



# **Northumberland**

## **County Council**

### **Care Leavers Accommodation & Support Protocol**

**Comprehensive guide for partners**

**April 2021**

## Purpose of this guide

This guide is intended to be a practical guide to the protocol for the accommodation and support of care leavers aged 16 to 25 within Northumberland.

This guide will be utilised by front line workers and managers in organisations who are signed up to the protocol. It outlines the agreed joint-working agreements between Northumberland County Council, Children's Services (NCC), Housing Services and Housing Providers within Northumberland.

Care leavers are young people who have been Looked After by Children's Social Care for at least 13 weeks since the age of 14 and who leave care after the age of 16. These young people qualify for services under the *Children Act 1989 – Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers* (see appendix one for more detail).

## Why have a Care Leavers Accommodation Support Protocol (CLASP)?

### Background

The majority of children and young people come into care as a direct result of adults not fulfilling their responsibilities towards them, rather than being responsible themselves. In reality this means that most young people leaving care have experienced some form of abuse, neglect, family crisis or dysfunction.

As a direct result, children and young people may have little or no family contact or support, particularly when moving on to independence.

Over the past 20 years, a consistent body of research evidence has shown that young people leaving care have significantly worse outcomes in all areas of their lives than their peers. Research has highlighted that care leavers are more likely to become homeless, be rough sleepers, have mental health problems, be in the prison system, be unemployed and underachieve academically. *Me, Survive Out There*<sup>1</sup>, gave young people's views of leaving care.

Care leavers form a diverse group and some are particularly resilient and achieve their goals despite disadvantage. However it is the **corporate responsibility** of the local authority as a whole to address their individual needs.

Care leavers with accommodation and support needs require NCC Children's Services, Housing Services and Housing providers to work together in their best interests. This need for cooperation is recognised in legislation and its accompanying guidance (see appendix two for further information on the *Homelessness Reduction Act 2017*, *Housing Act 1996*, *Homelessness Act 2002*, *Housing Act 2004*, *Code of Guidance for Local Authorities 2006*, *Children Act 2004*, *The Children Act 1989 – Planning Transition to Adulthood for Care Leavers 2010*, *Staying Put Guidance 2013* and the *Children and Families Act 2014*).

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<sup>1</sup>Me, Survive Out There ( Department of Health, 1999)

In addition to above guidance and legislation, the Government introduced *Keep on Caring* in 2016<sup>2</sup>, which promotes the need for Local Authorities to promote improved transitions from care to independence; ensuring young people are supported appropriately, including:

- Better prepared and supported to live independently
- Improved Access to Education, Training and Employment
- Experience stability, and feel safe and secure
- Improve access to Health Support (including Emotional Health)
- Achieve Financial Stability

This guidance highlights the expectations from the government that NCC Children's Services and Housing Services forge proactive links with each other to ensure they can comply fully with the inter-relating pieces of legislation.

In April 2018, the Homelessness Reduction Act 2017 came into force. The legislation places new legal duties on local housing authorities and amends the existing homelessness legislation in the Housing Act 1996. These new duties apply to all eligible applicants and incorporate new prevention and relief duties regardless of priority need or intentionality.

Local Housing Authorities must provide a free service to any person in their area, providing information and advice on preventing homelessness, securing accommodation when homeless, rights of those homeless/threatened with homelessness and what help is available and how to access it.

In view of the above, it is essential that a corporate and multi-agency approach is adopted in meeting the accommodation and support needs of care leavers. These needs should be addressed before young people leave care and a range of agencies should play a full role in providing the required resources and support.

### **The benefits**

The protocol will lead to:

- \* Early identification of accommodation and support needs
- \* Clearer understanding of roles and responsibilities for workers, wider agencies and clients
- \* Better working relationships between agencies
- \* Best use of limited resources and time
- \* Smoother transitions to independence
- \* Young people accessing the most appropriate accommodation
- \* Increased tenancy sustainability
- \* Reduced homelessness presentations
- \* Reduced repeat homelessness
- \* Reduced risk of young people falling through the net.

### **What is the CLASP?**

This protocol is an agreement that is designed to ensure that NCC Children's Services, Housing Service and housing providers within Northumberland work together to ensure that

the accommodation and support needs of care leavers are met. It outlines each agency's respective role and responsibilities to achieve successful transition to independence among this group.

## **Aims**

The aims of this protocol are to:

- \* Ensure the effective discharge of corporate and statutory responsibilities between NCC Children's Services, Housing Services and housing providers by jointly addressing the diverse accommodation and support needs of young people leaving care
- \* Support care leavers to achieve independent living and become responsible and successful tenants
- \* Prevent care leavers becoming homeless

## **Objectives**

The objectives of this protocol are to:

- \* Ensure jointly that all staff are aware of the accommodation and support needs of young people leaving care and the obligations of each agency to address these needs (through joint training, a robust induction process and shadowing)
- \* Assess and meet the diverse accommodation and support needs of young people leaving care
- \* Prevent homelessness through joint assessment and involvement of relevant agencies
- \* Ensure care leavers achieve a successful transition to independent living through support, preparation and provision of suitable accommodation
- \* Provide guidelines on supporting care leavers in their own tenancies that will include contingency arrangements
- \* Guide and support young people in the event of them needing to make homelessness applications to the local authority where the planned preventive route is unable to meet their accommodation and support needs
- \* Ensure that the accommodation and support needs of care leavers entering and discharged from custody are adequately planned for.
- \* Identify gaps in service provision for young people and work together with other agencies to address these gaps, feeding information in to the relevant strategies<sup>3</sup>.

## **Service outcomes**

NCC Children's services, Housing Services and housing providers will support each other, through this protocol, to meet national key performance indicators in respect of leaving care and housing as defined by Central Government as follows:

- \* Preventing Homelessness - Housing Services will monitor the number of cases of homelessness prevented through their own prevention processes e.g. through HClick data
- \* NCC Children's Services - monitors the number of care leavers in suitable accommodation through KPI N147.

