

## **Prevention of homelessness and provision of accommodation for 16 and 17 year old young people, who may be homeless and/or require accommodation**

### **1. CONTEXT**

Joint guidance by the Department for Education (DfE) and Department for Communities and Local Government (DCLG) was first published in April 2010. This followed a number of judgements handed down by the House of Lords in cases concerning the interrelationship between the duty under section 20 of the [Children Act 1989](#), and duties under Part 7 of the [Housing Act 1996](#), where young people aged 16 or 17 require accommodation.

The most recent guidance issued in April 2018 by the DfE and MHCLG has been amended to reflect new duties introduced through the [Homelessness Reduction Act 2017](#). Case law has clarified the relationship between the duty under section 20 of the Children Act 1989 and duties under Part 7 of the Housing Act 1996 - in the case of 16 or 17 year olds who require accommodation. The House of Lords Case [R \(G\) v Southwark \[2009\] UKHL 26](#) held that, where a 16 or 17 year old is owed duties under section 20 of the 1989 Act, this takes precedence over the duties in the 1996 Act in providing for children in need who require accommodation. Where the specific duty is owed under section 20 of the 1989 Act, a 16 or 17 year old should be accommodated under that provision rather than looking to the general duty owed to children in need and their families under section 17 of the 1989 Act.

Whilst the section 20 Children Act 1989 duty takes precedence, housing services also have duties towards young people who are homeless or threatened with homelessness.

**It is therefore essential that children's services and housing services work together to plan and provide services that are centred on young people and their families, and prevent young people from being passed back and forth between services.**

16 and 17 year olds who are homeless or threatened with homelessness are likely to be vulnerable and will often be at risk of harm in the absence of intervention. Safeguarding and promoting their welfare should be central to service provision. If there is any concern that a child may be suffering, or likely to suffer, significant harm then local safeguarding procedures must be followed.

### **2. INTRODUCTION**

Through the joint working arrangements of Children and Young People Services (CYPS), the Housing Needs Service (HNS), and other agencies including the Youth Offending Team (YOT), this joint protocol sets out Wakefield Council's vision for meeting the needs of young people aged 16 and 17 years old where they are at risk of homelessness.

It outlines a new response to 16 and 17 year olds at risk of homelessness which is coordinated by an integrated team operating within the Multi Agency Safeguarding Hub (MASH).

CYPS will lead on the response to young people at risk of homelessness, working in partnership with the HNS, registered social landlords, housing related support services, the Youth Offending Team, alongside other partners. The aim of the response is to ensure, wherever it is safe to do so, that 16 and 17 year olds remain within a family setting until they are ready for a planned move or, if that goal is not appropriate or achievable, secure a range of suitable accommodation and support options for young people where their needs can be met and they can develop the skills to live independently and move on into training education or employment.

This protocol establishes the principle that all professionals involved with young people will need to work together, in a co-ordinated and timely way, to deal effectively with young people who have accommodation needs. The focus of work will be on preventing crisis and the need for emergency accommodation/ placements wherever possible, by maintaining and/or securing safe and appropriate accommodation with family members in a family setting. Where accommodation is identified as a need in the short or medium term then this will be sourced in a planned and supported way by a range of services working with the young person and their family.

The joint protocol will ensure that through the appropriate assessment, decision-making and delivery of services, the needs of homeless 16 and 17 year olds are appropriately met whilst fulfilling statutory duties under the legal framework.

