
LB Lambeth joint protocol for 16/17-year-olds who are homeless or at risk of homelessness

Version 5.1

April 2022

1. Purpose

- 1.1 This document provides guidance to operational staff within Housing Services and Children's Social Care. The protocol outlines steps staff should take when a young person aged 16/17 approaches the council reporting that they are homeless or threatened with homelessness. This document has been jointly developed and agreed by Housing and Children's Social Care.

2. Background

- 2.1 Housing and Children's Social Care work in partnership within the **Young People's Housing Advice Team** (YPHAT) to provide a seamless and child-centred response to the needs of homeless young people through joint assessment, advice and support. The YPHAT is proactive in preventing young people becoming homeless through the provision of advice and assistance. The overall aim of the YPHAT is to enable young people to remain with their families, provided it is safe to do so, through advice, support and mediation as it is generally considered that it is in the best interests of most young people to live in the family home. However, when homelessness cannot be prevented, a young person may be provided with appropriate accommodation by Lambeth.
- 2.2 Preventing homelessness and improving outcomes for vulnerable young people are priorities for the London Borough of Lambeth. The integrated assessment, support and accommodation process described in this document contributes to outcomes within LB Lambeth's Borough Plan 2016-2021, namely to:
- Prevent homelessness, placing people in suitable, affordable, permanent homes as quickly as possible.
 - Provide integrated care which actively promotes recovery and independence, and which protects the vulnerable.

3. Legal background

- 3.1 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. There are 2 areas of local authority responsibilities and duties: (i) under the Children Act 1989, and (ii) under Part 7 of the Housing Act 1996.

Children Act 1989 duties

- 3.2 Children's Social Care are responsible for assessing and meeting the needs of all homeless 16 and 17-year-old children (Children Act 1989,)
- 3.5 Section 17 of the 1989 Act sets out the responsibilities of local authorities to provide services for children in need and their families. It is the general duty of every local authority;
- (a) to safeguard and promote the welfare of children within their area who are in need; and
- (b) so far as is consistent with that duty, to promote the upbringing of such children by their families by providing a range and level of services appropriate to those children's needs.

- 3.6 A Child in Need is defined by section 17(10) of the Children Act 1989 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 the provision of services by a local authority under this Part; or
 - Their health or development is likely to be significantly impaired, or further impaired, without the provision of services; or
 - They are disabled.
- 3.7 Under Section 20 (1), every local authority should provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:
- There being no person who has parental responsibility for them;
 - They have been lost or abandoned; or
 - The person who has been caring for them being prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care.
- 3.8 In addition, under Section 20 (3) and (4), every local authority should provide accommodation for any child in their area:
- Who has reached the age of sixteen and whose welfare is likely to be seriously prejudiced if they are not provided with accommodation.
 - If the local authority considers that to do so would safeguard or promote the child's welfare, even though a person who has parental responsibility for them is able to provide them with accommodation.
- 3.9 The case of *R (on the application of G) v London Borough of Southwark (2009) UKHL 26* (otherwise known as the Southwark judgment), and the statutory guidance which has followed (*'Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation'*), clarified that children's services must carry out an assessment of what duties, if any, are owed to a homeless young person aged 16/17.
- 3.10 There are two circumstances in which a homeless young person should not be accommodated under Section 20 and may instead be owed duties under Housing Act 1996. This is where the young person is:
- not a child in need or
 - a 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.
- 3.11 The Southwark judgment gives an example of the former situation: a young person may have been living independently for some time, with a job and somewhere to live, and without anyone caring for them at all; they may then lose their accommodation and become homeless; such a child would not be within the definition of 'child in need' in Section 20 and would therefore have their accommodation needs met under Part 7 of the Housing Act 1996.

3.12 Accepting or refusing a Section 20 duty

- In the vast majority of cases a homeless 16-17 year old will, following an assessment, be eligible for accommodation under s20 of the Children Act 1989. This should be explained to the young person carefully along with the benefits of this status, including eligibility for leaving care services under s23C of the Children Act 1989. If a young person accepts accommodation provided under a Section 20 duty, they will become a looked-after child. Certain legal requirements apply to all looked after children, including, for example, a review after 20 working days by an Independent Reviewing Officer (IRO). If at a later date the child no longer wishes to be looked after under Section 20, this duty will cease although Section 17 services under the Children Act 1989 may continue.
- Some young homeless people would prefer not to be accommodated under section 20. In this circumstance, professionals should advise the young person of the benefits and recommend they choose to be housed under section 20, and suggest that the young person seek advice from an independent advocacy service. Children are not always the best judges of their own best interests, however, ultimately a 16-17 year old cannot be forced to become a looked after child.
- Where a young person decides to be housed under Part 7 of the Housing Act 1996, the social workers within the YPHAT team should hold a review meeting with the young person 10 days after a part 7 duty has been accepted to check that they still want to decline section 20 accommodation and remind them that they can change their mind at any point before their 18th birthday.
- Children's services should ensure that the young person receives accurate information about what assistance is available to them if they choose not to become looked after, including the leaflet at Appendix 6. Children's Services should direct the young person to independent advocacy services to ensure they receive an impartial explanation of the housing options available under Section 20 and Part 7 of the Housing Act 1996. In particular, a young person who declines s20 accommodation needs to be made aware of the following aspects of Part 7 accommodation:
 - a. duties on housing services to undertake an assessment, develop a personalised housing plan and to take steps to help the young person retain or secure accommodation (sections 195 and section 189B of the 1996 Act),
 - b. the requirement on the young person to cooperate and for young people 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 implications 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),
- The YPHAT will give full advice and guidance to the young person before they make this decision and will consider their wishes and feelings. There may be occasions where a young person decides they do not wish to become looked after following impartial information on their options and entitlements, but the YPHAT have safeguarding concerns or concerns about the young person's ability to make decisions. In this circumstance, the YPHAT should notify the Service Manager, who