The effectiveness of the protocol will be measured by a combination of the above service outcomes.

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<sup>3</sup> Children(Leaving Care) Act 2000 (Department of Health)

## **How will the protocol work?**

### **Eligibility**

The following groups of young people are eligible under this protocol:

- \* Young people aged 16 to 25 who have housing or support needs, and who have left or are due to leave the care of NCC Children's Services
- \* Unaccompanied asylum seekers who qualify for a leaving care service and have been granted refugee status (following the Hillingdon Judgement). This protocol also includes those who qualify and are given leave to remain up to the age of 25 or an extension beyond the age of 18 for a minimum of one year<sup>4</sup>.

### **Young people from out of the area**

Where a young person presents to an agency from outside of Northumberland, that agency will need to check whether the young person has a Leaving Care Support Worker allocated to him/her from NCC Children's Services.

Where this is the case, NCC Children's services should be informed of the situation and take responsibility for that young person. Where this is not the case, under 18s should be referred back to their own local authorities, and over 18s should be taken through the standard housing processes wherever they present.

Clause 8<sup>5</sup> of the Homelessness Reduction Act has amended the definition of a 'local connection' for young people leaving care. Local connection affects which Local Housing Authority (LHA) offers assistance under parts of the homelessness legislation, including the existing main homelessness duty and the new duties to assist homeless applicants.

The amendments will ensure that care leavers have a local connection to the area of the local authority that looked after them or, if it is different, the area where they normally live and have lived for at least 2 years including some time before they reached 16. This will make it easier for young people to get help in whichever of these areas they feel most at home.

### **Financial implications**

- \* Under the Children Act 1989 Guidance and Regulations Volume 3 -Planning Transition to Adulthood for Care Leavers 2010, NCC Children's Services is responsible for the accommodation and support costs of care leavers aged 16 and 17, up to their 18<sup>th</sup> birthday.
- \* Young people become responsible for their own rent after their 18<sup>th</sup> birthday. They may be entitled to claim housing benefit to contribute towards this.
- \* Young people over 18 who are at university may receive financial assistance towards their accommodation costs from NCC Children's services to supplement their income during both term-time and vacations
- \* When a care leaver is sentenced to custody a prompt assessment should take place of his or her future housing needs and current housing benefit status.
- \* 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 "single room rent determination" restrictions for the purposes of housing

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<sup>4</sup> R.Berhe et al. (Hillingdon LBC, 2003)

<sup>5</sup> <https://www.gov.uk/government/publications/homelessness-reduction-bill-policy-factsheets>

benefit. This exemption is not time limited for tenants of local authorities or Registered Social Landlords (RSL)<sup>6</sup>

- \* Where young people are in receipt of universal credit; accommodation costs will be met through their universal credit claim; however where necessary “easement/alternative payment” arrangements should be considered and requested; if the young person is likely to have difficulty in managing their finances.

### **Information sharing**

The effective working of the CLASP relies on the sharing of information between agencies. Young people will be asked for their permission to have their details both recorded and shared and may withdraw their permission at any time. It is of paramount importance that all agencies clearly acknowledge that any information relating to a young person is of a sensitive nature and must be kept confidential in line with this policy.

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<sup>6</sup> Please note that if 22-25 and not receiving support then the young person would be subject to single room rent

## **The roles of partner agencies**

All partner agencies have a responsibility to ensure that the protocol and its guidance are followed to ensure that homelessness is avoided and the best outcomes for young people are achieved.

### **Northumberland County Council Children's Services (NCC)**

NCC Children's services worker with case responsibility will take the lead in the CLASP and ensure that all appropriate agencies are involved in the process.

The exception to this would be where another agency has lead responsibility in respect of accommodation and support e.g. the Housing Service at the emergency stage, Probation or the Youth Justice Service.

### **Housing Service**

The prevention of homelessness is paramount and therefore the Housing Service must be involved at all stages of the process. They will provide the young person, as well as all parties concerned, with tailored information on the various housing options in his or her area.

### **Housing Providers**

The role of a housing provider would only begin once it had made an offer of accommodation to a young person. Housing providers will then assist with the prevention of homelessness by identifying problems with tenancies at an early stage. It is however possible that housing providers may be more likely to view a young person as eligible for their properties if they are aware of the support package in place, and therefore they may be contacted to discuss this.

## **Concerns**

Any differences of opinion over areas of responsibility and proposed action should initially be dealt with by the case worker in each department.

If the issue cannot be resolved at this level, the individual staff member should discuss this with his or her own line manager. The manager will then determine an appropriate course of action in the context of the disagreement, from a range of options such as:

- \* The use of supervision and support to the staff member to re-establish good working relationships or negotiate a compromise suitable to both services
- \* Organising a meeting between line managers to re-establish good working relationships or negotiate a compromise acceptable to both services
- \* Discussing concerns with senior management to explore strategic solutions or compromise.

## **The Protocol**

### **Prerequisite to all stages**

The prompt sharing of information between agencies is essential in order to support young people, prevent homelessness and address tenancy issues. Young people will be asked to give their verbal/written consent to sharing information.

### **Stage one: planning and prevention**

The emphasis of this protocol is on NCC Children's Services and the Housing Service being proactive in meeting the accommodation and support needs of care leavers and the prevention of homelessness.

When any Looked After Child reaches the age of 14+; a Social Worker from Northumberland County Council 14+ Team (NCC) will be allocated and the case will be transferred to 14+ team in line with the needs of the young person.

Following the transfer to the 14+ Team, the social worker will begin to formulate the young person's pathway plan and consider the longer term accommodation options for the young person.

The Young People's service will continue to provide advice and support to the young person until he or she is 25, where needs dictate.

Every young person who is Looked After has a Care Plan which sets out the long term arrangements for the young person's future. In addition, the *Children (Leaving Care) Act* 2000 introduced Pathway Planning, which incorporates an assessment of need leading to the production of a plan to meet these needs and regular six-monthly reviews of this plan.

