Registering as a refuge for young people at risk

Guide for applicants (residential homes)
The Children Act 1989 allowed for the certification of refuges, including residential homes or foster care by the Secretary of State. Certification provides exemption from prosecution in relation to harbouring and abduction, and means that young people are able to be accommodated without parental consent, and without care proceedings being initiated. A young person is able to stay in a refuge for up to 14 days in any continuous period and a total of 21 days in any three months. This guide is intended to support those considering providing refuge facilities, helping them decide whether to proceed with an application, and what some of the expectations of them will be. It is not intended to cover every eventuality and it is up to the potential provider of refuge to ensure they fulfil their responsibilities under the Act.

This guide relates to refuge offered through residential homes only.
Is refuge the right decision?
Refuge can be a helpful component of emergency accommodation provision in a locality, used as a last resort when all other options to safeguard a child or young person in a crisis have been exhausted.

When compared with like for like services, the cost of providing refuge need not be prohibitive, when shared amongst a cluster of local authorities. However, refuge will not be the right solution for every young person who needs emergency accommodation, or every area, and only local partners, working together can decide what is right for them.

Where a refuge is in operation, it must have the support of the local authorities and the police force in the area, enabling all agencies to work together to facilitate a return home, (or into care if it is decided that that is the post appropriate course of action) and enabling them to access ongoing support from statutory services. New applicants for certification will not be considered unless there is support from the relevant local authorities and police force.

How do we start the application process?
Planned refuges intending to operate as a residential home must first be registered as a Children’s Home, and must therefore comply with the Children’s Homes regulations 2001 taking into account the National Minimum Standards for Children’s Homes (NMS).

This is done by applying to Ofsted using the form for registration as a Children’s Home noting in particular Appendix A (2) “Children’s Homes Service Specific Information”, ticking boxes both for Children’s Home and refuge. Refugee status can not be considered where a provider and the refuge’s manager are not also registered in respect of the home in which refuge will be provided.

At present there is no specific guidance for inspectors relating to the inspection of refuges although this is being reviewed. Ofsted will inspect the proposed refuge against the standard Children’s Home criteria under the NMS, taking into account the specific offer of refuge provision in the statement of purpose, with particular emphasis on:

- safeguarding children and arrangements in place to refer matters of child protection concern to the local authority;
- what health services are offered, such as connections with local GP services for non-emergency cases and checks on the general health and well-being of the young person whilst accommodated by the refuge; and
- arrangements made for young people to continue with their education wherever possible, either within the refuge or locally.

In all inspections there will be an element of inspector discretion, but Ofsted issues clear guidance to its inspectors to ensure consistent application of the NMS wherever possible.

What next?
Once registered with Ofsted, applications for refuge status should be made in writing (by letter) from the lead organisation providing the refuge to DCSF, accompanied by the completed Ofsted documentation, the proposed refuge’s statement of purpose and a written statement of support from a senior official in the relevant local authority and from the relevant police force.

---

1 Applications should be made to the Deputy Director, Young People at Risk, Level 4, Sanctuary Buildings, Great Smith Street, London. SW1P 3BT
What is a statement of purpose?
Each refuge must have a clear statement of purpose for the set-up, operation and maintenance of the refuge site and the services offered by the refuge. As a minimum, this should cover:

- overall aims and objectives;
- what services will be offered;
- the accommodation facilities available, including maximum numbers of young people that can be accommodated;
- overall management of the refuge site;
- the organisational structure and responsibilities;
- staffing (including recruitment, experience, training, qualifications, supervision, volunteering, and emergency cover);
- how the service will be funded;
- health and safety considerations, including fire precautions;
- confidentiality arrangements for the site;
- admissions and referrals;
- contact between young people in the refuge and their parents/carers, relatives, and friends;
- health, safety, and education services;
- recreation services available to the young people in the refuge;
- behavioural expectations and control/disciplinary procedures;
- absences (unauthorised and authorised);
- religious observance;
- anti-discrimination practice; and
- complaints’ handling.

All applicants should especially note and respond to the DCSF requirements to meet children’s homes regulations and comply with National Minimum Standards, UN Convention on the Rights of the Child, and Every Child Matters requirements.

After certification, any changes to the statement of purpose must be made in writing to the DCSF and Ofsted.

Who needs to support our application?
Any application must be accompanied by a written statement from the relevant senior officer in the local authority indicating that they are aware of the intended refuge provision, support the aims and intentions of the provision, and intend to work with the organisation to ensure the refuge provision fits in with local children’s services plans, including any issues around information sharing, child protection, safety, health, and education.

Agreements should be in place in place between the local authority and the organisation, in particular covering referrals into, and safe exit strategies out of, the refuge. These should be clearly outlined in local multi-agency Runaway and Missing from Home and Care (RMFHC) protocols.

What happens when the DCSF receives our application?
DCSF officials will consider every application carefully before advising the Secretary of State as to whether certification as a refuge should be granted. Whilst they will make every effort to process the application quickly, and keep applicants informed of the progress of their application, the process can take some time.
DCSF officials will need to confirm with Ofsted that the potential refuge is registered as a children’s home, that the application is supported by local children’s services, the local police force, and agreed operating processes are in place. Officials will also liaise with Ofsted to check that they are not aware of any concerns about the operation of the Children’s Home.

When officials at the DCSF have been convinced of the case for a certificate to be granted, they will make a recommendation to that effect to the Secretary of State. If the Secretary of State accepts that recommendation, a letter of approval – the ‘certificate’ – will be issued, stipulating the conditions under which certification is granted.

The certificate will be signed by the Secretary of State or another minister on his behalf. In certain circumstances the certificate may be signed by a senior official on the Secretary of State’s behalf, but the decision about certification will always be taken by a government minister.

What happens when we receive certification?

In many ways this is just the beginning of the journey, and the work of providing excellent care to vulnerable young people begins. Once certification has been granted, inspection of the refuge is very similar to that of any other Children’s Home. The main difference is that Ofsted will forward a copy of any inspection report to the DCSF. If there are any concerns these will be highlighted, and if deemed serious enough the Secretary of State can revoke certification as a refuge.

Should you no longer wish to be certified under section 51, you should contact the DCSF, who will inform Ofsted. Should you subsequently wish to provide refuge accommodation in the future you will need to apply again.

Key partners

- refuge providers;
- relevant local authorities; and
- local police force

Checklist for applicants

- Do your local authority and local police force support the establishment of refuge provision? Have you written statements to this affect?
- Is the premises proposed registered as a Children’s Home? If not, are you clear on the process for registration?
- Do you have a clear statement of purpose, and agreements about how the refuge will work with other statutory and voluntary services for young people which form part of wider RMFHC protocols.
- Do you have commitments of funding that will allow the refuge to become an established resource that young people are aware of?
- Should certification be granted, are you clear about your ongoing responsibilities, your obligations under the Act? (Including alerting the local police whenever a child or young person enters or leaves the refuge.)
Registering as a refuge for young people at risk

Unsuccessful Applications
Allowing organisations or individuals to care for children without their parents’ consent is a serious responsibility, and the Secretary of State will not agree to certification if there are concerns about the operation of, or the level of support for, the refuge amongst local statutory partners.

In most cases where there is doubt as to whether certification should be granted, DCSF officials will be in touch to inform you of any concerns, and give you the opportunity to make necessary changes to redress these within a reasonable timescale. This will mean that the certification process is delayed, but not ultimately unsuccessful. If changes are made to the satisfaction of officials then a recommendation for certification to the Secretary of State can still be made.

Should the organisation not be able to make the changes required by officials with a reasonable timescale, or if there are fundamental concerns about the ability of the applicant organisation to offer appropriate care for vulnerable young people, the organisation will receive a letter from a DCSF official, setting out the reasons for the unsuccessful application and advising you of the steps that should be taken before an application is resubmitted.

And finally…
Should you have any further questions about refuge certification, please contact:
Young Runaways Team Leader
Department for Children, Schools and Families
Sanctuary Buildings
London SW1P 3BT
Tel: 0845 60 222 60

Useful links
UN Convention on the Rights of the Child
www.unicef.org/crc/
Every Child Matters
www.dcsf.gov.uk/everychildmatters/about/aims/aims/