The benefits of having a joint protocol are:

- To ensure that young people have access to the most appropriate housing provision and support services to prevent housing need impacting on their wider needs for education employment and training
- That young people are helped at the earliest and most appropriate stage of their housing pathway
- Avoid the use of unsuitable housing for 16 and 17 year olds such as bed and breakfast and hotel accommodation
- To provide young people with the support to address problems and to experience a timely and coordinated response to their needs so that homelessness can be avoided now and in the future
- A clearer understanding of the roles and responsibilities for workers, wider agencies and young people
- A reduced risk of young people being let down by any agency and therefore becoming at risk of exploitation, rough sleeping and other safeguarding risks
- To make the best use of limited resources and professional expertise
- To create a single point of access for 16 and 17 year olds, and their families or carers, requiring support around housing and accommodation issues

### **3. SCOPE OF THIS PROTOCOL**

This protocol covers all 16 and 17 year olds presenting to any agency in Wakefield as homeless or at risk of being homeless, including, but not exclusively limited to, the following circumstances:

- Situations in which parents or carers are unable to continue to offer care or accommodation as a result of disability, illness or death
- Situations in which parents or carers are no longer prepared to allow their child to live with them due to relationship breakdown, which in itself can arise for different reasons often including challenging behaviour of the young person
- A young person leaving custody who has nowhere to live on their return to the community
- Situations in which a young person is made homeless as a result of bail conditions arising from offending
- Situations in which a young person cannot live at home due to them being assessed as posing a risk e.g. to younger siblings
- Where the young person is placed at risk by factors within their current accommodation which cannot be safely managed
- Those aged 16 or 17 that have formed relationships and / or a few may themselves have children. Therefore, our assessment, support and accommodation services will take into account young peoples' relationships as well as any dependent children. We will also plan for any contingency where those relationships may break down

### **4. VALUES AND PRINCIPLES**

We recognise that homelessness is damaging to young people's personal, social and economic development and well-being. Where possible homelessness should be prevented and all services will focus on ensuring that the young people are supported to remain at home (where safe to do so). Evidence shows that it may take much longer to work through significant family tensions and problems while the young person is accommodated by the local authority.

Where possible, we will undertake preventative work to try and enable young people to remain living with family. However, we will do so alongside providing a statutory assessment of need for 16 and 17 year olds who may be homeless or at risk of homelessness.

Where remaining at home is not safe or appropriate, it is important for young people to leave in a planned and supported manner. In such instances, we recognise that young people should be with other responsible adults in their wider family and friend's network.

Where young people remain at home or return home, we recognise that some issues may remain unresolved. Therefore we understand the importance of post-reunification support for the family after the young person returns home.

Jointly, CYPS and the HNS will provide accommodation which is suitable and of good quality including a range of different types of accommodation that is suitable for 16 and 17 year olds who cannot live with their families, carers or guardians. These include foster care, children's homes, supported lodgings, host families, crash pads, supported housing, properties with visiting support tailored to the young person's needs, and other types of supported accommodation.

[Section 23\(2\)\(f\)\(i\) of the Children Act 1989](#) permits local authorities to make such other arrangements as seem appropriate when they place a child in care. This provision offers scope for CYPS to ensure that they are able to make appropriate provision with support tailored to the needs of the young person for those homeless 16 and 17 year olds who they accommodate, and are in care, but for whom fostering or a children's home placement would not be the most suitable option.

## **5. PATHWAY – ACCESS TO THE SERVICE**

This protocol allows joint work and assessments to be undertaken by CYPS and the HNS to assist young people aged 16 or 17 years old, that are homeless, or at risk of being homeless.

When a young person, aged 16 or 17 years old, presents as homeless, or at risk of being homeless, professionals should be very clear of their responsibilities to ensure the young person receives the correct advice regarding their circumstances. It is very important that they are not needlessly passed between services of the Council.

**The Multi Agency Safeguarding Hub (MASH)** is the team which will deal with all young people presenting as, or at risk of, homelessness. The MASH will be the single point of access for all 16 and 17 year olds needing help and support around accommodation and support issues.

A Lead Social Worker (LSW) in the MASH will take the lead on all 16 and 17 year olds presenting who are at risk of homelessness and will be responsible for ensuring the joint assessments and expected outcomes are delivered as described in this document.

Also located within the MASH will be a Young Persons Homeless Prevention Officer (YPHPO) with expertise on homelessness prevention, housing options and the homelessness legislation, who will work jointly on preventing homelessness and assessing young people with staff from CYPS.

