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Guidance
Introduction to children's homes

Updated 2 August 2022

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

About children's homes

The Care Standards Act 2000 sets out the establishment a children's home – it's purpose and accommodation is wholly or mainly for children. Children are defined as people who are aged under 18. Young people aged 18 and over may also be cared for in a children's home, but they must be a minority. See guidance on adults living in 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.

You must apply to open a children's home/school, you must take some 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 and comply with the regulations. It is illegal to run a children's home without this appropriate registration. This requirement to register does not include: emergency or immediate place-finding, operating, managing or working within children's homes.

You must satisfy us 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) for children's homes, which is interpreting and meeting the Children's Homes (England) Regulations 2015.

Each children's home must have a separate registration. No registered children's home provider can operate 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 seek to demonstrate in your application why it is appropriate for your children's home.

When to register as a children's home

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

- homes for children who are cared for by a local authority either as a short-term measure or more long-term, including those that accommodate disabled children and those providing respite care
- homes that provide both care and accommodation for children who are disabled 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. No more than 295 days per year
- schools that provide accommodation for other children for more than 295 days per year

Schools that also need to register as children's homes

As stated above, you must register a school as a children's home if they 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 3 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 school that also intends to provide accommodation as described above and to operate mainly as a school, to register as a children's home too, you will need to prepare and submit an application.

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 or the Ministry of Justice (MoJ) for secure schools to request and get the Secretary of State's assent under The Children Secure Accommodation Regulations 1991 (PDF).

If you are planning a new building or to carry out any refurbishment in building work, you must share your plans with the DfE/MoJ. They will get the views of specialist advisers and provide information to you on ways to carry out works. The DfE/MoJ advisers also provide advice.

Ofsted may not at various stages throughout the building process, with specialist advisers, to review any proposed building or new development work.

If the DfE/MoJ agree that your building can be approved by the Secretary of State to restrict children's liberty, they will then issue you with a letter of approval. Contact the representatives of children secure (PDF) between Ofsted and the DfE.

Once you have received the letter of approval, you can apply to us. We will make a final visit after the building is finished. We conduct this visit to provide a final report on the building's fit for purpose. This report will also include our views.

If the building is fit for purpose, we will then 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
- supported premises (such as probation hostels)
- hospitals or clinics
- schools, unless they offer accommodation
- a place of worship or religion
- 16 to 18 accommodation, where also approved by the Secretary of State to provide accommodation for the purpose of restricting the liberty of children and young people aged 16 to 18
- a place used to provide day care
- residential holiday schemes for disabled children
- young offender institutions
- secure training centres

Local authority foster homes (other than disabled children) are accommodated while on holiday or taking part in sports, cultural or educational activities where each individual child stays there for less than 28 days in any 12 month period. Children who are looked after by a local authority may also be placed in residential or apprenticeships, while on holiday or while taking part in sports, cultural or educational activities.

Children who are looked after by a local authority may also be placed in supported accommodation where you do not provide care.

Unregulated establishments

As well as the types of accommodation above that are specifically ways are not children's homes, some other establishments and types of accommodation are not regulated by us. Some of these are: boarding schools, colleges and other establishments. Placing authorities are responsible for ensuring that any placements in an unregulated setting are suitable for the child or young person.

A secure where the accommodation is not permanent (such as a tent), is constantly moving (such as a boat, narrowboat or motorised caravan), or has no permanent base is also not a children's home. Examples of children's homes. Therefore, these do not require registration 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. The outreach service is not a children's home and requires separate registration. This is because the children have a permanent base in a registered children's home. The stay in the outreach premises for a fixed amount of time for focused work. The outreach premises have no independent access to meals through specific hours.
- A provider has a registered children's home and operates an refuge and also provides a separate service for young people who are not looked after and who are in need of a place to stay and support. This is because the children are looked after by a local authority and placed in the refuge. The refuge is a place of safety for children who are not looked after and who are in need of a place to stay and support

different supervision, support, facilities or restrictions?		
Are there regularly significant periods of time when young people are on the premises with no direct staff supervision?	Supported accommodation	Care
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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