**JOINT WORKING PROTOCOL TO PREVENT HOMELESSNESS FOR YOUNG PEOPLE AGED 16-25 YEARS OLD**

**Agreed by**

**Torbay Council Children’s Social Care, Youth Homeless Prevention Service**

**And**

**Torbay Council Housing Options**

*We value the privacy of the Young Person. To know how personal data is used between statutory organisations, please refer to the Privacy Statements:* [Privacy notices - Torbay Council](https://www.torbay.gov.uk/council/information-and-data/data-protection/privacy-notice/)

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**1. Introduction and Purpose of the Joint Protocol**

The Joint Working Protocol has been developed in partnership by Torbay Council Children’s Social Care, Youth Homeless Prevention Service and Torbay Council Housing Options with due regard to the joint guidance published by the Department for Education, ‘Prevention of homelessness and provision of accommodation for 16 and 17-year-old young people who may be homeless and/or require accommodation’[[1]](#footnote-1); the Homeless Act and Homeless Reduction Act 2017; the St Basil guidance ‘Accommodation and Support Framework for Care leavers’ and the recent guidance published by the MHCLG ‘Joint Housing protocol for Care leavers’ October 2020.

The primary objective of the protocol is to promote and safeguard the wellbeing of the young person and prevent homelessness. The protocol guides each relevant organisation on the approach to working together, in an agreed and transparent way, to support young people aged 16 and 17, care experienced young adults (18 +) and other vulnerable young adults (18-25) who are at risk of becoming homeless or present as homeless. The protocol sets out how Torbay Council and partners will work together to prevent homelessness and identifies the specific roles and responsibilities of each department for working with and supporting vulnerable young people in need of accommodation and support and to achieve their very best outcomes.

***“Strategic planning approaches will need to be reflected at an operational level through protocols. These should identify the timing and mechanisms by which key professionals come together with young people to help to identify their needs and to plan individualised support packages****.”[[2]](#footnote-2)*

**1.1 Principles Underpinning the Joint Protocol**

* We will work together and ensure that the safety and welfare of the young person is paramount;
* We will work together to support the Young Person to return home where safe to do so;
* We will work together to make sure the young person is supported in making the decisions they need to make, giving them all the facts and options and access to an independent advocate, where required;
* We will work together to find accommodation and, will identify with the Young Person any additional support they may need;
* We will work together to support those Young Person’s leaving the care of the Local Authority providing all of the options, advantages and disadvantages so they can make informed decisions;
* Where a young person is assessed as homeless and is unable to return home, we will work together and recognise Children's Social Care will be the lead agency and the primary legislation will be the Children Act 1989

**1.2 Aims of the Joint Protocol**

* To prevent homelessness of vulnerable young people wherever possible, and promote matching of accommodation against need;
* To ensure that all staff in Children Social Care, Youth Homeless Prevention Service, and Housing Options, are aware of the housing needs of vulnerable young people and the obligations of each agency to address needs and young people receive a consistent service;
* To ensure the effective discharge of statutory and corporate responsibilities between Torbay Children Social Care and Youth Homeless Prevention Service and Torbay Housing Options for assessing and addressing the diverse accommodation needs of local vulnerable young people;
* To ensure vulnerable young people achieve a successful transition into independent living through support, preparation and provision of suitable accommodation;
* To ensure young people are awarded care leaver appropriate housing banding status where this is applicable, via the move on panel, to prevent the need to go through the homeless route;
* To provide information on the homeless multi-agency pathway;
* To ensure that the accommodation needs of young people aged 16 and 17 years entering and discharged from custody are adequately planned for;
* To identify gaps in service provision for vulnerable young people and work together with other agencies to address these gaps, feeding information into relevant strategies.

**1.3 Eligibility**

**Young People covered by this protocol include:**

Single people aged 16 and 17 years

Single people aged 18-25 years who are entitled to after care services under the Children (Leaving Care) Act 2000

Young People who are in priority need and subject to Housing Act and Homelessness Legislation (Homeless Act and Homeless Reduction Act 2017)

Couples where one or both partners are aged 16 or 17 years or are aged 18-25 years and are entitled to after care services under the Children (Leaving Care) Act 2000

Pregnant 16-19 year olds

Young Offenders aged 16-18 years

Young Parents aged 16-18 years, or up to 25 if entitled to after care services under the Children (Leaving Care) Act 2000 or those at risk of becoming homeless

**1.4 Legislative Background**

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.

All 16 and 17 year olds who are homeless or threatened with homelessness are likely to be vulnerable and will often be at risk of harm in the absence of intervention. Safeguarding and promoting their welfare should be central to service provision. If there is any concern that a child may be suffering, or likely to suffer, significant harm then local safeguarding procedures must be followed. The statutory guidance 'Working together to Safeguard Children’[[3]](#footnote-3) sets out what is expected of organisations to safeguard and promote the welfare of children.

**1.5 Legislative Framework**

Torbay Council is governed in statute by the Children Act 1989. The relevant Sections for 16 and 17 year olds are sections 17 and 20.

* A Section 17 Child is one who is a “Child in Need” (CIN)
* A Section 20 Child is one who is “Cared For”

For care experienced young people and as set out under volume 3 of the Children Act 1989, there is a strengthened emphasis that leaving care is a transitional period, therefore at any time up to their 25th birthday, if they so wish and are eligible, a care experienced adult may ask for support or assistance. This new provision within the Children Act 1989 places a responsibility upon local authorities to make the offer of a Personal Advisor to all care leavers up to the age of 25 years, whether or not they are in education or training. This offer of a Personal Adviser should be made at least once a year to care experienced adults and will involve the Personal Advisor carrying out a needs assessment and to prepare a pathway plan for the care experienced adult.[[4]](#footnote-4)

There is a clear legal framework for co-operation between Torbay Children Services including The Youth Homeless Prevention Service and Torbay Council Housing Options to meet the needs of children and young people. Section 27 of the Children Act 1989 empowers Local Authorities to ask other authorities for “help in the exercise of any of their functions” under Part 3; the requested authority must provide that help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of any of their own functions.

Further, Section 213 of the Housing Act 1996 empowers co-operation between relevant housing authorities and bodies, including Social Services authorities, in the discharge of the functions to which the request relates as is reasonable in the circumstances.

District and Borough Councils are governed in statute by Part 7 of The Housing Act 1996, as amended by the Homelessness Act 2002 and the Homeless Reduction Act 2017.

*Full definitions are detailed at* ***Appendix One****: Children Social Work Legal Framework and* ***Appendix Two****: Homelessness Legislation - In context of 16- or 17-year olds and 18+ care experienced adults*

**1.6 The Torbay Approach**

The Torbay approach seeks to ensure that we deliver the requirements of the joint DLUHC and Department of Education guidance 2018, which include the following:

Paragraph 1.3 - *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 social work 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.*

Paragraph 2.1 - *It will be in the best interests of most young people to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends’ network. When a 16 or 17 year old is seeking support because they are homeless or threatened with homelessness, housing services and children’s social work services responses should explicitly recognise this and work proactively with young people and their families to identify and resolve the issues which have led to the homelessness crisis. This could involve family support such as family mediation or family group conferences.*

Paragraph 2.2 - *It may be possible to prevent a 16 or 17year old from having to leave home at all, or it may take much longer to work through significant family tensions and problems. It is therefore important that services are designed to enable this family focus to begin on day one and continue throughout the processes of assessment and, where necessary, the provision of accommodation. Joint working between housing and children’s social work services will support this process.*

***It should be noted that in Torbay Housing Options Services for 16 and 17 year olds is provided by the Youth Homeless Prevention Service with the Youth Homeless Prevention Workers acting with delegated Housing Officer responsibilities to establish, prevent and relieve homelessness.***

This protocol builds on the joint working developed between Torbay Council Children’s Social Care, Youth Homeless Prevention Service and Housing Options with a view of addressing recommendations within the Ofsted inspection in 2018:

***Ensure that all 16- and 17-year-olds who present as homeless are assessed by social workers and that they are aware of the option of becoming looked after.***

The Torbay approach also aims to ensure that homeless 16 or 17 years old child in need, or care experienced young adults, have equal access to the Torbay commissioned young person accommodation services, regardless as to whether they have approached Children’s Social Care or the Youth Homeless Prevention Service for assistance.

**1.7 Equality and Diversity**

Torbay Children’s Social Care, Youth Homeless Prevention Service and Housing Options value diversity and are committed to equality of opportunity and access to suitable accommodation for all young people, regardless of age, ethnicity, gender identity, sexual orientation, culture, faith or disability.

Torbay Children’s Social Care, Youth Homeless Prevention Service, Housing Options, will always seek to promote the participation of young people in the decision making process.

We will work with providers to ensure equal access to suitable accommodation and to address and meet the specific needs of vulnerable young people.

**2 Homelessness Prevention**

**Homelessness prevention for 16 and 17 year olds – IS all of our Business:**

**2.1 Early Help**

It is widely agreed that, in general, it is in the best interests of most young people to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends’ network.

When a 16 or 17 year old is seeking support because they are homeless or threatened with homelessness, all professionals and agencies working with the young person and family members should recognise this and work pro-actively with young people and their families to identify and resolve the issues which have led to the homelessness crisis.

In Torbay a local agreement has been established with Housing Options that Torbay Children’s Services Youth Homeless Prevention Service will take the lead on behalf of Housing Options for all Young People aged 16/17 years presenting as homeless or at risk of homelessness. **Appendix 3** provides an overview of the structure, aims and objectives of the Youth Homeless Prevention Service.

This may involve an Early Help Assessment being completed with the Young Person and family to access immediate targeted early help support such as a Family Group Conference and a team around the family plan drawn up. The Youth Homeless Prevention Worker will act as Lead professional for this with a view to convening a Team around the Family meeting.

The Early Help Assessment will be completed within **20** working days and the first early help planning meeting will be held within **10** working days of the assessment. The latter may be in the form of a multi-agency discussion within the Early Help Panel or a team around the family meeting. Regular team around the family meetings will be held at a frequency of every 6 weeks.

However, if the key issues affecting the young person’s welfare and or the sustainability of their living at home remain unresolved the needs of the young person should be assessed, and appropriate accommodation sought.

On completion of an early help assessment a priority action will be to present the Young Person’s needs to the Youth Homeless Prevention and Access to Supported Accommodation Panel to ensure robust decision making and oversight amongst the early help service lead, Housing Options and the commissioned accommodation providers on behalf of the Young People.

The Youth Homeless Prevention and Access to Supported Accommodation Panel are held fortnightly whereby all agencies are expected to share referrals made to them in the previous fortnight. **Appendix 4** contains the full terms of reference for the Youth Homeless Prevention and Access to Supported Accommodation Panel. Young people will remain open to the Youth Homeless Prevention and Access to Supported Accommodation Panel until a relevant assessment of their needs clearly demonstrates homelessness is no longer a concern.

Homelessness in young people aged 16/17 years is a complex issue that is covered by the Children Act 1989; the Housing Act 1996 and the Homelessness Act 2002 as primary law; as well as numerous Court Judgements, some of which have resulted in case law; and Serious Case Reviews leading to recommendations for good practice.

In May 2009, the House of Lords made a landmark judgement in the case of R (G) v London Borough of Southwark which affected how Local Authorities provide accommodation and support for homeless 16 and 17 year olds. This had the impact of making it clear that the County Council, not the Borough or District Councils are responsible in all cases.

In April 2018 statutory guidance titled ‘Provision of accommodation for 16 and 17 year olds who may be homeless’ was published for 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. This guidance draws together all previous guidance and reflects the new duties introduced under the Homeless Reduction Act 2017 and incorporated all other relevant updates.

