



Department
for Education

Regulating supported accommodation for looked after children and care leavers aged 16 and 17

Government consultation

Launch date 5 December 2022

Respond by 16 January 2023

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Introduction and context

The Department for Education is seeking views before regulations are laid that will introduce quality standards and registration and inspection requirements for providers of supported accommodation that accommodates looked after children and care leavers aged 16 and 17. This type of provision is often referred to independent or semi-independent provision, or as ‘unregulated’ provision as it is not currently registered and inspected by Ofsted. This consultation seeks views on:

- The Quality Standards
- Guidance that will accompany the regulations
- The requirements that providers will need to comply with in addition to the Quality Standards
- The Ofsted regime, including how Ofsted will register, inspect and take enforcement action against providers.

While there is high quality supported accommodation, our research and consultation over recent years has shown that the quality is not consistent enough and there are too many examples of children and young people being placed in settings that do not meet their needs and, in some cases, keep them safe. Our reforms seek to ensure that supported accommodation is of good quality across the sector and offers diverse options to meet the range of needs of older looked-after children and care leavers.

In February 2021, the Department published the Government’s consultation response on reforms to supported accommodation for looked after children and care leavers¹. The response set out that the Government would:

- Ban the placement of children aged under 16 in unregulated independent and semi-independent settings. This was delivered through The Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021 and the ban came into force in September 2021.
- Introduce new mandatory national standards and Ofsted-led registration and inspection for providers of unregulated provision that accommodates 16- and 17-year-old looked after children and care leavers to improve the quality of provision and better meet their needs. The response committed to consulting on the standards and Ofsted regime in 2021.

¹[Reforms to unregulated provision for children in care and care leavers](#) (February 2021).

In May 2021, the Department issued a further public consultation as well as obtained views of care experienced young people² on four proposed standards—leadership and management, protection, accommodation and support—for supported accommodation and on options for Ofsted-led registration and inspection.³

In December 2021 the government’s response to this consultation set out our intentions to:

- Introduce mandatory national standards overseen by an Ofsted-led registration and inspection for provision that accommodates 16- and 17-year-old looked after children and care leavers.
- Discontinue the use of the term ‘semi-independent provision’ and ‘unregulated’ and rename this provision ‘Supported Accommodation for Young People’;
- Prohibit placing looked after children and care leavers aged 16 or 17 in wholly independent settings by requiring all providers to provide some form of support for young people;

The Government will lay the final set of regulations to implement the reforms in early 2023, ahead of which we are seeking views from the sector.

Timeline for legislative changes

On 18 July 2022, the Government laid before Parliament the first set of regulations for the reforms to supported accommodation for 16- and 17-year-old looked after children and care leavers. This was the first step in delivering reforms to ensure young people are accommodated in settings that meet their needs and keep them safe. This first set of regulations was limited to extending parts of the Care Standards Act 2000, which give the Secretary of State powers to develop and consult on the more substantive regulations, which form this consultation.

These more substantive regulations to be laid in early 2023, will introduce the Quality Standards and Ofsted regime, enabling Ofsted to begin registering providers from Spring 2023, before registration becomes mandatory from October 2023. From October 2023, local authorities will not be permitted to place or arrange accommodation for looked after children and care leavers in supported accommodation that is not registered with Ofsted or has not submitted a complete application by 30 September 2023 as per the transitional arrangements. Providers operating without registration or without having submitted a complete application by 30 September will be committing an offence, for which Ofsted will be able to prosecute. Further information on the

²[National standards for unregulated provision: young people's views.](#)

³[Consultation on introducing national standards for independent and semi-independent provision for looked-after children and care leavers aged 16 and 17.](#)

transitional arrangements is set out in the final section. Ofsted will begin to inspect registered providers from April 2024.

Policy background

Looked after children and care leavers are often some of the most vulnerable children and young people in society, and we must work together to ensure that they have access to suitable, safe, and secure accommodation that can meet their needs and keep them safe. For most children, this is best achieved through a placement in foster care or a children's home, for which there are already robust approaches to approving, registering and quality-assuring provision. However, for some older children aged 16 or 17, a placement in supported accommodation can be the right option to best support young people to develop their independence ahead of embarking on adult life. The Government is clear that this type of provision is not automatically the right choice for children aged 16 and 17 and where children of this age have needs that would best be met in a children's home or foster care placement, that is where they should be.

We must ensure that there is a high-quality form of provision in the care system focused on supporting older children to develop their independence. This is becoming increasingly important as more older children come into the care system. Local authorities will continue to assure that provision is suitable and meets the needs of young people before placing them in supported accommodation.

The introduction of Quality Standards and independent regulation of this provision will level up the quality across the diverse types of supported accommodation. Providers will operate to a shared set of expectations on quality of accommodation and support and will be registered and inspected by Ofsted. These reforms will increase local authorities' confidence in the quality assurance of placements, improve the ability to monitor and increase the quality of this provision, taking action where it is not good enough, and crucially give our young people the high-quality support and accommodation that they deserve.

We have acknowledged that any new regime represents major change for local authorities and providers. We remain committed to designing this regime in partnership with the sector and care experienced children and young people. We have consulted on the challenges of introducing regulation of a sector that has long had more freedoms and flexibilities than the rest of the children's social care system. We have listened to local authorities and providers who have used this flexibility to develop and deliver innovative packages of support for young people that respond to the changing needs of the population of looked after children and care leavers over time.

We are developing the new regulations and Quality Standards by building on best practice that already exists and ensuring that changes to this provision balance the

benefits of flexibility with offering young people high quality support while keeping them safe. This consultation invites input on this.

Legal context – what is supported accommodation for young people?

Local authorities have statutory duties to meet the needs of looked-after children and care leavers and ensure that there is sufficient accommodation. The duties on local authorities to accommodate looked after children and care leavers are set out in different provisions. The Children Act 1989 sets out the ways in which looked after children and care leavers are to be accommodated and maintained by their local authority.

Reference to ‘young person’

Throughout this consultation we have used the term ‘young person’ or ‘young people’. We have done this to align with the name of this provision, having sought the views of care experienced young people in consultation.

