



# **Housing Protocol for Homeless Young People Aged 16 and 17**

**Date: September 2024**

## **CONTENTS:**

1. Purpose
2. The Aim
3. Scope of Protocol
4. Prevention
5. Duty to Refer
6. Agency Responses
7. Procedure and Timescales
8. Accommodation
9. Children Looked After under section 20
10. Protocol for Care Leavers
11. Legal Framework
12. Escalation Process
13. Resolution Process/Complaints
14. Further Advice
15. Reviewing this Protocol
16. Data Protection
17. Signatures

## **1. Purpose**

This protocol is an agreement that establishes the roles and responsibilities of different agencies towards young people aged 16 and 17, with a housing advice need, who may be homeless or threatened with homelessness.

This protocol recognises young people as homeless when they do not have a stable or safe place to live. This could mean “sofa surfing”, living or sleeping in a car, street homeless or staying at a property they do not have the right to stay in.

This protocol outlines the respective statutory responsibilities and procedure of all agencies and how they will work together to complete a joined-up assessment of need to assist with the housing and support of homeless 16- and 17-year-olds and those leaving care.

The joint assessment takes place between Children and Young People Services and Housing Services, supported by other agencies to provide a range of services to young people in Calderdale. Additional information relating to support for care experienced young people is contained within the Calderdale Joint Housing Protocol for Care Leavers.

This protocol sets out the joint procedure for the assessment of housing and support needs of homeless or likely to become homeless 16- and 17-year-olds. Calderdale Children and Young People Services, Housing Services and partners will work in partnership to ensure effective action to prevent youth homelessness and provide sufficient accommodation and access to the support required to meet the range of needs of homeless young people.

The purpose of the protocol is to ensure that partners continue to work together to provide a consistent and coordinated response to 16- and 17-year-old young people who present at risk of homelessness and are in need of accommodation and accommodation support services as children in need.

The protocol includes an integrated pathway for referral to, assessment for and planning for access to accommodation and accommodation support services.

## **2. The Aim**

First and foremost, the young person needs to be viewed by all agencies as a child, under the age of 18 years who is in need of help and support. The aim of this protocol is to ensure that a young person’s individual needs are met by all agencies including Children and Young People Services and Housing. The work with the young person needs to be child centred and individual to their needs. The intention is to try to help

the young person to reunify with their family or kinship network wherever possible, to be supported and to provide stability of care, to avoid homelessness. It will include early intervention through working with schools, peer education initiatives and targeted youth services having housing on their agenda. It will set out the referral routes in relation to homeless 16- and 17-year-olds, including:

- Early intervention.
- First response at point of contact.
- Emergency accommodation.
- Medium-term supported accommodation.

### **3. Scope of protocol**

This protocol covers all 16- and 17-year-olds presenting to any agency as homeless or at risk of being homeless. This protocol is relevant to young people in most cases after statutory school leaving age. This is nationally defined as “the last Friday in June when a young person will become 16 years of age by the end of the school summer holiday after Year 11”.

Young people who are not yet of school leaving age are the responsibility of Children and Young People Services; however, the protocol is relevant to all young people of this age, including those who are pregnant or who have children.

### **4. Prevention**

It is in the best interests of most young people aged 16 or 17 years to live in the family home, or, where it is not safe or appropriate, with responsible adults in their wider network of family and friends. The local authority responses to 16- and 17- year-olds seeking help because of a risk of homelessness should explicitly recognise this and work proactively with young people and their families to identify and resolve the issues which could lead to a family breakdown or homelessness crisis.

The Young Persons Homelessness Prevention Worker’s role is to support a young person to reconcile the differences with their parents/guardians, so that they can return home on an indefinite basis or return to their parental home for a period sufficient to enable them to make a planned move into independent accommodation.

Background checks will be made in every case and where safeguarding concerns are identified, or disclosed, the Young Persons Homelessness Prevention Worker will obtain consent to refer to Multi Agency Screening Team (MAST) for screening to the appropriate service such as Children and Young People Services or Early Help. The Young Persons Homelessness Prevention Worker will at the earliest opportunity work with the young person to understand their network. A meeting with relevant

professional and the young person will be convened to identify how the young person can be supported.

