

# UNDER 18 - LBTH PROTOCOL BETWEEN HOUSING AND CSC

## A guide for Housing Options Officers and Social Workers

Draft

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## **THE PATHWAY APPROACH**

### **1. Scope of Joint Protocol**

1.2 This joint protocol is an agreement between Housing Option Service and Children Social Services. It establishes the roles and responsibilities of Children Social Care (16/17-year-olds Homeless), Housing Department towards homeless and or potentially homeless 16 and 17 year olds. It outlines the respective statutory responsibilities of Children Social Care and housing department. In addition, it details the practical joint working arrangements between Children Social Care and Housing and other agencies which can assist with the housing and support of homeless 16- and 17-year-olds in the borough.

1.3 Both children social care and housing have statutory duties towards young people aged 16- and 17-year-old. See section 3 on the legislative context for more details. Alongside this, other statutory and voluntary agencies also provide a range of services for these young people. Without clear agreement on respective roles and responsibilities, young people are often passed between agencies and do not receive the appropriate or most timely services.

### **2 Purpose of Joint Protocol**

2.2 The joint protocol will lead to:

- Improved levels of prevention of homelessness.
- Better safeguarding of young people at risk of, or who are homeless
- A clearer understanding of roles and responsibilities for workers, wider agencies, and young people.
- A reduced risk of young people falling through the net.
- Better working relationships between agencies.
- Young people accessing the most appropriate accommodation and therefore preventing future homelessness.
- Best use of limited resources and time.
- Effective utilisation of the Children Social Care (Assessment & Intervention Service).
- A clear understanding of the pathways in and out of the services

### **3 Overview of Legislative Context**

3.1 The House of Lords Judgment ***G vs. Southwark*** in May 2009 clarified the responsibilities of Children and Young Peoples Services towards homeless 16-

and 17-year-olds and the interrelationship between duties under the Children Act 1989 and Part VII of the Housing Act 1996 (as amended by the Homeless Act 2002). The judgement clarified the legal position that the duty under section 20 of the 1989 Act takes precedence over the duties in the Housing Act 1996 (as amended by the Homelessness Act 2002) in providing for children in need who require accommodation, and that the specific duty owed under section 20 of the Children Act 1989 takes precedence over the general duty owed to children in need and their families under section 17 of the 1989 Act.

3.2 In April 2010 the Department for Children, Schools and Families (DCSF, now the Department for Education) and Communities and Local Government published joint statutory guidance to children's services and local housing authorities entitled "Provision of Accommodation for 16- and 17-year-old young people who may be homeless and/or require accommodation". This summarises the implications of both Children Act 1989 and Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) for 16- and 17-year-old young people who are homeless.

3.3 Section 17 of the Children Act 1989 sets out responsibilities of local authorities to provide services for children in need and their families. It is the general duty of every local authority to: Safeguard and promote the welfare of children within their area who are in need; and so far, as is consistent with that duty, to promote the upbringing of such children and their families by providing a range and level of services appropriate to those children's needs.

3.4 Section 17(10) of the Children Act 1989 Act defines a child in need if:

- they are unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without which the provision for them of services by a local authority under this Part.
- their health or development is likely to be significantly impaired, or further impaired, without the provision for them of such services; or
- they are disabled,

The duties described in section 17 apply to all children in need in the local authority. A child is any person under the ages of 18 (section 105 (1) of the 1989 Act).

3.5 Section 20(1) requires that every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation because of:

- there being no person who has parental responsibility for them.

- being lost or having been abandoned; or
- the person who has been caring for them being prevented (whether permanently, and for whatever reason) from providing suitable accommodation or care.

3.5 In the case of ***G vs. Southwark*** although the assessment of need under section 20 (1) involved an evaluative judgement on the part of the Local Authority, in this case all the elements required by section 20 (1) had been met. G was a child in need, in the local authority area and lacked accommodation because of his mother being prevented from providing him with suitable accommodation or care within the meaning of Section 20 (1) (c). If he lacked accommodation for one of the reasons in Section 20 (1) he required accommodation within the meaning of the section even if there was another way accommodation could be found for him.

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

3.7 Section 20(4) provides that a local authority may provide accommodation for any child in their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare. There is a clear legal framework for co-operation between Children and family services and LHAs to meet the needs of children and young people. Section 27 of the Children Act 1989 Act empowers CFS to ask other authorities, including any LHAs, for "help in the exercise of any of their functions" under Part 3; the requested authority must provide that help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of any of their own functions.

3.8 Children Act 2004 – requires co-operation between relevant statutory services to improve outcomes for children and young people as part of developing an area's Children's Trust. This includes co-operation to safeguard children and young people.

