# JOINT PROTOCOL

# THE RESPONSE TO 16- AND 17-YEAR-OLDS WHO PRESENT AS HOMELESS

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**Section One: Principles**

This protocol is designed to reflect St Helens Council’s vision and values

**The Vision**

**Working Together at St Helens:**

* Everyone is included
* Everyone has a voice
* Everyone is empowered to influence
* Everyone is proud of what we do

**The Values**

This is what makes us TICK: Trust, Integrity, Collaborating & the drive to Keep Innovating

* Together, we **trust** one another
* We work with **integrity** together
* Together, we **collaborate**
* We **keep innovating** together

It is also intended to ensure the effective delivery of the council’s key strategic priorities, particularly to ensure children and young people have a good start in life.

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The intention of this protocol and procedure is to ensure that children and young people aged 16 and 17 who are threatened with homelessness, or are already homeless, are provided with effective, co-ordinated and timely support to meet their needs and ensure positive progress in their lives.

**Section Two: Relevant legislation and guidance**

The council has various duties and powers towards homeless 16- and 17-year-olds, with which these joint assessment and referral arrangements must comply. Relevant legislation, case law and statutory guidance has been considered when developing this protocol.

Children’s Social Care are responsible for:

* Accommodating homeless children in need (Children Act 1989,)
* Assessing and meeting the needs of children who are ‘care leavers.

Housing Services are responsible for:

* Providing housing assistance to homeless people who are eligible and in priority need, including young people aged 16/17, and care leavers aged 18-21 (Housing Act 1996, as amended by Homelessness Act 2002).

“*Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation. Guidance to children’s services authorities and local housing authorities about their duties under Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young people* “ (2018)

<https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation>

This government guidance (2018) was first published in April 2010 following a number of judgements handed down by the House of Lords in cases concerning the interrelationship between the duty under section 20 of the Children Act 1989 (‘the 1989 Act’) and duties under Part 7 of the Housing Act 1996 (‘the 1996 Act’) where young people aged 16 or 17 require accommodation. It was amended to reflect new duties introduced through the Homelessness Reduction Act 2017 (‘the 2017 Act’), and to incorporate other relevant updates.

It also outlines that case law has clarified the relationship between the duty under section 20 of the Children Act 1989 (‘the 1989 Act’) and duties under Part 7 of the Housing Act 1996 (‘the 1996 Act’) in the case of 16 or 17 year olds who require accommodation.

The House of Lords case R (G) v Southwark [2009] UKHL 26 held that, where a 16 or 17 year old is owed duties under section 20 of the 1989 Act, this takes precedence over the duties in the 1996 Act in providing for children in need who require accommodation. Where the specific duty is owed under section 20 of the 1989 Act, a 16 or 17 year old should be accommodated under that provision rather than looking to the general duty owed to children in need and their families under section 17 of the 1989 Act.

The guidance makes clear that whilst the section 20 Children Act 1989 duty takes precedence, housing services also have duties towards young people who are homeless or threatened with homelessness. Duties owed by each service will depend on a range of factors, including which service they initially seek help from; the outcomes of any assessments and enquiries; and the wishes and feelings of the young person and their family. It is therefore essential that children’s services and housing services work together to plan and provide services that are centred on young people and their families and prevent young people from being passed back and forth between services.

Additionally, there is guidance about the duty of agencies to refer when someone is threatened with homelessness, and what the procedures are for referring someone to a local authority. It also answers some frequently asked questions.

<https://www.gov.uk/government/publications/homelessness-duty-to-refer/a-guide-to-the-duty-to-refer>

**Section three: Prevention**

All professionals working with children and families may encounter situations where there is a threat of young people becoming homeless. The initial response for all professionals should be to consider what support could be provided by themselves or via a coordinated early help plan to prevent the young person from becoming homeless.

Where the level of need or risk requires a response from children’s social care, it remains the case, that work should continue to prevent the young person becoming homeless if this is safe for them. This should include early consideration of a family group conference or support from the edge of care service. The young person’s care plan should detail the actions required to prevent a young person from becoming homeless.

