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officers

### EXECUTIVE DECISION RECORD

<b>A1 Service Area</b>	Housing Strategy
<b>A2 Title</b>	Adoption of the Staffordshire Multi-Agency Protocol to assist Homeless 16- and 17-Year-Olds
<b>A3 Decision Taken By</b>	Cabinet/ Leader/ Deputy Leader/ Chief Officer <i>(please delete as appropriate)</i>
<b>A4 Chief Officer</b>	Please print name: Sal Khan  Please sign name:
<b>A5 Leader / Deputy Leader</b>	Please print name: Councillor Raymond Faulkner  Please sign name:
<b>A6 Date of Decision</b>	[ 4 <sup>th</sup> February 2020 ]

### Confidentiality

<b>A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?</b>	No
<b>A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.</b>	Not applicable

### Scrutiny

<b>A8 Which Scrutiny Committee should this decision be submitted to?</b>	<i>(Please tick as appropriate)</i> ✓	
Scrutiny (Audit & Value for Money Council Services) Committee	<input type="checkbox"/>	
Scrutiny (Community Regeneration, Environment and Health and Well Being) Committee	<input checked="" type="checkbox"/>	

<b>B1</b> What is the Decision?	To adopt the updated 'Staffordshire Multi-Agency Protocol to assist Homeless 16- and 17-Year-Olds' which can be found at Appendix 1.
<b>B2</b> What are the reasons for the Decision?	<p>To enable East Staffordshire Borough Council to support a county-wide approach to this vulnerable homeless group.</p> <p>The protocol has been updated from 2016 to include the legislative changes in homelessness brought about by the Homelessness Reduction Act. The current protocol adopted in 2016 is available at Appendix 2.</p> <p>The revised protocol has been drafted with support from the relevant MHCLG representative and has their full support.</p>
<b>B3</b> What are the contributions to Corporate Priorities?	Environment and Health & Wellbeing
<b>B4</b> What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.

**Financial Implications**

<b>B5</b> What are the financial implications?	There are no financial issues arising from this decision.
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<b>Revenue</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>

<b>Capital</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>

The finance section has been approved by the following member of the Financial Management Unit:	Please print name: ANYA MURRAY Please sign name:
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### Policy Framework

<b>B6</b> Is the Decision wholly in accordance with the Council's policy framework?	Yes
<b>B6.1</b> If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	Not applicable
<b>B6.2</b> Has it got the appropriate approvals under those provisions?	Not applicable
<b>B7</b> Is the Decision wholly in accordance with the Council's budget?	Yes
<b>B7.1</b> If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	Not applicable
<b>B7.2</b> Has it got the appropriate approvals under those provisions?	Not applicable

## Equalities Implications

<b>B8</b> What are the Equalities implications:
<b>B8.1</b> Positive (Opportunities/Benefits):
<b>B8.2</b> Negative (Threats):
<b>B8.3</b> The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.
<b>B8.4</b> NA.

## Risk Assessment

<b>B9</b> What are the Risk Assessment implications:
<b>B9.1</b> Positive (Opportunities/Benefits): <ul style="list-style-type: none"><li>• This protocol embeds legal compliance across organisations when working with a challenging client group.</li><li>• Properly enacted, the protocol promotes clear and consistent service delivery to the client group.</li></ul>
<b>B9.2</b> Negative (Threats): <ul style="list-style-type: none"><li>• The protocol is not properly disseminated amongst the delivery partner's employees, or is not adhered to.</li></ul>
<b>B9.3</b> The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

## Legal Considerations

<b>B10</b> What are the Legal Considerations:
<b>B10.1</b> There are no significant legal issues arising from this decision.

This section has been approved by the following member of the Legal Team:

Please print name:

ANGELA WAKEFIELD

Please sign name: -

## Sustainability Implications

<b>B11</b> What are the Sustainability implications:
<b>B11.1</b> The proposal would not result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below (please refer to guidance notes).
<b>B11.2</b> Positive (Opportunities/Benefits): None
<b>B11.3</b> Negative (Threats): None

## Health & Safety Implications

<b>B12</b> What are the Health & Safety implications:
<b>B12.1A</b> Risk Assessment has not been carried out and entered into Safety Media for all significant hazards and risks because there are no significant hazards or risks arising from this decision.
<b>B12.2</b> Not applicable
<b>B12.3</b> Not applicable
<b>B12.3.1</b> Positive (Benefits) Not applicable
<b>B12.3.2</b> Negative (Threats) Not applicable

## Key Decision

<b>B13</b> Is this a Key Decision?	No ( <i>please delete as appropriate</i> )
<p><b>Note: A Key Executive Decision is one where:</b></p> <ol style="list-style-type: none"> <li><b>1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000</b></li> <li><b>2. CAPITAL – Any capital project with a value in excess of £150,000</b></li> <li><b>3. A decision which significantly affects communities living or working in an area comprising two or more wards.</b></li> </ol>	
<b>B13.1</b> If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	Not applicable
<b>B13.2</b> If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	Not applicable

**NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.**

Please send the original signed document to [andrea.davies@eaststaffsbc.gov.uk](mailto:andrea.davies@eaststaffsbc.gov.uk)



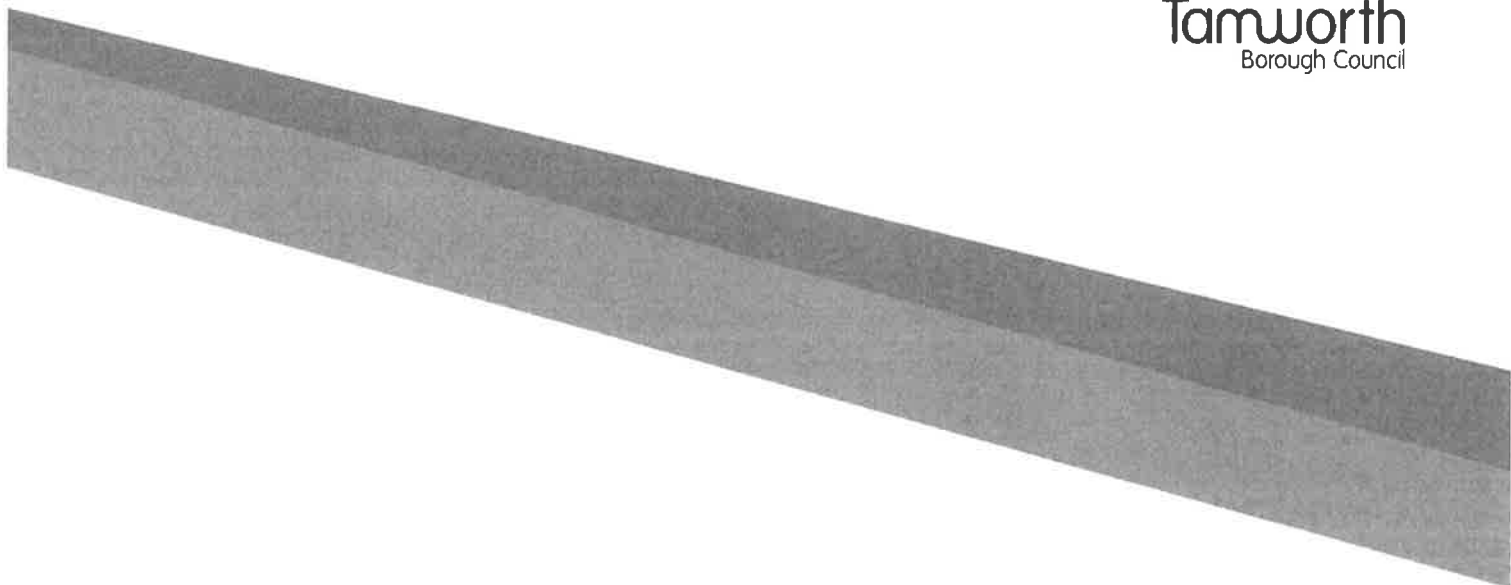


RESTRICTED



# Staffordshire Multi-Agency Protocol to assist Homeless 16- and 17-Year Olds

Oct 2019 Amended



# Signatories

Organisation
Cannock Chase District Council
East Staffordshire Borough Council
Lichfield District Council
Newcastle-under-Lyme Borough Council
South Staffordshire District Council
Stafford Borough Council
Staffordshire County Council (Children's Services)
Staffordshire Moorlands District Council
Tamworth Borough Council

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<b>Appendices</b>	<b>15.</b>

A - Staffordshire 16 & 17-year-old Homelessness Interview Form

B - Wishes and Feelings of the Young Person

C - Useful Contacts and Key Partners

D - Checklist for homeless 16-17-year olds, choosing to become Looked After Child

E - Consent Form for young people who do not wish to become Looked After

F - Homelessness Application Check List

G – Legal Context

H – Young Person’s Leaflet

How to Work with Homeless Young People – Practice Guide

How to Support S17 young people transition from accommodation offered by Children’s Services – Practice Guide

## 1. Introduction

- 1.1 Young people are better off living at home or within their family network, if it is safe for them to do so. This protocol concerns those young people aged 16 and 17 who claim or appear to be homeless and what respective agencies will do to assess their needs and support them.
- 1.2 The protocol provides a pathway along which homeless 16 and 17-year olds can pass to provide a consistent response with clear lines of accountability. There is also a process for conflict resolution so that when this occurs, this will be dealt with on a case by case basis and in a way that does not undermine relationships at a local level.
- 1.3 The protocol has been developed in compliance with legislation and statutory guidance and has been adopted as a working document by nine signatories, to guide their activities when undertaking work with this vulnerable client group.

## 2. Aims of the Protocol

- To ensure effective homelessness prevention services for 16 and 17-year olds.
- To set out how Staffordshire County Council's (children's services) and Staffordshire's district/borough councils (Local Housing Authorities) will work together to provide a consistent approach with a focus on the best possible outcomes for young people who are homeless, or at risk of becoming homeless.
- To provide clarity for all organisations on their roles and responsibilities in line with current legislation and statutory guidance, including that contained within the Homelessness Reduction Act 2017.
- To provide clarity for all organisations on their roles and responsibilities following the judgment in the R (G) v LB Southwark (May 2009) by the House of Lords ("the Southwark Judgment") and joint statutory guidance - Provision of accommodation for 16 and 17 year olds who may be homeless 2018.

## 3. Guiding Principles

- 3.1 The protocol is guided by the following agreed principles:
  - All agencies will work effectively together to keep young people safe.
  - Young people will be supported to live with their immediate families or, where this is not safe or appropriate, with responsible adults in their wider family and friends' network.
  - Young people in crisis will receive a consistent, practical and immediate response from whichever agency they first approach, and which focusses on preventing homelessness.
  - Safeguarding concerns will be shared with Staffordshire Safeguarding Children Board - Procedures

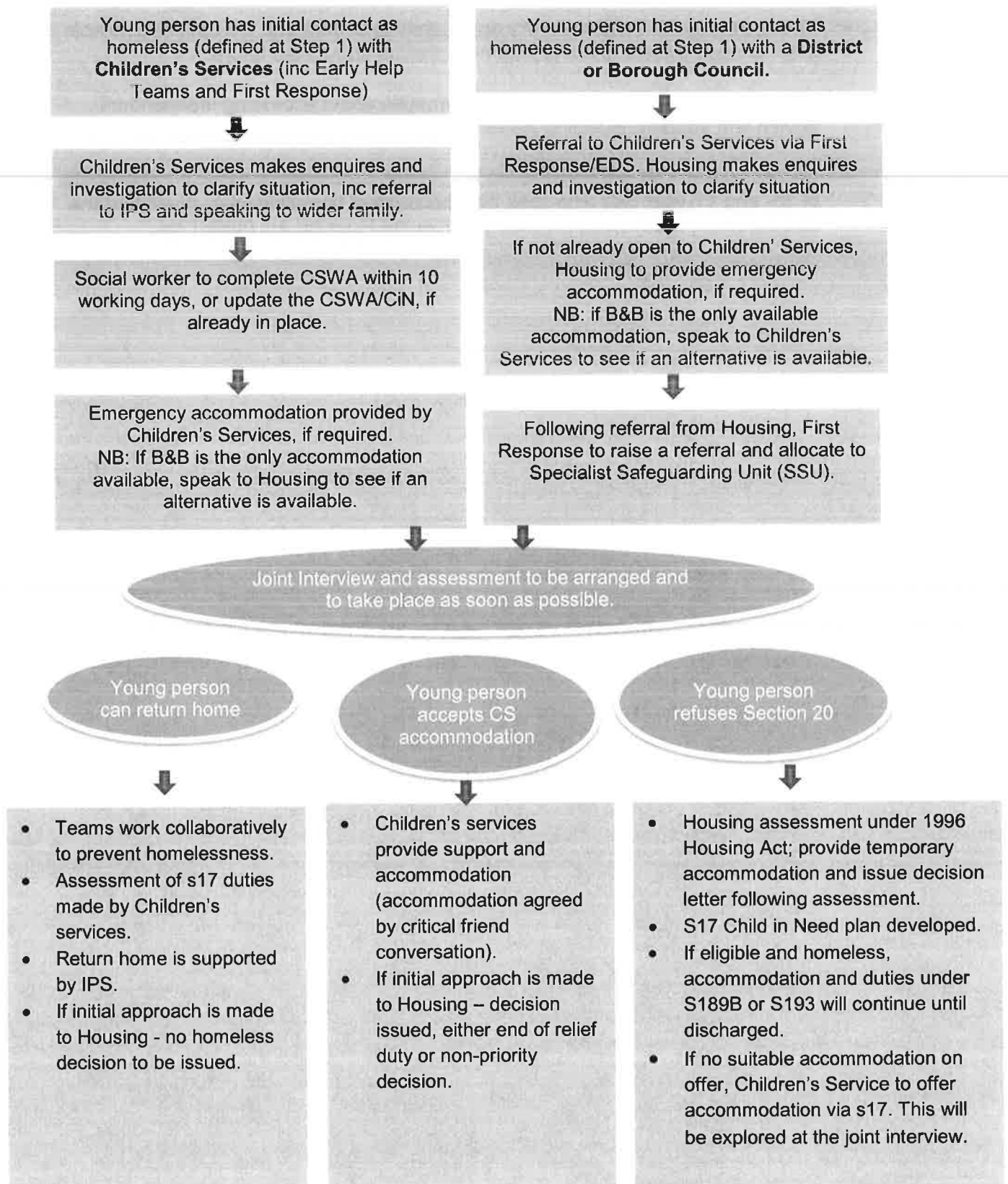
- Bed and breakfasts are **not** suitable for use by Children's Services or Housing to accommodate 16 and 17-year-olds, on a temporary basis. Where this is the only accommodation available, the agency with the accommodation responsibilities will liaise with the other agency to seek alternative, and more suitable accommodation.
- Young people will be given every opportunity to understand the options available to them to enable them to make informed choices about their future.
- Young people will be provided with information about accessing independent advice and support, including details of any local advocacy services.
- Children's Services will take the lead regarding assessing and meeting the needs of 16- and 17-year olds who seek help because of homelessness, given that the Children Act (1898) takes precedence over the Housing Act (1996) Act.<sup>1</sup>

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<sup>1</sup> Prevention of homelessness and provision of accommodation for 16- and 17-year olds who may be homeless and/or require accommodation. MHCLG, DoH 2018

## 4. The Plan – Flow Chart

(Appendix A provides an Interview Form that will lead you through these steps)



## 5. Prevention tools

- 5.1 Prevention of homelessness is key to a robust and successful multi-agency approach to this issue, and there are several prevention tools available to help keep families together, where safe and appropriate to do so. Both Housing and Children's Services should draw on any tools available to try and keep a young person at home, or with extended family networks.
- 5.2 All agencies involved will look towards mediation between a young person and their family to resolve any issues that are causing a risk of homelessness. This may be coupled with a behavioural agreement and further support to help promote positive behaviour that would, again, decrease the risk of homelessness.
- 5.3 Once a referral is received by Children's Services, a referral into the Intensive Prevention Service (IPS) should be made where a young person is at risk of homelessness. Following the referral being accepted by IPS a joint visit will be undertaken by the social worker and a member of IPS to develop a robust package of support to enable the young person to remain living with their family.
- 5.4 At this point, the team working with the young person should consider calling a Family Group Conference (FGC) to explore the young person's wider family network.
- 5.5 IPS supports children and young people with emotional, psychological and behavioural problems, who are at risk of coming into care, to remain in their home or to return home from a period of short-term accommodation and to ensure that those individuals with greatest need are supported before their problems become entrenched. The service is time limited for up to 12 weeks and the responsibility of the young person will remain with the allocated or duty social worker.