will advise whether to progress this case. If the Service Manager decides to progress the case, the YPHAT should seek legal advice at a Legal Planning Meeting as to whether they can accommodate the young person under section 20. This judgement may be at odds with the young person's wishes, however the YPHAT are responsible for making a decision that meets the welfare needs of the young person. In this case, the YPHAT should record the advice sought and the reasons this decision was made.

- A young person who has been accommodated under Part 7 may change their mind and become a looked after child accommodated under s20 at any time before their 18th birthday.

3.13 Lambeth Children's Social Care and Housing Services have developed guidance on how to correctly apply the Southwark Judgment and legislation when completing assessments of homeless young people (see appendix 5).

Housing Act 1996 duties

3.14 Young homeless people aged 16/17 are in 'priority need' as defined by the Housing Act 1996 and are therefore entitled to assistance. Under Part 7 of the Housing Act 1996, every local authority should provide accommodation for young people that are eligible for assistance, are homeless or threatened with homelessness, are in priority need and are not intentionally homeless. If the young person does not have a local connection to the borough, they may be referred to another area where they do have a connection, so long as it is safe for them to return there. Under Part 7, a young person may be owed the following duties:

- To ensure that accommodation is available for his/her occupation
- To take reasonable steps to ensure that accommodation does not cease to be available for his/her occupation
- To ensure accommodation is available for occupation for such period as will give the young person a reasonable opportunity of securing accommodation for his occupation
- To provide advice and assistance in any attempt the young person makes to ensure accommodation becomes available for his/her occupation.

3.15 Under the Homelessness Reduction Act 2017, Lambeth Council is responsible for:

- Assessing applicants presenting as at risk of homelessness within the next 56 days, and if they are eligible, assessing the applicant's needs, creating a personalised housing plan, and intervening to prevent them becoming homeless for 56 days.
- Assessing applicants presenting as homeless, taking reasonable steps for up to 56 days to secure alternative accommodation under the Relief Duty for those who are eligible and have a Local Connection to Lambeth.
- Providing suitable accommodation where homelessness is not successfully prevented or relieved, for those who are eligible; in priority need of accommodation, which includes young people aged 16/17 and care leavers; and are not intentionally homeless, until the main housing duty ends.

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 18-20 (Housing Act 1996, as amended by Homelessness Act 2002 and Homelessness Reduction Act 2017).

Young People's Pathway Team procedure

4. Staff roles and responsibilities

Young People's Pathway Team (YPHAT)	
Job title	Tasks
Homeless Prevention Team Manager	<ul style="list-style-type: none"> • Oversight of YPHAT • Management of Young People's Housing Advisors • Making decisions on complex cases • Agreeing emergency accommodation
Young People's Housing Advisors	<ul style="list-style-type: none"> • Completing early assessment of young people presenting as homeless or at risk of homelessness • Completing joint assessments of young people with a Social Worker • Preventing homelessness through support and mediation (see section 6.4) • Working in partnership with housing providers to sustain tenancies in the Young People's Pathway and ensure successful move-on from accommodation.
Social Worker	<ul style="list-style-type: none"> • Completing joint assessments of young people with a YP Housing Advisor • Completing a Child and Family assessment, when the young person has no current Children's Social Care involvement • Preventing homelessness through support and mediation (see section 6.4) • Initiating Safeguarding procedures where necessary • Making recommendations for further assessment and care from Children's Social Care

5. Stage 1: Early assessment stage

- 5.1 The YPHAT is the contact point for all young people at risk of homelessness and can be accessed via agency referral from an external or internal service, or via online self-referral from young people themselves. The YPHAT provides assistance to young people aged 16-25, though this protocol only applies to those aged 16 and 17 years old.
- 5.2 Referrals from external agencies and internal Council teams should be made using the **Young People's Assessment and Referral Form (YPARF)** (see appendix 5) and sent to housingadvice@lambeth.gov.uk. Self-referrals can be made through contacting Housing Advisors through completing a housing advice query form online. (<https://housingadvice.lambeth.gov.uk/QuestionnaireStart.aspx?qid=734>)
- 5.3 The YPARF follows the Common Assessment Framework (CAF), which was introduced by the Children Act 2002. The aim of the CAF is to ensure that all children and young people can achieve the 4 Every Child Matters outcomes: Be Healthy, Stay Safe, Enjoy and Achieve and Make a Positive Contribution.
- 5.4 This YPARF is a single form that should be used:
 - By agencies to make initial referrals

