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Consultation outcome

Supported accommodation for looked-after children and care leavers aged 16 and 17: a report on the responses to the

consultation on our inspection proposals

Updated 29 February 2024

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Introduction

On 10 July 2023, Ofsted launched an online consultation that sought views on several proposals for inspections of supported accommodation.

We hoped to hear from as many people as possible, including those working in the sector relevant to the scope of the supported accommodation regulations. We were particularly keen to hear the views of children and young people, including those who had lived experience of supported accommodation or the wider care system. On 19 July 2023, we launched a survey designed for a younger audience, alongside the main survey.

We have since carried out 13 pilot inspections of a representative sample of registered providers to test our proposals and key aspects of our inspection methodology.

We had also carried out [a rapid review of the available research evidence](#) in December 2022.

The formal online consultation followed several months of engagement with stakeholders, including local authorities, providers and advocacy groups.

Importantly, care-experienced people have either led, co-delivered or attended several workshop events. These have helped us to make sure that the views of people with lived experience have been central to our work. Care-experienced

young people helped us to plan our pilot inspections and to design and implement the consultation. We are very grateful to all those involved over the last 2 years for their time and expertise.

The consultation activity, the pilot inspections and the rapid evidence review have all informed the [inspection methodology and guidance](#), which we have published alongside this report.

Context

Ofsted's [strategy](#) sets out our guiding principle: to improve lives by raising standards, acting as a force for improvement through the intelligent, responsible and focused use of inspection, regulation and insights.

Our inspections of supported accommodation will help us meet our priorities as set out in the strategy:

- Inspections that raise standards – the evaluation criteria and methodology have high expectations for children and promote service improvement.
- Right-touch regulation – we will target our resources where they are needed most.
- Making the most of our insights – the inspection methodology is evidence-based, drawing on relevant research evidence, the views of care-experienced children and adults, and feedback from providers, local authorities and other stakeholders.
- Keeping children safe – the help and protection of children are central to our inspection methodology and activity.
- Accessible and engaged – extensive formal consultation has built on ongoing engagement with the diverse range of stakeholders, including care-experienced people, commissioners, providers and children's advocacy charities.

The use of language: 'children' or 'young people'?

Several of the responses to the main online consultation questioned our use of 'children' to describe 16–17-year-olds in supported accommodation.

We have decided to use 'children' rather than 'young people' in our published guidance. This is the word used in the regulations. We believe it is important to emphasise that 16- and 17-year-olds are still legally children. As the [Guide to supported accommodation regulations, including quality standards](#) ('the Guide') states, they should not be 'treated as young adults... it is clear that these young people are still children and must be considered and treated as such' (page 10).

While this issue has not been a significant feature of the consultation feedback from care-experienced individuals, we are aware that many 16- and 17-year-olds prefer to be known as 'young people'. The inspection guidance sets out that inspectors will take this into account during their day-to-day inspection activity and in our feedback to looked-after children and care leavers about inspection outcomes.

Main points

- We received 280 separate responses to the online surveys, including 58 responses to the young people's survey.
- The majority of respondents agreed, or strongly agreed, with our 3 proposals, although we have made some amendments to the proposals to take account of feedback.

The introduction of a 3-outcome model for the first round of inspections

- We will introduce a 3-outcome model for the first round of inspections. There was a common view that the second outcome was overly harsh; we have considered this and reworded it to address this feedback and to achieve a better-balanced set of outcomes.

Two days' notice for inspection

- We will not arrive on site until 2 days after announcing the inspection. This will help inspectors to develop lines of enquiry and to plan their on-site inspection activity, including which premises to visit when they arrive.
- However, the inspection starts at the point of the announcement. Information gathered during the initial off-site period will form part of the inspection evidence base.
- If we have concerns about the safety and welfare of children, we may carry out unannounced monitoring visits.

The main features of effective supported accommodation

- To help us develop detailed evaluation criteria that focus on the issues that matter most for children, we asked for views on the main features of effective supported accommodation. The suggestions that we made in our consultation are included in an [appendix](#).
- We have now set out the detailed evaluation criteria in the inspection guidance that we have published at the same time as this report. The criteria draw on the feedback that we received during the consultation. They also build on what we learned from our rapid evidence review and face-to-face meetings with care-experienced people, including unaccompanied asylum-seeking children and young people.
- We believe that the evaluation criteria are an evidence-based description of the things that matter most for children in supported accommodation.

The consultation exercise

The consultation ran from 10 July 2023 to 8 September 2023.

It was open to the public and promoted widely through Ofsted's website and social media channels, which shared [3 short videos](#) that focused on the 3 main proposals and were produced with the help and participation of care-experienced young people. On 19 July 2023, we published a children and young people's online version of the consultation, which ran alongside the main online survey.

