

# Guidance on inspecting and regulating children's homes that provide care and accommodation for adults (wholly or mainly a children's home)

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A children's home may accommodate adults. This guidance seeks to clarify for providers our policy on how we will inspect and regulate a children's home in this position.

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## Introduction

1. A children's home may provide care and accommodation for adults. This guidance seeks to clarify for providers our policy on how we will inspect and regulate a children's home in this position.

## Background on 'wholly or mainly' a children's home

2. A children's home is required by law to provide care and accommodation 'wholly or mainly' for children.<sup>1</sup> This does not prevent a home from accommodating a young adult or adults, provided that it accommodates more children than adults. A child is a person aged 17 or under.
3. 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. We have developed this guidance to help providers understand how we will inspect and regulate a children's home in this position.
4. Children and young people living at a children's home are often vulnerable and may have disabilities. It is therefore not always right for a young person to leave a children's home by their 18<sup>th</sup> birthday and it may be in a young adult's best interests to remain at a children's home.
5. The reasons for this may include:
  - where the young person's moving-on placement has fallen through and the placing authority is seeking alternative arrangements
  - where the young person is in education and wishes to finish their course
  - where the young person wishes to remain with siblings who are also accommodated at the home, or
  - where 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.

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<sup>1</sup> Care Standards Act 2000. 121.-(1) 'child' means a person under the age of 18;  
[www.opsi.gov.uk/acts/acts2000/ukpga\\_20000014\\_en\\_12#pt9-ch2-l1g121](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000014_en_12#pt9-ch2-l1g121).

## Guidelines for judging if a home is meeting our 'wholly or mainly' policy

6. We have developed the following guide which sets out the principles that inspectors will apply in judging whether a children's home meets the 'wholly or mainly' requirement. We will apply these principles pragmatically with consideration to the circumstances in each case and the needs and best interests of children and other individuals living at the home.

- 'Wholly or mainly' 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. In order to maximise flexibility for providers, we will accept **any** 12-month period for this definition; it is not restricted to calendar or academic years.

We may, in limited 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 young adults with disabilities are entitled to receive secondary education up to the June following their 19th birthday.

- A provider must identify and minimise the risk and impact to children of every young adult living at the home.

There may be circumstances in which it is appropriate for a home to accommodate both children and adults. However, there may be instances where the presence of adults living in a home may have a detrimental impact on children accommodated there. As a result, we expect **all** providers (regardless of whether they 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 expect providers to take action to minimise the risks and the negative impacts on children.

- Every young adult at a home must have a regularly updated and reviewed moving-on plan and care plan.

Every young person in the home must have a regularly updated and reviewed moving-on plan and care plan, including a transition plan if the young person will require support from adult social care. This is to ensure that homes use the 'wholly or mainly' policy in the best interests of young people and not as a way of circumventing the law or allowing young people to stay beyond a reasonable period of time.

## Examples of how to apply our 'wholly or mainly' policy

### Example one

You operate a three-bedded children's home. The young people are aged 14, 15 and 18. The 18-year-old had her birthday six months earlier.

We hold a discussion with your manager during our inspection. The manager reveals that the placing authority has allocated the young person a social worker and has discussed her moving-on plans with the young adult.

We check your records and see that you have recently updated the risk assessment for the young adult. We check your other records and note that no other young adults have lived at the home over the past twelve months.

### Outcome

You are complying with the 'wholly or mainly' policy at the present time as more children than young adults have been accommodated at the home over the previous 12 months and this will continue into the foreseeable future. You have also identified the risk and impact of the young adult on children and plans are being made for the young adult's moving-on arrangement.

### **Example two**

We inspect your three –bedded home in March 2010. One child will turn 18 in April 2010, another turned 18 in December 2009 and the third resident is 17 years old.

Your records show that you have not identified the risks and impact of the young adult who turned 18 in December 2009 on children but that there is a moving-on plan which will mean the young adult will leave the home in May 2010.

At this time your home is complying with the 'wholly or mainly' policy, although you will be required to identify the risks and impact of both young adults on children living at the home.

We complete our next inspection in October 2010. We find that both young adults who were living at the home at the last inspection remain there. You explain that the moving-on placement for the oldest young adult fell through, and the records show that no further plans for the young adult have been made.

You have also not identified the risks and impacts of either young adult on the 17-year-old and no appropriate moving-on plans or care plan are in place.

### **Outcome**

At this point your home is not complying with our 'wholly or mainly' policy and you have not identified and assessed the risk of the young adults, or completed moving-on and care plans. It does not appear that you will comply with the policy in the immediate future. We may consider taking enforcement action against your home.

## Question and answer

### **Q. Why has Ofsted developed this policy?**

- A. We have received queries from providers about the accommodation of young adults at children's homes and how this relates to the 'wholly or mainly' requirement. This includes queries from providers who wish to remain as a children's home but who do not wish to move on young people at inappropriate times.

We have developed this guidance to provide clarity on this issue and to improve the flexibility for providers to act in the best interests of children and young adults, while remaining legally compliant.

### **Q. How will Ofsted enforce the 'wholly or mainly' policy?**

- A. At your inspection, we will check whether you are complying with the 'wholly or mainly' policy. Our inspector may discuss this issue with you and clarify your intentions, such as whether you wish to remain as a children's home or change your service to an adult care home.

If we believe that you are not complying with the 'wholly or mainly' policy, we will consider what action we may take. This may include taking enforcement action against you for failing to comply with your statement of purpose or for failing to carry on your establishment as a children's home. We may also impose conditions on your registration if our concern relates to the impact of young adults on children at the home.

We will ensure that any action we take is proportionate and reasonable.

### **Q. Does Ofsted have the power to inspect a children's home that only accommodates a young adult/s at the time of the inspection?**

- A. Yes, we may inspect a children's home even when there are no children accommodated at the time of our inspection. We have this power under section 31(3)(a) of the Care Standards Act 2000.

### **Q. Can Ofsted interview young adults during an inspection?**

- A. Yes, we have the power to interview any person accommodated at a children's home if they consent, including a young adult, under section 31(3)(e) of the Care Standards Act 2000.

**Q. Can Ofsted inspect records relating to a young adult?**

A. Yes, we have the power to inspect and take copies of records held by a children's home relating to a young adult, including those that the home made while the person was still a child. We have this power under section 31(3)(b) of the Care Standards Act 2000.

**Q. Do I need to complete a Disclosure and Barring Scheme (DBS) check on young adults who live at the home?**

A. No, there is no requirement for you to conduct a DBS check on young adults who live at the home. However, you must identify the risk and impact of the young adults on any children in the home and take action to mitigate these risks.