The LSW and the YPHPO within the MASH will immediately work jointly to start to understand and address the underlying problems or issues that may be causing the young person's housing issues by undertaking a joint assessment of need.

Any 16 or 17 year old at risk of homelessness and presenting to another agency in the district or any other part of the Council during normal office hours should be immediately referred to the MASH via Social Care Direct on 0345 850 3503.

Young people presenting as homeless outside of office hours will be directed to the Emergency Duty Team (EDT) via Social Care Direct on 0345 850 3503.

## 6. PATHWAYS – ASSESSMENT AND OUTCOMES

A young person aged 16 or 17 **at risk** of homelessness:

If the presenting young person is at risk of becoming homeless in the future, for example because of conflict within the family home, it will be for the LSW and YPHPO to determine what support is required - depending on the circumstances and the needs of the young person and their family. This approach will usually involve a joint visit home visit by a social worker and the YPHPO to the young person's family to discuss preventing an immediate crisis and the need for an emergency placement. Discussion and information will be provided to the young person and their family about what realistic and planned housing options might be available in the short and medium term. This approach may "slow down" an impending crisis that could lead to homelessness and facilitate a more planned move for the young person into suitable accommodation at a future date.

In order to prevent relationships breaking down in the family resulting in the young person leaving or being asked to leave, involvement of mediation services will be considered.

Interventions may be required from the Early Help Hubs who will work with families to avoid crisis and homelessness wherever possible.

Use of acceptable behaviour contracts is another tool that maybe used to help maintain the young person within their family setting family.

If following the initial joint assessments and interventions it is considered that the young person is at risk of homelessness C&YPS will undertake a Child in Need assessment and the HNS will undertake an assessment to decide whether the young person is owed a **Prevention Duty** under the Homelessness Reduction Act 2017.

If the assessment determines that a Prevention Duty is owed then the YPHPO will develop a **Personal Housing Plan (PHP)** with the young person. This will contain practical and achievable actions that the young person and the council will take to prevent homelessness occurring and maintain the young person within a safe family setting.

The Personal Housing Plan will be the key document that describes what work and steps are required to avoid the young person becoming homeless and avoiding a crisis that may lead to an emergency placement.

The YPHPO will lead on the production and delivery of the actions contained within the Personal Housing Plan in consultation with colleagues in the MASH, the LSW, and the HNS.

The Personal Housing Plan may contain actions such as:

- Identified steps required to relieve stress between family members in order that the young person can remain in the family
- Involvement of mediation services
- Contacting support and counselling services
- Registering with providers of supported housing
- Accessing health and wellbeing services
- Keeping in touch with the YPHPO
- Exploring options of staying with other family and relatives or friends to ease stresses within the parental home
- Seeking education, training or employment opportunities
- Engaging with the Early Help Hub and other services identified as suitable and available
- Agreeing, signing and sticking to acceptable behaviour contracts

The desired results of these interventions are to ensure:

- Young people and families are empowered to plan transitions to independent living
- Young people understand the links between housing choice and their financial and employment status
- Young People know where to get help if they need it
- The young person is able to stay in a family network where possible and safe and are supported to make planned moves if they need to move out in the future

A young person aged 16 or 17 who is **actually** homeless:

If a young person presents as actually homeless the starting point will always be what steps can be taken to prevent the homelessness and avoid the need for an emergency placement. This will mean following the actions and steps described above and exploring all alternatives, such as returning to or staying with family members or suitable friends, which will then allow interventions to be jointly taken by the YPHPO and CYPS with the young person and their family to allow a safe return to home.

If it has not been possible to prevent the young person from becoming homeless then the LSW will ensure that a Child in Need (CIN) assessment is started straight away. This will again be a joint assessment with the YPHPO.

If there is a need to provide emergency accommodation whilst the CIN assessment is undertaken this will be made available at the **Dunbar Street** scheme in Wakefield, or at some other suitable facility depending on availability.