We consulted on 3 proposals for inspection:

- The introduction of a 3-outcome model for the first round of inspections, replacing the usual 4-point judgement scale of outstanding, good, requires improvement to be good, and inadequate
- Two working days' notice of inspection to providers
- The main features of effective supported accommodation – feedback about these has helped us to develop the [detailed evaluation criteria](#)

We had already agreed with the Department for Education (DfE) that we will register and inspect at the 'provider level', rather than individual premises. We will register providers that may operate more than one premises across as many as 4 categories of accommodation.

We had also agreed that we would inspect providers at least once in every 3-year period, although we will return sooner to visit weaker providers, as set out in the proposed 3 inspection outcomes.

The findings in this report are based on 280 separate responses to the online surveys. We received 222 responses to the main consultation and 58 responses to the young people's version.

Alongside responses from individuals, we received written submissions made on behalf of a range of organisations, including:

- The Association of Directors of Children's Services (ADCS)
- The Office of the Children's Commissioner
- Article 39
- The Supported Living Network
- The Together Trust
- Homeless Link
- The Care Leavers' Association
- Centrepoint
- Become

We have also considered feedback and learning from:

- quarterly meetings with an expert advisory group
- a rapid review of the available relevant research evidence
- events with care-experienced young people, providers and commissioners
- 13 pilot inspections of registered providers, held between October and December 2023

The consultation findings in full

We have carried out a quantitative and qualitative analysis of all consultation responses. The main consultation asked 5 questions about the 3 main proposals. Rather than 3 separate questions on each area of practice, the young people's consultation asked a single question about the main features of supported accommodation (3 questions in total).

Figure 1: Respondent categories – main consultation

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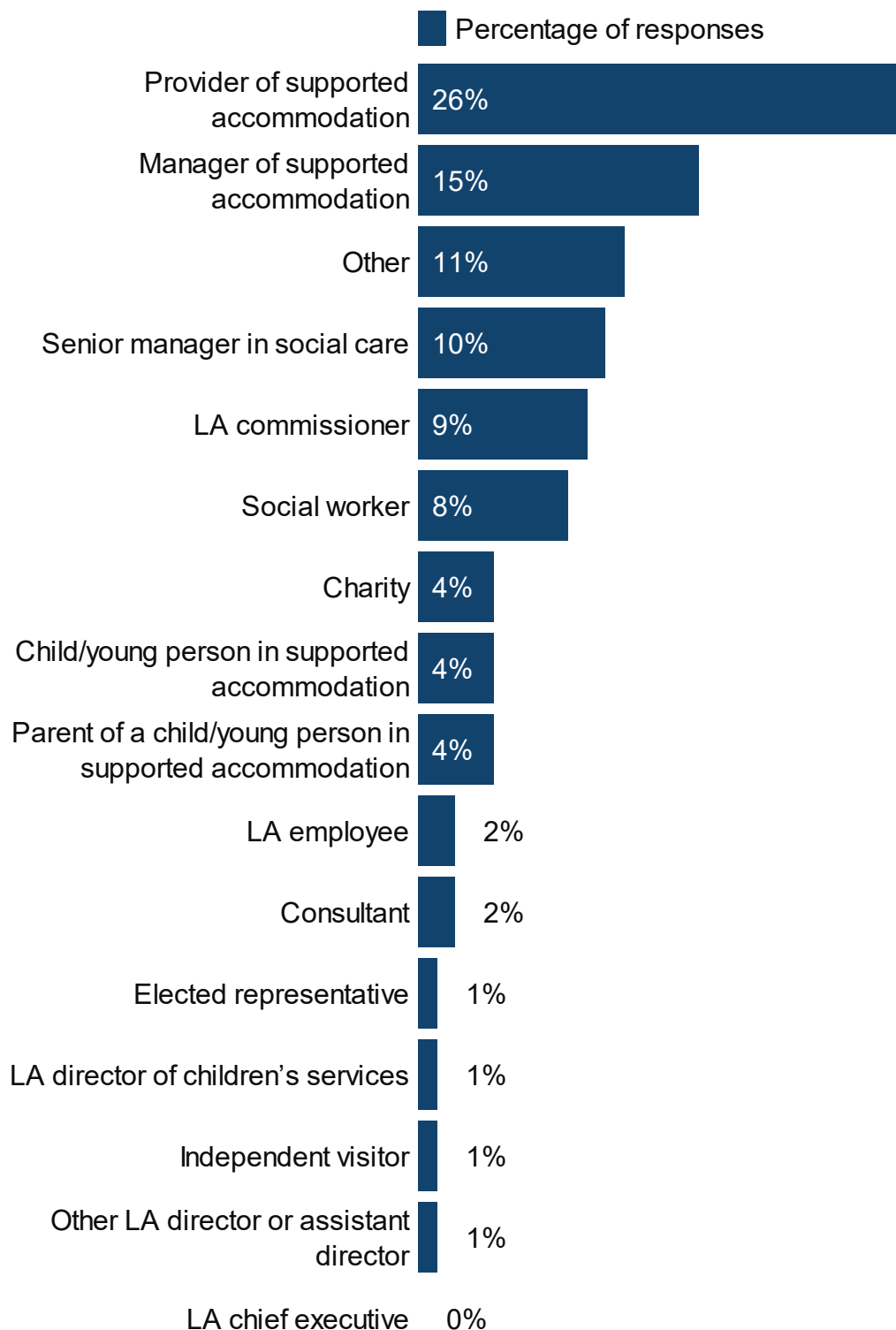
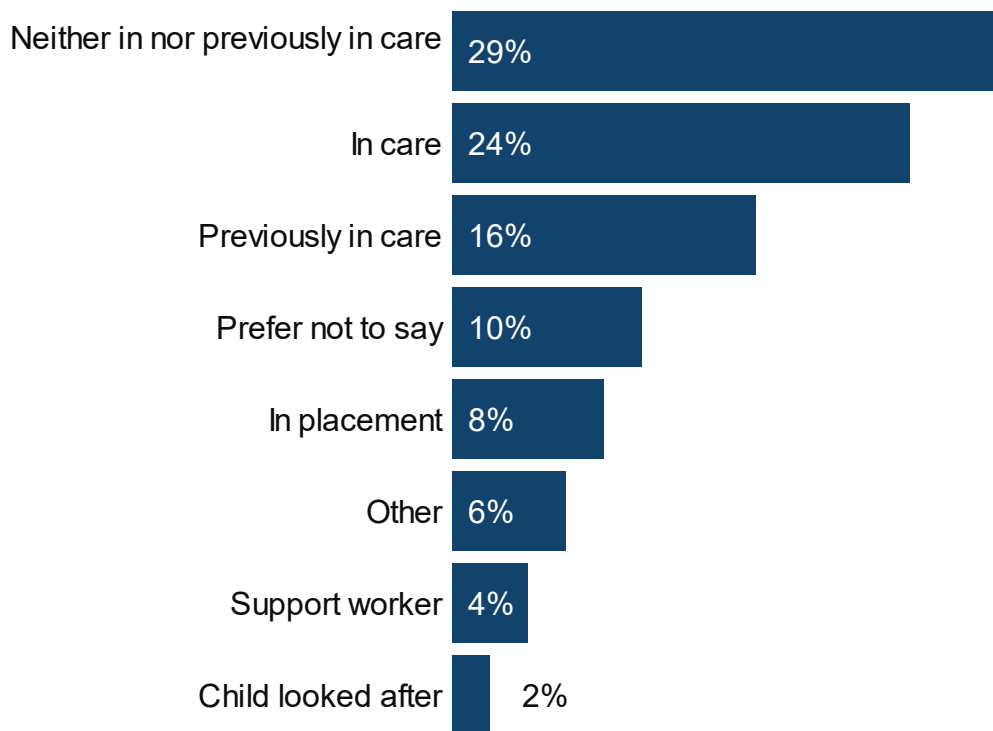


