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Guidance

Introduction to children's homes

Updated 3 February 2021

This guide is specific to children's homes and provides information that you aspire to. Were. However, you must read our main guide for registration, which applies to all children's social care services.

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About children's homes

About secure children's homes/schools

A secure children's home/school is a specific type of children's home approved by the Secretary of State to provide a locked environment and to restrict children's liberty.

Find out more about secure children's homes/schools, you must take some extra steps before you apply to register.

About registration

If you want to run a children's home, you must register with us under the Care Standards Act 2000 (Registration) regulations. It is a criminal offence to run a children's home without the appropriate registration. This requirement to register therefore to prevent unsuitable people from owning, operating, managing or working within children's homes.

You must certify so that you meet a number of legal requirements, including those within:

- Care Standards Act 2000
- The Care Standards Act 2000 (Registration) (England) Regulations 2010
- The Children's Homes (England) Regulations 2015

You must also take account of the guide to the children's homes regulations including the national minimum standards (NMS) when you decide to be responsible and meeting The Children's Homes (England) Regulations 2015.

Each children's home must hold a separate registration. No registered children's home provides care parent an additional home as a satellite to the main home unless it is also registered. If your children's home has more than one building, you should email us - Wendy@Ofsted.gov.uk if you are whether you need more than one registration.

When to register as a children's home

Examples of establishments that must register as children's homes include:

- homes for children who are looked after by a local authority either on a short-term measure or more long term, including those that accommodate disabled children and those with complex needs
- homes that provide both care and accommodation for children under 18 years in order to prepare them for independent living
- homes that provide short breaks, in which children may not be looked after by a local authority
- homes that are refuges - these must also apply to the Department for Education (DfE) for a certificate to operate as a refuge
- schools that provide accommodation for one child or more, for more than 295 days in a year
- schools that provide accommodation for children who are not pupils of the school

Schools that are need to register as children's homes

As stated above, you must register your school as a children's home if you provide accommodation for either:

- one child or more, for more than 295 days each year
- children who are not pupils of the school

This means you will have 2 registrations: your existing one with the DfE as a school and a new one with Ofsted as a children's home.

If you want to open a new children's home and intends to provide accommodation as described above, which would mean it needs to register as a children's home too, you will need to prepare 2 separate registration applications.

Secure children's homes/schools

If you want to open a secure children's home/school, you must first contact the DfE for secure children's homes and Youth Justice Board (YOJB) secure children's homes and get the Secretary of State's approval under The Children (Secure Accommodation) Regulations 1991.

Registering a children's home building in or carry out any refurbishment or building work you must share your plans with the DfE/YOJ. They will get the views of operational practice advisers and children's services carry out any work. The YOJ/DfE will also consider the location of the home.

Ofsted may not of serious stages throughout the building process, with specialist architects, to review any existing building or new development.

If the DfE/YOJ agree that your building can be approved by the Secretary of State to restrict children's liberty, they will then direct you to our inspectorate team and the temporary staff undertaking PhD between Ofsted and the DfE.

Our inspectors will then carry out a pre-registration inspection. We will make a final decision on the registration. We will also inform you if we think the building is fit for purpose. This report will also include our views.

If the building is fit to be registered, we will ask you to apply to register. Do not submit your application for registration until the building is almost ready for occupancy. We will agree the timing of your application with you.

When you do not need to register

Some types of accommodation for children do not fall under the definition of children's homes and therefore do not have to register as one.

These include:

- a place where children live with their parents, relatives or foster carers
- approved premises (such as probation hostels)
- hospitals or clinics
- schools, where they offer accommodation
- residential care homes
- fit in 16 academies, places also approved by the Secretary of State to provide accommodation for the purpose of restricting the liberty of children and young people
- secure children's homes
- residential holiday schemes for disabled children
- young offender institutions
- secure training centres
- prisons and institutions other than disabled children's are accommodation while on their holidays or school trips, sporting, cultural or educational activities where each individual child stays there for less than 28 days in any 12 month period
- 16 to 19 academies, places also approved by the Secretary of State to provide education or apprenticeships, while not being a boarding school or secure, sporting, cultural or educational activities
- residential family centres
- customial accommodation where you do not provide care

Unregulated establishments

As well as the types of accommodation above that the law specifically says are not children's homes, some other establishments and types of accommodation are not children's homes because they do not fall within the definition of children's homes. Placing authorities are responsible for ensuring that any placement in an unregulated setting are suitable for the child or young person.

