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**Joint Housing and Children and Young People’s Protocol for Supporting Young people aged 16 and 17 year olds and Care Leavers**

**Parties to the protocol.**

CMBC Children and Young People’s Services.

CMBC Economy, Housing and Investment

Reviewed and updated March 2019

Approved By:

Strategic Housing Delivery Manager Housing and Green Economy

Service Manager Children Looked After

**This Protocol will be reviewed in February 2020**

**INTRODUCTION**

**Introduction.**

This local guidance takes into account of government guidance initially issued in April 2010 and revised in April, 2018 to reflect the requirements of the Homeless Reduction Act 2017 regarding the provision of accommodation for young people who maybe homeless, threatened with homelessness or require accommodation.

Children’s Services are work in partnership with the Housing Services (Young Persons Housing Support Team) to support for presenting homeless young people. This provides for a close working partnership the sharing of information and resources.

This integrated approach enables

* A joint approach to assessment , minimising the need for separate assessment activity between children’s and housing services
* A shared focus on preventing homelessness
* Reduces the need for families and young people to repeat their stories
* Coordinated support to families and young people

**AIM OF THE PROTOCOL**

 To ensure that the responsibility for meeting the diverse accommodation needs of 16-21 year old young people who have been looked after by Children’s Services are met.

 To safeguard and promote the welfare of children ‘in need’ living in the area and to ensure appropriate services are provided for those children.

 To ensure of 16-17 year olds who have not been looked after and are in need of accommodation will be assessed by Children’s Services and the Young Persons Housing Support Team under the Children Act and Homelessness legislation. The Children Act 1989 /Children’s Services duties supersede the Housing Act 1996 as amended/Homeless duties in this instance:

whilst an assessment under s17 Children Act 1989 is undertaken within 45 working days and a determination of whether the 16/17 yr. old is to be a relevant child is made.

 To avoid where possible using the homeless route as a means of securing accommodation for care leavers. (See S3.9 National Standards in Leaving Care). Approaching the time that the identified and agreed care placement of a young person will end, or at the point of breakdown of a foster placement, the Pathways service and the Young Persons Housing Team will work in partnership to ensure that their housing needs are met.

 To strengthen existing agreements by specifying the joint working arrangements for young people in custody.

**UNDERLYING PRINCIPLES**

 The safety and wellbeing of a young person is paramount.

 Young people should never be sent from one office to another without prior communication

 Independent advice should be available to the young person.

 Where possible homelessness should be prevented and young people (and their parents/carers) supported to remain at home (where safe to do so) or assisted to leave in a planned and supported manner using the available pathway options across the borough.

For services supporting young people within supported accommodation to inform all relevant agencies of any notice to quit the accommodation on the first day that this notice has been issued. This will then require a joined up response to addressing the young persons needs at the earliest opportunity.

 When young people are placed in interim accommodation by the young persons housing team, all parties will acknowledge that the young person remains legally homeless whilst remaining in that accommodation. The Young Person may lose any accommodation provided if they are violent or present risks both to others residing in such accommodation or towards other professionals working with them. The loss of the accommodation would require a multi-agency response in exploring other options that are available at the time (Bradford nightstop, friends and other family members)

No single assessment will be closed whilst the young person is placed into interim accommodation, and until a suitable supported and secure pathway for accommodation has been reached.

Any homelessness decision will only be able to be given once a single assessment has been completed with the young person. Joint work incorporating both social care and housing support should be used to inform this assessment.

 A referral for an assessment using the safeguarding common referral form will be made for all young people, including teenage parents, for who Calderdale Council has reason to believe, may be homeless. If the young person is provided with accommodation by the Local Authority (either under (S20) Children’s Act 1989 or s188 Housing Act 1996) then an assessment will be completed in accordance with regulatory requirements.

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 The Young Persons Housing Support Team will make a referral to MAST for all young people (including teenage parents) who Calderdale council believe may be threatened with homelessness (i.e. **likely to become homeless within 56 days**).

 The local authority will work together in organising and planning joint work in relation to interviews and meetings. The relevant staff from each of the included services will be invited to attend in order to further the principle of joint working and joint needs assessment. The joint working process will strengthen any plan on what, who, how and when tasks and plans will be completed.

 The Young Persons Housing Support Team will seek to identify suitable short term accommodation for young people who are homeless on the day of presentation regardless of whether the child is an open, closed or unknown case to CYPS

 Staff working within this protocol will take decisions in line with their responsibilities under respective legislation and guidance. These decisions will be accepted and respected by colleagues working under this protocol.