It highlights that it is ***‘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’.***

It is agreed that both Children Services and Housing Services both have responsibilities for those aged 16/17 who are vulnerable and homeless or have serious housing difficulties which would seriously prejudice their welfare.

Work with homeless and potentially homeless young people aged 16/17 and their families must therefore be given the same priority as work with children and young people under the age of 16 who are considered to be at risk of requiring local authority accommodation.

Homeless young people who are **Unaccompanied Asylum Seekers** without a parent or guardian with responsibility for their care, and other non-UK nationals who are not ‘eligible’ for assistance under homelessness legislation must also be provided with accommodation and support by Children Social Care, but will not require referral to a local housing authority.

**2.2 Young People Under 16**

Young people aged under 16 who are presenting as homeless or imminently homeless to Youth Homeless Prevention Service, Housing Options or any other agency, should immediately be referred to the Front-Door Multi Agency Safeguarding Hub (MASH) at Torbay Children Services for an immediate initial assessment by the Single Assessment Team (SAT) to ascertain whether they are a Child in Need under S17 or require S20 accommodation.

Contact / link details for the MASH are -

* Email: mash@torbay.gov.uk
* Telephone (Children's Social Care) on: 01803 208100
* Website: <http://www.torbaysafeguarding.org.uk/workers/hub/>

**It is important to note that the policy at Torbay for any young person aged 16 and still at school who presents as homeless to be supported under s20 with Children’s Social care taking the lead from the outset of the referral.**

**2.3 Unaccompanied Young Person**

If any unaccompanied young person presents to Children Social Care or Youth Homeless prevention Service/Housing Options seeking asylum from a non-EU country Children Social Care Single Assessment Team will undertake an Initial Assessment and follow the service procedure for this group. For unaccompanied asylum seekers claiming to be under 16 yrs. the above assessment will include a Merton compliant Age assessment.

**3 Financial Responsibilities for 16 and 17 Year Olds**

Under the Children Act 1989, the local authority Children’s Services are responsible for the accommodation costs in full for all young people who are judged to require S20 accommodation.

Where young people are placed in emergency accommodation pending the outcome of an Initial Assessment to determine their Section 17/ Section 20 status, the funding of this accommodation will be met by Housing Options. A Housing Benefit application must be made by the young person immediately.

Following an assessment, housing required by young people aged 16/17yrs who are not eligible, or relevant under the terms of the Children (Leaving Care) Act 2000, or assessed to require S20 accommodation, will be arranged and funded via Housing Options for as long as the housing duty remains in place.

A top up payment from S17 funding, or from the young person themselves may be required depending on the type of accommodation and the needs and status of the young person.

**4 Roles and Responsibilities for 16 and 17 Year Olds**

***At any stage of the process outlined below all practitioners should consider the vulnerability of and the risks the young person presents, ensuring their actions seek to minimise them. It should be noted that the risk of sexual and other types of exploitation of young people who are ‘staying with friends’ or ‘sofa surfing’ is potentially high.***

**4.1 First Contact with Torbay Children’s Social Care**

Where a 16 or 17 year old seeks help from Children’s Social care, or is referred to Children’s Social care by another person or agency as appearing to be homeless or threatened with homelessness, the homeless prevention procedure (**Appendix 8**) will be triggered and Children’s Social Care must initially carry out an Early Help Assessment of the young person and of what duties, if any, are owed to the young person in the first instance. The purpose of the Early Help Assessment is to ensure that the immediate needs of the young person are met by the responsible authority. The primary focus is to work towards the young person remaining at, or returning home, where it is safe and appropriate to do so. Torbay Children Services Youth Homeless Prevention Service are responsible for undertaking this. Where it is clear following this initial meeting and through the assessment process that the young person is homeless and unable to return home the Youth Homeless Prevention Worker will notify the MASH and request a Joint Assessment, and for this assessment to be completed within **ten** working days of the request. A **‘Duty to Refer’** should also be made to Housing Options and the appropriate Housing duty picked up at the point that it is believed that the young person is at imminent risk of homelessness or potential risk within the following 56 days.

All attempts will be made to immediately mediate for the young person to return home unless there are safeguarding issues, which cause concern for the professionals involved and the risks require alternative provision to be in place. A conversation with the parent or carer will be held to facilitate the young person’s return. Further follow up with the family through either telephone conversations or home visiting will be considered where necessary to ensure that the home situation is sustained and to reduce repeat homelessness presentations.

Under the Children Act 1989 the Local Authority has a maximum of **45** days to carry out a full statutory Single Assessment. This applies to all young people, including 17 year olds who are approaching their 18th birthday, and young people who are pregnant or have children in their care. Where the duty in Section 20 of the 1989 Act is triggered the Local Authority are under a duty to accommodate the child.

**There will not be a need to refer a young person to the Local Housing Authority, or to carry out a Joint Assessment, where there is a duty to accommodate a young person under Section 20 and the young person has agreed to becoming a cared for child.**

If the young person is at risk of becoming homeless in the future, for example because of conflict within the family home, it will be for Children’s Social Care to determine what support is required, depending on the identified circumstances and the needs of the young person and their family. Where there is no immediate threat of homelessness within 56 days, intervention may be more appropriately led by Early Help and Preventative Services and a ‘**Duty to Refer**’ is not required.

**However, if there is an immediate threat of homelessness or if the young person is actually homeless, a child in need assessment must be carried out and the child to be accommodated under Section 20, where there are no other suitable and safe arrangements for the young person to stay with family members or other appropriate adults.**

National guidance issued in April 2010 on the Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation states that the powers of local authorities to provide accommodation under Section 17 of the Children Act 1989 cannot be used to substitute for their duty to provide accommodation under Section 20(1) of the Children Act 1989 to homeless 16 and 17 year olds who are assessed as children in need. Children's Social Care does not, therefore, have the option of choosing under which provision they should provide accommodation for homeless 16 and 17 year olds. Section 20 involves an evaluative judgment on some matters but not discretion.

**If the young person is accommodated for a continuous period of more than 24 hours the young person will become ‘looked after’.**

Whilst accommodated under Section 20 the young person will not be eligible for welfare benefits, including housing benefits or housing costs under Universal Credit. Children’s Social care will have a duty to maintain them, including meeting the cost of accommodation.

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. 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.

**4.2 First Contact with Youth Homeless Prevention Service**

Where a 16 or 17 year old approaches a Local Authority for accommodation, or help with obtaining accommodation, the Youth Homeless Prevention Service should treat this as an application for assistance under Part 7 of the 1996 Act. Under Section 184, if the service has reason to believe the young person may be homeless, or threatened with homelessness, they must make enquiries to determine what duties, if any, are owed to them, and make a request to have a Joint Assessment. A **Duty to Refer** should also be made to Housing options. A referral will need to be made to the MASH for Youth Homeless Prevention Worker to be allocated who will make enquiries with Children’s Social care to establish whether or not the young person is a ‘relevant child’ and owed an accommodation duty under the 1989 Act. If a young person is found to be a ‘relevant child’ immediate arrangements must be made for the young person to receive assistance from Children’s Social care.

The Youth Homeless Prevention Worker will make enquiries to establish the reason why the young person maybe homeless or threatened with homelessness, including contacting any excluder, where it is appropriate to do so. Attempts should also be taken to negotiate for the young person to remain at home, or to stay with another family member or other appropriate adults, until a referral to Children’s Social care for a Joint Assessment to take place to assess their needs, and the young person’s need for continuing accommodation and support.

The Youth Homeless Prevention Worker should determine whether a Prevention Duty (S.195) or Relief Duty (S.189B) is at this point owed to the young person. Additional assistance will be obtained from the Housing Options Service if further guidance is required.

If the young person is eligible for assistance and it has not been possible to negotiate for the young person to remain at home and there is no other family member or appropriate adult the young person can stay with, by virtue of being 16 or 17 years old the Local Authority will have reason to believe they may have a priority need, and the Youth Homeless Prevention Service and Housing Options team, will have an immediate duty to secure interim accommodation (Section 188(1) of the 1996 Act).

In considering the suitability of accommodation all concerned should bear in mind that 16 and 17 year olds who are homeless and are estranged from their family may be particularly vulnerable and in need of support. The use of bed and breakfast or hotel accommodation for sixteen to seventeen year old young people must never be a primary option considered. However, it is accepted that there will on occasion be exceptional circumstances whereby the safety and wellbeing of the young person requires such accommodation as a short-term measure whilst ongoing plans for safer and more suitable accommodation are progressed. In such circumstances authorization to use a bed and breakfast must be sought from the Divisional Director of Children Social Care or the Director of Children Social Care. A clear rationale for the use of bed and breakfast must be recorded on the young person’s Children Social Care record by the authorizing director. Coupled with this, a clear wraparound safety and support plan must be documented on the young person’s file to include the consideration of Edge of Care services being deployed. Authorization for the use of bed and breakfast will not be given unless the wraparound safety and support plan is in place and has been agreed by the young person.

If the outcome of the Youth Homeless Prevention Workers housing assessment is a finding that a young person is homeless but not eligible for housing assistance, arrangements must be made for the young person to receive assistance from Children’s Social Care.

**4.3 Emergency Duty Team**

Where the young person aged 16/17 comes to the attention of the Emergency Duty Team as imminently homeless, a judgement will be made regarding whether an out of hours response is required (based on the vulnerability/safety of the young person or any vulnerable adult within the household). If an out of hour’s response is not judged to be required a referral will be made to Children Services MASH on the next working day.

The Emergency Duty Team will take all reasonable steps to prevent 16/17 year olds becoming homeless. Where homelessness cannot be prevented and there are no safe alternative family/or other appropriate adult or friend option, the Emergency Duty Team will consider what emergency accommodation is required based on the young person’s age and vulnerability.

The use of bed and breakfast or hotel accommodation for sixteen to seventeen year old young people should never be a primary option considered. However, it is accepted that there will on occasion be exceptional circumstances whereby the safety and wellbeing of the young person requires such accommodation as a short-term measure whilst ongoing plans for safer and more suitable accommodation are progressed. In such circumstances authorization to use a bed and breakfast must be sought from the Divisional Director of Children Social Care or the Director of Children Social Care. A clear rationale for the use of bed and breakfast must be recorded on the young person’s Children Social Care record by the authorizing director.

**4.4 Young Person (16-17 years old) in Custody and at Risk of Homelessness**

In cases where it is known in advance that a young person who is serving a custodial sentence is likely to be homeless on release, it is agreed that Children’s Social Care and the Youth Homeless Prevention Team will conduct a Joint Assessment at the custodial facility. It may be appropriate for a representative from the Youth Offending team to also be present for the assessment. The need for this should have ideally been identified at the Looked After Children / Detention and Training Review and the Joint Assessment completed **56** days before release, as the young person should know where they are going to be living by the final sentence planning meeting, which is ten working days prior to release.

The same process as outlined above will take place with the added significant difference of both agencies ensuring that they identify and secure suitable housing prior to the young person being released. The support which is going to be offered to the young person should also be highlighted at this time and should also include the support and duties to be provided by the Youth Offending Team.

