most of these respondents wanting all providers to be inspected more regularly. For some, this would be to ensure all young people are in safe and appropriate accommodation, especially as they may remain at a provider for 3 years. Others reasoned that the staff and management of settings can change significantly over 3 years. Some respondents suggested a new timescale of annual reviews instead.

A small number of respondents specifically referred to providers who are judged as requires improvement or inadequate. A few of these respondents suggested that these judgments may lead to providers not receiving referrals, even though they may have made the necessary changes. Others suggested Ofsted would need to have greater oversight for these providers to support improvement or close them if necessary prior to the 3-year cycle.

> "One inspection every 3 years is not frequent enough to give sufficient oversight of the outcomes the provider is supporting young people to secure, the providers compliance with regulation and the young people's experience of living at the home. There should be clear timescales for monitoring visits to settings where there are serious and/or widespread concerns." *Local authority*

Further clarification or guidance needed (29)

Some respondents commented that they would like further clarity and guidance, most commonly calling for greater clarity around the inspection framework and grading system. Many wanted to know what would lead to a requires improvement or inadequate Ofsted rating.

A few respondents raised questions in relation to providers with a wide geographic spread of settings, in terms of whether they would be subject to multiple inspections due to operating in several local authorities.

Other points raised, by one or two respondents each, included requests for clarity on:

- What would trigger an earlier inspection than planned.

- Whether registered providers or individuals are being inspected.

- Whether inspections would be announced or not.

- How a sample of settings would be selected and whether those settings not being inspected would need to provide reports or information for Ofsted to review.

Suggestions (19)

Other respondents provided suggestions to adapt the proposed methods.

Other proposed inspection systems (5)	Some respondents suggested: • Local authorities to conduct quality assurance inspections or visits in between the 3-year inspections by Ofsted. • The use of monthly Regulation 44 (Children's Home Guidance 2015) visits or other independent inspectors. • Ofsted to use information provided by CQC, local authorities and regulator of social housing to provide an intelligence led approach to inspection cycles.
Pre-inspection notifications (3)	A few respondents suggested that Ofsted should notify providers for a number of reasons including: • To ensure staff and young people are present. • For settings not in the sample getting inspected to provide reports. • For settings to collect evidence to provide during the inspections.
Other (2)	Two respondents also suggested that Ofsted should choose which settings are inspected in large providers to reduce bias and to work with local authorities around information sharing for inspections.

Reduction in providers (10)

A small number of respondents raised concerns that inspections and enforcements of standards may lead to a further reduction in the availability of providers as some may choose not to register. Some suggested that newer providers may not have experienced such regulations so the rigidity of the proposed standards and inspection may result in them choosing not to provide for the specific demographic. Others suggested small and individual providers may be put off by the bureaucracy and rigor of registration, potentially concluding that the process is not worth it for the few individuals they may support over 3 years.

Most of these respondents went on to express concerns that this could lead to a reduced supply of suitable spaces causing an increased burden for local authorities.

Too costly (8)

A small number of respondents shared the view that the costs associated with registration for this proposed approach are too high, and in some cases may lead to non-registration. A few also suggested that in order to meet the standards set out, this would incur significant costs which could either put providers off, or lead to an increase in fees being passed on to local authorities.

All individual settings to be inspected (7)

A few respondents expressed views that a sample of settings in larger providers would not suffice as individual settings registered with the same provider can show great variability in quality. They called for all individual settings to be inspected to ensure the safeguarding of all young people.

A few suggested that a sample approach, coupled with a 3-year inspection sample could lead to some settings not being inspected for over a decade, or even never.

Other (11)

Other comments raised by respondents included:

- Funding, support and a longer time period wanted for the implementation stage for providers to achieve the set standards.

- Concerns that Ofsted may not have the staff or resources to implement the proposed approach.

- The view that the approach seems focused on finding fault, rather than a supportive model to help the sector.

Q49 To what extent do you agree with the proposed new registration, variation and annual fees for providers of supported accommodation?

Just under a third of respondents each selected 'partly agree' (32% or 65) and 'do not agree' (32% or 65) with just under a fifth selecting 'fully agree' (18% or 38). This pattern was largely representative of provider, local authority and charity respondents with more respondents selecting 'partly agree' and 'do not agree' than 'fully agree'. For individual respondents just over a third selected 'do not agree' (35% or 8) closely followed by 26% (or 6) choosing 'partly agree'. Individuals were least likely to select 'fully agree', with only 17% (or 4) doing so. Two-fifths of other respondents were more likely to select 'do not agree' (40% or 6) than any other answers.

**Figure 21: Quantitative analysis of responses to question 49**
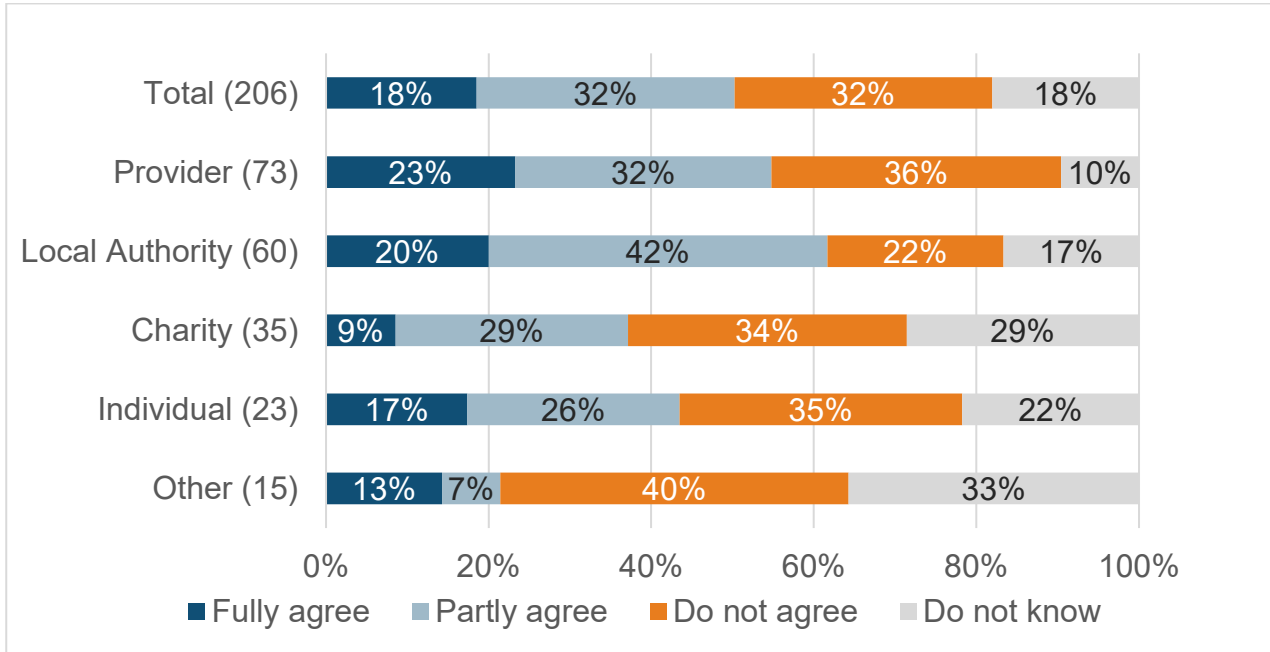
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Q50 How would the new fees affect you as a provider?