There may be instances where it is determined that a referral to the Children and Young People Services is required to support the young person and their family further, which may also involve supporting the family with mediation, Family Group Conferences, intensive support, housing-related support services and Early Help Pathway.

Any agency can start the process of an Early Help Pathway to look at support for children and then action support from other agencies to support in a team around the child. All agencies can refer to MAST for targeted support and/or statutory Single Assessment.

## **5. Duty to Refer**

The Homelessness Reduction Act 2017 places duties on local housing authorities to intervene at earlier stages to prevent homelessness in their areas, and to provide homelessness services to all those who are eligible. The Act introduced a duty on specified public authorities to refer a young person who they think may be homeless or threatened with homelessness to local authority homelessness/Housing Options Teams. The duty to refer will help to ensure that services are working together effectively to prevent homelessness by ensuring that peoples' housing needs are considered when they come into contact with public authorities.

Agencies who are subject to duty to refer include:

- Prisons.
- Young offender institutions.
- Secure training centres.
- Secure colleges.
- Youth offending teams.
- Probation services (including community rehabilitation companies).
- Jobcentres in England.
- Social service authorities (both adult and children's).
- Emergency departments.
- Urgent treatment centres.
- Hospitals in their function of providing inpatient care.
- Secretary of State for defence in relation to members of the regular armed forces.

## **6. Agency Responses**

A 16- and 17-year-old may seek assistance from any agency and present to their local authority because they are homeless or at risk of homelessness or can seek help

initially from the Local Authority's Housing Services. Young people may also seek support from other agencies. This protocol will be shared with other agencies to ensure early identification, assessment and support. Whereby any agency considers a child is homeless a referral should be made to the Multi Agency Screening Team (MAST) to ensure a joint assessment is completed with Children and Young People Services and Housing and ensuring information from other agencies is also included in the assessment.

Housing Services complete an initial assessment to understand if young person is homeless and whether a referral to MAST is required. Housing assessment of need must explore what has caused them to be homeless/threatened with homelessness, the housing need and what accommodation would be suitable, and support requirements to have and sustain suitable accommodation. Personalised Housing Plan 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.

Housing Services work collaboratively with Children and Young People Services throughout assessment, planning and attempting to prevent homelessness ensuring children's and housing assessments and action plans are co-ordinated.

It is essential to establish very close contact and rapport with the young person throughout the assessment process, in order to make sure that their wishes and feelings are properly understood, and their views are considered.

### **When a young person is already known to Children and Young People Services:**

Some 16 – and 17-year-olds will already be known to Children and Young People Services and may already have an open case as a child in need for a different reason. They may also be getting support through Early Help or have a Child Protection Plan. The fact that a 16- and 17-year-old is already supported or receiving services through Children and Young People Services does not alter the legal duties toward them if they are homeless or may be threatened with homelessness. This joint protocol still applies to these young people.

### **When the initial approach is outside usual office hours:**

When 16 or 17-year-olds present, or are referred as homeless outside of office hours, the priority must be the safety and well-being of the young person. Any young person presenting as homeless out of hours should be referred to the Emergency Duty Team (EDT) for an assessment of need (Tel: 01422 288000). If the young person presents to EDT and is assessed as homeless, EDT will secure appropriate emergency accommodation and ensure that the young person is able to travel safely to the

accommodation and that their immediate welfare needs are met. EDT will share communications with Children and Young People Services and Housing Services the next working day to ensure they are aware of the young person accessing the service and the emergency bed provider.

## **7. Procedure and Timescales**

Where a 16 or 17-year-old seeks help or is referred by some other person or agency as appearing to be homeless or threatened with homelessness, Children and Young People Services must carry out an assessment of need with Housing. It is very important that they are not needlessly passed between services of the Council.

Young people aged 16 or 17 have the right to be assessed in the local authority they present to and need to be made aware of how their information will be shared and recorded by the Housing Services and Children and Young People Services. For young people presenting from out of area, the assessment would link with Housing and Social Care Services in the area that they normally reside.

