

Joint Protocol between Children's Services and Housing

Addressing the Needs of Homeless 16/17 Year Olds

Title	Joint Protocol between Children's Services and Housing - Addressing the Needs of Homeless 16/17 Year Olds
Purpose/scope	Consistent approach to housing needs
Subject key words	Homelessness
Council Priority	
Lead author & contact details	Marie Hatton 01952385647
Date Established	January 2020
Date of Next Review	January 2021
Service Improvement & Efficiency Validation	
Legal Sign Off	
Finance Sign Off	
Approver	Director: Jo Britton

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1. Introduction

Joint guidance for Housing and Children's Services relating to homeless 16 and 17 year olds was first published in April 2010 following a number of judgements handed down by the House of Lords that addressed the interrelationship between the duty under section 20 of the Children Act 1989 and duties under Part 7 of the Housing Act 1996. This guidance has been updated in 2018 to reflect new duties introduced through the Homelessness Reduction Act 2017, and to incorporate other relevant updates and forms the basis of Telford & Wrekin's policy review of how we work together to prevent and address homelessness for young people aged 16 and 17.

Case law has clarified the relationship between the duty under section 20 of the Children Act 1989 and duties under Part 7 of the Housing Act 1996 in the case of 16 or 17 year olds who require accommodation. The House of Lords case *R (G) v Southwark* [2009] UKHL 26 held that, where a 16 or 17 year old is owed duties under section 20 of the 1989 Act, this takes precedence over the duties in the 1996 Act in providing for children in need who require accommodation. Where the specific duty is owed under section 20 of the 1989 Act, a 16 or 17 year old should be accommodated under that provision rather than looking to the general duty owed to children in need and their families under section 17 of the 1989 Act.

Whilst the section 20 Children Act 1989 duty takes precedence, housing services also have duties towards young people who are homeless or threatened with homelessness. Duties owed by each service will depend on a range of factors, including which service they initially seek help from, the outcomes of any assessments and enquiries, and the wishes and feelings of the young person and their family. It is therefore essential that children's services and housing services work together to plan and provide services that are centred on young people and their families and this document will provide guidance to Telford & Wrekin front line staff in Children's Services and Housing Solutions on working together with a view to preventing young people from becoming homeless.

2. Supporting Families To Stay Together

Young People Living with Their Families

Generally, it will be in the best interests of most young people to live in the family home or where this is not safe or appropriate, with responsible adults in their wider family and friends' network. When a 16 or 17 year old is seeking support because they are homeless or threatened with homelessness, Telford & Wrekin's Housing Solutions and Children's Services responses should recognise this and work pro-actively with young people and their families to identify and resolve the issues which have led to their homelessness arising. This could involve family support such as family mediation or family group conferences.

The joint working between Children's Services and Housing Solutions to prevent a 16 or 17 year old from becoming homeless may be undertaken under both section 17 of the 1989 Act and section 195 of the 1996 Act. Any preventative work should be undertaken alongside the assessment processes outlined in this document and should not delay the provision of any other statutory duties where these may also be owed.

If key issues affecting the young person's welfare and/or the sustainability of their living at home remain unresolved but they are able to remain or return there, support should be provided to the family through Children's Services in line with their assessed need and set out in their child in need plan.

16 and 17 year olds who may require accommodation with children and/or partners

The needs of 16 and 17 year olds' for accommodation should be assessed in the context of their relationship with any 'partner' and in some cases it may be appropriate for a 16 or 17 year old to be accommodated in a situation where they can live with their partner. Specific consideration should be given to placement type for young people accommodated under section 20 whilst living with a partner and options such as a self-contained property with visiting support may be appropriate. Where young parents are provided with accommodation by Children's Services and become looked after, it does not follow that their child will also be looked after.

3. Children's services duties towards 16 and 17 year olds who seek help because of homelessness, or being threatened with homelessness

Duties owed to young people who may require accommodation

If the young person approaches Housing Solutions or another agency in the first instance, the Housing Officer must obtain consent before a referral can be made to Children's Services. This consent should be obtained through an informed conversation with the young person which ensures that they are able to understand the duties owed by Children's Services and what they should expect to be the outcome of a referral. This referral should be done on the same day that contact is made with Housing Solutions.

Where the housing officer assesses there is no immediate threat of homelessness, intervention may be more appropriately led by Early Help services and the housing officer should refer through to family connect for an early help assessment.

If the young person has been considered by housing as at imminent risk of becoming homeless or actually homeless, Family Connect will assign the case to one of Children's Duty and Assessment Teams who will then carry out an assessment with the duty or named housing officer, to identify what duties, if any, are owed to the young person using the Joint Assessment Form. Please see Appendix 3 Children's Services Assessment Process.

The assessment must be carried out in joint working partnership with the Housing Solutions Officer.

If the young person is actually homeless and accommodation is provided, the child will be accommodated in line with S20 requirements as per below:

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 -
 - a. there being no person who has parental responsibility for them;
 - b. their being lost or having been abandoned; or

c. 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.

As a result of being accommodated by Children's Services for a continuous period of more than 24 hours, the young person will become looked after and a service will be provided in line with the duties that are owed to all looked after children. Whilst accommodated under section 20, the young person will not be eligible for welfare benefits, including housing benefits or housing costs under universal credit and Children's services will have a duty to maintain them, including meeting the cost of accommodation. In addition to this, once the young person ceases to be looked after, the duties that are owed to Care Leavers under that Act will then apply.

There are only two circumstances in which a homeless young person should not be accommodated under Section 20, and may instead be owed duties under the Housing Act 1996. These are where the young person is:

- a. not a child in need **
- b. a 16 or 17 year old child in need who, having been properly and fully advised of the implications and having the capacity to reach a decision, has decided that they do not want to be accommodated under section 20.

**Section 17(10) of the 1989 Act defines a child as being in need if;

- a. 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 them of services by a local authority under this Part;
- b. their health or development is likely to be significantly impaired, or further impaired, without the provision for them of such services; or
- c. they are disabled

Most homeless 16/17 year olds will be children in need.

In addition, even if the criteria in section 20 does not apply, every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide them with accommodation.

Also, 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 the child's welfare.

Undertaking Assessments.

Where a 16-17 year old seeks help because they are homeless or threatened with homelessness, it is good practice for the assessment of their needs to be conducted jointly between Children's Services and Housing Solutions. This will involve a joint interview between the young person, the Housing Officer and the Children's Services Social Worker and could be undertaken at one of Telford & Wrekin's office bases, at a community location or at the young person's address

Where the need for a Joint Assessment has originated from the Housing Solutions Team, the young person will have a named Housing Officer who will continue to be involved throughout that assessment. Where the young person is not already known to Housing Solutions, an email should be sent to HousingOptionsandAdvice@telford.gov.uk requesting input for a Joint Assessment from Housing Solutions Duty Officer.

At the point when the need for a joint assessment is identified for either a young homeless person, or a young person threatened with homelessness, it will be necessary for the Social Worker leading the assessment to inform the young person and their family of the action to be taken.

As set out in Working Together to Safeguard Children, assessments should be child-centred and must be informed by the views of the young person. It will be essential to establish close contact and rapport with the young person throughout the assessment process, in order to make sure their wishes and feelings are properly understood and to ensure that their views are taken into account. Similarly, it will also be important to maintain contact with the adults who retain parental responsibility for the young person and with any other important family members in the young person's network as their input into the assessment will be key.

Where other services are also working with the young person, their input into the assessment will also be requested as well.

The most crucial issues to be determined in the joint assessment will be:

- Whether the young person is actually homeless
- if the young person is a child in need (section 17)
 - a) 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 them of services by a local authority under this Part;
 - b) their health or development is likely to be significantly impaired, or further impaired, without the provision for them of such services; or
 - c) they are disabled
- S20
 - a) There being no person who has parental responsibility for him
 - b) His having been lost or having been abandoned
 - c) The person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation.

What are the young person's wishes and feelings having made the young person aware of S20 and what that entails.

And if this is the case, children's services must accommodate them immediately. The welfare of the child is paramount and a 16 or 17 year old must not be placed at risk whilst waiting for the completion of an assessment.

Where a young person has sought help due to homelessness, the assessment must reach a conclusion in regards to the following:

1. the young person's needs, wishes and feelings
2. the nature and level of any risk and harm being suffered by the young person
3. the support that is required to address those needs to improve the young person's outcomes.
4. Whether the young person is to be supported as a Looked After Child or a Child in Need.

In some cases, it may not be necessary for the young person to be accommodated by Children's Services because the young person's needs can be met by providing other services, for example, support to enable the young person to return to the care of their family or other responsible adults in the young person's network. Where the conclusion is reached that the young person does not require accommodation for this reason, consideration should then be given as to whether services are required and should be provided to the young person under section 17 of the 1989 Act, as a child in need. If it is decided that services are required, a multi-agency Child In Need plan should be developed which sets out which agencies will provide which services to the child and family. The plan could include, for example, regular visits from Children's Services, access to family mediation or family group conferencing or financial support under section 17 to sustain any plan for the young person to live with members of their family.

Upon completion of their joint housing assessment, Children's Services should inform the referrer in writing of the outcome and advice as to what action has been or will be taken. The Housing Officer should then record this in the young person's file and take any necessary further action. The social worker will use this information to complete a proportionate child and family assessment.

Timescales

The timeliness of an assessment is a critical element of the quality of that assessment and the outcomes for a 16 or 17 year old who is homeless or threatened with homelessness. As set out in Working Together to Safeguard Children, the speed with which a joint assessment is carried out should be determined by the individual young person's circumstances and the nature and level of any risk of harm faced.

Within one working day of a referral being received, Children's Services should make a decision about the type of response that is required and acknowledge receipt to the referrer.

Where a young person refers themselves, or is referred by Housing Solutions or another agency as appearing to be homeless or threatened with homelessness, Children's Services should also proceed with an assessment, jointly with the named or duty housing officer on the same or (if a non working day) the next working day

From the information in the joint assessment, the local authority will then undertake a wider child and family assessment where the maximum timeframe for a statutory assessment to be undertaken and

concluded, should be no longer than 45 working days from the point of referral.

Where homelessness has actually occurred, this should result in a prompt response based on the young person's individual circumstances.

Young person's wishes and feelings

As part of a joint Assessment, the assessing Social Worker will need to ascertain the wishes and feelings of a young person regarding the provision of services to be delivered under the Children Act 1989. Section 31, if they are at risk or likely risk of significant harm, Section 20, if they are unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for them of services by a local authority or they are disabled, S17 if they are a child in need and/or a referral to Family Solutions and Family Group Conferencing.

It is essential that the young person is fully consulted about and understands the implications of being accommodated by Children's Services in comparison to having an understanding about what assistance would alternatively be available to them under Part 7 of the Housing Act, if they did not wish to be looked after. This discussion should take place as part of the assessment with both the Social Worker and Housing Solutions Officer present, to ensure that any questions the young person may have can be answered.

Where the young person does not wish to be accommodated but still needs ongoing support to maintain their own welfare or to sustain accommodation, these needs should then be addressed as part of a Child In Need plan.

In the event that the young person is not looked after for the prescribed period which entitles them to a full leaving care service, then the young person leaving care would be a 'person qualifying for advice and assistance' as set out in section 24 of the 1989 Act.

Housing Solutions should also provide information to the young person about what assistance may be available to them if they do not become looked after. This will include any entitlement for assistance under Part 7 of the Housing Act and in particular, the considerations a young person needs to be made aware of are:

- a. duties on housing services to undertake an assessment, develop a personalised housing plan and to take steps to help the applicant retain or secure accommodation.
- b. the requirement on the applicant to cooperate and for applicants to take steps themselves as set out in a personalised plan.
- c. the 'accommodation offer' under the relief duty – suitable accommodation which has a reasonable prospect of being available for occupation for at least 6 months.
- d. the implications of turning down offers of accommodation that are suitable.
- e. the possible risk of being found or becoming homeless intentionally in the future.
- f. their right to request a review of decisions.