The aim of the Pathway Plan is to ensure that NCC Children's Services and other agencies support care leavers in achieving their hopes and aspirations. The Pathway Plan should be in place by the age of 16 years and 3 months, and continues up to the young person's 25th birthday. The Pathway Plan ensures that needs are looked at in relation to the young person's

- \* Health
- \* Education, Employment and training
- \* Identity
- \* Family and social relationships
- \* Emotional and behavioural development
- \* Self-care skills and social care presentation – finance
- \* Family and environmental factors – accommodation
- \* Support.

Professionals involved in implementing these plans meet at least 3 monthly as a Care Planning Team to monitor their implementation.

The emphasis of stage one of the protocol is to provide advice and options to young people and identify their aspirations. This stage needs to be handled sensitively, ensuring that the young person understands that this plan is about his or her future aspirations and not the current situation.



However, this stage should be implemented even where a young person is not yet intending to leave care shortly as it allows time for planning and ensures that the housing solutions service is involved at an early stage. Workers will need to make judgements about the timing of this, which will depend on individual young people's circumstances.

## The Process

Step	When	Action	Details	Lead Officer	Paperwork to be used
1.1	From 15½ years	Undertake Pathway Plan assessment	Identify if a young person has accommodation and support needs as part of the Pathway Plan assessment	Social Worker	
1.2	After 16 <sup>th</sup> birthday	Call and chair a stage one CLASP meeting (with young person's permission).	Where the above assessment indicates future need, a stage one meeting should be convened with the housing service to discuss options	Social Worker	<ul style="list-style-type: none"> <li>* Accommodation Referral</li> <li>* Meeting record Sheet</li> </ul>
1.3	By 16 years and 3 months	Write Pathway Plan	This is written incorporating actions identified and recorded at the above meeting	Social Worker	
1.4	As identified on the plan	Implement actions	Actions identified and recorded above should be completed	As identified on the plan	
1.5	Six-monthly	Review	Where new accommodation or support needs emerge, either contact the housing service involved or, if there is no previous involvement, go back to step 1.2	Social Worker	

### Stage two: planning the transition

Planning a young person's move from being Looked After in foster care or a children's home to living in supported or semi-independent accommodation or independently is critically important and will involve close partnership working. The aim of this stage is to ensure that the young person is involved as much as possible when looking for accommodation in order to prepare them in a way that is best suited to his/her needs and aspirations.

From stage one, the social worker will maintain contact with the housing service to ensure:

- \* It is aware of the predicted date for the young person leaving care
- \* That all options have been discussed and explored in order to find accommodation in advance of the leaving care date.

## The Process

Step	When	Action	Details	Lead Officer	Paperwork to be used
2.1	Six months before a young person is due to leave care	Call and chair a stage two CLASP meeting (with young person's permission).	This meeting will include the housing service and will review the young person's housing options and identify a plan for how accommodation will be secured. This should include identification of support e.g. making a referral for floating support, and also making housing associations aware of the support package in place to increase the likelihood of a young person being eligible for their properties.	Social Worker	<ul style="list-style-type: none"> <li>* Meeting guidance</li> <li>* Meeting agenda</li> <li>* Accommodation referral</li> </ul>
2.2	Immediately following the meeting	Update Pathway Plan	Actions agreed at the above meeting are incorporated into the existing Pathway Plan	Social Worker	
2.3	As identified on the plan	Implement actions	Actions identified and recorded above should be completed	As identified on the plan	
2.4	Ongoing	Follow up actions	Follow up any actions that have been identified above	As identified on the plan (co-ordinated by Social Worker)	

2.5	3 months before a young person is due to leave care	Call another stage two meeting	This should be done only where actions are not on track or issues have not been resolved	Social Worker	
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### Stage three: multi-agency accommodation support

When a care leaver secures his or her own tenancy in independent living or supported/semi-independent accommodation, the Social Worker or the LCSW and the accommodation service will ensure that appropriate support services are in place prior to commencement of a tenancy. This is to ensure that the young person can manage the tenancy and that any problems arising are identified early.

Housing providers are involved at this stage to help assist with this early identification and thereby prevent the necessity for formal action being taken at a later stage. It should be noted that where formal action does become necessary, housing providers retain all decision making powers.

### The Process

Step	When	Action	Details	Lead Officer	Paperwork to be used
3.1	At the point of accepting an offer of a tenancy or licence	Call and chair a stage two CLASP meeting (with young person's permission). This must include the young person, floating support provider, housing provider and other relevant agencies.	In this meeting services will agree responsibilities for support of the young person. The meeting will determine the level and nature of support to be provided. The meeting should also be used to ensure that the young person fully understands what is required of them as a tenant.	Social Worker	<ul style="list-style-type: none"> <li>* Meeting guidance</li> <li>* Meeting agenda</li> <li>* Pathway Plan to be updated</li> </ul>
3.2	By the commencement of a tenancy or licence	Support put in place	Social Worker will ensure that actions agreed at stage 3.1 are implemented	As identified on the plan	<ul style="list-style-type: none"> <li>* Pathway Plan to be updated</li> </ul>
3.3	Quarterly in the first year of a tenancy or licence	Call and chair a review of the placement and actions identified in the Pathway Plan	This meeting will identify all services who agreed the actions in relation to accommodation within the Pathway Plan. Where this review indicates a successful tenancy, actions should be identified for a gradual reduction in	Social Worker	<ul style="list-style-type: none"> <li>* Review of Actions around accommodation within the Pathway Plan</li> </ul>

			support		
3.4	Immediately after 3.3	Implement actions	Actions identified above should be recorded and completed	All identified on plan	
3.5	If a problem arises or there is evidence that a tenancy or licence is unlikely to be sustained, the social worker or LCSW should call a meeting to look at options to prevent homelessness	Call and chair an urgent review meeting. This should include all services identified in in the Pathway Plan	This meeting will discuss the reasons for problems with the tenancy and identify solutions and next steps	All agencies to identify problems	
3.6	Immediately after 3.3	Implement actions	Actions identified above should be recorded and completed	All identified on the pathway plan (Social worker/ LCSW to co-ordinate)	
3.7	If a young person wants, or is required, to move accommodation , such as a move from supported accommodation	Return to stage two of the CLASP	When a partner becomes aware of a young person's desire/requirement to move, he or she should inform that young person's Social worker or LCSW who will progress the protocol from stage 2.1.	All	

## Emergency situations

Planning so as to avoid homelessness is the main aim of the protocol. However, there will be circumstances where it is not possible to undertake this planned approach, and in these situations an emergency route will be taken.