A service where the accommodation is not permanent (such as a bed), is constantly moving (such as a boat, caravan or motorhome) or unused (such as a vacant house or building) is not a children's home. Therefore, there not required to register with Ofsted.

Examples of other arrangements that do not require registration include:

- A provider has a registered children's home and operates an outreach service at different premises. This is provided solely for the children living in the registered children's home and the premises where the outreach service is provided is separate registration. This is because the children have a permanent base in the children's home. They stay in the outreach premises for a fixed amount of time. The children's home is fully responsible for independence or its work through specific impacts.
- A provider owns a number of establishments, all of which apart from one are registered as children's homes. The provider uses the unregistered establishment for holiday accommodation for children. If the provider then chooses to use the unregistered establishment for accommodation for children other than a holiday, the establishment has to be registered.
- A local authority is providing care and accommodation for refugees and asylum seekers. The primary purpose of this is to assess their ages to determine if they are children or adults. Ofsted is not the registration authority and is joining on where not all children and adults, children, and are registration is not required.

We have further guidance on what we may do when we find an establishment that may meet the definition of a children's home or a care exemption.

What to provide when you apply

Find out more about SC1 application. As part of this, you must include:

- your details as the provider and, if you are an organisation such as a company, the responsible individual
- the name of your proposed business
- details of any relevant directors
- your statement of purpose
- your children's guide
- your moving into/leaving
- your behaviour management policy (including restraint)
- your prevention of bullying policy
- your location assessment
- your risk assessment
- your equalities policy
- a copy of a certificate of insurance or written confirmation that insurance will be provided, including a letter of intention and an insurance quote
- your children's guide
- a copy of planning permission granted, a certificate of lawfulness, a copy of a planning application or evidence that planning permission is not required
- a financial reference
- your business plan
- your business plan for 3 years
- if applicable, your last 3 annual reports, including reports for any holding company and subsidiaries
- if applicable, your last 3 annual accounts
- if applicable, your charitable objects
- if you are applying to register as a partnership, a copy of the agreement or a document that clearly establishes the partnership as a legal entity

Location assessment

Your location assessment must show the steps you have taken to make sure that the children living in your home, and those who may interfere with your home, are protected from harm. Your location assessment should include:

- safeguarding concerns
- accessibility of local services

The assessment should consider the needs of the children who are expected to live there. For example, you should assess whether the location of the home:

- places children at risk of exploitation due to local criminal activity
- is in a neighbourhood where children live
- is in a proximity to local criminal 'hot spots'
- is close to environmental hazards such as reservoirs, busy roads or railway lines
- is in a neighbourhood where children are found
- has accessible and available suitable local education, leisure, faith, cultural and healthcare services

Directors of children's homes

You may need to supply details of any directors of children's homes.

If your organisation's sole purpose is to carry on children's homes, you should supply each director's details in the SC1 and each director must also submit an DC1 form.

If your organisation does not carry out any other business, you may need to supply details of directors who are involved in the children's home in the SC1 and only those directors need to submit a DC1 form. Directors who are involved in the children's home finance, human resources or in operation capacity.

It is your responsibility to identify which directors need to submit an DC1 form. If you are unclear, we recommend that you take legal advice.

We do not require directors to get a DBS (Disclosure and Barring Service) certificate.

We may want to interview directors at our discretion.

If a director is the responsible individual, the requirements for that role apply rather than those for a director.

Applying to manage more than one children's home

A manager will usually only manage one children's home. However occasionally, we may agree to allow a manager to run more than one children's home. We will allow a manager's ability to manage effectively each home, and the size of the children, on a case-by-case basis. We will consider an DC1 form for each home they are applying to manage. Each registration is separate.

We will make a separate decision about the manager's suitability to manage each home. They must demonstrate that they have the appropriate experience and qualifications and skills to meet the requirements of each children's home.

If we refuse an application to manage a home, we will become disqualified, subject to an appeals process.

Fees

You will need to pay an application fee for each registration.

Registration timescales

Once Ofsted has received everything necessary for your application to register, we will make a decision within 6 months. We will inform you of our decision within 28 days from the start of your application before you intend to open. You cannot operate before we approved.

