



Rt Hon Gavin Williamson CBE MP
Secretary of State

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5th November 2019

Dear Chief Executive,

Use of unregulated provision to accommodate children in care and care leavers

I am writing to you to express my concerns about the use of some unregulated and unregistered provision to accommodate children in care and care leavers, and to ask you to take action to assure yourself that children in your care are in safe and suitable accommodation.

Children in care and care leavers, for whom we hold a direct parental responsibility are some of the most vulnerable children and young people in society, and we must do all that we can to support them. It is unacceptable for any child to be placed in a setting that does not meet their needs and keep them safe, for any amount of time. I am particularly concerned about reports from Ofsted, local authorities and in the media about children aged under 16 who are accommodated in such provision.

In some cases, it may be the right choice for older children and care leavers to be placed in independent and semi-independent settings. These can give older children a level of independence that cannot be delivered in a children's home, or by a foster care. In these cases, as long as the local authority has carried out the necessary checks as required by the law, and it is providing an appropriate level of support tailored to the child's needs, these can be the right option. However, such settings must only be used for older children who are ready to live with the level of independence afforded by these settings.

While we do not wish to limit the flexibility of local authorities in providing individualised support, it is clear that some children are being placed at risk in this provision at present, and some particularly young and vulnerable children are being accommodated in settings that are not registered to deliver care and therefore cannot meet their needs. I cannot imagine a circumstance under which a child under the age of 16 should be living in an independent or semi-independent setting, given that those settings are not registered to deliver care. I look forward to working together to make sure these types of placements are eliminated.

The responsibilities and duties of local authorities regarding the suitability of accommodation for children in their care are clear. Local authorities must satisfy themselves that accommodation is safe; that the character and suitability of the landlord/provider has been rigorously checked; and that the provision can meet the individual needs of children in their care. This is even more important where children are placed out of area, and further checks should be carried out to ensure information is shared between placing and hosting local authorities.

In March 2019, the former Minister for Children and Families wrote to local authorities urging them to review their procedures when placing young people in unregulated provision, particularly for placements of children out of area, to ensure that statutory requirements are being met and children are kept safe from harm. Alongside this, our commissioned research (which involved interviews with 23 local authorities), as well as media reports and parliamentary interest, continue to highlight issues with the use of this provision. We must do all we can to ensure our standards and procedures are robust.

I would be most grateful if you could continue to review all of your placements in unregulated and, particularly, unregistered provision, which is illegal – these are settings that are delivering care but are not registered to do so. I am concerned about the number of children under 16 placed in settings that are not registered with Ofsted, so should not be delivering care, and I am certain that you will want to pay immediate and close attention to those placements.

Linked to this, Independent Reviewing Officers, by law, should be appointed for each of these children, and should be involved in regular reviews of the care plans for these children. I ask that you ensure that this is the case for all of your children currently accommodated in unregulated and unregistered provision.

I am sure you are aware that the Children's Commissioner for England recently wrote to every Director of Children's Services to request data on the number of children placed in different unregulated settings. This is important work to develop the evidence base on the use of this provision, and my officials are working closely with the Office of the Children's Commissioner to feed the findings of this research into our work to identify solutions to this problem.

I know this issue is of great interest to many colleagues involved in the leadership and delivery of children's services at this time, and I encourage you to continue to drive system and practice change and improvement. Your role is absolutely critical in ensuring the safety of our children.

I am copying this letter to the Minister for Children and Families and to the Children's Commissioner.

A handwritten signature in blue ink, appearing to read 'Gavin Williamson', with a long horizontal line extending to the right.

Rt Hon Gavin Williamson CBE MP
Secretary of State for Education