

## Section 3

# Arrangements for Families and Intentionally Homeless Families

## **SECTION 3 Homeless Families with Children – Intentionally Homeless Families**

### **Joint Arrangements – Planning and Supporting Homeless Families with Children – Intentionally Homeless Families**

## **SECTION 2**

### **1. Introduction and Aims of the Homeless Families with Children – Intentionally Homeless Families Section**

This protocol sets out the partnership arrangements between Hertfordshire County Council, Children’s Services and the ten District/Borough Housing Departments and their Partner Housing Provides as to how they will work together to prevent homelessness and the procedures to be following in making referrals of individuals identified as being homeless and/or at risk of becoming deemed intentionally homelessness.

#### **2. Background**

The Homelessness Reduction Act 2017 (and Homelessness Code of Guidance 2018) came into force on 3<sup>rd</sup> April 2018 and calls for new referral and joint working arrangements between housing authorities and other public sector authorities in order to prevent and relief homelessness.

The local authority housing departments have a duty to assist people who are homeless or threatened with homelessness (within 56 days). This responsibility ranges from providing advice, guidance and assistance to the provision of accommodation. Where a homeless family with children has no access to accommodation (family/friends/etc.), they may be provided with temporary accommodation, whilst their situation is assessed.

In the first instance individual housing authorities must consider if an applicant is eligible for assistance in accordance with the legislation (Housing Act 1996). This usually refers to an applicant’s immigration status, or if they are habitually resident. This is a decision that can only be made by the housing authority.

Families considered ‘Eligible’ and that have dependent children are generally considered to be in ‘priority need’. This is usually up until the child/ren reach the age of 18, or until they complete full-time education (end of school year 13).

Homeless families (with children) in the United Kingdom who fulfil the criteria of Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) will become the responsibility of the local housing authority in terms of the provision of temporary accommodation.

#### **3. Joint Commitment**

Hertfordshire County Council, Children’s Services and the ten local authority housing departments are committed to developing new and innovative ways of working together, promoting strong joint planning and delivering high quality services to prevent families from becoming homeless, at risk of becoming homeless and avoiding families being deemed intentionally homeless. This strategy aims to deliver the following key outcomes for families:



## Hertfordshire Outcome Bees Framework

### 4. Consent

Housing authorities are obliged under the relevant statutory guidance to make a Referral/Notification to Children's Services under the circumstances set out in section 4 below. Where the Referral/Notification relates to an intentionally homeless decision/situation the parent/family should be informed of the Referral/Notification. In all situations it is best practice to seek the parents' consent to a Referral/Notification and to work with the parent/family.

A Referral/Notification to Children's Services should only be sent without seeking the parents' consent (or informing the parent/s) in situations that relate to child protection/safeguarding concerns and unless to do so, would place the child at further risk of harm. Even in these situations, best practice would be that parents are informed.

Housing Act 19196 guidance sets out that the family should be given 'reasonable' notice of an 'Intentionally Homeless' decision and a timescale when the provision of accommodation will cease, this is usually taken as 28 day's notice.

### 5. Referral/Notification to Children's Services

Referrals to Children's Services should be made via the Customer Service Centre by calling 03001234043 or by completing a single service request form [here](#) and attaching and completing the referral form in Appendix 3.2.

A referral to Children's Services via the Customer Service centre should only be made if a family:

- Has been identified as being at risk of homelessness due to lack of engagement with Housing Authorities through support/multiple plans;
- Significant arrears have been identified due to repeated court summons or multiple payment plans;
- The family is considered to have made themselves intentionally homeless, or the housing authority has discharged any duties owed to the applicant, i.e. they have refused a permanent offer of accommodation.

### 6. Families First, Homelessness Prevention Team

In all situations where a housing authority or registered provider has any of the above concerns about a family's situation and their ability to sustain their accommodation, a referral to the Families First, Homelessness Prevention Team (via the Customer Service Centre) should be considered in order to try to prevent, or pre-empt a potential homeless/intentionally homeless situation/decision. The team works under the [Families First model](#) (Hertfordshire's approach to early help), where it is identified that a family who is at risk of homelessness or is intentionally homeless have additional needs other than housing, a referral should be made (with consent). The Families First, Homelessness Prevention Team will be able to identify further support to overcome these issues