Figure 2: Respondent categories – young people's consultation

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Percentage of responses



Consultation proposals and questions

Proposal 1

We proposed that inspections should lead to one of 3 outcomes:

Consistently strong service delivery leads to typically positive experiences and progress for children. Where improvements are needed, leaders and managers take timely and effective action.

The next inspection will be within approximately 3 years.

Inconsistent quality of service delivery adversely affects children's experiences and limits their progress. Leaders and managers must make improvements.

The next inspection will be within approximately 18 months.

Serious or widespread weaknesses lead to significant concerns about the experiences and progress of children. Leaders and managers must take urgent action to address failings.

The next inspection will be within approximately 6 months.

Q1: To what extent do you agree or disagree with our proposal that inspections will lead to one of 3 outcomes?

Figure 3: Responses to Q1 – main consultation (%)

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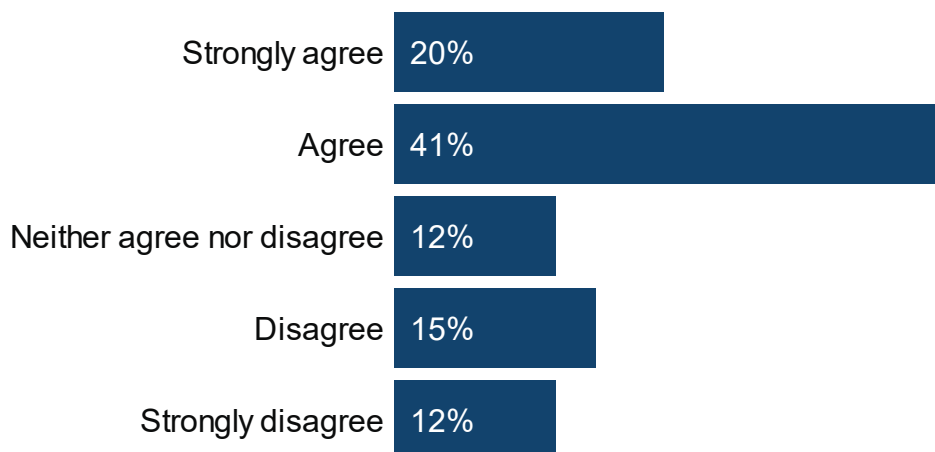
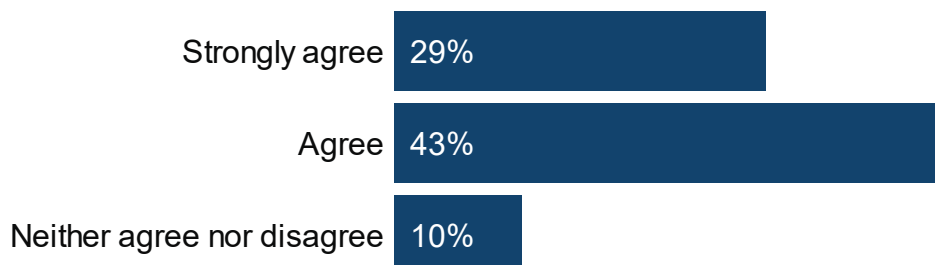
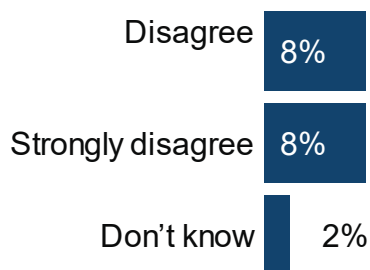


Figure 4: Responses to Q1 – young people's consultation (%)

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Most respondents to the main consultation (61%) agreed, or strongly agreed, with this proposal. Young people were generally more supportive of the proposed 3-outcome model (72% agreed, or strongly agreed). Several comments echoed our view that it is too early, in a newly regulated sector, to set benchmarks that describe exceptional practice. Others agreed that Ofsted's usual 4-point scale of judgements is not suitable for supported accommodation inspections. Local authorities and providers showed similar levels of support for the proposal, close to the overall percentage of agreement.

However, a quarter of respondents did not agree. Much of this disagreement was based on concerns about the wording of the 3 outcomes, especially the second outcome, which was often seen as too negative, rather than concerns about the introduction of the 3-outcome model itself. Some who agreed with the proposal expressed similar views. There were specific worries that the second outcome as it was originally worded may mean that only the first outcome would be seen as acceptable for commissioning frameworks.

A few people thought that the 4-point scale is more easily understood by the sector and the general public. They were concerned that a change to Ofsted's usual judgement structure would require an amendment to local authorities' benchmarks of quality when commissioning provision.

What we will do in response to the findings from question 1

Given the overall support for the proposal, we will implement a 3-outcome model.

However, we accept the view of several respondents that the second outcome, as originally worded, was too harsh. We have changed its first sentence to:

'Inconsistent quality of service delivery adversely affects some children's experiences, and this may limit their progress.'

We believe that this addresses some concerns that the original wording meant that all children were adversely affected by the service shortfalls, however extensive.

We used the revised wording for the second outcome in our pilot inspections. This convinced us that the change provided a balanced set of available outcomes that allowed inspectors to make a clear and fair distinction between the quality of providers.

Where it is evident, all reports will identify strong or exceptional practice, as well as any areas for improvement.

We will review this model after the first round of inspections. Our learning will inform future inspection arrangements, including how we make judgements.

As explained earlier, we had already agreed with the government that we would inspect providers at least once every 3 years, returning earlier to inspect weaker providers. However, many respondents expressed concern that this was not frequent enough. They compared it unfavourably with the requirement to inspect children's homes at least once every year.

Although some supported accommodation (particularly some group-living arrangements) is similar to children's homes, other provision (such as supported lodgings) is closer to fostering arrangements. The frequency of supported accommodation inspections mirrors the current arrangements for inspections of independent fostering agencies, which are also inspected at the provider level.

The timeframe for the next inspection is the usual maximum time for a return visit. Depending on the circumstances, we may decide to return considerably earlier. We have made this as clear as possible in the inspection guidance.

We also have the powers to visit at any time, without notice, if we have concerns about the safety and welfare of children.

Proposal 2: notice of inspection

We proposed that we should give 2 working days' notice of inspection to providers.

Q2: To what extent do you agree or disagree with our proposal to give 2 working days' notice of inspection to providers?