Just under two-fifths (36% or 75) of total respondents selected that the fees would have a 'moderate effect' on providers. The next most likely answer selected was 'neutral', with just over a fifth of respondents choosing this answer (21% or 44), followed by 'major effect' (17% or 35). Equal numbers of respondents selected 'minor effects' and 'no effect' (12% or 25). This response pattern was seen across provider, local authority, charity and individual responses. More respondents within the other category selected 'major effect' and 'no effect' than the other categories available (27% or 4 respectively).

Figure 22: Quantitative analysis of responses to question 50
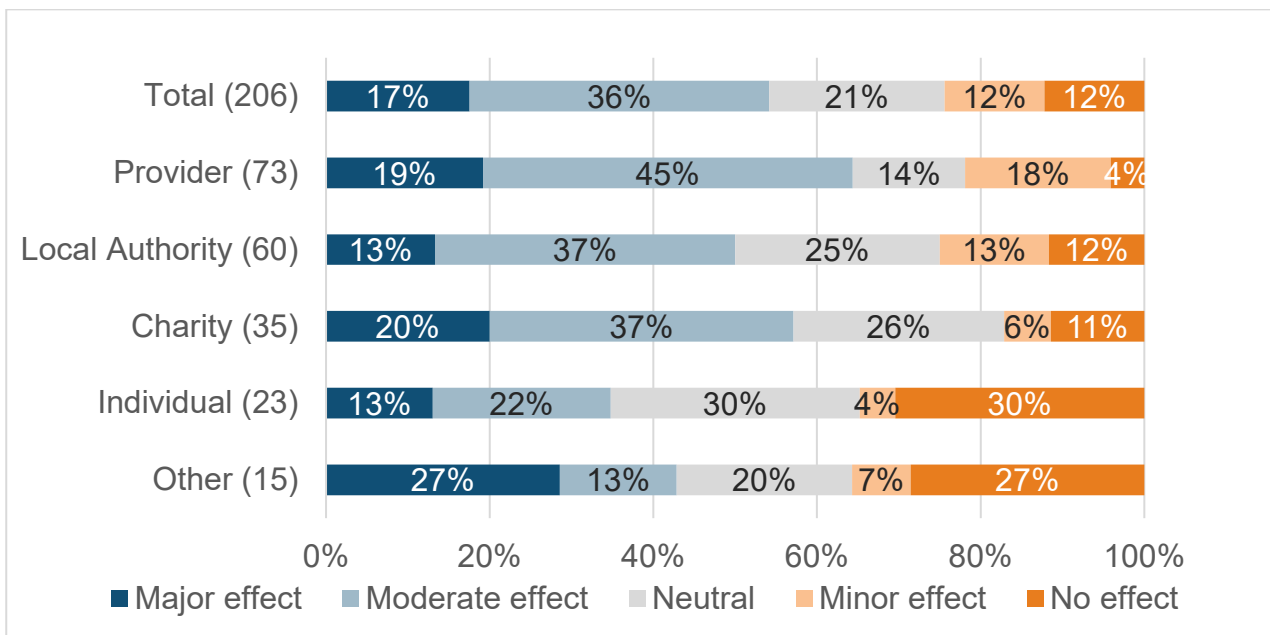
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 166 respondents were coded against themes for this question. Most commonly respondents shared comments disagreeing with some of the proposed costs. Reasons included high costs deterring providers from registering, especially smaller more specialist provision, and suggestions that fees are not proportionate. Some respondents commented that there could be an increased burden to local authorities through increased fees, as well as suggesting that provider budgets would also be stretched, potentially reducing the quantity and quality of support provided. There were also calls for greater clarity relating to variations in fees and suggestions of alternative methods to make fees more proportionate or increased funding to meet the costs.

Disagreement with cost breakdown (66)

A number of reasons were provided by respondents as to why they disagreed with the proposed costs.

High costs will deter providers from registering (27)	Many respondents suggested that the costs would deter providers from registering thus causing a supply issue for placements. These costs not only relate to the proposed breakdown, but respondents also mentioned that, coupled with recruitment, training and registered service manager costs generally, providers would choose to not offer services to 16-17 year olds. "Fees are annual yet proposed inspection every three years - this is not sustainable and not value for money at all." *Individual*
Fees are too high for small providers (20)	A number of respondents suggested that the fees specifically relating to small providers were too high for the following reasons: • Individual providers and those with a few settings would pay disproportionately high fees in comparison with large providers. • Smaller providers are less able to absorb the high costs. • Small high-quality bespoke providers who have small profit margins, or charities may not be able to afford registration, resulting in reduced quality and variety in the market. "The fee difference between small and large providers is relatively small. Larger providers are likely to absorb the Ofsted fees quite easily, however it may lead to many small (and high quality) providers withdrawing from the supported accommodation sector due to the financial impact on their organisation. This may then lead to reduced placement capacity for local authorities." *Local authority*

Fees are disproportionate (18)	Views shared by some respondents who felt that the proposed fees were disproportionate included comments that: • The fees are similar to those for children's homes which are inspected annually rather than every three years. • Funding for supported accommodation is much lower than that for children's homes so the fees should reflect this. • There is too little variation between small and large provider fees. • Providers with one home or one qualifying young person will be paying the same fees as one with up to 9 settings. • Disagreed with the assumption that large providers are spread over a large geographical area, therefore incurring a higher fee. A few suggested their settings are in close proximity.

Increase costs to local authorities (50)

Some respondents suggested that with these proposed fees for providers, the costs will be passed onto local authorities through the fees they charge per young person. Some of these respondents went on to suggest that local authority budgets would struggle to absorb this cost, potentially resulting in unintended consequences whereby they have to cut costs through reductions of other key services. Although this was most commonly suggested by local authority respondents, a number of independent and semi-independent providers and charities also commented that these costs would likely be passed on through fees to local authorities.