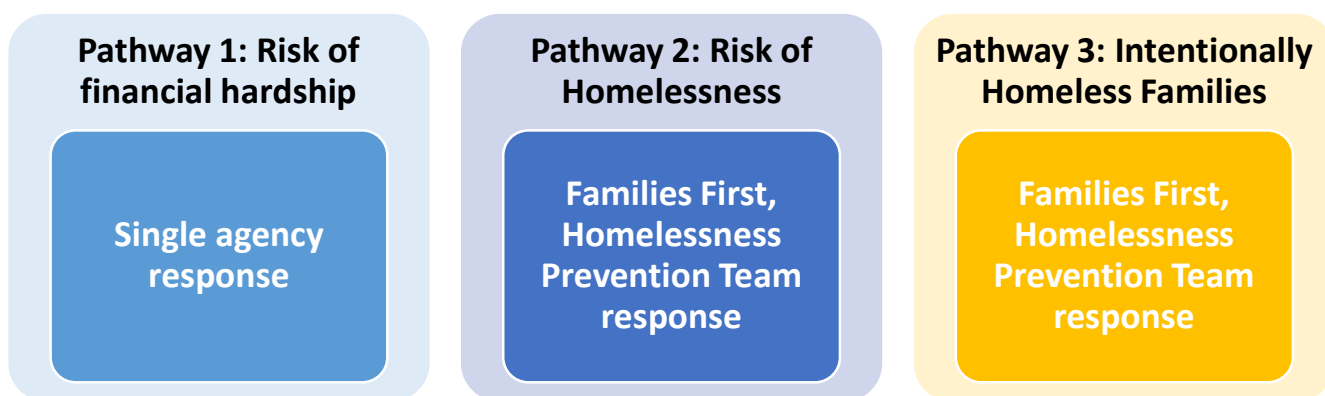
via a referral to the local Families First Triage panel to identify an appropriate key worker to lead a Families First Assessment. Additional problems could include:

- Support reducing alcohol and/or drug misuse;
- Parenting;
- Mental and physical health problems;
- Parental conflict;
- Domestic Abuse;
- Substance misuse;
- School related concerns – such as your child not attending school.

If safeguarding concerns are identified and these additional concerns require a social care response from one of the Family Safeguarding Teams, the Families First, Homelessness Prevention Team are able to step up cases to ensure that this support is provided in a timely way and will continue to work with families to address their housing needs.

## 7. Operational Framework

The pathway maps in **Appendix 3.1** sets out the operating framework underpinning the joint housing protocol commitment and the Families First, Homelessness Prevention Team operating framework. There are three pathways that families could be supported through:



### Pathway 1

If a housing authority, housing provider or landlord identifies that a family is at risk of financial hardship and requires help, support will initially be provided by the housing authority/provider. A housing officer/tenancy support officer (local terminology will vary) will be allocated to provide information, advice and guidance including a referral for benefits advice, help addressing money and debt problems and employment support. If it likely that the family is going to become homeless or is at risk of becoming homeless the housing authority/provider can discuss concerns with linked Homelessness Prevention Officers (HPO) within the Families First, Homelessness Prevention Team to identify whether the family would benefit from a referral to Children’s Services (pathway 2).

### Pathway 2

If a family has been identified as being at risk of homeless or following a discussion with a linked Homelessness Prevention Officer (HPO) it has been identified that the family would benefit from a referral to Children’s Services, the housing authority/provider should initiate a referral to Children’s Services with a request for input from the Families First, Homelessness Prevention Team (see Section 4).

Families are allocated a Homelessness Prevention Officer who will support them with the Personal Housing Plan process, provide advice and guidance around employment and training support, money and debt issues as well as benefits advice and sign-posting advice.

All referrals for the Families First, Homelessness Prevention Team are received via the Families First Triage Team, which enables referrals to proceed to weekly Triage Panels if a family is likely to benefit from a co-ordinated multi-agency response via a Families First Assessment, for example, due to additional problems other than just housing. The Families First Triage Team is also able to transfer families to other internal Children's Services Teams, subject to thresholds and service criteria. The consultant social worker within the Families First, Homelessness Prevention Team enables C&F Assessments to be initiated where safeguarding concerns are identified and can ensure cases have a timely step up to safeguarding and specialist services where required.

### **Pathways 3**

Where a family has been made intentionally homeless by a housing authority, the housing authority must notify Children's Services at the point of the decisions and/or when the family are given 28 days to vacate the accommodation being provided. The Referral/Notification should be sent to Children's Services with a request for input from the Families First, Homelessness Prevention Team (see Section 4).

Depending on the needs of the family and whether they can identify a suitable accommodation options when the accommodation provided by the housing authorities ceases; the Consultant Social Worker within the Families First, Homelessness Prevention Team will initiate either a Families First Assessment or a C&F Assessment to identify the family's broad needs and any safeguarding concerns.

1. If no safeguarding concerns are identified (and no accommodation is provided by Children's Services) the family will be allocated to a Homelessness Prevention Officer who will work closely with the family to explore what options, the family have regarding identifying suitable and sustainable accommodation options and develop a move-on plan.
2. If the family are provided with accommodation by Children's Services because the family have no alternative accommodation options and without the provision of the accommodation the children would be deemed 'destitute and street homeless' and the primary safeguarding issue is the lack of housing, the family will be case held by the Consultant Social Worker on a 'Child in Need' Plan, with support provided to develop a move-on accommodation pathway via Brokerage and the Homelessness

Prevention Officer.

If the family are provided with accommodation by Children's Services because the family have no alternative accommodation options and without the provision of the accommodation the children would be deemed 'destitute and street homeless' and there is additional safeguarding issue as well as the lack of housing. The family will be 'stepped up' to the Family Safeguarding Service and will be case held in that service with the social worker developing a Child in Need' Plan that address the broad needs of the family, including their accommodation needs. Where appropriate, the family will also be allocated a Families First, Homelessness Prevention Officer who will support the Family Safeguarding Team with developing a move on plan and work with Brokerage to identify suitable accommodation.

