## JOINT PROTOCOL – CARE LEAVERS AND HOUSING

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**1 – INTRODUCTION**

This Joint Care Leaver Housing protocol applies to all young people who have been children in care in South Gloucestershire Council and details how they will be supported into independence. This journey starts through care and in their transition out of care. Having a clear pathway to housing is central to this, and securing suitable accommodation for care leavers is about much more than finding a place to stay – it is about equipping our young people to feel safe and secure and to have choice in where they want to live.

In order to help children in care make a successful transition to independence we need to ensure they are supported to develop the necessary practical skills to live independently. To achieve this Children’s services and Housing services must work together to meet their statutory duties and corporate parenting responsibilities and provide a safe and supportive pathway to independent living. It is important to remember that there is no one appropriate pathway for young people to move to independent living. Care leavers, like all young people, will make mistakes and require support to learn from their experiences.

The Protocol sets out the role of partners and ensures that there is cooperation and joint work toward the shared objective of equipping the young person to live independently and to be able to manage their own future housing needs.

The Protocol aims to ensure that young people, their families and those who work with them have the information and advice they need to access appropriate support and housing with a clear pathway to independence.

## 2. STATUTORY FRAMEWORK

## This protocol applies to young people who are care leavers and includes young people who have ceased to be looked after (referred to in the legislation as "relevant" and "former relevant" children). This protocol also covers young people who have achieved 'eligible' status in accordance with the Leaving Care Act 2000.

## The Children and Social Work Act 2017 sets out corporate parenting principles for the Council as a whole to be the best parent it can to children in its care. Local authorities are required to publish their support offer to care leavers which includes the “Local Offer” with accommodation options for care leavers. Of note the Homelessness Statutory Code of Guidance for Homelessness states that it is imperative that any joint working arrangements for care leavers between a children’s services authority and a housing authority should ensure that local processes and/or practices do not involve care leavers routinely being treated as homeless when care placements come to an end in order to place the housing authority under an obligation to secure accommodation under Part 7 of the 1996 Act.

## This protocol sets out the legal framework within which Children’s Services and Housing Services in South Gloucestershire council will operate to help, support and enable care leavers to make successful transitions into living independently. It sets out how we translate our statutory duties towards care leavers into procedure and practice.

## Housing law places a high priority for care leavers applying for housing and where a care leaver has any need to approach the Council as homeless.

## The main duties of the housing authority regarding housing allocations and to those who face homelessness are set out in the Housing Act 1996, Parts VI and VII, as amended by the Homelessness Act 2002, Localism Act 2011 and the Homelessness Reduction Act 2017.

## South Gloucestershire has developed a variety of housing resources across different levels of support that meet all levels of need as set out in appendix 1. Care planners are expected to be familiar with these options. Ideally no care leaver should be at risk of homelessness, particularly while they are still receiving services up to aged 25. Instead, the team around them must anticipate issues before they emerge and, if they do come forward, to have a robust and agile approach to addressing these and using the options available in appendix 1 before a crisis is reached.

## Statutory Homelessness duties

## In the event that homelessness does occur, homelessness legislation provides a final safety net and should be used only where all other options have been exhausted. Under homelessness law, care leavers up to and including aged 20 have an automatic priority need for housing, and those older if they are vulnerable as a result of being in care. More information about care leavers and homelessness is available through this [**link**](https://find-information-for-adults-children-families.southglos.gov.uk/kb5/southglos/directory/advice.page;jsessionid=9B8C9192190C2A3D6FAAE738E066FBC2?id=X0nMi-KtmqU&adultchannel=7-6&channel=adult) and general information about the law around homelessness is set out in the [**leaflet**](https://www.southglos.gov.uk/documents/Homelessness-Leaflet.pdf)**.** This includes where the law says that the Council has a duty to provide emergency accommodation or settled housing.

## An area that is commonly misunderstood is that of ‘intentional homelessness’. This is a criteria of homelessness legislation and cannot be set aside by any local authority when applied to any group, including care leavers. Instead, the focus when this assessment is correctly made is to carefully consider the circumstances and reasons why a care leaver became homeless. In doing this, it is reasonable to consider how well prepared they were to live independently and whether a lack of preparation and/or support was a factor in them losing their housing and becoming homeless. South Gloucestershire Council takes a lenient approach to doing so for care leavers.

## Intentionality and Preparedness for Housing

## Access to housing has a dual consideration. One is priority and the other is being ready to manage your own home. Any care leaver, including those who are found to be intentionally homeless, have a high priority for housing and so this isn’t a barrier. The issues relating to intentionality are these –

## - what led to the homelessness? and has this changed? All landlords will be keen to have it demonstrated that the same things won’t arise again before they will offer any further accommodation.

