

Depaul UK submission to consultation on reforms to unregulated provision for children in care and care leavers

About Depaul UK

Depaul UK is a national charity that prevents homelessness and provides support to vulnerable people, with a focus on young people. In 2019, we provided services including emergency accommodation, longer-term housing and community outreach to over 3,000 people. Our Nightstop emergency volunteer hosting network operates across the UK and we deliver many other services in London, the North East, Greater Manchester and South Yorkshire.

Depaul UK provides accommodation that meets the definition of independent and semi-independent accommodation used in this consultation. Most of the young people we accommodate are not looked after children, although local authorities place dozens of looked after children in our accommodation each year.

If you have any queries, please contact Daniel Dumoulin, Depaul UK's Policy and Public Affairs Manager. Daniel.Dumoulin@depaulcharity.org.uk; 07989 404363.

Answers to questions:

1. Please set out any positive and/or negative impact you think this change would bring about, and the areas we should consider to ensure it is effectively implemented

Banning the placement of children under the age of 16 in independent and semi-independent settings could prevent children being placed poor quality and non-supportive accommodation.

If the government implements an outright ban then it must make sure that other, more appropriate accommodation is available for this group. If more appropriate accommodation is not available then local authorities may have no choice other than to place under-16's in housing that is less appropriate and safe than the banned accommodation.

Depaul UK provides high quality, supported accommodation aimed at 16-24 year olds, all of which is provided alongside support commissioned by local authorities. Occasionally we house under 16's at the request of local authorities, while they find more appropriate accommodation. We recognise that our projects are not designed for under-16s and only accommodate them on a short-term basis. Local authorities ask us to house under-16s because, in their judgement, we have the most appropriate accommodation available.

The ban should not be extended to cover all looked after children, i.e. children up to the age of 18. Depaul UK recognises that our accommodation is not appropriate for all 16+ looked after children. As the consultation states, however, it can be "appropriate for older children where it is part of a carefully managed transition to independence as part of their care plan."

2. Please share your examples of good practice here

Depaul UK provides accommodation to looked after children and care leavers aged under-18. Sometimes they are referred to us after a foster placement has ended when they do not wish to return to foster care. Often young people would like to have more independence than they have had in children's homes and in foster care.

We provide safe, secure and comfortable accommodation projects specifically for young people, with staff either based on site or visiting daily. All of Depaul's supported accommodation projects are commissioned by local authorities, local authorities commission us to provide support after competitive tendering processes and closely monitor our services.

Our progression coaches work to psychologically informed principles, supporting young people to develop self-confidence, self-esteem and enjoy healthy relationships. Staff are well trained, work to ensure the wellbeing of young people and quickly report any safeguarding concerns.

The focus of our support is on smoothing a young person's transition to adulthood. We support them to develop preferences and aspirations for moves to more permanent independent accommodation. We also work closely with other services, such as social care and local housing departments, to secure accommodation and assist with moves on and post-move settling in.

Young people staying in Depaul's supported accommodation also have access to practical instruction and coaching with life skills such as budgeting, cleaning and cooking that will help them to live independently. In addition, our strong links to employment and training providers and our own in-house employment, training and education (ETE) advice team ensure that we can assist clients to take advantage of all relevant ETE opportunities.

- 3. Do you agree that we should introduce a new requirement for local authorities to consult with relevant local police forces when they place a child out of area in independent and/or semi-independent provision?**

Yes

- 4. Please explain your answer, including any positive and/or negative impact you think this change would bring about.**

It is clearly unacceptable for local authorities to place children in accommodation that the local police know to be unsafe and or inappropriate. Implementing this measure, however, could result in children being placed in inappropriate and unsafe accommodation that the police are unaware of unless more appropriate accommodation is made available.

This new requirement should also be accompanied by measures to support police and accommodation providers to build relationships. In some areas police can appear heavy handed in the way in which they interact with our services. For example, they sometimes demand lists of our residents names when investigating crimes without making clear why they think our residents may be involved.

- 5. Do you agree that we should amend legislation to define 'care', in order to provide clarity on what amounts to 'other arrangements' i.e. 'unregulated' provision, and what constitutes 'unregistered' provision?**

Yes

- 6. Please explain your answer, including any positive and/or negative impact you think this change would bring about.**

For the sake of clarity and to avoid confusion, the government should pay close attention to the language that is used to describe accommodation.

