

Introduction

CIH welcomes the opportunity to respond to the Department for Education's consultation on supported accommodation for care leavers and looked after children (16-17 years of age).

CIH is the professional body for people who work in housing; many of our members work in the field of supported and specialist accommodation, including that in which young people may be accommodated, whether housed with the involvement of children's services or through a local authority's homeless duty. (Services include, for example homeless hostels, short and long term supported housing and foyers.) Some of the services provided by social housing providers will already be registered with the Care Quality Commission, but most services will be focused on support, rather than care. These organisations come under the remit of the Regulator of Social Housing (and in terms of individual complaints, under the Housing Ombudsman).

General comments

CIH's submission has been shaped by discussions with our members and providers of supported accommodation; we will not answer all of the questions posed in the department's consultation, but rather we aim to address the proposals in the consultation under the three main areas it sets out:

- The principles and standards
- Management and administration
- Ofsted registration, inspection and enforcement, and provider accountability.

Whilst acknowledging the concern for and focus on care leavers and looked after children in the consultation, arguably all 16-17 year old children should be given the same support and attention; there is concern amongst providers that this will result in a two tier system for young people.



For many providers, if they only have a few care leavers or looked after children in their services during the year, the proposals may be prohibitive in terms of the costs to respond to the new requirements, particularly around registration with Ofsted. There is a risk that there will be a loss of provision and choice for these young people, should some providers choose to withdraw from inclusion of care leavers and looked after children in their services. Where there might also be concern that some homeless young people may need to access children's services, this retreat from provision may also extend to all young people of 16-17, placing further strain on children's services overall. Whilst each provider may only have a few young people in their services at any one time, if in a locality several providers take this decision, the overall impact on alternative, good quality services for young people may be significantly impacted. We would urge the department and Ofsted to take time to discuss with social housing providers and local authority partners, the likely impact of their requirements on the overall provision of services in different localities. The loss of appropriate accommodation risks increasing the risk of homelessness for young people and possible placement in inappropriate settings including bed and breakfast accommodation.

Many social landlords provide supported accommodation services in block contracts with local authorities, and margins on such services are increasingly narrow. Where the new regulatory requirements add burdens to service providers, unless this can be met through contract and cost reviews, this is also likely to drive some providers to withdraw services from 16-17 year old young people, when contracts end.

This framework is being brought in at a time when many social housing providers are already facing significant calls on resources (tackling existing housing conditions, meeting carbon zero targets, additional building and fire safety measures as well as pressure to deliver new housing). The Regulator of Social Housing is also in the process of bringing in a strong and proactive consumer regulation framework, with new reporting requirements including tenant satisfaction measures. The timing and costs arising from these two different regulatory frameworks being introduced during 2023, is likely to be another factor in the decisions providers will make about continued services.

Principles and standards

The development of the principles and standards with care experienced young people is very welcome, and the four standards cover the vital areas to ensure an appropriate service for young people. The social housing sector in general welcomes appropriate standards frameworks, and has experience of adapting well to such systems (as previously with the quality assessment framework under the Supporting People programme), albeit within a better resourced and longer time frame.

Where the services are aimed more broadly (as is common) for young people 16-21 or 16-25, it is likely that these requirements will necessitate additional work by providers in advance of the registration. There is a significant amount of detail required for the statement of purpose, and for the welcome information for young people, for example.



Many will already have procedures that address the requirements of the protection and support standards, including the use of trauma/ psychologically informed practices, although without the explicit focus on care leavers and looked after children of 16-17 that the proposals require. (So for example, the missing persons standard which, in some cases will be part of the overall safeguarding policy). Unless existing services are CQC registered it is unlikely that they store or administer medication, so this would be a new requirement to address. In these cases both time and potentially additional resources will be required.

The accommodation standard would only likely be an issue where a superior landlord leases the property being used as supported accommodation. There are also concerns about clarity of how some relationships between regulator, landlord and managing agents should be addressed in this new regulatory system.

