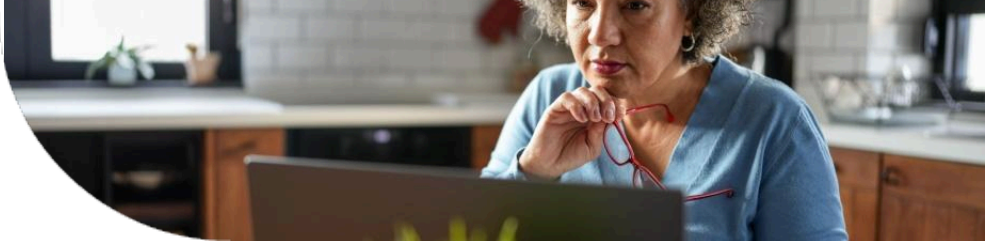

Supported Accommodation Services: Common Reasons for Refusal of Registration

AUTHOR / KEY CONTACT

Alice Thursfield
Senior Associate

Alice.Thursfield@LA-Law.com
01202 786353

We have seen an increase in Notices of Proposal and Notices of Decision to refuse registration for supported accommodation services from Ofsted as it works through the backlog of registration applications. These refusals are often based on a failure to evidence compliance with The Supported Accommodation (England) Regulations 2023 (Parts 2–5, for example).

Below, we have summarised some of the common reasons for refusals to register supported accommodation providers:

- Fitness of Registered Provider: The proposed nominated individual did not demonstrate the capacity and skills necessary to represent the organisation and operate as a supported accommodation provider. For example, they displayed a weak knowledge of the 2023 Regulations, a poor understanding of safeguarding, and submitted low-quality policies and procedures that were not bespoke to the 2023 Regulations, being more suited to children's homes.

- Fitness of Registered Service Manager: The proposed registered service manager failed to demonstrate the appropriate skills to manage the supported accommodation service safely and effectively. For example, during the fit person interview, they were unable to adequately explain the 2023 Regulations and did not ensure that the documents submitted with the application were aligned with the Regulations and tailored to the supported accommodation framework. Additionally, the proposed service manager lacked relevant experience—for instance, they had not worked in a role relevant to the residential support of children or adults for at least two years within the last five years.

- The Accommodation Standard: Health and safety concerns were identified regarding the suitability of the supported accommodation environment, including outdoor spaces and inadequate locality risk assessments. Concerns were raised about the local area, particularly in relation to its high crime rate and risks of exploitation of vulnerable young people, including county lines activity.

- The Leadership and Management Standard: The proposed nominated individual had

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not ensured that suitable arrangements were in place for staff supervision and training, and there was a lack of oversight regarding the management of the proposed service manager.

Summary

Supported accommodation is a newly regulated area, presenting uncharted territory for providers. Ofsted is also navigating the practical application of the Regulations at both the registration and inspection stages.

With the removal of Ofsted's official guidance on its website regarding the distinction between "care" and "support," there is growing concern that Ofsted may unintentionally blur the lines between children's home provision and the unique characteristics of supported accommodation.

The importance of tailored and effective commercial advice regarding supported accommodation and Ofsted enforcement cannot be overstated—Ofsted itself advises providers to seek legal support when a notice is served. Seeking legal advice at an early stage allows providers to carefully consider their circumstances and take appropriate steps, often making it easier to move forward in a commercially viable way.

We are an experienced team of regulatory lawyers representing providers across the health and social care sector for both children and adults. We act for a range of Ofsted-regulated providers and can assist with meeting Ofsted's requirements.

Please do not hesitate to contact Alice Thursfield, Associate Solicitor, at Alice.Thursfield@LA-Law.com or 01202 786353 to discuss your specific circumstances.

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