- By the YPHAT housing worker during the early assessment stage and joint interview phases
 - By the YPHAT to make referrals to supported housing providers
 - By the YPHAT to make referrals to other follow-up support agencies including the Early Help Teams
 - By supported housing providers to inform the pre-admission interviews and support plans that are completed upon entry into accommodation
- 5.5 Referrals from the YPHAT to Children's Social Care should be made using the Multi-agency Referral Form.
- 5.6 Young people who present as homeless or at risk of homelessness will first go through an early assessment stage. The YPHAT, including a social worker, will then ascertain whether they require further assessment. The purpose of this is to:
- Establish whether the young person is actually homeless or threatened with homelessness (as defined by Part 7 of the Housing Act 1996)
 - If the young person presents as currently homeless, to check whether they have a local connection and are in Lambeth's 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
 - Establish whether the young person has additional needs around capacity and decision making
 - Check whether the young person is already known to Children's Social Care and whether they have an existing Social Worker
- 5.7 As part of this early assessment stage, the YPHAT will make every effort 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.
- 5.8 If the young person already has a Social Worker or has had a Social Worker within the last 3 months, the YPHAT will make contact with them to discuss the next steps. The existing/previous Social Worker will be responsible for:
- Supporting and contributing information towards the mediation and any accommodation process.
 - 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. For these cases, all future references to Social Workers in this document will refer to the young person's existing Social Worker.
- 5.9 The young person will be presented with a brief information pack about the YPHAT (see appendix 2), and a letter for them to give to their parents, which sets out their parental responsibilities, the role of the YPHAT and the possible outcomes of this process (see appendix 3).
- 5.10 If safeguarding concerns are raised at any time during the referral, screening or interview process, about the young person or any other children or young people in the family (e.g. if there has been violence at home and the young person or another person is at risk of significant harm), the YPHAT will initiate Children's Social Care safeguarding procedures.

- 5.11 The early assessment stage must demonstrate an inclusive approach in receiving, assessing and supporting LGBTQ+ young people.

6. Stage 2: Home visits and mediation

- 6.1 If, following the early assessment stage, it is found that the young person is at risk of becoming homeless due to conflict or relationship breakdown in the family home, a home visit will be carried out by a Social Worker from the YPHAT. The visit will be carried out within 3 working days of the young person or supporting agency contacting the service, where possible.
- 6.2 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/or family group meetings in cases where the family situation is particularly complex.
- 6.3 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 YPHAT 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.
- 6.4 The key aim of the YPHAT 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 early assessment stage, mediation and full assessment phases, the YPHAT will attempt to prevent the need for young people to leave the family home or being accommodated by themselves by offering the young person and their family various options of support and advice:
- Mediation between the young person and their family by the YPHAT or other relevant professional if already known to them
 - 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
 - Exploring if a Family Group Conference may resolve the homelessness and arranging this, if it is assessed as required.
 - Offering support from an Early Help Support Worker:
 - Where mediation is successful 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.
 - The YPHAT can make the decision to refer the young person for this whilst they remain at home. This will be a 12-week offer of support, but this period can be extended if required.

- 6.5 If the family is reluctant to let the young person remain in their home, the YPHAT 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 (provided it is safe for the young person to remain at home during this time). A document stating this (see appendix 4) will be issued for the parent/carer to sign. This will advise the parent/carer that they should give 'reasonable notice' (7 days) before the young person can leave the home. The signed document will be stored securely by the YPHAT.
- 6.6 If the young person is unable to return home that night for reasons of safety, emergency accommodation will be provided (see section 10 below).
- 6.7 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. The YPHAT Social Worker will be responsible for raising an alert with the Children's Social Care Duty Team.
- 6.8 A Mosaic contact record will be created for every young person that is assessed and deemed homeless which details the concerns regarding the young person. This should capture the young person's presenting need as homeless as well as record any action that has been undertaken with the family. This Mosaic contact may be closed down further along the assessment process, when it has been decided that there are no needs or concerns that require the involvement of Children's Social Care.

7. Stage 3: Joint interview

- 7.1 If the early assessment stage confirms that the young person is homeless or at risk of homelessness, and mediation was not successful or not possible, a Child and Family assessment will be carried out under section 17 of the Children Act 1989 to find out whether the young person may have any other additional needs that would warrant children social care intervention and assistance under the Child in Need framework other than housing. At this stage, the young person will be offered a joint interview by the Social Worker and Housing Advisor to assess their housing needs and to explain housing options available to them. If the young person already has an allocated social worker, the allocated social worker would be expected to undertake the Joint Interview with the YPHAT housing worker and update their most recent Child and Family assessment.
- 7.2 The Joint Interview will cover the following general areas in addition to any other specific needs/issues in relation to that young person's circumstances.
- The current situation and reasons for needing housing advice
 - Background history including accommodation history and whether they are known to Children's Social Care
 - Their family situation and support networks
 - Vulnerability, including disability and mental health, and issues around capacity and decision making
 - Risks to themselves, others and staff
 - Other agencies working with the young person
 - Employment, education and training status
 - Offending and legal action
- 7.3 The Social Worker and Housing Advisor must ask the young person and their parent/carer whether the young person has a disability or is being assessed for one. If the young

person is being assessed, waiting for an assessment, or waiting to hear the outcome of an assessment, the social work assessment must consider their potential disability, and involve the assessing agency in their assessment.