Where a young person is under 18, this stage will be led by the NCC Children's Services worker with case responsibility. For over 18s, the agency to which the young person presents will take the lead but support to access emergency accommodation will be sought from the Housing Service.

## The process

Step	When	Action	Details	Lead Officer	Paperwork to be used
E1	In a situation of emergency homelessness	Initial response	This comprises of: <ul style="list-style-type: none"><li>* Accommodation referral form - housing use their own housing support plan</li><li>* Exploring family/carer options (even if just for a temporary stay)</li><li>* Arranging emergency accommodation where necessary (for guidance on this see box on below)</li><li>* Claiming benefits where appropriate</li><li>* Calling an emergency CLASP meeting where necessary</li></ul>	Worker to which the young person presents	<ul style="list-style-type: none"><li>* Accommodation referral</li></ul>
E2	Within 3 days of a young person presenting in an emergency	Call and chair a stage four CLASP meeting. This must include the young person, housing solutions service, housing provider and	At this meeting the standard agenda items should be discussed and homelessness prevention should be the focus wherever possible. However, under the HRA, Housing have been tasked with additional duties not just those owing to people in "priority" need. The new duties are:	Worker with case responsibility (YPA or social worker)	<ul style="list-style-type: none"><li>* Meeting guidance</li><li>* Meeting agenda</li><li>* Accommodation referral form</li><li>* Record sheet</li></ul>

		carers/parents where appropriate	(a) an enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage  (b) a new duty for those who are already homeless so that housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation.		
E3	Immediately after 4.2	Implement actions	Actions identified above should be recorded and completed	All identified on plan (Social Worker or LCSW to co-ordinate)	
E4	Ongoing	Follow up actions	Follow up any actions that have been identified above. Then return to stage three	As identified on the plan (co-ordinated by Social Worker/LCSW)	

#### Box one: arranging emergency accommodation

Only if arrangements between family and friends cannot be made should emergency accommodation be arranged.

To arrange emergency accommodation:

- \* Ensure the young person is happy to be placed in emergency accommodation
- \* Contact Housing Services to request support with emergency accommodation for over 18's.
- \* Costs for 16 and 17 year olds will be met by NCC Children's services. Costs for over 18s will be met by the Housing Service where a duty is owed
- \* If there is no temporary accommodation available from the Housing service, you will need to discuss this further with Team Managers within the Service.
- \* Contact your NCC Children's Services Team Manager to seek agreement for the placement (16/17 year olds only)
- \* The young person will need assistance to get to the emergency accommodation
- \* Young people aged 18 or over will need to complete a housing benefit form, where applicable or to request should be made to the DWP for Universal Credit to pay the

housing element within their existing claim and consideration should be given to a request for an “easement” to put in place and accommodation costs being paid directly to the housing provider

#### **Box two: making a homeless application**

Homeless applications should only be submitted for over 18s. Where identified, by the CLASP meeting, as the best option for the young person. In these instances, the young person should be supported to contact the Homeless Duty Team to make a homeless application; at which point the case will be passed to a Homelessness and Housing Options Officer to arrange an appointment. The young person will be advised of the local authority’s standard procedures in assessing homeless applications and will be provided with information and guidance about the process.

If the young person is not satisfied with the result of his or her homeless application, he or she has the right to have the decision reviewed. This must be requested within 21 days of when he or she is told of the decision. Further information can be obtained from the housing department. See appendix five for more details.



### **Box three: repeat presentations**

Where a young person presents who has previously been worked with through this protocol, the agency should complete a new accommodation referral form (document eight) to assess whether there has been a change in circumstances.

If there has been a change in circumstances, agencies should follow the emergency situations procedure.

Where an intentional homeless decision has been made previously or the duty has already been discharged and there is no change of circumstances, agencies should call a CLASP meeting but the Housing Service may not have a duty to provide temporary emergency accommodation.

Whereby a young person presents directly to Housing Service, the service should contact the NCC Children's Services in the first instance to inform of the situation and through joint working, appropriate accommodation options should be explored

## **Appendices**



## Appendix One: The Children Act 1989 Guidance and Regulations. Volume 3 Planning Transition to Adulthood for Care Leavers

### Definitions of categories of children entitled to care leaving support

Definitions	Main Statutory Obligations
<p><b><u>Eligible children</u></b></p> <p>Defined in paragraph 19B of Schedule 2 to the 1989 Act, and regulation 40 of the Care Planning Regulations as a child who is:</p> <p>(a) looked after,  (b) aged 16 or 17, and  (c) has been looked after by a local authority for a period of 13 weeks, or periods amounting in total to 13 weeks, which began after he reached 14 and ended after he reached 16.</p>	<p>The local authority has the same statutory obligations in relation to eligible children as they do towards other children looked after by them, including a duty to maintain their care plan, carry out regular reviews of their plan and appoint an independent reviewing officer for the child. In addition they must:</p> <ul style="list-style-type: none"> <li>• prepare an <b>assessment</b> of the eligible child's needs with a view to determining what advice, assistance and support it would be appropriate for them to provide him (both while he is still looked after and after he stops being looked after) [paragraph 19B(4) of Schedule 2 to the 1989 Act; the requirements for carrying out the assessment are set out in regulation 42 of the Care Planning Regulations]</li> <li>• as soon as possible after the assessment of needs is completed, prepare a <b>pathway plan</b> (which includes the child's care plan) [paragraph 19B(4) of Schedule 2 to the 1989 Act; the requirements for preparing the pathway plan are set out in regulation 43 of the Care Planning Regulations]</li> <li>• keep the pathway plan under <b>regular review</b> [paragraph 19B(5) of Schedule 2 to the 1989 Act]</li> <li>• appoint a <b>personal adviser</b> for the child [paragraph 19C of Schedule 2 to the 1989 Act; the functions of the personal adviser are set out in regulation 44 of the Care Planning Regulations].</li> </ul>

### **Relevant children**

Defined in section 23A(2) of the 1989 Act as a child who is:

- (a) not looked after,
- (b) aged 16 or 17, and
- (c) was, before he last ceased to be looked after, an eligible child.