## 6. Responding to a Homeless Approach – A Step by Step Guide

- 6.1 A young person may present themselves as homeless, or as threatened with becoming homeless within 56 days<sup>2</sup>, to a variety of places, including any part of Staffordshire County Council's Children's Services, or local District/Borough housing authority. Once a report of the homelessness of a 16 or 17-year-old is received, the responsibility lies with the receiving agency to undertake the steps identified below.

### Step 1: Initial Contact

- 6.2 When a 16 or 17-year-old states that they are homeless, or are threatened with becoming homeless within 56 days, a report of this kind, by the young person or someone acting on their behalf, requires the receiving agency to undertake further investigation and activity before the matter can be referred to another agency.
- 6.3 A young person may contact any of the following:
  - Children's Services (including First Response, Early Help Teams (EHTs) and/or Safeguarding Teams (SSUs))
  - A local housing authority (District or Borough Council), or
  - Other voluntary or statutory organisation working with young people.

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<sup>2</sup> Housing Act 1996 (Part 7) as amended

- 6.4 Other voluntary or statutory organisations, working with young people, should contact First Response - Staffordshire County Council with information about the young person reporting as being homeless or threatened with homelessness. Information required is set out in **Appendix A - Interview Form (Responding to Homeless 16/17-year old)**.
- 6.5 First Response can also be called on **0800 1313 126**.
- 6.6 It is considered best practice, for which ever agency is the first point of contact, to seek to arrange a **joint interview**. In cases where teams are co-located, this should be normal practice, but if an area team is in different locations, the duty social worker should, in all cases, attempt to visit the area housing office with the young person.
- 6.7 To avoid a young person being passed between agencies, if an agency has been involved within the last 4 weeks to help keep the young person at home, or in securing accommodation for them; this should continue or be resumed. This agency will be responsible for processing the homeless approach identified below in **Steps 2 - 5**.

## **Step 2: Processing the Homeless Approach**

- 6.8 The member of staff who has this initial contact with the young person, will be responsible for gathering detailed information to determine whether the young person is homeless, or if they can be supported to return home. If following these enquiries, it is evident that the situation can be resolved through an immediate short-term piece of work, (such as phone mediation with parent(s) / carer(s) or through signposting the young person to a universal service), then this will be completed by the first contact officer.
- 6.9 To help with the collection of this information see **Appendix A - Interview Form (Responding to Homeless 16/17-year old)**.
- 6.10 Other supplementary questions may be asked dependent upon the conversation with the young person. It will be important to establish why the young person believes they are no longer able to live at home and if it is possible to prevent the young person becoming homeless.

## **Step 3: Immediate Support Issues and Risks**

- 6.11 It will be important to build up a clear picture of the young person's immediate support needs, before deciding on the best course of action. **Appendix A - Interview Form (Responding to Homeless 16/17-year old)** will support in collecting this information, but it should not replace professional judgement based on the presentation of the young person.

## **Step 4: Homeless Prevention**

- 6.12 Clarification will be sought as to whether the young person will be homeless *tonight* and if the young person has somewhere to stay where they feel safe. **Appendix A - Interview Form (Responding to Homeless 16/17-year old)**, will help in collecting this information.



- 6.13 If it is established that the young person can return home, consideration should be given to any ongoing support needs that the young person and their parents/family may need, and how these will be met.
- 6.14 Every effort should be made to speak to the young person's parents/carers to negotiate their return home, however, if it cannot be established whether the young person can return home, or it is established that they cannot return home, **Step 5 below should be followed.**
- 6.15 It will be important to understand the young person's views and desired outcomes. For example, is it about seeking a tenancy and support to manage that; is it about support to enable them to return home; is it about living in supported accommodation, or is it something else? Talking to the young person about the options and being realistic about their level of choice, will be key to achieving those outcomes.
- 6.16 If the first approached agency has reason to believe that the young person will approach another agency or organisation, they should update as necessary. Partner agencies/organisation should accept and support the findings of the first approached agency, unless there is good reason not to do so.
- 6.17 The young person should be made aware of their rights and options and the officer dealing with the homeless approach should ensure that the young person has seen the Young Person's information leaflet (**See Appendix F**)

#### **Step 5: Alternative Accommodation**

- 6.18 If it cannot be established that the young person can return home safely, secure *interim* accommodation must be provided for them. This will remain the responsibility of the first agency that was approached, until the young person's pathway is formally progressed in a planned way.
- 6.19 This alternative accommodation must be arranged by the receiving agency under their applicable duties triggering the relevant statutory assessments. The most suitable alternative accommodation must always be sought, but depending on the time of day and availability, it may be necessary to use less than ideal temporary accommodation, until more suitable accommodation can be found.
- 6.20 It will be important to check the young person's circumstances, including if they have access to food and benefits, which can be discussed at the end of the interview.
- 6.21 The young person may decline the offer of accommodation from the receiving agency in favour of making their own decisions and accessing services from another authority (e.g. declining the offer from Children's Services in favour of accepting an offer from Housing, or vice versa). While this should not be encouraged, it is an option open to the young person. **Such a referral will not be made until the information collected at Steps 1 – 4 has been recorded and transferred to the chosen authority to avoid duplication.**
- 6.22 A summary of the immediate support requirements (identified at Step 3), including any that will be provided by Children's Services, should be sent as part of the referral information. The young person should also have signed the 'Consent Form' for young people who do not wish to become looked after by the Local Authority who have presented as homeless'. (**See Appendix E**).

- 6.23 In the interests of the young person and to maintain effective joint working relationships, agencies will not encourage or influence a young person's decision to reject one agency's offer in favour of another. In most cases, the first agency approached will provide the interim accommodation during the assessment process (Steps 7 & 8). Where a referral occurs, the chosen agency will accept the findings of the transferring agency, unless new information becomes available.

### **Step 6: Joint Home Visit**

- 6.24 The outcome of the initial contact (Step 1), and any follow-up work will be recorded for sharing between relevant partners dependant on consent. Housing will refer all 16 & 17- year olds who are confirmed as being homeless to Children's Services.
- 6.25 In all cases of confirmed homelessness, home visits will be carried out to families and carers unless there are safeguarding concerns. Where possible, joint home visits will be carried out by Children's Services and the relevant housing authority, preferably **within 5 working days** after the initial approach. This will constitute the 'initial visit' for Children's Services which triggers the start date of the **Child Social Work Assessment (CSWA)**.
- 6.26 The objective is to achieve family reunification, therefore a referral to Children's Service's Intensive Prevention Service (IPS) will also be considered. Where a young person is not able to return home, the joint assessment will explore accommodation options with responsible adults in their wider family and friends' network.

### **Step 7: Decision of Children's Services following the Child Social Work Assessment**

- 6.27 A Child Social Work Assessment will be completed **within 45 working days** of referral. Good practice indicates that for young people who are homeless, or threatened with becoming homeless within 56 days, assessments should be completed more quickly. Children's Services will decide, **within 10 working days** of a young person being provided with temporary accommodation, if they are to be provided accommodation under Section 20 or Section 17 (Children Act 1989).
- 6.28 Most homeless young people will be a 'child in need', unless they have previously lived independently successfully, or have the capacity to decide for themselves and have declined to be accommodated under Section 20 (CA 1989). The social worker will discuss the implications of been looked after with the young person using the checklist (See **Appendix E**) as reference and having provided the young person with impartial and balanced information about the offer.

NB: Young people who are perceived to be resourceful, streetwise and able to stay with friends in an unsettled way, will not be considered to have been living independently.

- 6.29 Children's Services will determine if services are to be provided under Section 20 (CA 1989) and will apply the following tests to determine this:
- a) Is the young person a child? (i.e. under the age of 18)
  - b) Is the young person a child in need, according to the following criteria:

- I. Are they unlikely to achieve or maintain, or have a reasonable opportunity of achieving or maintaining, a reasonable standard of health or development within the provision of services by a local authority under Section 17, or
  - II. Is their health or development likely to be significantly impaired or further impaired without the provision of such services, or
  - III. Are they disabled?
- c) Does the young person appear to require accommodation?
- d) Is the need for accommodation the result of one of the following criteria:
- I. There being no person who has responsibility for the child.
  - II. The child is lost or abandoned.
  - III. The person who has been caring for the child is being prevented from doing so (permanently, and for whatever reason) from providing the child with suitable accommodation, or care, or

Section 20 (3) Every local authority shall provide accommodation for any child in need in their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.

- e) Consideration must be given to the young person's wishes and feelings. **(See Appendix B)**

- 6.30 The Child Social Work Assessment (CSWA) will confirm whether the criteria for providing the young person accommodation under Section 20 have been met.
- 6.31 The accommodation provided will be to meet the young person's needs; and the types of accommodation considered will be Supported Accommodation, Supported Lodgings, or placement with foster carers and/or in residential. Children's Services may work with other agencies to identify suitable accommodation and support, for example with *specialist supported housing schemes* for young people.
- 6.32 To promote joint working, children's Services will discuss the case with Housing before making an adverse decision (i.e. that no Section 20 duty is owed) so that they can provide any further information which might be relevant. This cannot take place until conversations have been had with the young person about the implications of being looked after.
- 6.33 Young people who decline Section 20 support must be judged by their social worker to be competent to make such a decision and have had advice about its consequences. Information about the realities of living independently and the availability of alternative accommodation will be provided.
- 6.34 Every 16-17-year-old assessed as being a child in need but who does not wish to be accommodated under Section 20 (CA 1989) should have a child in need plan setting out the services that will be provided to meet their needs.

### **Step 8: Homeless Application to Housing (District/Borough Councils)**

- 6.35 If a young person approaches Housing (District/Borough Council) for accommodation, an application will be considered under Part 7 of the Housing Act (1996) as amended by the Homeless Reduction Act (2017).

- 6.36 If Housing has reason to believe the young person is homeless, or is threatened with homelessness **within 56 days**, they will make inquiries under Section 184 to establish if any duties are owed.
- 6.37 If the young person is eligible and is/maybe homeless and is 16/17 years old; they may have a priority need and Housing are first approached, will have a duty to secure interim accommodation.
- 6.38 The Homelessness (Priority Need for Accommodation) (England) Order (2002) provides that the following have a priority need for accommodation for the purposes of Part 7 (1996) Act:
- a) A child aged 16 or 17 who is not a relevant child of section 23A (CA 1989) and is not owed a duty to provide accommodation under section 20 (provision of accommodation for children in need).
  - b) A person (other than a relevant student) who:
    - I. Is under 21, and
    - II. At any time after reaching the age of 16, but while still under 18, was, but is no longer, looked after, accommodated or fostered.
- 6.39 Housing will be unable to determine whether a 16-17-year-old has priority need under the Housing 1996 Act until a child in need assessment has been completed.
- 6.40 A referral to Children's Services and a joint interview should be made as soon as possible. The homelessness legislation acts as a safety net for any homeless 16 and 17-year olds who are not owed a duty under s20 CA (1989).
- 6.41 Housing will undertake investigations, once satisfied that the young person is eligible and *threatened* with homelessness, a *prevention duty* will be owed.
- 6.42 If the young person is eligible and homeless, a *relief duty* will be owed.
- 6.43 Housing will work with the young person to create a **personalised housing plan** (PHP). The plan will outline reasonable steps for both the housing and the young person to undertake to help secure suitable accommodation as it becomes available. The plan will be kept under regular review and align with the child in need plan, if in place.
- 6.44 Housing will inform Children's Services where there is no longer any duty owing or because:
- The young person's temporary (interim) accommodation has ended
  - The young person has refused a 'final' offer of accommodation
  - The young person has become intentionally homeless
  - The young person is no longer eligible for assistance
  - The young person has deliberately and unreasonably refused to co-operate.
- 6.45 For guidance on how the *prevention* and *relief* duties can end, see Chapter 14 of the Homelessness Code of Guidance-  
<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-14-ending-the-prevention-and-relief-duties>.

- 6.46 Most young people, who are living independently in temporary accommodation, may lack skills in managing independent living and household budgeting. Young people, who are estranged from their family, will often lack the support network available to most other young people who are setting up their own home for the first time. In these situations, a young person may be provided with practical support from Children's Services under S17, set out in a child in need plan.

## 7. Duty to Refer to Housing

- 7.1 The Homelessness Reduction Act (2017) introduced a duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams.

