

**Social Care Practice Guidelines Homeless**

**16/17-year olds**

**2021**



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# Introduction

## This practice guidance is to inform Children’s Social Care Staff in Buckinghamshire of the actions required and to inform them of their responsibilities when a 16 to 17-year-old child presents as homeless, at risk of homelessness or when they are requesting support with accommodation. This guidance should be read and used in conjunction with the Homeless 16 to 17-Year-Old Protocol that is in place with Buckinghamshire Children’s Services and Homeless Services.

# Principles

Unless there is evidence to the contrary, the starting point should be that children and young people’s needs are best met in their immediate families. Therefore, every effort should be made to mediate between children and their families to negotiate a return home.

Where children are unable or unwilling to return to their immediate families, they should be supported to explore wider family members and community options where their needs can be met.

Where a 16 to 17-year-old child is assessed as homeless and is unable to return home, the Southwark judgement and subsequent guidance makes it clear that the Local Authority are responsible for jointly assessing the child’s needs. It is therefore essential that Children’s Social Care work in collaboration with the relevant Housing Officer and any other Agency, in meeting the needs of these children.

If a child initially presents to a Children’s Social Care office and requests support for housing, a referral should be made to the First Response Team (MASH).

# Referral process

The First Response Team must ensure that as much information is gathered at that point to progress the referral. If it is established that the child is a ‘child in need’ under Section 17, 1989 Children Act in the Buckinghamshire area, a Children and Family Assessment must be progressed without delay. The child will be assigned to an Assessment Team Social Worker for the area where the child ordinarily resides or where the child first presents. If the child’s needs for accommodation are immediate then an urgent screening assessment / interview must be undertaken to ascertain the capacity of the child and any presenting needs must be assessed and considered.

Should the child present to Housing, Housing have a duty to provide emergency accommodation if they are eligible under homelessness legislation. Housing will be the lead professional and take responsibility for liaising with Children’s Services for the joint assessment including the timescale for completion and communication. Children’s Social Care will need to complete a Child and Family Assessment to assess whether there are any safeguarding needs or whether their needs can be met solely by housing.

# Legislative guidance to be considered

During the screening assessment the allocated Social Worker will consider whether a duty is owed under Section 20, 1989 Children Act. The screening assessment must consider:

* Is the applicant a child?
* Is the applicant a ‘child in need’?
* Is the child within the Local Authority’s area?
* Does the child appear to the Social Worker to require accommodation?
* Is the need for accommodation the result of one of the criteria in S20 (1) (a)– (c):
1. There being no person who has Parental Responsibility (PR) for the child
2. The child is lost or abandoned
3. The person who has been caring for the child being prevented, (whether permanently and for whatever reason), from providing the child with suitable accommodation or care.
* What is the child’s wishes and feelings regarding the provision of accommodation?
* What consideration (having regard to age and understanding) is to be given to those wishes and feelings?
* Does any person with PR who is willing to provide accommodation for that child object to the LA’s intervention?
* Even if there is objection, does the child agree to being accommodated? Due regard must be paid to the child’s capacity.

# Screening assessment/ interview of the child’s needs

Where it is felt that the child is in immediate need of accommodation an initial interview with the child must be carried out without delay and consideration must be given to establish if the child is homeless and whether they can be supported to return home or be accommodated by wider family / friends. Areas to be covered in the interview should include:

* The current situation – i.e. why is the child presenting as homeless?
* Background history – family make up, accommodation history and whether, previously known to Children’s Social Care in another Local Authority area.
* Support networks – what family members are there, extended family, friends that can offer support?
* Vulnerability – to determine if there any immediate concerns regarding the vulnerability of the child – e.g. learning disabilities, mental health issues, child protection / safeguarding concerns.
* The child’s views – what is the child saying about the need for accommodation?
* Views of those with Parental responsibility (PR) – what are those with PR saying? Can the child (safely) return home?
* Responsible Local Authority – it may be established that the child is the responsibility of another Local Authority. If this is the case the responsible Local Authority must be contacted, and an appropriate plan agreed with them for the next action for that child.

# Decision Making

The Social Worker will determine whether there is a realistic prospect of the child returning home or to wider family or friends. Whilst this is determined, it may be necessary to provide urgent temporary accommodation for up to seven working days whilst the on-going need for accommodation is clearly established. Due regard must clearly be paid to whether the child meets the criteria under Section 17 or Section 20, 1989 Children Act.

If emergency accommodation is required, Head of Service approval must be gained for emergency approval of funding for a placement and evidence of this recorded on the child’s record. This should only be to a maximum of 7 days. A referral must be made to the Resource Panel for any funding requests likely to continue beyond the 7 days. The child will also need to be presented to the Legal Planning and New Admissions Panel within 7 days for a discussion about next steps.