**RELEVANT LEGISLATION, STATUTORY GUIDANCE AND CASE LAW**

**Housing legislation**

Part VII of the Housing Act 1996 as amended by the Priority Needs Order 2002 and the Homeless reduction act 2017 sets out the responsibilities of Calderdale Council under homelessness legislation. The Council has a duty to offer accommodation if available**.** Discussions would need to be held between CYPS and Housing Services on the best available option for that night if all other housing options are unavailable. We will not use bed and breakfast accommodation, and will sometimes use out of area placements i.e.: Bradford Night Stop. Temporary accommodation is made available to people who are:

 Eligible for assistance

 Homeless

 In apparent priority need

A person is homeless if he/she has nowhere available for his occupation which is safe and reasonable for them to occupy.

 Accommodation is not reasonable if continued occupation would result in violence.

 Accommodation is not available if a person cannot access it (e.g. if they are locked out)

A person is threatened with homelessness if they are likely to become homeless within 56 days. Contact must be made with the Young Person’s Team as soon as possible to try and prevent homelessness and the need for accommodation.

If a person approaches the Council and the Council has reason to believe that the

person is eligible for assistance, homeless at that time and in apparent priority need, they must provide interim accommodation until their enquiries are complete and the level of duty established. No housing decision will be made until a relevant single assessment has been completed.

**Young people aged 16 or 17 are in priority need unless they are**:

 A relevant child

**Or**

 A child in need to whom a local authority owes a duty under S 20 of the Children Act 1989.

Local Housing Authorities cannot establish whether or not a homeless 16/17 year old is in priority need unless a single assessment has been carried out and completed by CYPS.

**‘Housing’ codes of guidance**

The Homelessness Code of Guidance 2018, Chapter 22 and the ‘Provision of Accommodation for 16 and 17 year old young people who may become homeless/and or require accommodation’ 2018 (statutory guidance issued jointly by the Secretaries of State for Children Schools and Families and Communities and Local Government to local housing authorities and local children’s social service authorities) explain the legislation and case law.

If an initial approach by the young person is made to housing services , the 2018 guidance (Para 22.10) states, **‘If the young person may be homeless or may be likely to become homeless within 56 days, housing services should make an immediate referral, under the duty to refer, to children’s services for an assessment. This applies to all 16 and 17 year old applicants without exception, for example including those who are pregnant and/or a parent.**

Para 22.7 of the 2018 guidance stresses the necessity for services for homeless and potentially homeless young people to be underpinned by written joint protocols that are centred on the young people and their families. It also stresses the importance of identifying homelessness risk early and acting to prevent it, and providing a quick, safe, joined up response for care leavers who do become homeless.

If the Young Person, following a s17 children act assessment , either is found not to be or chooses not to be a relevant child then the young persons housing support worker will then go forward to determine whether they caused their homelessness i.e. intentionality.

If a 16/17 year old is found intentionality homeless, as defined by the Housing Act 1996 their actions having been found to have caused their homeless situation, then they will be referred back to Children’s services .and to the Vulnerable Young Persons panel

**CHILDREN’S SERVICES LEGAL FRAMEWORK**

**Overview of the Children Act 1989**

**Section 17** places a general duty on social services authorities to safeguard and promote the welfare of children within their area who are in need, by providing a range and level of services appropriate to those children’s needs.

A **child in need** is defined as someone who is aged under 18 and

 is unlikely to achieve or maintain a reasonable standard of health or development without the provision of appropriate services by a local authority or;

 Whose health or development is likely to be significantly impaired or further impaired without the provision of appropriate services by a local authority or;

 Who is disabled.

The local authority has reasonable cause to suspect that a child living in their area is suffering or likely to suffer significant harm.

Section 17(5) allows Children’s Services Departments to call upon other agencies (particularly voluntary and community) to provide services on their behalf.

Section 20(1) states that every local authority shall provide accommodation for any child in need within their area who requires accommodation as a result of:

• there being no person who has parental responsibility for her/him;

• being lost or having been abandoned;

• The person who has been caring for him/her being prevented from providing suitable accommodation or care.

Section 20(3) states that accommodation shall be provided for any child in need who has reached the age of 16 and whose welfare the authority considers is likely to be seriously prejudiced if they do not provide her or him with accommodation.

Under Section 27 of the Children Act 1989, a social services authority can ask a housing authority to help in delivering services for children in need. The housing authority must comply with such a request to the extent that it is compatible with its own statutory duties and other obligations. DoH Guidance on the Act recommends that close liaison between Children’s Services departments and Housing is necessary and may be best achieved through the establishment of formal arrangements.