For more information on the 'duty to refer' to housing see:  
<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/overview-of-the-homelessness-legislation>

- 7.2 If an application is made directly to Children's Services, they will provide *interim* accommodation and trigger an assessment (CSWA). A referral of a 16/17-year-old under the duty to refer does not lessen Children's Services' duties and is not an alternative to a child in need assessment, or an early help assessment (EHA).
- 7.3 Children's Services should make a referral to housing under the 'duty to refer' if a young person has declined S20 support following a CSWA, or if they are a care leaver approaching 18 years of age, and no alternative accommodation has been secured through move on plans.
- 7.4 A summary of any assessment and what support is, or will be provided by Children's Services, should be sent as part of referral information.
- 7.5 Before making a referral to Housing, Children's Services will undertake the following:
- a) Obtain consent from the young person.
  - b) Ask the young person which housing authority they would like to be referred to; and,
  - c) Have consent that their contact details can be shared so that Housing can contact them regarding the referral.
- 7.6 Housing should work with Children's Service throughout the assessment process to try to prevent or relieve homelessness. Any decisions should be informed by Children's Services' intervention e.g. Intensive Prevention Services (IPS).
- 7.7 Housing must inform Children's Services where there is no longer any duty owing or because a young person:
- Has had their temporary accommodation ended
  - Refused a 'final' offer of accommodation
  - Become intentionally homeless
  - Is no longer eligible for assistance
  - Has deliberately and unreasonably refused to co-operate.
- 7.8 Following the relief duty, a homelessness decision will be made **within 15 working days**.

NB: Children's Services may consider the use of advocacy services to ensure the young person fully understands the information and options available to them. For more information: [Advocacy services - Staffordshire](#)

## 8. Out of Hours

- 8.1 Emergency out of hours staff from either Children's Service or Housing, will deal with homeless approaches in a way which is consistent with this protocol, however, no referrals between authorities will be made out of hours, unless there are safeguarding concerns. The agency that has dealt with the approach out of hours will ensure that the steps outlined in the protocol are completed (in full) the next working day.

## 9. Dispute Resolution

- 9.1 The protocol aims to minimise disputes and encourages open and respectful dialogue. Conflicts may arise from the young person's initial assessment and any of the three parties, the County Council, District/Borough Councils and/or the young person may escalate their concerns about the decision or practice of any other agency.
- 9.2 A dispute may be escalated through the stages below to seek resolution:
1. Discussion between operational front-line practitioners.
  2. Discussion between direct-line managers to explore strategic solutions and compromise.
  3. A meeting/discussion between partners, arranged by the Accommodation Officer, Staffordshire County Council  
[www.james.brookfield@staffordshire.gov.uk](mailto:www.james.brookfield@staffordshire.gov.uk)
- 9.3 If a resolution cannot be reached, a discussion will take place between the relevant service leads.
- 9.4 Staffordshire Safeguarding Children Board's 'Escalation Procedure' (2019) will be utilised to take forward the most serious concerns or intractable problems. See SSCB Inter-agency procedures: [Section 7 - Appeals/Professional Disagreements](#).
- 9.5 A record of any disagreement which is escalated to Stage 2, or later will be submitted to the Working Group for consideration (see below). A third-party complaint from a family member received by either authority will be subject to the authority's internal complaint's process to examine the actions of their officers, considering the aims of the protocol.

## 10. Monitoring and Management of the Protocol

- 10.1 A Working Group will meet to monitor the effectiveness of the protocol, initially the group will meet every 2 months. Membership of the core group will include representatives from all the signatory organisations, and where appropriate other representatives will be invited to attend.

The Group will:

- Monitor the number of young people presenting as homeless (through all available channels) utilising the existing organisational data recording practices.
- Collate and share collected data between organisations to monitor trends.

- Monitor the number and proportion of young people where homelessness is prevented through a successfully managed reunification with a parent/carer, or a managed move into suitable supported accommodation.
- Monitor the number and timescales for completion of child social work assessments and homelessness applications specific to 16/17-year olds who have presented as homeless, and the associated outcomes
- Monitor and improve accommodation options for this client group.
- Provide information to relevant statutory and voluntary agencies as required.

The wider objectives of the steering group will be to develop, implement, monitor and review the available services for young people who are at risk of homelessness, or who are homeless by:

- Working to ensure that barriers to successful joint working are overcome.
- Addressing the wider issues relating to young people's homelessness.
- Ensure that joint initiatives and development plans are developed and agreed across partner agencies, which facilitate good working practices.
- Providing strategic direction for the development of the services for young people.
- Ensuring that relevant strategies complement and support the provision and delivery of appropriate services for young people who are homeless or threatened with homelessness.

# Appendix A

## Staffordshire 16 & 17-year-old Homelessness Interview Form

Name:	
Contact number:	
Date of birth:	NI No.
Last settled address:	
What is going on at home (where you have been staying) that means you can't go back? Do you feel safe at home? (Expand on this why/why not)	
Where have you been staying if not at home? (who with, on what basis etc)	
What could we do to help you to resolve the difficulties you are having at home?	
If we phoned your parents and asked them if you could go back home, what do you think they would say?	



Do you know about what the housing options are for young people? It is very difficult to live by yourself and most young people aged 16/17 do not have their own place, as they cannot hold a tenancy by law in their own right. (spell out what the REALISTIC options are, including limited choice, to facilitate the decision-making process).

How are you feeling in yourself?  
(If negative, then carry on with: Can you tell me more about what is making you feel like that? Is there anything that makes it better / worse? Please note any self-harming behaviour or similar).

Are you in any education or employment? Record any details of commitments.

Are there any other agencies you are involved with/are there any other people you see who help you or give you support? Did you see anyone else prior to coming here and if so what did they say?

Do you have any health problems, including mental health/learning disabilities?

Do you ever use alcohol or drugs? If yes, please give details:

What kind of support do you think you need to live away from home?

Are there any offences you can tell me about or is there anything you are waiting to hear about?

### Homelessness

Can you go home tonight whilst we try to support you and your family to resolve your difficulties (where there are no safeguarding concerns)?

Have you somewhere to stay tonight? Would you feel safe there? (Evaluate friends or family members network)

Have you any income and/or sufficient funds to meet your costs? E.g. food.

What I would like to do now is talk you through what happens next, where this information goes and what happens to it but before I do that, I would like to hear about what you would like to see happen? We are looking for the young person to expand beyond "I need somewhere to live" to understand their desired outcome: is it about a tenancy and support to manage, is it about support to return home etc.

## Actions and Next Steps

Call to Parent/Guardian (if safe). Notes:

If unable to return to Parent, call to wider friend and family network. Notes:

Is temporary accommodation required pending further enquiries? If yes, please make the arrangements and provide details of address and accommodation provider.  
Decision to offer temporary accommodation under \_\_\_\_\_

Make any arrangements for food etc, and issue young person with a letter providing contact details and action list detailing what will happen next.

Arrange joint Home Visit between Housing Options, Children's Services and any other relevant agencies if safe to do so.

## Officer Details

**Name:**

**Phone No**

**Email**

**Agency:**

**Address:**

**Signature:**

**Information Sharing Consent Form**

I give permission for \_\_\_\_\_ (insert name of referring agency)

To share any necessary information and make any necessary enquiries about me in relation to this referral (this includes sharing the outcome of any assessment or enquiries).

Name	_____
Signature	_____
Date	_____

The terms “necessary information” and “necessary enquiries” mean that the agencies on the list will only share information or ask for information about you that they need in order to:

- Assess their responsibilities to you
- Decide on the type and location of accommodation that may be secured for you.
- Decide with you on the type and duration of support that will be in place for you.

All information will be processed and used in accordance with the Data Protection Act 1998.

## Appendix B

### Wishes and Feelings of the Young Person

Local authority children's services have a duty to ascertain the wishes and feelings of a young person regarding the provision of services to be delivered under s17 (CA 1989).

Section 20(6) of the Children Act (1989) also requires that:

Before providing accommodation under this section, a local authority shall, as far as is reasonably practicable and consistent with the child's welfare;

- a. Ascertain the child's wishes and feelings regarding the provision of accommodation; and
- b. Give due consideration (having regard to their age and understanding) to such wishes and feelings of the child as they have been able to ascertain

Children's Services should also ensure that the young person receives accurate information about what assistance may be available to them if they do not become looked after, inc from housing under Part 7 of the 1996 Act. This will include any entitlement for assistance under Part 7. The considerations a young person needs to be made aware of are:

- a. Duties on housing services to undertake an assessment, develop a personalised housing plan and to take steps to help the applicant retain or secure accommodation (sections 195 and section 189B of the 1996 Act),
- b. The requirement on the applicant to cooperate and for applicants to take steps themselves as set out in a personalised plan (s193B and s193C of the 1996 Act),
- c. The 'accommodation offer' under the relief duty, suitable accommodation which has a reasonable prospect of being available for occupation for at least 6 mths (s189B and s195)
- d. The implications of turning down offers of accommodation that are suitable (s193A of the Housing Act 1996),
- e. The possible risk of being found or becoming homeless intentionally in the future (s191 of the 1996 Act),
- f. Their right to request a review of decisions (s202 of the 1996 Act).

**Where a 16 or 17-year-old child in need wishes to refuse accommodation offered under s20 (CA 1989), Children's Services must be satisfied that the young person:**

- a. Has been provided with all relevant information;
- b. Is competent to make such a decision; and
- c. That they do not need to take additional safeguarding action.

Every 16-17-year-old assessed as being a child in need but who does not wish to be accommodated under Section 20 (CA 1989) should have a 'child in need' plan setting out the services that will be provided to meet their needs<sup>3</sup>.

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<sup>3</sup> Prevention of homelessness and provision of accommodation for 16/17-year olds requiring accommodation. MHCLG & DoH (2018)

# Appendix C

## Useful Contacts and Key Partners

Organisation	Address	Phone/Other contact
Cannock Chase District Council	Civic Centre PO Box 28 Beecroft Road Cannock WS11 1BG	01543 462621  Out of hours emergencies: 01543 462621
East Staffordshire Borough Council	Customer Service Centre Market Place Burton Upon Trent DE14 1HA	01283 508120  Out of hours emergencies: 01283 508126
Lichfield District Council	District Council House Frog Lane Lichfield WS13 6YX	01543 308709/  Out of hours emergencies: 01543 308000
Newcastle-under-Lyme Borough Council	Newcastle Housing Advice 61-63 Lower Street Newcastle under Lyme Staffordshire ST5 2RS	0345 850 9698  Out of hours emergencies: 01782 615599
South Staffordshire District Council	Wolverhampton Road Codsall Wolverhampton WV8 1PX	01902 696504  Out of hours emergencies: 01902 696504
Stafford Borough Council	Civic Centre Riverside Stafford ST16 3AQ	01785 619000 Out of hours emergencies: 01785 619170
Staffordshire Children's Services & First Response	<a href="https://www.staffordshire.gov.uk/reportconcern">https://www.staffordshire.gov.uk/ reportconcern</a>	Tel: 0800 1313 126 Out of hours 0845 604 2886
Staffordshire Moorlands District Council	Moorlands House Stockwell Street Leek Staffordshire ST13 6HQ	0345 605 3012  Out of hours emergencies: 0345 605 3012  <a href="mailto:housing.team@staffsmoorlands.gov.uk">housing.team@staffsmoorlands.gov.uk</a>
Tamworth Borough Council	Marmion House Lichfield Street Tamworth Staffordshire B79 7BZ	01827 709709  Out of hours emergencies: 01827 709709.
Centrepoint	Offering advice to anyone aged 16-25.	0800 587 5158 <a href="#">Centrepoint</a> Webchat (Mon-Fri 10-4pm)
Shelter	Advice, support and legal services for young people struggling with bad housing or homelessness.	0800 808 4444 <a href="#">Shelter</a> Webchat (9-5pm weekdays)

## Appendix D

Checklist for homeless 16-17-year olds, if they choose to become Looked After Child by Staffordshire County Council

If it is assessed that a young person cannot stay with family or friends, then young people have the right to choose whether they want to be looked after by the Local Authority. This could be under S20 (Children Act 1989) or, they may be provided with supported accommodation under S17 (Children Act 1989). The differences will be carefully explained when they present as homeless so that an informed decision can be made.

Choosing to become looked after means that the young person is entitled to support and advice from an allocated Social Worker from Children's Services but also means that the Local Authority will expect the young person to work in partnership and to engage with planning and decision making.

### **If you become looked after, the below checklist will apply to you:**

- You will have an allocated Social Worker who will complete an assessment of your needs and personal circumstances within 10 working days. Your Social Worker will then make recommendations about your care and how best to meet your identified needs.
- If you've been looked after for at least 13 weeks, as you approach 18, you will be allocated a Personal Advisor (PA) who works alongside your Social Worker to offer you practical support and to advocate for you. You could receive this service until you are 25.
- When you first become looked after you will be offered a medical to ensure that any health needs are identified and met in full. You will be asked to consent to this.
- Your Social Worker will draw up a pathway plan with you and make sure that you receive support and services to which you are entitled. It is important you are involved in your pathway plan as it discusses your plans for the future and your future living arrangements.
- Your Social Worker will visit you at your accommodation to check that where you live is safe and suitable and to make sure you are accessing all available support.
- You will receive what is termed a "maintenance living allowance" if you are in supported accommodation for the same amount as any benefit entitlement that a 16 or 17-year-old would be able to claim. This money is given so that you can buy food, personal items and pay for additional expenses such as travel. You will be offered advice on how to manage your money and budget.
- An independent reviewing officer will chair a looked after review which ensures your care plan is appropriate and is meeting your needs. The first review takes place within 28 working days. The second review takes place after three months and then every six months for as long as you remain looked after.

- Your Personal Advisor will spend time with you working on managing your money, housing issues, employment or education, life skills and independent skills in order to prepare you for the future.
- To support you with current education if you are accessing it, and to plan for your attendance at college or university in the future you will be offered a PEP which is a personal education plan. The PEP meeting involves you, your Social Worker and your Education provider.
- If you are offered supported accommodation it will be necessary for you to sign a tenancy agreement and to work within the terms of this. Landlords have expectations around behaviour and their property being maintained.
- Once you reach 18 you will no longer be a looked after young person and this status will end. However, you may be eligible for leaving care services and in advance of you celebrating your 18<sup>th</sup> birthday the ongoing services and support to which you are entitled will be fully explained to you. These include support with housing, finances and other everyday life events. If you have not been looked after for at least 13 weeks, you may not receive this support.
- Upon leaving care at age 18, and you need to claim benefits to help with your rent, you will be eligible for the one-bedroom rate of Housing Benefit until you reach the age of 22 (depending on your income). Most single people applying for Housing Benefit aged between 18 and 22 years old will get the lower rate to enable them to afford shared accommodation.
- When leaving care, you could have help with setting up your new home which will be coordinated by your PA.
- If you start in some forms of education (usually university) once you leave care, you may be eligible for help with the costs of this.



## Appendix E

Consent Form for young people who do not wish to become Looked After by the Local Authority (under S20 CA 1989) who have presented as homeless/threatened with homelessness.

I confirm that I fully understand that I have been assessed by the Local Authority, Children's Social Care as being in need of accommodation under section 20 of the Children Act 1989 due to my current homeless circumstances.

I can confirm that it has been explained to me that the Local Authority cannot force me to become looked after, but by choosing not to be looked after by the Local Authority I am limiting the options available to me in terms of after care services.

I can confirm that I do not wish to be accommodated by the Local Authority.