CYPS will secure this emergency accommodation for them under section 20 of the 1989 Children Act, whilst their needs, including their need for continuing accommodation and support, are further assessed. If the young person is

accommodated for a continuous period of more than 24 hours the young person will become 'looked after'.

The CIN assessment should be completed within 10 working days wherever possible.

The assessment will be started and joint working with the YPHPO will assist in this process.

The assessment will begin to gather further information about the young person's circumstances and family relationships; identifying and assessing risk, and any previous involvement with the service. This will also involve direct contact with the young person's parents or carers, or those with parental responsibility, to establish their views about the circumstances leading up to them being homeless. The aim at this stage will be to explore opportunities for the young person to return to their family where it is safe to do so and or find alternative suitable accommodation.

During the assessment the YPHPO will share information they hold and provide information to the social worker undertaking the CIN, the young person, and the young person's family, about realistic housing options available and potential consequences to the young person of any refusal of a S20 duty.

Following the Southwark case and the resulting Statutory Guidance issued to local authorities it is highly likely that a homeless 16 and 17 year old will be assessed as a CIN and therefore owed a S20 duty. By virtue of their homelessness alone most 16 and 17 year olds will meet the threshold of a CIN and be offered a S20 duty.

The only circumstances in which a homeless 16 or 17 year old may not be assessed as a CIN will be where they have been living successfully and independently in their own accommodation or tenancy for some time without anyone caring for him or her.

Young people for who S20 accommodation is agreed will become a child in care (CIC) by CYPS. The young person will be provided with further information about being looked after by the service, including access to information about the care planning and review procedures as well as independent advocacy, where necessary.

Social Workers will:

- Liaise with the Service Manager to gain approval for the Section 20 status to be confirmed pending presentation of the case to the Resource and Care Panel
- Complete all the necessary statutory documentation, including the SS35 and any risk assessment, to confirm the young person's (Children in Care) CIC status and make arrangements for a formal statutory review of the care plan within statutory timescales
- Liaise with placement services to make a referral for a suitable placement based on the assessment of the young person's needs
- Seek further approval from senior management if an externally provided placement is required including permission from Service Director

- Complete all case recording and transfer summary at the point of transfer to the CIC team
- Notify those with parental responsibility of the arrangements that have been put in place
- Notify any other professionals who are involved with the young person so that they can contribute to the care plan
- Ensure that the case will be transferred to the CIC and Leaving Care Service at the first review and all case records and key tasks will be completed at the point of transfer, including a transfer summary and joint visit to introduce the new social worker

The CIC or Leaving Care Social Worker will then be deemed to be the case-holder and will hold primary responsibility for completion of all subsequent CIC processes including CIC Reviews and Statutory Visits.

The Care Plan will set out, as a minimum:

- The respective safeguarding responsibilities of the local authority and partner agencies
- The wishes and feelings of the young person and their family (those with parental responsibility)
- The outcomes to be achieved with the young person
- The frequency of visits the young person can expect from their social worker and other agencies
- Communication arrangements between everyone identified and involved in the care plan
- The type of placement best able to meet the needs of the young person
- The placement provider's responsibilities for notifying the young person's social worker and other accountable staff of any significant change in the young person's circumstances
- Arrangements for giving notice of intention to terminate the placement (along with the authority's responsibilities for convening a review of the young person's care plan where there is a risk of the placement being terminated)

There is also an important circumstance in which a young person, who is a child in need, might not be accommodated under the Children Act S20, which is when he or she chooses not to be. The assessment must include a consideration of the weight to be given to the young person's wishes and feelings, and their capacity to reach a decision which is in their best interests. In the Southwark case it was noted that G had access to good legal advice, and in the subsequent joint Secretary of State guidance, local authorities are advised they must ensure young people are provided with 'realistic and full information' about the services that would be available to them as a Child in Care and as a Care Leaver. Advice also needs to be given about the assistance available through the Housing Act 1996 Part 7 and the Homelessness Reduction Act 2017, and the possible risk of being found 'intentionally homeless' now or in the future.