Figure 5: Responses to Q2 – main consultation (%)

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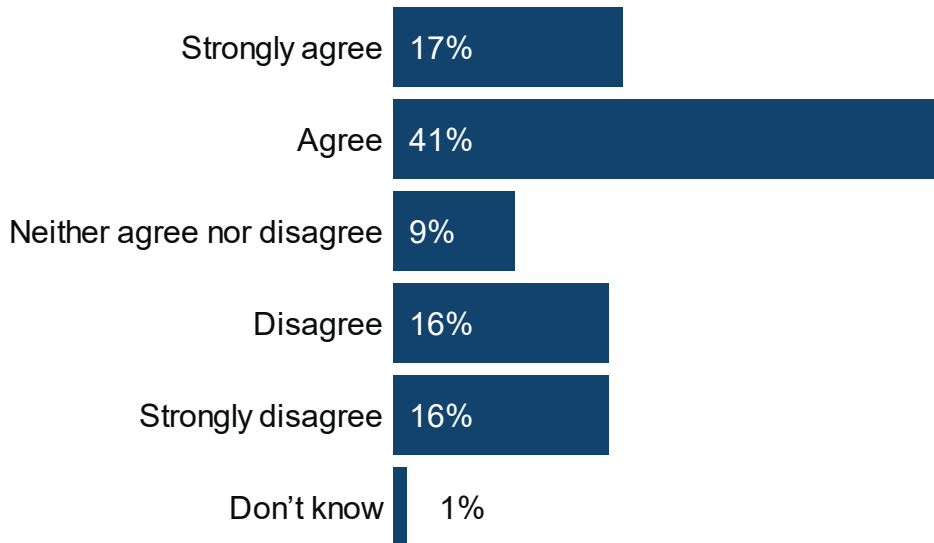
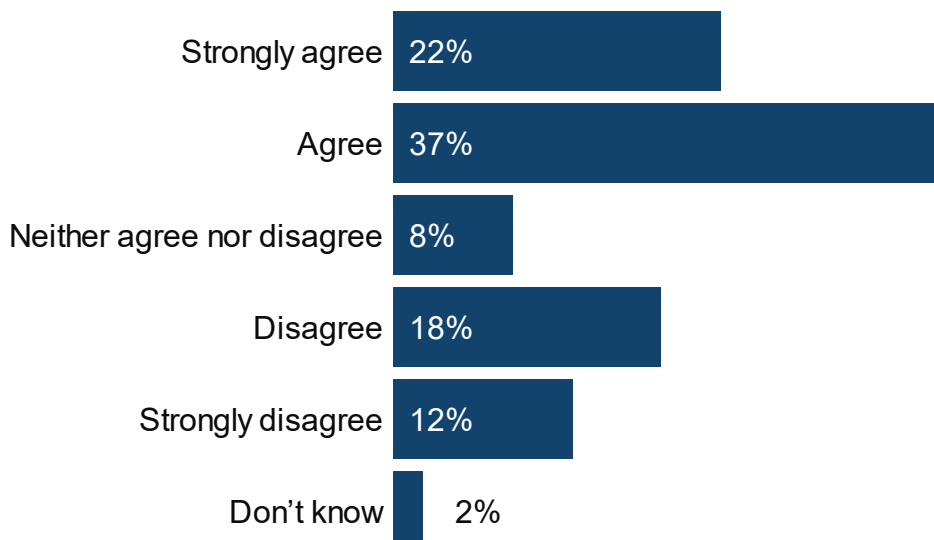


Figure 6: Responses to Q2 – young people's consultation (%)

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The majority of respondents (58.5%) agreed, or strongly agreed, with this proposal.

More than 1 in 4 did not agree, but there was no clear consensus from these responses whether the notice period should be shorter or longer.

Young people and local authority respondents who disagreed were slightly more likely to suggest a shorter (or unannounced) notice period than a longer period. Young care-experienced people whom we met face to face as a group were more likely to propose no-notice inspections than young people who responded to the survey. Overall, young people were the most likely group to be in favour of a no-notice inspection. They, like others who called for inspectors to arrive unannounced, were worried that 2 days' notice may mask the everyday reality for children and young people.

Several respondents (including some young people) said that a period of notice was necessary for children, as many of them would be busy if inspectors arrived unexpectedly. Some children might need help to prepare for a discussion with an inspector. This was particularly important to a group of young people we met who had arrived in this country as unaccompanied asylum-seeking children.

Providers were more likely than any other group to propose a longer notice period. Providers who disagreed with the proposal were nearly 4 times more likely to suggest an increase in the notice period than to suggest a shorter notice period. Some were concerned that inspectors arriving at short notice would not allow for the absence of key managers or for staff (or children) to be prepared for Ofsted's arrival.

What we will do in response to the findings from question 2

Many respondents – including, especially, people with lived experience – were clear that we should keep any notice period to an absolute minimum and see the settings as they usually operate. We have reworded the way we describe the 'notice' we give to providers to more accurately describe our activity once we announce an inspection.

We will not arrive 'on site' until 2 working days after we announce the inspection. This will allow inspectors to gather and analyse the required information from the providers. It will help them to develop lines of enquiry and plan their on-site inspection activity, including which premises to visit when they arrive. Importantly, it will give them time to plan to speak to children, with their agreement and at their convenience. We think that this will allow inspectors to make the best use of their time on site.

However, the inspection guidance now makes it clear that the inspection effectively starts at the point of the announcement. Information that we gather during the initial off-site period will form part of the inspection evidence base. As well as planning their on-site timetable and analysing information, inspectors may also use this time to speak to stakeholders, such as placing social workers or independent reviewing officers.