Name (print):

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Signature:

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Date:

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## Appendix F

### Homelessness Application Check List

This checklist will help to ensure that a young person, who has presented as 'homeless', is fully aware of what making a 'Homeless Application' under Section 184 of the Housing Act 1996 (Part VII), will mean for them.

- Any emergency accommodation may not be near to your home/college/work placement or training, so you may need to catch a bus or a train.
- You will need to comply with a variety of rules set by both the council and the accommodation provider.
- You will need to contribute towards the cost of your housing either from your own funds or through Housing Benefit. The council may not provide you with any living expenses, so you will need to source an income from elsewhere. Bear in mind that benefits are not usually paid for the first 7 days after the date you make a claim. .
- The housing authority will only offer you accommodation following its enquiries if you have not been offered accommodation by children's services or, alternatively, have refused that accommodation.
- If the local housing authority decides that it is your fault you are homeless because of something you have done or not done, it will provide temporary accommodation for a short period to give you time to find yourself somewhere else to live. Once you have had a reasonable period to make your own arrangements the accommodation it is providing will end, even if you have not found anywhere yourself.
- If the local housing authority decides that it is not your fault you are homeless and that you have a local connection to its district, it will need to find more permanent accommodation for you. You may have to stay in temporary accommodation for a period before it can arrange this other accommodation. It might arrange:
  - Housing which requires you to engage with an onsite support worker, possibly sharing with others
  - Unfurnished social housing under a 12-month tenancy held by a trustee
  - A room in the private rented sector
- You will have to arrange everything else yourself - the rent and council tax, and in unfurnished independent housing the gas, electricity, water, carpets, curtains, furniture and equipment. You will need to comply with the tenancy or licence agreement and will lose the accommodation if you don't.
- There is no specialist help or provision for those exiting the Local Housing Authority system; you will not receive any special treatment when you turn 18 or if you become homeless again.

I, \_\_\_\_\_(name), have understood the above information concerning what it will mean to apply as homeless under the Housing Act 1996 Part VII.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix G

### Legal Context

#### **R (on the application of G) v London Borough of Southwark**

The House of Lords judgment in the case of *R (on the application of G) v London Borough of Southwark* was handed down on 20 May 2009. The principal legal issue in this case was: what do the criteria in Section 20(1) of the *Children Act 1989* mean and how, if at all, is their application affected by the other duties of children's authorities, Section 17 of the 1989 Act and by the duties of housing authorities under Part 7 of the *Housing Act 1996*?

In *R (G) v LB Southwark* the central issue was: where a child of 16 or 17 who has been thrown out of the family home seeks help from the local children's services authority, is found to be homeless and a child "in need", and wishes to be accommodated by them under Section 20 of the *Children Act 1989*, can the children's services authority instead refer him to the local housing authority for accommodation under the homelessness legislation (Part 7 of the *Housing Act 1996*)? The case was heard on appeal from the Court of Appeal, which, by a majority of 2 to 1, had upheld Southwark's ability to refer the child for assistance under the homelessness legislation even though a duty to provide accommodation had been accepted under Section 20(1) of the *Children Act 1989*.

The House of Lords was unanimous in allowing the appeal. The leading opinion, delivered by Baroness Hale, reaffirmed the House of Lords' opinions in *R(M) v LB Hammersmith and Fulham* and sets out the approach that children's services authorities should take when performing their statutory duties to 16- and 17-year olds who are found to be homeless and "in need". The ruling confirmed the Government's view that local children's services authorities should presume that any lone, homeless child should be provided with accommodation under Section 20(1) of the *Children Act 1989* unless the child is not in the local authority's judgement (based on an initial screening assessment), a child "in need". In nearly all cases, the impact of a child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the child's welfare that the child will be a child "in need".

The House of Lords reiterated that the *Children Act* has primacy over the *Housing Act* in providing for children in need. The duties of local children's services authorities to accommodate children in need cannot be circumvented by referring the child to the housing authority, whose duties under Part 7 of the *Housing Act 1996* provide a safety net only for those (very few) homeless children who will not meet the criteria for accommodation under Section 20 of the 1989 Act. Examples of the small number of homeless 16 and 17 year olds who would have priority need under the homelessness legislation (by virtue of article 3 of the *Homelessness (Priority Need for Accommodation) (England) Order 2002*) would include those whose need for accommodation did not fall within the circumstances specified in S.20(1) of the 1989 Act - for example, because they had been living independently for some time prior to their homelessness - and those whose need for accommodation fell within S.20 but who did not want to be accommodated under S.20. Such young people must be judged to be competent to make such a decision and have had the benefit of advice about the consequences of making such a decision.

Lord Neuberger's judgment, which dealt with the interrelationship between the Section 20 duty and the duty under Part 7 of the *Housing Act 1996*, provides that the purpose of the 2002 Order was to fill the gap whereby there had been no specific duty to secure accommodation for homeless children aged 16 or 17 whose circumstances did not bring them within S.20 of the *Children Act*. The purpose of the 2002 Order was not to enable a children's services authority to divert its duty under S.20 to the housing authority, thereby

emasculating the assistance to be afforded to children aged 16 or 17 who “require accommodation”.

It will be extremely important that there continues to be close partnership between children’s services authorities and housing authorities to support local authority responsibilities under the Children Act for meeting the needs of children in their area.

Baroness Hale referred to Section 27 of the Children Act 1989, which empowers a children’s authority to ask other authorities, including *any* local housing authority, for “help in the exercise of any of their functions” under Part III of the 1989 Act. The requested authority must provide help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of their own functions. But, she said, this does not mean that the children’s authority can avoid their responsibilities by “passing the buck” to another authority; rather that they can ask another authority to use its powers to help them discharge theirs.

### **Complaint against Dover City Council and Kent County Council, 31 July 2012**

A homeless 16-year-old boy, who had previously been in care and had drug-related issues, had applied to the council as homeless in January and June 2009. The council should have accepted the applications and applied a joint protocol agreed with the county council for dealing with homeless children in need. Both councils were found to have acted contrary to their Joint Protocol and/or contrary to law. The Local Government Ombudsman recommended that the councils between them pay £10,000 compensation.

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

Following the *G v Southwark* 2009 House of Lords judgment, the Government issued joint statutory guidance from the Department for Children, Schools and Families (now the Department for Education) and Department for Communities and Local Government - *Prevention of homelessness and Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*. This guidance outlines the legal duties under the Children Act 1989 and Housing Act 1996 for 16 and 17-year-old young people who are homeless.

The joint statutory guidance gives clear direction on the complementary roles of children’s services authorities and local housing authorities in implementing their separate statutory roles. The *G v Southwark* judgment clarified that in the case of a homeless 16- or 17-year olds, children’s law takes precedence over housing law. In light of this clarification, a fundamental principle of the joint statutory guidance is that all 16 and 17 year olds who are homeless should be assessed by children’s services under the Children Act 1989 to determine whether they are a child in need, as set of in Section 17 of the Act and, if so, whether a duty exists to offer accommodation under Section 20 of the Children Act. Young people aged 16 or 17 are still children and that as such, all agencies have duties and responsibilities to act together to protect them<sup>4</sup> if they are suffering, or likely to suffer, significant harm.

The joint guidance was recently updated in April 2018 by the Ministry of Housing, Communities and Local Government and the Department for Education, following amendments to the 1996 Housing Act, following the introduction of the Homeless Reduction Act 2017.

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<sup>4</sup> *Working together to safeguard children*, guidance for children’s services authorities and their partners published by DCSF (now Department for Education) 2010

Key extracts from this statutory guidance are:

- Para 2.1 “generally, it will be in the best interests of most young people to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friend’s network.”
- Para 3.19 “Where a young person seeks help because they are homeless or threatened with homelessness it is good practice for an assessment of the young person’s needs to be conducted jointly by both children’s and housing services..... The lead agency will be local authority children’s services, given their responsibilities for children in need in their area.”
- Para 3.23 “The most crucial issues to be determined in the first instance will be whether the young person is actually homeless, if the young person is a child in need and/ or is suffering or likely to suffer significant harm and/ or if the young person requires emergency accommodation. If this is the case, children’s services must accommodate them immediately. The welfare of the child is paramount and a 16 or 17-year-old must not be placed at risk whilst waiting for the completion of an assessment.”
- Para 3.11 “Local authority duties for accommodating young people under this section are not simply a matter for local policy. The duty is engaged whenever a child in need in the local authority’s area requires accommodation as a result of one of the factors set out in section 20(1)(a) to (c) or in section 20(3) of the Children Act.”
- Para 3.12 “Where a young person in need requires accommodation as a result of one of the factors set out in the Section 20(1) (a) to (c) or Section 20(3) then that young person must be provided with accommodation. As a result of being accommodated by Children’s services for a continuous period of more than 24 hours the young person will be Looked After” (except if a private fostering arrangement is in place where the parent arranges a foster carer and Children’s Services simply approve the placement).
- Para 3.42 It will be essential that the young person is fully consulted about and understands the implications of being accommodated by children’s services and becoming looked after. The social worker leading the assessment must provide realistic and full information about the package of support that the young person can expect as a looked after child....”
- Para 3.43 “Children’s services should also ensure that the young person receives accurate information about what assistance may be available to them if they do not become looked after, including from housing services under Part 7 of the 1996 Housing Act... The considerations a young person needs to be made aware of are:
  - Duties of housing services to undertake an assessment, develop a personalised housing plan and to take steps to help the applicant retain or secure accommodation,
  - The requirement on the applicant to cooperate and for applicants to take steps themselves as set out in a personalised plan,
  - The accommodation offer under the relief duty – suitable accommodation which has a reasonable prospect of being available for occupation for at least 6 months,
  - The implications of turning down offers of accommodation that are suitable,
  - The possible risk of being found or becoming homeless intentionally in the future,
  - Their right to request a review of decisions”.

- Para 3.47 “Young people should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages and coming to a balanced decision.”<sup>5</sup>
  - Para 3.49 “Where a 16 or 17 year old child in need wishes to refuse accommodation offered under Section 20 of the 1989 Act, children’s services must be satisfied that the young person :
    - has been provided with all relevant information
    - is competent to make such a decision and
    - that they do not need to take additional safeguarding action”
- 
- Para 3.50 “Every 16-17-year-old assessed as being a child in need but who does not wish to be accommodated under section 20 should have a child in need plan setting out the services that will be provided to meet their needs.”
  - Para 3.59 “The powers of local authorities to provide accommodation under Section 17 cannot be used to substitute for their duty to provide accommodation under Section 20(1) of the 1989 Act to homeless 16 and 17-year olds in need. Children’s services do not have the option of choosing under which provision they should provide accommodation for homeless 16- and 17-year olds. Section 20 involves an evaluative judgment on some matters but not a discretion.”<sup>6</sup>
  - Paras 3.62-3.65 “Local authority children’s services are among the public authorities which are required to notify a housing authority of service users they consider may be homeless or threatened with homelessness” ....”The referrals does not diminish children’s services responsibilities towards young people .... Rather it should be used to help strengthen communication between children’s and housing services, it will not be an alternative to carrying out a child in need or early help assessment”. This protocol outlines the lines of communication and how information is shared.
  - Para 4.4 “Housing authorities will be unable to determine whether a 16-17-year-old has priority need under the 1996 Act until a child in need assessment has been completed. It is therefore essential that referrals are made, and assessments completed in a timely manner.” This will include the joint assessment between housing and children’s services.
  - Para 4.15 Under the requirements of the Homeless Reduction Act (which has amended the 1996 Housing Act) housing have a duty to prevent homelessness. Where the applicant is already homeless the housing authority has a duty to relieve homelessness. This may be ended in a number of ways including where the applicant has refused an offer, the applicant has become homeless intentionally from accommodation provided or has deliberately and unreasonably refused to cooperate.
  - Para 4.19 “If the relief duty end..... children’s services will be required to carry out further assessment of the young person’s needs”.

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<sup>5</sup> “Children and young people who have received services under the 1989 Act are able to be supported to make complaints and representation with the help of an independent advocate. Children’s services should provide information about access to advocacy services when they explain the assessment process to 16 and 17 year olds seeking help because of homelessness.”

<sup>6</sup> R (G) v Southwark [2009] UKHL 26 – para. 31  
<http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-2.htm>

- Para 4.28 “Where a young person aged 16 or 17 is homeless and requires accommodation, does not wish to be accommodated under section 20 of the 1989 Act but is subsequently not owed an accommodation duty by a housing authority, for example because they have refused a suitable offer of accommodation or are found to be intentionally homeless, then children’s services should, given the change in circumstances, once again ask them their wishes regarding being accommodated under section 20.”
- Para 4.29 “If the young person still does not wish to be accommodated and is judged to have the capacity to make that decision, if it is necessary to safeguard and promote the welfare of the young person who is in need, they should be offered accommodation under section 17 of the 1989 Act until they no longer require accommodation or they reach the age of 18. In such cases children’s services and housing services will need to work together with the young person to ensure that they are not placed at risk of homelessness as they approach age 18.”

**The Children Act 1989, Chapter 41, Part III, Section 20 Provision of accommodation for children: general.**

Key extracts are:

(1) Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of—

- a) there being no person who has parental responsibility for him;
- b) his being lost or having been abandoned; or
- c) the person who has been caring for him being prevented (whether permanently, and for whatever reason) from providing him with suitable accommodation or care.

(3) Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.

(4) A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child’s welfare.

(6) Before providing accommodation under this Section, a local authority shall, so far as is reasonably practicable and consistent with the child’s welfare—

- a) ascertain the child’s wishes and feelings regarding the provision of accommodation; and
- b) give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.

(7) A local authority may not provide accommodation under this Section for any child if any person who—

- a) has parental responsibility for him; and
- b) is willing and able to—
  - i. provide accommodation for him; or
  - ii. arrange for accommodation to be provided for him,
  - iii. objects.<sup>7</sup>

If a young person is accommodated under Section 20 they become a ‘looked after child’ and they are afforded further protection and rights with a range of support and services, including

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<sup>7</sup> In the case of a 16/17-year-old and even if a parent objects, if the young person wishes to be a Child Looked After, they can be if they are deemed competent to make that decision.

a named social worker and a care plan. The plan must address accommodation and support with named contacts, timescales for action and review dates. Young people who are 'looked after' will also then qualify for leaving care support and services up to the age of 21 or in some cases, up to the age of 24.<sup>8</sup>

While a local authority can offer services and support to a young person under Section 17 of the Act, they cannot substitute the Section 20 duty with Section 17 powers.

The five tests are:

- Are they a child?
- Are they a child 'in need'?
- Are they usually resident in the area of the local authority?
- Do they require accommodation?
- What are their wishes and feelings about becoming looked after?