Regulation 3 of the Care Leavers Regulations prescribes a further category of relevant child who is:

- (a) not looked after,
- (b) aged 16 or 17, and
- (c) at the time he attained the age of 16 was detained (i.e. detained in a remand centre, a young offenders institution or a secure training centre, or any other centre pursuant to a Court order), or in a hospital, and immediately before he was detained or in hospital he had been looked after by a local authority for a period or periods amounting in all to at least 13 weeks which began after he reached the age of 14.

Regulation 3 of the Care Leavers Regulations also provides that a child who has lived for a continuous period of six months or more with:

- (a) his parent,
- (b) someone who is not his parent but who has parental responsibility for him or,
- (c) where he is in care and there was a residence order in force immediately before the care order was made, a person in whose favour the residence order was made then that child is not a relevant child despite falling within section 23A(2).

Where those living arrangements break down and the child ceases to live with the person concerned, the child is to be treated as a relevant child.

The local authority that last looked after the relevant child must:

- take reasonable steps to **keep in touch** with the relevant child [section 23B(1) of the 1989 Act]
- prepare an **assessment** of the relevant child's needs with a view to determining what advice assistance and support it would be appropriate for them to provide him (unless they already did so when he was an eligible child) [section 23B(3)(a) of the 1989 Act; the requirements for carrying out the assessment are set out in regulations 4 and 5 of the Care Leavers Regulations]
- as soon as possible after any assessment of needs is completed, prepare a **pathway plan** [section 23B(3)(b) of the 1989 Act; the requirements for preparing the pathway plan are set out in regulation 6 of the Care Leavers Regulations]
- keep the pathway plan under **regular review** [section 23E(1D) of the 1989 Act; the requirements for carrying out reviews are set out in regulation 7 of the Care Leavers Regulations]

appoint a **personal adviser** for the child (unless they already did so when he was an eligible child) [section 23B(2) of the 1989 Act; the functions of the personal adviser are set out in regulation 8 of the Care Leavers Regulations]

	<ul style="list-style-type: none"> <li>• safeguard and promote the relevant child's welfare by <b>maintaining</b> him, providing him with or maintaining him in <b>suitable accommodation</b> and providing <b>assistance in order to meet his needs in relation to education, training or employment</b> as provided for in his pathway plan [section 23B(8) of the 1989 Act and regulation 9 of the Care Leavers Regulations; regulation 9 also makes provision about the meaning of "suitable accommodation"].</li> </ul>
<p><b><u>Former relevant children</u></b> Defined in section 23C(1) of the 1989 Act as a young person who is:</p> <p>(a) aged 18 or above, and either (b) has been a relevant child and would be one if he were under 18, or (c) immediately before he ceased to be looked after at age 18, was an eligible child.</p>	<p>The local authority that last looked after the former relevant child must:</p> <ul style="list-style-type: none"> <li>• take reasonable steps to <b>keep in touch</b> with the former relevant child, and if they lose touch with him, to re-establish contact [section 23C(2) of the 1989 Act]</li> <li>• continue to keep the <b>pathway plan</b> under <b>regular review</b> [section 23C(3)(b) of the 1989 Act; the requirements for carrying out reviews are set out in regulation 7 of the Care Leavers Regulations]</li> <li>• continue the appointment of the <b>personal adviser</b> for the child [section 23C(3)(a) of the 1989 Act; the functions of the personal adviser are set out in regulation 8 of the Care Leavers Regulations]</li> <li>• if his welfare requires it, provide <b>financial assistance</b> by contributing to the former relevant child's expenses in living near the place where he is, or will be, employed or seeking employment [sections 23C(4)(a) and 24B(1) of the 1989 Act]</li> <li>• if his welfare and educational and training needs require it, provide <b>financial assistance</b> to enable him to pursue education or training [sections 23C(4)(b) and 24B(2) of the 1989 Act]</li> <li>• if the former relevant child pursues</li> </ul>

	<p>higher education in accordance with his pathway plan, to pay him the higher education bursary [section 23C(5A) and the Children Act 1989 (Higher Education Bursary) (England) Regulations 2009].</p> <p>The duties in section 23C(2), (3) and (4)(b) continue until the former relevant child reaches 21 or, where the child's pathway plan sets out a programme of education or training which extends beyond his 21st birthday, they continue for so long as he pursues that programme</p>
<p><b><u>Former relevant children pursuing further education or training</u></b></p> <p>Defined in section 23CA(1) as a former relevant child who is:</p> <p>(a) aged under 25,  (b) in relation to whom the duties in 23C(2)(3) and (4) no longer apply, and  (c) he has informed the local authority that he wants to pursue or is pursuing a programme of education or training.</p>	<p>The local authority which owed duties to that former relevant child under section 23C of the 1989 Act must:</p> <ul style="list-style-type: none"> <li>• appoint a <b>personal adviser</b> for that person [section 23CA(2) of the 1989 Act]</li> <li>• carry out an <b>assessment</b> of the needs of that person with a view to determining what assistance (if any) it would be appropriate for them to provide him [section 23CA(3)(a) of the 1989 Act; the requirements for carrying out the regulations 4 and 5 of the Care Leavers Regulations]</li> <li>• prepare a <b>pathway plan</b> for him [section 23CA(3)(b) of the 1989 Act; the requirements for preparing the pathway plan are set out in regulation 6 of the Care Leavers Regulations]</li> <li>• to the extent the person's educational or training needs require it, provide <b>financial assistance</b> [section 23CA (4) and (5) of the 1989 Act].</li> </ul>

**Persons qualifying for advice and assistance**

Defined in section 24 of the 1989 Act as a person who is:

- (a) aged at least 16 but is under 21,
- (b) with respect to whom a special guardianship order is in force (or was in force when they reached 18) and was looked after immediately before the making of that order, or
- (c) at any time after reaching the age of 16 but while he was still a child was, but is no longer, looked after, accommodated or fostered.