- 7.4 The Joint Interview should be carried out within 5 working days of the young person making contact with the YPHAT. A young person who has no accommodation (or accommodation which is unreasonable Joint Interview on the day that they make contact where possible. If this is not possible then emergency accommodation will be provided until an interview can take place.
- 7.5 Whilst carrying out the Child and Family assessment, social worker practitioners will contact all relevant professionals involved with the young person to gain a holistic and accurate assessment of the young person's needs. Where contact is not made with other professionals, the reasons for this should be recorded within the assessment.
- 7.6 During the interview, YPHAT staff will explain to the young person that the aim of the interview is to identify and address their housing needs, and that:
- The priority is to help them to remain at or return home, and they will only be accommodated by the YPHAT when homeless prevention has been explored and found not to be possible
 - The team will attempt to work closely with their parent/carer to support this, which may involve a process of mediation
 - The team will work closely with other departments, services and agencies relevant to them
- 7.7 When the interview has been completed and the YPHAT is confident that they have the information needed to make a decision, one of the following outcomes will be chosen:
- The young person can remain at home or return home and support from the YPHAT is ended
 - The young person can remain at home or return home with on-going support
 - It is accepted that the young person cannot return home and that accommodation is required
- 7.8 If it is accepted that the young person cannot return home and accommodation is required, the Social Worker is responsible for clearly explaining to the young person the accommodation that is available, this will usually be offered under section 20 of the Children Act 1989 (see appendix 5) and obtain their wishes and feelings regarding such provision. This discussion must cover the difference between being accommodated under Section 20 of the Children Act 1989, including the support they would receive as a care leaver, and being accommodated under Part VII of the Housing Act 1996, and the services and support that the young person will be entitled to if they choose either of these options. This is covered in greater detail in Section 3 above.
- 7.9 If a young person appears to want to decline accommodation under s20 or appears unsure about what they should do they should be directed to an independent advocacy service who can offer an impartial explanation of the housing options available to the YP under S.20 and Part VII. 7.10 When the young person declines accommodation provided under Section 20, they will be asked to sign a document stating their decision and confirming that the options and all relevant information was discussed with them (see appendix 6). The signed document will be stored securely and uploaded onto Mosaic.

- 7.11 Irrespective of the outcome of this discussion the Social Worker's view on the need for further involvement from Children's Social Care and the recommendations in the assessment would need to be completed in consultation with Senior Management in all cases.
- 7.12 The outcome of the joint interview should be recorded on Hope and Mosaic. Young people will be informed that their records will be kept by both Housing and Children's Social Care and that information will be shared between the services. The allocated Social Worker will provide a copy of the YPARF to the Young Person and also provide both the parent/ carer and young person with a copy of the Child and Family Assessment.
- 7.13 Social workers must give a copy of the completed Child and Family assessment to the young person's parent/legal guardian, after consulting with and gaining consent from the young person. The parent/legal guardian's feedback must be recorded in the assessment.

8. Stage 4: Acceptance into accommodation

8.1. Supported Housing

- 8.1.1 Young people under section 20 can be offered supported housing only in exceptional circumstances. Young people who decline section 20 and choose to be accommodated under part 7 of the Housing Act will usually be offered supported housing.
- 8.1.2 If the decision is made to accommodate the young person within supported housing, the YPHAT will be responsible for identifying a suitable placement for them based on the needs of and risks surrounding the individual, and the availability of placements at that time. The young person will be informed of their options for the type of accommodation they would like, and their preference will be taken into account. However, the YPHAT will be responsible for making the final decision.
- 8.1.3 When a suitable placement is identified, the YPHAT will send the completed YPARF to the placement provider, which will act as the referral. A pre-admission interview will be arranged, and the young person will formally be accepted into the service. Should the young person have an allocated social worker, they should be present at this interview. Once this has happened, Mosaic and Hope will be updated with the young person's new address and move-in date.
- 8.1.4 At the discretion of service providers, the young person will be asked to sign a terms of stay during their joint interview (see appendix 8) which sets out what is expected of them during their residence. The signed document will be stored securely by the YPHAT. The young person will be informed that this accommodation will be provided on a time-limited basis, and they will be subject to requirements around engagement, managing their tenancy and their behaviour.
- 8.1.5 The young person's housing options upon turning 18 will be fully explained to them at this point. For those that are not accommodated under Section 20, staff should be clear with them that the housing option is likely to be shared

accommodation in the private rented sector, and that it may not be in Inner London.