## 7. THE HOMELESS ASSESSMENT

Where a young person has been deemed not to be a CiN or refused the offer of S20, and therefore chosen not to be looked after, the YPHPO will liaise with the HNS for an assessment under the homelessness legislation. In circumstances where a 16 and 17 year old does not wish to be S20 they will still be classed as a CiN and will be eligible for support under S17 and have a CiN Plan as per the statutory guidance.

The YPHPO and the LSW will work jointly with the HNS in undertaking this assessment.

Accommodation will be retained at Dunbar Street (or wherever else the young person is being accommodated) until the HNS is able to provide suitable alternative Temporary Accommodation. This will never be provision of accommodation in a hotel or other bed and breakfast type accommodation but could be:

- Supported lodgings
- A host family placement
- Specialist supported housing for young people
- With family friends or relatives
- A placement into dispersed temporary accommodation managed by the HNS

In these circumstances the assessment under the Homelessness Reduction Act 2017 (HRA) will determine whether a **Relief Duty** is owed to the young person. The accommodation sourced by the MASH, likely to be at Dunbar Street, will be retained whilst this assessment is completed by the HNS and the YPHPO and until suitable alternative temporary accommodation can be sourced by the HNS (see above).

As part of the assessment the YPHPO will lead on developing a Personal Housing Plan with the young person which will identify steps that both the council and the young person will take in order to secure longer term suitable accommodation with support and thereby relieve their homelessness. This may involve:

- Registering with Homesearch for social housing
- Help in finding and securing private rented accommodation with floating support
- Supported housing schemes
- Family friend or relatives
- Referral to the Single point of Access for housing related support services and accommodation
- Referral to the Housing Needs Panel for additional priority on the housing register for social housing
- Assistance with bidding for properties on the Homesearch scheme

Where duties under the HRA end and there is further risk of homelessness for the young person, further work will be undertaken by the social worker to determine whether the change of circumstances would trigger further work and duties under the Children Act 1989.

The protocol also applies equally to all young people in custody. Those young people who know where they are going to live upon release and can make preparations for this, are much less likely to re-offend. As soon as it is known that a young person in custody is likely to be homeless the policy will be applied as though they were in the community. Part of the homelessness assessment may necessitate visits to the young person in custody and the Youth Offending Team will assist in facilitating such visits.

Sentence planning meetings will consider accommodation needs and the YOT will work in partnership with Children's Services to ensure young people know where they will be living on release. Release on temporary licence can be used to help a young person familiarise themselves with where they will live on release - subject to governor approval and risk management considerations.

Whilst it is hoped that a young person will know where they will be living well in advance of release, the Youth Offending Team is required to notify the Director of Children's Services of any young person who does not have a suitable address 7 days prior to their release.

<p><b>Functions provided by the Housing Needs Service</b></p>	<p><b>16 and 17 year old homeless or at risk of homelessness</b></p>	<p><b>Functions provided by Children Services</b></p>
<p>Joint work with Children Services to allow the assessment and discharge of duties owed to the young person under the Housing Act 1996</p>	<p><b>What will happen for the Young Person</b></p> <p>Work will be undertaken to support the young person to return or remain at the parental home. Where that is not possible other family members, friends or supported housing schemes will be explored</p>	<p>Joint work with Housing Needs Service to allow the CiN assessment to be undertaken and discharge of duties owed to the young person under the Children Act 1989</p>
	<p>Appropriate support is provided to the Young Person and or provider to help maintain the accommodation arrangement. Where sustainability of accommodation is a concern a personalised housing plan will be provided along with a CiN Plan and S17 support</p>	
	<p>If homelessness occurs an offer of temporary accommodation at the Dunbar Street resource will be made until a full assessment can be undertaken to determine what further help can be provided</p>	