Any references to the term ‘young person’ or ‘young people’ in this document means a looked-after child or care leaver aged 16 or 17. The use of “young person” throughout this document does not mean that those living in supported accommodation should not be considered children under the legal definition – as per the use of the terms ‘child’ and ‘children’ in the Regulations, it is clear that these young people are still children and must be considered and treated as such.

Definition of ‘supported accommodation’

Local authorities place most of the children they look after in foster care or in a registered children’s home. Local authorities can however place looked-after children in placements in accordance with “other arrangements” under section s.22C(6)(d) of the Children Act 1989 and when arranging accommodation for care leavers where the young person’s welfare requires it, local authorities must arrange “suitable accommodation” (s.23B(8)(b) Children Act 1989).

In the first set of regulations laid before Parliament on 18 July 2022, we defined “supported accommodation” as accommodation in England in which a child is accommodated pursuant to section 22C(6)(d) or 23B(8)(b) of the Children Act 1989, subject to specified exceptions, which are already in some way regulated and would not be considered to be supported accommodation and therefore should not be regulated

as such.⁴ As with all placements, where local authorities place looked-after children and care leavers in supported accommodation, they must ensure that this meets the needs of the young person and keeps them safe.⁵

Who this is for

- Providers of supported accommodation
- Local authorities
- Children's social care workforce
- Relevant national public, private and charitable sector organisations
- Care experienced young people

Issue date

The consultation was issued on 5th December 2022.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team on:

CSCUnregulated.CONSULTATION@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: Consultations.Coordinator@education.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

⁴ [The Care Standards Act 2000 \(Extension of the Application of Part 2 to Supported Accommodation\) \(England\) Regulations 2022 \(legislation.gov.uk\)](#)

⁵ [The Care Standards Act 2000 \(Extension of the Application of Part 2 to Supported Accommodation\) \(England\) Regulations 2022 - Explanatory Memorandum \(legislation.gov.uk\)](#)

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in early 2023.

About this consultation

This consultation invites views on proposals for the new regulations for supported accommodation for looked after children and care leavers aged 16 and 17, and as a result, the changes for providers and local authorities placing children and young people in these settings.

We will use the consultation findings to finalise the regulations, Quality Standards and accompanying guidance. We would like to hear your views on our proposals.

This consultation will be open to the public for six weeks. We have also separately published a version of this consultation aimed directly at care experienced children and young people.

The Department for Education is inviting views through three main sections of this consultation on:

- The quality standards providers will adhere to
- The management and administrative requirements on providers
- Ofsted registration, inspection and enforcement and provider accountability

As a supporting document to this consultation, we have included a draft of the 'Guide to Supported Accommodation Regulations including Quality Standards. This document should be read alongside the consultation.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

If you are not responding via the online survey, please can you ensure you provide:

- Your name
- Relevant contact details
- Whether you are responding as an individual or on behalf of an organisation
- Whether you would like your responses to be kept confidential

By email

CSCUnregulated.CONULTATION@education.gov.uk

By post

Ali Mills
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125 Norfolk Street
Sheffield
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Deadline

The consultation closes on 16 January 2023.

New mandatory quality standards for providers on supported accommodation

Background

We have already consulted extensively on our proposed quality standards. These will be mandatory for all providers to follow, and Ofsted will hold providers to account so that the quality of support and accommodation across supported accommodation is consistently good and action can be taken where it is not as good as we expect it to be.

In May 2021, we consulted on a suite of four standards to be introduced against which Ofsted will regulate supported accommodation. These are:

- The leadership and management standard
- The protection standard
- The accommodation standard
- The support standard

We are confident that these four standards are the right ones. We have amended the quality standards in response to feedback from over 77 care experienced young people and 219 individuals and organisations, including existing providers, local authorities and other interested stakeholders.

Each quality standard contains an over-arching, aspirational, outcome statement with young people at its heart, followed by a set of underpinning, measurable requirements that providers and settings must achieve in meeting each quality standard. We have embedded this in the proposed “Guide to supported accommodation regulations including quality standards” (the ‘Guidance’) which sets out more extensive guidance for providers and local authorities on how we expect the quality standards to be delivered in practice.

Through this consultation, we are seeking views on the quality standards and supporting guidance to be published alongside the regulations. This section of the consultation should therefore be read alongside the guidance which contains the quality standards.

The Guidance

Providers of supported accommodation will be required to meet the Quality Standards and other requirements outlined in the regulations, all of which the Guidance is intended to support providers achieve. Ofsted will take quality standards and regulation into account when regulating and inspecting supported accommodation and, where necessary, will be able to take enforcement action to ensure that providers meet the

standards. Further information on how Ofsted will hold providers to account is set out later in this consultation document.

The Guidance is a statement published pursuant to section 23 of the Care Standards Act 2000. It outlines the Quality Standards and supplements the regulations with additional advice on what providers will need to do to ensure compliance. Providers of supported accommodation must have regard to the Guidance in interpreting and meeting the regulations and Ofsted must have regard to the Guidance in regulating providers.

The draft Guidance is set out at Annex A. The latest version of the Quality Standards is displayed in blue boxes in the Guidance, which is set out in thematic chapters according to each standard.

Principles for supported accommodation

In the Guidance we have included 8 principles for supported accommodation to underpin the regulations and the Guidance. The principles have been collated following engagement with care experienced young people and are deliberately written in the first person.

The quality standards

Please refer to the draft quality standards contained in the accompanying 'Guide to Supported Accommodation Regulations including Quality Standards' when responding to these questions.

Q1a: To what extent do you agree with the proposed 'Leadership and Management Standard' and supporting guidance?

(Fully agree / Partly agree / Do not agree / Do not know)

Q1b: Please provide details to explain your answer

Q2a: To what extent do you agree with the proposed 'Protection Standard' and supporting guidance?

(Fully agree / Partly agree / Do not agree / Do not know)

Q2b: Please provide details to explain your answer

Q3a: To what extent do you agree with the proposed 'Accommodation Standard' and supporting guidance?