The 13 pilot inspections during the autumn of 2023 tested this approach. Generally, it worked well. Providers who participated in the pilots generally felt that the information requirements were reasonable and appropriate.

We will publish the information requirements in the inspection guidance (Annex A). This means that all providers can align their management information requirements, which should help to minimise any unexpected demands made of the provider when we announce the inspection.

When we announce the inspection, we will ask the provider to share a survey with all children within scope. This is mainly to make the children aware of our visit, but also to give them an opportunity to share their views on their experiences. The survey will include our contact details so that they can ask to speak to an inspector, if they wish.

Several respondents who agreed with the proposal sought reassurance that Ofsted could visit without notice if necessary. Importantly, if we have concerns about the safety and welfare of children, we have the powers to carry out unannounced monitoring visits.

Proposal 3: the main features of effective supported accommodation

To help us develop the detailed evaluation criteria that focus on the issues that matter most for children, we asked for views on the main features of effective supported accommodation.

We made some suggestions across the following areas:

- overall experiences and progress of children
- how well children are helped and protected
- the effectiveness of leaders and managers

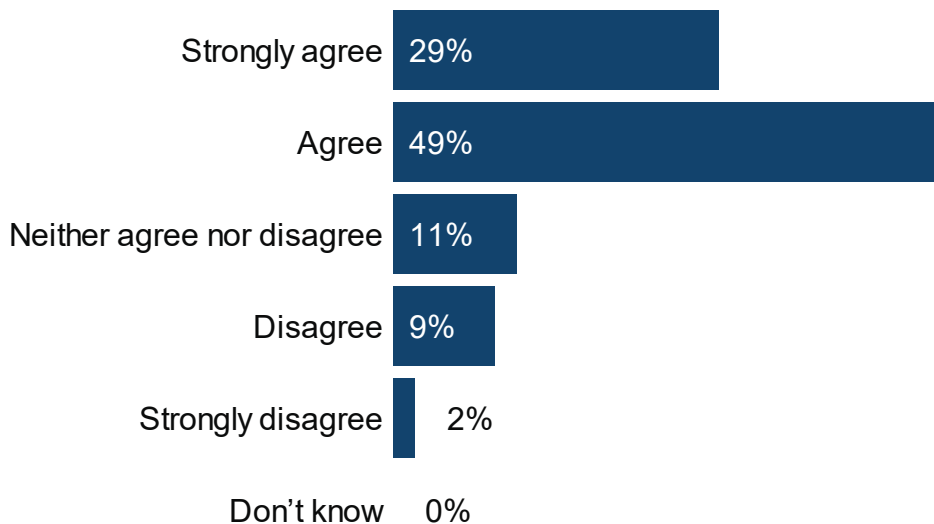
Our suggestions drew on existing social care common inspection framework

(SCCIF) evaluation criteria, our rapid evidence review, and previous consultation activity with stakeholders, including care-experienced people.

Q3: To what extent do you agree or disagree that these are the main things that will show us that children in supported accommodation have positive experiences and are making progress?

Figure 7: Responses to Q3 – main consultation (%)

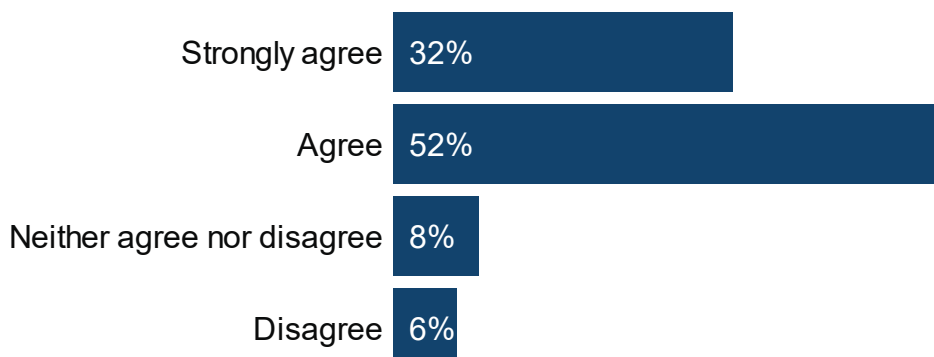
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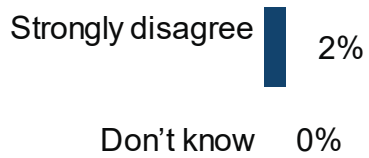


Q4: To what extent do you agree or disagree that these are the main features of effective help and protection for children in supported accommodation?

Figure 8: Responses to Q4 – main consultation (%)

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Q5: To what extent do you agree or disagree that these are the main features of effective leadership and management of supported accommodation?

