

## Joint Protocol for Homeless 16/17-year-olds and Southwark Judgement Peterborough

### 1.1 Introduction and Best Practice

1.2 ***The Southwark Judgement*** – The law surrounding the Local Authority's duty to accommodate a child in need was clarified in a landmark case – R (G) v The London Borough of Southwark [2009] This ruling clarified the responsibility of children's services for accommodating homeless young people aged 16 and 17 under the Children Act 1989. It made clear that children's services should:

- 'Presume that any lone, homeless child should be provided with accommodation under S.20 unless the child is not (based on an initial screening assessment) a child in need';
- 'The Children Act has primacy over the Housing Act in providing for children in need';
- The Southwark Judgment also emphasised the continuing duty of housing and children's services to collaborate in the discharge of their duties to children and young people.

1.3 The Joint Protocol aims to ensure that by working together, agencies will address the needs of homeless 16 and 17 year-olds within Peterborough. It outlines the joint responsibilities of both Childrens Services and Housing Services within Peterborough City Council.

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

1.4 Where children who are teenage parents or pregnant teenagers are homeless, the priority should always be about collectively safeguarding and meeting the needs of both the 16 or 17 year old and their children or unborn child collectively.

### 2.0 Key Principles

2.1 The underlying principles are that young people are better off living in their family home or within their family network, as long as it is safe for them to do so and that homelessness at a young age should be avoided wherever possible.

2.2 The parents of, or those with parental responsibility for, 16 and 17 year-olds are responsible for their children's welfare. Our primary commitment is to keep families together in their homes or within their extended family wherever possible and safe because this is best for the child.

2.3 It is important to ensure that a child under the age of 18 is not classified as intentionally homeless. We should instead do everything to ensure they have a package of support that meets their vulnerability and support needs and work to prevent breakdown in accommodation placements.

- 2.4 Hostel and Bed and Breakfast accommodation is not suitable for use by children's services or housing authorities to accommodate 16 and 17 year old young people on a temporary basis. 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.
- 2.5 Young people should be given every opportunity to understand the options available to them and to make informed choices about their future. This should be done jointly with social care and housing representatives to avoid messages being misunderstood. However, Children's Social Care must be the responsible agency for explaining and exploring what it means to become a Child in Care and this should not be explained by any other professionals.
- 2.6 If children who are teenage parents or pregnant teenagers are homeless we must always ensure that there is an appropriate safeguarding response to safeguard and assess the needs of the 16 or 17 year old and their child or unborn baby.

### **3.0 Practice Guidance - Joint Working responsibilities**

- 3.1 The agency where the young person first presents are responsible for gathering information and completing the Initial Homeless Screening Form (Appendix 1). Whether presenting to housing or children's services, this form should be completed and shared with both Housing Options or Children's Services MASH. If completed by Housing Options Team, this form should be sent as part of an urgent referral to Children's Services MASH.
- 3.2 In the gathering of information, it will be appropriate for parents of or those with parental responsibility for, the young person to be contacted. The focus is to have direct conversations with parents about the situation and to discuss alternative options for them with family or friends or for them to remain in the family home, if safe to do so. All options must be explored as it is recognised that where possible it is always best for children to remain within family and friend networks.
- 3.3 When a child first presents to Children's Services through the MASH the contact will be progressed to the TYSS, or Assessment Team if they are a teenage parent or pregnant. At this point a homeless 16/17 year old hazard flag will be opened. The flag should be closed at the point the child is identified as having a safe place to remain either within their family/friend network or when they are accommodated through section 20 or section 17. If supported as section 17 social workers should continue to explain the benefits of becoming a child in care.
- 3.4 If safe alternative family options cannot be sourced, then discussions will commence with the young person/parents to inform them of their options for accommodation under S20. This includes a clear explanation from the SW of what the young person's experience will be like if they request accommodation under S20. If accommodation is required Children's Social Care is responsible for identifying suitable accommodation for a young person under 18.
- 3.5 These discussions could also include the option of the 30-90 day return support package if family reunification is a possibility. Please see Appendix 2 for more information.
- 3.6 At this point it may be appropriate for the CSC manager to obtain agreement from Head of Service to complete 'parallel planning' search. To enable the 'access to

resources' team (ART) to complete a search of potential options and availability, if the need for accommodation is required.

- 3.7 If the young person accepts the offer of assistance under Section 20, Children's Social Care will:
- Arrange a placement in suitable accommodation taking financial responsibility for the young person's accommodation.
  - Put in place a care plan and allocated social worker for the young person in accordance with looked after children procedures.
- 3.8 As soon as a child is opened, they will be allocated a SW within the TYSS, Young People's Safeguarding Team, or Assessment Team, if they are a teenage parent/pregnant. A Child and Family assessment will be undertaken with the young person, this will take a maximum of 15 working days.
- 3.9 Once the joint assessment with housing is completed the outcome decision should reflect the young person's wishes and feelings and support to be provided. The outcomes could be as follows:
- The young person is a child in need of services under s17 CA1989;
  - Children's services should offer accommodation under Section 20 CA 1989;
  - Targeted Early Help Services could be provided to meet identified needs.
- 3.10 There is an understanding that semi-independent/hostel accommodation offered by housing is not appropriate for 16-17 year olds. Children will only be offered supported accommodation through Children's access to resources.
- 3.11 If the young person 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 they will be supported as a Child in Need under section 17 of the 1989 Act.
- 3.12 When a young person who is supported under section 17 is approaching 18 the social worker must ensure that they are referred to housing 6 months prior to their 18<sup>th</sup> birthday, or if they are over 17 ½ years old at the point of being supported into accommodation as section 17. This referral will ensure our duties as part of our 'duty to refer' to housing under the Housing Act. These children will be monitored through a transition's tracker.
- 3.13 The social worker or young person can contact the housing options team to arrange a triage appointment in person/by phone and include the 'duty to refer' case number in order for the housing worker to refer to. The relevant social worker should also support the young person at this appointment, if they agree.
- 3.14 Social Care and Housing will work collaboratively to ensure that all children are prioritised who are Care Experienced and those supported into section 17 accommodation at the age of 18 to ensure a successful transition into adulthood and independent accommodation.