## - if a young person has been evicted from a social tenancy then the lettings policy of that organisation may disbar them from being offered any further housing. In this instance, a 121 negotiation will often be necessary to overcome this policy or address any debts and concerns.

## Tenancy breakdown, homeless duties and emergency accommodation:

## The aim of this protocol is that everything possible is done to prevent anyone from experiencing homelessness because they are ill-prepared for living independently. Homelessness legislation is intended to be a final safety net when all else has failed and should not be used just as a way of accessing housing. Where accommodation is breaking down, all efforts should be made by the social worker or PA to prevent this or to find an alternative before the young person has to leave - this is what is in the young person’s best interests.

## Emergency accommodation is arranged by the Housing Access Team within HomeChoice which uses a procurement framework of nightly purchased hotel/ B&B type housing. This is acknowledged to be unsuitable and should only be used in exceptional circumstances and for short periods. Care Leavers cannot be placed in Bed and Breakfast Accommodation without the prior approval of the service director, children’s services.

## It must be noted that are 50% of emergency accommodation is outside the South Gloucestershire district. Where this is the only option, accommodation in the district will be found as soon as possible.

1. **HOUSING APPLICATIONS**

Anyone being considered under these provisions must be ‘eligible’, i.e. have recourse to public funds, which applies to most care leavers.

Exceptions would be those who arrived as young asylum seekers whose refugee status has not yet been decided; they will continue to be provided with accommodation by children’s services as a care leaver until their refugee status has been confirmed and are able to access public funds if they receive leave to remain. Children from within the European Union and European Economic Area (EEA) nationals can access public funds but may be prevented from claiming public funds if they do not satisfy the eligibility criteria attached to a specific welfare benefit or council housing allocation. A former relevant child being supported by the local authority, may not be able to access income support or social housing if they do not satisfy the eligibility criteria. They should apply for settled status where applicable, as soon as possible.

South Gloucestershire Council has a published rehousing policy that sets out how housing applications are assessed and the process for the allocations of social housing. Any young person looked after by this Council is awarded Band A, the highest priority, in their housing application. See the ‘About HomeChoice’ tab in the [link](https://homechoice.southglos.gov.uk/). Any individual requirements that relate to what type of housing is suitable, for example supported living or adaptations, are considered as part of the housing application.

This includes young people who may have been looked after outside the South Gloucestershire district and who wish to come back to this area. If they wish to remain where they are, then the policy of the council where they are living may not be the same as South Gloucestershire Council. South Gloucestershire Council’s children’s social care can provide support to its Care Leavers who wish to apply for housing in another local authority area.

South Gloucestershire Council operates a Choice Based Lettings system for housing allocations. This means that available properties are advertised and housing applicants ‘bid’, or express an interest, in the properties that they like. At the end of the advertising period, the system creates a shortlist in the order of banding priority and how long the person has been in that band, and this shortlist is considered by the lettings team in the landlord organisation. They will be looking for confirmation that the young person is able to manage their own tenancy.

## LEAVING CARE ACCOMMODATION

## HomeChoice

## The HomeChoice service is responsible for housing options, housing advice and homelessness, the housing register and the choice based lettings system (the way that we let social housing in South Gloucestershire). Access to short-term supported housing schemes for young people and to generic floating support is also operated through HomeChoice.

## Housing Associations

## The Council does not have its own stock of housing and instead has nomination rights to affordable (or social) housing through its housing association partners. They are also known as social landlords or Registered Providers. Applications for permanent social housing in South Gloucestershire are made through the Housing Register.

## Housing Associations are obligated to apply the Council’s housing policy when considering who they should offer their properties to, although they do have their own lettings policies which anyone applying for housing should be aware of.

## It is important for all housing applicants and those working with them to know that landlords have to be sure that whoever they offer housing can manage their own home and be a good tenant.

**Short-Term Supported Housing Providers**

South Gloucestershire Council funds a number of schemes that provide short-term housing support. These can be either short-term accommodation at a specific scheme with onsite support, or floating support, where someone visits you in your home and helps you to manage where you live, or helps you to find somewhere if you don’t have your own address.