3.9 Housing Act 1996 (as amended by the Homelessness Act 2002) - Parts VI and VII set out the legal framework for allocating housing and assisting homeless people.

- 3.10 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.
- 3.11 Section 189: A person is in priority need if they or their partner are pregnant, have dependent children, are aged 16 or 17 years old, are vulnerable due to old age, mental illness or handicap or physical disability or other special reason, or are homeless or threatened with homelessness as the result of an emergency.
- 3.12 Section 191: A person becomes homeless intentionally if they deliberately do, or fail to do, something that causes them to lose their accommodation in circumstances where it would have been reasonable for them to have continued to occupy that accommodation.

- 3.13. Community and Local Government (CLG) Guidance on the Housing Act 1996 (as amended by the Homelessness Act 2002) recommended that housing and Children Social Care should have joint protocols in place to ensure that each play a full role in providing support to 16- and 17-year olds. Further to the Homelessness Code of Guidance 2018<sup>1</sup>, s8:3, Housing Services working alongside Children Services has a duty to try to prevent or relieve homelessness for all applicants who are eligible for assistance and are homeless or threatened with homelessness. Therefore, a person aged 16 or 17 who is not a 'relevant child' or a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989 (see paragraphs 8.19-8.23) will be jointly assessed further to **Southwark** judgement. LBTH acknowledges that there are circumstances where a homeless young person will not be accommodated under Section 20 and may instead be owed duties under Housing Act 1996. These circumstances is where the young person is: a. not a child in need; b.16 or 17 year old child in need who, having been properly and fully advised of the implications and having the capacity to reach a decision, has decided that they do not want to be accommodated under section 20.
- 3.14. There are some circumstances that Housing will have specific duties towards a 16 and 17 year old who are at risk of Homelessness or who are actually homeless. The legal duties are set out in the Government's statutory guidance.<sup>2</sup>
- 3.15. Where a 16 and 17 year approaches the Housing Options service they are categorised as having priority need for accommodation except where the applicant is:
- a. The relevant child<sup>3</sup>
  - b. He/she is a child in need who is owed a duty under s20<sup>4</sup>
- 3.16. The primary responsibility for 16 -17 year olds in need who requires accommodation are deemed to be homeless will lie with Children's Services and housing department who have a responsibility to provide, advice, guidance and offer appropriate support to young people who present as homeless or at risk of homelessness. Almost all circumstances a homeless 16-17 year old would be a child in need.

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<sup>1</sup> Further to the Homelessness Reduction Act 2017

<sup>2</sup> "Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation."

<sup>3</sup> A relevant child is a child aged 16 or 17 who has been looked after by a local authority for at least 13 weeks since the age of 14 and has been looked after at some time while 16 or 17 and who is not currently being looked after (i.e. an 'eligible child' for the purposes of paragraph 19B of Schedule 2 to the Children Act 1989)