As soon as possible, and at least by the time of the final sentence planning meeting ten working days before release, the young person must be told the content of both the Care Plan and the Notice of Supervision or Licence so that s/he is aware of:

* Who is collecting him/her
* Where s/he will be living

Further information regarding custody and resettlement can be found at:-

[Custody and resettlement: section 7 case management guidance - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/custody-and-resettlement/custody-and-resettlement-section-7-case-management-guidance#role-of-the-yot-case-manager)

**4.5 Accessing Interim and Emergency Accommodation for 16 and 17 Year Olds**

In circumstance where the Youth Homeless Prevention Service cannot access accommodation for 16 to 17 year olds through sustaining their existing networks, and whilst plans are put into place to facilitate a managed move into commissioned accommodation, contact will be made with Housing Options. Housing Options will seek interim / emergency accommodation in conjunction with Youth Homeless Prevention Worker. A placement will only be made when Housing Options are informed to do so following a joint decision having been made by the Social Worker and Youth Homeless prevention Worker. This interim accommodation placement will be assessed with regards to suitability and impact risk assessment. In circumstances where self-contained accommodation is not available at short notice then an assessment will be made on alternative placements. A further managed move will then be made to more suitable accommodation and this will be led by the Youth Homeless Prevention Worker.

**4.6 16 and 17 year olds from one local authority area who seek assistance from Children’s Social Care in another local authority area**

When a 16 or 17 year old who is living in one local authority area moves to another local authority area and seeks assistance from Children’s Social Care in that local authority, 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.

An initial interview, perhaps combined with enquiries in the area where the young person came from, should be enough to establish their connection with the area where they have sought help and their reasons for seeking help there rather than in their ‘home’ district. These enquiries may be able to establish whether it may be possible for the young person to return to the ‘home’ district. For example, it might be possible for the authority where the young person seeks help to negotiate with their ‘home’ authority to take over the assessment of the young person’s needs, this would ensure that the young person is assessed in a familiar setting close to their family and friends.

It is essential that disputes about responsibility for the young person in the medium term should not get in the way of the authority that received the young person’s request for assistance responding to the young person’s immediate needs. The young person concerned must not be passed between Local Authorities and services whilst a decision is reached about which authority is responsible for assisting them.

**4.7 Contact / Support (Same Day)**

When a referral has been received from either Children Social Care, Housing Options or any other agency the duty Youth Homeless Prevention Worker will endeavor to meet with the young person to gain information relating to their homeless presentation on the same working day. All attempts should be made to immediately mediate for the young person to return home, unless there are safeguarding issues which cause concern for the professionals involved and the risks require alternative provision to be in place. A conversation with the parent or carer will be held to facilitate the young person’s return. Further follow up with the family through either telephone conversations or home visiting will be considered where necessary to ensure that the home situation is sustained and to reduce repeat homelessness presentations. The duty Youth Homeless Prevention Worker will also contact MASH and request a Joint Assessment to take place if the risk of the young person becoming homeless is imminent. In this case, a **Duty to Refer** will be made to Housing Options. Following allocation to the Youth Homeless Prevention service an Early Help Assessment will be undertaken and the Early Help pathway will be followed along with allocation to the Youth Homeless Prevention and Access to Supported Accommodation Panel.

**4.8 Home Visit (Same Day)**

If a verbal agreement between the young person and the parent or carer for an immediate safe return home cannot be achieved, a home visit will then be arranged by the Youth Homeless Prevention Worker to take place on the same day. In an out of hour’s situation the Emergency Duty Team will attempt to identify a family member or suitable adult, or family friend, where the young person can stay overnight. The duty Youth Homeless Prevention Worker will respond the following day. This will enable a further evaluation of the situation and mediation to return home. The intended outcome from this contact is for the young person to be returned home. The only reasons for the young person not returning home are:

* It is considered unsafe for the young person to return home immediately;
* There is no home for the young person to return to (i.e. the parents have abandoned the young person);
* The young person refuses to return;
* The parents or carer refuses to allow the young person to return;

A **Family Group Conference** should be explored with the young person and their family members if the young person is unable or unwilling to return to their immediate family i.e. staying with extended family members / friends. If at this stage it is clear that the young person is genuinely homeless and no alternative arrangements can be found then Torbay Housing Options will fund emergency accommodation whilst a Joint Assessment is being undertaken. An initial assessment conducted by the duty Youth Homeless Prevention Worker will be completed within one working day, and a joint assessment completed within **ten** working days.

**4.9 Return Home and Wrap around Support to Prevent Repeat Homelessness**

If the young person returns home the assessment process will determine whether any further support is needed for the young person or the family to prevent a repeat homelessness presentation and the Youth Homeless prevention Worker will make arrangements to put the support in place promptly. Discussions with the young person and their family about further support as a Child in Need (including referral to Family Group Conference Service,) or support through Preventative or Early Help Services will be held and a Team around the Family plan agreed.

**4.10 Non-Return Home**

If the young person can go home but refuses to do so and no alternative family arrangement is available, the duty Youth Homeless Prevention Worker will discuss with the young person the need for a Joint Assessment by Torbay Children Social Care and the Youth Homeless Prevention Service which will be undertaken within **ten** working days.

**4.11 If the Young Person Refuses to Engage with Children’s Social Care Services**

Section 20(6) of the Children Act 1989 states:

(6) Before providing accommodation under this section, a Local Authority shall, as far as is reasonably practicable and consistent with the child’s welfare;

(a) Ascertain the child’s wishes and feelings regarding the provision of accommodation; and

(b) Give due consideration (having regard to the age and understanding of the young person) to such wishes and feelings of the child as they have been able to ascertain.

A young person cannot be compelled to engage with Children Services. If they refuse to engage and remain homeless then the homelessness legislation stands alone. A young person should be offered support through Section 17 and understand that they can have support to meet their needs without being accommodated under Section 20. The young person making a decision not to engage with Torbay Children’s Social Care would therefore have no Section 20 duty owed but may still meet the priority need category under Homeless legislation. A Section 20 refusal by a young person is also **not** grounds for an intentionally homeless decision.

If a young person subsequently refuses a Section 20 duty, Children Social Care must inform Housing Options formally. The Youth Homeless Prevention Worker will continue to act as lead professional for the young person and will ensure the young person is advised of independent advice provided by agencies such as CAB and Shelter. The young person can revisit this decision at a later date if they continue to be vulnerable. I

It should be noted that if a return home has been assessed as safe to do so for the young person, but they refuse to return, this could be interpreted as making themselves intentionally homeless and therefore the Local Housing Authority no longer owes them a housing duty nor will CA89 s20 accommodation be considered.

In terms of best practice, it is important to ensure that every effort is made to ensure the young person understands their options and the consequences of the decision they are taking.

A young person will have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages and coming to an informed decision.

Where there is any doubt about a 16 or 17 year olds capacity to judge what may be in his or her best interests, e.g. whether they should become looked after or seek alternative assistance, there must be a further discussion involving Torbay Children Social Care and the Youth Homeless prevention Service, the young person concerned and their family, to reach agreement on the way forward.

If, in the course of their homelessness investigation, the Youth Homeless prevention Worker become aware of any possible safeguarding concerns they will immediately need to refer to Torbay Children Services MASH even if the young person does not want them to, explaining what they are doing and why.

**4.12 Outcome of Statutory Assessment**

If the young person refuses an assessment or assessed status to become ‘looked after’ or a ‘child in need’, the Youth Homeless prevention Worker will seek alternative suitable accommodation as available. Wrap around support from Children Social Care can be provided where a young person is refusing Section 20 accommodation; services can be provided alongside the Local Housing Authority under Section 17 of the Children Act 1989.

In some cases, it may not be necessary for the young person to be accommodated by Youth Homeless Prevention Service, if the young person can stay safely in the short term with another family member or appropriate adult in some other temporary arrangement.

Any other referring agency or partner organisation involved with the young person will also be contacted, as will the young person’s parents or those with parental responsibility for the young person, if it is safe to do so and the young person consents. Consideration for a Family Group conference will also be considered to help establish if there is any extended family support that can be provided to support the young person.

At the earliest opportunity Children Social care will inform:

* Youth Homeless Prevention Services, Housing Options, Early Help Services and any other referring agencies of their decision.
* The young person and where relevant their parent or carer and inform them of their right to complain if they are unhappy with the decision.

**5 The Joint Assessment**

**5.1 Timescales**

Where a request for a Joint Assessment has been made, this should be completed within **ten** working days of the request. The Youth Homeless Prevention Worker will ensure they present and discuss their recommendations to Housing Options who will formally approve their recommendation.

**5.2 Independent Advocacy**

Prior to the Joint Assessment taking place the young person should be given the opportunity of being referred to an independent advocacy advice and/or support including if required support in person during the Joint Assessment.

It should be noted in the record of Joint Assessment (**Appendix Five**) whether the young person received any advice and/or independent advocacy support prior to, or during the Joint Assessment.

**5.3 Mental Capacity Concerns**

It is essential that the young person at the point of the Joint Assessment have all options explained to them and the implications of their choices are explained to them, so that they can make clear informed decisions. If there are concerns at this stage about the young person’s capacity to make informed choices, through mental ill health / drug / alcohol misuse then consideration will be given to the Mental Capacity Act 2005.

**5.4 Addressing Safeguarding Concerns**

If, at any time during this process, it is identified that it is unsafe for the young person to return home, a formal statutory Social Work Assessment will be completed by a social worker within one of the Children’s Social Care teams and where there is suspected abuse a social worker will contact the Police and Health for a strategy discussion and consideration to Section 47 investigation. The Children, Young People and Education service will ensure that the statutory guidance regarding homeless 16 and 17 year olds is followed:

[https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/826 0/Provision\_20of\_20accommodation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/826%200/Provision_20of_20accommodation.pdf)

**5.5 Joint Assessment Interview**

It is the responsibility of Torbay Children Social Care to take the lead on the Joint Assessment. This should be conducted by a qualified social worker and not a social worker assistant. The role of the Youth Homeless Prevention Worker on behalf of Housing Options, within the Joint Assessment is to support the social worker with assessing the needs of the young person and to advise the young person of the assistance available to them should they decline Section 20 accommodation.

It is essential that the young person receives accurate information about what assistance may be available to them. 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 experienced adult (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. The Youth Homeless Prevention Worker should provide accurate information about what assistance would be available to the young person if they declined Section 20 accommodation under Part 7 of the 1996 Act.

The considerations a young person needs to be made aware of, should they decide on being assisted by the Local Housing Authority are:

* 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),
* The requirement on the applicant to cooperate and for applicants to take steps themselves as set out in a Personalised Housing Plan (Section 193B and section 193C of the 1996 Act),
* The ‘accommodation offer’ under the relief duty – suitable accommodation which may include supported 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),
* The implication of turning down offers of accommodation that are suitable (Section 193A of the Housing Act 1996),
* The possible risk of being found or becoming intentionally homeless in the future (Section 191 of the 1996 Act),
* Their right to request a review of decisions (Section 202 of the 1996 Act).

The fact that a young person may be reluctant to engage with the Children Act Assessment process is not in itself a basis for assuming that the young person has rejected any Children’s Social Care Services’ intervention to provide them with accommodation. Lack of co-operation is not a reason for the Local Authority to not attempt to carry out its duties under the 1989 Act. In these circumstances, the assessment will need to involve careful recording of how the authority has attempted to engage with the young person to assess their needs in order to determine and provide appropriate services. Ultimately, it is not possible to force services on young people who persistently continue to refuse them.

The assessment of the young person during the Joint Assessment and outcomes should be recorded on the Joint Assessment form (**Appendix 5**), so that there is an accurate record of the assessment. This should be signed by all parties attending the Joint Assessment, including the young person, their advocate (if applicable), social worker and the Youth Homeless Prevention Worker who is the Housing Options representative. Any information pertaining to the housing assessment, application and decision should also be recorded on the Housing Options Locata system.

**5.6 Outcome of Joint Assessment**

Where Children’s Social care have decided that a Section 20 duty is not owed, or the young person does not wish to be accommodated, housing services duties under Part 7 of the 1996 Act will continue, and where possible with access to supported housing available within the authority’s area. This will also include taking over any duty to provide interim accommodation to the young person, where Children’s Service’s may have been providing emergency accommodation under Section 20.