(Fully agree / Partly agree / Do not agree / Do not know)

Q3b: Please provide details to explain your answer

Q4a: To what extent do you agree with the proposed 'Support Standard' and supporting guidance?

(Fully agree / Partly agree / Do not agree / Do not know)

Q4b: Please provide details to explain your answer

Q5a: Are the Quality Standards or the Guidance missing anything that you would expect of any provider of supported accommodation?

(Yes / No / Not Sure)

Q5b: Please provide details to explain your answer

Impact on non-permanent settings

Mobile settings which offer accommodation and support to 16- and 17-year-old looked after children and care leavers under the relevant powers will be in scope of these regulations. This can include caravans, barges and boats which we believe are generally not appropriate settings for young people. We have not, however, taken the approach of introducing a ban on the use of non-permanent settings. In some limited and exceptional circumstances this type of provision might be the right option for young people, where it meets the supported accommodation standards and requirements. What matters is that the placement meets the requirements and the needs of the young people being accommodated.

Provision which is not appropriately secure, isolates young people and is located such that a young person cannot access local services such as education and health, is very unlikely to be able to meet the quality standards.

Q6a: Do you agree that this is the right approach to regulating mobile and non-permanent settings?

(Yes / No / Not Sure)

Q6b: Please provide details to explain your answer

The administrative requirements on providers

Background

In addition to the Quality Standards, we will lay regulations that set out requirements around the management, administration and service delivery of supported accommodation providers to ensure that they deliver a high-quality service that offers support that meets the needs of young people and keeps them safe. These requirements should be read alongside the Guidance published with this consultation, which provides explanations of the terms to be used in the regulations, sets out what will be expected to meet the various requirements and signposts additional relevant statutory and non-statutory guidance.

The sections below refer to ‘registered person’ and ‘registered service manager’. These terms, and the specific expectations linked to these roles, are explained in the Guidance and are referenced in the ‘Ofsted registration, inspection and enforcement and provider accountability’ section of this consultation.

As the regulator, Ofsted will have due regard to these requirements to assess compliance and the quality of the provision being delivered.

The requirements set out in the sections below are each covered in the guidance document. These requirements are referenced throughout the guidance. Within this consultation document, they are organised thematically, under the headings of one of the four standards.

Requirements on staffing

The registered person must ensure that staff work effectively as a team meet the needs of young people, that staff have the experience, qualifications, and skills to meet the needs of each young person, and that the service has sufficient staff to support and accommodate young people safely and effectively. We consider “staff” to include not just those directly employed by the supported accommodation undertaking but also hosts of supported lodgings as well as agency workers and volunteers involved in delivering the service.

Recruitment

The registered person must ensure that in all settings, recruitment practices ensure staff are suitable to work with young people and keep them safe from harm and that all individuals working at the service or providing support to young people on behalf of the provider have recent and relevant qualifications and experience. The registered person

must ensure arrangements are in place for the supervision, training and development of staff that take into consideration the organisational structure of the service.

Fitness

Fitness requirements for staff include being of integrity and good character, having the appropriate experience, qualification, and skills for the work that the individual is to perform, mentally and physically fit for the purposes of the work that the individual is to perform, and providing the required information such as a criminal record certificate, references and employment history.

The registered person is responsible for ensuring that each employee completes an appropriate induction and is subject to the satisfactory completion of a period of probation. The registered person must provide each employee with a job description outlining the employee's responsibilities. The registered person will have to ensure that all employees undertake appropriate continuing professional development, receive practice-related supervision by a person with appropriate experience, and have their performance and fitness to perform their roles appraised at least once every year.

Disciplinary procedures

The registered person will have a duty to operate a disciplinary procedure which provides for the suspension from work of an employee if necessary in the interests of the safety or welfare of young people and that the failure on the part of an employee to report an incident of abuse, or suspected abuse, whether past or present, in relation to a young person to the appropriate person (such as a registered person, Ofsted, the local authority or the police) is a ground on which disciplinary proceedings may be instituted

Q7a: To what extent do you agree that this is the right approach to staff recruitment, checks, induction, staff fitness requirements, training and supervision and disciplinary proceedings?

(Fully agree / Partly agree / Do not agree / Do not know)

Q7b: Please provide details to explain your answer

Policies for the protection of young people

The registered person will be required to prepare and implement child protection policies intended to safeguard young people accommodated in the service from abuse or neglect. All providers will be required to have each of these policies in place.

Safeguarding policy

This policy must describe the measures which may be necessary to protect young people following an allegation of abuse or neglect and describe how and to whom staff are to report, without delay, any concern about abuse or neglect of a young person.

The policy must outline the procedure to be followed in the event of an allegation of abuse or neglect, detailing arrangements around:

- communicating and cooperating with any local authority which are, or may be, making a child protection enquiry in relation to a young person in the service;
- promptly referring an allegation about current or ongoing abuse or neglect in relation to a young person to the placing/accommodating authority and, if different, the local authority in whose area the setting is located;
- promptly referring an allegation about past abuse or neglect in relation to a young person to the placing/accommodating authority and, if different, the local authority in whose area the alleged abuse or neglect occurred;
- how and to whom staff are to report, without delay, any concern about abuse or neglect of a child;
- what measures may be necessary to protect young people following an allegation of abuse or neglect; and
- keeping records of an allegation of abuse or neglect, and the action taken in response.

The registered person will be responsible for providing a written statement which sets out the agreed protocol with regard to any incidents of inappropriate, violent or potentially criminal behaviour at the setting, ensuring the safeguarding and protection of all young people and staff, which must be measured and proportionate so as not to cause unnecessary criminalisation.

Missing child policy

The registered person will be required to prepare and implement a missing child policy that sets out the steps taken, and to be taken, to prevent young people from going missing, as well as the procedures to be followed, and the roles and responsibilities of persons working at the setting, in relation to a young person who is, or has gone, missing.

Before implementing or making an amendment to the missing child policy which the registered person considers to be substantive, the registered person must consult, and take into account the views of any person, body or organisation that the registered person considers to be relevant in relation to the support, protection or safeguarding of a particular young person in all the circumstances) and have regard to any relevant local authority or police protocols on missing children.