The homelessness legislation acts as a safety net for any homeless 16- and 17-year olds who are assessed as not being owed a duty under Section 20 of the Children Act 1989. In such a case a young person may still get practical support through Section 17 of the Children Act 1989, but that does not include the provision of accommodation.<sup>9</sup>

## **Housing Act 1996**

Part VII of the Housing Act 1996 outlines the legal responsibilities of a District or Borough Council in terms of assisting people who approach the housing authority as homeless.

16 and 17-year-old homeless applicants have a priority need for accommodation, except those who are-

- A relevant child
- A child in need who is owed a duty under section 20 of the Children Act 1989.

"The primary responsibility for a child in need who requires accommodation, including a 16 and 17-year-old who is homeless lies with the relevant children's services authority. The Children Act 1989 (section 20) places a duty on children's services authorities to accommodate a child in need, and in almost all circumstances a homeless 16-17-year-old would be a child in need.

There remain circumstances when the housing authority will have duties towards a homeless 16- and 17-year olds, including when the young person, having been fully informed of the implications, and being judged to have capacity to make that decision, declines to become looked after under the Children Act and instead applies for assistance under homelessness legislation."

## **(Homeless Code of Guidance 2018)**

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<sup>8</sup> For those young people who are looked after for 13 weeks or more after their 14<sup>th</sup> birthday and are still a Child Looked After on or after their 16<sup>th</sup> birthday, the Children (Leaving Care) Act 2000 applies. For those "qualifying" young people who do not hit the 13-week threshold for the above, Section 24 of the Children's Act 1989 applies.

<sup>9</sup> Homeless Link, June 2013, No Excuses: Preventing Homelessness for the Next Generation.



The Housing Act recognises that some people will be homeless and roofless before a council can carry out its enquiries and decide about what duty is owed. Consequently, section 188 of the Act consists of a duty to secure interim accommodation whilst action is taken to relieve the applicants homelessness or pending a decision, if there is reason to believe that the applicant may be homeless, eligible for assistance and in priority need.

It is this interim accommodation duty that is used under the protocol when a homeless 16 or 17-year-old makes their initial approach to a housing authority.

Homeless applicants are entitled to a written decision under section 184 of the Act and those who receive an unfavourable decision are entitled to request a review under section 202. The deadline for requesting a review is 21 days but a local authority has the discretion to accept an out of time review. An applicant who is dissatisfied with a review decision has the right to appeal to the county court on a point of law.

### **Homeless Reduction Act 2017**

The Homelessness Reduction Act 2017 extended the duties placed on local housing authorities to prevent and relieve homelessness. Local housing authorities must provide an assessment for individuals who are eligible for assistance and where there is a reason to believe they are homeless or threatened with homelessness within 56 days.

The duties are outlined below:

#### **Prevention Duty:**

- Where a young person is 'threatened with homelessness within 56 days.'
- There is no requirement for the individual to have a local connection to the local housing authority.
- Where eligible young people are threatened with homelessness, councils must take reasonable steps to prevent them from losing their current accommodation. Young people will be provided with a Personalised Housing Plan that will outline reasonable steps that both the housing authority and the young person should take to prevent them from becoming homeless. The Personalised Housing Plan will be agreed with the young person and should be drafted in conjunction with the young person's Child in Need Plan. Once agreed, the young person will be required to cooperate with the local housing authority in line with steps outlined in their Personalised Housing Plan. If the young person does not cooperate, they may receive a reduced duty from the local housing authority.
- Once triggered, the prevention duty would continue for 56 days unless it is ended.

#### **Relief Duty:**

- Where the young person has no legal right to occupy accommodation, or it is no longer safe and reasonable for them to continue to occupy their accommodation.
- The young person will require a local connection to the housing authority.
- Where eligible, the local housing authority must take reasonable steps to secure that accommodation is made available for a minimum period of six months.
- Once triggered, the relief duty would continue for 56 days
- Young people aged 16 and 17 will be considered priority need and the local housing authority has a duty to provide emergency accommodation. In practice, the local housing authority will work closely with Children's Services to find suitable temporary accommodation for the young person.

- Young people will be provided with a Personalised Housing Plan (PHP) that will outline reasonable steps that both the housing authority and the young person should take to prevent them from becoming homeless. The Personalised Housing Plan will be agreed with the young person and should be drafted in conjunction with the young person's Child in Need Plan. Once agreed, the young person will be required to cooperate with the local housing authority in line with steps outlined in their Personalised Housing Plan. If the young person does not cooperate, they may receive a reduced duty from the local housing authority.
- Homeless legislation allows the local housing authority to provide a young person with one suitable offer of accommodation before ending their housing duty. For a 16/17-year-old this can be difficult as they are not able to hold their own tenancy and housing options can be difficult. The local housing authority will work in conjunction with Children's Service to provide a suitable offer of accommodation.
- Where a young person remains homeless, after the Relief Duty has expired, they will be assessed for a full housing duty in accordance with Section 193(2) of the Housing Act 1996. The local authority will consider whether the applicant is in priority need and whether they have become homeless intentionally. Young people who are accepted under Section 193(2) will be owed a fully housing duty for the local authority to provide an offer of suitable accommodation. In cases of 16/17 year olds the local housing authority will work closely with Children's Services to find a suitable offer of accommodation.

#### **Personalised Housing Plans (PHPs):**

- Local housing authorities must prepare an assessment of the circumstances of all eligible applicants who are homeless or threatened with homelessness within 56 days.
- A Personalised Housing Plan (PHP) must be drawn up and set out the reasonable steps that the local authority and the applicant will take.
- The applicant will be required to co-operate with the local housing authority.
- This will look at support and housing needs, and steps could link to or be taken directly from a Children in Need (CiN) plan.

# HOW TO...

## Work with homeless young people



Young people are better off living at home, or within their family network, if it is safe for them to do so. Sometimes however, young people may become homeless.

**If a referral is received it is important to establish that the young person has somewhere safe to stay.**

The following are **not** suitable accommodation for young people

- Most temporary accommodation by a Local Housing Authority (LHA). Most LHAs do not have access to accommodation that would be classed as suitable. i.e. there is no support.
- Sofa surfing
- Bed and breakfast

### Visits and Assessment

- A visit to the address and family members will be made and a referral will be sent to the Intensive Prevention Service (IPS).
- A conversation/joint visit with the Local Housing Association will also take place
- A Child's Social Work Assessment will be completed to determine any long-term plans. This should be completed in **10 working days**.
- If a safe place for the young person to stay can't be found, other accommodation will be located. This could be with another family member or accommodation offered by Children's Services.
- The CSWA will identify the type of accommodation needed, which could be offered under Section 17 or Section 20, depending on the young person's needs.
- A young person can refuse Section 20 accommodation, but the implications of this must be explained to them. **The young person should sign to say they have refused accommodation under Section 20.** (See Staffordshire Multi-Agency Protocol to assist Homeless 16- and 17-Year Olds - Appendix F)
- If the referral has not come from an LHA, they should be made aware, particularly if the young person is 17 ½ or more, when the young person will be looking for independent housing. (See Pathway for leaving accommodation for extra information)

### Seeking accommodation

- If accommodation is being sought (both Section 17 and Section 20), types of accommodation and any support needs must be considered. (See Admission to Care Accommodation Panel Policy and Procedures)
- If accommodation is needed in an emergency, a critical friend conversation must take place between the Head of Service (Early Help/Specialist Safeguarding) and the Head of Service (Prevention & Placements). This will be ratified at Accommodation Panel.

- If the young person is placed in Supported Accommodation, the placement and support will need to be monitored by the allocated social worker.

### **Education, Employment & Training**

- If the young person is accommodated via S20 a PEP will need to be arranged
- If the young person is accommodated via S17 and NEET contact will need to be made with Entrust for their advice and guidance service.
- Following this, appropriate referrals to providers could be made.
- If the young person is EET the provider will need to be invited to CIN meetings

# HOW TO...

## Support S17 young people transition from accommodation offered by Children's Services

**Joint working between the Local Housing Authority (LHA) and Children's Services is key to ensure a smooth pathway for the young person.**

- Justification for housing must be established and evidenced as the young person will not have the same leaving care entitlements as those of a care leaver who was looked after under a s20 arrangement.
  - This could be a supporting letter/evidence, which includes the young person's need for housing e.g. estranged from family. It should also include details of any other additional needs.
- Placements such as the YMCA will allow a young person to stay post 18 and will follow a 'move on' plan.
- If the young person is in Supported Accommodation provided by SCC, it is expected that the provider will help in this process as part of the young person's preparation for independence. However, they are **not** expected to lead, and this should be done by the social work team around the young person.

### Key dates

- Before the young person reaches 17 ½, a discussion should be had with the young person in relation to housing.
- Six months prior to the young person's 18<sup>th</sup> birthday a housing application will need to be made with the relevant (LHA).

### Making the application

- The young person must have local connection to the area where they're being housed this could be
  - home before they were provided accommodation by SCC
  - having close family members living in the area
  - or it being the place they work.
- Each LHA has an individual policy that should be checked prior to application. This may result in slight variations in the way the process is completed. For more details, contact the LHA directly.
- The young person will need
  - photo ID
  - proof of their national insurance number
  - proof of income/benefit entitlement (when received).

### Following the application

- Following the housing application, the young person may be asked to attend appointments at the LHA, this should be supported by the social work team.
- Engagement with this process will be needed, including further appointments, obtaining support letters, details of physical/mental health issues etc.
- Once the application is completed, the young person should be allowed to bid on properties, however the likelihood is they will not be considered for a property until they are 18.
- Therefore, it is important that a referral is made to the LHA Homeless Team **56 days** prior to their 18<sup>th</sup> birthday as they are at risk of homelessness. This is known as the duty to refer and each LHA has their own referral portal online (a link can be found in the protocol).
- If a young person is accommodated after 17 ½, then this process must be considered while other assessments are ongoing.
- The team around the young person should ensure the young person is bidding on suitable properties at all time.
- If there are delays, or other issues there should be constant 2-way communication between all parties.

**‘Communication is important, so information should be accessible to everyone. People with sensory communication disabilities may need documents in easy read, large print, audio or Braille formats for example. Others may need face to face communication support through a; British Sign Language Interpreter, deafblind interpreter, lip speaker or note taker (as recommended by the NHS Accessible Information Standard). If someone speaks (or reads) a language that is not English, they will need to have the appropriate language-spoken language interpreter and / or text translator’.**

**For more information go to:**

**<https://www.intra.staffordshire.gov.uk/equality/Translation-and-Interpretation.aspx>**







Putting People First

## Multi Agency Protocol to assist Homeless 16 and 17 Year Olds in Staffordshire

### August 2015



Signatories

Organisation	
Cannock Chase Borough Council	J Baker
East Staffordshire Borough Council	Pamela Atwood
Lichfield District Council	P. L.
Newcastle-under-Lyme Borough Council	J. Kelliday
South Staffordshire District Council	Pat Griffiths
Stafford Borough Council	K. Jones
Staffordshire County Council Families First (Children's Services)	<del>_____</del>
Staffordshire Moorlands District Council	_____
Tamworth Borough Council	_____

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Appendix G	Consent Form for Refusal of Sec 20 Accommodation
Appendix H	Homeless Application Check List
Appendix I	Consent Form for Refusal of Homeless Application

## **Introduction**

Our starting point is that young people are better off living at home or within their family network, as long as it is safe for them to do so. Homelessness at any age should be avoided wherever possible but especially in the cases of children and young people. This protocol concerns those young people at 16 and 17 years of age who claim or appear to be homeless and what respective agencies will do to assess their needs and support them.

In the past, time has been wasted trying to determine which agency has the statutory lead for assessment and for providing a service. The lack of clarity that has developed in these cases have led to dissatisfaction for both the professionals and young person concerned, in addition to wasting available resources.

This Protocol will provide a pathway along which homeless 16 and 17 year olds can pass to provide a consistent response with clear lines of accountability. There is also a process for conflict resolution so that if and when this occurs, this will be dealt with on a case by case basis and in a way that does not undermine relationships at a local level.

This Protocol will be adopted as a Working Document by the 9 signatories to guide their activities when undertaking work with this vulnerable client group.

### **Aims of the Protocol**

- To ensure effective homelessness prevention services for 16 and 17 year olds.
- To set out how Staffordshire County Council's Families First (Childrens Services) and Staffordshire's district councils (Local Housing Authorities) will work together to provide a consistent approach with a focus on the best possible outcomes for young people who are homeless or at risk of becoming homeless.
- To provide clarity for all organisations on their roles and responsibilities following the judgment in the R (G) v LB Southwark in May 2009 by the House of Lords ("the Southwark Judgment").

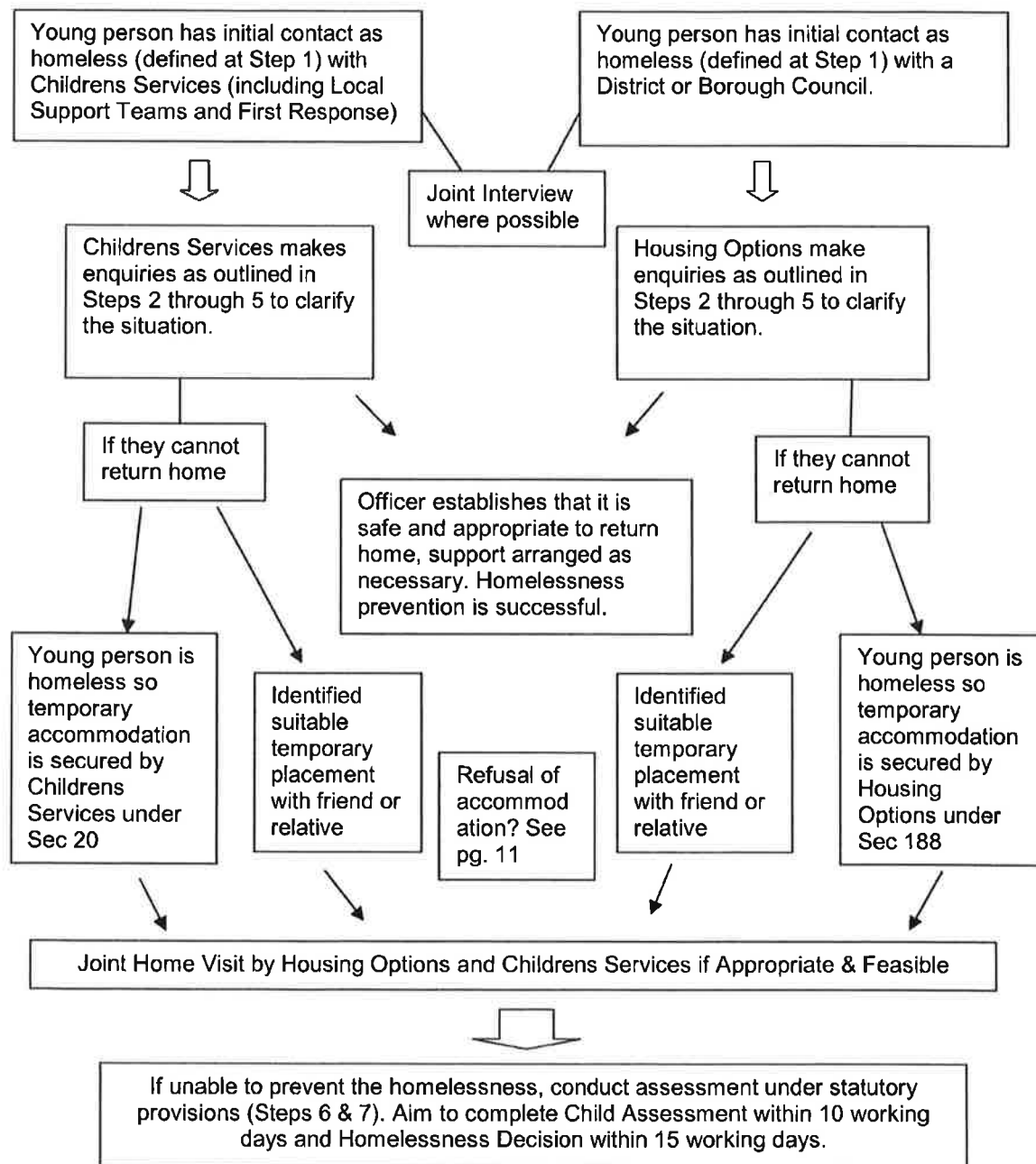
### **Guiding Principles**

- All agencies will work to keep children safe, and in order to do that effectively partnership working is essential.
- It is in the best interests of young people to live with their immediate families or, where this is not safe or appropriate, with responsible adults in their wider family and friends network.
- A young person in crisis should receive a consistent, practical and immediate response from whichever agency they first approach and a script has been developed to facilitate this (see Steps 1 to 5).
- Where it has been established that a young person is homeless and unable to return home, the Southwark Judgment makes it clear that Children's Services and the Children Act 1989 are the primary source of assistance for this group.
- Safeguarding concerns, including homelessness, should be reported to Children's Services in line with Local Safeguarding Childrens Board procedures.
- Young People and their parents / family should be given every opportunity to have a

realistic understanding of the options available to them, and to make informed choices together about their future.

### **The Plan – Flow Chart**

**(Appendix A provides an Interview Form that will lead you through these steps)**



### **Responding to a Homeless Approach – A Step by Step Guide**

## Step 1: Initial Contact

A homeless referral can be received by telephone or in person by any part of Staffordshire County Council's Childrens Services ("Childrens Services") or the relevant housing authority. Once a signatory receives a report of the homelessness of a 16 or 17 year old the responsibility of that signatory to undertake Steps 1 – 5 below are engaged. A form is available at Appendix A to facilitate a 'protocol compliant' interview of the young person.

The procedures are triggered when a 16 or 17 year old states that they are homeless or gives a signatory reason to believe the same. A report of this kind by the young person or someone acting on their behalf requires the receiving signatory to undertake further investigation and activity before the matter can be re-referred to another signatory.

A young person may make contact with any of the following organisations to report that they are homeless or threatened with homelessness:

- Childrens Services (including First Response, Local Support Team and Safeguarding)
- A local housing authority (District or Borough Councils)
- Other voluntary or statutory organisations working with young people

Other voluntary or statutory organisations would normally be expected to report the homelessness to the First Response Team due to Children's Services role as the lead agency for this client group; however they may pursue an alternative route for referring depending on the individual circumstances and their own procedures. The answers to the questions set out in Appendix A (or other basic information) can be collected and emailed to [firstr@staffordshire.gov.uk](mailto:firstr@staffordshire.gov.uk) in cases of threatened homelessness. For more urgent cases the referral can be made over the phone by calling 0800 1313126.

We wish to avoid the situation where young people who are homeless or are at risk of homelessness are needlessly passed between agencies. If one of the signatories has been involved within the last 4 weeks in trying to keep the young person at home or securing accommodation for them; that will constitute ongoing involvement which should be continued or resumed. The signatory concerned will be responsible for processing the homelessness approach at Steps 2 - 5.

## Step 2: Processing the Homeless Approach

These questions are the minimum we would expect to be asked of a young person when they present as homeless. The purpose of this is to ensure a consistent response and experience for this vulnerable client group.

The assessing officer will take responsibility for the initial response process and will begin to gather detailed information to determine whether the young person is homeless or can be supported to return home.

The following script has been developed to aid the collection of the requisite information. This should NOT replace professional judgement based on the presentation of the young person:

#### Introduction

- I am going to need to ask you a few questions to find out more about you and understand your situation. I will need to ask some personal questions so that we can work out how best to help you and I'll have to make some notes. I'm going to use those notes to fill in a form that will start the process of getting you some help, are you ok with that?

#### Context

- Can you tell me your name, DOB and current address?
- What is going on at home (where you have been staying) that means you can't go back? Do you feel safe there? (Expand on this why/why not)
- Where have you been staying if not at home? (who with, on what basis etc)

#### If there are no safeguarding issues:

- What could we do to help you to resolve the difficulties you are having at home?
- Do you know about the housing options for young people? It is very difficult to live by yourself and most young people aged 16/17 do not have their own place, as they cannot hold a tenancy by law in their own right. (spell out what the REALISTIC options are, including limited choice, to facilitate the decision making process)
- If we phoned your parents and asked them if you could go back home, what do you think they would say?

Other supplementary questions may be asked dependent upon the conversation. What we need to establish is why the young person believes they are no longer able to live at home and if it is possible to "hold" the position at home and prevent homelessness. If they are not at home, how long is it since they left home, how long have they been in an interim arrangement and why has that ended or is coming to an end.

### **Step 3: Immediate Support Issues**

It will be necessary to build up as clear a picture as possible of the support needs of the young person in order to plot the best course of action. The following script has been developed to aid the collection of the requisite information. This should NOT replace professional judgement based on the presentation of the young person:

#### Support Needs and Risk

- How are you feeling in yourself? (If negative, then carry on with: Can you tell me more about what is making you feel like that? Is there anything that makes it better/worse? Please note any self harming behaviour or similar)
- Are there any other agencies you are involved with/are there any other people you see who help you or give you support? Did you see anyone else prior to coming here and if so what did they say?
- Do you have any health problems, including mental health/learning disabilities?
- Do you ever use alcohol or drugs? If yes, please give details.
- What kind of support do you think you would need if living away from home?
- Are there any offences you can tell me about or is there anything you are waiting to hear about?

#### **Step 4: Homeless Prevention**

##### Clarification of Homeless Tonight

- Can you go home tonight whilst we try to support you and your family to resolve your difficulties (where there are no safeguarding concerns)?
- Have you somewhere to stay tonight? Would you feel safe there? (Evaluate friends or family members network)

Every effort should be made to speak to the parents/guardian of the young person in order to negotiate their return home. If you cannot establish whether they can return home (or it is established that they cannot return home) it will be necessary to engage Step 5.

If it is established that the young person is able to return home, consider how any need for ongoing support will be met and the practicalities of travel to the address.

##### Wishes and Feelings

- What I would like to do now is talk you through what happens next, where this information goes and what happens to it - but before I do that, I would like to hear about what you would like to see happen?

We are looking for the young person to expand beyond "I need somewhere to live" to understand their desired outcome: is it about a tenancy and support to manage, is it about support to return home, is it about living in supported accommodation or something else? Talk the young person through the options, being realistic about their level of choice.



If the first approached signatory has reason to believe that the young person will approach another signatory or organisation, the first approached signatory will update as necessary. Partner signatories should accept and support the findings of the first approached signatory unless there is good reason not to do so.

### **Step 5: Alternative Accommodation**

If it cannot be established that the young person can return home safely you must secure interim accommodation for them. This will remain the responsibility of the first approached Authority until the young person's pathway is formally progressed in a planned and documented way.

If there are no other identifiable options, alternative accommodation will need to be arranged by the receiving organisation under their applicable duties triggering the relevant statutory assessments. The most suitable alternative accommodation will always be sought in the first instance, but depending on the time of day and availability it may be necessary to use less than ideal temporary accommodation until more suitable accommodation can be sourced. Dependent on the young person's circumstances, ask about food and benefits as part of this conversation or pick up at the conclusion of the interview.

The young person may decide to decline the offer of accommodation from the receiving authority in favour of exercising his/her choice to access services from another authority (ie decline the offer from Childrens Services in favour of accepting an offer from the Housing Authority or vice versa). Whilst such a transfer is not to be encouraged, it is an option open to the relevant young person. Such a referral will not be deemed to have been made until the information collected at Steps 1 – 4 has been documented and transferred to the chosen authority to avoid duplication. It is also a requirement for the young person to have been made aware of the information at Appendices F & H, and to have signed the applicable Appendix for the approached Authority (either G or I, see page 11 for more information).

In order to protect joint working relationships and the interests of the young person, signatories must not seek to encourage or influence a young person's decision to reject one signatory's offer in favour of another. The assumption is that in almost all cases the first approached authority will be providing the interim accommodation during the assessment process (Steps 8 & 9). Where such a referral occurs, the chosen authority will accept the findings of the transferring authority unless new information becomes available.

### **Step 6: Concluding the Initial Contact**

The young person receives an 'action sheet' (see sample at [Appendix B](#)) to take away which sets out next steps and time scales. The action sheet will also include contact details (address, telephone number and name) of who has undertaken this interview and other relevant local partners. If homeless or threatened with homelessness, the young person should be made aware of the partnership approach that we take for this client group which necessarily involve other professionals.

Other issues that have been identified such as food and transport will also need to be picked up at this stage.

### **Step 7: Joint Home Visit**

The outcomes of the initial meeting and follow-up work and attempted reconciliation will be recorded for sharing between relevant partners dependant on consent. The housing authority signatories MUST refer all cases of confirmed homeless 16 & 17 year olds to

## Childrens Services.

In all cases of confirmed homelessness home visits will be carried out to families and carers unless there are safeguarding concerns. Joint home visits will be carried out by Childrens Services and the relevant identified housing authority at the earliest opportunity, preferably within 5 working days after the initial approach. This will constitute the 'Initial Visit' for Childrens Services which triggers the start date for the Child Social Work Assessment. The objective is to achieve family reunification and reconciliation. Where a young person is not able to return home, the joint assessment will explore accommodation options with responsible adults in their wider family and friends' network.

### **Step 8: Decision of Children's Services on Child Social Work Assessment**

Any Child Social Work Assessments must be completed within 45 working days of referral. Good practice would indicate that in the case of a young person who is homeless or at risk of homelessness assessments should be completed more quickly. Childrens Services need to decide within 20 working days of a young person being provided with temporary accommodation if they are to be provided accommodation under Section 20 or Section 17 of the Children Act 1989.

Most homeless young people will be a child in need with the exception of young people who have previously lived independently successfully and those who have the capacity to decide for themselves and have declined to be accommodated under Sec 20 (having been provided with impartial and balanced information about the offer). Young people who are perceived to be resourceful, streetwise and able to stay with friends in an unsettled way should not be deemed to have been living independently.

Childrens Services will determine whether services are to be provided under Section 20 of the Childrens Act 1989. Childrens Services will apply the following tests to determine this:

- a. Is the young person a child? (anyone under the age of 18yrs is a child)
- b. Is the young person a child in need according to the following criteria?
  - I. He is unlikely to achieve or maintain, or have a reasonable opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under Section 17, or
  - II. His health or development is likely to be significantly impaired or further impaired without the provision for him of such services, or
  - III. He is disabled.
- c. Does the child appear to require accommodation?
- d. Is the need for accommodation the result of one of the following criteria:
  - I. There being no person who has responsibility for the child
  - II. The child is lost or abandoned
  - III. The person who has been caring for the child is being prevented from doing so (permanently and for whatever reason) from providing the child with suitable accommodation or care

OR Sec 20 (3)  
Every local authority shall provide accommodation for any child in need in their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.
- e. Consideration must be given to the young person's wishes and feelings.

The application of these tests involves an evaluative judgment on some matters but not discretion. The Child Social Work Assessment will confirm whether the criteria for

accommodation under Section 20 have been met. If the young person is deemed to be a child in need because they are homeless and need accommodation, Children's Services will ensure that accommodation and financial assistance are provided. Children's Services will ensure that accommodation and financial assistance are provided. The accommodation provided will be to meet the needs of the young persons. The types of accommodation that will be considered will be Supported Accommodation, Supported Lodgings, Foster Care and Residential. There may be occasions when Children's Services may call upon other agencies to assist in identifying suitable accommodation and support, for example specialist supported housing schemes for young people.

In order to promote joint working Children's Services will discuss the case with the Housing Authority before making an adverse decision (i.e. that no Section 20 duty is owed) so that they have the opportunity to provide any further information which might be relevant.

Young people who decline Section 20 support must be judged by the relevant Social Worker to be competent to make such a decision and have had the benefit of advice about the consequences of making such a decision. Information about the realities of living independently and the availability of alternative accommodation will need to be weighed up, and it is anticipated that time in interim accommodation should be provided for full consideration. Appendices F & H have been prepared to assist in the provision of such information, and Appendices G or I facilitate a formal refusal of an offer.

Where the criteria for Section 20 are not met, the young person will be referred to the relevant signatory housing authority with the associated records and documentation to engage Step 9. Children's Services will decide whether the young person meets the criteria for Section 17 support as a child in need whether or not they need or decline accommodation.

### **Step 9: Homeless Application to the Signatory Housing Authorities**

Homelessness investigations will aim to arrive at a decision within 15 working days of a young person being provided with temporary accommodation.

The 'intentionality' test is likely to require the greatest consideration in applications from this age group. Housing Authorities should not jump to conclusions in cases of parental eviction; a relationship breakdown is often complex with both parties having played a role. Housing Authorities should always give the young person the opportunity to explain matters they intend to treat unfavourably in the decision making process. Enquiries should continue until the matter is free from doubt, or the benefit of the doubt should be given to the young person and s/he should be found to be unintentionally homeless.

The homelessness legislation acts as a safety net for any homeless 16 and 17 year olds who are not owed a duty under Section 20 of the Children Act 1989. The young person will be assessed through the 5 homelessness tests as outlined in the Housing Act 1996 and the Homeless Priority Need for Accommodation (England) Order 2002.

The 5 Homelessness Tests are as follows:

- Is the young person homeless?
- Is the young person eligible? i.e. Not subject to immigration control.
- Does the young person have a priority need for accommodation? There are very few exemptions to priority need for this age group.
- Has the young person become homeless intentionally? Has the young person done or failed to do something which has resulted in their homelessness.
- Does the young person have a local connection to the area?