Where there is any doubt about a 16 or 17 year old's capacity to judge what may be in their best interests, e.g. whether they should be accommodated under section 20 of the 1989 Act or seek

alternative assistance through Housing Solutions, there will need to be further discussion involving Children's Services, Housing Solutions, the young person concerned and their family (where safe and appropriate), to reach agreement on the way forward.

Where a young person says they do not wish to be accommodated, Children's Services should reach the conclusion that the young person's wishes are decisive only as part of an overall judgment of their assessed welfare needs and the type and location of accommodation that will meet those needs. This will include assessing their emotional and behavioural development and their capacity to make use of wider resources available to manage independent living. In reaching that conclusion, the Social Worker should be satisfied that the young person:

- a. has been provided with all relevant information;
- b. is competent to make such a decision; and
- c. that they do not need to take additional safeguarding action.

Children and young people who have received services under the 1989 Act are able to be supported to make complaints and representation with the help of an independent advocate.

16 and 17 year olds from one local authority area who seek assistance from children's services in another local authority area

Where a 16 or 17 year old who was living in another local authority area but has since moved into this area, seeks assistance from Telford & Wrekin's Children's Services, the duty to assess falls on the authority area in which the young person is currently residing in.

Enquiries should however be made to the Local Authority from where the young person previously came from so as to establish whether it may be possible for the young person to return to the 'home' district. In situations such as this, it might be possible for the authority where the young person seeks help to negotiate with their 'home' authority to take over the assessment of the young person's needs, so that the young person is assessed in a familiar setting close to their family and friends.

Young People in Custody

The Youth Offending Team, Children's Services and Housing Solutions (where appropriate), should work together to ensure effective arrangements are in place to identify young people in custody who may be at risk of homeless on release. Services should cooperate, to ensure that young people can live with parents or guardians or another appropriate adult when they leave custody. The provision of family mediation, family group conferences or other family support services may be called upon to assist with the setting up of a Resettlement Plan.

Resettlement planning will begin at the start of a sentence and continue throughout the young person's time in custody. If at any point it is identified that the young person may require accommodation on release, agencies will need to collaborate to ensure that a suitable accommodation and support placement is arranged in good time.

Children's services will have a duty to accommodate young people who were looked after or were

'Relevant' children when they entered custody or have become a 'Relevant' child by virtue of having been remanded into Telford & Wrekin's care for 13 weeks or more, if they require accommodation upon release.

A young person who is not already a looked after or Relevant child but may require accommodation on release, must have an assessment to determine what duties are owed under the 1989 Act, including whether Children's Services will have a duty to provide accommodation under section 20. In the event the young person does not already have an allocated Social Worker, a request for this should be sent to Family Connect via email familyconnect@telford.gov.uk or telephone call to 01952 385385 to request this assessment.

If the young person does not wish to be accommodated under section 20 and they decline this service, a referral should be made to Housing Solutions. Where support needs still exist, a Child In Need plan should identify how these needs will be met.

Provision of accommodation under section 17 of the 1989 Act

Children's Services also have powers to accommodate children under section 17 the Childrens 1989 Act. A young person provided with accommodation under this section would not be looked after and Telford & Wrekin would not have the corresponding duties set out at in sections 22, 22B, 23, 23ZA - 23ZB and 24 of that Act.

The powers to provide accommodation under section 17 cannot be used as a substitute for the duty to provide accommodation under section 20 to homeless 16 and 17 year olds in need. Children's services do not have the option of choosing under which provision they should provide accommodation for homeless 16 and 17 year olds as Section 20 involves an evaluative judgment on some matters but not discretion.

However, in limited circumstances the provision of accommodation under section 17 may be appropriate. An example of this may be:

Where a young person aged 16 or 17 is homeless and requires accommodation but does not wish to be accommodated under section 20 and is subsequently not owed the main accommodation duty by a housing authority i.e. because they have refused a suitable offer of accommodation or are found to be intentionally homeless, then the children's services authority should, given the change in circumstances, once again ask them their wishes regarding being accommodated under section 20. If the young person still does not wish to be accommodated under section 20 and is judged to have the capacity to make that decision then they should be offered accommodation under section 17 with a child in need plan in place until they no longer require accommodation or they reach the age of 18.

In such cases, Children's services and Housing Solutions will need to work together with the young person to ensure that they are not placed at risk of homelessness as they approach the age of 18 and that any transitional requirements are addressed to prevent homelessness reoccurring at this time.

The duty to refer to housing services

Telford & Wrekin Children's Services are required to notify Housing Solutions of 16 and 17 year olds who they consider may be homeless or who are threatened with homelessness within 56 days of becoming homeless. Before making a referral, the young person's worker must gain consent to make the referral and the sharing of their contact details from the young person. If a referral is made to Housing Solutions, the Worker should include a summary of their assessment, information about the provision of support to the young person and what assistance, if any, housing might provide. This should then be sent to HousingOptionsandAdvice@telford.gov.uk

When Housing Solutions receives a referral from Children's Services the two services should work together to ensure that the needs of the young person are met. Where the young person already has a Child In Need Plan in place, this should be reviewed in partnership with the Housing Solutions Officer to reflect their change in circumstances.

If the young person approaches another agency in the first instance, they too must obtain consent before a referral can be made.

4. Duties placed on housing services when 16 and 17 year olds seek help because of homelessness or being threatened with homelessness

Initial Assessment

Where a young person approaches Housing Solutions for accommodation or help with obtaining accommodation, the Housing Officer should treat this as an application for assistance under Part 7 of the 1996 Act and if there is reason to believe that the young person may be homeless or threatened with homelessness, appropriate inquiries should be made to determine what duties, if any, are owed to them.

If the young person is eligible for housing, is or may be homeless and by virtue of being 16-17 years old may have a priority need, then Housing Solutions will have an immediate duty to secure interim accommodation. In considering the suitability of accommodation authorities should bear in mind that 16 and 17 year olds who are homeless and estranged from their family will be particularly vulnerable and in need of support.

In Telford & Wrekin, temporary accommodation for 16 and 17 year olds is available with 24/7 support on site.

Priority Need

The Homelessness (Priority Need for Accommodation) (England) Order 2002 provides that a child aged 16 or 17 who is not a Relevant child and is not owed a duty to be provided with accommodation under section 20 of the 1989 Act, will have a priority need for accommodation for the purposes of Part 7 of the 1996 Act. Housing Solutions will however be unable to determine whether a 16-17 year old has priority need under the 1996 Act, until after a Children's services assessment has been completed. It is therefore essential that referrals are made and assessments completed within Children's Services timescales. Where Children's services have decided that a section 20 duty is not owed, or the young person does not wish to be accommodated, housing services duties under Part 7 of the 1996 Act will continue.

In any case, where Housing Solutions provides accommodation for a child in need, including where the young person has declined to be accommodated under section 20, Children's Services will need to consider the provision of services under section 17 as set out in a child in need plan and continue to work with housing services to ensure the young person's needs are met.

There will also be circumstances in which a re-referral to Children's Services is needed. This would apply to young people who have declined to become looked after, but subsequently loose accommodation or are no longer owed a duty by housing services.

The fact that a young person may be reluctant to engage with the assessment process is not in itself a basis for assuming that the young person has rejected Children's Services' intervention to provide them with accommodation. Lack of co-operation is no reason for the local authority not to attempt to carry out its duties under the 1989 Act. In these circumstances, the assessment will need to involve careful recording of how the authority has attempted to engage with the young person to assess their needs in order to determine and provide appropriate services. Ultimately, it is not possible to force services on young people who persistently continue to refuse them.

In the event that the outcome of the Housing Officers assessment is a finding that a young person is homeless but not eligible for housing assistance, or is a 'relevant child' owed an accommodation duty under the 1989 Act, the Housing Officer should notify Family Connect or the young person's Social Worker/ Personal Advisor (if known).

Prevention and Relief Duties

New duties towards people that are homeless or threatened with homelessness were incorporated within Part 7 of the Housing Act 1996 by the Homelessness Reduction Act 2017. These include duties to:

- a. undertake assessments
- b. develop personalised housing plans and
- c. take reasonable steps to prevent homelessness (for applicants who are threatened with homelessness) or relieve homelessness (for applicants who are already homeless).