### Day 1

- Contact is made with the Multi Agency Screening Team (MAST).
- Where a young person is immediately faced with homelessness all preventative measures must be explored by the referrer and included in the referral to MAST.
- Children and Young People Services will contact the Young Persons Homelessness Prevention Worker and start the joint assessment (Single Assessment). The Housing element must be completed within 1 working day, which identifies the need for emergency accommodation. The young person must be provided with information as to their rights and the options available to them under Section 17 Child in Need and Section 20 accommodation by the local authority. These options should be discussed with the young person by the Social Worker, and a referral to Children's Rights & Advocacy must be made. The young person should not be expected to make any significant decisions before they have been offered the support of an Advocate.
- All young people who are homeless will be offered an advocate to enable them to understand their rights and the difference between Section 17 and Section 20. This is vital to enable young people to make informed decisions. Advocacy is offered on a child-led basis and any advice will be offered independently of the local authority. An Advocate may speak to the child over the telephone initially but will be expected to attend in person for any significant decisions the child is required to make.
- Given that the 1989 Act takes precedence over the 1996 Act and given their responsibilities for children in need in their areas, Children and Young People Services have lead responsibility to assess and meet the needs of 16- and 17-year-olds who seek help because of homelessness under their duties to safeguard

and promote the welfare of children under the age of eighteen who reside in their area.

- During an assessment, the young person can be supported through the use of money under Section 17. This would be decided jointly between Children and Young People Services and the Young Persons Homeless Prevention Worker.
- If emergency accommodation is required, options will be considered in line with the young person's needs. Should it be deemed Section 20 accommodation is recommended by the Social Worker, the Social Worker will seek agreement from the Service Manager, or the Assistant Director of Early Intervention and Safeguarding. The request will then be presented to Gateway Panel.
- Bed and Breakfast accommodation, as defined in Homelessness (Suitability of Accommodation) (England) SI 3326 2003, is not deemed to be a suitable temporary accommodation option for 16- and 17-year-olds, even on an emergency basis (Homelessness Code of Guidance, CH17, 17.39).

#### By Day 15

- The assessment will be completed jointly between Housing and Children and Young People Services.
- The assessment will clarify the young person's current situation. The assessment will establish whether the young person is owed a 'Prevention Duty' under the Homelessness Reduction Act 2017.

The assessment should cover all the usual dimensions of the young person's life in the same way as all assessments. It is important the assessment explores the young person's health and learning needs and the assessment does not focus solely on the homelessness issue. It will be important for the assessment to cover the independence skills of the young person. If they have lived at home prior to becoming homeless, or being threatened with homeless, there will be a need to assess as to whether they can manage without the support of their family. The ability to budget, cook, seek work, or access training will need careful analysis. The young person's wishes and feelings must be captured within assessment, planning and case recordings, and used to inform planning.

The Joint assessment will consider:

	<b>Dimensions of need</b>	<b>Issues to consider in assessing child's future needs</b>
1	Accommodation	Does the child have access to stable accommodation? How far is this suitable to the full range of the child's needs?
2	Family and social relationships	Assessment of the child's relationship with their parents and wider family. What is the capacity of the child's family and social network to provide stable and



		secure accommodation and meet the child's practical, emotional and social needs.
3	Emotional and behavioural development	Does the child show self-esteem, resilience and confidence? Assessment of their attachments and the quality of their relationships. Does the child show self-control and appropriate self-awareness?
4	Education, training and employment	Information about the child's education experience and background. Assessment as to whether support may be required to enable the child to access education, training or employment.
5	Financial capability and independent living skills	Assessment of the child's financial competence and how they will secure financial support in future. Information about the support the child might need to develop self-management and independent living skills.
6	Health and development	Assessment of child's physical, emotional and mental health needs
7	Identity	Assessment of the child's needs as a result of their ethnicity, preferred language, cultural background, religion or sexual identity.

For teenage parents it is particularly important that they are provided with accommodation which gives them the holistic support they require to meet their individual needs and improve their outcomes. This should include support around parenting and independent living skills. The Government's Teenage Pregnancy Strategy requires Housing and Children and Young People Services, and relevant voluntary organisations in their area to ensure the provision of suitable accommodation with floating support.

### Decisions and Outcomes of the joint Assessment

The assessment will need to inform whether the young person:

- Can be supported to remain in their home or with extended family.
- Is eligible for services.
- Is homeless or at risk of homelessness.
- Can be provided with relevant advice and ensure safe accommodation is available.