Records should be kept of the date and circumstances of all incidents where a young person goes missing from the setting, including any information relating to the young person's whereabouts during the period of absence.

Q8a: To what extent do you think that the proposed approach to the service's protection policies is the right one to ensure the welfare of young people in supported accommodation?

(Fully agree / Partly agree / Do not agree / Do not know)

Q8b: Please provide details to explain your answer

Behaviour management policy

The registered person will be required to prepare and implement a behaviour management policy which sets out how appropriate behaviour is to be promoted in the service and the policy on restraint measures, which may, under highly limited and tightly defined circumstances, be used in relation to young people in the service. This policy should outline the service's approach to preventative and/or de-escalation methods and effective conflict management as well as the service's emergency protocols to keep young people safe.

Restraint

We do not expect the use of restraint to be necessary in supported accommodation given the high levels of responsibility and autonomy of the young people accommodated in this provision, but should it be used, we would expect staff to have undergone training in safe restraint practices

The registered person must ensure that within 24 hours of the use of a measure of restraint in relation to a young person in the setting, a record is made which includes:

- the name of the young person, details of the young person's behaviour leading to the use of the measure;

- the date, time and location of the use of the measure;
- a description of the measure and its duration;
- details of any methods used or steps taken to avoid the need to use the measure, the name of the person who used the measure (“the user”) and of any other person present when the measure was used;
- the effectiveness and any consequences of the use of the measure and a description of any injury to the young person or any other person; and
- any medical treatment administered, as a result of the measure.

The registered person must ensure that within 48 hours of the use of a measure of restraint in relation to a young person, the registered service manager, or a person who is authorised by the registered service manager to do so (“the authorised person”) has spoken to the user about the measure to learn from the incident and has signed the record to confirm it is accurate.

The registered person must ensure that within 5 days of the use of a measure of restraint in relation to a young person, the registered service manager or the authorised person adds to the record confirmation that they have spoken to the young person about the measure to agree the accuracy of the record and identify support needs.

Q9a: To what extent do you think that the proposed approach to restraint is right one to ensure the welfare of young people in supported accommodation?

(Fully agree / Partly agree / Do not agree / Do not know)

Q9b: Please provide details to explain your answer

Records

The registered person will be responsible for securely maintaining and updating records for each young person in the service and retaining the records for at least 15 years from the date of the last entry. If a setting closes, the registered provider must transfer each young person’s case records which are held in relation to the closing setting to another setting within the service. If the registered provider will cease to be the registered provider of the service, the registered provider must transfer each young person’s case records which are held to the young person’s placing/accommodating authority.

The registered person must ensure that the following items, which may be kept in electronic form, are held:

- the statement of purpose;

- the young person's guide;
- the protection policies (including the safeguarding and missing child policy);
- the behaviour management policy;
- records of the use of measures of restraint;
- young persons' case records;
- the procedure for considering complaints;
- records of complaints;
- the independent person's reports;
- the personal adviser's reports;
- quality of support reviews;
- annual reviews of the appropriateness and suitability of the location of each of the service's settings;
- personal details in relation to the young person (name, date of birth, sex, religion, ethnicity, previous address, moving on address, financial information, the statutory provision under which the young person is provided with accommodation);
- contact details of certain persons in relation to the young person;
- information relating to the support, protection or safety of the young person;
- any plans or reports in relation to the young person (such as an EHC plan or support plan prepared by the placing/accommodating authority including the date and result of any review of this plan);
- health matters in relation to the young person;
- register of young people including information on, for example, the young person's admission to the service; and
- staff information records.
- a record of all notifications, which should include details of the matter, the other persons, bodies or organisations (if any) who have been notified, and any actions taken by the registered person as a result of the matter.

Q10a: Do you agree that the proposed practices around producing, storing and maintaining records are proportionate and will ensure young people are kept safe and their needs are met?

(Yes / No / Not Sure)

Q10b: Please provide details to explain your answer

Complaints and representations

The registered person will be responsible for establishing a procedure for considering complaints made by or on behalf of young people. The procedure must ensure that no person who is the subject of a complaint takes any part in its consideration or investigation, except at the informal resolution stage if the registered person considers it appropriate. The registered person must ensure that no young person is subject to any reprisal for making a complaint or representation.

The registered person must ensure that a record is made of any complaint, the action taken in response, and the outcome of any investigation and if requested, must supply to Ofsted a statement containing a summary of any complaints made during the preceding twelve months and the action that was taken in response to each complaint.

Q11a: Do you agree that the proposed practices around complaints and representations are proportionate and will ensure young people are kept safe and their needs are met?

(Yes / No / Not Sure)

Q11b: Please provide details to explain your answer

Notifications

Notification of a death

If a child dies, the registered person must without delay notify Ofsted, the placing/accommodating authority, the Secretary of State, the local authority where the setting is located, the clinical commissioning group where the setting is located and each other relevant person.

Notification of a safeguarding referral

If there is a referral of a person working in the service, as a safeguarding duty, the registered person must without delay notify Ofsted, the placing authority and each other relevant person.

Notification of a serious incident

The registered person must also notify Ofsted and each other relevant person without delay if:

- a young person is involved in or subject to, or is suspected of being involved in or subject to, sexual exploitation;
- an incident requiring police involvement occurs in relation to a young person which the registered person considers to be serious;
- there is an allegation of abuse against the service or a person working there;
- a child protection enquiry involving a young person is instigated or concludes (in which case, the notification must include the outcome of the child protection enquiry); or
- there is any other incident relating to a young person which the registered person considers to be serious.

All notifications must be in writing and include details of the matter, the other persons, bodies or organisations (if any) who or which have been notified, and any actions taken by the registered person as a result of the matter.

Notification with respect to supported accommodation being arranged, or ceased for the young person

Where a decision has not been made between the placing/accommodating local authority and the provider, the registered person must notify, without delay, the placing/accommodating authority of supported accommodation being arranged for, or ceased for a young person. The registered person must also notify, without delay, the local authority for the area in which a supported accommodation setting is located of every young person being accommodated into the service and every young person being ceased to be accommodated at the setting. This notification in writing must state the young person's name and date of birth, whether the young person is provided with accommodation under s.20 or s.22A of the CA 1989 or s.23B(8)(b) CA 1989 with respect to care leavers, whether the young person is subject to a care order or an interim care order under s.31 or s.38 respectively of the CA 1989, the contact details for the young person's placing or accommodating authority and the independent reviewing officer appointed for a looked-after child's case or a care leaver's personal adviser, and whether the young person has an EHC plan.

Notification of offences

If a registered provider (if a person, or if it is an organisation or partnership, any director of that organisation or partnership), registered service manager, nominated individual (if one is nominated), is convicted of a criminal offence, whether in England and Wales or elsewhere, that person must without delay give notice in writing to Ofsted including information on the date and place of the conviction, the offence, and the penalty imposed for the offence.

Notice of absence

If the registered service manager, who is in day-to-day charge of a supported accommodation setting, proposes to be absent from the setting for a continuous period of 28 days or more, the registered person must give notice in writing to Ofsted of the proposed absence. Except in the case of an emergency or unforeseen absence, this notice must be given no later than one month before the proposed absence commences, or within such shorter period as may be agreed with Ofsted. This notice must specify with respect to the proposed absence its length or expected length, the reason for it, the arrangements which have been made for running the setting during the absence, the address, name and qualifications of the person who will be responsible for the setting during the absence; and, in the case of the absence of the registered service manager, the arrangements that have been, or are proposed to be, made for appointing another registered service manager to manage the service during the absence, including the proposed date by which the appointment is to be made.

If the absence arises as a result of an emergency or is unforeseen, the registered person must give notice of the absence within one week of the beginning of the absence and specifying the matters in the above paragraph.

The registered person must notify Ofsted of the return to duty of the registered service manager no later than 7 days after the date of that person's return.

Appointment of liquidators

Any person appointed to act as liquidator must have regard for the welfare of the young people accommodated in the setting while the liquidation procedure takes place. The liquidator must notify Ofsted of their appointment, the reasons for their appointment and ensure that if there is not a registered service manager in place, an individual is appointed to manage the day-to-day operation of the undertaking. Within 28 days, the appointed person must notify Ofsted of their intentions regarding the future operation of the service.

Death of a registered person

If a registered person dies and there is another registered person, they must notify Ofsted of the death in writing without delay. If there is only one registered person and that person dies, that person's personal representatives must notify Ofsted of the death in writing without delay and must, within 28 days, notify Ofsted of their intentions regarding the future running of the service.

The personal representatives of a deceased registered provider may carry on the service without being registered in respect of it for a period not exceeding 28 days or for a period determined in writing by Ofsted not exceeding one year. The personal

representatives must have regard to young people's welfare when acting in relation to the operation of the service and its future.

Q12a: Do you agree that the proposed practices around notifications are proportionate and will ensure young people are kept safe and their needs are met?

(Yes / No / Not Sure)

Q12b: Please provide details to explain your answer

Business continuity and contingency planning

It is important that the registered person has a full business continuity plan that covers failure across all areas including staffing, buildings, emergency scenarios, and so on. The business continuity plan must reference how the provider plans to maintain stability for the young people accommodated in the service in the event of disruption to the service.

The registered person must ensure that the employment of any person on a temporary basis at a setting does not prevent young people from receiving continuity of support as is reasonable to meet their needs. The registered person must produce a contingency plan policy for the young people in their accommodation in the event of its closure, either through choice or via cancellation or suspension of registration. The registered person will be required to provide this policy to Ofsted if requested. This will need to be shared with the local authority arranging the accommodation for the young person, to enable the local authority to check the suitability of this contingency plan before determining the suitability of the placement.

Q13a: Do you agree that the proposed business continuity requirements are proportionate and will ensure young people are kept safe and their needs met?

(Yes / No / Not Sure)

Q13b: Please provide details to explain your answer

Ofsted registration, inspection and enforcement and provider accountability

Background

Currently, supported accommodation is not registered and inspected by Ofsted. Through our initial consultation in 2020, over 70% of respondents thought Ofsted should oversee a quality and inspection regime. In December 2021, we announced that we would introduce national standards for supported accommodation and that Ofsted would register and inspect providers against the national standards.

The regulation of this provision will mean that, for the first time, all provision offering care and support to looked after children and care leavers aged 16 and 17 will be registered and inspected by Ofsted. For young people, this will ensure greater quality and consistency in provision, ending the post-code lottery of provision and levelling up outcomes for children across the country. We will not tolerate poor provision that fails to meet the needs of some of our most vulnerable children. In order to improve quality, we will be implementing mandatory Quality Standards that all providers will have to follow. Ofsted will inspect against these standards, ensuring providers are delivering good outcomes for young people accommodated.

We have already confirmed that Ofsted will register supported accommodation at provider-level. We believe that this approach is and proportionate for this provision, and will allow for flexibility and provider innovation to meet the diverse needs of the young people they accommodate, while ensuring Ofsted have robust powers to take action against providers where provision is poor.

This section of the consultation seeks your views on our proposals for the core features of the Ofsted regime. This includes:

- The roles and responsibilities of the ‘registered provider’ and ‘registered service manager’
- The fitness and capacity of the registered provider and registered service manager
- Notifications of new settings
- Ofsted enforcement powers, offenses, and tribunals
- Ofsted inspections and fees.

Who will be required to register?

Each organisation, partnership or person wanting to provide supported accommodation will be required to register a supported accommodation undertaking with Ofsted, as set out in the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022. The organisation, partnership or individual carrying on that undertaking will be the registered provider. The registered provider will be responsible for some of the requirements for supported accommodation undertakings including, but not limited to, the financial requirements, the workforce plan and the appointment of the registered service manager. Further details on the requirements of the registered provider are set out in the section below.

Each registered provider must have one registered service manager who is accountable to Ofsted for all elements of service delivery. The registered service manager will be recruited by the registered provider but will apply to Ofsted for their own personal registration and will have management responsibility for operations and quality of provision of all settings/addresses falling under that registration. The registered service manager is responsible and accountable for overseeing the management of all the provider's settings. The registered service manager may appoint other individuals to manage the day-to-day operations within different settings, but these people will not be required to register with Ofsted. Each registered provider registration must be accompanied by an application for the registered service manager.

We use the term 'registered person' as a collective term for both the registered provider and the registered service manager.

Given that each registered provider will be permitted to only have a single registered service manager, we think it will be important that providers consider how the registered service manager can effectively oversee the provision of support and accommodation in all the service's settings. This will mean that large providers who operate multiple settings nationally will need to consider the most sensible approach to setting a realistic span of control for the registered service manager. The registered service manager's span of control should be determined by the registered provider and should be reasonable, appropriate, and not excessive so that they have the capacity and capability to ensure a quality service is delivered in all settings and is compliant with the Quality Standards and the Regulations.

We will not be setting a specific benchmark or limits on the number of settings or young people a registered service manager can oversee but Ofsted will consider spans of control as part of their inspection framework.

If the registered provider is an organisation, they will need to nominate an individual to represent the organisation and be a point of contact for Ofsted. Where the registered provider is also the sole proprietor of the organisation, they will be required to register

as the registered service manager, subject to meeting the suitability criteria and other requirements.

We are proposing that each supported accommodation undertaking will be only permitted to have one registered service manager. Providers can have a management system in place which has a number of non-registered managers to evidence effective management and control. Should a provider wish to have more than one registered service manager they will need to submit a separate registered provider application for what will then be a separate supported accommodation undertaking.

Q14a: To what extent do you agree that the proposed roles and responsibilities of the 'registered provider' and 'registered service manager' will ensure a proportionate level of oversight in supported accommodation?

(Fully agree / Partly agree / Do not agree / Do not know)

Q15b: Please provide details to explain your answer

Q15a: Do you agree with the proposal to limit the number of registered service managers in each supported accommodation undertaking to one?

(Yes / No / Not Sure)

Q15b: Please provide details to explain your answer

Appointment and fitness of registered persons

In registering providers and service managers, Ofsted will require information to judge their fitness for registration. The information required in respect of registered persons in supported accommodation that will be required in order to enable Ofsted to grant/refuse registration includes:

- proof of identity including a recent photograph;
- two written references, including a reference from the person's most recent employer, if any;
- if a person has previously worked in a position involving work with children or vulnerable adults, verification so far as reasonably practicable of the reason why the employment or position ended;
- an enhanced DBS check;
- documentary evidence of any qualifications which the person considers relevant for the position; and
- a full employment history, together with a satisfactory explanation of any gaps in employment, in writing.

Registered persons must be of integrity and good character, mentally and physically fit to carry on or manage the service.

The registered provider must be financially fit to carry on the supported accommodation undertaking. The registered provider must carry on the service in such manner as is likely to ensure that the service will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose. The statement of purpose is a document which sets out what the service offers and how it can meet the needs of prospective young people who may be accommodated. Further details can be found at section 2.41 in the Guide to Supported Accommodation Regulations including Quality Standards.

The registered person must provide Ofsted with the following information, which Ofsted may need for the purpose of considering the financial viability of the service:

- the annual accounts of all settings certified by an accountant;
- information as to the financing, and financial resources, of the settings and the registered provider;
- where the registered provider is a company, a list of any of its associated companies;
- and a certificate of insurance for the registered person in respect of liability which may be incurred by the registered person in relation to each setting in respect of damage, death, injury, public liability or other loss.

Registered persons must have the skills needed to exercise their role and responsibilities and undertake continuing professional development as is necessary to ensure that they as an individual have the skills needed for carrying on or managing the supported accommodation undertaking.

Q16a: Do you agree that the proposals around the fitness and capacity of the registered provider and/or registered service manager are the right ones?

(Yes / No / Not Sure)

Q16b: Please provide details to explain your answer

Information required about the provider at registration

A registered person must submit a new application for each supported accommodation undertaking they wish to carry on or manage. On application, the registered provider will

be required to notify Ofsted of all the settings they intend to operate from. The information required on settings at the time of application will be the addresses of settings, the sex of the young person(s) being accommodated, the age range and the category that the provision falls within (further details on categories are set out below). A provider does not have to submit a new application in respect of additional settings under an existing supported accommodation undertaking but must inform Ofsted of any new setting(s) including the aforementioned information, within 72 hours of accommodating a young person. Ofsted will keep an internal list of settings for each supported accommodation undertaking on the register. This list of settings will not be kept on the register or on the certificates of registration. Local Authorities will be made aware of settings operated by providers in their area via local Ofsted monthly reporting, similar to the process which exists for children’s homes.

Categories of supported accommodation provision

The table below sets out the proposed categories of supported accommodation and a broad description of what they provide. We have developed these categories with Ofsted using input from extensive consultation with local authorities and providers. Providers will be required to say which category or categories they are applying for at the point of registration. If a provider is applying to run more than one category of supported accommodation, the registered service manager will need to have the skills and experience to oversee the management of each category. Providers will need to apply for a variation of their condition of registration if they wish to provide supported accommodation under a new category.

Ofsted will use conditions on each registration to prohibit providers from operating accommodation which does not fall into the category/categories of registration. It will then be an offence for providers to operate accommodation which does not fall into the category/categories of registration and Ofsted will be able to take enforcement action against the provider.

Category	Description
Single occupancy	Includes bedsits under a licence agreement and self-contained flats (one setting may include several self-contained flats) This category does not include provision that is not designed for anything other than solo occupancy ⁶

⁶ If a looked after young person or care leaver is living with a partner and/or with their child, this would still be categorised as single occupancy.