The Youth Homeless Prevention Worker involved in the Joint Assessment should refer the young person into the Young Persons Youth Homeless Prevention and access to Supported Accommodation panel for consideration of any suitable supported accommodation.

In any case, where the Youth Homeless Prevention Service provides accommodation for a child in need, including where the young person has declined to be accommodated under Section 20, Children’s Social care will need to consider the provision of services under Section 17 of the 1989 Act, set out in a child in need plan, and continue to work with housing services to ensure the young person’s needs are met.

Where any safeguarding concerns emerge during their work undertaken with a 16 or 17 year old, Housing Options must make a referral to Children’s Social care according to local safeguarding procedures.

**5.7 Further Referral to Children’s Social Care Services**

There may also be circumstances in which a further referral is needed to Children’s Social care, even after a young person has declined to be accommodated under Section 20. This includes where the young person who has declined to become looked after and has been assisted by the Youth Homeless Prevention Service under homelessness legislation, but subsequently loses accommodation or are no longer owed a duty by housing services, such as having been found to be intentionally homeless, or having refused a final accommodation offer.

Where a further referral has been made to Children’s Social care a further Single Assessment will need to be undertaken and an offer of accommodation under Section 20. If a young person again declines to be accommodated under Section 20, accommodation can be provided to the young person under Section 17.

**6 Care Experienced Young People (16-17) and Adults (18-25)**

**6.1 Local Offer for Care Experienced Young People and Adults**

To be eligible for support as a young person transitioning from cared for to care experienced, the person will be:

* Aged 16 to 25 years who have housing, or support needs and who have left or are due to leave the care of Torbay Children Services
* An Unaccompanied Asylum Seeker who qualifies for a Leaving Care service from Torbay Children services, and who have been granted refugee status. Also, those who qualify and are given leave to remain up to the age of 20, or who have an extension beyond the age of 18 for a minimum of one year.
* A care leaver who is the responsibility of another Local Authority but who resides in the Torbay area and can show a local connection with their local housing authority district – as in line with legislation.

**6.2 Children in Care Charter**

The Charter for Care Leavers[[5]](#footnote-5) was published by the Department for Education and subsequently launched by the Children's Minister during National Care Leavers’ Week in 2012. The Charter is a statement setting out the values and principles that should underpin the actions and decisions of all professionals who have a remit to work with care leavers. It also sets out through over-arching principles how the experiences of care leavers can be improved, including the stages of preparation and transition into their adult life. The principles embedded in the Charter are fully embedded in the new Care Leavers' Covenant, which was announced by the Children’s Minister in 2016.

**6.3 Torbay Council Local Offer for Care Experienced Young People and Adults**

Torbay Council have produced their local offer document ‘Torbay Local Offer for Care Experienced Young People and Adults 2021 – 2022 a single document which clearly sets out the objectives of how to inform those who are care experienced about what they are entitled to, their support for transition, the accommodation and support options, and what Torbay Council can expect from them. (**Appendix 7**)

The aim of this single document is to enable and assist those who are care experienced in making the most of the services that are available to them in Torbay, to achieve better outcomes and to make the most of their independence. The Torbay local offer is available to all care experienced young people and adults and the local offer was informed by ongoing participation work undertaken by the Torbay Youth Trust and the feedback and analysis of a survey opportunity offered to all care experienced young people with an active Personal Advisor allocated, in conjunction with CORAM BAAF Torbay remain committed to keeping this offer under review, in line with all feedback received from care experienced adults and young people.

This offer is open to:-

* Eligible young people aged 16 or 17 who have been cared for a period or periods of time, became cared for after the age of 14, or are still cared for
* Relevant young people aged 16 or 17 who are no longer cared for, having previously been in a category of an eligible young person
* Former relevant young people aged 18 to 25 who are no longer cared for having previously either been eligible, relevant or both.

Within the above Care Leaver Local Offer document the following is detailed and explained –

* Who are Care Experienced Young People?
* What is a Personal Advisor
* Your Pathway Plan
* Financial Support for our Care Experienced aged between 16 and 17
* Supporting Pregnancy
* Financial Support for our care Experienced Adults aged 18 to 21
* Supporting Pregnancy and Support for Parents with childcare
* Accommodation for our Care Experienced Young People aged 16 to 17
* Accommodation for our Care Experienced Adults aged 18 to 21
* Living costs and accommodation
* Emergency Assistance
* Education, Training and Employment Support
* Custody
* Staying Healthy and Health Assessments
* Health Passport, Eye Care and Prescriptions
* You as a member of your community
* Other places you can go for help and advice
* Being heard, complaints, compliments and participation
* The Torbay Children’s Rights Service
* OFSTED

**6.4 Prevention of Homelessness of Care Experienced Young People (16-17) and qualifying Adults (18 -25)**

Where it can be identified that a care leaver is at risk of homelessness, either due to the scheduled end of a placement of supported or other accommodation provision provided by Torbay Council, or by some action or inaction on the part of the care leaver or other party, the Personal Adviser will have a responsibility to inform Housing Options as soon as possible, within 56 days in advance of this date by completing a ‘**Duty to Refe**r’ to Housing.

Following the completion of the **Duty to Refer** the allocated Housing officer / in receipt of the aforementioned should liaise with the care leaver and their Personal Adviser to ensure the offer of an Assessment to discuss and consider all available accommodation options which the care leaver may be able to access is made, and to provide the care leaver with the required information to enable them to make an informed decision on how best to avoid future homelessness, as well as to understand any duties which may be owed in respect of homelessness prevention. At this meeting, the Assessment should be completed and shared between all parties for the purpose of uniformity of information and understanding. If the Personal Adviser and care experienced adult then decide to make a Personal Housing Plan as part of their Pathway Plan based on the information and decisions contained therein, this should be shared with all parties for the above purpose.

**6.5 Care Experienced Young People and Adults living Outside of Area**

Where it is identified by a Personal Adviser that the care experienced young person or adult is homeless and residing outside of Torbay, every effort will be made to support that care experienced individual to understand the potential benefits of returning to Torbay, where they exist, to engage more effectively with support which might also be more available due to local connection, but also to engage with those services and agencies local to their chosen area of residence, including the Local Housing Authority- Housing Options, if this is where they state they wish to remain. The Personal Advisor should make every reasonable effort to support a care experienced young person or adult to remain in the area they have identified as ‘home’, provided this is does not present significant concerns for their safety and/or wellbeing and respecting identified ‘duties’ as they are determined.

Engaging with other Local Housing Authorities may require negotiation on the part of both the Torbay Leaving Care Service via the Personal Advisor, but also Torbay Housing Options in respect of identifying whether it is possible and reasonable to attempt to facilitate a reciprocal housing agreement between Torbay Housing Options and other Local Housing Authorities, to support the Torbay care experienced individual to remain in the area.

**6.6 Approaches from Care Experienced Adults (18-25)**

Where the individual has made an approach directly to Housing Options and is stating that they are a care experienced adult, Housing Options should seek to establish and confirm with Torbay Children Services Leaving Care Team who the allocated Personal Advisor is for the care experienced adult.

If the young person has been closed to Torbay Children Services but is still eligible for support as a care experienced adult under Sections 23 and 24 of the Children’s Act 1989, the care experienced adult will be allocated with a Personal Advisor.

If it is determined that the care experienced adult is eligible for assistance and is either homeless or threatened with homelessness, they shall be owed the relevant duties under Part 7 of the Housing Act 1996 (as amended). The Housing Options allocated Housing Officer and the Personal Advisor should work collaboratively to best support the young person.

**6.7 Financial Responsibilities for Care Experienced Young People and Adults**

Under the Children (Leaving Care) Act 2000, the local authority Children’s Services are responsible for the accommodation costs in full for eligible and relevant 16-17 year old young people.

Young People in the above grouping become responsible for their own rent after their 18th birthday via their own means or Housing Benefit.

Care experienced young people / adults who are over nineteen and who are full time students, can request a financial assessment from the After Care Service Team and potential financial assistance.

We want care experienced young people to be able to continue their education or training, or to find work when they become cared experienced and transition into adulthood. Below is a summary of the support available to them:

**6.8 Emergency Support for Care Experienced Adults**

The Leaving Care Team can support care experienced adults to access universal emergency assistance, from Housing, DWP (Department of Work and Pensions), and other relevant agencies including their utilities provider.

The care experienced adult will be expected to contact the Leaving Care Team for this support, and as soon as possible so we can ensure that emergency situations do not escalate.

If the care experienced adult is not eligible for emergency assistance, they could receive up to £100 over the course of a single year, which would follow a ‘Needs Assessment’, if they have no other way of supporting themselves. This will be at the discretion of the Leaving Care Team, and will be used as the last resort. It is likely this will be used to buy food or pay utility bills for the young person.

**6.9 Care Experienced Young People and Adults Leaving Custody**

The Leaving Care Team understand that being taken into custody can be a stressful experience for care experienced young people and that, when they are approaching the end of their sentence, they may be worried about where they will live and what they will do next.

While the young person is in custody, the Leaving Care Team may provide the young person with £10 a month financial assistance up until the age of twenty-one, if the prison agrees to this and it is in the young person’s best interests. Any benefit payments would be stopped, however the young person’s claim would stay active and in place ready for your release.

HMPs start to plan for release 9 months before the end of longer prison sentences, when PA’s will liaise with prison and probation to effect a smooth transition back into the community.

Twelve weeks prior to release, there will be a meeting called, chaired by the Leaving Care Team, to discuss the care experienced adult’s release, including discussion in respect of accommodation and it would be expected that the Personal Advisor attends this, alongside other key partners.

If the care experienced adult is considered a high-risk MAPPA offender, they will be able to be referred for, though not guaranteed access to (upon release), Approved Premises, to enhance the efficacy of their Risk Management Plan. This will be completed at least three months prior to release, by their Offender Manager.

Throughout the final period of three months in custody, the care experienced adult’s Personal Advisor can explore all the usual options, for example advice, guidance and offers of suitable accommodation, where appropriate, as for any other young person supported by the Leaving Care Team.

A care experienced adult will have access to a Personal Advisor whilst they are in custody up to the age of 25 if they choose.

There are education, training and employment opportunities to explore with the young person’s Personal Advisor and staff in custody.

**6.10 Move-On Accommodation for Care Experienced Adults**

Social Housing

Access to social housing is determined by individual Local Housing Authority’s Allocation Schemes and by Part 6 of the Housing Act 1996 (as amended).

Local Housing Authorities should ensure that care experienced individuals are suitability prioritised under their Allocations Scheme to support with the move-on of care experienced adults and to prevent them from becoming homeless and that there is adequate consideration given to:

* The process followed between Children Social Care and Housing Options to support young people leaving care and for care experienced adults to apply for social housing and allocation scheme residency criteria are applied including:
	+ The age when care experienced adults can join the housing register and any specific arrangements that are in place. For example, cared for young people may be able to register for social housing before they turn 18 years old, and have this backdated to their 16th birthday on provision of evidence of care-leaver status, with the option that their applications are not made until they are ready to live independently.
	+ The level of priority care experienced young people leavers and adults are awarded in the allocations scheme in order to effectively manage their move into settled housing in a timely manner.
	+ How the care experienced young person and leaver and adult’s readiness to manage a tenancy is assessed and agreed, including reference to any local tenancy readiness programmes.
	+ How care experienced young people and adults are supported by their Personal Advisors to bid for properties (where choice-based lettings applies), and to take up their tenancy once a property is offered to them.
	+ Access to additional floating support services where available. Care experienced young people are more likely to need support to set up and manage their new home, particularly in the first months.
	+ How the Local Housing Authority allocates social housing to care experienced young people and adults who have moved away e.g. to attend university but wish to return to their home authority.
	+ Reciprocal housing arrangements between authorities to share ‘demand’ across county.