<sup>4</sup> Children Act 1989

#### **4. Key Principles**

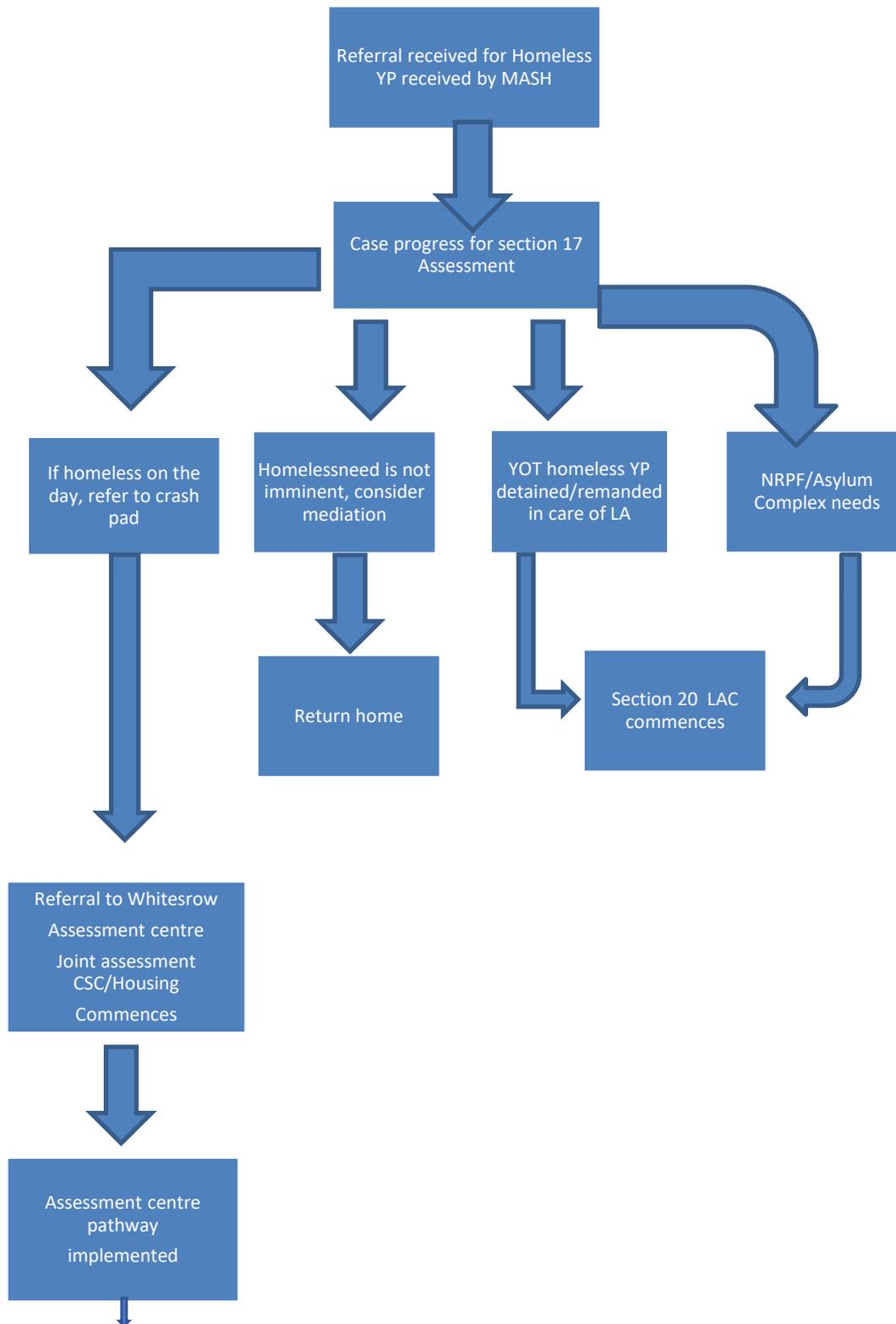
This protocol is based on the following principles and beliefs about young people:

- The experience of homelessness is damaging to young people and to their life chances. The statutory joint guidance states that "it is in the best interests of most young people aged 16 or 17 to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends network".
- Effective homelessness prevention work is at the heart of the approach of helping potentially homeless 16 and 17 year olds.
- Safeguarding concerns should be reported to Children Social care MASH team for investigation in line with children social care safeguarding procedures.
- Where young people are unable or unwilling to return to their immediate families, young people should be supported to explore wider kinship care and network providers where their needs can be met as part of the parallel planning pending the outcome of assessments whilst maintaining joint working with the edge of care team.
- Children and Social Care Single Assessment will be completed within 45 working days.
- The aim of the 16 & 17 homeless pathway is to provide young people with a seamless journey through supported housing towards living independently.
- It is the aim of the YP 16 & 17 year homeless pathway is to ensure that each young person will be supported to gain the appropriate independent living skills in order to live independently within the community.
- Young people entering the YP would normally enter via an Assessment Centre where their housing and support needs would be assessed and the next stage of the YP homeless needs will be identified and a single assessment will be completed jointly with the assessment centre.
- At any time during the assessment process if the current service is not working a higher level of support including supported housing will be explored whilst the young person is mediated back to their family home.
- The 16 & 17 year homeless pathway Approach is reliant on a partnership between the local authority children service, housing department and the service providers.
- Providing a stable environment for young people who have experienced chaotic lifestyles
- Supporting service users to access other statutory and non-statutory services
- Assessment Centre to manage expectations of service users in respect of them obtaining local authority housing.
- All professionals working across agencies sharing information and collaboratively planning around individual service users.

#### **5. Move from the assessment Centre.**

- 5.1 The housing services are required to be innovative and creative in supporting young people who have reached the end of their journey and are judged to be ready to access independent accommodation.

## 6. Flowchart



## **7. Context**

The purpose of this is to ensure a consistent joint response from Housing and Children Social Care.

### 7.1. The process

- Ascertain from the young person why they are homeless.
- Where they have been staying, what is going on at home and why they cannot return home.
- Frontline officers need to establish why the young person believes they are no longer able to live at home. Officer to explore if it is possible for Children Social Care to support the young person at home with the assistance of the Edge of Care Team and prevent homelessness?
- Contact the parents / a person with parental responsibility to gain their views on the issue.