Young people aged 16 and 17 who are eligible and homeless, or threatened with homelessness within 56 days, must have an assessment of their needs. This assessment must include:

- a. the circumstances that have caused them to be homeless or threatened with homelessness
- b. their housing needs, what accommodation would be suitable for them, their household and anybody who might reasonably be expected to live with them and
- c. the support that would be necessary for them and anybody who will be living with them, to have and to enable them to sustain the accommodation.

Young people who make initial contact with Housing Solutions and who are eligible for homelessness services during the prevention and/or relief stages, should also be referred to Children's Services following the Housing Officers initial assessment. This should be done as an immediate action from their initial assessment. Where a 16 or 17 year old seeks help from Telford & Wrekin's Housing Solutions Team due to potential homelessness or actual homelessness, the following processes will apply:

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

Housing Solutions will work with the young person to develop a Personalised Housing Plan which will set out the steps that both the Housing Officer and the young person will take to try and prevent them from becoming homeless e.g. completing Housing Referrals and following up on known vacancies. Any steps or actions that the young person is required to take should be appropriate to their age, understanding and assessed capability of the young person. Other relevant people such as parents and/or Social Workers may also be requested to take actions if it is appropriate for them to do so.

Housing Solutions should jointly work with Children's Services throughout the process of assessment, planning and attempting to prevent or relieve homelessness so that the Child in Need assessment and homelessness assessment and any resulting plans and actions are co-ordinated together.

Ending the prevention and relief duties

The guidance on how the prevention and relief duties come to an end is set out in full in chapter 14 of the Homelessness Code of Guidance and includes the following grounds:

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

Duties might end in this way if the young person is accommodated under section 20 or within supported accommodation and the Housing Officer is satisfied that the accommodation is both suitable and available for at least six months. However, where the young person is older than 17 and a half and Children's Services duty to accommodate them is likely to end within six months, Housing Solutions will need to be satisfied that there is a plan in place whereby accommodation will be available for at least six months beyond the young person's 18th birthday or for an interim period as part of a planned transition into other suitable accommodation.

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

If the relief duty ends after 56 days and without homelessness having been relieved, Housing Solutions will be required to reach a decision on whether a main housing duty is owed.

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

If a young person refuses suitable accommodation, the prevention or relief duty may be brought to an end but without any effect on further duties that might be owed. Refusal of suitable accommodation within the relief stage will not exclude the young person from the main housing duty except where the offer was either a Part 6 or 'final offer' of an assured shorthold tenancy.

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

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

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

If the relief duty ends in any of the ways set out in c-f above, Children's Services will be required to carry out further assessments of the young person's needs.

Intentionally Homeless

Where a 16 or 17 year old is found to have become homeless intentionally, this decision should be ratified by the Housing Solutions Team Manager or in their absence, Senior Housing Solutions Officer. Housing Solutions should then inform Children's Services immediately in the form of a referral to Family Connect and S20 services revisited with the young person.

Deliberate and Unreasonable Refusal to Cooperate

Housing Solutions may end the prevention and relief duties to a young person where it is believed that they have deliberately and unreasonably refused to take any of the steps that they had agreed to or was set out for them to undertake as part of drawing up the Personalized Housing Plan.

Before Housing Solutions end the prevention and relief duty on these grounds, full consideration must be given in regards to the young person's age and maturity, as well as to the context in which they are making decisions. This would include considering the impact of homelessness on the young person's mental and emotional health as well as the young person's ability to understand the consequences of their actions and decisions.

Where this decision is reached, ratification of it should be sought from the Housing Solutions Team Manager or in their absence, the Senior Housing Solutions Officer.

The Main Housing Duty

Where a young person who is eligible and unintentionally homeless does not have their homelessness prevented or relieved, Housing Solutions will identify whether further duties (if any) are owed to them. If the young person is not a child in need or owed duties under section 20 of the 1989 Act, they will have priority need for accommodation and will be owed the main housing duty with.

Exceptions to this will exist where:

- a) The relief duty ended due to the young person's unreasonable and deliberate refusal to cooperate.
- b) The young person refused a final reasonable offer of accommodation.