> "Whilst it is understood that fees will be required for providers, any increase will have significant impact their charges which in turn will increase the accommodation costs to LA. Provider will increase their fees to cover additional costs, as well as higher salaries to attract registered manager, which means LA costs will be increased at a time when there are serious budget constraints for LAs." *Local authority*

Impact on budgets (33)

Some respondents suggested the introduction of the fees was being proposed during a difficult period where providers are commonly struggling with increased energy bills and other aspects related to the cost-of-living crisis. These respondents implied that as budgets are already stretched the fees would impact both the quality and breadth of provision. This included provider-based services as some expressed cuts would have to be made to staffing, training and maintenance, whilst others suggested reduced diversity in the sector as smaller more specialist providers may close or not offer their services to this demographic.

> "We understand and accept that that there needs to be a cost for registration, variations, and annual fees but need to highlight that this is a cost that some providers may find difficult to pay as it may not have been budgeted for or included in the funds from commissioners." *Provider*

"As a small provider these costs would take from our budget to deliver quality intervention. We provide services such as therapy for young people experiencing mental health, regular outings and allow young people to be supported EET opportunities where we fund things like interview clothing, travel for the first month of work etc. These fees will have an impact on this." *Provider*

Further clarification or guidance needed (22)

A small number of respondents commented that they required further clarification or guidance in relation to the breakdown of fees and the circumstances that would qualify for the additional fees.

A few respondents wanted further clarification over whether there would be variation in fees to account for different models of supported accommodation, without specifying examples. A few also questioned what would qualify as a minor or major variation, with others questioning whether a change in registered service manager would warrant additional fees.

A couple of respondents also raised questions about:

- Whether the fees would be subject to inflationary increases annually.

- Whether providers also supplying children's homes would have to pay the fees or receive a discount to not duplicate costs.

- How fees would be costed if a local authority opened supported lodging schemes.

Not answered or not applicable (22)

A few respondents identified that this question was not applicable for them, commonly citing they were not providers so did not want to comment. A few of these respondents stated their desire for a 'not applicable' option to be included in the previous question.

Suggestions (21)

Some respondents included suggested changes to the proposed model. A few highlighted their desire for more fee categories, for example, a separate category for 5 to 10 settings and 10 to 20, so fees are more proportionate. Others suggested that the fees should be based on the number of beds or relevant young people they are supporting as some settings with a provider may only be for one individual, thus suggesting a provider with 10 individual settings should not be charged the same as a provider with 10 multi-bed sites.

A few respondents made direct reference to charities and not-for-profit providers who they believed should have reduced fees to ensure they remain financially viable to provide accommodation and support.

Call for financial support (7)

A small number of respondents called for financial support to help cover the fees suggested. Respondents suggested there was no provision within existing contracts to cover the fees, meaning they would have to wait until new contracts are agreed to be able to cover the costs. Others suggested that providers would need to also cover the costs for any necessary changes to meet the standards, such as staff and training, so would need financial aid to support this.

Other (7)

A few respondents indicated general support and agreement with the proposed fees with others suggesting that although the fees may have the desired effect of deterring inadequate providers from the market, they may have the unintended consequence of causing a high turnover of providers and settings within the sector.

Q52 Do you agree that this is the right approach to ensure that providers can register before it becomes an offence to operate supported accommodation undertaking without being registered and that inspections can be carried out in the first year?

Nearly three-quarters of respondents (74% or 152) selected 'yes', they agreed this was the right approach, with only 5% (or 11) opting for 'no' and 21% (or 43) answering 'not sure'. This balance was broadly representative of all respondent groups except for charity respondents, 57% (or 20) of which answered 'yes' and 34% (or 12) of which answered 'not sure'.

Figure 23: Quantitative analysis of responses to question 52
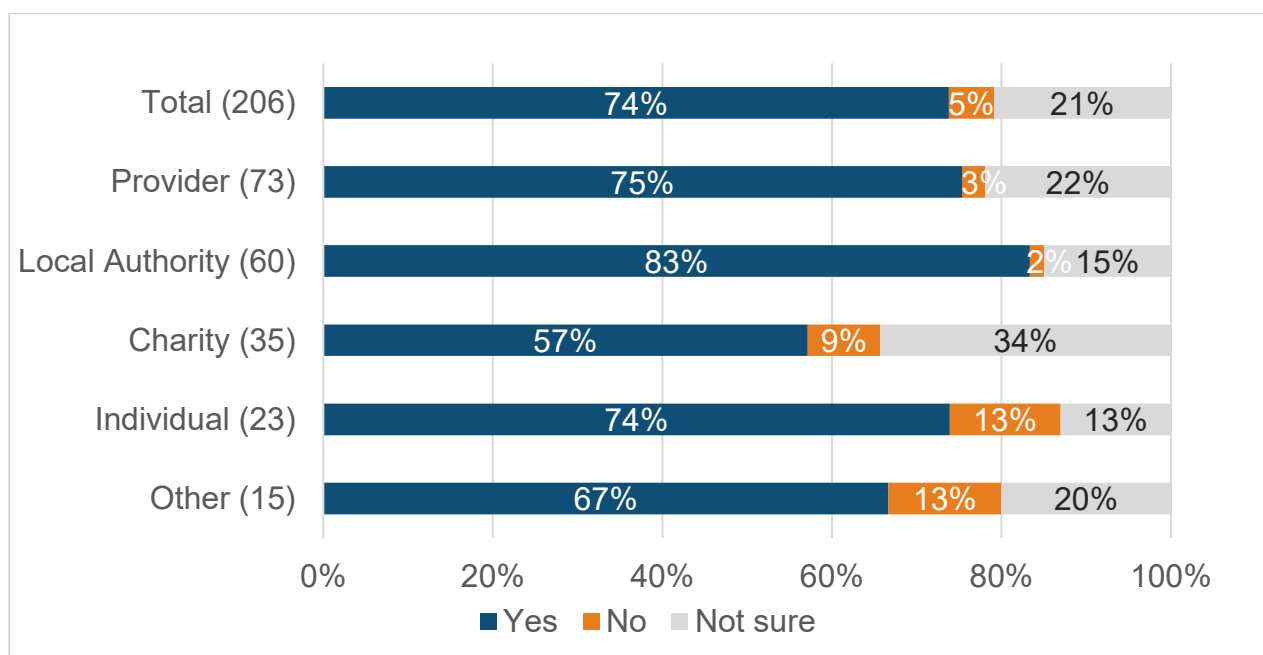
Source: DfE Consultation responses January 2023. Base: 206 respondents.

Qualitative responses from 128 respondents were coded against themes for this question. The largest number of respondents expressed agreement, commenting that a phased approach provided enough flexibility and time for providers to prepare. Others made suggestions to ensure a smooth registration and transition period for all involved. Some called for an increase in the registration period given the consultation period may lead to adjustments in requirements and others suggested smaller providers would need a longer period to prepare. Smaller numbers of respondents shared concerns about some providers choosing not to register or requested further clarification regarding the registration process and timescales.