**Overview of the Children (Leaving Care) Act 2000**

The main purpose of the Act is to improve the life chances of young people living in and leaving local authority care. Its main aims are:

• To delay young people’s discharge from care until they are prepared and ready to leave.

• To improve the assessment, preparation and planning for leaving care.

• To provide better personal support for young people leaving care.

• To improve the financial arrangements for care-leavers.

The Regulations and Guidance to the Act state that every local authority must ensure that

• Young people leaving care have access to a range of accommodation options and the support and skills to maintain themselves in their accommodation, and that all local authorities should work to meet these aims.

The Regulations and Guidance also details how the local authority strategy for care-leavers should take into account:

• The diverse accommodation and support needs of care-leavers.

• The capacity to offer young people a degree of choice of accommodation.

• Existing and planned provision of safe affordable accommodation.

• Gaps in provision.

• Priority setting.

• The need for contingency arrangements.

Whilst the primary responsibility for securing accommodation for care-leavers rests with CYPS, it is essential that a multi-agency approach is adopted. The Young Persons Housing Team will work with the Pathways Service provider to ensure that the accommodation needs of care-leavers are addressed before they leave care. This protocol will ensure that both the Young Persons Housing Team and CYPS each play a full role in providing the required resources and support to these young people.

Who is entitled to Leaving Care Services?

Eligible Children - Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14 and who are still looked after.

Relevant Children - Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14, and have been looked after at some time after their sixteenth birthday and who have left care (or would have been relevant children but for the fact that they were detained through the criminal justice system or were in hospital on their sixteenth birthday)

Former Relevant Children - Young people aged 18-21 who have been either “eligible” or “relevant” children or both. If at the age of 21 the young person is still being helped by the responsible authority with education or training, he or she remains a Former Relevant Child to the end of the agreed programme of education or training even if that takes him or her past the age of 21.

Looked after children are those in care because of a Care Order (Section 31) or Accommodated (Section 20) of the Children Act 1989

**OPERATIONAL PRACTICE**

**Referral routes**

Referrals to the Young Persons Housing Support Team will be accepted from any source including self-referrals.

All young people aged 16 or 17 who are believed to be homeless or at risk of homelessness should be referred to the Young Persons Housing Team in order that the level of risk of homelessness can be investigated and prevention work can be instigated.

There are two exceptions to this general position:

1. Where a young person is a qualifying young person under the Children (Leaving Care) Act 2000 or a Relevant Child.

2. Where the young person is an Unaccompanied Asylum Seeker.

In either of the above situations a referral will be made to the Multi-Agency Screening Team (MAST). If the young person is the responsibility of another local authority then the relevant worker in that authority will be contacted.

**The Role of Housing Services and CYPS**

A Young Persons Housing Support worker will interview all young people aged 16 and 17 referred to or approaching the Young Persons Housing Support Team

During the interview the Young Persons Housing Support Worker will commence a young persons housing assessment and gather information about the history and circumstances of the young person and the events leading up to their accommodation difficulties.

The YP housing worker will, make contact with parents and other family members to establish the level of risk of homelessness or the prospects for an immediate return to the family home. The worker may also contact other agencies for information. It is at this point that some discussion may be held around supportive pathways and for the young person and family to be fully informed on the local options.

The Young persons housing worker will assess whether there is reason to believe that a young person is homeless or threatened with homelessness.

If there is reason to believe that a young person is homeless on that day the YP housing worker will arrange suitable interim accommodation and make a referral to MAST

In the case where a homelessness decision has recently been made and there are no new facts but the young person is once again homeless, then a fresh homelessness application will not usually be instigated. Rather the Young Persons Housing Worker will arrange suitable short term accommodation to enable the CYPS/EIS assessment to commence and a multi-agency planning meeting to be held. This meeting will endeavour to identify a suitable accommodation pathway and support package for the young person concerned.

MAST will make a decision within 24 hours and will inform the referrer. Where the referral is accepted a Social Worker will be allocated and will undertake an assessment, the YP housing worker will be informed of the proposed action within 48 hours and a joint visit arranged.

The allocated Social Worker will, make contact with parents and other family members to establish the level of risk of continued homelessness or the prospects for an immediate return to a family home with additional support services. A joint visit within five working days will be arranged between the allocated social worker and YP housing worker preferably where the young person has been housed to complete the assessment. If the young person has returned home prior to the visit taking place the allocated social worker will undertake the assessment visit at the family home, this will also include the YP housing worker if there is a concern that this young person could present again in crisis.