#### **4.0 Young people in custody**

- 4.1 Any young person remanded to Youth Detention Accommodation automatically becomes a Child in Care and will have an allocated social worker. Statutory processes for children in care will apply, including Child Care Review Meetings, allocation of an Independent Reviewing Officer and care planning. This will include consideration of accommodation needs in preparation for release from custody.
- 4.2 A young person who is sentenced to custody may not have an allocated social worker. If it becomes apparent to the Youth Offending Service case manager that they will not have suitable accommodation on release, a referral will be made to children's services at least two months prior to the young person's release. Where necessary, a social worker will be allocated to complete a Child and Family Assessment 6 months prior to release, giving particular consideration to accommodation needs in preparation for release from custody.

#### **5.0 Problem Resolution Procedure**

- 5.1 It is the responsibility of every professional to "problem solve". The aim must be to resolve professional disagreement at the earliest opportunity and as swiftly as possible always keeping in mind that the child and young person's safety and welfare is the paramount consideration.
- 5.2 We have agreed to use the Problem Resolution Procedure as published by Cambridgeshire and Peterborough Safeguarding Board which can be found on their website <https://www.safeguardingcambspeterborough.org.uk/>. The young person can use the complaints procedure.

#### **6.0 Review Timescales**

- 6.1 This Protocol will be reviewed annually by the Housing Options Services of the local authorities and the relevant Heads of Service in Children's Social Care.

**Appendix 1**

**Homeless Screening Form**

**Purpose:**

To ensure that there is a consistent response to Young People regardless of whether they present at Children’s Services or to a Housing Service.

**Explanation:**

I am going to ask you some questions to understand the situation in respect of you presenting as homeless. I will need to ask some personal questions so that we can work out how best to help you and I will need to make some notes. I will use these to fill in a form that will start the process of getting you some help.

Are you ok with that?

➤ **Obtain basic demographics**

Name:	D.O.B:
Home Address:	Current Address:

**Understanding the context:**

The first thing is to establish where young person has been living and why they can no longer stay there. What needs to be understood is why the young person believes they can no longer live at home and whether there is any opportunity for the young person to be at home to prevent homelessness.

It is important to understand if they are not living at home how long it is since they left home and where they have been staying since this time.

The following areas need to be covered:

## Support Needs and Risk

Can you tell me where you have been and what has been going on?

Do you feel safe at home (where have you been staying)?

Can you tell me a bit more about why/ what is going on that means you can't go back?

**If there are no safeguarding concerns:** 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 what the housing options are for young people and that we will look at children's services accommodation and whether you should become a child in care?

If we offer you accommodation social care will need to assess and support you, is that ok?

**Other supplementary questions may be asked dependent on conversation.**

Are there any other agencies you are involved with or any other people you see who help you or give you support?

How are you feeling in yourself/ do you feel safe?

**If you are concerned about a young person's responses:**

Can you tell me more about what is making you feel like that?

Is there anything that makes it better, is there anything that makes it worse?

Are you getting any support from any other professionals i.e. your GP or a therapist?

Do you have any concerns about alcohol or substance use, risk from others outside of the home?

Can you identify any support that you are not receiving now that you think would be helpful?

Do you have any involvement with police or youth justice?

**If Yes - ask about police bail, bail conditions, any court dates, any Youth Justice orders in place**

### **Immediate accommodation options**

Can you go home tonight whilst we try to support you and your family to resolve your difficulties?

Have you somewhere to stay tonight?

What about any friends or family members, is there anyone you could stay with where you would feel safe? Can I help you sort that and speak to people with you?

### **Next Steps**

If completed by Housing Options Team, this form should be sent as part of an urgent referral to Children's Services.

## Appendix 2

### 30-90 day Return Support Package

We believe that young people are usually best brought up and supported within their families. Where parents are having difficulties caring for their children, even with support from Social Care and other agencies, alternative care can be arranged for their child for a short period (up to 90 days) to allow time for everyone to take a break but with a clear plan to live together again as soon as possible.

The 30-90 day return is designed help do this? by offering a placement for your child and if you agree we will ask you to work closely and intensively with us and other professionals to resolve the difficulties that led to your child needing to come into care. Experience shows that when we work together, we are more successful at helping young people return home. This is the right way ensure that you can quickly and safely resume the care of your child and to make sure the right support is in place afterwards.

Before agreeing to the 30-90 day return it is essential that the young person and family understand what the expectations are in terms of the intensity of ongoing support if the decision is made to accommodate the young person.

It is essential that robust care planning takes place throughout the 30–90 day period from the date of being accommodated. It is vital for young people to maintain their family links, networks, communities and education. Therefore, we need to do everything possible to provide the young person and their family with the support to do this.

A meeting will be arranged between all involved to outline the support being undertaken and regular reviews to ensure support is helpful and prevent drift.

Your plan will include support from a range of professionals and actions for everyone involved, including yourselves. When this plan is agreed by all we will ask everyone to sign it including yourself so that it is clear what everyone needs to do.

**Please Note:** The 30-90 day return plan work will cease if it is felt that the young person needs to remain in care or if the family disengage with the process.

In signing this agreement, you are letting us know you understand this is a short-term break for you and your child and that we will now work together to support them returning home in 30-90 days. **(This document is to completed alongside the legal S20 agreement with parents)**

Signatures:

Date: