

Document Quality Control		
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	Homeless or at Risk of Homelessness	
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Quick Access to important information

If you become homeless - Portsmouth City Council

Tri-X Practice Guidance - Portsmouth City Council

Homelessness Flyer

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1. Introduction

1.1. This is a joint working protocol between Children's Services and Housing Needs Advice & Support (HNAS) regarding Portsmouth City Council's (PCC's) response to 16/17-year-olds who are homeless or threatened with homelessness.

Objectives

- **1.2.** The protocol exists to fulfil the following objectives.
 - i. To ensure PCC meets is statutory obligations towards 16/17-year-olds who are homeless or threatened with homelessness.
 - ii. To help us prevent as many cases of homelessness as possible.
 - iii. To help respond to homeless approaches from 16/17-year-olds in a joined up and consistent way.

Vision

- 1.3. In most cases, it is in the best interests of the child to stay in the family home or, where that is not safe and appropriate, with adults from their wider family and friend network. The initial priority for dealing with a homeless approach from 16/17-year-olds should therefore be keep them in the family home if it is safe to do so which will usually include the need to identify and resolve the issues that led to the threat of homelessness.
- **1.4.** Where it is not possible to prevent the threat of homelessness, 16/17-year-olds will only be offered accommodation that is suitable for their needs and with the required level of support.
- **1.5.** All 16/17-year-olds who are homeless or threatened with homelessness should receive a Child in Need assessment and plan, which would lay out the support they require to sustain their accommodation.

The Law

- **1.6.** The key piece of case law in this area is *R* (*G*) *v* Southwark [2009] UKHL 26, which held that Children's Services' duty under s.20 of the Children Act 1989 takes precedence over HNAS's duties under homeless legislation. It further held and Children's Services should not seek to accommodate under the guise s.17 when the s.20 duty is owed.
- **1.7.** Further detail regarding the law in this area can be found at Appendix 1.

Scope

- **1.8.** The protocol is relevant when dealing with any 16/17-year-olds who are homeless or threatened with homelessness. This extends 16/17-year-olds who have children of their own, who have older partners, or to those leaving custody.
- **1.9.** Where a 16/17-year-old has sought asylum from another country and has no parent or guardian, they would not be eligible for assistance from HNAS. In these cases, the protocol is less relevant: the child should be provided accommodation under s.20.
- **1.10.** Where there is a dispute regarding which local authority should be responsible for helping a 16/17-year-old in the longer term, assistance should be provided, and their immediate needs should still be met in the interim.
- **1.11.** For the purpose of this document, a 16/17-year-old will be referred to as a 'young person'.

2. Approach is made to Children's Services

- 2.1 If the young person (or someone on their behalf) approaches Children's Services as homeless or threatened with homelessness, the initial response will be provided by the Multi Agency Safeguarding Hub (MASH), who will understand what is already known about the young person, which if any services are already involved, and how they might be able to assist. Anybody contacting on the young person's behalf is expected to have obtained their consent to do so where possible.
- **2.2.** Where a young person is assessed by MASH to be homeless or at risk of homelessness, the case will be transferred to one of the Family Support & Safeguarding teams, on the same day.
 - **If the young person is already homeless**, the immediate priority will be to establish somewhere safe and appropriate for them to stay, at least whilst the assessment takes place. This would ideally be in the family home but could also be with other family members or family friends.
- 2.3 If a temporary solution is found, a referral should be made to HNAS in accordance with the statutory duty to refer. The referral should be sent by email to dutytorefer@portsmouthcc.gov.uk

Hampshire Homelessness Referral Form

2.4. The duty to refer is not limited to 16/17-year-olds but applies to anyone at risk of homelessness within 56 days. The referrer should seek consent from the young person. This should result in the case being allocated to a Housing Assessment & Advice Officer.

In urgent cases where a same day response is required the allocated Social should call **023 9283 4989** to speak to a Housing Assessment & Advice Manger for urgent allocation.

The Social Worker and Housing Assessment & Advice Officer should then proceed to work together to assess the young person's needs, and to offer them support to prevent their homelessness or to access suitable accommodation as per **Parts 4 to 7** of this protocol.

- 2.5. If nowhere suitable is identified, Children's Services should make an urgent referral to HNAS to allow for a joint assessment and for prevention and accommodation options to be fully explored. The social worker will carry out an assessment of what duties are owed, e.g., s.20. This initial assessment is completed using the toolkit at **Appendix 4.** The young person should not be left without accommodation whilst assessments are carried out. If the s.20 criteria are met, the young person must be offered accommodation under this duty.
- 2.6 If the young person is threatened with homelessness, a referral should be made to HNAS in accordance with the statutory duty to refer. The Social Worker and Housing Assessment & Advice Officer should then proceed to work together to assess the young person's needs, and to offer them support to prevent their homelessness or to access suitable accommodation as per Parts 4 to 7 of this protocol, with assessments usually being progressed at a joint visit.
- 2.7 HNAS should record all duty-to-refer notifications received, even if received via an alternative means to the standard notification form by email. All applications such be recorded as such on the database.

3 Approach is made to HNAS.

- 3.1 If the young person (or someone on their behalf) approaches HNAS as homeless or threatened with homelessness, MASH should be contacted to understand what is already known about the young person, which if any services are already involved, and how those services might be able to assist. Anybody making contact on the young person's behalf is expected to have obtained their consent to do so where possible.
- 3.2 MASH will inform HNAS of the named social worker if one exists or will transfer (on same day) the case to one of the Family Support & Safeguarding teams and let HNAS know who the case has been allocated to.

- 3.3 A homeless application should be taken immediately, with consideration given to whether the statutory tests of eligibility and homelessness appear to be met. The young person should not be left without accommodation whilst assessments are carried out.
- **3.3 If the young person is already homeless**, a referral to MASH should be made by an immediate phone call to inform MASH. The phone call should be followed by completion of Inter Agency Referral Form (IARF) but there should be no delay in allocation of workers whilst the form is pending completion.

https://my.portsmouth.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-0584c40b-48ac-47b3-9c4c-97e2824012ec/AF-Stageaf28e8bc-100e-4cdf-a3cae8b04bd6ab66/definition.json&redirectlink=%2F&cancelRedirectLink=%2F

- **During office hours** (9.00am 5.00pm) call Portsmouth Multi-Agency Safeguarding Hub (MASH) on 0845 671 0271 or 023 9268 8793
- Out of office hours (evenings, weekends, and bank holidays) call the Duty Team on 0300 555 1373

A Social Worker will be made available on the day and will work with the Housing Assessment & Advice Officer to identify somewhere safe and suitable for the young person to stay in the interim, as per **2.3 to 2.5**. If accommodation is provided by PCC, it will usually be under s.20 rather than under homeless duties: see **Part 6** for further detail.

- **3.4 If the young person is threatened with homelessness**, a referral to MASH should be made on the same day. MASH will allocate to a social worker within 24 hours, and the joint visit should be arranged to take place within 5 working days.
- 3.5 Whether the young person is homeless or threatened with homelessness, the Social Worker and Housing Assessment & Advice Officer should then proceed to work together to assess the young person's needs, and to offer them support to prevent their homelessness or to access suitable accommodation as per Parts 4 to 7 of this protocol.
- **3.4** HNAS must record all such approaches from young people as homeless applications.

4 Joint Response

Joint interview

4.1 A joint interview will be undertaken by a Social Worker and a Housing Assessment & Advice Officer on the day of presentation in cases of apparent homelessness, and within 5 working days (usually by way of a visit) in cases of threatened homelessness.

<u>Assessments</u>

- **4.2** There will usually be multiple assessments required in each case:
 - The tool attached at **Appendix 4** will be completed by the Social Worker to assist decision making, with input from the Housing Assessment & Advice Officer.
 - ii. A Single Assessment Framework (SAF) will also be completed by the allocated Social Worker. The statutory guidance, *Working Together to Safeguard Children (2018)*, clearly sets out the principles, parameters and protocols for assessing children under Children Act 1989.
 - iii. A housing assessment will be completed by the Housing Assessment & Advice Officer, leading to the formulation of a personalised housing plan, as per **4.14.**
- 4.3 These assessments should identify the needs of the young person and how best to respond to those needs. The Social Worker will lead on assessments i and ii but should take a multi-agency approach by including other relevant agencies, e.g., HNAS and any services already supporting the young person and/or their family. This should reduce the need for the young person to repeat themselves.
- 4.4 The SAF should be completed within 10 working days (unless a manager agrees that the level of complexity is such to require longer). The SAF will determine whether the young person is a child in need and whether they require accommodation under s.20. A young person should not be left without accommodation in the meantime.
- **4.5** The assessments should determine the needs of the young person and the services required to meet those need. See **Parts 5 to 7** for further detail.
- 4.6 If it is determined the young person is homeless and there is no safe accommodation available with family or friends as a temporary arrangement, the young person should be provided accommodation under s.20 and a child in need assessment will be carried out. If the child is accommodated for a continuous period of more than 24 hours, they become a looked after child.
 Part 6 details the very limited circumstances where accommodation should be provided under homeless duties instead.

- **4.7** Any young person who has been excluded from their home and are staying with various friends or in various locations is extremely likely to be a child in need.
- 4.8 If it is determined the young person is not homeless on the day but is rather threatened with homelessness and has safe accommodation available with family or friends as a temporary arrangement, a joint visit will be undertaken by the Social Worker and Housing Assessment & Advice Officer as soon as reasonably possible and usually with 5 working days. The purpose of the home visit is to understand the reasons for the threat of homelessness and to explore what intervention is needed to enable the young person to remain within the family home. See Part 5 for some of the prevention options that should be considered.
- **4.9** All assessments should take account of the young person's views, wishes and feelings, and would usually also involve interviewing family members and any other adults or agencies currently providing support.

The young person's wishes

- **4.10** All young people should be informed of the options and choices available to them. They should be advised of the following:
 - How to access the advocacy service and what it can offer them. They
 should be given the advocacy service flyer, and a referral should be
 completed if they request this. See below.

About Me Flyer Advocacy Referral Form

- The implications of becoming a looked after child, with realistic and full information regarding the package of support they would receive.
- The support they would likely receive from HNAS if they do not become looked after, including the duties to carry out an assessment, agree a personalised housing plan, any accommodation duties that are likely to be owed, and how those duties can come to an end.
- Even if they do not want Advocacy, they should be provided with the below leaflet to help them understand their housing rights and their responsibilities.

Homelessness Flyer

 They should also be given the below link for Portsmouth's homeless information pages, where they can access more information.
 If you become homeless - Portsmouth City Council

Homeless application

- **4.12** HNAS should take a homelessness application from anyone who it appears might be homeless or threatened with homelessness. An applicant must be eligible for assistance (eligibility for assistance relates to an applicant's nationality, immigration status, and ability to access public funds).
- **4.13** If it is established the young person is threatened with homelessness, they will be owed the prevention duty. This means PCC must take reasonable steps to help the young person ensure their accommodation does not cease to be available to them.
- **4.14** If it is established the young person is homeless, they will be owed the relief duty. This means PCC must take reasonable steps to help the young person secure accommodation that is likely to be available to them for at least 6 months.
- **4.15** If the young person is owed the prevention or relief duty, HNAS will also have a duty to carry out assessment of their situation and agree a personalised housing plan (PHP).
- 4.16 The assessment should be informed by the young person's individual circumstances and should be completed in collaboration with the young person, Children's Services, and any other agencies working with the young person. It should be coordinated with Children's Services' assessments, and should include assessment of:
 - i. How and why the young person became homeless or threatened with homelessness.
 - ii. The type of accommodation the young person needs, and what they want.
 - iii. The support the young person would need to retain accommodation.
- **4.17** The PHP should set out the steps that HNAS and the young person should respectively take to prevent or resolve homelessness. These should be practical steps that go towards accessing and/or sustaining accommodation identified in the assessment.
- **4.18** HNAS should continue their enquiries whilst the multiple assessments are completed, so they are able to determine which statutory accommodation duties the young person will go on to be owed.

5 Prevention

- 5.1 We should aim to prevent threats of homelessness wherever it is possible and safe to do so. Alternative medium or long-term housing options should not be considered unless and until we have exhausted all reasonable attempts at keeping the young person in the family home.
- 5.2 In order to prevent homelessness, it is necessary to understand the cause of the threat, including any existing family dynamics that have led to the threat. This should be established as part of the assessments that take place.
- 5.3 Once the cause of homelessness is identified, we should offer the support necessary to resolve the issues that led to the threat of homelessness. This could potentially happen at any stage of the assessment process, including on the day of initial approach, but a joint visit to the family home will usually be required to fully understand the cause of homelessness.
- **5.4** The appropriate preventative activity will vary from case to case, but examples include:
 - A joint visit to the family home to understand the cause of homelessness as well as any relevant family or situational dynamics.
 - Advice to the young person regarding the limited housing options available to them
 - Advice to the young person's family regarding parental responsibility and their legal obligations
 - Social Worker to work with family restoratively to reduce existing tensions and conflict within the household.
 - A family group conference arranged by a Social Worker, to bring together the young person's support network and create a family plan to determine how they can best meet the young person's needs.
 - Intensive parenting support provided by a Social Worker, to support parents with the skills required to meet the young person's needs.
 - A Social Worker may step down the young person to receive support from the Targeted Early Help team or relevant professional to provide the support that is needed.
- **5.5** Even if the threat of homelessness is prevented without ever materialising, if issues persist that affect the young person's welfare and/or threaten the sustainability of the solution, their needs should be assessed and set out in the CIN plan or Early Help plan.
- 5.6 If the threat of homelessness cannot be prevented, consideration should be given to appropriate accommodation options and the relevant duties owed, as per **Parts 6 and 7**. The young person should not be left without safe and appropriate accommodation whilst prevention work takes place.

6 <u>Duties owed</u>

6.1 It is possible (and likely) that a young person will be owed duties by both HNAS and Children's Services concurrently. Prevention activity can be carried out under either Children's Services' s.17 duty or under HNAS's prevention duty - but should happen alongside the assessment process outlined in this document. Carrying out the prevention activity should not delay providing accommodation where such a duty exists.

Children's Services' duties

- 6.2 Any young person who is homeless or threatened with homelessness should be considered a child in need and receive a child in need assessment and plan, which should lay out any support they require (and will be given) to sustain their accommodation. This would of course include any young person who is staying with various friends or in various locations having been excluded from their home.
- **6.3** The eligibility criteria for s.17 and s.20 of the Children Act 1989 can be found at **Appendix 1**. If the s.20 criteria are met, the young person must be offered accommodation under this section. If the child is accommodated for a continuous period of more than 24 hours, they become a looked after child and the relevant processes for that decision should be followed.
- 6.4 If Children's Services conclude that the young person does not meet the s.20 criteria, for example because they can stay in the family home, the assessment should consider whether the young person has any other need for services under s.17. This can include advice, guidance, and support.
- 6.5 S.17 cannot be used as a substitute for s.20 where PCC needs to accommodate a young person. The only exception to this, where Children's Services can accommodate a young person under s.17, is when all of the following criteria are met:
 - i. The young person is homeless.
 - ii. The young person has refused assistance under s.20, having been fully advised of the likely consequences of accepting or refusing help under s.20.
 - iii. The young person is not owed the main housing duty (s.193) by HNAS (e.g., because they are intentionally homeless or have refused a suitable offer of accommodation)
 - iv. The young person goes on to refuse s.20 assistance when offered it again.
- 6.6 Any duty to accommodate under homelessness legislation will be trumped by a

- s.20 duty to accommodate, and accommodation will provide by Children's Services rather than HNAS.
- **6.7** Children's Services have a duty under s.213 of the Housing Act 1996 to offer reasonable assistance to help HNAS fulfil their duties under homelessness legislation.

HNAS's Duties

- **6.8 Part 4** details the initial duties HNAS will owe a young person who is homeless or threatened with homelessness. None of those duties include a duty to *provide* accommodation.
- 6.9 HNAS's s.188 duty to provide interim accommodation to anyone who may be eligible, may be homeless, and may be in priority need might be triggered, but should always be superseded by a s.20 duty to provide accommodation where one exists. In the rare situation where a s.188 duty exists but a s.20 duty does not exist or has been knowingly refused by the young person, Children's Services will assist HNAS in identifying suitable accommodation.
- **6.10** A young person will be in priority need if they meet either of the following criteria. Further detail can be found in the Homelessness Code of Guidance.
 - i. A 16/17-year-old who is not a *relevant child* and is not owed an accommodation duty under s.20.
 - ii. A person aged under 21 who was (but is no longer) looked after, accommodated, or fostered at any time between the ages of 16 and 18.

Children's Services' assessment will therefore often be required before HNAS can determine whether a young person is in priority need.

- 6.11 If the activity detailed in **Part 4** does not result in the young person's homelessness being prevented or relieved, HNAS will need to go on to determine whether the *main housing duty* is owed under s.193. Further detail regarding the prevention and relief duties coming to an end can be found in the Homelessness Code of Guidance.
- **6.12** If HNAS are satisfied that the young person is eligible for assistance, homeless, in priority need (which in most cases will not be met because s.20 will instead apply), is not intentionally homeless, and has a local connection to the area, then the main housing duty will be owed to find the young person accommodation on an ongoing basis until a suitable long-term option is found.
- **6.13** If the main housing duty is not owed, e.g., because the young person is intentionally homeless within the meaning of the act, or has refused suitable accommodation from HNAS, Children's Services will be required to carry out a further assessment of the young person's needs.

- 6.14 HNAS should take particular care when assessing whether a young person is intentionally homeless. When considering whether a young person's act or omission was a deliberate one, HNAS should be mindful that a 16/17-year-old might not have the ability to understand the full consequences of their actions and choices.
- **6.15** Most key decisions made by HNAS, e.g., whether the main housing duty is owed, come with a statutory right to review, where the decision will be looked at again by a more senior officer who was not involved with the original decision. A young person would be informed of this right to review at the time of a decision being made.

7 Accommodation options

- **7.1** Whichever duty it is provided under, any accommodation made available to a young person must be safe, appropriate, and suitable for their individual needs.
- **7.2** The following types of accommodation must not be used for a homeless young person:
 - Anywhere that is unsafe for the young person, e.g., where there is a
 probability of them experiencing violence or abuse if they remain.
 - Unsupported hotel or bed & breakfast accommodation
 - All-age hostels
- **7.3** What constitutes suitable accommodation can depend on the individual needs of the young person, their wishes and feelings, the length of time they are expected to occupy it, and what options are available locally.
- **7.4** Sometimes accommodation will be required on an emergency, short-term basis. Examples of appropriate accommodation in such situations could include:
 - Family and friends
 - · An emergency bed in a young person's supported housing
 - Emergency foster placements
- **7.5** Where attempts to prevent homelessness have been exhausted, the relevant assessments are complete, and it has been established the young person will require accommodation in the longer term, examples of appropriate accommodation include:
 - Young person's supported housing
 - · Kinship care arrangements

- Regulated settings (e.g., foster care and children's homes)
- 7.6 HNAS commissions supported accommodation for young people, including 16/17-years-olds, who are threatened with homelessness or in significant housing need in the city. The accommodation offer comprises three hostel-type services with varying levels of staff cover and support: All Saints and Portsmouth Foyer, located in the city centre, and Victoria Road South in Southsea. In total this amounts to 84 beds in the city. The support available from the three services is focussed on life skills, including household and tenancy management, budgeting and accessing benefits, guidance with meal preparation and healthy eating and support to access other relevant services such as those for education, training, employment, and health.
- 7.7 Referrals for HNAS-commissioned supported accommodation are made to the Commissioned Services team using the form at **Appendix 5.** An assessment for the accommodation will then be arranged with the young person as soon as possible. Referrals for 16/17-year-olds at risk of homelessness will be prioritised above other referrals to the service.

Appendix 1: glossary of key legal definitions and test

Children's Services' duties

S.213B Housing Act 1996 ('the duty to refer')

If Children's Services considers someone may be homeless or threatened with homelessness, they have a duty to inform HNAS (or the equivalent department of another local authority at the young person's choosing) provided the following criteria are met.

Children's Services must ask the young person to agree to them notifying HNAS that the young person is homeless or threatened with homelessness and how the young person may be contacted.

S.17 Children Act 1989

A child should be considered a child in need under s.17 if:

- i. They are unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority,
- ii. Their health or development is likely to be significantly impaired, or further impaired, without the provision of service; or
- iii. They are disabled.

S.20 Children Act 1989

Under s.20(1), 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:

- i. There being no person who has parental responsibility for them,
- ii. Them being lost or having been abandoned, or
- iii. The person who has been caring for them is prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

The s.20 criteria are therefore that the young person must be:

- (a) Aged under 18 years old,
- (b) Presenting themselves to the local authority to seek accommodation (even when they have been ordinarily resident in another authority see note 1),
- (c) A child in need under s.17.
- (d) Requiring accommodation rather than requiring help with accommodation (see note 2)
- (e) Requiring accommodation as a result of one of the 3 reasons listed above (see note 4)

Note 1: a local authority can recover reasonable expenses from the authority where the child was ordinarily resident immediately before accommodation. The responsibility for the accommodation under s.20 can also be transferred so long as it is done so within three months.

Note 2: R (G) v Southwark LBC recognised there will be cases where a young person can fairly be said just to require help with accommodation, rather than accommodation itself, e.g., in situations where the young person does have a home to go to but needs help getting there or having it made habitable or safe.

Note 3: Condition iii includes a young person who has been excluded from home as a result of deliberate action by a parent.

HNAS's duties

S.175 Housing Act 1996 (definition of homelessness)

A person is homeless if they do not have accommodation available for their occupation, or if the accommodation available to them is not reasonable for them to occupy.

A person is threatened with homelessness if they are likely to become homeless within 56 days.

S.188 Housing Act 1996 (interim accommodation duty)

If the local housing authority have reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they must secure that accommodation is available for the applicant's occupation.

S.195 and s.189B Housing Act 1996 (the prevention and relief duties)

If it is established a person is eligible for assistance and threatened with homelessness, they will be owed the prevention duty. This means the local authority must take reasonable steps to help the young person ensure their accommodation does not cease to be available to them.

If it is established a person is eligible for assistance and homelessness, they will be owed the relief duty. This means the local authority must take reasonable steps to help the young person secure accommodation that is likely to be available to them for at least 6 months.

The prevention and relief duties can come to an end when one of a prescribed list of events occurs. The prevention duty is most typically ended where the local authority prevents the threat of homelessness, and the relief duty most typically ends when suitable accommodation is found, or when attempts to relieve homelessness remain unsuccessful after 56 days.

S.193 Housing Act 1996 (the 'main housing duty')

If a local authority is satisfied that a person:

- Is eligible,
- Is homeless,
- Is in priority need,
- · Is not intentionally homeless,
- Will not be referred to another local authority on the grounds of local connection,
- And remains homeless following attempts to relieve their homelessness for 56 days...

...then they shall secure that accommodation is available for person's occupation. The duty will come to an end when one of a prescribed list of events occurs. The duty most commonly comes to an end when a suitable offer of accommodation is accepted or refused.

Appendix 2: roles, responsibilities and escalation

A2.1 Below is the organisational structure for HNAS.

Housing Needs, Advice & Support Staffing Structure

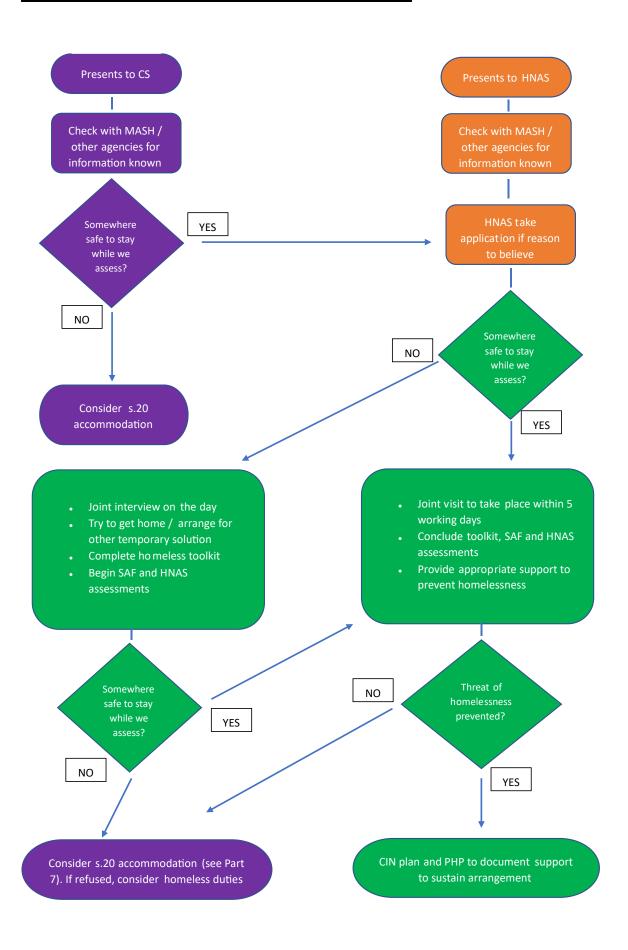
A2.2 Below is the organisational structure for Family Support and Safeguarding



Family Support and Safeguarding org char

- **A2.3** If the Housing Support and Advice Officer and Social Worker are not able to reach agreement or have a dispute they should discuss with their manager. If the manager agrees there is an issue, for example protocol has not been followed they should raise this with their counterpart in the opposite department.
- A2.3 Once this protocol is launched there will be reviews of how it is working in practice, at 3 months and then at 6 months to ensure the protocols effectiveness. The reviewing meeting will be attended by the Housing Policy & Quality Manager, the Housing Commissioned Services Manager, a Housing Assessment and Advice manager, an Independent Supported Housing Assessor, the Head Family Support and Safeguarding, a Service Leader from Family Support and Safeguarding.
- **A2.4** Following the initial two reviews the Housing Policy & Quality Manager, Housing Commissioned Services Manager and Head Family Support and Safeguarding will meet annually to review this document for its accuracy and effectiveness.

Appendix 3: process flowchart for typical approach



Appendix 4: assessment tool

16/17 Joint Homelessness Assessment Tool