**This section sets out the accommodation options that are available for those leaving care which include:**

* Enabling young people to remain living with former foster carers through conversion of these arrangements to supported lodgings ([Staying Put](http://trixresources.proceduresonline.com/nat_key/keywords/staying_put_plac.html) arrangements). This is arranged by the child’s social worker and the relevant fostering agency / placement team. During this time it is important that the young person continues to think about their next steps with their social worker or PA, and hosting family. \*
* **Supported Lodgings** placements are an arrangement where the young person lives as a lodger in the home of someone previously unknown to them and who they are matched with. They will be expected to pay rent and the landlord/host is funded by the Council to provide some support to the young person. This is arranged by the child’s social worker and Placement Team, and as with Staying Put, during this time it is important that the young person continues to think about their next steps with their social worker or PA. \*
* **Trainer flats** – an arrangement where the young person spends two x 3 weeks in a trainer flat where they can experience independent living with support to develop independent living skills. This is arranged by the social worker.
* **Short Term Supported Accommodation** which can be either shared or self-contained within a scheme. This accommodation is for all young people who need it, not specifically those who are leaving care, and can be for single people or young parents. It is accessed through the HomeChoice team. There are supported accommodation schemes in different locations across South Gloucestershire offering varying levels of support depending on the young person’s needs.

There is no set length of stay and each scheme has its own targeted length of stay, but the aim is to move young people into their own independent accommodation within 2 years. The amount of time needed in supported accommodation will depend on the individual needs of the young person.

The young person will benefit from a support plan tailored to them and which is aimed at developing the skills and knowledge needed to move into their own settled home. For those who are care leavers the support plan should link directly with their Pathway Plan.

* **Independent social housing tenancy** - Once the young person reaches 18 years they are legally able to be a tenant in their own right. This is because a tenancy is a type of contract and legally the minimum age to be bound by a contract is 18.

Being a tenant enables the person to take on full responsibility for their own home although they will continue to receive support from a [Personal Advisor](http://trixresources.proceduresonline.com/nat_key/keywords/personal_adviser.html) until they are 21 / 25 years old. Care leavers are able to join the housing register any time after their 16th birthday and applying means that the idea of having their own home starts to take shape. Whoever is working with the young person needs to take responsibility for this and ensure that applications are done – unless they are very sure that the young person has their own options and is not in housing need.

Applications for social housing are made to the Housing Register and properties that are available are advertised through Choice Based Lettings. Care leavers are awarded Band A, which is the highest banding and makes it very likely that they will be at the top of a shortlist for properties that they bid for. Access to the online application form is available through this [link](https://homechoice.southglos.gov.uk/).

The application will be suspended when it is first registered. Their PA will advise HomeChoice if the person is ready to manage their own tenancy and for the housing application to be made ‘active’. Once this is done, the young person can bid for suitable properties that they are interested in. Landlords will need to be sure that the person is able to manage their own property, pay their own bills, and be a good tenant. This should be reflected in their Pathway Plan and if necessary, HomeChoice can arrange for any housing applicant to receive 121 training and induction into preparing to be a successful tenant and plan for the expenses of running their own home.

PAs should be sure that the young person is ready before they activate the application and not be influenced by age. Where it is felt that the care leaver may not be ready by aged 21, then the PA should discuss this with the Lettings Team and the application can remain suspended with the priority banding. Where the young person is keen to activate their bidding though the PA does not consider them ready, then again this should be discussed with the Lettings Team and the person together to plan to meet how this can be done without risking the loss of the tenancy in the future.

* **High Support Flats**

While most young people will take part in bidding for properties that they are interested in, for some their best option is to be directly introduced to a social landlord for a **Direct Offer**. This is particularly where it will be more difficult for the young person to demonstrate that they are ready for a tenancy because of for example, some history of youth offending or because they have been evicted from other accommodation, or they are particularly vulnerable and need a tailored housing option. South Gloucestershire Council has a ‘temp to perm’ service in place for those leaving care who would find it difficult to share in one of the supported housing schemes or who would benefit most from moving once straight into their own home.

Social housing is usually let with an initial one-year probationary period which converts to an ongoing Assured Tenancy assuming that there have been no breaches of tenancy during the probationary time. Most tenancies are ongoing, though some landlords have fixed term Assured Shorthold Tenancies, (for a minimum of 6 years). In practice these tenancies are extended after the fixed term period, again assuming that there have been no breaches of the tenancy agreement.

Sometimes, even with the best preparation, a tenancy doesn’t work out. Where this happens, this can be reviewed and the young person reinstated onto the Housing Register with the same priority, depending on the reasons. It is important that the young person and the PA understand why the tenancy did not work, can address any issues that led to the tenancy breakdown and can show how they will deal with these issues if they occur again in the future.