If a young person is assessed as a Child in Need and whose needs include accommodation then the social worker in consultation with their manager will discuss the option of S20 accommodation with the young person and record their wishes and feeling.

If S20 accommodation is the outcome of the assessment, the case will be presented to the Gateway Panel. If S20 accommodation is agreed at Gateway Panel then this will be provided and funded by CYPS.

Where a young person has been assessed as having a high level of need and vulnerability by either Children’s Social Care, the Early Intervention Panel, or partner agencies a referral will be made to the Vulnerable Young People’s Panel (VYPP) for additional support and services.

If the young person is deemed to be a Child in Need a decision will be made as whether the lead worker is a social worker or a FIT worker (at level 4). If the young person is considered to be at level 1-3 on the Continuum of Need then the lead worker will be from the Early Intervention Service. A copy of the assessment undertaken by either CYPS or EIS will be provided to the Young Persons Housing Support Team. All homeless young people will be subject to either a CIN plan or an Early Intervention Plan; The Young Persons Housing Support Worker will be invited to the planning meeting and provided with a copy of the plan. It is envisaged that throughout this process the allocated social worker and Young Persons Housing Worker will work together in supporting the young persons through their homelessness.

The Young Persons Housing Support Worker will complete the homelessness assessment and issue a decision within 56 working days and will notify the allocated social worker/Lead professional.

All homelessness decisions will be notified in writing to the young person concerned and information about the right to request a review of that decision included in the letter. The young person will also be advised of sources of independent advice.

**Young People Involved with Youth Offending Team**

Where a young person appears before Court and is presenting as homeless on the day of the court appearance, the YOT will undertake enquiries to establish whether there are any suitable extended family members or friends able to offer accommodation. If homelessness is established the YOT will make a referral to MAST, Young Persons Housing Support Team or the allocated Social Worker, as appropriate, for provision of an address and an assessment to be commenced.

If a young person is in custody and it is known that he/she will be homeless on release, the YOT will make a referral to MAST/ Early Intervention Service 56 days prior to the release date so that an assessment can be arranged in custody in order to secure accommodation on release. The relevant allocated worker will arrange a joint visit with a Young Persons Housing Support Worker.

Unless the young person is subsequently accommodated under S20, the Housing Adviser will undertake a homelessness investigation.

**The Role of Children’s Social Care where a young person is already an open case in Childrens Assessment team or the Locality Teams**

If a young person who is already an open case in either the Childrens Assessment Team or one of the Locality Teams presents as homeless, the Young Persons Housing Support Worker will interview the young person concerned and if he/she is believed to be homeless will arrange interim accommodation and commence a homelessness assessment. The Adviser will contact the allocated social worker or the duty social worker in the relevant locality team. A joint visit will take place within five working days and if an assessment is not currently open on the young person then an updated assessment will be undertaken to address a change in needs/circumstances.

Where a young person has been assessed as having a high level of need and vulnerability by either Children’s Social Care, the Early Intervention Panel, or partner agencies a referral will be made to the Vulnerable Young People’s Panel (VYPP) for additional support and services.

If a young person is assessed as a Child in Need and whose needs include accommodation then the Social Worker in consultation with their manager will discuss the option of S20 accommodation with the young person and share all the benefits of their accommodation needs being provided under section 20CA1989. The social worker will ensure that young people are informed of their choice and rights The discussion will be clearly recorded on the young person’s record.

If S20 accommodation is the outcome of the assessment and agreed at the Vulnerable Young Person’s Panel, the chair of the panel will take the case to the Gateway Panel. If S20 accommodation is agreed at Gateway Panel then this will be provided and funded by CYPS

If the young person has refused the offer of sec 20 this must be clearly recorded on the young person’s record. The young person should be provided with a letter informing them that they are not looked after by the local authority and their social worker has explained this to them, and that they are in agreement with this decision

The allocated Social Worker will inform the Housing Options Service of the assessment and decisions made.

**Timescales**

The Young Persons Housing Support Team will to complete a homelessness investigation and issue a decision within 56 working days. Within this time frame all options will be discussed with the young person and look to establish a supportive pathway which meets the needs of the young person.

To be able to complete assessments within this timescale it is essential that the Children’s Social Care assessment is completed within timescale. A Child and Family single Assessment is up to 45 days.

In respect of any homeless issue this assessment should be completed within the **15 day** timescale regarding a decision being made in respect of S20 accommodation.