Where a young person is threatened with becoming homeless, preventative work may be undertaken jointly under both section 17 of the 1989 Act and section 195 of the 1996 Act. Any preventative work should be undertaken alongside the assessment and should not delay the provision of accommodation if this is required.

A young person is not homeless if they are choosing not to return home and parents are happy to receive them back home, or they have an alternative support network who can offer support and accommodation. We must however be sure that our enquiries are clear that a return home is safe to do so and the child’s voice in this early assessment is pertinent to decision making.

**Section four: Assessment of young people’s needs**

When a 16- or 17-year-old presents to any department or service within the borough and advises that they have nowhere to stay that evening and are homeless, they will automatically be referred to children’s social work services via the Multi Agency Safeguarding Hub (MASH). The representative from the service who speaks to the child, will be responsible for immediately contacting the MASH to advise of the referral, and completing the online referral form.

The MASH will collate all known information and log a contact for the young person ensuring that this indicates that the request relates to issues of homelessness.

An initial screening process will ascertain whether the young person requires further assessment. The purpose of this is to:

* + Establish whether the young person is homeless or threatened with homelessness (as defined by Part 7 of the Housing Act 1996)
  + Check whether they have a local connection and are in St Helens area for the purposes of s17 of the Children Act 1989
* Ensure that there is no immediate safeguarding concerns that need to be dealt with by Children’s Social Care
* Check whether the young person is already known to Children’s Social Care and whether they have an existing social worker

As part of this screening process, every effort will be made to contact the young person’s family to confirm that they are homeless or threatened with homelessness and contact any professionals involved with the young person.

This initial screening will also will include immediate liaison with the Housing Options service to discuss the young person’s situation and the availability of emergency accommodation if this is required, the sharing of information will be critical in a joint assessment process. Both children’s social care and housing will be required to work together to prevent homelessness and/ or offer accommodation.

If the young person already has a social worker or has had a social worker within the last 3 months. The existing/previous Social Worker will be responsible for:

* Supporting the child’s plan and facilitate mediation with the young person and their family networks to support and prevent homelessness.
* Completing the statutory Child in Need assessment including explaining housing options in line with the Southwark Judgement guidance. Providing Section 17 subsistence funding where required.

In establishing local connections a young person that does not have a local connection to St Helens should be advised that they may be referred back to an area where a local connection exists (unless there is a risk of violence/ or other risk evidenced). To have a local connection under housing legislation someone must be ‘normally resident’ in St Helens through their own choice. Normal residence is 6 months residence during the last 12 months or 3 years residence during the last 5 years. Proof of residence will be required. This excludes those who are connected to St Helens due to prison sentence, hospital or approved accommodation (bail hostel).

If it is established, they are in need and or homeless, they will immediately progress to a referral for an assessment by a qualified social worker as a child in need under section 17 of The Children Act 1989. This assessment will include immediate liaison with the Housing Options service to discuss the young person’s situation and the availability of emergency accommodation if this is required.

The expectation is that the initial stages of assessment will take place on the same day. Including the child being seen and spoken to on the first day of referral. This initial stage will determine in the first instance whether the young person is

a. actually homeless

b. if they are a child in need (section 17) and/or is suffering, or likely to suffer, significant harm (section 47)

c. and/or if the young person requires emergency accommodation.

**Initial Visit/mediation**

If, following the initial screening process, it is found that the young person is threatened with becoming homeless due to conflict or relationship breakdown in the family home, a home visit will be carried out by the duty social worker on the day of the referral if threatened with immediate homelessness.

The social worker will provide advice and guidance on the best course of action for the young person from a Children’s Social Care perspective and will attend visits to the family home and/arrange family group/network meetings in cases where the family situation is particularly complex. It will be critical to develop genograms and family networks at the outset of this visit.

The purpose of the home visit is to identify the problems within the household. This will involve open discussions between the young person and their parent/carer. The Duty social worker will help find solutions to these problems to prevent the young person becoming homeless, providing on-going mediation and support between the young person and their family where necessary. Prevention of homelessness will be the focus of this visit, unless safeguarding concerns have been identified in which safeguarding must take the priority.