- 8.2. If a young person is made section 20 and supported housing is unsuitable, the YPHAT social worker should send a referral form to the Access to Resources Team, who can arrange a placement for the young person, which may include the option of semi-independent living, foster care, and/or children's home.
- 8.3 When a young person with additional needs requests is accommodated, the placement providers must take these needs into consideration and demonstrate that they can provide reasonable adjustments and services that meet their needs.
- 8.4 Placement providers must demonstrate inclusive policies to facilitate the safety and wellbeing of LGBTQ+ Young People placed in their respective services.

9. Financial support

- 9.1 Where young people accept a section 20 duty, Children's Social Care will be responsible for paying their rent costs until they turn 18. When they turn 18, the young person is responsible for paying their rent, which will usually be through claiming benefits. If the young person has no recourse to public funds due to unresolved immigration status, Children's Social Care will pay rent costs past their 18th birthday until they have recourse to public funds.
- 9.2 Young people that decline a section 20 duty and are accommodated under part 7, and who have no income at the time of being accepted into accommodation, will be provided with temporary subsistence payments under Section 17 until a claim for DWP benefits is in payment. This will usually be between 6-8 weeks after moving into accommodation. The supported housing provider is responsible for supporting the young person to claim DWP benefits.
 - For young people that are newly homeless and not involved with Children's Social Care, the YPHAT Social Worker will be responsible for administering these payments. Cash payments will be issued to the young person on a regular weekly basis whereupon the young person will meet with a social worker.
 - For young people that have an existing social worker, this social worker will be responsible for arranging Section 17 funding (subsistence payments for 6-8 weeks pending DWP benefits being in payment). The social worker will need to provide the YPHAT with written confirmation that the young person will be provided with Section 17 funding, before the young person can move into their accommodation.
 - In cases where young parents present with children the social worker is to consider additional subsistence payments for the child/ children subject to financial assessment
- 9.4 In the majority of cases, accommodation costs will be claimed back through Housing Benefit. The supported housing provider will be responsible for setting up a claim for Housing Benefit as soon as the young person is accepted into their service.

- 9.5 Proof of ID that shows that the young person is able to claim Housing Benefit, should be attached to all YPARFs sent to the housing providers. At least two items from the list below will be required (this list is not exhaustive and other forms of ID may be suitable). Must have birth certificate/ passport along with one other form of ID
- A current passport
 - Birth certificate
 - Bank statements less than four weeks old
 - UK Residence permit
 - A driving licence
 - Letter from solicitor/social worker/ probation officer or Inland Revenue confirming identity
 - Medical card or National Insurance card
 - Benefit Agency notification letter
 - National identity card
- 9.8 Where a young person does not have appropriate ID, CSC/ allocated social worker will support the YP to obtain the relevant identification and cover any associated costs where applicable.
- 9.8 In cases where the young person's immigration status means that they are unable to claim Housing Benefit, or in circumstances where appropriate identification is not immediately available to those not affected by immigration status Children's Social Care should provide written confirmation from the relevant Service Manager or AD that they will cover the accommodation costs of the young person. This financial support will be subject to a monthly review by the allocated Social Worker and Team Manager.
- 9.9 Support costs whilst the young person is in accommodation are covered by block contracts with the housing providers and are paid for from the Supported Housing Commissioning budget.
- 9.10 An allocated Key Worker will support the YP in areas such as Employment/ Education/ Tenancy Sustainment/ Health

10. Emergency accommodation

- 10.1 If, following the early assessment stage, a young person is deemed to be homeless and has nowhere safe to stay that night, they should be given a joint interview within 24 working hours and provided with emergency accommodation if necessary; pending the outcome of an assessment of their needs. A child who presents as homeless should never be left without accommodation for the night.
- 10.2 Prior to this decision being made, enquiries should be made with the young person's parents/carers where safe and possible to do so. A home visit is preferable but may not be possible given the timeframe, and so a telephone call is acceptable. The decision on whether to provide emergency accommodation will rest with the delegated manager set out in the emergency accommodation protocol.
- 10.3 Emergency accommodation has been procured from Evolve Housing by Children's Social Care for use by the Young People's Housing Advice Team. B&B accommodation will never be used for homeless 16/17-year-olds. Reference must be made to the protocol for referring young people to emergency beds.

- 10.4 Emergency placements are provided for a maximum of 7 days, and the joint interviews should be carried out within 24 working hours of the young person being accepted into the bed space.