The relevant local authority (as defined in section 24(5) of the 1989 Act) must consider whether the person needs help of a kind the local authority can give:

- under section 24A - to **advise and befriend** and give **assistance**,
- under section 24B - to give **financial assistance** – see above; or where the person is in full time further or higher education, is under the age of 25 and qualifies for advice and assistance, or would have done if he was under 21, assistance in relation to securing vacation accommodation [sections 24A(2) and (3), and 24B of the 1989 Act].

## Appendix Two: Guide to Legislation

Under Section 179(1) of the **Housing Act 1996**, strategic housing authorities have a duty to ensure that advice and information about homelessness and the prevention of homelessness are available free of charge to any person in their district.

The *Homelessness Code of Guidance* 2018, Chapter 22 provides guidance on providing homelessness services to care leavers and identifies specific duties owed towards care leavers.<sup>7</sup>

The guidance states that local authorities have duties and powers to assist young people who are leaving and have left local authority care. As a corporate parent to all children in care and care leavers all parts of a local authority, including a housing authority, must have regard to the need:

- (a) to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
- (b) to encourage those children and young people to express their views, wishes and feelings;
- (c) to take into account the views, wishes and feelings of those children and young people;
- (d) to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- (e) to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- (f) for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and,
- (g) to prepare those children and young people for adulthood and independent living.

The guidance also advocates joint working arrangements between a children's services authority and a housing authority for care leavers' transition to independent living should include ensuring the delivery of effective preparation for independence with planned, sustainable moves into supported or independent accommodation

**The Children and Social Work Act 2017 - Part 1**, places a duty on children's services to appoint a Personal Adviser to provide support to care leavers until they reach their 25th birthday (except where the young person no longer wants a Personal Adviser) The support provided by Personal Advisers should be based on the needs of the young person as set out in their statutory Pathway Plan. This may include support from a housing authority.

**Within the act, it also states that** any joint working arrangements between a children's services and the housing authority for care leavers' transition to independent living

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<sup>7</sup> <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-22-care-leavers>



should include ensuring the delivery of effective preparation for independence with planned, sustainable moves into supported or independent accommodation.

**The Children Act 1989 Guidance and Regulations, Volume 3: Planning Transition to Adulthood for Care Leavers (2010) and the Homelessness Act 2002 (HA 2002)** are designed to ensure that local authority children's services and housing departments work together to ensure that the accommodation needs of care leavers are met and that they have priority need status.

**Housing Act 1996 Parts VI and VII set out the legal framework for assisting homeless people and allocating housing.**

**Section 175** A person is homeless if they have no accommodation available in the UK or elsewhere, or if they cannot secure entry to it, or it is not reasonable for them to occupy it.

**Section 189** A person is in priority need if they or their partner are pregnant, have dependent children, are vulnerable due to old age, mental illness or handicap or physical disability or other special reason, or are homeless as the result of an emergency. (Amended by Homeless Act 2002).

**Section 191** A person becomes homeless intentionally if they deliberately do, or fail to do, something that causes them to lose their accommodation.

**Section 185** A person is not eligible for assistance if they are a person from abroad who is ineligible for housing assistance, or they are subject to immigration control.

**Section 193** Local authorities have a duty to secure accommodation (amended by Homelessness Act 2002) if the person is found to be eligible for assistance, in priority need and unintentionally homeless.

DETR Guidance on the Housing Act 1996 recommended that housing and SSDs should have joint protocols in place to ensure that each play a full role in providing support to the client group.

The ***Children Act 1989 Guidance and Regulations, Volume 3: Planning Transition to Adulthood for Care Leavers (2010)(LC) A 2000*** also detail how the local authority strategy for care leavers should take into account:

- The diverse accommodation and support needs of care leavers
- The need for effective planning
- The capacity to offer young people a degree of choice of accommodation
- Existing and planned provision of safe affordable accommodation
- Gaps in provision
- The need for contingency arrangements.

The ***Homelessness Code of Guidance 2006*** states that ` where an applicant is intentionally homeless the housing authority has a duty under s 190 (2) to:

- a) secure that accommodation is available for the applicant's occupation for such a period that it considers will give him or her a reasonable opportunity of securing accommodation for his or her occupation and

- b) provide the applicant or secure that the applicant is provided, with advice and assistance in any attempts he or she may make to secure that accommodation becomes available for his or her accommodation

In addition to this the authority must ensure that the applicant is provided with advice and assistance to help him or her secure accommodation for him/herself.

### ***Children Act 2004***

The *Children Act 2004* emphasises the increasing need for agencies to work together to meet the needs of children and young people. This means that joint protocols between agencies will play an increasingly important part in formalising processes between agencies.

### ***Staying Put 2013***

The *Children and Families Act 2014* places a statutory duty on local authorities to support care leavers who wish to stay with their former foster carers (staying put arrangements) until aged 21. This duty came into force on the 13 May 2014. This will allow young people to leave stable and secure homes when they are ready and able to make the transition to independence. It will also help them enter adult life with the same opportunities and life prospects as their peers.

