

Briefing note by NYAS Head of Policy, Ben Twomey  
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## 16-17 year olds in unregulated accommodation – Adjournment debate

Tuesday 15<sup>th</sup> October 2019

### Background to Debate

- This adjournment debate has been called by Andrew Selous MP in response to a series of Newsnight investigations into 'Britain's Hidden Care Homes', which in July 2019 had particular focus on perspectives from Bedfordshire Police:  
<https://www.youtube.com/watch?v=WQljwpcc2sk>
- In July 2019, then Children's Minister Nadhim Zahawi MP announced on BBC Newsnight that he had instructed the civil service to look into licensing and regulation. Since then, Kemi Badenoch MP became Children's Minister, and while on maternity leave the role is being covered by Michelle Donelan MP.

### Key points

- NYAS feel strongly that any homes responsible for children who are in care *must* be regulated. A crucial part of regulation is inspections by Ofsted and monthly visits by independent Regulation 44 (Reg.44) visitors. Without regulation, there is no official independent safeguard for young people in these homes, and no routine means of measuring quality or suitability.
- Reg. 44 visits are when an Independent Person visits a children's residential home on a monthly basis. It is the role of the Reg 44 visitor to write a report that talks about how the home is being run. Any concerns about the home are red flagged in their reports and are the first thing looked at on the next visit, but safeguarding issues are addressed immediately and serious concerns can lead to more frequent visits. Reg.44 visitors have to check that the children are being kept safe and how well their wellbeing is being promoted. This means that they need to check that the rules for children's homes (The Children's Homes Regulations) are being followed. This includes making sure that the wishes and feelings of the children in the home are being listened to and that there are meetings happening in the home for them to have their say.

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- NYAS work with some very good unregulated homes that voluntarily subject themselves to independent Reg.44 visits, but this is not the norm and most remain entirely unregulated. It is however the worst homes that are least likely to encourage independent scrutiny, leading to their failings continuing unchallenged.
- In 2014, the DfE determined the importance of the Reg.44 role because of evidence found through previous Child Sexual Exploitation cases, in particular in Rochdale, which suggested young people were more likely to disclose safeguarding issues to people who were independent from their care or homes. The lessons learned from such cases then do not seem to have been evenly applied to protect all children from sexual exploitation, as those placed in unregulated accommodation lack these safeguards. This is a very real risk given that BBC Newsnight recently revealed that more than 100 children under 16 are living in unregulated and unregistered accommodation in England and Wales.
- There is a further question about the quality and suitability of staff in unregulated accommodation. In their Interim Report of April 2018, The Independent Inquiry into Child Sexual Abuse recommended that the Department for Education introduces arrangements for the registration of staff working in care roles in children's homes. Any changes to professional registration may not affect unregulated accommodation, unless it is brought in line with expectations for other homes for children. Sometimes, unregulated homes have no staff operating in the home at all.
- The current situation risks a perfect storm. It is not a stretch to say that right now some of the country's most vulnerable children are in unregulated accommodation of unknown quality being looked after by unqualified staff or no staff at all. These are children for whom the state has taken on the responsibility of parenting, but the test must be whether this would be good enough for your child.
- NYAS have suggested that a central fund could be set up to assist with any costs facing care home providers to meet new regulation or registration requirements. In the case of private providers, this should not come from the Department for Education (DfE) or children's services - in May, the Housing, Communities and Local Government Committee said Children's Services were at "breaking point" and current funding levels are unsustainable. Instead, the Department for Business, Innovation and Skills might offer a one-off, short term central fund, and could even recoup some costs with an appropriate registration fee in the future.
- At NYAS we champion the right of care-experienced young people to have their voices heard in decisions made about them. We have urged the Department for Education to seek ways to empower the voices of those children living in the homes consulted on, and hope this call can come through in the parliamentary debate.

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## What young people have told NYAS about unregulated accommodation, in their own words:

- “My experiences living in that type of environment [unregulated accommodation] was a living nightmare. The number of stories and scary experiences I’ve faced during living there will probably stay with me forever.”
- “Not only was there a lack of support in place for me there was also none for everyone else in the building. Almost everyone was carrying around illegal weapons, everyone was engaging in gang activity and the levels of drug use was appalling. The amount of nights I was woken up to screaming, other kids fighting or the fire alarm going off at 4am. This made it impossible for me to continue my studies, so I never got to finish my college course. Add on top of that biased staff, unfulfilled promises, normal teenage problems and the emotional trauma of our childhood that led us into there and you have a disaster waiting to happen.”
- “It’s definitely management that effects how well a place like that runs. I feel like the concept of semi-independent living is a great one but it’s not being put into play properly. I really do believe that’s because they’re not getting checked enough; they’re not getting the proper funding from the government; there is just bad management in place.”
- “I lived in unregulated accommodation last year for 4 months and during my time there, there was violence, anti-social behaviour and many people taking class A drugs on premises. I think that there is too much trouble and drama, it’s hard to move on because it’s too hectic. While living there I had many PTSD and anxiety attacks because of violent behaviour from other residents.”
- “There is always an easy escape living in [unregulated] supported accommodation and that’s drugs because no matter what day or time it is you can always get hold of some or somebody is always willing to share.”

## Who we are

- The National Youth Advocacy Service (NYAS) is a rights based charity which operates across England and Wales supporting care-experienced children and young people and empowering their voices to be heard.
- NYAS is the leading provider of Regulation 44 visits, independent scrutiny of children’s homes. Every month we visit 420 homes with the potential for meeting with and making recommendations for approximately 2,000 children.

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