Approval for secure children's homes/schools

When we are making our decision about the registration of a secure children's home/school, we will notify the DfE/YOJ so that the Secretary of State can consider whether to approve the home under the Children's Liberty, under The Children (Secure Accommodation) Regulations 1991.

If we refuse your registration

If we refuse an application to register a children's home from individual providers, partnerships or managers, these individuals, the partners who make up the partnership and the managers will become disqualified from fostering a child privately.

Ofsted may impose sanctions on them (fines), disqualified people cannot:

- carry on a children's home or be involved in one
- manage a children's home
- have a financial interest in a children's home
- work at a children's home

A person who does any of the above while disqualified commits an offence. You may not be able to employ someone who is a person who is disqualified unless you obtain Ofsted's written consent.

If you are part of an organisation that has had an application to register refused, you will not be disqualified. For more information on disqualification and how to seek our consent, see the social care compliance handbook.

After registration

You will receive a certificate of registration.

You need to pay an annual fee for each children's home you register. We will contact you when any fees are due.

What you need to tell us

You must use the SC2 form to tell us about any changes to registered managers.

You can find further information about changes to registered children's social care services.

Conditions of registration

Conditions of registration restrict the services that your children's home is registered to provide. It is an offence not to comply with them.

After registration, you will receive a certificate that details the conditions of your registration. It is an offence to fail, without reasonable excuse, to comply with any condition of registration. We may vary or cancel conditions of registration. Any information about a home we may take if you do not follow your conditions.

We always apply a condition that sets out the total number of children that you can accommodate at the home. If you want to provide care and accommodation for a number and fail below, the lately count towards the total unless the home is registered for short breaks only.

We may also apply conditions based on your statement of purpose, such as for:

- single gender occupancy
- arrangements for short breaks
- specifics to do with categories of registration

Find out registration and conditions that you have not agreed, you must begin by making a 'written representation' to us. For information on this, see the social care compliance handbook.

Once registered, if you want to provide other services, you will need to apply for a variation to your conditions of registration.

Categories of registration

Categories of registration list the types of children's needs that your home will cater for. These are such as regulation. They have not been updated to reflect the SEND code of practice. Ofsted is legally obliged to categorise homes in this way.

If you want to provide care and accommodation for a new group, we will decide what you will include as categories of registration in your statement of purpose, if any, depending on your services offered.

The categories are:

- children with emotional and/or behavioural difficulties (EBD)
- children with physical disabilities (PD)
- children with learning disabilities (LD)
- children with autistic spectrum disorders/learning disability (ASD)
- children with severe/ profound learning disabilities (SLD)
- children with present alcohol dependence (A)
- children with severe impairment (SI)

We do not generally apply any categories of registration to secure children's homes/schools.

Inspection

We inspect children's homes as set out in the social care common inspection framework.

We are registered between 1 April and 30 September, we will inspect you at least once between 1 October and 31 March in the same financial year. If we are registered and between 1 October and 31 March, we will first inspect you between the following 1 April and 30 September.

Complaints and concerns

We may receive complaints or concerns about a children's home. We will take these very seriously. We may take action as a result, so we will our guidance about social care complaints.

There is also guidance on how we respond to concerns in our social care compliance handbook.

List of regulations

- Care Standards Act 2000, description of services and establishments that are not children's homes
- The Care Standards Act 2000 (Registration) (England) Regulations 2010
- The Children's Homes (England) Regulations 2015 (Education of Children's Services and Skills (Plan and Timeline of Inspection) Children's Homes etc.) Regulations 2015
- The Children's Homes (Wales) Regulations 2015
- The Children (Secure Accommodation) Regulations 1991
- The Refuges (Children's Homes and Foster Parents) Regulations 1991
- Residential Holiday Schemes for Disabled Children (England) Regulations 2013
- The Care Standards Act 2000 (Extension of the Application of Part 2) to Hidden Establishments Providing Accommodation for Children in Need) (England) Regulations 2011
- Guide to the children regulations, including the quality standards
- Children's homes regulations amendments 2014

Indicators for supported accommodation

This table sets out whether your service may fall into the category of a children's home or 'supported accommodation'. If your service is the latter, you do not need to register. If your service is a children's home, you must register. Supported accommodation is what we usually need to register, as supplied earlier in this guide. These questions are neither and not exhaustive. If you are unclear, you should seek advice.

The table may be particularly useful if you provide accommodation to young people over the age of 16.