* **Independent Housing For Young People With Special Needs** - the housing application will identify any disability related special needs that the young person has that affects their housing, for example the need for social care or aids and adaptations. A full care plan should be in place, including any OT assessment. Where someone needs a second bedroom for a live-in care or a particular type of property, this can be added into their housing application. All young people are able to bid through CBL for suitable properties though some supported living schemes are accessed through the adult social care brokerage team. This is particularly relevant for those young people who are receiving care from the 18-25 transitions team.
* **Students** - Where young people are studying outside the area, they are still able to have an active application where they are intending to return to South Gloucestershire afterwards. They can start to bid ahead of their return, however a landlord will need to be sure that they are available to view any properties that they are offered, that they do intend to take up occupancy, that there will be no delay in the tenancy starting, and that they are able to pay for any period before they move back. The Personal Advisor should ensure that the young person is fully aware of their housing options, and planning for these, during their time as students.

Once a young person has been accepted onto a course their Personal Advisor should consider their accommodation while at college/ university and what financial support/ student finance is available and how to apply for this. Financial support that care leavers can access whilst at university is outlined in the care leaver local offer.

* **Going to university when you have your own home**

For young people who wish to attend a university that is not commutable and who have an existing tenancy, they can seek agreement from South Gloucestershire to surrender their tenancy for the duration of their course. Upon completing their course, and returning to the district, they are able to reapply to the Housing Register as if they were leaving care if this is before their 25 birthday. Young people who do not wish to surrender their tenancy should speak with their landlord to discuss what options they may have so they don’t have to choose between giving up their home or where they wish to study. It may be however that this choice can’t be avoided.

* **Care Leavers in Custody**

When a young person is sentenced to custody a prompt assessment should take place of their future housing needs and current housing benefit status, in line with the HARP Protocol.

* **Private rented housing** – if they prefer, the young person can look at housing in the private rented sector if social housing doesn’t offer them anything suitable. Support and assistance is available through the Council’s in-house lettings agency, SG Homes, and advice on renting privately is available through this [link.](https://www.southglos.gov.uk/housing/private-housing/advice-on-renting-privately/)

1. **PROCESS FOR OBTAINING AND REVIEWING LEAVING CARE ACCOMMODATION:**

All requests for leaving care accommodation, including any retrospective requests made for emergency accommodation must be presented to the leaving care accommodation forum prior to the young person’s 18th Birthday to confirm the arrangements for the young person post 18.

Care Leavers cannot be placed in Bed and Breakfast Accommodation without the prior approval of the service director, children’s services.

The care leavers accommodation forum will review and monitor all leaving care accommodation to ensure that the accommodation and level of support remains appropriate to the needs of the care leaver. The forum will also ensure that there is robust tracking of the applications for HomeChoice tenancies as well as moving on plans being progressed from supported accommodation to independence.

**6. FINANCIAL IMPLICATIONS**

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| --- |
| Under the Children (Leaving Care) Act 2000, South Gloucestershire Council’s children in cares team is responsible for the accommodation costs in full for eligible and relevant (16-17) young people up to their 18th birthday. |
| Young people become responsible for their own rent after their 18th birthday via housing benefit and/or direct payment (if in employment and ineligible for housing benefit). |
|  |
| Under Housing Benefit Regulations [HBR 2(1), 11(3B)] all young people who qualify for leaving care services are exempt from the definition of “young individual” and the attendant “shared room rate” restrictions for the purposes of housing benefit. Care leavers between the age of 18 and 25 can get the ‘one bedroomed flat’ rate for housing benefit. (Post 25 it reverts to the shared room rate up to the age of 35).  **Council Tax and Housing Benefit** An application for Housing Benefit / Universal Credit with a housing costs element which helps with rent and potential service chargesshould be completed if the young person is unemployed or receiving a low income.  The Care Leavers Council Tax exception will be applied automatically. A list of all care leavers will be supplied to the Revenues and Benefits Service by Transition to independence team on a monthly basis, hich will be used to award the exemption. The exemption will apply until the young person reaches the age of 25.  On the young person’s 25th birthday any ongoing entitlement to the Care Leavers Council Tax Discount ends. |

**7. EQUALITIES AND DIVERSITY**

The equality and diversity policies of the Council must underpin the way in which the services in relation to this protocol are provided. The council values diversity and is committed to equality of opportunity and access to suitable accommodation for all young people, regardless of age, ethnicity, gender, sexuality, culture, faith or disability.

**8.** **OVERSIGHT AND REVIEW**

This protocol will be reviewed annually or sooner if the legislation or policies underpinning it change.

Implementation of this protocol will be monitored via the Corporate Parenting Board.