<p>Shared accommodation/group living (ring-fenced provision for looked-after children and care leavers)⁷</p>	<p>Shared accommodation</p> <p>Young people have their own bedroom, and may have their own bathroom, and share communal areas (e.g. living room/s, kitchen)</p> <p>Provision may include foyer-type accommodation that combines support with opportunities for education, training and employment</p> <p>This provision may support care leavers aged 18+</p>
<p>Shared accommodation/group living (non-ring-fenced provision)</p>	<p>See description for 2 above, plus:</p> <p>In addition to being registered to support looked-after children and care leavers CLs aged 16-17, this provision may also provide accommodation for people aged 18+ and who are not care-experienced</p>
<p>Family-based accommodation/supported lodgings</p>	<p>Provided by private individuals who offer a room in their family home.</p> <p>Provision is typically co-ordinated by a supported lodgings scheme (the registered provider), which recruits and supports a network of supported lodgings 'hosts'</p>

Q17a: Do you agree these categories for supported accommodation are the right ones?

(Yes / No / Not Sure)

Q17b: Please provide details to explain your answer

Ofsted enforcement powers

The Quality Standards and Regulations must be complied with by all providers of supported accommodation and Ofsted will inspect providers against these. We must

⁷ Bed and breakfast accommodation should not be used for 16 and 17 year olds, even in an emergency - see [Homelessness Code of Guidance for Local Authorities](#) (DLUHC, updated June 2022) and [Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation](#), DLUHC and DfE, updated 2018).

ensure that Ofsted have effective powers to take appropriate action when providers fall short of requirements.

For supported accommodation, Ofsted will have the power to:

- Impose or vary conditions on registration
- Suspend or cancel registrations
- Inspect and enter both the offices used for supported accommodation and the premises used for accommodating young people

Notification of a new setting

If a provider wishes to deliver supported accommodation from a new setting/address that Ofsted do not have a record of, the registered person must inform Ofsted within 72 hours of accommodating a young person at the setting/address. Providers will need to inform Ofsted of the address of new settings, the sex of the young person(s) being accommodated, the age range and the category of provision.

Ofsted will also use conditions on each registration to prohibit providers from operating settings for which the provider has not notified Ofsted, as per the requirements on new settings. Ofsted will also be able to take enforcement actions against providers who operate settings for which they have not notified Ofsted.

Q18a: Do you agree with the proposal for providers to notify Ofsted of new settings and with the use of conditions to restrict providers from using new settings without having informed Ofsted?

(Yes / No / Not Sure)

Q18b: Please provide details to explain your answer

Offence provisions

We are planning to extend the following offence provision sections of the Care Standards Act (2000) to supported accommodation undertakings:

- Section 11: Requirement to register – the offence is committed if any person who carries on or manages supported accommodation undertaking without being registered.
- Section 24. Failure to comply with conditions

- Section 24A. Offences relating to suspension – the offence is committed if the person carrying on or managing the supported accommodation continues to operate while the registration is suspended
- Section 26. False descriptions of establishments and agencies
- Section 27. False statements in applications.

Tribunal appeal provisions

We are also proposing to extend the tribunal appeal provisions contained in Section 21 of the Care Standards Act 2000 to supported accommodation. The provisions contained in this section set out when certain Ofsted decisions or orders made by the magistrates' court can be appealed to the Tribunal and the powers of the Tribunal on appeal.

Q19a: Do you agree that the proposed Ofsted enforcement powers, offense provisions and tribunal appeal provisions are appropriate and proportionate for this type of provision?

(Yes / No / Not Sure)

Q19b: Please provide details to explain your answer

Frequency of inspections and fees for providers

We are proposing that Ofsted must inspect providers and issue a grading at least once every three years. Ofsted will inspect the supported accommodation undertaking as a whole and visit a representative sample of the provider's settings at inspection to inform the overall rating of the provider. Ofsted will carry out an initial registration visit to ensure that providers are meeting the standards. Ofsted may also carry out monitoring visits where required to ensure the adherence of quality standards. Ofsted will use their discretion to visit and contact providers on a case-by-case basis. This could be, for example, following receipt of a notification, a case of whistleblowing or a serious incident. Ofsted will consult on their approach to grading providers and their inspection framework before the regulations are laid in early 2023.

Q20a: Do you agree that this is the right approach to ensure provider adherence to the Quality Standards and the regulations across the service?

(Yes / No / Not Sure)

Q20b: Please provide details to explain your answer

We propose that Ofsted will charge registration, variation and annual fees to carry out their regulatory work for supported accommodation providers. These fees will be made via amendments to Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) Regulations 2015. We have developed the proposed fee structure based on Ofsted’s experience and knowledge of the costs of delivering their regulatory functions in respect of other types of children’s social care providers, for example, children’s homes.

We propose that Ofsted will charge fees set at the following rates. The fees charged will be different in the first year of the new regime (FY2023-24) when compared to year two (FY2024-25) to reflect the fact that all providers will be registering for the first time and inspections will not commence until April 2024. Ofsted will not charge annual fees or Registered Service Manager fees in the first year – providers will be charged a single fee at the point of registration covering all of these activities.

We propose that Ofsted will charge higher provider registration fees for large providers operating 10 or more settings when compared to small providers operating fewer than 10 settings. This reflects our expectation that larger providers are likely to be more geographically spread than smaller providers.

Fee type	FY2023-24 fee (£)	FY2024-25 fee (£)
Provider registration (small provider)	4,500	4,500
Provider registration (large provider)	5,500	5,500
Annual fee (small provider)	0	2,700
Annual fee (large provider)	0	3,000
Registered Service Manager registration	0	910
Minor variation	176	176
Variation requiring visit	910	910

Q21a: To what extent do you agree with the proposed new registration, variation and annual fees for providers of supported accommodation?

(Fully agree / Partly agree / Do not agree / Do not know)

Q21b: How would the new fees affect you as a provider?

(No effect / Minor effect / Neutral / Moderate effect / Major effect)

Q21c: Please provide details to explain your answer

Transitional arrangements

Providers will be required to submit a complete application to Ofsted by 30 September 2023 and Ofsted will be in a position to provide the most support to those who submit early applications after registration opens in Spring 2023. From October 2023, it will be an offence to carry on or manage supported accommodation without being registered.

We are proposing there be transitional arrangements to allow providers who submit a complete application for registration of supported accommodation before 30 September 2023 to be able to continue to accommodate young people until Ofsted make a final decision on the registration application. A 'complete application' will mean an application including all the required information/documents both for the registered provider application and accompanying application for registered service manager. These applications must also be accompanied by the relevant fee(s) to be deemed complete.