Should delays in completing assessments adversely impact on completion of a statutory homelessness assessment then service managers should contact their counterparts to reach satisfactory agreement.

Gateway Panels are held every Thursday afternoon, any approval for S20 accommodation has to be presented and authorised at this panel.

CYPS will make a determination within 15 working days.If the decision is the young person is not a Child in Need a completed assessment will be provided in 15 working days.

If the young person is a Child in Need then the assessment will be completed within 45 working days.

**Moving on from S20 accommodation**

The Young Persons Housing Support Team and Children and Young People Service will work together to secure suitable accommodation for young people who have been accommodated under S20 of the 1989 Children Act and who are ready to leave the care of the local authority. The Young Persons Housing Support Team should be invited to CLA reviews when consideration is being given for move on options.

Where appropriate young people may be referred to Supported Lodgings, Calderdale Foyer or other supported accommodation providers within the borough or indeed out of area if this is deemed a positive move on for the young person.

Young people who meet the criteria of a ‘Relevant Child’ will be supported by the Leaving Care Service Provider. A protocol exists between the Young Persons Housing Support Team and the external service provider to assist 16/17 care leavers supported by the external service provider to move on quickly into independent accommodation, once they are considered to be ‘tenancy ready’. This protocol is set out in Appendix 2

Young people who have been accommodated under S20 of the 1989 Children Act and who do not meet the criteria of ‘Relevant Child’ will need to have a housing support package agreed before they will be accepted for re-housing by any Registered Social Landlord in Calderdale.

Calderdale Council’s Housing Allocation Scheme (KeyChoice) makes provision for 16/17 year old who are ready to leave the care of the Local Authority and who are considered to be able to sustain a tenancy with support, to be awarded Gold Band priority. This priority should enable the young person to secure a tenancy within a relatively short timescale.

The Social Worker supporting the young person should assist the young person to complete a KeyChoice membership form and once this is registered should contact the Young Person’s Housing Team providing details of the young person and details of the tenancy support package that is to be provided. The Young Persons Housing Team Manager will arrange a meeting with the young person and if all are satisfied that the support package is adequate and the young person is ‘tenancy ready’ then Gold Band priority will be awarded to the young person’s KeyChoice membership for a period of three months.

The Young Person’s Housing worker will monitor the young person’s progress in making suitable bids and will work with the young person and the social worker to identify suitable properties and resolve any difficulties that occur.

**Information sharing**

When a potentially homeless young person approaches the Young Persons Housing Team for assistance in securing accommodation they will be required to sign a form that consents to information about them being shared between the all relevant agencies including TASS, Young Persons Housing Support Team, Children and Young People’s services (including the Youth Offending Team where a referral has been made by them). This includes an agreement that assessments are able to be shared in order for a whole system approach to support be considered.

Emergency Contact Numbers

Emergency Duty Team (Children’s Services)

Tel: 01422 288000

Out of Hours Emergency Homeless Service (Housing Needs)

Tel: 01422 288000

Young Persons Housing Team (based at Ryburn House) 07766 465470

DISPUTE RESOLUTION

The key to implementation of this joint protocol is direct communication between frontline workers and/or their managers to resolve differences at the earliest stage. Differences of opinion over areas of responsibility and proposed action should be dealt with initially by the case worker in each department. If the issue cannot be resolved at this level the matter should be referred for a decision to the appropriate combination of Young Persons Housing Team manager, Leaving Care Team Manager, Social Care Manager and/or YOT Team Manager, depending on the nature of the dispute.

18-21 YEAR OLDS FORMERLY IN LOCAL AUTHORITY CARE

Young people who have spent some time in the care of the Local Authority between the ages of 16 and 18 will have a priority need for accommodation under homelessness legislation unless they are a ‘relevant student’. If such a young person is at risk of homelessness, they should be encouraged to contact the Young Persons Housing Team as soon as possible.

All young people who were formerly in Care will be assessed by the Young Persons Housing Team in accordance with part 7 of the 1996 Housing Act and the Homeless Act 2002. The Young Persons Housing Team will work closely with the Leaving Care Service provider and other relevant agencies to identify suitable accommodation solutions.

**APPEALS/COMMENTS**

The reasons for decisions made by Children’s Services will be given to the young person in writing and will explain how these decisions can be challenged.

The reasons for the decision made by the Young Persons Housing Team under Part VII 1996 Homelessness Act will be provided in writing to the young person and will include details on how the young person can request a review of the decision given.