### ***Keep on Caring 2016***

Keep on Caring provides a commitment to support and test approaches that empower care leavers to have a greater say in the design and delivery of services. The document goes on to identify and describe how the state, as a corporate parent, will support care leavers to achieve five key outcomes:

1. Better prepared and supported to live independently
2. Improved Access to Education, Training and Employment
3. Experience stability, and feel safe and secure
4. Improve access to Health Support (including Emotional Health)
5. Achieve Financial Stability

## **Appendix Three: Agreed Working Definitions**

### **Arrangements for emergency accommodation**

Before a young person is referred for emergency accommodation all appropriate options for the young person to stay temporarily with family or friends will be explored.

### **Homeless**

The following criteria are used to establish if a young person is homeless

1. no responsible adult willing to provide suitable accommodation
2. young person has been physically or sexually abused within current accommodation or is at risk of abuse
3. young person has been evicted or will be evicted within 56 days
4. young person is escaping from severe conflict, violence or threat of violence within current accommodation
5. young person is about to leave an institution
6. homeless at home i.e. being thrown out at the end of the month

### **Intentionally homeless**

People make themselves homeless intentionally where homelessness is the consequence of a deliberate action or omission by them (unless this was made in good faith in ignorance of a relevant fact). A deliberate act might be a decision to leave their previous accommodation even though it would have been reasonable for them to stay there. A deliberate omission might be the non-payment of rent<sup>8</sup> that led to rent arrears and eviction. Every young person's situation will be assessed individually and the circumstances surrounding them investigated.

It is recognised that some young people who are deemed to be homeless due to their own behaviour will need special consideration by both NCC Children's Services and the Housing Service. Under the CLASP all departments agree that young people should be allowed to make mistakes and still receive a service. However, some behaviour, which has led to a young person being asked to leave the family home, may be deemed to be serious enough to warrant an intentional decision. Intentionality is subject to a review of the circumstances in each individual case.

## **Appendix Five: Homelessness Decision Review Fact Sheet**

If you have approached us for homelessness help under Part VII of the Housing Act 1996 (as amended by Homelessness Act 2002 and the Homelessness Reduction Act 2017), the homeless legislation, by law we must write to tell you about our decision.

This is known as a 'Section 184 Notification'. This letter will tell you what decision we have made and the reasons for it.

If you receive your Section 184 Notification letter and you are not satisfied with the decision you can request a review.

The council has a duty to provide advice and help to anyone who is homeless or threatened with homelessness in 56 days. If you make a homeless application, we will consider your individual circumstances to decide what, if any, housing duty is owed to

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<sup>8</sup> Please note that the property would have to have been affordable given the young person's income for an intentional decision to be made

you. If you disagree with a decision made on your homeless application, you may be able to ask for a review.

You can use the form attached to this factsheet or write to us.

### **Which decisions can I ask to be reviewed?**

You are entitled to seek a review of the following decisions on homeless applications (or on the relevant duties owed you as a result of these decisions):

- Eligibility - if you have been found 'not eligible'
- Homelessness - if you have been found to be 'not homeless'
- The reasonable steps, or any changes to those steps, set out in your Personal Housing Plan - to prevent or relieve homelessness
- The prevention duty has been brought to an end
- The relief duty has been brought to an end
- Priority need - if you have been found to be a 'non- priority need' case
- Intentionality - if you have been found to be 'intentionally homeless'
- Restricted duty - if a member of your household is a 'restricted person'
- Referral to another housing district - if the decision is to refer your case to another council or that the conditions for a referral have been met
- 
- Suitability of accommodation - you can only request a review of the suitability of your temporary accommodation where the council has accepted a full housing duty towards you and you are occupying temporary accommodation pending you finding suitable permanent accommodation through the council's Housing Allocation Policy
- Suitability of settled accommodation offered to you in discharge of our full housing duty - Final offer of accommodation owed to a person/household to whom we have accepted a homelessness housing duty
- Discharge of duty - where the council concludes that it no longer owes you a duty to house you because of a change in your circumstances or due to an act resulting in the loss of your current temporary accommodation or an unreasonable refusal of a suitable offer of settled accommodation
- Makes a decision to give an applicant notice that they have deliberately and unreasonably failed to cooperate with the council
- Makes a decision to give notice that the council will bring the duty to help secure accommodation to an end.

**When can I ask for a review?**

The law says that you must ask for a review within 21 days of the decision. If you are outside this time, you **do not have a right** to a review. We may consider it however, if you show that exceptional circumstances caused you to be late.

**Can I get help with my request for a review?**

You may find that an independent legal or specialist housing adviser can help you with this process. Let us know that you are asking for a review as soon as you can, and then seek this help to save time. You may also wish to provide new information, in which case you may need the help of professionals, such as social workers or doctors, who know about your situation.

**Who will deal with my review?**

Your review will be dealt with by one of the council's review officers. This person will be independent of the original decision and experienced in housing law so that they can reach a new decision on your case.

You can contact the review officer in writing:

Vicki Flint  
Homelessness and Housing Options Manager  
Housing Services  
Northumberland County Council  
County Hall  
Morpeth  
NE61 2EF

**What happens next?**

You will receive a letter within one week which acknowledges your request for a review. It will also explain the process. Your case will be examined objectively and independently to make sure that the original decision was reached in a lawful way and was correct based on the information available.

A new 'review decision' will be reached. This must take account of your current circumstances and since the original decision was made. We may need to make enquiries and seek further information so this can take time. If you have a solicitor or specialist adviser acting for you, we will contact them rather than contacting you directly.

**How long will it take?**

The law allows 56 days to complete most reviews (and longer for reviews of some referral decisions). However, in some cases the process can take longer and it may be necessary for you, your representative or the review officer to ask for an extension to complete the review.

**Will I continue to be accommodated?**

The council does not have a duty to accommodate you while the review is being carried out however, in some circumstances this can be arranged. . We may have to provide accommodation in exceptional circumstances - where we believe the original decision could be unlawful and may be overturned, or where new information puts it in doubt and you would face exceptional hardship without accommodation (more so than other people who are homeless).