The key aim of the Duty social worker is to avoid homelessness and allow young people to remain in the family home where possible, as this will be in the long-term best interests of most young people. Throughout the initial screening, mediation and full assessment phases, the social worker will attempt to prevent the need for young people to require accommodation by offering the young person and their family various options of support and advice: **an immediate referral to edge of care will be required on the first day.**

Advice will cover areas of …..

* Mediation between the young person, their family/networks to reach a solution to prevent homelessness
* Helping a young person access education or employment
* Creating an action plan between the family and a young person
* Exploring housing with extended family or friends
* Providing financial support under Section 17(6) of the Children Act where assessed as appropriate
* Liaison with other relevant agencies to support the young person
* Carrying out a Family Group Conference/Family network Meeting
* Offering support from an Early Help Support Worker/Family Support worker/Social Work assistant.
* Where mediation is successful and the risk of homelessness reduces and the young person remains in the family home, they can be provided with on-going support from an Early Help support worker to help them maintain their accommodation and prevent future relationship breakdown. The Early Help support worker will help the young person to remain at home by supporting them around employment, training and education, health, life skills and independence and managing their behaviour.

If the family is reluctant to let the young person remain in their home, the Duty social worker will ask that the young person remains at home until the joint interview phase is complete and will advise them on how long this is likely to take (providing it is safe for the young person to remain at home during this time).

If the young person is unable to return home that night for reasons of safety, emergency accommodation will be provided. This will require immediate oversight of senior manager such as Head of Service to agree this plan.

When allegations of violence and abuse are made, Children’s Social Care safeguarding procedures will be followed before any contact is made with the alleged perpetrator.

If it is deemed homelessness is imminent, then children’s services must accommodate them immediately. The welfare of the child is paramount and a 16- or 17-year-old must not be placed at risk whilst waiting for the completion of an assessment. **Any placement request should always be authorised by the head of service and assistant director by completing the financial authorisation form (FAF)**

The assessing social worker must ensure that the young person’s immediate need for housing is assessed and make an initial assessment of the young person’s level of need and vulnerability based on the information available, to inform the decision about the type of emergency accommodation that should be provided. In addition, they should ensure that the young person is provided with information about their rights and entitlements. **A request to attend placement panel should be made within the first week of a child being accommodated.**

The assessment will then continue and be completed within **20** working days. The social worker will utilise the protocols as required under *Working Together to Safeguard Children*

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf>

They will gather and analyse sufficient information to enable a thorough analysis of the young person’s history, experiences, and current and future needs. The financial capability and independent living skills of the young person need to be assessed thoroughly. In doing this assessment, the social worker should liaise and consult with housing to provide information about housing options and needs.

As part of the assessment process, social workers should evaluate the potential for a young person to safely return home to their family home. This should include consideration of a referral to the Family Group Conferencing service and/or support from the reunification workers within the Edge of Care service.

It is assumed that if a young person is homeless and deemed to be a child in need, they will be offered accommodation under section 20 (Children Act 1989). The nature of this accommodation will be determined by the outcome of the assessment of their needs.

This is in line with statutory guidance which states:

*“There are only two circumstances in which a local authority might find that a homeless young person should not be accommodated under Section 20, and may instead be owed duties under Housing Act 1996. These are where the young person is:*

1. *not a child in need;*
2. *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. “*

If, after receiving information about their rights and entitlements under section 20, a young person states they do not wish to be accommodated, then they should be referred for a discussion with an independent advocate, via the advocacy service, Advocacy Focus. [Referral Form: Children’s Advocacy - St Helens and Salford - Advocacy Focus](https://advocacyfocus.org.uk/referral-form-childrens-advocacy-st-helens-and-salford/) This referral will request that the advocate fully explains their rights and entitlements and support them to consider the decision fully and assist them to navigate the housing systems.

