

## Walsall Homeless Policy for 16 and 17 Year Olds



### RELATED GUIDANCE

#### [Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation](#)

This guidance is solely concerned with the functions of children's services and housing services when young people seek help from, or are referred to, local authorities because of homelessness or being threatened with homelessness. It incorporates judgements made in the House of Lords over several years around the duties of local authorities under Section 20 (Children Act 1989) and Part 7 of the Housing Act 1996. The guidance also reflects the duties introduced under the Homelessness Reduction Act (2017).

[Homelessness - duty to refer](#): The Homelessness Reduction Act (2017) places a duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams. The guidance provides helpful information and detail on the referral process.

### AMENDMENT

In March 2019, details were added on the Homelessness - duty to refer: The Homelessness Reduction Act (2017) places a duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams. The guidance provides helpful information and detail on the referral process.

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## **1. Aims and Principles**

The purpose of this Policy is to set out the agreed practices, responsibilities and roles between Walsall Children's Service (WCS) and Walsall Advice & Support Team who sit within the Money, Home, Job (MHJ) directorate in responding to the needs of 16 and 17 year old young people who are identified as homeless or at risk of becoming homeless.

The lead agency in providing for children in need who require accommodation is WSC, working in partnership with the Advice & Support Team.

Walsall CS and MHJ agrees the following principles:

- Homelessness can be prevented through active intervention;
- Each service should prevent homelessness where they can;
- 16 and 17 year olds are best accommodated within their family networks;
- 16 and 17 year olds should not remain in their family home if this places them at risk of violence or other harm;
- A home visit should be undertaken in every case of a potentially homeless 16/17 year old;
- Mediation should be offered in every case where reconciliation with the family network is deemed appropriate and safe.

All young people of statutory school age will be the sole responsibility of WSCS and will not be assessed under this joint protocol.

## **2. What is a Combined Assessment?**

The IRS and Advice & Support Service will assess collectively each 16/17 year old who is potentially a Child in Need to identify all the relevant facts to determine the extent of any duty owed to the young person under the Children Act 1989 or the Housing Act 1996.

The combined assessment should follow the format of a child and family assessment taking into account the needs of the young person and what type, if accommodation is required, would best meet their needs and, where appropriate, will incorporate inquiries into homelessness as required under Part VII of the Housing Act 1996 (as amended).

### **3. Who is this Policy Aimed at?**

The lead responsibility for implementing this policy is with:

- Walsall Children's Services.

A key objective of this policy is to ensure that homeless young persons are not passed from 'pillar to post' when seeking assistance. As such it is very important that the correct referral procedures are followed.

Where another statutory or voluntary service receives an approach from a 16/17 year old presenting as homeless or threatened with homelessness they should refer the young person to the MASH team.

### **4. Equality and Diversity**

The equality and diversity policies of WCS and MHJ must underpin the way in which these services are provided. As a local authority we value diversity and are committed to equality of opportunity and access to suitable accommodation for all young people, regardless of age, ethnicity, gender, sexuality, culture, faith or disability.

The implementation of the policy and joint working protocol will seek to promote the participation of young people in the decision making process.

### **5. Legal Framework**

Both Section 20 of the Children Act 1989 ("the 1989 Act") and Part VII of the Housing Act 1996, ("the 1996 Act"), as amended, impose duties relating to 16 and 17 year olds who require accommodation. Judgments made in the House of Lords have clearly established that the duty of WCS under Section 20 of the 1989 Act takes precedence over the housing duties in the 1996 Act in providing for children in need who require accommodation.

Section 17 of the 1989 Act gives WCS powers to provide accommodation for children but such provision will almost always concern children needing to be accommodated with their families.

#### **The Children Act 1989**

Section 17 places a general requirement for WCS to safeguard and promote the welfare of children 'in need' living in the area and to ensure appropriate service(s) is provided for those young people.

**Children in Need** are defined as:

- Children who, unless the services are provided, are unlikely to achieve or maintain or have the opportunity of achieving or maintaining a reasonable standard of health (physical and mental) or development (physical, intellectual, emotional, social or behavioural);

- Children whose health or development are likely to be significantly impaired or further impaired without the provision of such services;
- Children who are disabled.

Under Section 17, children and young people are entitled to an assessment if they appear to be in need or would be at risk of harm if an assessment were not to be carried out.

Services may be provided by or facilitated through WCS.

Section 20(1) states that:

“Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:

- a. There being no person who has parental responsibility for him;
- b. His being lost or having been abandoned; or
- 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 or care.”

In addition, Section 20(3) requires that:

“Every local authority shall provide accommodation for any child in need within their area who has reached the age of 16 and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.”

And, Section 20 (4), provides that:

“A local authority may provide accommodation for any child who has reached the age of 16 years old within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child’s welfare.”

The Children Act duty to provide accommodation arises when the local authority has determined that the young person is, in fact, in need and requires accommodation as a result of one of the factors set out in Section 20(1)(a) to (c) or in Section 20(3).

In October 2018, the Homelessness Reduction Act 2017 came into effect and provided new duties on local housing authorities to intervene at an earlier stage in order to reduce the risk of homelessness.

The guide to the duty to refer identifies a person is considered homeless if:

- They do not have any accommodation which is available for them which they have a legal right to occupy; or
- It is not reasonable for the person to occupy their current accommodation, for example, because they would be at risk of domestic abuse.

See: [Homelessness code of guidance for local authorities](#).

This guidance advises that the service user must:

- a. Consent to the referral being completed in the first place;
- b. Allow the individual to identify the housing authority in England which they would like the notification to be sent to;
- c. Have consent from the individual for their contact details to be supplied so the housing authority can contact them regarding the referral.

## **6. Prevention Focus**

This policy recognises that homelessness is damaging to young people's personal, social and economic development and well-being. Where possible, homelessness should be prevented, and young people supported to remain at home (where safe to do so) or leave in a planned and supported manner.

## **7. Monitoring**

WCS and MHJ will meet quarterly to monitor their effectiveness in practice. As part of this work single agency and joint audits will be carried out by WCS and MHJ.