Agree with phased approach (63)

Many respondents commented that they agreed with the proposed approach overall, commenting that the proposed approach is fair, and welcoming the inclusion of a transition period as it was felt this would provide more time for providers to be 'regulation ready'. Others commented that the registration period allows for providers to apply at different times so will reduce the risk of too many applications being concentrated at one time.

A small number of respondents suggested the upcoming registration and transition period is a positive step towards reducing the number of insufficient and unsafe providers from the market quickly.

> "The transitional approach is welcome and provides clear requirements on providers to ensure they are ready to submit an application as well as the opportunity to submit an earlier application." *Provider*

Suggestions (29)

Some respondents made some suggestions relating to the proposed timescales, including suggestion for:

- A supportive approach where Ofsted provide feedback to assist providers in reaching the required standards in time.

- Support in the form of guides, helplines or email contacts to helped get answers to questions.

- The prompt release of guidance and updated documents post-consultation, so as not to delay the application process for providers.

- The prompt review of applications by Ofsted, so as not to delay any alterations providers may need to make.

- The need for local authorities to create contingency plans as there could be a large number of beds lost in the implementation process.

Longer registration period (21)

Some respondents suggested they would like a longer registration period than the one proposed. Some of these did not specify for how long, or for what reason, whereas others suggested a proposed timescale of one year.

A small number of respondents did not specify a new time length for the registration period but instead suggested that it should be extended because the final versions of guidance and standards will not be released until post-consultation.

A few respondents suggested the registration period should be extended for small providers, suggesting they would find the more condensed timeframe challenging to meet due to having fewer resources.

> "We are concerned that the timescales between the final publication of the regulations, the window to register and the point at which providers must be ready for inspections has been significantly shortened due to delays in the originally planned release of the draft and final regulations. This leaves providers with a reduced amount of time to prepare and understand financial implications, particularly

given the new responsibilities of RSM's and resource requirements associated with this role. Many decisions, such as the grouping of supported accommodation undertakings into distinct registered providers, cannot be taken until the receipt of the final regulations. [Redacted] would support an extension of the transitionary period in order to ensure all providers have the sufficient time to prepare for registration." *Charity*

Disagreement with the approach (9)

A small number of respondents disagreed with the proposed approach for several reasons. Some argued that the proposed initial inspection would occur too soon, thus not providing enough bedding in time for the standards in each setting. Others had concerns that Ofsted would not have the capacity to complete and verify all registrations and complete adequate inspections within the first year.

Finally, a few suggested that the proposed timescale would allow inadequate provision to continue for too long.

May reduce number of providers (7)

A small number expressed views that some providers, especially smaller providers, would struggle to meet the targets or put provisions in place to meet the targets before the deadline. They went on to explain that this could lead to a reduction in the supply of provision for local authorities and referring organisations to choose from.

Further clarification or guidance needed (7)

Respondents called for further clarification or guidance in relation to the registration process and overall timescale, including:

- Whether unsuccessful applicants would be able to reapply.
- Clarification on when and how a successful applicant would be notified.
- Clarification in relation to timescales due to confusion caused by past Ofsted webinar, especially timescales between registration and inspection.

Not applicable or not answered (5)

A few respondents commented that this question was not applicable for them.

Other (13)

Other comments made by one or two respondents have been summarised as follows:

- The view that previous registrations have been too bureaucratic and take a disproportionate amount of time, which many providers do not have.
- Struggles with recruitment are causing concerns that standards will not be met in time.
- The view that there are enough reviews, regulations and inspections carried out by CQC, local authorities and the Regulator of Social Housing, meaning further standards and criteria are not needed.

- Clarity as to how applications can be accepted up to the 30th September if it becomes an offence in October, leaving one day for applications to be approved.

Potential unintended consequences

Q54 What do you believe any potential unintended consequences of these reforms will be? We will use this input to inform our work with the sector.

Qualitative responses from 78 respondents were coded against themes for this question. Most respondents suggested there could be a reduction in the number of providers, limiting the choice for commissioners whilst also impacting the quality and appropriateness of provision. Some noted potential monetary implications such as increased fees to commissioners and constraints on provider's budgets. Others suggested the process may lead to disruption for young people due to the need for relocation to other, potentially less suitable, providers. Other potential consequences cited by respondents included the need for more staff to support the changes and the potential increased burden for local authorities relating to fees and support needed for providers.

Reduction in providers (46)

Most comments provided by respondents coded to this theme noted that the proposed reforms may lead to a reduced supply in the supported accommodation sector. These individuals suggested that the costs and short time frame associated with meeting the standards for registration may put them off. They went on to comment that this may lead to further issues for commissioners as they struggle to house young people in appropriate accommodation.

Some respondents alluded to local authorities possibly turning to unregistered provision to house young people when needed, which they felt would contradict the aims of the reforms.

Others implied that providers may choose not to support the 16 to 17 age range, or specifically care leavers, which could significantly reduce the market for these demographics, having a subsequent negative impact on outcomes for these young people. A few suggested it could lead to an increase in homelessness.

A smaller number of respondents suggested that smaller providers would be the hardest hit with these reforms. Concerns were raised that smaller and individual providers are ones which commonly are highly specialist and provide high quality care and support to young people. These respondents felt that losing these providers would reduce the breadth and quality of provision in the sector overall.

> "Some providers may choose to offer supported accommodation to over 18's only to negate the need to register. This could lead to a reduction in capacity and availability of supported accommodation providers for 16–17-year-olds and exasperate the issue around capacity of places already existing in children's homes." *Local authority*

> "The additional workload and particularly the introduction of fees could limit the numbers of legitimate services and/or providers in the

sector, resulting in a reduction in accommodation, increased homelessness and greater numbers of vulnerable young people."
Local authority

Monetary implications (28)

Some respondents noted the increase in costs for providers due to the registration and annual fees. However, they commonly went on to note that many providers would need to spend a large amount of money to adequately prepare and support their settings in reaching the set standards. The costs noted included training costs and recruitment and retention costs to increase the volume of staff and specifically enrol registered service managers. A few of these respondents further explained that this would lead to constraints on budgets, which could reduce the specialist care they are able to offer or even result in providers exiting the market.

> "The costs incurred are just not limited to registration, there will be significant costs associated with ensuring compliance with inspections and maintaining Ofsted standards through staff training and retention and other associated costs." *Local authority*

A small number of respondents suggested a consequence of the reforms will be an increase in fees from the providers to cover any additional costs. They proposed that this would increase strain on commissioners' budgets and thus their ability to house young people.