10. Appendices

Appendix 1: Process chart

Appendix 2: Service overview of the young person

Appendix 3: Initial letter to parent/carer

Appendix 4: Agreement to accommodate at home for parent/carer

Appendix 5: Southwark Judgement Assessment guidance and accommodation options

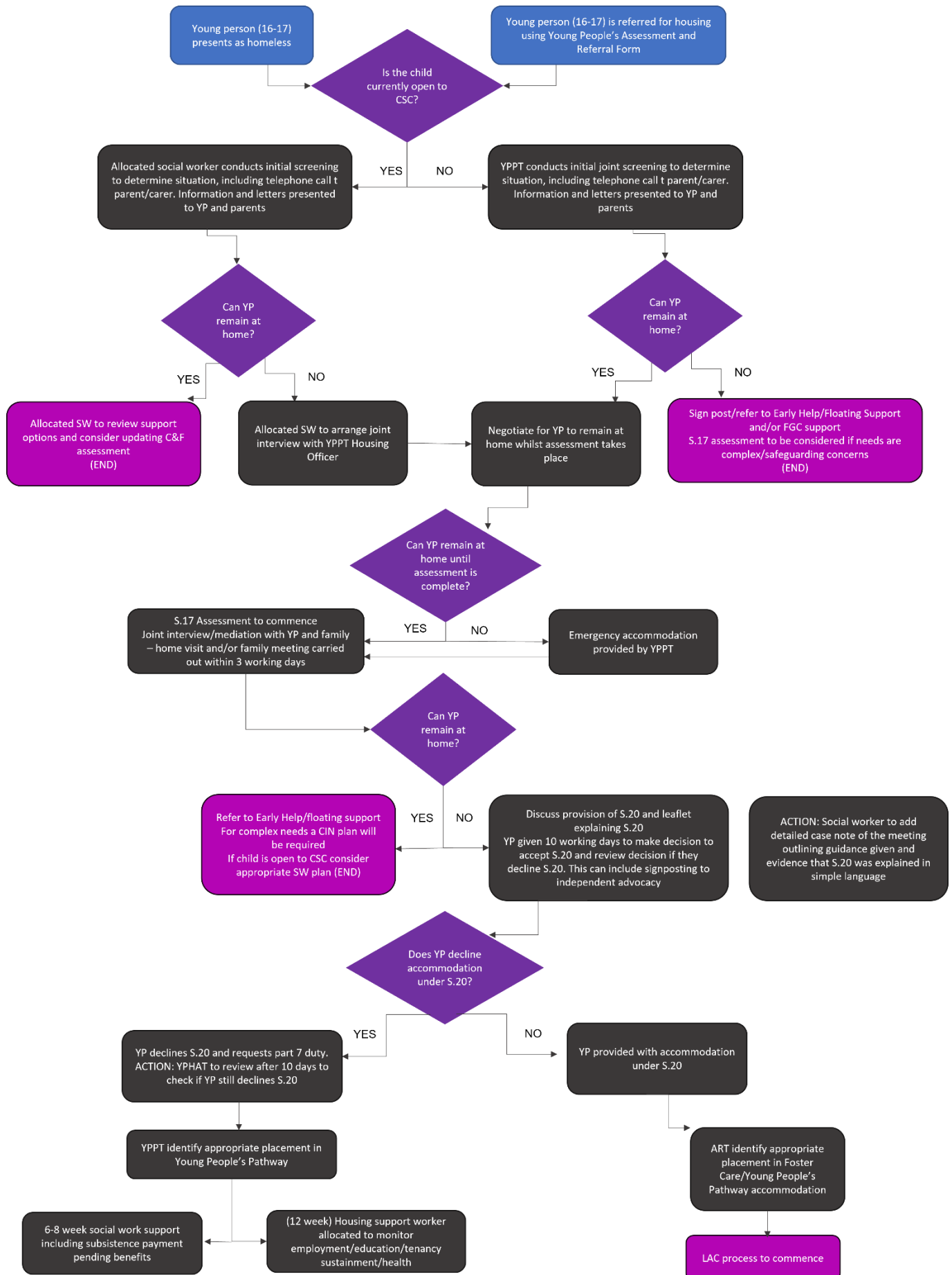
Appendix 6: Options leaflet for young person

Appendix 7: Accommodation agreement for young person

Appendix 8: Terms of stay for young person

Appendix 9: Guidance on covering accommodation and maintenance costs for young people

Appendix 1: Process chart



Appendix 2: Overview of service for the young person

Lambeth Council Young People's Housing Advice Team



If you are aged between 16-21 and are homeless or at risk of homelessness, you can get housing advice and support from the Young People's Housing Advice Team. The aim of the Young People's Housing Advice Team is to help you to stay safely at home where possible and provide you with the support you need to be able to do this.

How the service can help you

When you contact the Young People's Housing Advice Team, the following three things will happen:

1. The service will carry out a short assessment of your housing situation. This will involve contacting your family and any professionals that work with you.
2. The service will arrange a meeting at your home, if deemed safe, with you and your family, to identify the problems that have led to you leaving home, and discuss the possible support available to you.
3. The service will provide support to you and your family to help you to remain at home or improve your housing situation, including mediation between you and your family, and support to get into education, training and employment.

If the Young People's Housing Advice Team has been through these steps with you and is unable to prevent you from becoming homeless, they will look at other housing options. You will be interviewed by a housing worker and Social Worker who will also whether you are a 'child in need' and in need of accommodation. Emergency accommodation will be provided if necessary.

If you are offered accommodation by the Young People's Housing Advice Team, this is most likely to be shared hostel-style schemes but could also be with a foster carer or family hosts in the community. Please note that you will only be able to stay in this accommodation until you are ready to live independently or move back home to your family, at which point you will be supported to do this. If you are offered accommodation by the Young People's Housing Advice Team, your housing entitlement when you move on from our services depends on the prevailing housing policies at the time.