An application should be made to join a Local Housing Authorities housing register by applying online at: <https://www.torbay.gov.uk/housing/waiting-list/>

**6.11 Private Rented Sector for Care Experienced Young People and Adults**

Prior to a care experienced individual moving into Private Rented Sector accommodation, a Personal Advisor should make every reasonable attempt to visit, either physically or virtually, the accommodation to assess suitability. Where concerns are present, the Personal Advisor should communicate these to the care experienced individual and to their manager, as it may be necessary to decline payments required for the care experienced individual to access said property, if unsuitable.

Whether the Private Rented Sector accommodation has been sourced by and paid for entirely by the care experienced individual, or they have had some support, their Personal Advisor will offer them support and guidance with respect of sustaining their tenancy. The Personal Advisor will liaise with their landlord where required to ensure that oversight on their progress in meeting their responsibilities as a tenant, but also to provide support to any challenges which might be being faced by the care experienced individual, due to actions or inactions on the part of their landlord or agent. The Personal Advisor will act as a single point of contact for dispute resolution where required.

Budgeting plans to assist with day to day budgeting or where a care experienced individual is struggling to manage rent or other costs will remain available from workers, within the Leaving Care team whenever these are required by a care experienced young person or adult.

As the care experienced individual may have a limited income, it is vital that they be aware of the possible impact of any reduction in the amount of housing cost payments they receive via the Local Housing Allowance due to changes in circumstances. The current Shared Accommodation Rate (SAR) limits the level of housing costs available to care experienced individuals through housing benefit or Universal Credit to the cost of a room in a shared house. However, The SAR exemption for care experienced individuals will be extended to 25 years old from June 2021. Should it be identified by any party supporting the care experienced with maintaining their accommodation that they are likely to be adversely affected by this change, an application for Discretionary Housing Payment should be made at the earliest point.

To ensure that the necessary payments are sustained, and homelessness avoided, it will be an expectation of all partners that landlords and agents notify all relevant parties when a care experienced individual maybe facing difficulty in sustaining their tenancy, via non-payment, behaviours, or other factors at the earliest possible opportunity.

**6.12 Suitability of Accommodation for Care Experienced Adults**

The suitability of accommodation for care experienced adults is provided in the Children Act 1989: Care Planning guidance – volume 2 (pages 74 – 80) and volume 3 (7.12 – 7.18). Where the care experienced individual is homeless, a Local Housing Authority must have regard to suitability of accommodation provided for them as set out in the Homelessness Code of Guidance – chapter 17 and in sections 22.24 to 22.29.

**7 Access to Torbay Commissioned unregulated Supported and Semi-Independent Accommodation provision**

During 2020 Torbay Children’s Services conducted pre-tender commissioning activity and reviewed the needs of Young People and current accommodation provision. The tender was informed by stakeholder wide consultation including engagement of young people living in such provisions and incorporating their views. As such, stakeholder consultation informed the drawing up of the tender specification and the required outcomes of the commissioned services. Young People were engaged in evaluating bidder responses and we have in place new initial 3-year block contracts as from 1st April 2021. The services commissioned are:

Supported Lodgings (for 16-24 Year olds)

Semi-independent provision for 16-18 year olds with more complex needs

Foyer for 16-24 year olds

Young Parent Supported Accommodation Service (16- 24 years)

These services will prioritise care experienced young people, those with additional support needs and other young people at risk of homelessness who will benefit from living within an environment where they are supported and provided with necessary opportunities to develop their independent living skills. The Young Parents service support Young Parents to develop their parenting skills to keep their child or unborn baby and themselves safe and well.

**All of the 16 plus commissioned services are unregulated provisions so can only provide ‘support’. Young People who require ‘care’ as defined by Ofsted are not able to be accommodated or placed in unregulated provisions.**

In addition to the above commissioned block contracts Torbay also has in place an approved Provider Framework so this can be drawn upon if the above provisions are full and/or if a specific specialist provision is required to meet the needs of a Young Person that cannot be met by or within the above block contracts.

**7.1 Placement, Access and Referral**

Placement provision for cared for children is not considered a referral pathway, but instead part of the statutory duty to care for children under the Care Planning, Placement and Case Review (England) Regulations 2010. Similarly, duties to care experienced adults are outlined in the Children (Leaving Care) Act 2000.

Any referral being made to semi-independent accommodation and support services for cared for young people will be co-ordinated through the Placements team within social care. Referrals made in relation to care experienced young people will use the single point of referral.

The referral pathways for the block commissioned accommodation is detailed in **Appendix 6**. The demand and capacity of the commissioned accommodation will be kept under fortnightly review in the Youth Homeless Prevention and Access to Supported Accommodation Panel chaired by the Early Help Service manager.

**8 Intentional Homelessness**

Intentionally Homeless defined by Section 191(1) of the Housing Act 1996. It provides that a person becomes homeless intentionally if **ALL** of the following apply:

(a) They deliberately do or fail to do anything in consequence of which they cease to occupy accommodation; and,

(b) The accommodation is available for their occupation; and,

(c) It would have been reasonable for them to continue to occupy the accommodation.

However, for this purpose, an act or omission made in good faith by someone who was unaware of any relevant fact must not be treated as deliberate.

A person must be treated as homeless intentionally if:

(a) The person enters into an arrangement under which they are required to cease to occupy accommodation which it would have been reasonable for the person to continue to occupy; and,

(b) The purpose of the arrangement is to enable the person to become entitled to assistance under Part 7; and,

(c) There is no other good reason why the person is homeless.

When considering intentionally homelessness Local Housing Authorities should take particular care when assessing whether 16-17 year olds are to be considered intentionally homeless from their family home or from accommodation provided for them. For an applicant to be intentionally homeless the actions or omissions that led to their becoming homeless must have been deliberate. Housing authorities will need to be mindful that a homeless 16 -17 year-old might not have the ability to understand the full consequences of their actions and choices that would be expected of an adult.

The Homelessness Code of Guidance (section 22.17) states that Local Authorities should do all they can to avoid the impact of intentionally homeless decisions on care experienced young people; and through joint working between Housing Options (The Youth Homeless Prevention Service) and Children’s Social Care will consider the needs and vulnerabilities of the young person. This would include considering the young person’s emotional and mental well-being, maturity, and general ability to understand the impact of their actions.

Before reaching an intentionally homeless decision for a 16 -17 year old or care experienced young person, the Youth Homeless Prevention Worker should ensure enquiries are made with Children’s Social Care and care experience service and have regard to any Adverse Childhood Experiences (ACE’s) that the young person may have suffered that may have led to their deliberate act.

**9 Protocol Governance**

**9.1 Resolution of Disputes and Professional Escalation Policy**

This protocol is intended to minimise disputes and encourage open and respectful dialogue as well as promoting collaborative work and opportunities for joint work between Children’s Social Care, Youth Homeless Prevention Workers and Housing Options.

Differences in opinion over the responsibility and proposed actions undertaken should be dealt with by the allocated practitioners in each team/service. If the issue cannot be resolved at this level the matter should be referred jointly to the respective team managers for resolution. All dispute resolution and resulting decisions will be taken in the spirit of this protocol and recognising the need for effective interagency working.

Should the matter remain unresolved, then the matter will be referred to Heads of Service for each service involved and if appropriate legal advice may be taken.

The Torbay Safeguarding Children Partnership - Resolving Professional Disagreements and the Escalation of Professional Concerns’ should be followed:

[Policies - Torbay Safeguarding Children Partnership](http://www.torbaysafeguarding.org.uk/publications/policies/)

**9.2 Right of Appeal**

The young person has the right to request a review of a decision of:

* not eligible for assistance;
* not homeless;
* not in priority need; or
* intentional homelessness

This must be made by requesting in writing a review of decision within 21 days of the intentionality decision date.

The review will be considered by an officer in Housing Options senior to that making the original decision and this will take place within 56 days of the request. The young person may also request at this time that the temporary accommodation is continued to be made available to them, this is a discretionary decision to be made Housing Options on a case by case basis. If the young person is still unhappy with the decision after a review they then have the right to appeal the decision by making a case to the county court on a point of law, again a discretionary request to continue to occupy temporary accommodation can be made.

The young person also has a right of appeal on a S.20 decision by Children’s Social Care not to provide accommodation. In order to make an informed decision to challenge, a copy of the Initial Assessment with the management decision must be provided in writing. Information about the Complaints and appeals process should also be provided.

If Workers in either Children Social Care, Youth Homeless Prevention Service and/or Housing Options wish to challenge the decisions by either services, they will in the first instance request a review of the decision via their Senior Manager to a Senior Manager in the other service unit. The Senior Manager will review the decision and determine if the assessments and decision making process has been followed and complies with legislation.

**9.3 Training, Governance Arrangements and Monitoring**

It is essential in order for the joint housing protocol to work and continue to achieve its purpose that all relevant staff are aware of the protocol and relevant training is provided. Regular monitoring of the protocol should also be undertaken and any relevant changes in legislation or policy of departments which affect the protocol should be fed back and changes made accordingly.

Close working relations and peer support will be provided by the Housing Option’s team to the Youth Homeless Prevention Workers in Children’s Social Care Early Help Service. This is with the aim of ensuring that their housing legislation is current and that accurate decisions are made. Joint training sessions will be undertaken and an active role will be undertaken by Housing Options to assist in ensuring that appropriate CPD is undertaken by the Youth Homeless Prevention Workers.

Torbay Council Senior Officer lead responsibility for formal quarterly monitoring and reporting on the implementation of the Protocol will be the Divisional Director of Children’s Social Care. Any relevant changes in legislation or policy of departments which affect the protocol should be fed back and changes made accordingly.

The following will also be accountable for contributing to the **annual review and relevant staff within their service areas to be consulted with accordingly**:

* Divisional Director for Safeguarding, Children’s Social Care
* Corporate Parenting lead
* Assistant Director Community and Customer Services
* Housing Options Manager
* Head of Service Front Door and Early Help
* Head of Service Regulated Services
* Strategic Commissioner of Children’s 16+ Commissioned Supported Accommodation Services

It will be an expectation that wider stakeholder consultation including consultation with young people and commissioned providers will take place on an annual basis to inform the annual review of the joint protocol.

In response to the Covid-19 pandemic and any future instances when providing face to face support and processes is not possible, a supplementary health and safety advisory sheet/guide will be developed to aid all processes, including the joint assessments to be undertaken ‘digitally’.

**9.4 Information Sharing Governance**

All parties will adhere to the Government guidance ‘Information Sharing, Advice for practitioners providing safeguarding services to children, young people, parents and carers’. This guidance was updated since the 2015 publication to reflect the General Data Protection Regulation (GDPR) and Data Protection Act 2018, which can be viewed using the following link:

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf>

**9.5 Data Sharing**

In line with the General Data Protection Regulation GDPR and the Data Protection Act 2018 all partners will only share personal information where, there is an explicit, legitimate reasons to share and use personal information, and only share that information relevant to and adequate to that purposes; individuals have been informed why and how their information will be share, including identifying the lawful basis for sharing the information; personal information will only be held for the minimum time necessary for the purposes for which the information was obtained; appropriate technical and organisational measures are taken to prevent loss of or damage to the personal information; and good governance and record keeping procedures concerning the processing of personal information is in place.