A few respondents commented that there was a lack of funding and support being made available to support the market in preparing for these new standards and inspections.

Impacts for young people (24)

Some respondents suggested that the reforms could have direct negative implications for young people accessing these services. Most commonly respondents indicated they could experience service disruption. Young people may have to change accommodation at short notice if providers choose not to register or fail to meet the criteria. These respondents suggested that this could cause harm to some young people as they lose their structure, routines and safe places. A small number of respondents made explicit reference to young people with additional needs or challenging behaviours where a short notice move can be particularly detrimental to their wellbeing or progress. Some suggested there could be a risk of young people being placed in unregulated and unsuitable accommodation for periods of time whilst referring organisations and commissioners seek better alternatives.

> "Impact on vulnerable groups of not being accepted by these providers due to complex behaviours and risk of Ofsted inspection. Impact on selection criteria for certain cohorts of young people."
> *Local authority*

A few respondents suggested that as there may be a reduced supply of supported accommodation, it could lead to local authorities being able to support a smaller number of these young people. They suggested this could potentially leave some young people without any support.

> "There is a real risk that these regulations could cause a significant reduction in beds available as providers withdraw, therefore creating even greater uncertainty and use of makeshift placements as local

authorities are not able to find supported accommodation or residential beds." *Provider*

A few respondents also commented that they felt like individuals aged 16 to 17 were being treated like young people and adults, rather than children, despite being younger than 18. They called for these individuals to be addressed as children and to not be distinguished from any other aged child.

Staffing implications (13)

A small number of respondents suggested these reforms would require providers to increase staffing levels and recruit experienced individuals into registered service manager roles. They noted their concerns with this, citing that recruitment has been a challenge of recent times and imagine it will get worse with a large number of settings going out to recruit at the same time.

A couple of respondents suggested staff will be focussed on paperwork and meeting set standards, meaning the individualised support that is commonly offered to the young people will be lost. They suggested this may also lead to retention issues with staff.

Increased burden for local authorities (11)

A small number of respondents implied the reforms would have a negative impact on local authorities for the following reasons:

- Increased costs due to increased provider fees.

- Less options for placement of young people, potentially leading to sub-optimal or inappropriate settings being used.

- Increased pressure to quality assure and monitor provision.

- Suggested need for local authorities to provide support through registration of providers.

Other (18)

A small number of respondents suggested the reforms may lead to capacity issues within Ofsted as it would require a large increase in resources and staffing to adhere to the proposed registration and inspection requirements.

A small number also commented that they felt no unintended consequences would be experienced.

A couple of respondents also noted the following views:

- Potential reduction in numbers of children's homes as providers switch to supported accommodation due to less frequent inspection regimes and a seemingly light-touch approach.

- Confusion within the sector as to whether inspections would include out-of-scope provision, such as support to individuals in the same setting who are aged 18 or over.

- Lack of clarity provided as to how the additional funds will be used to safeguard young people.

Young people's consultation findings

Questions 1 – 4 of the young people's consultation asked questions about the respondents. Questions seeking respondents' views began at question 5.

Q5 Principles for supported accommodation – do you think these statements describe what it should feel like to be properly supported while living in high quality accommodation?

Over four-fifths of respondents selected 'yes' (81% or 52) in agreement that the statements described what it should feel like to be properly supported while living in high quality accommodation, with only 5% (or 3) selecting 'no' and just under a fifth of respondents opting for 'not sure' (14% or 9).

Figure 24: Quantitative analysis of responses to question 5
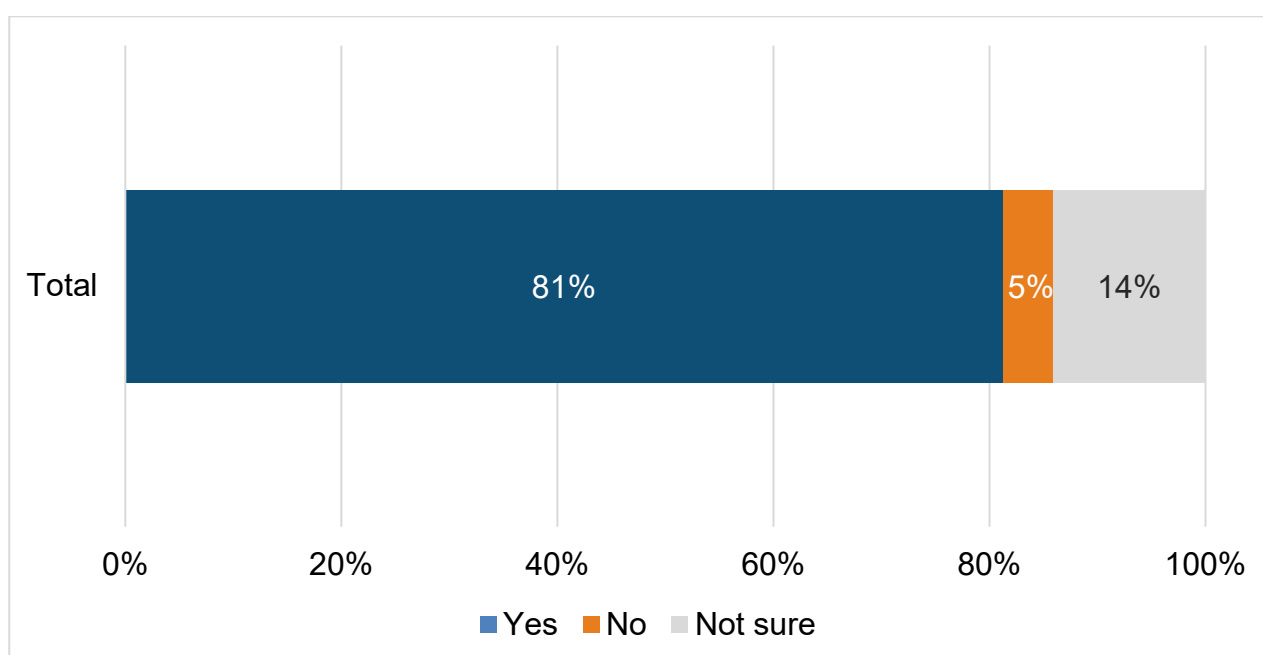
Source: DfE Consultation responses January 2023. Base: 64 respondents.

Qualitative responses from 38 respondents were coded against themes for this question. Most respondents agreed with the statements and provided details on why they said this. A few respondents wanted further clarity on the language used in some of the statements.

The majority of the respondents expressed agreement that the statements do describe what it should feel like to be properly supported within high quality accommodation, and that they felt the statements do cover everything needed and is clear in doing so.