Get in contact

The best way to access the Young People's Housing Advice Team is by emailing the Team on Youngpersonservice@lambeth.gov.uk, by telephone 020 7926 4200, via the website www.lambeth.gov.uk, or through filling out a housing advice query online <https://housingadvice.lambeth.gov.uk/QuestionnaireStart.aspx?qid=734>

You can also call or email the service to get more information or book an appointment to discuss your situation.

helpandprotection@lambeth.gov.uk

Appendix 3: Initial letter to parent/carer



Dear (*name of parent/carer*)

Homelessness case - (*name of young person*)

Your child has approached Lambeth Council stating that you will not allow them to return home and that they are therefore homeless.

In all cases where a young person approaches the Council seeking accommodation, the Council has a duty to establish whether the young person is homeless or threatened with homelessness. The Young People's Housing Advice Team is responsible for making this decision. Before this decision can be made, a social worker will contact you and your child and include you in the assessment process

As your child is under 18 years of age, you still have legal parental responsibility for them. Because of this, if you do not allow your child to return home, Lambeth Children's Social Care will be required to undertake a full assessment of their needs and of your family situation, which you will be asked to be involved in. This assessment could result in them being looked after by the Council, and in Children's Social Care being involved with your family on an on-going basis.

If the Local Authority assessment concludes that your child is in need of accommodation/ housing, you will be asked to give your child a reasonable period of notice to leave your home. This will be negotiated with the Young People's Housing Advice Team. Please note that even if your child is provided with accommodation, we will still continue to try and work with you to return them to your home successfully. Your child's housing entitlement at move-on depends on the prevailing housing policies at the time.

The Young People's Housing Advice Team can provide you with necessary support to help you keep your child at home, including mediation between you and your child and family group conferences. The service will work with you and your child to try and resolve any problems which may have led to your decision to ask them to leave your home or to them deciding that they want to leave home. If you agree that your child can remain at home, you can also be provided with on-going support to help ensure that that your child does not become homeless in the future.

The Young People's Housing Advice Team/or allocated social worker will be contacting you in the next few days to arrange a meeting with you. If you would like to speak to someone beforehand, please call (*insert phone number*).

Yours sincerely (*Staff name*)

Appendix 4: Agreement to accommodate at home for parent/carer



Dear *(name of parent/carer)*

Homelessness case - *(name of young person)*

Your son/daughter *(delete as appropriate)* has approached Lambeth Council stating that you will not allow them- to return home and is therefore homeless.

The Young People's Housing Advice Team / or allocated social worker is in the process of establishing whether your child is 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 Young People's Housing Advice Team / or allocated 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 Young People's Housing Advice Team / or allocated social worker during this period, please call *(insert phone number)*.

Yours sincerely

(Staff name)

To be completed by the parent/carer:

I agree to allow my child to remain at home until the Council have completed an assessment / found them suitable alternative accommodation.

Name:

Signature:

Date: _____

Appendix 5: Southwark Judgment 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. Questions 1-5 will determine whether Lambeth owes a duty under s20. Questions 6 and 7 will help with determining how that duty should be discharged.

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 they are disabled.

3. Is the young person within Lambeth's area?

According to the Southwark Judgement: *"Local authorities have to look after the children in their area irrespective of where they are habitually resident. They may then pass a child on to the area where he is ordinarily resident under s 20(2) or recoup the cost of providing for them under s 29(7). But there should be no more passing the child from pillar to post while the authorities argue about where he comes from."*

4. Do they 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 are 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.

5. Is that need the result of:

a) There being no person who has parental responsibility for them?

or

b) The young person being lost or having been abandoned?

or

c) The person who has been caring for them being prevented (whether or not permanently or for whatever reason) from providing them with suitable accommodation or care.

It may be necessary to provide short-term accommodation, such as an emergency bedspace at Evolve or a short-term placement in supported housing/semi-independent

living, 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, during which mediation should be undertaken to enable the young person to remain at home safely.

6. What are the child's wishes and feelings regarding the provision of accommodation for them?

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.

Accommodation for homeless 16-17 year olds explained

Following your presentation as a homeless young person, Lambeth children's social care and Lambeth housing have carried out an assessment of your needs. We have shared the outcome of our assessment with you. You are eligible to be accommodated as a looked after child under s20 of the Children Act 1989. This is because you are under 18. Lambeth recommends that you agree to being accommodated in this way. What this means is described below.

Lambeth cannot force you to be accommodated as a looked after child under s20. If you decline to be accommodated under s20, you will be entitled to accommodation support as a homeless person under Part VII of the Housing Act 1996.

There are considerable differences between the 2 types of accommodation as explained below. You must consider these differences carefully before declining to be accommodated as a looked after child. We would advise you to seek independent advice in relation to the types of accommodation available to you, especially if you do not want to accept the offer of accommodation as a looked after child. There are some details of where this sort of advice can

Social worker's recommended looked after child status under Section 20 of the Children Act 1989

What this means....