Figure 9: Responses to Q5 – main consultation (%)

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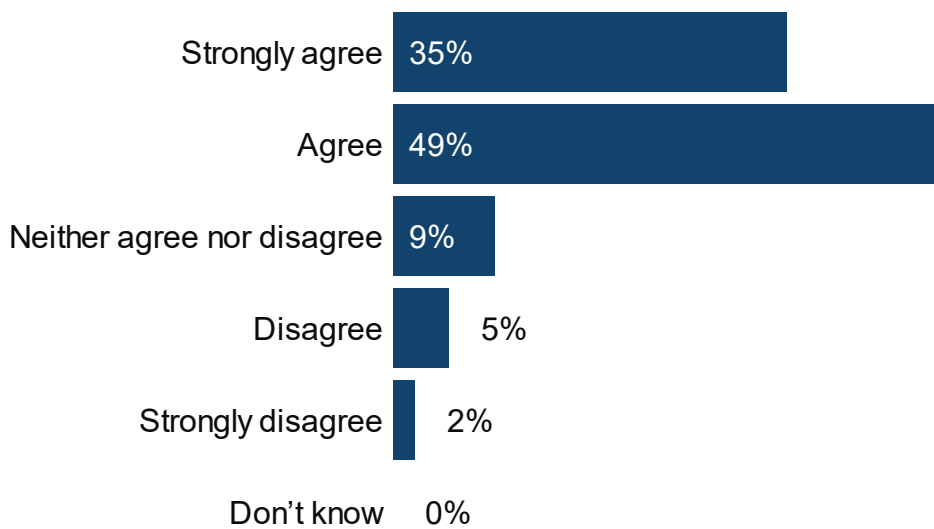
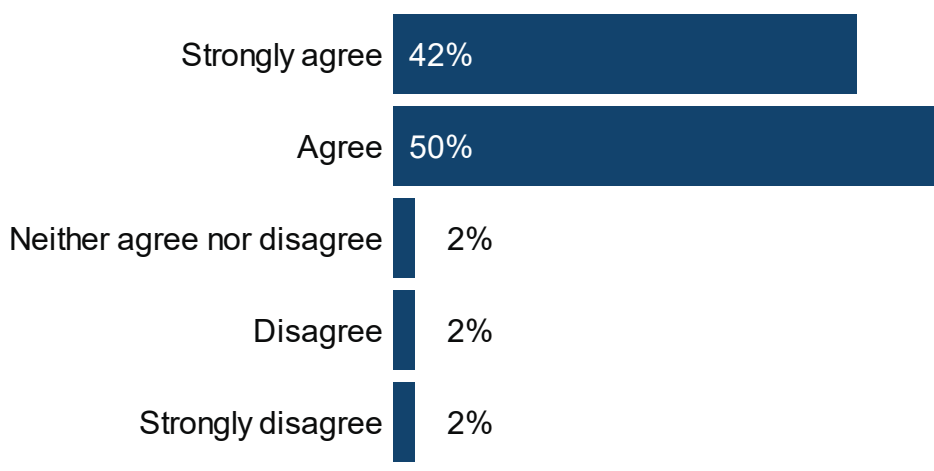


Figure 10: Responses to Q3 on the main features of effective supported accommodation – young people's consultation

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Don't know  2%

There was a high level of support for our suggestions. The large majority agreed, or strongly agreed, that these were the main features of supported accommodation. Comments were largely limited to suggesting that certain issues should be amplified or clarified.

The following were common or notable themes of the consultation feedback and learning from the pilot inspections:

- Sustained, supportive and nurturing relationships (both professional and personal) for children are critically important.
- Several respondents wanted to know more about what we meant by 'financial security' and 'access to technology'.
- Support for mental health, life skills and plans for their future, including plans for their next move, were important issues for young people.
- Some providers were concerned that some issues may be beyond their control and are the responsibility of other professionals such as children's social workers or personal advisers.
- The criteria need to be sufficiently detailed and clear to help providers and other stakeholders understand better what Ofsted is looking for.

Most of the children's charities that replied to the consultation were markedly less supportive in their response to these questions. This was largely due to a strong view that the basic premise of supported accommodation for children under the age of 18 is fundamentally flawed, and that all children who are in the care of the state should receive 'care' (that is, care that is more typically provided by a children's home or foster carers).

What we will do in response to the findings for questions 3, 4 and 5

We have set out detailed evaluation criteria in the inspection guidance that we have published at the same time as this report. The criteria draw on the feedback we received during the consultation and our learning from the pilot inspections. They build on what we learned from our rapid evidence review and face-to-face meetings with care-experienced people, including unaccompanied asylum-seeking children

and young people.

As such, we believe that the criteria are an evidence-based description of the things that matter most for children in supported accommodation.

The criteria provide more detail than the brief bullets listing the main features of supported accommodation during the consultation. They were designed to act as basic prompts for consideration. However, we have tried to avoid being over-prescriptive in the final criteria about how providers should operate. As with all services, a one-size-fits-all approach will not work in supported accommodation. We do not want to stifle creativity and flexibility across a highly varied sector that supports children with many diverse and unique needs.