> "As it shows care leavers as people who can rely on others and have people to care for them and have that support from ex carers to look after them while enhancing new skills built throughout their life."
> *Young person currently in care*

Most respondents offered further details on why they agreed with the statements. This included the importance of feeling safe within accommodation as displayed in statement 1 – 'I feel safe and secure where I live and in my wider environment', where respondents

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noted that they felt safe within their accommodation having access to trusting relationships with the adults around them (statement 6 – I have strong, trusting and meaningful relationships within my support system and can rely on the adults around me) and the ability to feel empowered to learn and develop new skills which increase levels of independence for respondents (statement 7 – I feel empowered to learn and apply skills for independent adult living).

> "I think it is essential to developing the skills of independence when you feel safe secure and trust the people around you to support you while you learn, and to pick you up when you fall." *Care leaver*

> "It's the best way to slowly become more independent while still having a lot of freedom and opportunities for example education, you are learning to support yourself while in education but still have help from people like social workers and advocates." *Young person currently in care*

A small number of respondents expressed that further clarity was needed within the statements to understand them fully. For one respondent, in reference to statements 5 (I receive high quality, tailored support that sustains my health and wellbeing) and 7, they suggested that the statements do not represent how they would talk about these points and felt that they were difficult to understand. The language surrounding statement 7 and 'feeling empowered', was also a concern for some respondents suggesting more appropriate wording such as 'helped, supported or enabled'. Respondents had concerns surrounding statement 2 (My voice is respected, heard and advocated for, so I can influence the support I receive) suggesting that young people's voices should be at the centre of all support decisions rather than influencing support received which was viewed as too vague. There were further concerns by a small number of respondents that felt they were not in safe environments due to others that they lived with and more was needed within the safety standards around this potential issue.

Q7 Do you think we have missed anything that you would expect the new standards to cover?

Over two-thirds of respondents selected 'no' (67% or 43), nothing had been missed, while 13% (or 8) of respondents opted for 'yes' and just under a fifth of respondents (20% or 13) selected 'not sure'.

Figure 25: Quantitative analysis of responses to question 7
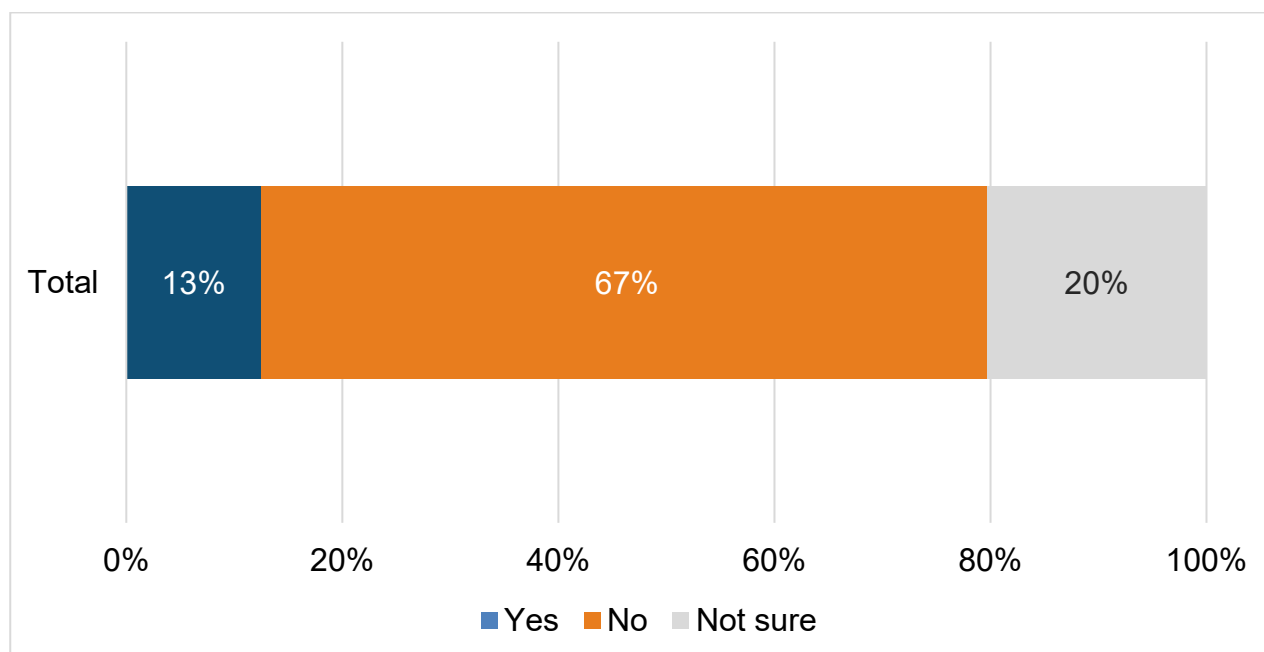
Source: DfE Consultation responses January 2023. Base: 64 respondents.

Optional text answers to this question were provided by 25 respondents. A number of respondents felt that nothing had been missed from the new standards and commented positively that they had nothing further to add.

A small number of respondents expressed that changes were needed to the draft documentation specifically. Respondents found the guide too long to read and difficult to process all the information to be able to answer the question, and some needed to have further explanations provided to them to limit any confusion and difficulty.

Those who felt that details had been missed from the new standards made suggestions for things they would like to see in the regulations and guidance. Suggestions included additional regulations around visitors to supported accommodation or greater emphasis on young people's flexible use and personalisation of their space. Respondents also felt the standards should cover health and accessibility to a greater extent, with suggestions to include a full health standard and greater focus on how disability and neurodivergent friendly supported accommodation should be.

> "That Wi-Fi access within each young person's room is reliable and consistent across the site.
>
> That the permission for visitors to come into the accommodation should be in place. That there needs to be a clear and supportive policy in place for this to allow young people to have friends and family visit the accommodation and stay over.
>
> Ability to personalise space to some extent. Allowing young people the flexibility to do this as it is their home." *Professional submitting response on behalf of a young person*

Some respondents also expressed concern that there was not sufficient emphasis within the regulations and guidance over listening to and taking into consideration the views of care experienced young people. One respondent offered further detail on this, explaining that there is no section within the standards that covers the lived experiences and

opinions of the young people who are currently residing within the supported accommodation. For better oversight and co-production, they recommended that young people should be central to any improvements within the standards.

Q8 Do you think we have included anything that shouldn't be included in the new standards?

Nearly three-quarters of respondents selected 'no' (73% or 47), nothing has been included that shouldn't be in the new standards, while 11% (or 7) of respondents selected 'yes' and 16% (or 10) opted for 'not sure'.