**What is the law around the review process?**

Section 202 of Part 7 of the Housing Act 1996 (amended in 2002) instructs councils how reviews are to be carried out. The procedures for reviews are covered in Statutory Instrument 1999 No. 71.

**What if I think the review decision is still wrong?**

If you still believe the council has made an unlawful decision, the law allows you to seek a County Court Appeal (Section 204 of the 1996 Act). You must apply to the county court within 21 days of the notification of the review decision and on a point of law. It is recommended that you obtain legal advice if seeking such an appeal.

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**Guidance Notes**

The Homelessness Reduction Act 2017 (section 213b) sets out a duty for public authorities to refer households they consider homeless or threatened with homelessness to a local housing authority. Public bodies should refer all those they consider homeless or threatened with homelessness. If the public body is unsure whether there is a specific threat of homelessness within 56 days, they should still refer to the relevant local authority who can assess the circumstances and need, then determine whether a homeless application is required (to prevent or relieve homelessness).

**The service user may choose the local authority to be referred to but should be informed that there must be good reason as to why they want to be referred to that area.**

When completing the risk details on the referral form, please consider the following:

- Has the person(s) been verbally abusive, threatened or been violent to professionals?
- Does the person(s) have a history of weapons, arson, offending or inappropriate sexual behaviour?
- Do you consider the person(s) to be a risk to themselves or have any of the following risk factors: history of suicide, mental health, self-harm, drug/alcohol issues or neglect?
- Describe recommended measures to control/minimise risk e.g. no lone visits, no female workers, visit with police, visits in a secure office environment etc.

### Useful Contacts

Service	Contact Number	Email
Homelessness Team	0345 600 6400 (including out of hours)	<a href="mailto:housinghomeless@northumberland.gov.uk">housinghomeless@northumberland.gov.uk</a>
Vicki Flint - Homelessness Team Manager	01670 623085	<a href="mailto:Vicki.flint@northumberland.gov.uk">Vicki.flint@northumberland.gov.uk</a>
Lisa Goodridge - Homelessness Officer	01670 622506	<a href="mailto:lisa.goodridge@northumberland.gov.uk">lisa.goodridge@northumberland.gov.uk</a>
Paul Charlwood - Homelessness Officer	01670 623106	<a href="mailto:paul.charlwood@northumberland.gov.uk">paul.charlwood@northumberland.gov.uk</a>
Hayley Robson - Homelessness Officer	01670 623094	<a href="mailto:hayley.robson@northumberland.gov.uk">hayley.robson@northumberland.gov.uk</a>
Rachel Walton - Homelessness Officer	01670 623095	<a href="mailto:rachel.walton@northumberland.gov.uk">rachel.walton@northumberland.gov.uk</a>
Claire Coyle -	01670 623093	<a href="mailto:claire.coyle@northumberland.gov.uk">claire.coyle@northumberland.gov.uk</a>

Homelessness Officer		
Suki Kaur - Homelessness Officer	01670 623084	<a href="mailto:suki.kaur@northumberland.gov.uk">suki.kaur@northumberland.gov.uk</a>
Anne-Marie Rutherford - Homelessness Officer	01670 623056	<a href="mailto:am.rutherford@northumberland.gov.uk">am.rutherford@northumberland.gov.uk</a>
Bethany Dobson - Homelessness Officer	01670 623083	<a href="mailto:bethany.dobson@northumberland.gov.uk">bethany.dobson@northumberland.gov.uk</a>
Susan McBrearty - Homelessness Officer	01670 622145	<a href="mailto:susan.mcbrearty@northumberland.gov.uk">susan.mcbrearty@northumberland.gov.uk</a>
Kylie McLean - Homelessness Officer	01670 622320	<a href="mailto:kylie.mclean@northumberland.gov.uk">kylie.mclean@northumberland.gov.uk</a>
Northumberland Adolescent Service	01670 536 400	
NAS Duty		<a href="mailto:NasDuty@northumberland.gov.uk">NasDuty@northumberland.gov.uk</a>
Cheryl Wilson - Team Manager		<a href="mailto:cheryl.wilson@northumberland.gov.uk">cheryl.wilson@northumberland.gov.uk</a>
Kim Freeman - Team Manager		<a href="mailto:kimberley.freeman@northumberland.gov.uk">kimberley.freeman@northumberland.gov.uk</a>
Darran Hope - Sorted Team Manager		<a href="mailto:Darran.hope@northumberland.gov.uk">Darran.hope@northumberland.gov.uk</a>
Paul Brownlee - Youth Justice Service Team Manager		<a href="mailto:Paul.brownlee@northumberland.gov.uk">Paul.brownlee@northumberland.gov.uk</a>
Katrina Fox - Youth Justice Service Deputy Team Manager		<a href="mailto:Katrina.fox@northumberland.gov.uk">Katrina.fox@northumberland.gov.uk</a>
Andrew Elliot - Youth Service - Early Help Lead		<a href="mailto:Andrew.elliott@northumberland.gov.uk">Andrew.elliott@northumberland.gov.uk</a>
Ian Aspinall - Youth Service - Prevention Lead		<a href="mailto:ian.aspinall@northumberland.gov.uk">ian.aspinall@northumberland.gov.uk</a>
Ben Sanderson -		<a href="mailto:Ben.sanderson@northumberland.gov.uk">Ben.sanderson@northumberland.gov.uk</a>



Youth Service - Participation Lead  Ginny Younger - Accommodation Team Lead		<a href="mailto:Ginny.younger@northumberland.gov.uk">Ginny.younger@northumberland.gov.uk</a>
Emergency Duty Team	01670 536 400	<a href="mailto:edt@northumberland.gov.uk">edt@northumberland.gov.uk</a>
First Contact / Children's Triage	01670 536 400	<a href="mailto:first.contact@northumberland.gov.uk">first.contact@northumberland.gov.uk</a>