Depaul UK provides accommodation that meets the definition of independent and semi-independent accommodation used in this consultation. Depaul and other providers, however, do not use this language to describe our accommodation. Neither do local authorities, nor the Ministry for Housing, Communities and Local Government or the Department for Work and Pensions, who ultimately provide most of the funding for our accommodation and other accommodation of this type.

Instead the phrase 'supported accommodation' is widely used. Legally, the accommodation we provide is defined as 'specified accommodation' by Regulation 75H of the Housing Benefit Regulations 2006; and 'exempt accommodation' defined in subparagraph (10) of paragraph 4 of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (SI 2006/217).

Clarity over what counts as 'care' would also help clarify what accommodation providers' and local authorities' respective responsibilities are towards young people. Local authorities sometimes ask us to work with residents in way that would mean we provide care, in these cases we have to remind local authorities of their responsibilities.

7. Do you have any suggestions for areas where we might go further? In making your suggestions, please provide any supporting evidence or information you have.

N/A

8. Please set out any positive and/or negative impact the introduction of new national standards would have

Depaul UK supports the introduction of national standards. They have the potential to improve the safety and quality of accommodation. We are keen to play an active role in developing and piloting them with the department.

A possible negative affect of introducing the standards is that they could reduce the supply of accommodation. Existing providers could cease to provide accommodation as they are unwilling or unable to make the additional expenditure and adjustments needed to meet the standards.

9. Please set out any other areas you think should be covered in the new national standards

The accommodation standard should align with existing standards for registered social landlords, as many providers will be subject to these standards. Some settings, including those provided by Depaul, will also be subject to additional regulation, for example the Supporting People Quality Assessment Framework (QAF). A future 'support standard' as proposed by this consultation should align with this standard in order to providers being faced with multiple regulatory regimes which are potentially incoherent.

The government should also consider the role that 'passporting' could play in assuring the quality of this type of accommodation. For example, if a provider is a registered provider of social housing then their accommodation has to meet the Regulator of Social Housing's

(RSH) Home Standard. The Home Standard, and any future 'quality of accommodation standard' as proposed in this consultation, may have significant overlap.

To help limit the regulatory burden on providers, while still giving assurance that their accommodation was of a high standard, providers who are regulated by the RSH could be given a passport that would mean they would automatically be deemed compliant with a 'quality of accommodation standard'. This process could also be applied to other proposed standards covering areas where there are existing regulatory frameworks.

DePaul strongly supports looked after children having access to an advocate. The references to advocacy in the support standard, however, should be carefully considered. We are unsure whether it would be appropriate for accommodation providers themselves to provide access to an advocate. Doing so could lead to conflicts of interest for providers, as young people may want advocacy support for issues that they are having with their accommodation provider.

The support standard should include the requirement for a risk and needs assessment to take place when a young person moves into accommodation and to be kept up to date during their stay. This would help to ensure that young people are safe and receive the support that they require.

The protection standard references keeping 'appropriate records for staff in the home'. The word 'home' should be replaced, perhaps by 'setting', as much of the accommodation that this standard should cover could not be considered as a children's home.

10. How effectively do you think either option 1 or 2 would raise the quality of independent and semi-independent provision?

Both options one and two would raise the quality of independent and semi-independent provision significantly. Option two, i.e. introducing a new quality and inspection regime requiring all providers of independent and semi-independent provision to register with Ofsted and be inspected against the new standards, would likely be more effective in raising the quality of provision.

11. Please explain your answer, including why the options would be particularly effective or ineffective.

Ofsted inspections of settings would be the most effective way of raising the quality of settings. Having inspectors visiting projects and themselves carrying out inspections would be the best way to ensure that compliance with the standards is upheld. Assessing compliance may be treated as less of a priority by local authorities. Conflicts of interest within and inconsistencies between areas may undermine the effectiveness of any new regulatory regime.

Introducing an Ofsted inspection regime could lead to providers leaving the sector. This in itself may not be a bad thing if sufficient alternatives and the funding they require are in place. It could, however, become more difficult for local authorities to find appropriate accommodation for young people if a significant proportion of existing provision is lost without alternative provision becoming available.