### 7.2. Accommodation Options

If young person is at risk of homelessness on the day of presentation

#### Immediate accommodation options

- Encourage the young person to return home/family whilst Children Social Care support the young person to resolve the difficulties (**WHERE THERE ARE NO SAFEGUARDING CONCERNS**)
- Establish whether the young person could stay with family if it is safe.
- If there is any family/friends able to assist.

If it is established that there are no safeguarding issues at home.

Mediation/Family Group Conference to be considered:

#### Process;

- Discussion of referral with the Multi-agency safeguarding Hub (MASH) and Team Manager in Assessment & Intervention Service for consideration of mediation
- Referral to Family Group Conference.
- Social worker to refer case to Edge of Care panel

Understand the Young Person's desired outcome is it about living independently in supported accommodation.

- In emergency the allocated Social worker to refer young person to access the Crash pad at the Assessment centre
- Allocated Social worker to complete referral form to Crash pad
- Children Social Care to provide the young person with section 17 support.
- Children Social Care to accompany young person to place them at Assessment Centre.
- If the young person is placed by the Out of Hours Service, the young person will be provided with section 17 support.
- Where the young person presents to the Housing Options team (Lead Professionals team at Albert Jacob House) the above steps should be explored with the young person. If this fails, Children social Services should be contacted so that a Child in Need assessment is carried out alongside the assessment carried out by Housing

### 7.3. Section 20 Accommodation

#### Section 20 Accommodation

If the young person needs cannot be met through the housing pathway, section 20 accommodation will be considered;

- Children Social Care to notify Service Manager of the request of section 20 accommodation.
- Looked after Processes will be followed once authorised by Service Managers.
- Once the child has become Looked After the case will be transferred to the Looked after Children through Care service.

16/17 who are pregnant/ with children presenting as homeless  
Joint response from Housing and Children Social Care.

- Children Social Care to complete referral form for mother and baby unit
- Joint working with housing to move young people through the housing quotas

## **8. Assessment**

8.1. Assessment of 16/17 year olds – a joint assessment is required to ensure full compliance with the duties outlined in the Children Act and Homelessness Reduction Act element. An assessment will be undertaken by the dedicated social worker that work jointly with the relevant housing team to fully explain during interviews young people's housing options

8.2. Children Social Care single assessment will identify: -

- To identify if a young person is homeless
- To assess a young person's accommodation and support needs
- To work with the Edge of Care team workers to enable young people to remain in the care of their parents if safe to do so.
- To work closely with the Local Authority housing department, schools and social care teams.
- To prepare a young person for their journey through the pathway and to independence

8.3. All assessment centres offer

- The Crash Pad which can be accessed for 24hrs in emergency.
- Provide 12-week joint assessment with children social care to determine whether the young person is considered for the hostel pathway or able to return to the family home.
- Provide key-worker support to enable the young person to access universal credits.

8.4. The function of the progress or specialist service is to provide a young person with a safe and secure environment to develop their independent living skills, engage in or continue education and training; develop positive relationships.

8.5. Where young people is identified through Children Social Care using the Child Sexual Exploitation Risk Assessment or involved in or the victim of offending, gang activity or sexual violence or abuse to support the young person to change their behaviour by providing them with access to the Youth Offending Service, Co-Offending Group co-ordinator., Child at Risk of Sexual Exploitation co-ordinator, and the Gangs Co-ordinator.

## **9. Specialist Services**

- 9.1. Specialist Mental Health Service: Referrals to be made to Child and Adolescent Mental Health Services (CAMHS)/Docklands outreach by children social care for young people presenting with mental health needs.
- 9.2. Support to be provided to young people with mental health issues to promote a good quality of life and support them to better manage their own lives. Children Social Care and Housing Department will work closely with Child and Adolescent Mental Health Services and other professionals involved to coordinate a young person's support plan.
- 9.3. **Young Parent (mother and baby service)**
- In parallel to the statutory social care assessment referrals to be made to Family Nurse Partnership service and early help services aimed at supporting young parents to provide good enough care to them to live independently in the community with their child.
- 9.4. It is expected that services will work closely with community and health partners to support the young people to make healthy choices for themselves and their child/ren and reduce social isolation. A single assessment to be completed by Children social care in partnership with the housing department to determine the level of needs and the requirement for ongoing statutory social care input.

## **10. Partnership**

- 10.1. Key to the success of the 16 & 17 year old homeless Pathway:-
- Joint work between providers (Housing Department and Children Social Care) over difficult or complex cases.
  - An understanding of each other's services so when assessing the next steps, a comprehensive understanding of what's on offer is outlined in the assessments and intervention plan/s.
  - Joint work between the providers and the 16 & 17-year homeless young person's Department / Youth Offending Service/ Children Adolescent Mental Health Service to be able to support the most complex young people as appropriate.
  - Close liaison with the 16 & 17 year homeless Young People Social Worker, Edge of care team and housing referral Co-ordinator for this cohort over referrals in and through the assessment process.
  - Close working with the commissioner to respond to changes in legislation
  - Partnership with other services and the wider community.

10.2. Services will be flexible and responsive to service users with multiple needs including: -

- Young People with substance misuse issues
- People with mental health problems
- People with chaotic lifestyles, including those displaying anti-social behaviour
- People at risk of offending and or with a current offending history
- People deemed to be vulnerable and at risk
- Unaccompanied minors
- Young people involved in gangs or affiliated to gangs
- Young people at risk of potential exploitation.
- Young People at risk of Child Sexual Exploitation

10.3. To move through the 16-17 years homeless pathway will require the following to be met:

- Engagement with support plans and on-going assessments
- Engagement with identified service interventions and support programmes
- Engagement with activity and community programmes as agreed in support plans

## **11. Move from the assessment Centre.**

- 11.1. The housing services are required to be innovative and creative in supporting young people who have reached the end of their journey and are judged to be ready to access independent accommodation.
- 11.2. The Assessment centre to identify the young people that mediation did not work for and are unable to return home.
- 11.3. The Pathway Manager will support the young person to progress in the pathway journey by assessing and identifying the appropriate sideways move into another hostel.
- 11.4. Where the Young Person is 18 years old and they will need continued support in the hostel, arrangement will be made by the HOST team to take a HRA application from the young person.
- 11.5. At the 6 weekly meetings, the Pathways Manager will discuss the move on options for the young person and they will be supported to access the appropriate move on housing options.

## **12. Governance Arrangements**

Individual partners engaged in the joint assessment and support for 16-17 homeless young people will continue to be responsible for their own line

management and supervision. However, in recognition of the importance and necessity of working well together the two departments continue to work collaboratively with each other, and with the providers of supported housing services to ensure that the current and future housing needs of young people are met. To this end, the newly established Housing and Children Social Care Young Person Supported Housing Group continues to meet on a quarterly basis. To monitor, review and to ensure service are responsive to the changing support needs of young people.

### **13. Duty to Refer**

CSC are among the public authorities which are required to notify a housing authority of service users they consider may be homeless or threatened with homelessness (i.e., it is likely they will become homeless within 56 days) (section 213B of 1996 Act).

Where a young person presents to the Early Help team or the MASH team, services must work with the YP to ensure that the threatened homelessness is prevented. The work to be done should include mediation and negotiation with the excluder where there are no safeguarding concerns.

#### **Criteria for referral**

- Consent must be given by the YP for the referral
- YP can identify the housing authority in England which they would like the notification to be made to; and,
- CONSENT from the YP that their contact details can be supplied so that HOST can contact the YP regarding the referral

This duty applies to 16 or 17, as well as to other households. If the young person approaches or is referred to children's services. Consent must be obtained before a referral can be made to the housing authority

If a referral is made, CSC should include:

- a) summary of any initial assessment
- b) provision of support to the YP
- c) what assistance, if any, housing services might provide.

When HOST receives the referral from children's services the two services should arrange a joint assessment. The two services should work together to ensure that the needs of the young person are met.

### **14. Resolution of disputes/escalation:**

Where there is a dispute or shortfall in service delivery on agreed outcomes, this should be raised at first instance with the HOST Caseworker and the Social worker. The officers should aim to resolve the dispute at the initial stage to find a resolution.

If a resolution cannot be achieved at the initial stage, then matters should be escalated via e mail to the staff members line manager:

### **Children Social Services**

- Miglena Vladimirova- Team manager Assessment and Duty:  
[Miglena.vladimirova@towerhamlets.gov.uk](mailto:Miglena.vladimirova@towerhamlets.gov.uk)
- Cynthia Muzerengi: [cynthia.muzerengi@towerhamlets.gov.uk](mailto:cynthia.muzerengi@towerhamlets.gov.uk)

### **HOST Team**

Team Principal HOST Complex: [Zaina.tahid@towerhamlets.gov.uk](mailto:Zaina.tahid@towerhamlets.gov.uk)  
Pathways Coordinator: [Jacqui.rodney@towerhamlets.gov.uk](mailto:Jacqui.rodney@towerhamlets.gov.uk)

If the dispute remains unresolved after escalation to the above-named individuals, then the matter can be escalated to service manager level (generally by one of the above named individuals or a service manager if they gain oversight).

### **Children Social Services**

Service Manager - Habon Ibrahim-Osman  
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### **HOST**

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