Figure 26: Quantitative analysis of responses to question 8
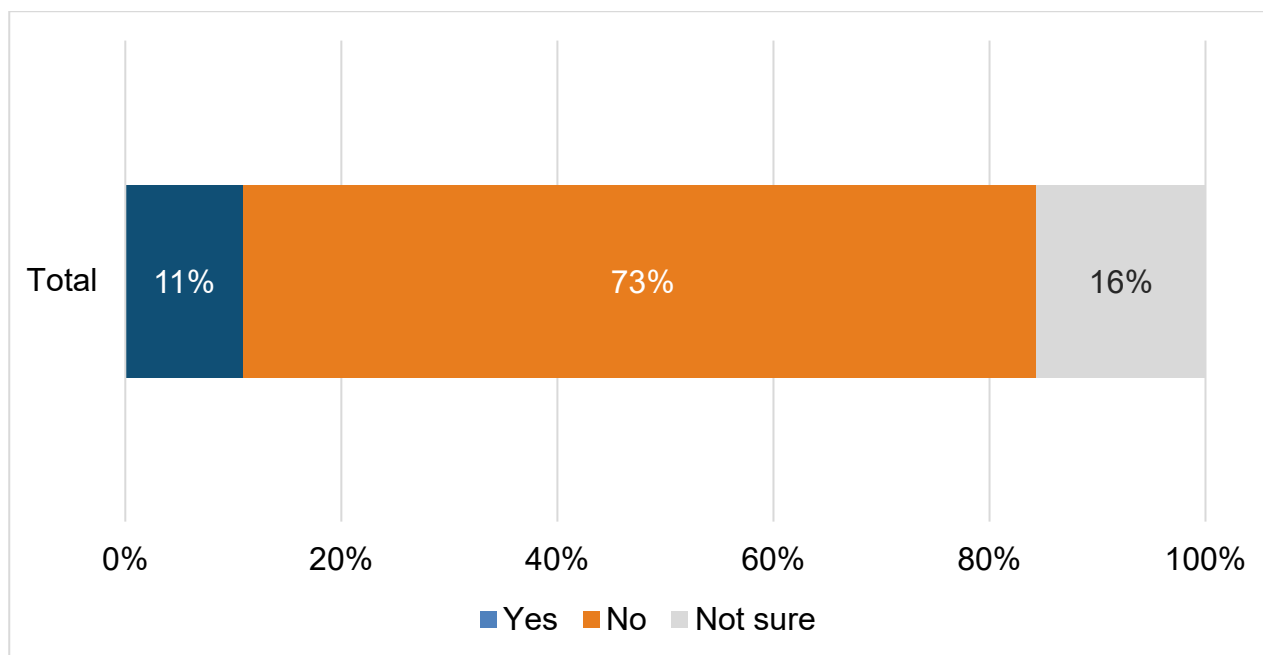
Source: DfE Consultation responses January 2023. Base: 64 respondents

Optional text answers to this question were provided by 20 respondents. Most commonly respondents felt that everything included was relevant in the new standards and that nothing needed to be altered.

> "No, everything you have included is relevant." *Care leaver*

One respondent, who agreed with everything the standards entailed, suggested that the standards were unrealistic. A small number of respondents were unsure as to whether all important areas were captured in the standards.

Like responses to question 7, a small number of respondents stated that the documentation of the new standards was too complex to understand fully and included too many details, making the standards too long a document for them to read personally. One suggested that young people in supported accommodation should receive information about what they are entitled to:

> "You should make it so we have a something that tells us what to expect, what we should be getting so that we know when we aren't getting it." *Care leaver*

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While no respondents left further detail for what they felt should be removed from the standards, there were additional comments about the need for more disability support within the standards, highlighting the importance to certain young people that this is taken into account.

Q9 Do you think these rules and policies help to make sure that young people are protected in supported accommodation?

Over four-fifths of respondents selected 'yes' (84% or 54) in agreement that the rules and policies outlined help to make sure that young people are protected in supported accommodation. 8% (or 5) of respondents opted for 'no', while 8% (or 5) selected 'not sure'.

Figure 27: Quantitative analysis of responses to question 9
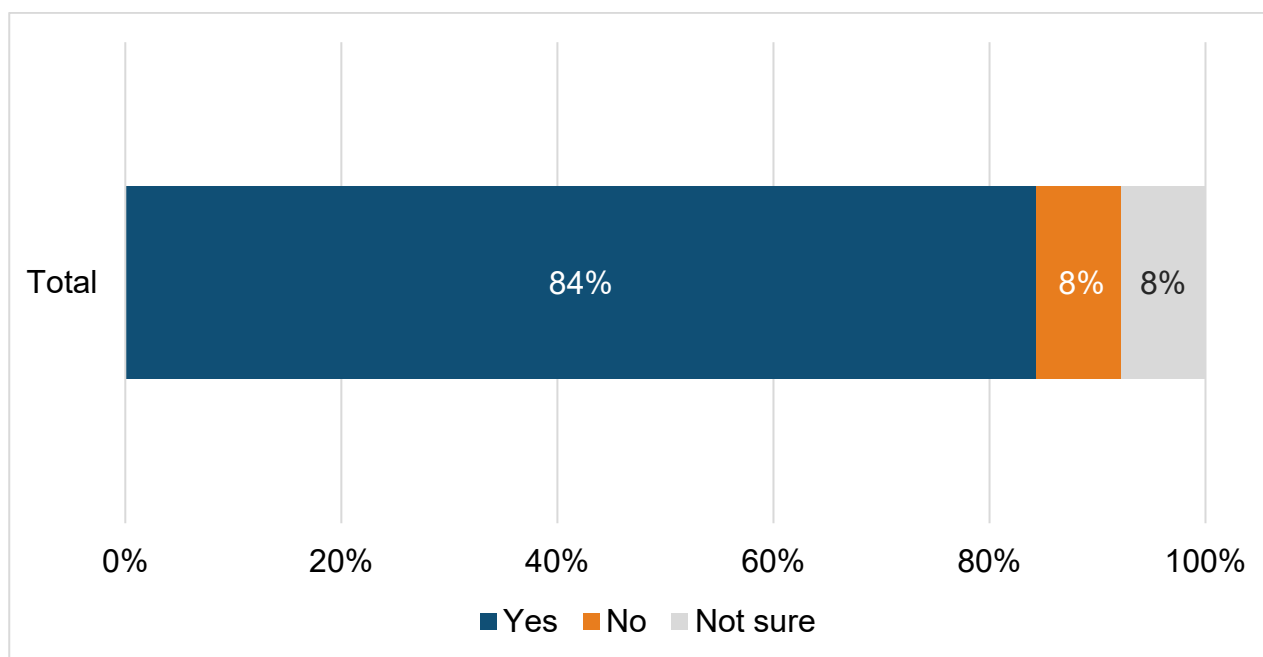
Source: DfE Consultation responses January 2023. Base: 64 respondents

Optional text answers to this question were provided by 32 respondents. A large proportion of respondents expressed agreement with the policies on the grounds that they would ensure the safety of young people in supported accommodation.