- Needs emergency accommodation or financial assistance as appropriate.
- Has long term housing needs and in particular in case of young parents' pathway into permanent accommodation (using Resettlement category/trainer flat once support needs established).
- Decisions about the level of Children and Young People Services support, including the appropriate type of accommodation needed.
- Where appropriate carry out a housing assessment and agree a Personal Housing Plan.
- To prevent homelessness or relieve homelessness through planned options.
- In Priority Need of housing; and,
- Has a local connection.

## 8. Accommodation

In order to achieve timely and positive outcomes for young person, it is important that Children and Young People Services and Housing Services work closely to ensure that a range of suitable supported accommodation placements are available for young people aged 16- and 17-year-old. Choice of accommodation may be limited, and this needs to be understood when trying to meet the young person's needs. **Statutory Guidance is clear that Bed and Breakfast accommodation is not considered suitable for 16- and 17-year-olds even on an emergency accommodation basis and should never be used.** For clarity, where a 16 or 17 year old seeks help or is referred, and it appears he or she has nowhere safe to stay that night Housing Services will look to provide a suitable emergency placement of accommodation e.g. crash pad or night stop, the young person will need to become looked after (under section 20(1)), if they consent, in appropriate foster or residential care whilst their needs, including their need for continuing accommodation and support, are further assessed.

Department of Education Guide to Supported Accommodation Regulations Including Quality Standards (2023) state that "Looked After children and care leavers are often some of the most vulnerable children and young people in society, and we must work together to do all that we can to ensure that they have access to suitable accommodation that can meet their needs and keep them safe. For most children who are not yet ready for greater levels of independence, and especially those who require increased care due to high needs, or who have additional needs, this is best achieved through a placement in foster care or a children's home, for which there are already robust approaches to approving, registering and quality-assuring provision. However, for some young people aged 16 or 17, living in supported accommodation can be the best option to meet their needs, with the aim of supporting them to develop their independence as they approach adulthood, ahead of leaving the care system."

[https://assets.publishing.service.gov.uk/media/6514400088281e000db4e965/Guide\\_to\\_the\\_supported\\_accommodation\\_regulations\\_including\\_quality\\_standards.pdf](https://assets.publishing.service.gov.uk/media/6514400088281e000db4e965/Guide_to_the_supported_accommodation_regulations_including_quality_standards.pdf)

- All 16- and 17-year-olds will be offered support to remain safely at home, or if this is not possible, they will receive support to sustain both temporary and permanent accommodation. This support will be provided jointly by agencies within Calderdale.
- To promote good practice, young people who have been provided with housing accommodation and who have required support to improve their outcomes should be consulted about the quality of services and contribute to service reviews.
- If it is concluded that the young person does not require accommodation because their needs can be met by providing other services, for example, support to enable the young person to return to the care of their family, this support will be met by Children and Young People Services or other agencies as appropriate.

## **9. Children Looked After under Section 20**

Social Workers must look to Section 20 (The Children Act 1989) if accommodation needs to be provided. Children and Young People Services have a duty under Section 20 to accommodate 16- and 17-year-olds 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 (d) or in Section 20(3) and Section 20(4):

Section 20(1) requires that:

- a. 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:
- b. There being no person who has parental responsibility for them.
- c. Them being lost or having been abandoned; or
- d. The person who has been caring for them is prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care.

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 16 and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide them with accommodation.

Section 20(4) provides that:

A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for them is able to provide them with accommodation) if they consider that to do so would safeguard or promote a child's welfare.

Whilst accommodated under Section 20 the young person is not eligible for welfare benefits, including housing benefits, or housing costs under universal credit.

16- and 17-year-olds can consent to Section 20 accommodation against their parents' wishes, providing they understand the decision they are making (underlining how important it is to provide information to the young person and access to independent advocacy).

It is possible for a 16- or 17-year-old young person to decide that they do not want to be accommodated under Section 20. This can only be the case if they have been properly and fully advised of the implications and have the capacity to reach that decision.

Homeless 16- and 17-year-olds young people who are entitled to claim universal credit and support regarding finances will be considered during an assessment. The address of the local authority can be provided if they do not have somewhere safe to collect mail. Not having ID is not a barrier and neither is a bank account. Money can be collected at a post office or pay point outlet via a payment card which is posted, or from showing a code on an email or text.