If, following this consultation, the young person refuses accommodation under section 20 then children’s services must be satisfied that they have been provided with all relevant information, are competent to make the decision, and do not need additional safeguards in place. Consideration of these key questions will be clearly recorded in their assessment and accommodation and support provided under section 17 as a child in need. **This decision should have the oversight of the head of service.**

Where there is any doubt about a 16- or 17-year old’s capacity to judge what may be in their best interests, e.g. whether they should be accommodated under section 20 of the 1989 Act or seek alternative assistance, there will need to be further discussion involving children’s services, housing services, the young person concerned and their family where safe and appropriate, to reach agreement on the way forward. **Where section 20 is agreed and/or where there are queries as to whether section 20 should be used- the case must be discussed at legal gateway panel to ratify the section 20 plan for a child within 1 week of agreeing section 20.**

Young people must be provided with clear easily understood information about their rights and entitlements should they not become looked after. In particular young people must be aware of :

a. duties on housing services to undertake an assessment, develop a personalised housing plan and to take steps to help the applicant retain or secure accommodation (sections 195 and section 189B of the 1996 Act),

b. the requirement on the applicant to co-operate and for applicants to take steps themselves as set out in a personalised plan (section 193B and section 193C of the 1996 Act),

c. the ‘accommodation offer’ under the relief duty – suitable accommodation which has a reasonable prospect of being available for occupation for at least 6 months (section 189B and section 195 of the 1996 Act),

d. the implication of turning down offers of accommodation that are suitable (section 193A of the Housing Act 1996),

e. the possible risk of being found or becoming homeless intentionally in the future section 191 of the 1996 Act),

f. their right to request a review of decisions (section 202 of the 1996 Act).

It should also be noted that where a 16 or 17 year old from another local authority moves to St Helens and seeks assistance, the duty to assess falls on the authority area in which the young person is. The authority cannot refuse to consider the young person’s immediate needs and expect them to return to the authority in the area presumed to be their ‘home’ district. However initial enquiries in screening in the area the young person came from should be sufficient to establish their connection, and to establish whether it is more suitable for them and safer to return to their home district. Negotiation with home districts will be essential here but should not delay providing support and or accommodation for a young person. However, jurisdiction and responsibility may require further negotiations with the local authority in which the young person was last resident.

As part of the assessment the social worker can explore their connections to the area and the reason for them being in St Helens, with a view to determining if it is possible for them to return nearer to their home, and or which local authority assumes responsibility for them.

**Section five: Provision of a place to live**

Where a young person approaches Housing options for accommodation, or help with obtaining accommodation, this should be treated as an application for assistance under Part 7 of the 1996 Act. Under section 184, if housing services have reason to believe the young person may be homeless, or threatened with homelessness, they must make inquiries to determine what duties, if any, are owed to them.

If the young person is eligible and is (or may be) homeless and, by virtue of being 16 or 17 years old may have a priority need, then housing options will have an immediate duty to secure interim accommodation (section 188(1) of the 1996 Act). In considering the suitability of accommodation authorities should bear in mind that 16 and 17 year olds who are homeless and estranged from their family will be particularly vulnerable and in need of support.

Housing Options should record the necessary information and complete their initial assessment/ screening in addition to making the immediate referral to children’s social care.

Whilst assessments are being undertaken, if Children’s Services need assistance in finding accommodation for a 16 or 17 year old, they can do so by requesting assistance from Housing Options. This must only happen for cases where the assessment has identified that the young person does not require a more supportive placement, in which case Children’s Services will provide the accommodation.

Housing options should work with children’s services throughout the process of assessment, planning and attempting to prevent or relieve homelessness so that the child in need assessment and homelessness assessment, and the resulting plans and actions, are co-ordinated. This will enable a focus on working together to meet the needs of the young person and is likely to lead to better and more sustainable outcomes.

If the young person presents out of hours, the social worker will then arrange to assess the 16- or 17-year-old the next day (or on the Monday if the 16 or 17 year old presents on a Friday) either at a St Helens Council office or at the emergency accommodation.