Management and administration

Again most of the requirements under management and administration will be achievable by social housing providers, but it should be noted that some of the reporting measures are not light touch but will be quite onerous, such as the six monthly quality standard review; one provider with many applicable services estimated it would require an additional full time post to meet this. A formal workforce plan and updated log of staff qualifications and training will be required - these will exist in most organisations but will need to be reviewed to ensure it meets the requirements from Ofsted.

This will come at a time when social housing providers are also gearing up for additional performance monitoring and reporting for its own regulator (in terms of the tenant satisfaction measures being introduced during 2023 with reporting required in 2024).

Registration, inspection, and accountability

Providers raised concerns and questions about the requirements for registration, particularly in relation to the registered service manager (RSM). Where providers are large national organisations, their services are likely to be dispersed across England, and therefore difficult to be managed as required by a single RSM, but the extent of overall provision might mean a regional approach would also be problematic (with not enough services in all or every region). Such organisations may require staff with the experience and expertise operating at the RSM level within individual services, where these are dispersed, but it would incur significant additional costs if these were to be registered separately as proposed in the consultation. Many are keen that there should be more discussion or flexibility in how this is applied, enabling a single registration and main contact with Ofsted, but with the ability to have several RSMs for dispersed services.

Inspections every three years, with shorter timeframes where there are concerns over services, seems reasonable. The Regulator of social housing is proposing inspections every four years, and some mechanism to share information across regulators would be valuable. Some of the reporting requirements are not light touch and will be quite onerous in terms of staff time.



Whilst appreciating the aim of allowing providers flexibility in how the requirements are met, many feel that some important matters are still unclear; for example, the requirements for staff skills and training (beyond the RSM) and the requirement for enhanced DBS checks (are these required as well for reception staff or for contractors?). The consultation refers to location assessments again without clear detail of what expectations will be set. Again, this all potentially adds burdens and costs to existing services, with the risk that this may not be met in the duration of existing contracts.

The timing for this system of registration with Ofsted is proposed for 2023. This coincides with the Regulator of Social housing's focus on Tenant Satisfaction Measures, with additional reporting requirements on social housing providers, and further work to follow on wider consumer regulation, after the Social Housing (Regulation) Bill receives royal assent. This will bring in an enhanced proactive regulatory system for providers.

In addition to this, there is currently a Supported Housing (Regulatory Oversight) Bill going through Parliament which is likely to introduce additional licensing powers for local authorities in relation to accommodation and support standards in exempt accommodation. It may also enable local authorities to manage the location of future supported housing schemes, which will further support the aims of this consultation's proposed location assessments. Both of these routes are likely to significantly strengthen and improve the quality of supported accommodation.

In view of these changes, it is surprising that the consultation does not propose how Ofsted might work with other regulators apart from the CQC. With a stronger focus on tenants' experiences and influence over social housing providers' services overall, and with further licensing powers for local authorities proposed, there is scope for Ofsted to work more closely with councils and the Regulator of social housing, to find what gaps might still exist once these other requirements are in force, and to focus rather on those areas (i.e. working with the regulator and local authorities for a system of passporting, or lighter touch regulation than is proposed here).

In addition to the expanded remit of the Regulator of Social Housing and greater powers available to local authorities, many providers of foyers are also accredited by the Foyer Federation; again, some way of lightening the burden of this regulation might come from incorporating this in the framework.

Conclusion

In summary, the concerns raised during discussions on this consultation raise the risk that, for some social housing providers, the costs, time and resources involved for the number of care leavers and looked after children they support, may lead to a withdrawal from accommodating these young people, and potentially all 16-17 year olds, particularly when existing contracts are renewed. We would encourage the department and Ofsted to consider further engagement with social housing providers and local authority partners to understand the scale of potential services that might be at risk, and how working with existing accreditation schemes and/ or other regulators including the Regulator of Social Housing, might enable an approach that is more tailored to sustain and build on high quality supported accommodation provision. CIH would be happy to support further discussion on the issues raised here.

About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple - to provide housing professionals and their organisations with the advice, support, and knowledge they need. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in twenty countries on five continents across the world.

Further information is available at: www.cih.org

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