# Supporting families

Buckinghamshire Children’s Services and Housing have a joint duty to support families to stay together and help young people to remain at home as this is likely to be in their best interests and is part of Buckinghamshire’s strategy to prevent and reduce homelessness.

* Whenever a young person presents as homeless or at risk of homelessness Buckinghamshire Children’s Services will initially work with the young person and their family to help them address and resolve issues that are leading to conflict and/or explore options for the young person to live with members of the extended family or friends.
* All young people presenting as homeless or at risk of homelessness will be offered mediation services for 6-12 weeks by the Family Group Conference Service to help them and their parents improve relationships and enable young people to remain at home.
* Where assessment shows the young person to be in need, Buckinghamshire Children’s Services will provide services and support under section 17 to meet the young person’s needs and help them remain living with their family.
* Where it may not be possible for the young person to remain at home, Buckinghamshire Children’s Services will help families to explore alternative care for the young person within their extended family and friends network using Family Group Conferences to facilitate this. These arrangements can be supported under section 17.
* Where it may be possible that no Buckinghamshire Children’s Services duty may be owed, Homeless Services will provide advice and guidance on housing options.

# Section 20 Decision

Following the completion of the screening assessment, where a return home is not immediately viable, the Assessing Manager will make a decision as to whether a duty is owed under S20. This decision will be based on all the available information and the allocated Social Worker’s recommendation.

The child must be given realistic and full information about the support that they would receive if they become ‘looked after’ during the screening assessment to help them make a fully informed decision.

A child who indicates that they do not want to become ‘looked after’ should also be aware that they can request a re-assessment at a later stage if they revise their decision and decide that they would consider becoming a ‘looked after child’ and this option should also be kept under review by the Social Worker. The child’s views in this regard should be clearly recorded in the assessment.

On completion of the screening assessment an urgent decision will then be made by the responsible Assessment Manager as to whether accommodation is to be provided under Section 20 or Section 17 1989 Children Act.

The Manager should add a management oversight to the child’s record detailing their rationale and decision taking account of the Southwark judgement and the role and responsibility of the Local Authority.

# Young person’s consent to accommodation

When working with young people, it is important that their views, wishes and feelings are sought and taken into account and that this is an ongoing process through mediation, assessment and beyond.

In particular, they should be informed of the implications of being accommodated under section 20, including how they will be supported as a looked after child, how being accommodated will affect their benefit entitlement and what support they will be entitled to subsequently as a care leaver.

They should also be given accurate information about what assistance may be available to them from Housing under the Housing Act 1996 if they do not become looked after, and how any entitlement to assistance by Housing will be determined. In particular, the possible risk of becoming intentionally homeless in future and the implications of this for further assistance with accommodation should be made clear to the young person. This is to ensure that the young person is able to make an informed decision when consenting to accommodation. The young person will be advised of the limitations of the Council’s homelessness duties including likely need to stay in temporary accommodation, limited choice on future accommodation options etc.

The steps taken to ensure that the young person was properly informed must be clearly recorded on the case record. Social workers should also refer young people to independent advocates at Coram Voice where this may be appropriate and useful for the young person.

If the young person does not consent to being looked after, Buckinghamshire Children’s Services should consider whether they are competent to make this decision under the Mental Capacity Act 2005 and whether there are any safeguarding concerns that will require further action as a result of this decision.

# Provision of accommodation

A referral should be made to the Placements Team to identify an appropriate provision. \***Under no circumstances should B&B accommodation be provided.**

The allocated Social Worker will continue to explore the possibility of the child returning to family, wider family or to friends, and where this is an option, will positively support this.

# 16 - 17-year olds already known and open to Children’s Social Care

If a 16-17 year old who is an active case to Children’s Social Care (i.e. has an allocated Social Worker but is not subject to S20, should become homeless, Children’s Social Care will take responsibility for carrying out a S20 assessment as detailed in the screening assessment process above) **\*Under no circumstances should B&B accommodation be provided.**

**16 -17-year olds presenting out of hours**

Where a 16- 17-year-old presents as homeless outside of office hours, the priority must be the safety and well-being of the child, and where needed, accommodation will be provided until the next working day. Children’s Social Care will be responsible for the funding of this emergency accommodation. The process for the screening assessment/interview of the child must then be followed.

# Review of this practice guidance

This practice guidance will be reviewed annually, by representatives from Children’s Social Care. Proposals for change / amendment will be sent to the Responsible Managers as detailed below:

Sandra Carnall – Head of Children’s Care Services & Children’s Commissioning

Alison Munt - Head of Children’s Care Management