This transition period will last:

- Until the registration is granted (either conditionally or subject to conditions agreed in writing between the provider and Ofsted);
- Where the registration is granted but subject to non-agreed conditions until 28 days have passed or until any appeal is determined; or
- Where the registration is refused until the decision notice is served.

In the first year of registration Ofsted will carry out pilot inspections from September 2023, before inspections begin in full in April 2024.

Q22a: Do you agree that this is the right approach to ensure that providers can register before it becomes an offence to operate supported accommodation undertaking without being registered and that inspections can be carried out in the first year?

(Yes / No / Not Sure)

Q22b: Please provide details to explain your answer

Potential unintended consequences

We believe that reform is needed to improve the quality of supported accommodation for looked after children and care leavers aged 16 and 17. We believe that these reforms will ensure that providers deliver high quality accommodation and support, and that Ofsted has effective levers for taking action where it is not good enough. Ultimately this will ensure that young people get the support they need as they develop their independence in preparation for adult life and leaving the care system.

We know that these reforms bring big changes for providers and local authorities. That is why we will invest over £120million over the next two years to support local authorities to manage the impact of these changes. We will also invest up to £1.3million over the next two years work with the sector: raising in raising sector awareness of the reforms and supporting providers to implement the national standards, register with Ofsted and prepare for inspection. In addition, we are supporting local authorities to meet their sufficiency duties, by investing £259million to expand the number of places in children's homes and secure children's homes.

We believe that this package of investment will mitigate potential risks, for example that providers withdraw from providing supported accommodation or that they fail to meet the standards. We will continue to work with local authorities, providers and care experienced young people as the reforms are implemented. We are keen to ensure our immediate work and ongoing engagement with the sector, particularly with providers on the ground, is as impactful as possible and supports them to manage any potential unintended consequences.

Q23: What do you believe any potential unintended consequences of these reforms will be?

We will use this input to inform our work with the sector.

List of consultation questions

Q1a: To what extent do you agree with the proposed 'Leadership and Management Standard' and supporting guidance?

(Fully agree / Partly agree / Do not agree / Do not know)

Q1b: Please provide details to explain your answer

Q2a: To what extent do you agree with the proposed 'Protection Standard' and supporting guidance?

(Fully agree / Partly agree / Do not agree / Do not know)

Q2b: Please provide details to explain your answer

Q3a: To what extent do you agree with the proposed 'Accommodation Standard' and supporting guidance?

(Fully agree / Partly agree / Do not agree / Do not know)

Q3b: Please provide details to explain your answer

Q4a: To what extent do you agree with the proposed 'Support Standard' and supporting guidance?

(Fully agree / Partly agree / Do not agree / Do not know)

Q4b: Please provide details to explain your answer

Q5a: Are the Quality Standards or the Guidance missing anything that you would expect of any provider of supported accommodation?

(Yes / No / Not Sure)

Q5b: Please provide details to explain your answer

Q6a: Do you agree that this is the right approach to regulating mobile and non-permanent settings?

(Yes / No / Not Sure)

Q6b: Please provide details to explain your answer

Q7a: To what extent do you agree that this is the right approach to staff recruitment, checks, induction, staff fitness requirements, training and supervision and disciplinary proceedings?

(Fully agree / Partly agree / Do not agree / Do not know)

Q7b: Please provide details to explain your answer

Q8a: To what extent do you think that the proposed approach to the service's protection policies is the right one to ensure the welfare of young people in supported accommodation?

(Fully agree / Partly agree / Do not agree / Do not know)

Q8b: Please provide details to explain your answer

Q9a: To what extent do you think that the proposed approach to restraint is right one to ensure the welfare of young people in supported accommodation?

(Fully agree / Partly agree / Do not agree / Do not know)

Q9b: Please provide details to explain your answer

Q10a: Do you agree that the proposed practices around producing, storing and maintaining records are proportionate and will ensure young people are kept safe and their needs are met?

(Yes / No / Not Sure)

Q10b: Please provide details to explain your answer

Q11a: Do you agree that the proposed practices around complaints and representations are proportionate and will ensure young people are kept safe and their needs are met?

(Yes / No / Not Sure)

Q11b: Please provide details to explain your answer

Q12a: Do you agree that the proposed practices around notifications are proportionate and will ensure young people are kept safe and their needs are met?

(Yes / No / Not Sure)

Q12b: Please provide details to explain your answer

Q13a: Do you agree that the proposed business continuity requirements are proportionate and will ensure young people are kept safe and their needs met?

(Yes / No / Not Sure)

Q13b: Please provide details to explain your answer

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(Fully agree / Partly agree / Do not agree / Do not know)

Q14b: Please provide details to explain your answer

Q15a: Do you agree with the proposal to limit the number of registered service managers in each supported accommodation undertaking to one?

(Yes / No / Not Sure)

Q15b: Please provide details to explain your answer

Q16a: Do you agree that the proposals around the fitness and capacity of the registered provider and/or registered service manager are the right ones?

(Yes / No / Not Sure)

Q16b: Please provide details to explain your answer

Q17a: Do you agree these categories for supported accommodation are the right ones?

(Yes / No / Not Sure)

Q17b: Please provide details to explain your answer

Q18a: Do you agree with the proposal for providers to notify Ofsted of new settings and with the use of conditions to restrict providers from using new settings without having informed Ofsted?

(Yes / No / Not Sure)

Q18b: Please provide details to explain your answer

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(Yes / No / Not Sure)

Q19b: Please provide details to explain your answer

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(Yes / No / Not Sure)

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(No effect / Minor effect / Neutral / Moderate effect / Major effect)

Q21c: Please provide details to explain your answer

Q22a: Do you agree that this is the right approach to ensure that providers can register before it becomes an offence to operate supported accommodation undertaking without being registered and that inspections can be carried out in the first year?

(Yes / No / Not Sure)

Q22b: Please provide details to explain your answer

Q23: What do you believe any potential unintended consequences of these reforms will be?

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