If the Housing Authority is satisfied that the young person is homeless, eligible, priority need and unintentionally homeless they will be owed the main homeless duty. The homeless duty requires that the Housing Authority will secure that temporary accommodation is made available until one of the following happens:

- The young person receives an offer of settled accommodation
- The young person voluntarily ceases to occupy the temporary accommodation
- The young person fails to comply with the reasonable requirements of the accommodation that has been provided and as a result is required to leave.

In order to promote joint working the Housing Authority will discuss the case with Childrens Services before making an adverse decision (i.e. that the full homelessness duty is not owed) so that they have the opportunity to provide any further information which might be relevant.

Most young people who are experiencing living independently in temporary or settled accommodation may lack skills in managing independent living and operating a household budget. Those estranged from their family will often lack the support network available to most other young people who are setting up their own home for the first time. In this case a young person may still need practical support, but not accommodation, from Childrens Services under Section 17 or they may be able to access mainstream floating support.

### **Out of Hours**

Emergency Out of Hours Staff from either organisation will deal with homeless approaches in a way which is consistent with this protocol, although it is appreciated that enquiries will be less expansive. No referrals between authorities will be made Out of Hours. The Authority that has dealt with the approach Out of Hours will ensure that the steps outlined in the Protocol are completed in full the next working day.

### **Dispute Resolution**

This protocol is designed to minimize disputes and encourage open and respectful dialogue. The most likely place where conflicts will arise is over the young person's initial assessment. This is why our Protocol has concentrated so much on the First Contact. There are three parties to that assessment – the County, the District and the Young Person. Any one of these can escalate their concerns about decision/practice/thresholds of any other agency. A dispute is expected to be escalated through the stages listed below in order to seek resolution, how long the case spends at each stage will be determined by the individual or agency that has the concern:

1. Discussion between operational front line practitioners.
2. Discussion between direct line managers to explore strategic solutions and compromise.
3. Round table meeting between the partners, to be arranged by the Accommodation Officer at Staffordshire County Council, email address [dawn.peel@staffordshire.gov.uk](mailto:dawn.peel@staffordshire.gov.uk) whose role it will be to coordinate the meetings and monitor their outcomes.
4. If resolution cannot be reached then a discussion between the relevant service leads should take place.
5. The Staffordshire Safeguarding Children Board Escalation Procedure will be utilised

to take forward the most serious concerns or intractable problems.

A record of any disagreement which is escalated to Stage 2 or later will be submitted to the Youth Homeless Prevention Group for consideration. A third party complaint from a family member or a voluntary agency is unlikely to be shared equally, therefore there will only be one Authority receiving the complaint and they can utilise their formal process to examine the actions of their officers, and take into account the provisions of the protocol they are signed up to.

### **Monitoring and Management of the Protocol**

A Youth Homelessness Steering Group will meet quarterly to monitor the effectiveness of the protocol. Membership of the core group will comprise of representatives from all the signatory organisations, and where appropriate other representatives will be invited to attend. The Steering Group will:

- Monitor the number of young people presenting as homeless (through all available channels) utilizing the existing organisational data recording practices.
- Collate and share collected data between organizations to monitor trends.
- Monitor the number and % of young people where homelessness is prevented through a successfully managed return to live with a parent/guardian or a managed move into suitable supported accommodation which is likely to be successful for 6 months or longer
- Monitor the number and timescales for Child Social Work Assessments and Homelessness Applications specific to 16/17 year olds who have presented as homeless and the associated outcomes
- Monitor and improve accommodation options for this client group.
- Undertake a tri-annual review of the protocol
- Provide information to relevant statutory and voluntary agencies as required

The wider objectives of the steering group will be to develop, implement, monitor and review the available services for young people who are at risk of homelessness, or who are homeless by:-

- Working to ensure that barriers to successful joint working are overcome.
- Addressing the wider issues relating to young people's homelessness.
- Ensure that joint initiatives and development plans are developed and agreed across partner agencies, which facilitate good working practices.
- Providing strategic direction for the development of the services for young people.
- Ensuring that relevant strategies complement and support the provision and delivery of appropriate services for young people who are homeless or threatened with homelessness.

**Appendix A**

**Staffordshire 16 & 17 year old Homelessness Interview Form**

Name:		
Contact phone number:		
Date of birth:		NI No.
Last settled address:		
What is going on at home (where you have been staying) that means you can't go back? Do you feel safe at home? (Expand on this why/why not)		
Where have you been staying if not at home? (who with, on what basis etc)		
What could we do to help you to resolve the difficulties you are having at home?		
If we phoned your parents and asked them if you could go back home, what do you think they would say?		

Do you know about what the housing options are for young people? It is very difficult to live by yourself and most young people aged 16/17 do not have their own place, as they cannot hold a tenancy by law in their own right. (spell out what the REALISTIC options are, including limited choice, to facilitate the decision making process).

How are you feeling in yourself?  
(If negative, then carry on with: Can you tell me more about what is making you feel like that? Is there anything that makes it better / worse? Please note any self harming behaviour or similar)

Are you in any education or employment? Record any details of commitments.

Are there any other agencies you are involved with/are there any other people you see who help you or give you support? Did you see anyone else prior to coming here and if so what did they say?

Do you have any health problems, including mental health/learning disabilities?

Do you ever use alcohol or drugs? If yes, please give details:

What kind of support do you think you need to live away from home?

Are there any offences you can tell me about or is there anything you are waiting to hear about?

### Homelessness

Can you go home tonight whilst we try to support you and your family to resolve your difficulties (where there are no safeguarding concerns)?

Have you somewhere to stay tonight? Would you feel safe there? (Evaluate friends or family members network)

Have you any income and/or sufficient funds to meet you costs? Eg food.

What I would like to do now is talk you through what happens next, where this information goes and what happens to it but before I do that, I would like to hear about what you would like to see happen? We are looking for the young person to expand beyond "I need somewhere to live" to understand their desired outcome: is it about a tenancy and support to manage, is it about support to return home etc.



### **Actions and Next Steps**

Call to Parent/Guardian (if safe). Notes:

If unable to return to Parent, call to wider friend and family network. Notes:

Is temporary accommodation required pending further enquiries? If yes, please make the arrangements and provide details of address and accommodation provider.  
Decision to offer temporary accommodation under \_\_\_\_\_

Make any arrangements for food etc, and issue young person with a letter providing contact details and action list detailing what will happen next.

Arrange joint Home Visit between Housing Options, Childrens Services and any other relevant agencies if safe to do so.

### **Officer Details**

**Name:**

**Phone No**

**E Mail**

**Agency:**

**Address:**

**Signature:**

### Information Sharing Consent Form

I give permission for \_\_\_\_\_ (insert name of referring agency)

To share any necessary information and make any necessary enquiries about me in relation to this referral (this includes sharing the outcome of any assessment or enquiries).

Name	_____
Signature	_____
Date	_____

The terms “necessary information” and “necessary enquiries” mean that the agencies on the list will only share information or ask for information about you that they need in order to:

- Assess their responsibilities to you
- Decide on the type and location of accommodation that may be secured for you.
- Decide with you on the type and duration of support that will be in place for you.

All information will be processed and used in accordance with the Data Protection Act 1998.

**Appendix B**  
**Sample Letter Following Homelessness Approach**

Insert your letter head

Date

C/o Address for young person

Dear (insert name)

RE: Your Homelessness Approach

After having made enquiries into your situation it has been established that you  
XXXXXX.

Please consider the following options:

XXXXXXXXXXXXX

You have agreed to undertake the following actions:

XXXXXXXXXX

I have agreed to:

XXXXXXXXXXXXX

You can follow up with me / my colleagues on XXXXXXXX.

You may also like to contact XXXXXXXXXXXX for assistance with XXXXX

Yours sincerely,

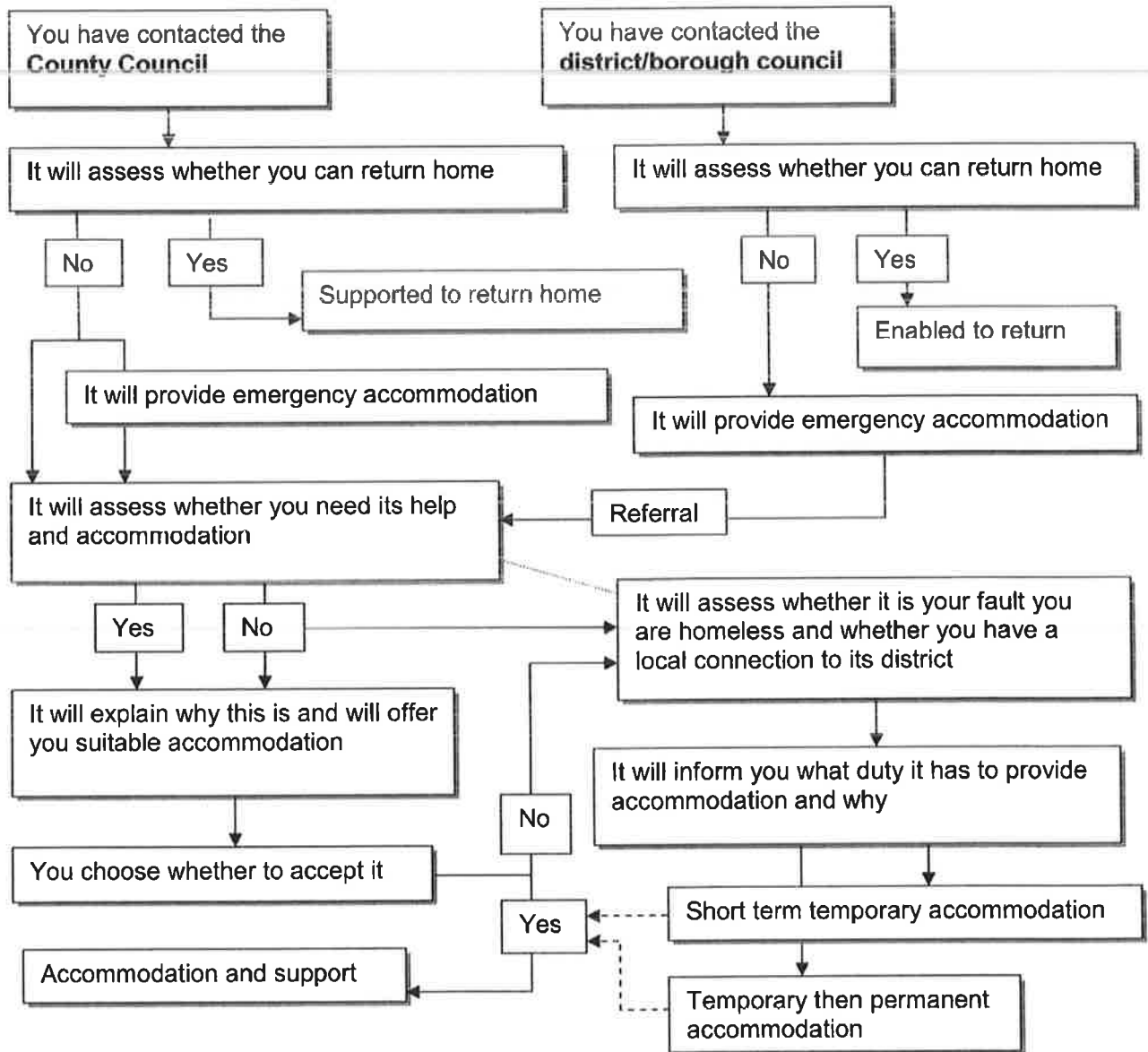
Name

Title

Contact No.

Appendix C

**What 16 and 17 year olds can expect Flow Chart**



## **Appendix D**

### **The Legal Context**

#### **R (on the application of G) v London Borough of Southwark**

The House of Lords judgment in the case of *R (on the application of G) v London Borough of Southwark* was handed down on 20 May 2009. The principal legal issue in this case was: what do the criteria in Section 20(1) of the *Children Act 1989* mean and how, if at all, is their application affected by the other duties of children's authorities in particular Section 17 of the 1989 Act and by the duties of housing authorities under Part 7 of the *Housing Act 1996*?

In *R (G) v LB Southwark* the central issue was: where a child of 16 or 17 who has been thrown out of the family home seeks help from the local children's services authority, is found to be homeless and a child "in need", and wishes to be accommodated by them under Section 20 of the *Children Act 1989*, can the children's services authority instead refer him to the local housing authority for accommodation under the homelessness legislation (Part 7 of the *Housing Act 1996*)? The case was heard on appeal from the Court of Appeal, which, by a majority of 2 to 1, had upheld Southwark's ability to refer the child for assistance under the homelessness legislation even though a duty to provide accommodation had been accepted under Section 20(1) of the *Children Act 1989*.

The House of Lords was unanimous in allowing the appeal. The leading opinion, delivered by Baroness Hale, reaffirmed the House of Lords' opinions in *R(M) v LB Hammersmith and Fulham* and sets out the approach that children's services authorities should take when performing their statutory duties to 16 and 17 year olds who are found to be homeless and "in need". The ruling confirmed the Government's view that local children's services authorities should presume that any lone, homeless child should be provided with accommodation under Section 20(1) of the *Children Act 1989* unless the child is not in the local authority's judgement (based on an initial screening assessment), a child "in need". In nearly all cases, the impact of a child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the child's welfare that the child will be a child "in need".

The House of Lords reiterated that the *Children Act* has primacy over the *Housing Act* in providing for children in need. The duties of local children's services authorities to accommodate children in need cannot be circumvented by referring the child to the housing authority, whose duties under Part 7 of the *Housing Act 1996* provide a safety net only for those (very few) homeless children who will not meet the criteria for accommodation under Section 20 of the 1989 Act. Examples of the small number of homeless 16 and 17 year olds who would have priority need under the homelessness legislation (by virtue of article 3 of the *Homelessness (Priority Need for Accommodation) (England) Order 2002*) would include those whose need for accommodation did not fall within the circumstances specified in S.20(1) of the 1989 Act - for example, because they had been living independently for some time prior to their homelessness - and those whose need for accommodation fell within S.20 but who did not want to be accommodated under S.20. Such young people must be judged to be competent to make such a decision and have had the benefit of advice about the consequences of making such a decision.

Lord Neuberger's judgment, which dealt with the interrelationship between the Section 20 duty and the duty under Part 7 of the *Housing Act 1996*, provides that the purpose of the 2002 Order was to fill the gap whereby there had been no specific duty to secure accommodation for homeless children aged 16 or 17 whose circumstances did not bring them within S.20 of the *Children Act*. The purpose of the 2002 Order was not to enable a children's services authority to divert its duty under S.20 to the housing authority, thereby emasculating the assistance to be afforded to children aged 16 or 17 who "require accommodation".

It will be extremely important that there continues to be close partnership between children's services authorities and housing authorities to support local authority responsibilities under the Children Act for meeting the needs of children in their area.