### **Early Help and Intentionality**

Wherever a housing authority identifies that the outcome of a homelessness assessment may lead to an 'Intentionality' decision a referral should be made to the Families First, Homelessness Prevention Team. In the first instance the housing authority should discuss the case with the nominated Families First, Homelessness Prevention Team, Homelessness Prevention Officer who is linked to that housing authority area, prior to a formal referral being made. Joint work via the

Personal Housing Plan will take place to address the housing and support needs of the family in order to find an enduring solution, premised on the likelihood of the housing authority ceasing to have a duty in the future.

In addition, and wherever possible, Children's Services will be notified by the housing authority at the 'Minded To' stage of a likely 'Intentionally Homeless' decision.

## **8. Duty Discharges**

Where a family are offered a social sector tenancy and the housing authority and/or registered provider assess that the family may reject the property, thinking they will receive a 'better offer' and are therefore likely to be deemed a 'Duty Discharge' case with no further responsibility from the housing authority, the Families First, Homelessness Prevention Team should be informed immediately via the **email address [homeless.prevention@hertfordshire.gov.uk](mailto:homeless.prevention@hertfordshire.gov.uk)** with a request that a Homelessness Prevention Officer attends the 'Offer Meeting'. Attendance at the meeting will be prioritised, and the family informed by both Children's Services and Housing of the implications should they reject the 'Offer'.

## **9. Ineligible Families**

### **Housing Authority:**

Families (with children) requiring accommodation because they are homeless will not be owed a main duty following a homeless application if they are considered to be:

- Not Eligible for housing assistance;
- Not homeless;
- Not in priority need (e.g. another carer for the children has accommodation available that the family can occupy);
- Intentionally homeless;
- Following an assessment regarding the 'Relief Duty' and where a family have no local connection to the local authority that they have approached, in such cases they will be referred to the area they do have a local connection with (unless it is not safe to do so).

Where a family with children present to a housing authority and it is ascertained that they are 'In Eligible' they should be referred immediately to Children's Services using the standard Referral/Notification procedure with a single service request form found [here](#). The Referral/Notification will set out that the housing authority does not have a duty to the family and therefore a more immediate response will be required.

The Referral/Notification for 'Ineligible' families will be directed to the relevant local Assessment Team who will undertake an assessment of the family's circumstances and plan any subsequent interventions.

Where a family with a child is being provided with accommodation and is subsequently found to be 'In Eligible' the following processes will be followed:

- Where a local authority housing department is able to continue to provide accommodation (if the rent/service charges/council tax are paid by Children's Services or a third party) they should be referred to Children's Services using the standard Referral/Notification procedure.

- Subject to a Children's Services assessment and agreement, Children's Services will provide financial assistance to cover accommodation and ancillary costs whilst the longer-term situation of the family is assessed.
- Where a local authority housing department is unable to continue to provide accommodation, the family should be referred to Children's Services using the standard Referral/Notification procedure.

### **Children's Services**

Certain categories of person's are excluded from accessing support under Section 17 of the Children Act 1989 by Schedule 3 of the Nationality, Immigration and Asylum Act 2002, including:

- those granted refugee status by another EEA state and their dependants;
- EEA nationals and any dependents;
- refused asylum seekers who have failed to comply with removal directions;
- people who are unlawfully present in the UK (this includes people who have overstayed their visas or failed asylum seekers who made their initial claim in this country).

However, Schedule 3 does not apply to children, therefore support (from Children's Services) may be provided to parents if it is assessed (through a human rights assessment) that to withhold or withdraw support would breach the family's human rights under the European Convention on Human Rights or their Community Treaty Rights.

Therefore a 'child in need' assessment, under the Children Act 1989, and human rights assessment must be carried out when working with migrant families who cannot support themselves and become homeless and have children.

Where a family has been identified as having no recourse to public funds and are at risk of becoming homeless, the housing authority/provider must make a referral to Children's Services with a request for an assessment. The relevant Assessment Team will assess and if necessary support the family via a Child in Need assessment.

For further details on Hertfordshire County Council processes on this matter, go to this link: [CS0495 No Recourse to Public Funds - Children's Services to Housing Protocol Iss 1.doc \(sharepoint.com\)](#)

### **Accommodation of Ineligible Households**

If the household has been assessed following a C&F Assessment and it has been found that they are unable to provide housing to dependent children within the household, then the family will be accommodated by Hertfordshire County Council through the provision of Section 17 funds. This will continue while the household are assisted to either return to their country of origin where appropriate, or to allow time for them to apply to the Home Office for leave to remain in the UK.

Once a family has received leave to remain in the UK and is eligible to receive housing support from local authorities, then Hertfordshire County Council will refer the case back to the local authority that the family have a local connection with (if relevant), or to the originating local authority.

The 10 Districts and Boroughs have agreed a protocol on how to transfer Ineligible cases between them. This can be found in Appendix 3.4, along with the accompanying letter templates in the subsequent appendices.