**Section six: Support and Follow Up**

The Children Act 1989 Guidance and Regulations: Volume 2: care planning, placement and case review provides guidance on the placement of looked after children, and will therefore apply to young people who are accommodated under section 20 of the 1989 Act for a continuous period of more than 24 hours.

If a young person moves into SHAP emergency accommodation there should be an immediate review of the provision that young person requires in terms of ensuring their welfare and support needs. Emergency accommodation should not be the routine route for young people and other options should be considered.Theseplacement options include regulated settings such as foster care and children’s homes. Sections 22C(6)(d) and 23(2)(f)(i) of the 1989 Act provides that young people may also be placed in ‘other arrangements’, not regulated under the Care Standards Act 2000, where such a placement best meets their needs. Other arrangements may include supported lodgings, supported housing and independent accommodation where suitable support is provided.

Bed and breakfast accommodation, including hotels and nightly let accommodation with shared facilities, is not considered suitable for any 16 or 17 year old.

Once the young person is accommodated under section 20, they will be allocated a qualified social worker in line with the looked after children’s procedures and will be subject to statutory reviews chaired by an Independent Reviewing Officer.

The young person will receive regular social work visits in line with statutory visiting guidelines. The social worker will also liaise with the accommodation provider.

If the young person is looked after under Section 20 of The Children Act 1989 for thirteen weeks or more, they will be classed as an eligible child and will receive their social work service from the Leaving care service.

If the young person is offered options which are turned down knowingly and after all information is given, they may be deemed to be intentionally homeless should they present for a homelessness assessment. In this case, the young person would receive advice and assistance in obtaining accommodation (in the majority of cases via the Young Person Pathway) and would not be owed a duty to be rehoused. If this decision places the young person at risk again, then the legal team should be consulted on this matter.

If the young person refuses accommodation under section 20 and is provided with services under section 17 as a child in need, then their loss of rights and entitlements should be fully explained to them. As a child in need, they will remain allocated to a social worker and should be provided with accommodation and support as part of a child in need plan.

Where young people refuse support under child in need, then they should be provided with support via other specialist or universal services.

**Section seven: Reporting/Governance**

Representatives from Children’s Social Care and Housing will meet quarterly via the Young Person Homelessness Support Board to maintain effective communication between the key agencies delivering support to this group of young people. They will include in these meetings other partner agencies as required.

The meeting will be used to review the information from all agencies about all young people who have presented as homeless. They will use this information to determine that all young people have

* Been referred appropriately to children’s social care.
* Had an assessment undertaken of their needs
* Benefitted from housing and social work services.

The meeting will also address any occasions where the joint protocol has not been followed, and action required to address this. This will include escalation to the relevant Head of Service for review.

A summary from this meeting alongside data reports produced from the ICS system will be utilised to report regularly to Children’s Social Care performance meetings to ensure compliance with the protocol is monitored.

The effectiveness and continuing relevance of this joint protocol with be reviewed at least annually.

**Section Eight: Care Leavers Guidance**

St Helens adopts the DfE guidance as at;

<https://www.gov.uk/government/publications/joint-housing-protocols-for-care-leavers/joint-housing-protocols-for-care-leavers-good-practice-advice>

St Helens care leavers;

* Are able to register for social housing with the housing authority of their choice
* Are able to register from out of area placements should they wish to return; landlords are engaged and supported to offer accommodation to care leavers;
* Can be registered for social housing in an area where they have been placed and have lived for some time.

Where private tenancies are offered, facilities should be considered where: there is access rent in advance / deposit schemes managed by housing authorities or commissioned providers; there are arrangements for ensuring accommodation is suitable for the young person, as set out in DfE and MHCLG guidance, (where placed under homelessness duties); the local authority will mitigate against the impact of a change in benefit entitlement once a young person reaches the age of 22

For care leavers aged 21 or over the duty to assess needs and develop and keep under review a pathway plan - apply only where the young person requests support. The St Helens Care Leaver offer covers  the support available to care leavers up to the age of 25.