## **10. Protocol for Care Leavers**

Calderdale Council has produced a Joint Housing Protocol for Care Leavers. The protocol ensures that staff recognise the role of Calderdale Council as a 'corporate parent' and therefore the collective responsibility of all employees to provide the best possible, support, advice, care and safeguarding for the children looked after by Calderdale Council.

The protocol sets out roles and responsibilities towards care experienced young people and define the roles of the statutory agencies within the legislative framework. The professionals using this protocol are mindful of the roles and responsibilities of organisations working with young people and the need for multi-agency working to secure positive outcomes and meet the needs of care experienced young people.

The Protocol has been developed in accordance with the Children Act 1989 Guidance and Regulations, the Transition to Adulthood for Care Leavers which was most recently updated in 2015 by the Department for Education.

[The Children Act 1989 guidance and regulations \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/474447/children-act-1989-guidance-and-regulations-2015.pdf)

This sets out the legal duties, considerations and guidance for young people who are care leavers.

<https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers>

## **11. Legal Framework**

The legal framework for responding to 16- and 17-years-old presenting as homeless is set out in:

- Section 17 and Section 20 of The Children Act 1989
- Part 7 of the Housing Act 1996, as amended by the Homelessness Reduction Act 2018 and the Priority Needs Order 2002 Children's Services duty to accommodate a child in need, under Section 20 of the Children Act 1989 takes precedence over its duties under the Housing Act 1996 in providing for children in need of accommodation aged 16/17.

### **Section 17 of the Children Act 1989**

Section 17 assistance can be used in a preventative way, intended to support children in need and families to remain together.

In the case of a homeless 16/17-years-old, the powers of local authorities to provide accommodation under Section 17 of the Children Act 1989 cannot be used as a substitute for their duty to provide accommodation under Section 20(1) of the Children Act 1989 if they are assessed as being a Child in Need. Young people in this position should become looked after.

Where a young person is assessed as being homeless and is a Child in Need under Section 17 but decides they do not wish to become looked after under Section 20 and has the capacity to make this decision, they will have a Child in Need plan, which will set out the support from Children and Young People Services and other agencies (as agreed). The accommodation would, in these cases, be provided under Part 7 of the Housing Act 1996, unless there were specific circumstances that meant Calderdale Housing Service had no statutory duty to the young person.

For accommodating young person under Section 20 of the Children Act 1989, please refer to point 9 within this protocol "*Children Looked After under Section 20.*"

### **Part 7 of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017)**

The homelessness legislation is set out in Part 7 of the Housing Act 1996 - this legislation sets out the local authority's duties in relation to homeless households and households threatened with homelessness.

Other relevant Legislation and Guidance is set out below:

The Homeless Act 2002 confers a priority need on a 16- or 17-year-old who is neither a relevant child nor beneficiary of the statutory duty to accommodate Children in Need in Section 20 of the Children Act 1989.

The Children (Leaving Care) Act 2000 and Transition to Adulthood Guidance 2010 give direction on both sufficiency and quality of accommodation.

The Homelessness Reduction Act 2017 defines at risk of homelessness within 56 days and places a duty on local authority to prevent and relieve homelessness.

The Children and Social Work Act 2017 is intended to improve support for looked after children and care leavers, promote the welfare and safeguarding of children, and make provisions about the regulation of social workers. The Act sets out corporate parenting principles for the council as a whole to be the best parent it can be to children in its care.

The Mental Capacity Act (2005) is the law which provides protection and support for people who, even on a temporary basis, cannot make decisions for themselves. It lays out how we should assess whether someone can make their own decisions and, if not, how decisions should be made for them. Everyone who is caring for or supporting someone who may lack capacity to make their own decisions must comply with Mental Capacity Act and this should also be borne in mind when considering a young person or their parent's decisions about accommodation.

Working Together to Safeguard Children 2023 is statutory guidance which outlines how practitioners working with children, young people and families should work together in order to ensure that children and young people remain safe from harm. The guidance outlines what organisations and agencies must and should do to help, protect and promote the welfare of all children and young people under the age of 18 in England.

The revision to the guidance focuses on strengthening multi-agency working across the whole system of help, support and protection for children and their families, keeping a child-centred approach while bringing a whole-family focus, and embedding strong, effective and consistent multi-agency child protection practice.