**9.6 Privacy Notices**

Torbay Council has a detailed Privacy Notice which is found on their website[[6]](#footnote-6) and this notice explains what personal data (information) is held by Torbay Council about the young person, how it is collected, how it is used by Torbay Council and how they may share information about the young person. Torbay Council are required to give young people this information under the Data Protection law.

Each Local Authority will have their own Privacy Notices that are published on their individual websites, these notices, as with the afore mentioned set out what personal data is held and collected by the Local Authority and how it is used and shared to enable the administration of housing services, both landlord and tenant services.

**Glossary**

|  |  |
| --- | --- |
| Advocate | An advocate can offer advice and support to a young person. The main purpose of the advocate is to enable the young person to express their wishes and feelings. |
| Care Experienced Young Person | A Care Experienced Young Person is a young person aged 16-17 years old who has been cared for by the Local Authority for a relevant period of time since their 14th birthday, and with a period of care taking place on or after their 16th birthday. |
| Care Experienced Adult  | A Care Experienced Adult is a young person aged 18-25 years old who has been cared for by the Local Authority for a relevant period of time since their 14th birthday, and with a period of care taking place on or after their 16th birthday. |
| Care Pathway Plan | A Care Pathway Plan prepared soon as possible after an assessment by a Social Worker, areas covered in the care plan could include: accommodation, practical life skills, education and training, employment, financial support, specific support needs and contingency plans for support if independent living breaks down. |
| Child in Need | A young person who is unlikely to achieve or maintain or have the opportunity to achieve or maintain a reasonable standard of health or development without provision of services from the Local Authority; their health or development is likely to be significantly impaired, or further impaired, without the provision of services from the Local Authority; they have a disability. |
| Children Act 1989 | The Children Act 1989 manages what local authorities, courts, parents, and other agencies in the UK are doing to ensure that children are safeguarded. |
| Citizens Advice Bureau | Citizens Advice (previously Citizens Advice Bureau) is a network of 316 independent charities throughout the United Kingdom that give free, confidential information and advice to assist people with money, legal, consumer and other problems. |
| Data Protection Act 1998 | The Data Protection Act (DPA) controls how personal information can be used and your rights to ask for information about yourself. |
| Department for Education | The Department for Education is responsible for children’s services and education, including early years, schools, higher and further education policy, apprenticeships and wider skills in England. |
| Duty to Refer | A duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams, effective from the 1st October 2018. |
| Emergency Accommodation | Emergency housing is short-term accommodation for people who are homeless or in crisis. At an emergency housing facility, you can get basic necessities, such as a place to sleep, shower, do laundry, get clothing, and eat or get money for food. |
| Floating Support Service | This service aims to help people remain independent by offering support at home to people with a range of different needs. |
| Homelessness Reduction Act 2017 | Legislation that sets out the statutory responsibility of local authorities for assisting homeless households. |
| Housing Benefit | Housing Benefit is a means tested social security benefit in the United Kingdom that is intended to help meet housing costs for rented accommodation. |
| Intentionally Homeless | Being 'intentionally homeless' means that your homelessness, or threatened homelessness, was caused by something that you deliberately did or failed to do. |
| Interim Accommodation | Interim accommodation is another term for emergency accommodation and it should only last for a short time. |
| Joint Assessment | A joint procedure between Housing and Children’s Social Work Services for the Assessment of Housing and Support needs of Homeless or likely to become homeless 16- and 17- year-olds. |
| Local Housing Authority | Authorities with direct responsibility for delivery housing within their areas, in Torbay this is **Housing Options**  |
| Looked after Child | A looked after child, sometimes also referred to as LAC or Children in Care, are children or young people who have been under the care of the local authority. To be eligible they should have been in care for 13 weeks after the age of 14, with at least one day in care after 16. |
| MCHCLG | MHCLG (Ministry of Communities Housing and Local Government) is a ministerial department, supported by 13 agencies and public bodies. |
| Personal Advisor | As a Personal Advisor, you will provide a direct service to young people preparing to leave local authority care and will ensure continued support is offered to care-leavers in the community. |
| Personal Housing Plan | Local Housing Authorities will conduct an assessment with all eligible applicants who are homeless or threatened with homelessness and develop a personalised housing plan with them. The assessment of an applicant's support needs should be holistic and comprehensive. |
| Prevention Duty | A duty on local housing authorities to work with people who are threatened with homelessness within 56 days to help prevent them from becoming homelessness. |
| Priority Need | Is a test which a homeless person needs to pass for the Council to decide what help with housing that they might be entitled to. |
| Relevant Child | Is a young person who: Left care on or after their 16th birthday; have been in care from the age of 14 for at least 13 weeks (this does not need to be continuous). This means that at one point you were a looked after child for a period of time, but are not looked after anymore. |
| Relief Duty | The relief duty applies when a local housing authority is satisfied that an applicant is homeless and eligible for assistance. |
| Unaccompanied Asylum Seekers | Unaccompanied Asylum Seeking Children (UASC) are children and young people who are seeking asylum in the UK but who have been separated from their parents or carers. |
| Universal Credit | Universal Credit is a payment to help with living costs, it is paid monthly and to be eligible you need to be on a low income or out of work. |

**Appendix One – Children’s Social Work Services Legislation**

Section 17 of the **Children Act 1989** states that every local authority has a duty to:

* Safeguard and promote the welfare of children within their area who are in need; and so far, as is consistent with that duty, promote the upbringing of such children and their families by providing a range and level of services appropriate to those needs.

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

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

The duties described in Section 17 apply to all children in need in the area of the Local Authority. A child is any person under the age of 18 (Section105 (1) of the 1989 Act).

Section 20(1) of the **Children Act 1989** states that every Local Authority shall 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; or
* Being lost or having been abandoned; or
* The person who has been caring for them being prevented (whether permanently, and for whatever reason) from providing suitable accommodation or care.

In addition, even if the criteria in Section 20(1) do not apply,

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

Section 20(4) provides that a Local Authority may provide accommodation for any child in their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child’s welfare.

Local Authority duties for accommodating young people under this section are not simply a matter for local policy. The duty is engaged whenever a child in need in the Local Authority’s area requires accommodation as a result of one of the factors set out in Section 20(1)(a) to (c) or in Section 20(3).

Where a young person in need requires accommodation as a result of one of the factors set out in Section 20(1) (a) to (c) or Section 20(3) then that young person must be provided with accommodation. As a result of being accommodated by Children’s Social Work Services for a continuous period of more than 24 hours the young person will become looked after, and the local authority (Social Work Services) will owe them the duties that are owed to all looked after children, and once they cease to be looked after, the duties that are owed to care leavers under that Act.

There is a clear legal framework for co-operation between Torbay Council Children Services and Torbay Housing Options to meet the needs of children and young people. Section 27 empowers Local Authorities to ask other authorities, including any Local Housing Authorities for “help in the exercise of any of their functions” under Part 3; the requested authority must provide that help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of any of their own functions.

Section 20(5) a Local Authority may provide accommodation for any person who has reached the age of sixteen but is under twenty-one in any community home which takes children who have reached the age of sixteen if they consider that to do so would safeguard or promote their welfare.

**Care Leavers (known locally as ‘Care Experienced Adults)**

Care Leavers: The **Children Act 1989** and its support regulations and statutory guidance place a legal duty on Local Authorities to provide support for care leavers. The Local Authority is the “corporate parent” for children in care and therefore has a responsibility for their wellbeing. The precise level of care required by each care leaver will depend on their assessed needs and on their leaving care “status”, as defined by statute.

The 2010 (and 2011, 2014) regulations set out under Volume 3 of the Children Act 1989 have strengthened an emphasis on leaving care as being a transitional period rather than something that occurs at a point in time. Care leavers are expected to receive support from their responsible authority (the Local Authority that last looked after them) up to their 25th birthday if they so wish and are eligible. All financial support and responsibility previously owed to a care leaver by the Torbay Care Leaver Service ceases on the day of their 21st birthday and the support provided is adjusted to reflect an approach of advice and guidance for the care leaver, to best access support and services from other agencies to assist with ongoing need. There may be exceptional circumstances experienced by a care leaver during which it is judged necessary by the service to continue a provision of support at cost to the Torbay Care Leaver Service, for the wellbeing of the care leaver. The aim of such continuing support is to ensure that care leavers are provided with comprehensive personal support so that they achieve their potential as they make the transition to adulthood.

Torbay Council has developed a new offer for young people leaving care which contains full information on allowances related to accommodation and principles of good practice:

Connection and Belonging corporate parents ensure that provision is appropriate, person-centred with sustained support. Care leavers are supported to develop positive personal and professional support networks and relationships.

Readiness of Care Leavers Care leavers will be prepared towards independent living through their Pathway Plan and the support and advice of their Personal Advisor as well as other professionals involved in their development.

Any care leaver will have if appropriate a Personal Housing Plan that will form part of their Pathway Plan and this will be co-produced by the Personal Advisor and young person. This will be tailored to their individual needs, understanding and capabilities, to provide them with better understanding of and practical support to affect change to, their housing needs. This can be requested at any time and once created, will be provided to the young person and other supporting professionals where required or requested, along with other bespoke supporting documentation and information

Corporate Parenting relates to the local authority duty and responsibility to ensure partnerships forged between relevant agencies in the interests of care leavers and looked after children and the moral obligation to provide the opportunities and supports that any good family would provide including to address the legacy of significant early disadvantage.

Care Leavers’ Views engaging care leavers in decision-making about their own lives, identifying problems and solutions, taking responsibility for success or failure builds self-esteem, confidence and skills.

Information Sharing information may have to be shared among different service providers to provide an effective service to care leavers. A consent form should be signed by the care leaver to enable the sharing of appropriate information amongst agencies/landlords. The accommodation section of the Care Leaver’s Pathway plan must be shared with the local housing authority.

Equality and Diversity support for the care leaver should aim to address the inequalities associated with socio-economic disadvantage and promote equality.

**Appendix Two – Homelessness Legislation - In context of Care Experienced 16- 17-year olds and eligible Care Experienced Adults (18-25)**

The **Housing Act 1996 Parts VI and VII** set out the legal framework for allocating housing and assisting homeless people. **Part VII of The Housing Act 1996 (as amended)** clearly outlines the duty of the Local Housing Authority to provide a service offering support and advice on preventing homelessness, securing accommodation when homeless and, the rights of those who find themselves homeless, as well as the support available from the local housing authority and other local agencies, to all persons including care leavers and that this support should be free. The service must be designed to meet the needs of persons in the authority’s district including the needs of specific vulnerable groups, of which care leavers are one such group.

The **Homeless Reduction Act 2017** came into force in April 2018 and sees significant amendments to the existing homeless legislation. The Act introduces several new statutory duties to ensure that Local Housing Authorities take steps to prevent or relieve homelessness.

Section 175: A person is homeless if they have no accommodation available in the UK or elsewhere, or if they cannot secure entry to it, or it is not reasonable for them to occupy it.

Section 189: A person is in priority need if they or their partner are pregnant, have dependent children, are aged 16 or 17 years old, are vulnerable due to old age, mental illness or handicap or physical disability or other special reason, or are homeless or threatened with homelessness as the result of an emergency.

The **Homelessness (Priority Need for Accommodation) (England) Order 2002** provides that the following have a priority need for accommodation for the purposes of Part 7 of the 1996 Act:

## Children aged 16 or 17

* A person aged sixteen or seventeen who is not a relevant child for the purposes of section 23A of the Children Act 1989, except for:
* A person to whom a local authority owes a duty to provide accommodation under section 20 of that Act (provision of accommodation for children in need).

## Young people under 21

* A person (other than a relevant student) who

(a) Is under twenty-one; and

(b) At any time after reaching the age of sixteen, but while still under eighteen, was, but is no longer, looked after, accommodated or fostered.