By working closely with housing providers, St Helens works to avoid the impact of intentionally homeless decisions on care leavers; and arrangements are in place, overseen at placement panel where required, to give full consideration to the needs and vulnerabilities of the young person. This would include taking into account the young person's emotional and mental well-being, maturity and general ability to understand the impact of their actions. This is covered in their Pathway Plan, if there is a threat of, or actual homelessness, which sets out the steps the local authority and applicant will take to prevent, or relieve, a homeless situation.

It is particularly important to have strong contingency plans in place for care leavers who are identified as being at risk of homelessness. This includes care leavers with a history of placement breakdown, and/or those with additional needs such as mental health issues, learning disability, attachment disorder, substance misuse and experience of offending behaviour.

Protocols also set out the process to be followed in order to:

* Enable an appeal where a care leaver is not satisfied that the accommodation being provided is suitable.
* Establish ways of resolving disputes, both within and between authorities.

The link to the appeals process is available via the Care Leaver Offer web page. [Care Leavers (sthelens.gov.uk)](https://new.sthelens.gov.uk/careleavers/)

Appendix 1: Homelessness Pathway 16/17 yr. olds

**16-17 yr. old Homelessness Pathway**

**MASH receive referral young person is homeless or threatened with homelessness.**

* Screening at level 3
* Establish any safeguarding concerns- level 4 criteria.
* Speak to parents, are they able to have the child back home, if yes and is it safe to do so, establish further support required/ and wider family networks
* VOC
* Have they already been provided with emergency accommodation.
* Liaise with Housing Options

**Nb**: Where a child is threatened with being homeless, but is not homeless, consider what early help/preventative support has been offered prior to the referral being accepted. Ensure contact reason is homelessness for data collection purposes.

Where it is established, a young person is homeless/ edge of care, a statutory assessment is required, this is also where a child may already have been provided with emergency accommodation by housing.

Allocate to Duty team for a child and family assessment.

**Day 1:**

* Duty manager oversight and allocation to social worker
* Timescales for assessment set for 20 days.
* Explore all avenues for young person to be with family/support networks/parents and work towards a return home plan where safe to do so
* Refer Edge of care
* HOS discussion.
* Update young person’s chronology/case summary.
* Initial visit, establish genogram and family networks
* Referral FGC – complete on ICS /explore urgent family network meeting.
* Key focus prevention of homelessness.

**Day 2**

Where a young person has been offered emergency accommodation (SHAP accommodation) and where there is no scope from day 1 for any immediate return home or family network plan, the young person should be provided with advice on section 20. If the young person accepts, the young person is to be made BLA (becoming looked after) on the system as section 20 no later than day 2.

Child to be given all appropriate information on section 20 rights and entitlements. Consider vulnerability and capacity and parental view on this. Child to be provided with section 20 consent forms and supported to complete. Where a child refuses section 20 this is to be clearly recorded as to the reasons why. A referral to Advocacy Focus should be made at this stage regardless to continue to advise young person of rights and entitlements. The young person should continue to be supported as a child in need where they refuse section 20. The Change of circumstances form will need updating which can be found in the forms section of the child file. Parents must be informed at all times of all decisions made and request that they complete the parents agreement letter (appendix 3)

[Leaflet S20 Young People.docx](https://sthelensgovuk.sharepoint.com/:w:/r/sites/WiderChildrensSocialCareTeam/Shared%20Documents/CSC%20Resources/PLO%20Toolkit/06.%20%20S20/Leaflet%20S20%20Young%20People.docx?d=w2db309fbfd6146f9b85492d8063e0efe&csf=1&web=1&e=7Mf3i7)

[S20 Guidance .docx](https://sthelensgovuk.sharepoint.com/:w:/r/sites/WiderChildrensSocialCareTeam/Shared%20Documents/CSC%20Resources/PLO%20Toolkit/06.%20%20S20/S20%20Guidance%20.docx?d=w1da5829053f644a7893765e161f09099&csf=1&web=1&e=jzYTQa)