[https://assets.publishing.service.gov.uk/media/669e7501ab418ab055592a7b/Working\\_together\\_to\\_safeguard\\_children\\_2023.pdf](https://assets.publishing.service.gov.uk/media/669e7501ab418ab055592a7b/Working_together_to_safeguard_children_2023.pdf)

The Children Act 1989 Guidance and Regulations, Volume 2: Care planning, Placement, and Case Review, (updated in 2015 by the DfE) sets out the legal duties,

considerations, and guidance for looked after children, including types of and suitability of placements.

[The Children Act 1989 guidance and regulations \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/412127/children-act-1989-guidance-and-regulations.pdf)

The Children Act 1989 Guidance and Regulations, The Transition to Adulthood for Care Leavers (updated in 2015 by the DfE) sets out the legal duties, considerations and guidance for young people who are care leavers.

<https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers>

The Homelessness Code of Guidance 2018 published by the Ministry of Housing, Communities and Local Governments Department sets out the detailed guidance on how housing authorities should exercise their functions in respect of Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017. Chapter 8 of the Code of Guidance concerns Priority Need for accommodation, and this includes 16-and 17-year-olds.

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>

However, the detail of the way in which homelessness law applies to the 16-and 17-year-old age group is set out in the Ministry of Housing, Communities and Local Governments Department and Department for Levelling Up Housing and Communities joint statutory Guidance on the Provision of Accommodation for 16- and 17-year-old Young People Who May Be Homeless and/or Require Accommodation.

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

Duty to Refer is a duty for public bodies to refer those who are homeless or threatened with homelessness. For the purpose of this protocol, this includes Children and Young People Services, Early Help/Children's Centres and recorded by Housing for (Homelessness Case Level Information Collection (HCLIC) purposes.

Case Law: G v LB Southwark - the central issue was where a child of 16 or 17 has been thrown out of the family home is found to be homeless and assessed as a Child in Need and seeks help from the local children's services authority to be accommodated by them under Section 20 of the Children Act 1989. Can the children's services authority instead refer the child to the local housing authority for accommodation under the homeless legislation (Part 7 of the Housing Act 1996)?

The case was heard on appeal from the Court of Appeal, which, by a majority of two to one, had upheld Southwark's ability to refer the child for assistance under the homelessness legislation even though a duty to provide accommodation had been accepted under Section 20(1) of the Children Act 1989.

The leading opinion, delivered by Baroness Hale, reaffirmed the House of Lords opinion in R(M) v LB Hammersmith and Fulham and sets out the approach that

children's services authorities should take when performing their statutory duties to 16- or 17-year-olds who are found to be homeless and in need.

The ruling confirmed the Government's view that local children's services authorities should presume that any lone, homeless young person should be provided with accommodation under Section 20(1) of the Children Act 1989, unless the young person is not in need.

In nearly all cases, the impact of a young person being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the young person's welfare that they will be a Child in Need.

### Definition of a Child in Need

As set out in Section 17(10) of the Children Act (1989), a child shall be taken to be in need if:

- He or she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by the local authority.
- His or her health or development is likely to be significantly impaired, or further impaired without the provision of such services; or
- He or she is disabled.

## **12. Escalation Process**

If at any point in the practical working of this joint protocol, or associated procedure, there is disagreement between Children and Young People Services and the Housing Services, then either or both parties should escalate this to their direct line manager, or where this is not possible, to the next management tier as appropriate.

Disagreements should be routinely dealt with via peer-to-peer management discussions to seek to resolve the issue, considering any safeguarding issues and keeping the young person as the focus.

Disagreements could arise in several areas but are most likely to arise around:

- Communication
- Thresholds for services
- Understanding of the legal duties and how these work in practice
- Roles and responsibilities of different services/officers
- The need for timely action and completion of assessments



Problem resolution is an integral part of professional co-operation and joint working to safeguard and promote the well-being of children and young people. While often a positive sign of developing thinking within a dynamic process this can be reflected in the immediate term as a lack of clarity in procedures or approaches. Professional disagreement is only dysfunctional if not resolved in a constructive and timely fashion. Attempts at problem resolution may leave one worker or agency believing that the child remains at risk of significant harm. This person or agency has responsibility for communicating such concerns through agreed channels.

It is the responsibility of every professional to try to resolve disagreements at the earliest opportunity, always keeping in mind that the child and young person's safety and welfare is the paramount consideration. If a professional disagreement arises and the issue cannot be resolved between practitioners, the matter must be referred to their line manager who will discuss with their opposite number in the other service in the hope that the issue can be resolved.