* A person (other than a relevant student) who has reached the age of twenty-one and who is vulnerable as a result of having been looked after, accommodated or fostered.

**Prevention and Relief Duties**

New duties towards people that are homeless or threatened with homelessness were incorporated within Part 7 of the Housing Act 1996 by the Homelessness Reduction Act

2017. These include duties to:

1. Undertake assessments;
2. Develop personalised housing plans; and
3. Take reasonable steps to prevent homelessness (for applicants who are threatened with homelessness) or relieve homelessness (for applicants who are already homeless).

Young people who are eligible and homeless, or threatened with homelessness, must have an assessment of their needs. This must include:

1. The circumstances that have caused them to be homeless or threatened with homelessness;
2. Their housing needs, and what accommodation would be suitable for them, their household and anybody who might reasonably be expected to live with them; and,
3. The support that would be necessary for them, and anybody who will be living with them, to have and sustain suitable accommodation.

If a young person who applies or is referred to a housing authority is not homeless, but is threatened with homelessness within 56 days, a prevention duty will be owed irrespective of whether the young person is likely to have a priority need.

A referral should be made to Children’s Social Work Services identifying the threat of homelessness, and services should co-operate together in efforts to prevent the young person from becoming homeless.

A Personalised Housing Plan (PHP) must be developed with the young person, setting out the reasonable steps that the housing authority and the young person will take to try and prevent them from becoming homeless. Any steps that the young person is required to take should be proportionate to the age, understanding and assessed capability of the young person to undertake the actions. Other relevant people, for example parents or social workers, may also be requested to take actions as appropriate.

If a young person is already homeless when they seek help, or they become homeless despite efforts to prevent it, housing services must attempt to relieve their homelessness by ensuring that suitable accommodation is made available to them (Section 189B). A PHP must also be produced, or amended to reflect the changes in housing circumstances. While a PHP is prepared, emergency accommodation should be provided where necessary. If a child in need assessment has not already been completed one should be commenced immediately. Children’s Social Work Services must conclude the assessment within a maximum 45 days.

The question of which further duties are owed under Part 7 of the 1996 Act will depend in part on the outcome of the assessment by Children’s Social Work Services, and whether any duty is owed under Section 20 of the 1989 Act.

Housing services should seek to work with Children’s Social Work Services throughout the process of an assessment, planning and attempting to prevent or relieve homelessness so that both the child in need 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 more likely to lead to better and more sustainable outcomes for the young person.

**Ending the prevention and relief duties**

The guidance on how the (section 195) prevention and (section 189B) relief duties come to an end is set out in full in chapter 14 of the Homelessness Code of Guidance and include the following:

1. The housing authority is satisfied that the applicant has suitable accommodation available for occupation and a reasonable prospect of suitable accommodation being available for at least 6 months from the date of the notice.

Duties might end in this way if the young person is accommodated under section 20 and/or within a supported housing pathway, and the housing authority is satisfied that suitable accommodation will be available for occupation for at least six months. Where the young person is older than 17 and a half, and Children’s Social Work Services duty to accommodate them is likely to end within six months, it is the responsibility of the Local Housing Authority to satisfy itself that accommodation will be available for at least six months, for example through being confident that arrangements are in place for the young person to remain in the accommodation beyond their 18th birthday or for a planned transition to other suitable accommodation.

1. The Local Housing Authority has complied with the prevention or relief duty and 56 days have passed (regardless of whether the applicant is still threatened with homelessness in the case of the prevention duty or whether they have secured accommodation in the case of the relief duty) (sections 195 (8)(b) and 189B (7)(b)).

If the relief duty ends after 56 days without homelessness having been relieved, the Local Housing Authority will be required to reach a decision on whether the (section 193(2)) housing duty is owed (see Main Duty).

c) The applicant has refused an offer of suitable accommodation and, on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for the minimum prescribed period (sections 195(8) (d) and 189B (7) (c)).

If a young person refuses suitable accommodation, such as placement within a supported housing pathway, the prevention or relief duty may be brought to an end but without any effect on further duties that might be owed. Refusal of suitable accommodation within the relief stage will not disapply the young person from the main (section 193(2)) housing duty except where the offer was a ‘final offer’ of an assured shorthold tenancy or a Part 6 offer.

d) The applicant has become homeless intentionally from any accommodation that has been made available to them as a result of reasonable steps taken by the housing authority during the prevention or relief duty, whichever is relevant (sections 195(8)(e) and 189B(7)(d)).

e) The applicant is no longer eligible for assistance (sections 195(8) (f) and 189B (7)(e)).

f) The applicant has deliberately and unreasonably refused to co-operate (sections 195(10) and 189B (9) (b)).

If the relief duty ends in any of the ways set out in c to f above, Children’s Social Work Services will be required to carry out further assessments of the young person’s needs. Intentional homelessness Housing services should take particular care when assessing whether 16 or 17 year olds are to be considered intentionally homeless from their family home or from accommodation provided for them. For an applicant to be intentionally homeless the actions or omissions that led to their becoming homeless must have been deliberate, this means where a young person’s behaviour or actions continue despite the young person having a full understanding of the consequences. However, Local Housing Authorities and other agencies providing support will need to be mindful that a homeless 16 or 17 year old might not have the ability to understand the full consequences of their actions and choices that would be expected of an adult.

Housing services are reminded that applicants cannot be considered to have become homeless intentionally because of failing to take up an offer of accommodation; homelessness is only capable of being ‘intentional’ where the applicant has ceased to occupy accommodation that it would have been reasonable for them to continue to occupy. For a young person to be considered intentionally homeless from accommodation provided during the prevention or relief stages (see 4.18 above) the accommodation must have been provided under the reasonable steps provisions and not as interim accommodation under Section 188 of the 1996 Act.

If, for whatever reason, a 16 or 17 year old is found to have become homeless intentionally, housing services should inform Children’s Social Work Services immediately. For further guidance about intentional homelessness, authorities should refer to chapter 9 of the Homelessness Code of Guidance[[7]](#footnote-7)

**Deliberate and Unreasonable Refusal to Cooperate**

The prevention and relief duties can be brought to an end under Section 193B and Section 193C respectively if an applicant deliberately and unreasonably refuses to take any of the steps that they agreed to take, or the local housing authority set out for them to take where agreement could not be reached, in their PHP.

In considering whether a young person’s actions were both deliberate and unreasonable, Local Housing Authorities must take into account their age and maturity, as well as the context in which they are making decisions. This would include considering the impact of homelessness on the young person’s mental and emotional health, as well as their ability to understand the consequences of their actions and decisions.

Local Housing authorities must have procedures governing the service of notice on applicants who deliberately and unreasonably refuse to cooperate, and might wish to consider how Children’s Social Work Services can contribute to these arrangements in respect of homeless 16 or 17 year olds. More information on non-cooperation is set out in chapter 14 of the Code of Guidance (14.43 – 14.48).

**The Main Housing Duty**

Where a young person who is eligible and unintentionally homeless does not have their homelessness prevented or relieved, local housing authorities must assess what further duties (if any) are owed to them. If the young person is not a child in need owed duties under Section 20 of the 1989 Act, they will have priority need for accommodation and will be owed the main Section 193(2) housing duty with the following exceptions:

1. The relief duty ended due to the young person’s unreasonable and deliberate refusal to cooperate, in which case the Section 193C (4) duty is owed.
2. The young person refused a final offer made under Section 189B (9) (a) of the 1996 Act, or a Part 6 offer and so excluded from the main housing duty. A final offer must be of an assured shorthold tenancy or another appropriate offer of accommodation, which will be for at least six months duration, and which is suitable for the young person’s needs.

Local Housing Authorities should refer to chapter 14 of the Homelessness Code of Guidance for guidance on the ways in which prevention and relief duties end, and chapter 15 for guidance on discharging accommodation duties.

**Duty to Refer**

The Housing Act 1996 also places a duty on specified public bodies to refer service users that may be homeless or threatened with homelessness to a Local Housing Authority. Under [**Section 213B**](http://www.legislation.gov.uk/ukpga/2017/13/section/10) public authorities specified in regulations are required to notify a housing authority of service users they consider may be homeless or threatened with homelessness (i.e. it is likely they will become homeless within 56 days). These specified public bodies include social services authorities; youth offender institutions; young offending teams; secure training centres and secure colleges among others.

Before making a referral, a public authority must:

(a) Have consent to the referral from the individual;

 (b) Allow the individual to identify the housing authority in England which they would like the notification to be made to;

 (c) Have consent from the individual that their contact details can be supplied so the housing authority can contact them regarding the referral.

The duty to refer only applies to public authorities in England and individuals can only be referred to housing authorities in England. There is no specified method to for public bodies to make a referral under the Duty to Refer and local arrangements are essential.

**Care Leavers Local Connection**

Section 199(8) to (11) of the Housing Act makes specific provisions relating to local connection for care leavers.

A young person owed leaving care duties under Section 23C of the Children Act 1989 will have a local connection to the area of the children services authority that owes them the duties. If the Children Services authority is a county council and not a housing authority, the young person will have a local connection with every housing authority district falling within the area of the Children Services authority.

Where a care leaver is aged under 21 and normally lives in a different area to that of a local authority that owes them leaving care duties, and has done for at least two years including some time before they turned 16, the young person will also have a local connection in that area.

**Appendix Three – The Youth Homeless Prevention Service Structure, Aims and Objectives**

**Structure:**

**Service Area:** Early Help

**Number of Workers:** 2fte

**Managed by:** Early Help Service Manager

**Purpose of the Youth Homeless Prevention Service:**

* To deliver interventions and activities that contribute towards the prevention and relief of youth homelessness
* To support young people access suitable accommodation.

**Outcomes Objectives of the Youth Homeless Prevention Service:**

* To ensure that all Young People referred to Early Help access appropriate housing services, accommodation resources and the support they require to meet their needs.
* To ensure that the necessary systems and processes are in place to identify the risk of homelessness amongst young people and that appropriate action is taken.
* That a coordinated approach to prevention of youth homelessness for 16-17 year olds is delivered in Torbay.
* To formulate an educational tool that can be delivered across Torbay to professionals, families and children explaining the role of the service and the housing options available to young people.

**Youth Homeless Prevention Service Duties and Activities:**

* To be responsible for safeguarding and promoting the welfare of young people at all times.
* To assist with the development of internal mechanisms that clearly identify young people at risk of homelessness and ensure appropriate interventions are put in place at the earliest opportunity to prevent homelessness or access alternative accommodation.
* Undertake specialist housing casework with young people and their families, including:
	+ Mediation with young people and their family networks where relationship and family breakdown is a risk;
	+ Taking the homeless application, undertaking relevant investigations and making a housing recommendation based on the information obtained;
	+ Undertake joint assessment with the Children Services social worker;
	+ Accessing suitable accommodation services and appropriate move on where emergency accommodation has had to be provided;
	+ Provide housing advice and support;
* Ensure that close working relationships are maintained with Housing Options and the integrated partnership across Early Help
* Ensure all relevant case management systems (including Locata, Paris) are maintained to enable appropriate case oversight and government returns can be completed;
* Deliver training on housing and welfare benefits issues to CSC staff and the wider EH partnership.
* Establish links with local housing providers and develop working protocols/agreements with all relevant local agencies to:
	+ Facilitate and improve communication and opportunities with partners particular focus on Children’s Services, Housing Options, and accommodation providers;
	+ Highlight the importance of and facilitate preventative homeless work to support young people within the family home whenever appropriate to do so;
	+ Raise the profile of the accommodation needs of young people and in particular those with complex needs and care leavers in the local housing arena.
* Ensure that good quality housing advice is given to young people and families to prevent homelessness and to enable them to resolve their own accommodation issues with support.
* In seeking to prevent homelessness, liaise with families, landlords, solicitors, housing services, voluntary sector and other relevant agencies, organisations and individuals.
* Contribute towards and deliver educational programmes that address the issue of youth homelessness.
* Contribute to procedure and policy development.

