
STATUTORY INSTRUMENTS

2023 No. 416

The Supported Accommodation (England) Regulations 2023

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Supported Accommodation (England) Regulations 2023.

(2) These Regulations come into force on 28th April 2023, subject to paragraph (3).

(3) Regulations 36, 37 and 43(2) come into force on 28th October 2023.

(4) These Regulations extend to England and Wales but apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

“the 2022 Regulations” means the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022(1);

“accommodating authority”, in relation to a child(2), means the local authority(3) that arranges for the child to be accommodated in supported accommodation;

“category of supported accommodation” means one of the following types of supported accommodation—

- (a) supported accommodation in a self-contained unit, where the accommodation is for the sole use of the child or for the child and other individuals living with the child as agreed by the accommodating authority or the supported accommodation undertaking;
- (b) supported accommodation in a shared or group living situation in premises used to accommodate only looked after children(4) or care leavers(5);
- (c) supported accommodation in a shared or group living situation in premises which are not limited to accommodating looked after children or care leavers;
- (d) supported accommodation provided by an individual or individuals in a private residence which is the main residence of that individual or those individuals;

(1) [S.I. 2022/808](#).

(2) Section 121 of the Care Standards Act 2000 defines “child” as a person under the age of 18.

(3) Section 121 of the Care Standards Act 2000 specifies that “local authority” has the same meaning as in the Children Act 1989. Section 105 of the Children Act 1989 defines “local authority”, in relation to England, as the council of a county, a metropolitan district, a London Borough or the Common Council of the City of London.

(4) See section 22(1) of the Children Act 1989 for the meaning of a child who is looked after by a local authority.

(5) See section 23A of the Children Act 1989 for the meaning of “relevant child” and Schedule 2, paragraph 19B(2) of that Act for the meaning of “eligible child” in respect of care leavers.

“child protection enquiry”, in relation to a child, means any enquiry made by a local authority in the exercise of any of their functions conferred by or under the Children Act 1989 relating to the protection of children;

“child protection policies”, in relation to a supported accommodation undertaking, means the undertaking’s safeguarding policy (see regulation 20), missing child policy (see regulation 21) and behaviour management policy (see regulation 22);

“nominated individual”, in relation to a supported accommodation undertaking which is carried on by an organisation, means an individual who—

- (a) is a director of the organisation, or performs the functions of, or functions equivalent or similar to the functions of, a director, by whatever name called in the organisation, and
- (b) is nominated by the organisation for the purpose of acting as a single point of contact for the CIECSS⁽⁶⁾;

“organisation” means a body corporate or an unincorporated association other than a partnership (but a partnership does not include a limited liability partnership);

“registered person”, in relation to a supported accommodation undertaking, means the registered provider or the registered service manager;

“registered provider”, in relation to a supported accommodation undertaking, means the person who is registered under Part 2 of the Care Standards Act 2000 as the person carrying on the supported accommodation undertaking;

“registered service manager”, in relation to a supported accommodation undertaking, means an individual who is registered under Part 2 of the Care Standards Act 2000 as the manager of the supported accommodation undertaking;

“relevant person” means any person that the registered person considers to be relevant in relation to the support, protection or safeguarding of a particular child in all the circumstances;

“relevant plan” means—

- (a) a care plan, as defined by regulation 2(1) of the Care Planning, Placement and Case Review (England) Regulations 2010⁽⁷⁾ (“the Care Planning Regulations”),
- (b) a pathway plan, as defined by section 23E(1)(a) or (b) of the Children Act 1989⁽⁸⁾,
- (c) a placement plan, as defined by regulation 9(1)(a) of the Care Planning Regulations,
- (d) an EHC plan, as defined by section 37(2) of the Children and Families Act 2014⁽⁹⁾, or
- (e) where a child is remanded to local authority accommodation pursuant to sections 91 and 92 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012⁽¹⁰⁾, any other plan prepared by that child’s accommodating authority in relation to the remand or sentencing of that child;

“statement of purpose” means the statement compiled in accordance with regulation 9;

“supported accommodation” has the same meaning as in regulation 2 of the 2022 Regulations;

“supported accommodation undertaking” has the same meaning as in regulation 2 of the 2022 Regulations.

(2) In these Regulations, in relation to a supported accommodation undertaking—

(6) Sections 5 and 121 define the “CIECSS” as His Majesty’s Chief Inspector of Education, Children’s Services and Skills.
(7) S.I. 2010/959, to which there are amendments not relevant to the definition of “care plan”.
(8) Section 23E was inserted by the Children (Leaving Care) Act 2000, section 3 and amended by the Children and Young Persons Act 2008, section 22(3) and (4) and S.I. 2016/413.
(9) Section 37(2) was amended by S.I. 2015/914.
(10) 2012 c. 10; section 91 was amended by the Police, Crime, Sentencing and Courts Act 2022 (c. 32), section 157(2).

- (a) references to a child or children are to a child or to children provided with supported accommodation by the undertaking;
- (b) references to staff include—
 - (i) persons who are employed, whether or not for payment, and whether under a contract of service or a contract for services, and
 - (ii) persons who are allowed to work as volunteers,by the undertaking for the purposes of the provision of supported accommodation, and references to an employee, a person being employed or a person working for the undertaking or at premises used by the undertaking as supported accommodation are to be construed accordingly.