Where Children's Services have been providing temporary accommodation and the young person is now to be provided with settled accommodation through Housing Solutions, Children's Services should inform Housing Solutions that their responsibility to do this will come to an end. Both services will then need to work together to co-ordinate how ongoing housing needs can be met in the most practical and timely way possible.

Where section 20 and Part 7 duties are not owed.

When a young person is:

- aged 16 or 17,
- homeless and requires accommodation
- does not wish to be accommodated under section 20 of the 1989 Act and
- is therefore not owed an accommodation duty under Part 7
- they have refused a suitable offer of accommodation or are found to be intentionally homeless

Then Children's Services should, given the change in circumstances, once again ask them their wishes regarding being accommodated under section 20.

If the young person still does not wish to be accommodated and it is judged that they have the capacity to make that decision, accommodation should be offered under section 17 of the 1989 Act until they no longer require the accommodation or they reach the age of 18.

In cases such as this, Children's Services and Housing Solutions will need to work together with the young person, to ensure that they are not placed at risk of homelessness as they approach age 18.

Young people from one district who seek assistance from housing services in another district

Housing Solutions may choose to refer applicants who are homeless and eligible for services to another housing authority where certain circumstances exist.

Referrals can only be made if the person:

- does not have a local connection to the area that they have applied to
- they do have a local connection in the area they are to be referred to and
- they would not be at risk of violence or the threat of violence in the area they are referred to.

In deciding whether or not to refer a young person to another district, Housing Solutions should consider a range of factors, including safeguarding or any risk of significant harm to the young person. In order to ensure that their decision making is informed by relevant information, the Housing Officer should seek consent to discuss the referral to another Housing Authority with the relevant Children's Services in both the Telford & Wrekin area (Family Connect) and in the area that they are minded to

make a referral to.

Further guidance on local connection and referrals to other authorities is available at chapter 10 of the Homelessness Code of Guidance.

5. The provision of suitable accommodation for 16 and 17 year olds.

Placements by Children's Services

The Children Act 1989 Guidance and Regulations: Volume 2: care planning, placement and case review provides guidance on the placement of looked after children and will therefore apply to young people who are accommodated under section 20 of the 1989 Act for a continuous period of more than 24 hours.

Placement options may include regulated settings such as foster care and children's homes or 'other arrangements', which are not regulated under the Care Standards Act 2000. 'Other arrangements' may include supported lodgings, supported housing and independent accommodation where suitable support is provided.

Where a young person is placed in other arrangements, the young person's Social Worker must prepare a placement plan which will also need to be signed by the appropriate person who will be responsible for the young person whilst living in the unregulated accommodation.

Any support plan setting out how the accommodation provision will support the young person should also be integral to the placement plan to avoid any unnecessary duplication.

Placements by housing services

Accommodation secured by Housing Solutions in line with their functions under Part 7 of the 1996 Act must be suitable for the young person and anyone who normally resides with them or might reasonably be expected to. In Telford & Wrekin, suitable options will include Supported Housing and house shares available through Accredited Landlords.

Consideration of whether accommodation is suitable requires an assessment of all aspects of the property in the light of the relevant needs, requirements and circumstances of the person and their household. Factors to consider when determining suitability also include physical standards and safety, whether the landlord is fit and proper, and the location and affordability of the property.

Considerations for both children's and housing services

Children's and Housing Solutions agree that bed and breakfast accommodation, including hotels and nightly let accommodation with shared facilities are not considered suitable for any 16 or 17 year old.

Within the Telford area, emergency accommodation for 16 and 17 year olds is jointly commissioned and operated between Children's Services and Housing. This accommodation provision is known as Dodmoor Grange and its support service which is delivered on site 24/7, is known as Xroads.

6. References

Children Act 1989

Housing Act 1996

Homelessness Reduction Act 2017

'Working together to Safeguard Children' - updated July 2018

Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation - updated April 2018

Homelessness code of guidance for local authorities - updated June 2018

7. Appendix

Appendix 1 Housing Referral Process to Family Connect

Appendix 2 Family Connect Safeguarding Request for Service Form

Appendix 3 Children's Services Assessment Process