**Appendix Four- The Youth Homeless Prevention and Access to Commissioned 16-25 Semi-Independent and Supported Accommodation Panel**

**Terms of Reference**

Youth Homeless Prevention and

Access to Supported Accommodation Panel

**PURPOSE:**

The Youth Homeless Prevention and Access to Supported Accommodation Panel is the formal arena whereby the integrated partnership between key statutory and non-statutory agencies meet to ensure responses to young people presenting with housing needs are coordinated and that resources are managed in an effective manner.

The integrated partnership will have an overview of and drive the development and delivery of responses focused on the prevention and reduction of youth homelessness across Torbay.

**AIMS AND OBJECTIVES:**

To develop and deliver a co-ordinated multi-agency response to youth homeless ness across Torbay.

To facilitate shared learning and gain a better understanding of the profile of youth homelessness across Torbay.

To consider and develop approaches for all young people affected by housing issues.

To consider and develop plans to support young people who are at risk of homelessness.

To consider and develop plans to support young people who have experienced homelessness.

To proactively and meaningfully involve young people in the development of the Torbay approach to youth homelessness prevention by considering feedback from young people that have come into contact with any part of the integrated partnership set up to address youth homelessness.

To support effective working relationships between member agencies, professional groups, and voluntary organisations who work in the area of youth homelessness prevention.

To be responsive to changes in legislation, changes in service needs and consider the implications of research and in relation to the continuous profiling of youth homelessness associated risks.

Proactively identify and collaborate on funding opportunities that promote and enhance services and responses designed to prevent young people from becoming homeless.

To have oversight of all young people that have been identified as being at risk of homelessness.

To have oversight of capacity within the commissioned accommodation stock along with oversight of projections relating to future capacity.

To have oversight of the plans and progression of all young people known to be at risk of homelessness.

**PRINCIPLES:**

Trauma informed approach: By recognising the prevalence of early adversity in the lives of young people that are at risk of becoming homeless and incorporating the core principles of safety, trust, collaboration, choice, and empowerment in the delivery of the work through the integrated partnership.

Whole family and whole system approach: By recognising interconnecting contributors to youth homelessness and the importance that family and social relationships play in the outcomes for young people and avoiding taking a single person or single issue approach by adopting a systems approach to interventions – young person, within family within community perspective.

Strengths-based approach: By recognising the strengths and assets, as well as the needs and challenges of young people, in order to deliver improved outcomes.

Young Person centred approach:Byrecognising and supporting the delivery of youth homelessness prevention interventions that acknowledges young people’s differences and vulnerabilities and meets their holistic developmental needs (education, health, social etc.).

**GOVERNANCE:**

The Youth Homeless Prevention and Access to Supported Accommodation Panel chair will report into the Torbay Early Help Board.

The Youth Homeless Prevention and Access to Supported Accommodation Panel chair will report into Torbay Children’s Social Care Sufficiency Board.

**CHAIRING ARRNAGMENTS:**

The Youth Homeless Prevention and Access to Supported Accommodation Panel will be chaired by Shaun Evans (Torbay Early Help Service Manager).

Deputy Chair will be Leanne Hancock (Torbay Housing Options Team Leader).

**PROPOSED REPORTING:**

Torbay Children Services Improvement Board.

**CORE MEMBERSHIP:**

|  |  |  |
| --- | --- | --- |
| Organisation | Role | Current representative(s) |
| Torbay Council | *Chair* Service Manager - Torbay Early Help and Supporting Families (CSC) | Shaun Evans |
| Torbay Council | *Deputy Chair*Team Leader – Torbay Housing Options | Leanne Hancock |
| Torbay Council  | *Agency Representative*Assistant Team Manager – Homeless and Poverty Prevention Team (CSC) | Samantha Frost |
| Torbay Council  | *Agency Representative*Youth Homeless Prevention Worker | Louise BerrisfordAmy Richardson |
| Torbay Council | *Agency Representative*After Care Service Team Manager/Assistant Team Manager | Penny Ashby and/or Ed Aldis |
| Torbay Council | *Agency Representative*Homeless Resettlement OfficerTorbay Housing Options | Sophie McEvoy |
| Young Devon | *Commissioned Service Representative*Manager | Sue WynnJackie Francis |
| Live West | *Commissioned Service Provider Representative*Manager | Yolanda Galea |
| Westward Housing YPS | *Commissioned Service Provider Representative*Manager | TBA |
| Night Stop | *Voluntary Service Provider Representative*Manager | Pete HecklesCharlie Turner |
| Delmeney | *Voluntary Service Provider Representative*Manager | TBA |
|  |  |  |

**QUORUM:**

The group will be considered quorate at a minimum of 75% attendance.

**RESPONSIBILITIES OF MEMBERS:**

* + 1. Each member to represent their organisation or department.
		2. Each member is expected to contribute to the delivery of the objectives and outcomes of the Youth Homeless Prevention and Access to Supported Accommodation Panel.
		3. Each member is expected to share up to date data and evidence to support the development of the objectives of the Youth Homeless Prevention and Access to Supported Accommodation Panel.
		4. Each member is expected to share up to date information about individual young people so that effective plans can be maintained as well as oversight gained regarding young people identified as being at risk of homelessness.
		5. Each member is accountable for the development of the integrated partnership that makes up the Youth Homeless Prevention and Access to Supported Accommodation Panel.
		6. To identify and forge links with other potential strategic partners and to identify resources where required to further develop the work of the integrated partnership within the Youth Homeless Prevention and Access to Supported Accommodation Panel.

**DIVERSITY AND EQUALITY:**

All partner members of the Youth Homeless Prevention and Access to Supported Accommodation Panel will have an equal voice and contribution to make to meetings.

Members must be mindful to ensure that internal organisational issues do not dominate the nature of discussions.

The views and voices of young people and families will be taken into full consideration and shared where appropriate.

**CONFLICTS OF INTEREST:**

Any conflicts of interest will be declared to the chair or the group at the earliest possible time.

**ARRANGEMENTS:**

**Frequency of meeting:**

This panel will convene every 2 weeks.

**Minutes and meeting organisation:**

Minutes and actions will be recorded and shared with all members of the Youth Homeless Prevention and Access to Supported Accommodation Panel.

Meetings will be organised by the Housing Options Team Business Support Officer allocated to the Youth Homeless Prevention and Access to Supported Accommodation Panel.

Papers and the agenda will be circulated no less than 2 days before the panel convening.

Updates will be provided to the allocated businesses support officer no later than 4 days before the panel convening.

The action log and draft minutes will be circulated no later than 2 working days after the panel convening.

**Core agenda items:**

The core agenda will be split into three distinct parts as follows:-

Part 1 – Review of commissioned and non-commissioned resources

Within this part of the panel meeting all commissioned providers will be expected to provide an update on their respective resource base to include current occupancy, immediate vacancies and projections for the next two, four and six weeks.

To aid planning, voluntary providers will also be asked to provide the same level of data as noted above.

To aid future planning, Housing Options will be expected to provide a narrative regarding accommodation availability to assist young people with progressing on from the commissioned providers.

The data and narratives provided within part 1 will be recorded in the Youth Homeless Prevention and Access to Supported Accommodation Panel agenda proforma (see attachment).

Part 2 – Review of New Referrals

Within this part of the panel meeting all referrals received over the previous 2 weeks by all partner agencies will be reviewed. Discussion will take place to determine appropriateness and risk so a RAG rating is attached to each young person’s profile. Plans will be determined to ensure all young people referred have an appropriate assessment undertaken in line with the joint Housing/CSC protocol for youth homelessness prevention.

The summary discussion for each young person will be minuted in the Youth Homeless Prevention and Access to Supported Accommodation Panel agenda proforma (see attachment). It will be the responsibility of the nominated Youth Homeless Prevention Worker to transfer the panel notes to the relevant young person’s CSC records.

Part 3 – Review of Young People

Within this part of the panel meeting young people at risk of homelessness who are open to the relevant service areas will be discussed. The focus will be on risk determination, plan development and progression and ultimately permanency arrangements being identified and established. All partners will be expected to contribute to the discussion and planning.

Within this part of the panel meeting it may on occasion be appropriate to invite a professional that is also working with the young person to contribute to the partnership discussion. This being the case, the professional will be notified of the invite at least 4 days prior to the Youth Homeless Prevention and Access to Supported Accommodation Panel convening.

The summary discussion for each young person will be minuted in the Youth Homeless Prevention and Access to Supported Accommodation Panel agenda proforma (see attachment). A further panel date will be agreed to bring the young person back to the panel to review the progress of the plan. It will be the responsibility of the nominated Youth Homeless Prevention Worker to transfer the panel notes to the relevant young person’s CSC records.

**REVIEW OF TERMS OF REFERENCE:**

These terms of reference will be reviewed 6 months following the initial approval and adoption and then every 12 months thereafter.

**Next review by 1st November 2022**

**ATTACHMENTS:**

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| --- | --- |
| Youth Homeless Prevention and Access to Supported Accommodation Panel agenda proforma. |  |

**Appendix Five – Torbay Joint Children Services and Housing Assessment Template**

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| --- | --- |
| Torbay Joint Children Services and Housing Assessment |  |

**Appendix Six - Referral Pathway to Commissioned 16-25 Semi-Independent and Supported Accommodation**

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| --- | --- |
| Young Parents Support Referral Pathway |  |
| Commissioned accommodation referral pathway |  |

**Appendix Seven - Torbay Local Offer for Care Experienced Young People and Adults 2021 - 2022**

|  |  |
| --- | --- |
| Local Offer for Care Experienced Young People and Adults |  |

**Appendix Eight – Youth Homeless Prevention Procedures (16/17 year olds)**

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| --- | --- |
| Youth Homeless Prevention Procedures (16/17 year olds) |  |
| Youth Homeless Prevention Procedures (16/17 year olds) – process map |  |

**Document Revision History and Sign Off**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Ver.** | **Revisions** | **Author(s)** | **CSLT Sign Off Date** | **DCS Sign Off Date** | **DCS Signature** |
| 1 | * Initial Draft protocol
 | Stefan Chapleo &Shaun Evans | May ‘21 | N/A | N/A |
| 2 | * Inclusion of recommendations made following the MHCLG visit in July 2021;
* Inclusion of the latest local offer for Torbay care experienced young people;
* Inclusion of youth homelessness operational procedure and process map;
* Clarity regarding *Duty to Refer*;
* Clarity regarding Torbay’s position in relation to the use of bed and breakfast for 16/17 year olds.
 | Shaun Evans | Feb ‘22 | Feb ‘22 | Nancy Meehan |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

**NEXT REVIEW: 2nd January 2023**

1. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year_olds_who_may_be_homeless.pdf> [↑](#footnote-ref-1)
2. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf> [↑](#footnote-ref-2)
3. <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2> [↑](#footnote-ref-3)
4. <https://www.childrenengland.org.uk/children-and-social-work-act-2017> [↑](#footnote-ref-4)
5. <https://secure.toolkitfiles.co.uk/clients/23786/sitedata/files/CharterforCareLeavers.pdf> [↑](#footnote-ref-5)
6. <https://www.torbay.gov.uk/council/information-and-data/data-protection/privacy-notice/childrens-pn/> [↑](#footnote-ref-6)
7. <https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_code_of_guidance.pdf> [↑](#footnote-ref-7)