Inspectors, supported by the evaluation criteria, will take account of the varying levels of accountability held by different professionals and organisations supporting children in supported accommodation.

We accept that there are different views about the suitability of supported accommodation for children. Our aim is to raise standards for children within the existing regulatory regime set out by parliament. As our understanding of children's experiences increases, we will share our findings with government.

There is no clear legal definition of 'care'. Care is only defined in the Care Standards Act to the extent that it describes a service. This lack of clarity makes the concept of an absence of care in this provision a tricky area to debate and for providers and commissioners to navigate.

The guide to the regulations makes it clear that supported accommodation should be seen as part of the continuum of care and support. Our inspection and registration guidance makes it clear that we expect providers to be caring and nurturing towards the children they are supporting, and to be able to respond sensitively to their individual and developing needs.

There will be times in the lives of all 16–17-year-olds when they need additional help. We expect inspectors to be sensitive to this, and not to penalise providers that provide support that may, at times, look like the type of care more usually provided by a children's home or foster carer. Services should be flexible and sensitive enough to allow temporary increases in help for children who are otherwise doing well in supported accommodation.

However, not all looked after children and care leavers aged 16 and 17 are ready for supported accommodation. We would not, for example, expect to see children who are deprived of their liberty, or need ongoing high levels of supervision or personal

care, in this type of provision.

Next steps

Starting inspections

We expect to start inspections from September 2024. This is later than the planned start of April 2024.

Providers were required to register, or to have an application to register accepted by Ofsted as 'complete', by 28 October 2023 in order to operate legally after that date.

We have received an exceptionally high number of applications, exceeding highest expectations. Furthermore, a high proportion of applications arrived very close to the deadline, and many arrived too late to be accepted by Ofsted as 'complete' by 28 October.

We believe that it is in the interests of children that we prioritise registration work above inspections. While many providers have met the deadline to have an application accepted as 'complete', we have not yet been able to assess the quality of that application unless they were fully registered. Many applications are from providers that are already accommodating children.

We are publishing the inspection guidance at the same time as this report. A later start to inspections will give the newly regulated sector more time to digest and understand the guidance. We will support providers and commissioners as much as possible, alongside the National Children's Bureau as part of its DfE-commissioned Sector Awareness and Provider Preparedness Programme.

Equality, diversity and inclusion

We received 27 responses to the draft equality, diversity and inclusion (EDI) statement that we published at the same time as the online consultation. Seven of these respondents said that everything was covered in our statement and that they had no further comments to make.

We have carefully considered the feedback in the remaining 20 responses. These focused mostly on the impact of inspection on the following groups of children:

- unaccompanied asylum-seeking children
- disabled children
- children with special educational needs
- LGBTQ+ children

We have tried to address this in our inspection guidance, including the evaluation criteria that, where necessary, make explicit references to the needs of specific groups of children. We have strengthened criteria relating to discrimination. The guidance makes it clear that we will make any necessary arrangements to make sure that we hear the views of children who may not speak English as a first language or who may use alternative means of communication.

We will publish a revised EDI statement in the summer of 2024. This will address the impact of the inspection arrangements on children with protected characteristics. It will also address the impact on children's rights.

Appendix: The main features of effective supported accommodation, as set out in our consultation

Main features of the overall experiences and progress of children

- The accommodation is of good quality and meets children's individual needs.
- Staff and supported lodgings' hosts are suitably skilled and have strong relationships with children.
- Plans for children are effective.
- Children are supported to maintain strong, supportive social networks.
- Children are well engaged with the wider community.
- Children have good access to technology.

- Support for children responds to their changing needs.
- There is effective support for children's emotional and physical health.
- There is strong support for children's education, training and employment.
- Children have financial security.
- Children's views are heard and acted on.
- Children are involved in decision-making and plans for their futures.
- Children's rights and entitlements are met.
- Children are helped to develop practical and self-care skills.

Main features of how well children are helped and protected

- Children feel safe and settled where they live.
- Risks are identified, understood and managed effectively in order to keep children safe.
- Leaders and staff respond effectively to children who may go missing or may be at risk of harm.
- Staff manage situations well and apply clear, consistent boundaries that contribute to children feeling safe.

Main features of the effectiveness of leaders and managers

- Leaders and managers have high ambitions and expectations for children and are committed to achieving the best possible outcomes for them.
- Leaders and managers have a good understanding of the progress that children are making.
- Leaders and managers have a good understanding of the service's strengths and weaknesses, and they take effective action as a result.
- Staff are well supported through supervision, induction and training.
- The service is achieving its aims and objectives, in line with its statement of purpose.
- There are positive and productive relationships between all professionals, which

ensure the best possible support for children.

- Leaders and managers take prompt and appropriate action when the responses from other services are not effective.
- Leaders and managers actively promote equality and diversity and tackle bullying and discrimination effectively.

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