[s20 consent form child - updated.doc](https://sthelensgovuk.sharepoint.com/:w:/r/sites/WiderChildrensSocialCareTeam/Shared%20Documents/CSC%20Resources/PLO%20Toolkit/06.%20%20S20/s20%20consent%20form%20child%20-%20updated.doc?d=w10a7e78cd1fa4e1783325b4a3b47bd63&csf=1&web=1&e=04On1c)

[Under 18 Homeless Risk Assessment.pdf](https://sthelensgovuk.sharepoint.com/:b:/r/sites/WiderChildrensSocialCareTeam/Shared%20Documents/CSC%20Resources/PLO%20Toolkit/06.%20%20S20/Under%2018%20Homeless%20Risk%20Assessment.pdf?csf=1&web=1&e=CNrsjQ)

[s20 consent form (final).doc](https://sthelensgovuk.sharepoint.com/:w:/r/sites/WiderChildrensSocialCareTeam/Shared%20Documents/CSC%20Resources/PLO%20Toolkit/06.%20%20S20/s20%20consent%20form%20(final).doc?d=wa9555a31cd984fe8a03af972b1a17db2&csf=1&web=1&e=Ai2U8v)

[Referral Form: Children’s Advocacy - St Helens and Salford - Advocacy Focus](https://advocacyfocus.org.uk/referral-form-childrens-advocacy-st-helens-and-salford/)

FAF to be completed and sent to HOS for placement provision and authorised by Assistant Director.



**Day 3-20**

* Assessment to progress to determine level of needs of young person. Focus of plan is to explore in detail all family connections and determine support needs.
* Refer to placement panel by sending an email to the following address [childrensplacementpanel@sthelens.gov.uk](mailto:childrensplacementpanel@sthelens.gov.uk), with focus on exit plan out of care and return to family where safe to do so. Where this cannot be achieved in this time frame to assess needs and plan in terms of most appropriate placement provision.

Where reunification to family or support network can be achieved, exit section 20 and end CWLA status following ratification by Head of Service.

Where a young person does not wish to be looked after anymore and refuses the support offered, then a Head of Service discussion should be sought, with legal advice and where appropriate and safe to do so section 20 can be ended. In these circumstances the following form must be completed by the young person.

[Discharge of s20 consent form child.doc](https://sthelensgovuk.sharepoint.com/:w:/r/sites/WiderChildrensSocialCareTeam/Shared%20Documents/CSC%20Resources/PLO%20Toolkit/06.%20%20S20/Discharge%20of%20s20%20consent%20form%20child.doc?d=w558972ed609c4b92bbae98e6a61bef9a&csf=1&web=1&e=5JAzab)

Where section 20 is to remain then the following procedures should be followed:

**Legal Gateway:** The case must be presented to legal gateway panel which meets once a week every Wednesday, once section 20 is confirmed. In order to present at legal gateway, a legal gateway initial request form should be completed, which can be found in the forms section on ICS for the child. Notification should then be sent to email: [legalgatekeeping@sthelens.gov.uk](mailto:legalgatekeeping@sthelens.gov.uk)

**CWLA procedures** – first review within 20 working days.

**Placement Plan** within 5 days of placement

**CWLA health medical** – follow below procedure.

**PEP** – within 20 days

Care Planning meeting - within

[Documents to be completed for all new into care.docx](https://sthelensgovuk.sharepoint.com/:w:/r/sites/WiderChildrensSocialCareTeam/Shared%20Documents/CSC%20Resources/Forms,%20Referrals%20and%20Templates/LAC%20Health/Documents%20to%20be%20completed%20for%20all%20new%20into%20care.docx?d=w712bbf10ed3b4911ad88e0f39f94349a&csf=1&web=1&e=oZHZhk)

Case to transfer to CWLA team following the first child’s looked after review with clear plan.

**Data collection** – in order to collate performance and accuracy of children presenting with homelessness, the contact record at first point of contact will capture homelessness as the reason for presenting.