> "Everything is set to protect the young person." *Young person currently in care*

Other respondents noted specific comments about the proposed rules and policies. For the safeguarding policy, in relation to self-harm, two points were suggested to ensure that the rules and policies protect young people. Firstly, it was felt that staff within supported accommodation should approach these incidents in a non-judgemental way and avoid placing blame on the young person. Secondly, it was suggested that staff should be aware that self-harm can occur at any time for an individual. Further detail was provided by one respondent suggesting that young people should have their voices heard and documented within their support plan to ensure optimum levels of safety.

Respondents who commented on the location assessment rules had similar responses, noting this as an important mechanism for keeping young people safe. Suggestions to ensure maximum safety and protection included biannual rather than annual location

assessments and inspections. It was noted that if there were accommodation location changes, such as a move to a new location or significant changes within the local area, then this should be reviewed within 12 weeks.

A small number of concerns were raised around the behaviour management policy. Respondents commented on the language used and felt that 'behaviour management' had negative connotations that assumed the young people needed to be managed. They recommended instead calling it the 'Encouraging appropriate behaviour policy'. It was felt that details had been left out surrounding the restraint aspect and that other forms of dangerous practice needed to be included such as verbal abuse. One respondent commented that a meeting after a restraint was a good idea, where a young person is able to express their views in a calm space with professionals. However, it was suggested that in order for this to be a calm space the young person must not be interrupted and needs to feel heard.

> "Behaviour management sounds negative and like we need to be managed, maybe call it the encouraging appropriate behaviour policy?" *Care leaver group response*

A small number of respondents commented on the missing child policy, suggesting that risk-assessments tailored to the individual are more appropriate and better at ensuring safety than a blanket approach.

> "I believe that the missing persons procedure should be tailored by a risk assessment and that it should not be a case of one hat fits all." *Care leaver*

Q11 Do you think these checks made by Ofsted to get an overall sense of the quality of the support and accommodation delivered by that provider will make sure providers follow the standards and rules?

Nearly four-fifths of respondents (78% or 50) selected 'yes' in agreement that the checks by Ofsted to gain an overall sense of the quality of support and accommodation will make sure providers follow the standards and rules. Under a fifth (14% or 9) selected 'not sure' with 8% (or 5) opting for 'no'.

Figure 28: Quantitative analysis of responses to question 11
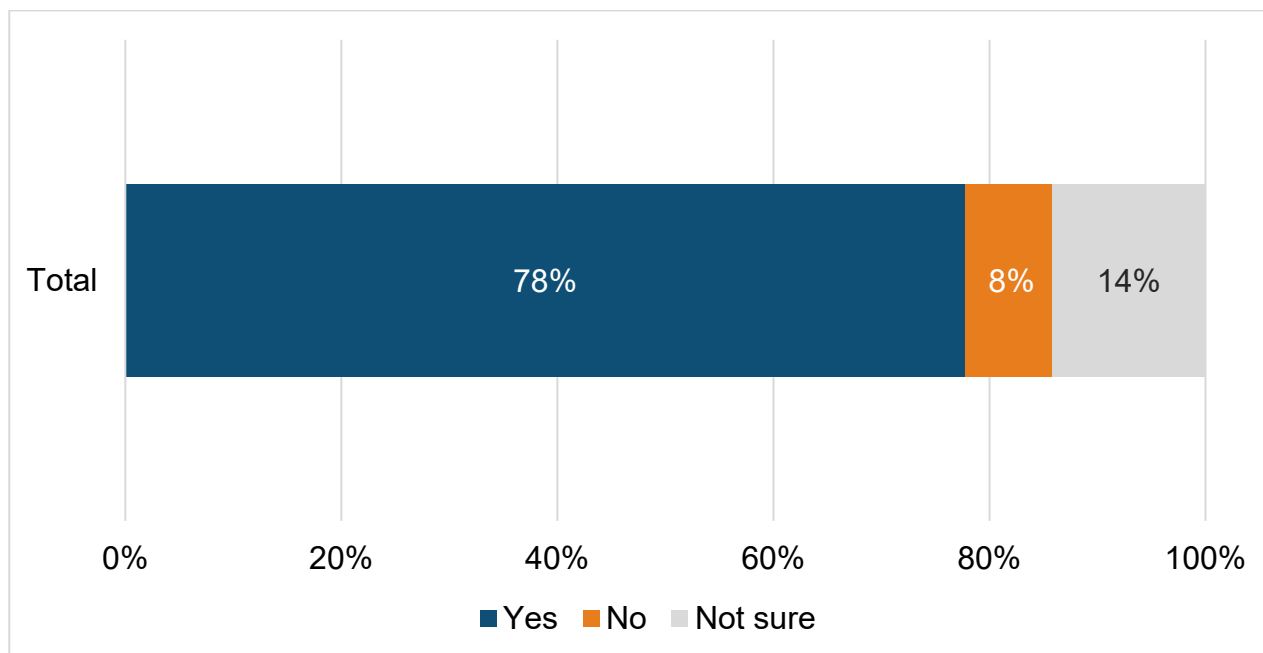
Source: DfE Consultation responses January 2023. Base: 64 respondents.

Optional text answers to this question were provided by 28 respondents. Respondents commented positively in broad terms about the likelihood of providers following the standards and rules if checks are made by Ofsted, many praised their accommodation for ensuring that standards are met and improvements are enabled if and when required.

> "It's good that there is Ofsted it does make people mindful of following what is required." *Young person currently in care*

> "It might make the providers care more about the health, safety and well-being of the service users." *Care leaver*

> "I agree. I think it's important that checks are made and improvements are made." *Care leaver*

> "It's a good thing that we have someone who checks that we get the right service." *Young person currently in care*

Some respondents felt that Ofsted visits lacked input regarding the true lived experiences of young people, and so recommended that young people should be included in visits. They felt this might involve conversations where young people can answer open questions and be given a chance to discuss the support and accommodation delivered. It was also noted that interactions during the Ofsted visits are important, with respondents recommending that interactions between staff as well as their work are discussed as part of checks completed. Respondents felt that without this, the value of Ofsted visits was limited.

Respondents expressed concern around the frequency of visits in achieving an overall sense of the quality of support and accommodation delivered and in ensuring providers follow the standards and rules. It was suggested that annual visits would be more beneficial than every 3 years. In contrast, other respondents felt that visits could potentially be disruptive and/or distressing to daily life. They suggested that young people may feel agitated having Ofsted in their home if inspections were not completed correctly and with due care.

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