Indicators	Yes	No
Can young people get out of the establishment when they want to?	Supported accommodation	Care
Do young people have full control over their lives?	Supported accommodation	Care
Do young people live in a family unit and have access to a key worker?	Supported accommodation	Care
Are young people in Group A of priority of need, as defined in the Housing Allocation Scheme? (Group A is 'persons who are vulnerable as a result of a specialist health care requirement' or 'persons who are vulnerable as a result of a mental illness')	Supported accommodation in order that young people can be prepared for independent living and to develop their skills and maturity	Supported accommodation
Do young people have access to a key worker and support?	Supported accommodation	Supported accommodation
Can young people choose to stay beyond their 18th birthday?	Supported accommodation in order that young people can be prepared for independent living and to develop their skills and maturity	Supported accommodation
Is the establishment accommodation, and is it registered as such, for young people who are looked after?	Care	Supported accommodation
Is the Housing Benefit claim for the provision of accommodation made to a registered provider of social housing?	Supported accommodation	Care
Is the Housing Benefit claim for the provision of accommodation made to a registered provider of social housing?	Supported accommodation	Care

Compliance and enforcement

Our social care compliance handbook provides more information about what will happen if you do not meet the relevant regulations.

Do staff have any responsibility for aftercare once a young person has left?	Care (note that some supported accommodation services will offer some support to help young people get established in their next accommodation – this is not care)	Supported accommodation
Does the establishment's literature promise the provision of care or relate to specific care support provided to all residents?	Care	Supported accommodation
Does the establishment provide or commission a specialist support service, which forms part of the main function of the establishment?	Care	Supported accommodation

Children's homes that provide care and accommodation for adults

A children's home may provide care and accommodation for adults as well as children. This guidance gives more information for these children's homes.

A children's home is required by law to provide care and accommodation 'wholly or mainly' for children. This does not prevent a home from accommodating a young adult or adults, as long as it accommodates more children than adults. A child is defined as a person aged under 18.

We recognise that a children's home may, at particular times, have larger numbers of young adults aged 18 or over living at the home than children.

Children and young people living at a children's home are often vulnerable and may be disabled. It is therefore not always right for a young person to leave a children's home by their 18th birthday and it may be in their best interests to remain there. Other reasons for them staying may include:

- the young person's moving-on placement has fallen through and the placing authority is seeking alternative arrangements
- the young person is in education and wishes to finish their course
- the young person wishes to remain with siblings who are also accommodated at the home
- there is agreement, including the young person's, that they are not yet ready to leave and a focused plan is in place to achieve this

Guidelines for judging if a home is meeting the 'wholly or mainly' definition

We will apply these principles on a case-by-case basis. As mentioned above, we use the 'wholly or mainly' definition. This applies over a reasonable period of time, rather than on any given day.

In the majority of cases, we will determine whether a home is 'wholly or mainly' for children over a 12-month period. That is, for the majority of time in any 12-month period, a home must accommodate more children than young adults, even if at times during the 12-month period it does not. We will accept any 12-month period for this definition; it is not restricted to calendar or academic years.

We may, in specific cases, extend the period of time that we will judge 'wholly or mainly' over from a 12-month to an 18-month period (after a young person has turned 18) where this aligns with the young adult's leaving school arrangement. This is to recognise that disabled young adults are entitled to receive secondary education up to the June following their 19th birthday.

We expect you (regardless of whether you are using the flexibility in the 'wholly or mainly' policy or not) to identify the risk and impact of every young adult living at the home on any children at the home. We also expect you to minimise the risks and any negative impacts on children.

Every young adult at a home must have a regularly updated and reviewed moving-on plan and care plan, including a transition plan if they will need support from adult social care. This is to ensure that you use the 'wholly or mainly' policy in the best interests of young people.

Unregistered providers

If your establishment meets the definition of a children's home but is not registered, we will decide what action to take on a case-by-case basis.

Investigations will include assessing the permanency of the placement and the purpose and circumstances of the provision of care and accommodation. Following the investigation, we decide whether to take any regulatory action.

If the establishment requires registration, you must submit a complete application to register as a children's home as soon as possible or cease operating. It remains an offence to provide or manage a children's home without registration pending the processing of any application.

If we refuse registration and you continue to operate the establishment, you would be operating an unregistered setting and be liable for prosecution. In any of these circumstances, we will consider on a case-by-case basis what action, if any, it is appropriate to take.

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