For those children that are already open to children’s social care that then become homeless, a case note should be recorded with homelessness as the case note reason, this will enable the performance team to run reports to support data collection.

This information should also be added to the child’s chronology as a significant event

Appendix 2: Young Persons Advice and rights information



**Appendix 3: Agreement to accommodate for Parents/carer**

Dear (*name of parent/carer*)

**Homelessness case - (*name of young person*)**

Your son/daughter (*delete as appropriate*) has approached St Helens Council stating that you will not allow him/her to return home and is therefore homeless.

The duty social worker is in the process of assessing whether your child is legitimately homeless and should be provided with accommodation/sourcing appropriate accommodation for your child (*delete as appropriate)*.

As your child is under 18 years of age, you still have legal parental responsibility for them. On this basis, the council is asking you to continue to accommodate your child until the assessment is complete and/or alternative accommodation is found.

During this period, the duty social worker will continue work with you to help you to keep your child at home, and prevent them from becoming homeless.

If you need to contact the allocated social worker during this period, please call (*insert phone number*).

Yours sincerely

**Appendix 4: Southwark Judgement Assessment guidance and accommodation options**

There is case law and statutory guidance relating to the provision of services to young people aged 16/17 who present claiming homelessness, which must be taken into consideration when assessing a young person’s needs.

The most relevant case is R(G) v. London Borough of Southwark (2009) UKHL 26, which sets out the questions to determine whether s20 Children Act 1989 applies.

1. **Is the young person a child (aged 16/17)?**
2. **Is the young person a child in need?**

It must be established that the young person is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development, or whose health and development is likely to be significantly or further impaired without the provision of services or he/she is disabled.

1. **Is s/he within St Helens area?**

It must be established that s/he is in St Helens area rather than have presented for the purposes of addressing homelessness. This can be a potentially complex area of law so advice should be sought if there is some doubt in this area.

1. **Does s/he appear to require accommodation?**

The assessment must establish whether the young person is in fact homeless. Homelessness is not restricted to street homelessness and includes a series of temporary arrangements commonly called “sofa surfing.” If a parent/carer is able and willing to provide accommodation and there is no safeguarding concerns preventing the young person from living at home, alternative accommodation should not be offered. A plan should be agreed to address the circumstances leading to the current situation.

1. **Is that need the result of:**
2. **There being no person who has parental responsibility for him/her?**

or

1. **Him/her being lost or having been abandoned?**

or

1. **The person who has been caring for him being prevented (whether or not permanently or for whatever reason) from providing him/her with suitable accommodation or care.**

It may be necessary to provide temporary accommodation to allow for a plan to be put in place if the parents and young person agree to services being provided to address the situation. This should be time limited to a maximum period of six weeks. The decision regarding whether the temporary accommodation is provided under sec 20 is addressed in point 7 below. Some forms of accommodation, e.g. foster care, will always attract section 20 status. The views of the family must be taken into consideration and clearly recorded before a decision to provide alternative accommodation is made.

**6. What are the child's wishes and feelings regarding the provision of accommodation for him/her?**

And

**7. What consideration (having regard to his age and understanding) is duly to be given to those wishes and feelings?**

The April 2018 DFE and Ministry of Housing guidance entitled *Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*  states ‘It will be essential that the young person is fully consulted about and understands the implications of being accommodated by children’s services and becoming looked after. The social worker leading the assessment must provide realistic and full information about the package of support that the young person can expect as a looked after child and, subsequently, as a ‘former relevant’ care leaver (as defined in section 23C (1) of 1989 Act). If they are not looked after for the prescribed period, the young person leaving care would be a ‘person qualifying for advice and assistance’ as set out in section 24 of the 1989 Act.

Children’s services should also ensure that the young person receives accurate information about what assistance may be available to them if they do not become looked after, including from housing services under Part 7 of the 1996 Act. This will include any entitlement for assistance under Part 7. 'Attached is a guide which is to be used by social workers when discussing, with the young person, their views regarding accommodation under section 20 of the Children Act or Part 7 of the 1996 Housing Act. A copy will be given to the young person to take away with them.