- a. Lambeth Children's Services will provide you with accommodation in a placement that meets your assessed needs. For example, it could be:
 - With foster carers in a foster care placement
 - In a residential children's home
 - In supported housing
 - In supported lodgings with host families
- b. You become a Looked After Child and receive services from Lambeth Children's Services.
- c. You will have an allocated social worker who will meet with you regularly and write a care and health plan for you which will detail what support you need
- d. You will have regular Looked After Child review meetings, chaired by an Independent Reviewing Officer (independent from Lambeth), where you will meet with other professionals who might be supporting you based on your care plan
- e. You will receive support for matters such as money, budgeting, education, accessing health services and learning to live independently in the community.
- f. You will receive weekly financial support from children's services
- g. If you remain 'looked after' (accommodated by the Local Authority) for more than 13 weeks while aged 16/17 you will become a Former Relevant Child at age 18
- h. As a Former Relevant Children will have a:-

- *Personal Advisor* – a personal advisor's role is to provide advice and support to you, to be involved with your Pathway Plan and co-ordinate services for you.
- *Needs assessment* – a needs assessment is carried out to determine what support the Local Authority will offer to meet your needs as a care leaver and help you transition into adulthood.
- *Pathway Plan* – Sets out how the Local Authority will meet your needs. For example, how you will be supported to learn to live independently.
- *Advice and Assistance* – You will be entitled to advice and assistance on such matters as further education and accommodation.

These services will be provided until you are at least 21 and in some circumstances until you are 25. Please search for our 'local offer' online at <https://www.lambeth.gov.uk/children-young-people-and-families/children-looked-after-and-care-leavers/lambeths-local-offer-to-which-provides-more-detail-as-to-how-care-leavers-are-supported>

If you decline to be accommodated as a Looked After Child you will be accommodated by the Housing Department under Part VII of the Housing Act 1996

What this means....

- Lambeth Council's Housing department will provide you with accommodation that meets your needs and prevents you from being homeless. It will be in supported housing. This means that accommodation is provided alongside key work support, to help you live as independently as possible in the community
- You will sign a tenancy agreement with your landlord and will be responsible for making sure you comply with its terms, including paying rent.
- We will work with you to assess and identify your support and accommodation needs and develop a personalised housing plan which you are required to engage with to ensure you are provided the right support to manage your tenancy
- You will have a support worker who will help you with money, budgeting, education, training, employment, accessing health services and learning to live independently in the community.
- Your support worker will be able to help you claim benefits to ensure you receive a regular income to pay for your rent and your living expenses.
- When you are able to live independently and confidently, we will assist you in finding your own accommodation
- You will not have an allocated social worker but key worker support from the supported accommodation will be available to you.
- You can request a new child and family assessment if you believe your circumstances have changed and you need social work support.
- You can change your mind and opt to become a child looked after any time before your 18th birthday.

Please note that you will not be entitled to the leaving care services which we have described above unless you have been a Looked After Child for 13 weeks while you are 16/17. You will not become a Looked After Child if you are accommodated under Part VII of the Housing Act 1996.

Need some advice...

If you would like to talk to someone about these options, you can speak with an independent advocate (person not employed by Lambeth) about this decision.

Always Heard is an advocacy service run by Coram Voice. You can contact them via phone on **0808 800 5792**, email help@coramvoice.org.uk or online <https://coramvoice.org.uk/young-peoples-zone/always-heard>

Appendix 7: Confirmation that Lambeth has discussed its accommodation recommendation with me.

I confirm that Lambeth Children's Services has informed me that I am eligible to be accommodated as a Looked After Child and has recommended that I agree to be accommodated in this way. I have also been given a copy of a leaflet called 'Accommodation for homeless 16 and 17 year olds. I have also been advised to get independent advice.

I have decided that I do not want to be accommodated as a Looked After Child and I would prefer to be accommodated as a homeless person by Lambeth's Housing department.

I am aware I can still seek independent advice and I can change my mind in terms of accommodation before my 18th birthday. I can request a new child and family assessment if my circumstances change and I need social work support.

Name:

Signature:

Date: _____

Terms of stay for supported housing in the Young People's Pathway

The Council has agreed to provide you with accommodation. Before you move in, there are some things that you need to agree to:

1. You can stay in this accommodation until you are ready to live independently. This will usually be for a maximum of 18 months.
2. When you are ready to live independently you will be supported to find your own accommodation, including further shared accommodation which may be within the private rented sector.
3. You will be required to spend time with staff on a regular basis, including attending key working sessions, to support you to move to independent living.
4. You will be required to actively seek or be in employment, training or education whilst you are living in the accommodation. Staff will support you to find employment, training or education.
5. You will be required to pay a weekly service charge, at the rate below.
6. Once in employment, you will be responsible for paying towards your rent.
7. If you are eligible for Housing Benefit, you must claim this and work with staff to make sure this stays in payment.
8. If you are not eligible for Housing Benefit because you are in employment, you are responsible for paying rent on time. If you are unable to, you must work with staff to mitigate this.
9. You will be required to follow the house rules of your accommodation, including not being involved in anti-social behaviour.

To be completed by the young person:

I agree to the points listed above, and understand that if I don't follow these, I may be asked to leave my accommodation.

I agree to pay a weekly service charge of _____. This covers the cost of my electricity, gas and water supply.

Name:

Signature:

Date: _____