Failure to resolve disagreements between officers must be further escalated to Team Managers within the respective service areas. If there continues to be no resolution, then the matter should be escalated to a relevant Service Manager within Children and Young People Services or Housing Service.

### **13. Resolution process / complaints**

All young people at risk of homelessness, or being homeless, must be informed of their right to access Independent Advocacy Service. This can support them to understand their rights and to have their wishes and feelings heard and taken seriously.

**Advocacy:** is provided by the Children's Rights & Advocacy Service who have developed specific leaflets to be shared with young people and others explaining the service and how to access it. The child's Advocate will be able to support them with any complaints, or representations they wish to make – whether to any Council or external agency – regarding the provision of support or accommodation in relation to their homelessness, or risk of homelessness.

**Young Persons Homelessness Prevention Workers:** will inform young person at the point of contact that if they have any complaints or compliments, they should contact the Young Persons Housing Team Leader via 01422 264300. They can also follow the council's complaints procedure by contacting the customer complaints and feedback team via the link:

[Calderdale Compliments and Complaints Process](#)

**Children and Young People Services:** The young person will be informed by the Social Worker at the point of contact that they can contact the Council's Complaints and Compliments Department and provide their feedback by completing a 'Let Us Know' form online via the link:

[Let us know | Calderdale Council \(custhelp.com\)](https://www.calderdale.gov.uk/let-us-know)

**Statutory Homelessness Assessments:** The decision letter provides information about the review process.

#### 14. Further advice

- HOUSING TEAM: [housingoptions@calderdale.gov.uk](mailto:housingoptions@calderdale.gov.uk); telephone number: 01422 392460
  - MAST: Email: [mastadmin@calderdale.gov.uk](mailto:mastadmin@calderdale.gov.uk); telephone number: 01422 393336
  - CHILDREN'S RIGHTS AND ADVOCACY: [craadmin@calderdale.gov.uk](mailto:craadmin@calderdale.gov.uk); telephone 07712 305060 (Co-ordinator) or 01422 394055 (Business Support).
- Below are the links to relevant resources:

<https://rights4children.org.uk/>

<https://article39.org.uk/article39-org-uk-protecting-childrens-rights-law-firms-with-expertise-in-social-welfare-law/>

<https://www.childrenscommissioner.gov.uk/resource/homeless-16-and-17-year-olds-in-need-of-care/>

#### 15. Reviewing this Protocol

This protocol will be reviewed annually, or sooner if required, for example, if there are any changes in legislation and/or government guidance.

Collecting, analysing, and acting on information, including data and qualitative feedback, will assist Calderdale Council to address the needs of 16- and 17-year-olds who may be at risk of homelessness in the future.

Children and Young People Services and Housing Services will monitor the following:

- The number of young people presenting as homeless or threatened with homelessness or referred as homeless to Children and Young People Services.
- The number of young people presenting as homeless or threatened with homelessness or referred as homeless under the 'duty to refer' or other referrals to the Housing Solutions Service.
- The number and timescales for completion of the joint assessments.
- The number and percentage of young people who were prevented from becoming homeless and where they were living.

- The number and percentage of young people who were or became homeless.
- The number and percentage of young people who become looked after due to being homeless, even if this was for a brief period.
- The number and percentage of young people who become looked after due to being homeless and were looked after for more than 13 weeks as a result and became an 'eligible' child as a result.
- The number and percentage of young people who were homeless but did not become looked after for more than 13 weeks.
- Monitor the outcomes for those that are not owed a section 17 duty.
- Monitor any compliments or complaints from young people aged 16/17 and their parents/families.

## **16. Data Protection**


In line with UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018 all partners will only share personal information where, there are explicit, legitimate reasons to share and use personal information, and only share that information relevant to and adequate to those purposes; individuals will be informed why and how their information will be shared, 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.

## 17. Signatures

### **Housing Services:**

Name: Shelagh O'Neill

Title: Director of Regeneration and Strategy

Signature: 

Date: 26.9.24

### **Children and Young People Services:**

Name: Julie Jenkins

Title: Director of Children and Young People Services

Signature: 

Signature:

Date: 17.9.24

To review this document in September 2026