Appendix One

Housing Related Support Services commissioned by the council to support young people aged 16 – 25.

|  |  |  |  |
| --- | --- | --- | --- |
| **Support Service and Provider** | **Service Capacity** | **Service Description** | **Contact** |
| **Woodleaze:** 1625 Independent People | 18. at least half to always be care leavers | Supported housing in Yate.  Ages 16 – 25  Shared accommodated  24 hour managed front door  24 hour support with waking night staff. | 01454 506135  Woodleaze  246a Station Road  Yate  BS374AF  [www.1625ip.co.uk](https://outlook.office.com/1625IP/Corporate%20Communication/EXTERNAL%20Communication/Award%20and%20Competition%20Entries/NLAward%20Future%204%20Me/2015/Award%20finals/Planning/www.1625ip.co.uk) |
| **Southwold House:** Caring for Communities & People (CCP) | 10 | Supported Housing in Yate  Ages 16 – 25  Shared accommodation  24 hour staffing with waking nights  No managed front door | 01242 694525 Ex 308  Southwold House  240 Station Road  Yate  [www.ccp.org.uk](http://www.ccp.org.uk) |
| **Britton House:** Riverside | 19 over 3 blocks | Supported housing in Warmley  Ages 16 – 25  Shared accommodation  24 hour staffing, one block is waking nights  No managed front door | 0117 9609179  Britton House  6 Stanley Rd  Warmley  BS15 4PP  [www.riverside.org.uk](http://www.riverside.org.uk/) |
| **Charles England House:** Bromford (until April 22) | 21 | Supported housing in Patchway  Ages 16 – 25  Shared accommodation  Can accept young parents  24 hour staffing, no waking nights  No managed front door | 01454 821122  Charles England House  232 Rodway Rd  Patchway  Bristol BS34 5EE  [www.bromford.co.uk](http://www.bromford.co.uk) |
| **Andrew Millman Court:** Caring for Communities & People (CCP) | 12 | Self contained flats in Yate – linked to Southwold House  Ages 18 - 25  Daily on site support (Southwold night staff can support when needed) | 01242 694525 Ex 308  Andrew Millman Court  240 Station Road  Yate  [www.ccp.org.uk](http://www.ccp.org.uk) |
| **Park View:** SGYH | 10 | Supported housing in Kingswood  Shared accommodation  Ages 18 – 25  Daily on site support with out of hours contact  No managed front door | 01179 352881  71 High Street  Kingswood  BS15 4AD |
| **Holdfast House:** LiveWest | 5 | Self contained flats in Kingswood  Ages 18 – 25  Visiting support with out of hours contact | 01934 526 367  14 The Park  Kingswood  BS15 4BN  [www.livewest.co.uk](http://www.livewest.co.uk) |
| **College Way Young Parents:** LiveWest | 6 | Self contained flats in Filton  Young Parents aged 18 – 25  Visiting support with out of hours contact | 01934 526 367  College Way  Filton  Bristol  BS34 7BH  [www.livewest.co.uk](http://www.livewest.co.uk) |
| **College Way:** 1625 Independent People | 9 | Self contained flats in Filton  Ages 18 - 25  Visiting support with out of hours contact | 0117 969 5763  College Way  Filton  Bristol  BS34 7BH  [www.1625ip.co.uk](https://outlook.office.com/1625IP/Corporate%20Communication/EXTERNAL%20Communication/Award%20and%20Competition%20Entries/NLAward%20Future%204%20Me/2015/Award%20finals/Planning/www.1625ip.co.uk) |
| **Floating Support Service:** 1625 Independent People |  | Visiting support to people’s homes  Ages 16 – 25 | 0117 969 5763  [www.1625ip.co.uk](https://outlook.office.com/1625IP/Corporate%20Communication/EXTERNAL%20Communication/Award%20and%20Competition%20Entries/NLAward%20Future%204%20Me/2015/Award%20finals/Planning/www.1625ip.co.uk) |
| **Supported Lodgings:** 1625 Independent People | 12 | Host Families who a young person is matched to and lives with.  Ages 18 – 25 | 0117 969 5763  [www.1625ip.co.uk](https://outlook.office.com/1625IP/Corporate%20Communication/EXTERNAL%20Communication/Award%20and%20Competition%20Entries/NLAward%20Future%204%20Me/2015/Award%20finals/Planning/www.1625ip.co.uk) |
| **Trainer Flats:** SGYH | 2 | 2 flats in Kingswood  Ages 18 – 25  Visiting support | 01179 352881  71 High Street  Kingswood  BS15 4AD |