

Insert name and Address

Ein cyf/Our ref:  
Dyddiad/Date:

Dear (insert name),

**Re: Placement of young person in an unregistered service**

You informed us on (insert date) about the placement of a child with an unregistered service at (insert location).

This letter follows up on our subsequent discussions and emails with (insert name).

We understand the issues (insert council name) has experienced in securing a suitable placement and recognise you have made significant efforts to identify a registered provider to deliver appropriate care and support.

CIW recognise your duty under section 78 of the Social Services and Well-being (Wales) Act 2014 (SSWBA) to safeguard and promote the well-being of a looked after child.

You will also be aware of your duties under section 75 of SSWBA to secure sufficient accommodation for children who are looked after.

*A. If young person is placed in LA's own placement which is not registered with LA staff etc, insert paragraphs below*

Whilst the interests of the child are paramount, the law requires that any person who provides regulated services in Wales must be registered to do so. If (insert council name) continues to provide this service, you will be operating a regulated service without registration contrary to Section 5 of the Regulation and Inspection of Social Care (Wales) 2016 Act. Therefore you must regularise the current arrangement by submitting an application to register this service or making alternative placement arrangements by **(insert date which is 15 working days for action)**.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Operating a regulated service in Wales without registration is a criminal offence. Therefore, should you not take the action set out above or CIW has reason to believe children are not receiving good quality and safe care; CIW will consider its enforcement options which may include prosecution.

*B. If young person is placed with an independent provider that is not registered, insert paragraphs below*

Whilst the interests of the child are paramount (**insert council name**) should not place children with, and make payments to, a service that is operating without registration. You will be aware of the risks placing a child with a service that is operating without registration presents to the local authority and of the potential risks to children placed in such settings.

As a regulator, CIW cannot condone use of such placements. The law requires that any person who provides regulated services in Wales must be registered to do so. CIW will be informing the provider of the legal requirements and giving them until (**insert date which is 15 working days for action**) to submit an application to register or to cease providing this service. Should we not receive a completed application by the date set out above and the provider continues to provide the service, or we have reason to believe children are not receiving good quality and safe care; CIW will consider its enforcement options, which may include prosecution.

In the meantime, Schedule 7 under regulation 30 of the Care Planning, Placement and Case Review (Wales) Regulations 2015 (SI 2015/1818) requires the local authority to ensure the accommodation is suitable having regard;

- a) facilities and services provided,
- b) state of repair,
- c) safety,
- d) location,
- e) support,
- f) tenancy status.

The schedule is also clear about the rights of the child in relation to;

- a) views about the accommodation,
- b) understanding of their rights and responsibilities in relation to the accommodation, and
- c) understanding of the funding arrangements.

As such we seek written confirmation from you within 2 working days that these issues have been considered, the accommodation is suitable to meet the child's needs and independent advocacy has been provided.

We also ask for weekly updates on progress in securing an alternative placement.

Yours sincerely,

**DPA**

Vicky Poole  
Deputy Chief Inspector