Baroness Hale referred to Section 27 of the Children Act 1989, which empowers a children's authority to ask other authorities, including any local housing authority, for "help in the exercise of any of their functions" under Part III of the 1989 Act. The requested authority must provide help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of their own functions. But, she said, this does not mean that the children's authority can avoid their responsibilities by "passing the buck" to another authority; rather that they can ask another authority to use its powers to help them discharge theirs.

#### **Complaint against Dover City Council and Kent County Council, 31 July 2012**

A homeless 16 year old boy, who had previously been in care and had drug-related issues, had applied to the council as homeless in January and June 2009. The council should have accepted the applications and applied a joint protocol agreed with the county council for dealing with homeless children in need. Both councils were found to have acted contrary to their Joint Protocol and/or contrary to law. The Local Government Ombudsman recommended that the councils between them pay £10,000 compensation.

#### **Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation**

Following the *G v Southwark* 2009 House of Lords judgment, the Government issued joint statutory guidance from the Department for Children, Schools and Families (now the Department for Education) and Department for Communities and Local Government - Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation. This guidance outlines the legal duties under the Children Act 1989 and Housing Act 1996 for 16 and 17 year old young people who are homeless.

The joint statutory guidance gives clear direction on the complementary roles of children's services authorities and local housing authorities in implementing their separate statutory roles. The *G v Southwark* judgment clarified that in the case of a homeless 16 or 17 year olds, children's law takes precedence over housing law. In light of this clarification, a fundamental principle of the joint statutory guidance is that all 16 and 17 year olds who are homeless should be assessed by children's services under the Children Act 1989 to determine whether they are a child in need, as set out in Section 17 of the Act and, if so, whether a duty exists to offer accommodation under Section 20 of the Children Act.

Young people aged 16 or 17 are still children and that as such, all agencies have duties and responsibilities to act together to protect them<sup>1</sup> if they are suffering, or likely to suffer, significant harm.

Key extracts from this statutory guidance are:

- Para 2.13 "...children's services should be the lead agency with regard to assessing and meeting the needs of 16 and 17 year olds."
- Para 2.28 "An initial assessment should be carried out involving interviewing the young person and family members and making enquiries with other agencies...the lead agency will be children's services, given their responsibilities for children in need in their areas."<sup>2</sup>
- Para 2.23 "There can be no doubt that where a young person requires accommodation as a result of one of the factors set out in the Section 20(1) (a) to (c) or Section 20(3) then that young person will be in need and must be provided with accommodation. As a result of being accommodated the young person will be Looked After" (except if a private fostering arrangement is in place where the

<sup>1</sup> *Working together to safeguard children*, guidance for children's services authorities and their partners published by DCSF (now Department for Education) 2010

<sup>2</sup> Initial desktop assessments will be carried out by Children's Services Triage service within 24 hours. A full Child in Need assessment can take up to a maximum of 45 days.

parent arranges a foster carer and Children's Services simply approve the placement).

- Para 2.16 "where a 16 or 17 year olds seeks help or is referred, and it appears that he or she has nowhere safe to stay the night, then Children's Services must secure suitable emergency accommodation for them" and additionally "this means that the young person will become Looked After (under s. 20(1)) whilst their needs are assessed.
- Para 2.48 "It will be essential that the young person is fully consulted about and understands the implications of being accommodated by children's services and becoming looked after. The staff conducting the assessment must provide realistic and full information about the support that the young person can expect as a looked after child and, subsequently, as a care leaver. Children's services should also ensure that the young person receives accurate information about what assistance may be available to them, including from housing services under Part 7 of the 1996 Act, if they do not become looked after, and how any entitlement for assistance under Part 7 will be determined. In particular, the possible risk of becoming homeless intentionally in future, and the implications of this for further assistance with accommodation, should be made clear to the young person. This information should be provided in a 'child friendly' format at the start of the assessment process and be available for the young person to take away for full consideration and to help them seek advice."
- Para 2.50 "Young people should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages and coming to a balanced decision."<sup>3</sup>
- Para 2.53 "Where a 16 or 17 year old child in need wishes to refuse accommodation offered under Section 20 of the 1989 Act, children's services must be satisfied that the young person :
  - has been provided with all relevant information
  - is competent to make such a decision"
- Para 2.55 "The powers of local authorities to provide accommodation under Section 17 cannot be used to substitute for their duty to provide accommodation under Section 20(1) of the 1989 Act to homeless 16 and 17 year olds who are assessed as being children in need following the process described in Part 2, above. Children's services do not have the option of choosing under which provision they should provide accommodation for homeless 16 and 17 year olds. Section 20 involves an evaluative judgment on some matters but not a discretion."<sup>4</sup>

### **The Children Act 1989, Chapter 41, Part III, Section 20 Provision of accommodation for children: general.**

Key extracts are:

- (1) Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of—
- a) there being no person who has parental responsibility for him;
  - b) his being lost or having been abandoned; or

---

<sup>3</sup> "Children and young people who have received services under the 1989 Act are able to be supported to make complaints and representation with the help of an independent advocate. Children's services should provide information about access to advocacy services when they explain the assessment process to 16 and 17 year olds seeking help because of homelessness."

<sup>4</sup> R (G) v Southwark [2009] UKHL 26 – para. 31

<http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-2.htm>

- c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

(3) Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.

(4) A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare.

~~(6) Before providing accommodation under this Section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare—~~

- a) ascertain the child's wishes and feelings regarding the provision of accommodation; and
- b) give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.

(7) A local authority may not provide accommodation under this Section for any child if any person who—

- a) has parental responsibility for him; and
- b) is willing and able to—
  - i. provide accommodation for him; or
  - ii. arrange for accommodation to be provided for him,
  - iii. objects.<sup>5</sup>

If a young person is accommodated under Section 20 they become a 'looked after child' and they are afforded further protection and rights with a range of support and services, including a named social worker and a care plan. The plan must address accommodation and support with named contacts, timescales for action and review dates. Young people who are 'looked after' will also then qualify for leaving care support and services up to the age of 21 or in some cases, up to the age of 24.<sup>6</sup>

While a local authority can offer services and support to a young person under Section 17 of the Act, they cannot substitute the Section 20 duty with Section 17 powers.

The five tests are:

Are they a child?

Are they a child 'in need'?

Are they usually resident in the area of the local authority?

Do they require accommodation?

What are their wishes and feelings about becoming looked after?

The homelessness legislation acts as a safety net for any homeless 16 and 17 year olds who are assessed as not being owed a duty under Section 20 of the Children Act 1989. The young person will be assessed through the 5 homelessness tests as outlined in the Housing Act 1996 and the Homeless Priority Need for Accommodation (England) Order 2002. In this case a young person may still get practical support through Section 17 of the Children Act 1989 but that does not include the provision of accommodation.<sup>7</sup>

<sup>5</sup> In the case of a 16/17 year old and even if a parent objects, if the young person wishes to be a Child Looked After, they can be if they are deemed competent to make that decision.

<sup>6</sup> For those young people who are looked after for 13 weeks or more after their 14<sup>th</sup> birthday and are still a Child Looked After on or after their 16<sup>th</sup> birthday, the Children (Leaving Care) Act 2000 applies. For those "qualifying" young people who do not hit the 13 week threshold for the above, Section 24 of the Children's Act 1989 applies.

<sup>7</sup> Homeless Link, June 2013, No Excuses: Preventing Homelessness for the Next Generation.



## **The Current Policy Context**

Making every contact count, A joint approach to preventing homelessness; Department for Communities and Local Government, August 2012

In August 2012 and through the work of the Ministerial Working Group on Homelessness , the Department for Communities and Local Government (DCLG) published its reports on homelessness with the aim of ensuring that every contact local agencies make with vulnerable people and families really counts. One element of this report was to pose 10 challenges to the sector, the relevant challenges for this work are:

- actively work in partnership with voluntary sector and other local partners to address support, education, employment and training needs;
- have housing pathways agreed or in development with each key partner and client group that includes appropriate accommodation and support;
- not place any young person aged 16 or 17 in Bed and Breakfast accommodation.

**Appendix E**

**Useful Contacts and Key Partners**

<b>Organisation</b>	<b>Address</b>	<b>Phone</b>
Coram Child Advocacy Service	Coram Campus 41 Brunswick Sq. London WC1N 1AZ	020 7520 0300
Cannock Chase Borough Council	Civic Centre PO Box 28 Beecroft Road Cannock WS11 1BG	01543 462621  Out of hours emergencies: 01543 462621.
East Staffordshire Borough Council	Customer Service Centre Market Place Burton Upon Trent DE14 1HA	01283 508120  Out of hours emergencies: 01283 508126.
Lichfield District Council	District Council House Frog Lane Lichfield WS13 6YX	01543 308709/ 01543 308703  Out of hours emergencies: 01543 308000
Newcastle-under-Lyme Borough Council	Newcastle Housing Advice 61-63 Lower Street Newcastle under Lyme Staffordshire ST5 2RS	0345 850 9698  Out of hours emergencies: 01782 615599
South Staffordshire District Council	Council Offices Wolverhampton Road Codsall Wolverhampton WV8 1PX	01902 696504  Out of hours emergencies: 01902 696504
Stafford Borough Council	Civic Centre Riverside Stafford ST16 3AQ	01785 619000  Out of hours emergencies: 01785 619170
Staffordshire County Council – Placement Service	Placement Service Regulated Services & Corporate Parenting	01785 854587 /

	<p>Looked After Children, Specialist Inclusion(Families First) Staffordshire County Council 2 Staffordshire Place Tipping Street Stafford. ST16 2DH</p>	<p>01785 277020</p>
<p>Staffordshire Families First &amp; First Response</p>	<p>Area Service Offices are available at different locations across Staffordshire</p> <p>Fax: 01785 854223 Email: <a href="mailto:firstr@staffordshire.gov.uk">firstr@staffordshire.gov.uk</a></p>	<p>Tel: 0800 1313 126</p> <p>Out of hours emergencies:  0845 604 2886</p>
<p>Staffordshire Moorlands District Council</p>	<p>Moorlands House Stockwell Street Leek Staffordshire ST13 6HQ</p>	<p>0345 605 3012</p> <p>Out of hours emergencies: 0345 605 3012</p>
<p>Tamworth Borough Council</p>	<p>Marmion House Lichfield Street Tamworth Staffordshire B79 7BZ</p>	<p>01827 709709</p> <p>Out of hours emergencies: 01827 709709.</p>

## Appendix F

### Looked After Child Check List

A checklist for young people to help them understand the implications and expectations of becoming a 'Looked After Child' and the Local Authority becoming a 'Corporate Parent'

This checklist has been drawn up in order to ensure that a young person who has presented as 'homeless' is fully aware of the expectations and implications of becoming a 'looked after child' in terms of ensuring that they are able to make an informed decision.

- You will have an allocated Social Worker
- As a Looked After Child you will have statutory visits from a Social Worker at your accommodation.
- It is necessary and expected of you to have a Looked After Child medical examination.
- It is expected and important for you to attend a Looked After Child review meeting. The review meeting will enable you to talk about your achievements and general progress.
- If you are attending any formal education provision then we will need to complete a personal education plan (PEP) with you and your educational provision.
- It is important for you to inform your Social Worker or Personal Advisor if you have any holidays planned or any other days away. It is important to inform your Social Worker of your whereabouts.
- There will be an assessment of your needs and it is important for to be part of this assessment.
- You will be expected to be involved in your pathway plan which discusses your plans for the future and your future living arrangements.
- If you live in supported housing it is important for you to allow your Social Worker to visit
- If you live in supported housing it will be expected for you to adhere to the tenancy agreement.
- You will be expected to engage in direct work that may assist you with budgeting support, housing support, independent living skills / life skills, support with family relationships and support to engage in education, training or employment.
- Upon leaving care at age 18 you will be eligible for the one bedroom rate of Housing Benefit until you reach the age of 21 (depending on your income). Most single people applying for Housing Benefit aged between 18 and 21 years old will get the lower rate to enable them to afford shared accommodation.

**Appendix G**

**CONSENT FORM FOR YOUNG PEOPLE WHO DO NOT  
WISH TO BECOME LOOKED AFTER BY THE LOCAL  
AUTHORITY WHO HAVE PRESENTED AS HOMELESS**

I confirm that I fully understand that I have been assessed by the Local Authority, Children's Social Care as being in need of accommodation under section 20 of the Children Act 1989 due to my current homeless circumstances.

I can confirm that it has been explained to me that the Local Authority cannot force me to become looked after, but by choosing not to be looked after by the Local Authority I am limiting the options available to me in terms of after care services.

I can confirm that I do not wish to be accommodated by the Local Authority.

Name (print):

Signature:

Date:

## Appendix H

### Homelessness Application Check List

This checklist provides young people with information to help them understand the implications and expectations of making a 'Homeless Application' under Section 184 of the Housing Act 1996 Part VII to their local housing authority.

- Any emergency accommodation may not be near to your home/college/work placement or training so you may need to catch a bus or a train.
- You will need to comply with a variety of rules set by both the council and the accommodation provider.
- You will need to contribute towards the cost of your housing either from your own funds or through Housing Benefit. The council will not provide you with any living expenses so you will need to source an income from elsewhere. Bear in mind that benefits are not usually paid for the first 7 days after the date you make a claim.
- The housing authority will only offer you accommodation following its enquiries if you have not been offered accommodation by Childrens Services or, alternatively, have definitely refused that accommodation.
- If the local housing authority decides that it is your fault you are homeless because of something you have done or not done, it will provide temporary accommodation for a short period to give you time to find yourself somewhere else to live. Once you have had a reasonable period to make your own arrangements the accommodation it is providing will end, even if you have not found anywhere yourself.
- If the local housing authority decides that it is not your fault you are homeless and that you have a local connection to its district, it will need to find more permanent accommodation for you. You may have to stay in temporary accommodation for a period before it can arrange this other accommodation. It might arrange:
  - Housing which requires you to engage with an on site support worker, possibly sharing with others
  - Unfurnished social housing under a 12 month tenancy held by a trustee
  - A room in the private rented sector
- You will have to arrange everything else yourself - the rent and council tax, and in unfurnished independent housing the gas, electricity, water, carpets, curtains, furniture and equipment. You will need to comply with the tenancy or licence agreement and will lose the accommodation if you don't.
- There is no specialist help or provision for those exiting the Local Housing Authority system; you will not receive any special treatment when you turn 18 or if you become homeless again.

I, \_\_\_\_\_ (name), have understood the above information concerning what it will mean to apply as homeless under the Housing Act 1996 Part VII.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Appendix I

**CONSENT FORM FOR YOUNG PEOPLE WHO DO NOT  
WISH TO APPLY FOR ACCOMMODATION TO BE  
ARRANGED BY THEIR HOUSING AUTHORITY**

I confirm that I fully understand that I have been assessed by the housing authority as being in need of housing due to my current homeless circumstances.

I can confirm that currently I do not wish to be accommodated by the housing authority.

Name (print):

Signature:

Date:

