**PREVENTING HOMELESSNESS FOR**

**16 & 17 YEAR OLD YOUNG PEOPLE**

**A SHARED WORKING PROTOCOL BETWEEN**

**DEVON DISTRICT COUNCILS AND**

**DEVON COUNTY COUNCIL**

  

  

   

**Housing Protocol for the assessment of 16 and 17 year old young people who present as homeless and are in need of housing or housing-related support**

**Effective from: November 2017**

**Version 4.0**

**Contents**

|  |  |
| --- | --- |
|  | Page |
| INTRODUCTION | 3 |
| PURPOSE OF THIS PROTOCOL | 3 |
| PARTNERS TO THIS PROTOCOL | 3 |
| AIMS OF PROTOCOL | 4 |
| PRINCIPLES UNDERPINNING THIS PROTOCOL | 6 |
| LEGISLATIVE AND STATUTORY GUIDANCE | 7 |
| LEGAL FRAMEWORK | 8 |
| INFORMATION SHARINGFLOW CHART**PROCEDURES** | 1011 |
| INITIAL APPROACH  | 12 |
| REFERRAL PROCESSSINGLE SHARED ASSESSMENT PROCESS | 1314 |
| OUTCOME OF INITIAL JOINT ASSESSMENTHOUSING NEEDS ASSESSMENTOUT OF HOURS SERVICEFINANCIAL SUPPORT FOR THE YOUNG PERSONESCALATION PROCESSREVIEW OF PROTOCOLSIGNATORIES | 15171919202021 |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
| **Preventing homelessness for 16 and 17 year old young people – a shared working protocol between Devon District Councils and Devon County Council** |  |

**INTRODUCTION**

This protocol is written in line with the Devon Safeguarding Children Board guidance for developing multi-agency policies, procedures, protocols and practice.[[1]](#footnote-1) It replaces all previous protocols and will be reviewed by all partners as necessary.

**PURPOSE OF THIS PROTOCOL**

Children’s Services and local Housing Authorities have statutory duties to young people, and other statutory and voluntary agencies provide a range of services to them.

The purpose of this Protocol is to ensure that the partners within Devon continue to work together to provide a consistent and co-ordinated response to 16 and 17 year old young people who present as homeless and are in need of housing, or housing-related support.

It promotes the safeguarding and wellbeing of the young person to prevent homelessness, returning young people to their family wherever possible.

The protocol outlines service expectations in relation to how partners respond to young people aged 16/17 years old and aspires to achieve a set of co-ordinated services which set out a ‘Positive Pathway’ in Devon for this group of young people.

**PARTNERS TO THE PROTOCOL**

This Protocol has been developed and agreed by Devon County Council and Devon’s eight local Housing Authorities (East Devon District Council, Exeter City Council,

Mid Devon District Council, North Devon District Council, South Hams District Council, Teignbridge District Council, Torridge District Council and West Devon Borough Council).

It describes the joint working arrangements that have been agreed by the signatories. Council Leaders from all nine authorities have endorsed the approach (January 2017), and support the development of the Positive Pathway Model.

**AIMS OF PROTOCOL**

The majority of 16 and 17 year old young people who present as homeless do not become homeless. This is because they are helped with a supported return to home, to family or friends, or by planned and supported access to a sustainable housingoption which is suitable for their needs.

The aims are:

* To enable district and county local authorities to have a shared understanding of procedures and to operate these effectively, so as to provide help and support to vulnerable 16 and 17 year old young people facing homelessness.
* To set out an overarching delivery model that is operational across all eight district councils in Devon and the four operational social work areas for the county council, and work towards the agree delivery of the ‘positive pathway’, recognising that there will be local differences in implementation.
* To establish shared expectations, and maintain good working relationships between frontline officers, with true joint working, effective information sharing and timely interventions for young people.
* To enable workers to assist young people to make informed decisions by giving them clear information about the outcomes of their assessments and options or resources available.
* To prevent the risk of youth homelessness where possible through early identification and timely response.
* To use family and friend’s mediation and interventions as quickly as possible with the young person and their family members to prevent relationship breakdown or strengthen existing arrangements.
* To make best use of early help and mediation services and family group conferencing to reunite families wherever possible and if not safe or possible to do so to provide suitable housing and support for young people who are children in need.
* To undertake accurate and timely assessments which meet both the requirements of the Children Act 1989 and Housing Act 1996.
* To inform and aid the development of joint commissioning of services for young people and to facilitate a collective multi-agency response to prevent youth homelessness and identify shared solutions to accommodate the target group and their support needs.
* To clarify how and where young people will be accommodated while awaiting Children’s Services assessment.
* To work together to improve assessment of risks and support needs to facilitate good outcomes for families and young people, giving families and 16 and 17 year olds clarity about the assessment process and the support available.
* To achieve greater consistency with support plans and access to services.
* To standardise processes and procedures that are then easier to follow.
* To develop clear pathways, shared monitoring arrangements and a shared assessment process. Information gathered will be more purposeful and readily interrogated to allow understanding of trends to inform planning.
* As the key local trigger for young people’s homelessness is relationship breakdown, agreement will be sought to amend practice guidance so that social work colleagues seek to involve housing officers in planning for young people aged 15 and over where homelessness could become an issue. This will be actively promoted at Early Help Forums to highlight Early Help practice.
* To develop a shared approach with respect to information about resources (e.g. placement vacancies and housing options).
* District and county council colleagues will devise clear, shared information for young people and their families about realistic options for housing and will also ‘myth bust’ in respect of commonly held beliefs about availability of flats for young people. There will also be clear information about tenancies, as under 18’s are not legally able to hold a tenancy for themselves.
* To develop the joint districts and county council housing group to broaden collaborative working and achieve greater consistency with regard to support plans and access to services.
* To facilitate joint training opportunities to ensure continued understanding of roles and responsibilities, and promote collaborative working.

**PRINCIPLES UNDER-PINNING THIS PROTOCOL**

* No single agency has sole responsibility for homeless 16 and 17 year old young people.
* All young people aged 16 or 17 will be able to access services, regardless of which service they approach: there is no ‘wrong door’ (either via district or county councils).

(See procedures section on page 12)

* Both district and county council officers will take into account the wishes and feelings of the young people with whom they are working, and provide young people with::
* Clear and accurate information.
* Good communication between Children’s Services and Housing Authorities.
* Understanding and sensitivity to their needs.
* Colleagues across both district and county councils will work collaboratively to provide all 16 and 17 year olds at risk of homelessness, with a comprehensive service which is focused on enabling the young person to remain at, or return home, where appropriate. Where this is not appropriate the lead agency will arrange suitable housing and/or access to statutory services.
* The safety and welfare of the young person is paramount.
* Where temporary housing is required, work will be undertaken with young people to reunify them with their families wherever possible and in the shortest appropriate timescale.
* Earliest intervention and information sharing (subject to any necessary consents and bearing in mind child protection) will ensure that where it is possible young people will return home or are enabled to live with extended family or friends.
* Statutory guidance will be followed when completing assessments for young people who present as potentially homeless and in need of housing or housing support services.
* District and county council staff will have a good understanding of each other’s duties and requirement for information sharing and a shared goal to support the young person.
* Colleagues across district and county councils will ensure strong communication regarding the outcomes of assessments, and between front line officers. The levels of help a young person receives will be clearly confirmed to all involved.
* The young person will be kept informed of, and involved with, all progress and decisions made.
* Bed and Breakfast housing and other unsupported accommodation is ***not*** considered suitable for homeless 16 and 17 year olds and will be avoided wherever possible. If used in exceptional circumstances, this will require authoritisation from Children’s Services locality director or senior manager on call or by the appropriate housing manager; this will be strictly time limited and additional support sought. Any B & B placement will be reviewed on a daily basis and learning shared between partners to avoid future use of B & B provision. Where the young person is placed in unsupported accommodation, additional support will be requested from the Devon County Council tendered support contract.

**LEGISLATIVE AND STATUTORY GUIDANCE**

This protocol reflects national legislation and guidance with respect to district and county local authorities’ duties:

* To work together,
* In a child focussed way
* To involve early help services at the earliest point to engage appropriate support which eliminates the risk of homelessness for young people.

Several relevant pieces of legislation and case law apply to tackling homelessness for 16 and 17 year olds. These start with the premise that most young people are best living with their families or kin, and require local authorities to help them to achieve this wherever possible.

Key documentation includes national guidance published in 2010[[2]](#footnote-2) (*Provision of housing for 16 and 17 year olds who may be homeless and / or require housing)* which clarifies this duty and also sets out the requirement for county and district authorities to work together to assess the needs of a young person (aged 16 or 17) presenting as homeless.

Further guidance in *Working Together to Safeguard Children* *2015* promotes a child-centered and coordinated approach to safeguarding, expecting compliance by district and county local authorities. This is informed by two key principles:

*• safeguarding is everyone’s responsibility: for services to be effective each professional and organisation should play their full part; and*

*• a child-centred approach: for services to be effective they should be based on a clear understanding of the needs and views of children.*

Working Together to Safeguard Children 2015 also describes the need for a shared approach to assessment and provision of Early Help services.

**Legal Framework**

The legal framework for responding to 16/17 years old presenting as homeless is set out in the Housing Act 1996 as amended by the Priority Needs Order 2001 and the Homeless Order 2002, and Section 17 and Section 20 of The Children Act 1989 and 2004.

The government guidance clarifies that the local authority's duty under Section 20 of the Children Act 1989 takes precedence over its duties under the relevant Housing Act legislation in providing for children (young people) in need who require housing. The government guidance also states that the powers of local authorities to provide housing under Section 17 of the Children Act 1989 cannot be used to substitute for their duty to provide housing under Section 20(1) of the Children Act 1989 to homeless 16 and 17 year olds who are assessed as being a child (young person) in need.

Under the Children Act, Section 17 assistance can be used in a preventative way intended to support children and families to remain together. In this context it is therefore likely to be time limited and targeted support. It is the responsibility of the assessing social worker to determine the correct legal approach depending on the child’s circumstances.

Devon County Council has a responsibility to accommodate a child where

1. There is no one with Parental Responsibility
2. The child is lost or abandoned
3. The person who did provide the child with accommodation is being prevented from doing so.

It is not a requirement to provide accommodation under Section 20 if a person with Parental Responsibility is willing to accommodate the young person or arrange for his or her accommodation. However, in making the decision, workers should take into account:

20(3) *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 him with accommodation.*

20 ( 4) *A local authority may provide accommodation for any child 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.*

There may be instances where the parent is willing to have the young person at home, but this is may not be appropriate, safe or possible.

As part of the assessment, the assessing workers need to take into account the young person’s wishes and feelings about becoming looked after (see section ‘Outcome of shared single assessment’).

**Judgement in the case of R (G) v London Borough of Southwark**

This guidance also fully takes into account the judgment in the House of Lords, (R (G) v Southwark LBC in May 2009. [https://www.gov.uk/government/publications/provision-of-housing-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-housing](https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation)

**Mental Capacity**

The Mental Capacity Act (2005) is the law which provides protection and support for people who, even on a temporary basis, cannot make decisions for themselves. It lays out how we should assess whether someone can make their own decisions and, if not, how decisions should be made for them. Everyone who is caring for, or supporting someone who may lack capacity to make their own decisions must comply with MCA legislation and this should also be borne in mind when considering a young person or their parent’s decisions about housing. Additional information can be found at <https://new.devon.gov.uk/adultsocialcareandhealth/guide/mca-practice-guidance/>

**INFORMATION SHARING**

The success of this Protocol is dependent on the efficient and effective sharing of information between organisations.

Although all service users are asked for their permission to have their details recorded and shared – and may withdraw their permission at any time – all staff need to be aware of their information sharing obligations in relation to the safeguarding of young people.

When sharing or receiving information, agencies must acknowledge that any information relating to a service user is of a sensitive nature and must be kept confidential at all times. Although some 16 or 17 year old young people may refuse to give their permission for Children’s Services to provide the local Housing Authority with a copy of the Single Assessment – or, indeed, other assessments – Children’s Services, in the interests of safeguarding the young person’s welfare, may decide that it needs to override the refusal to consent and share with the relevant local Housing Authority at least the outcomes of those assessments.

Similarly, the local Housing Authorities may need to share with Children’s Services the outcome of the young person’s housing needs assessment. Both agencies must therefore make it clear to the young person where the agencies consider it necessary to share information with each other, and what information they will share, notwithstanding the young person’s refusal of consent. If the young person does refuse or withdraw consent, the implications of this must be fully explained.

**Young person aged 16 or 17 presenting to District/City Housing Authority**

**or other agency**

Homeless

Threatened with homelessness

Provide prevention interventions / reduce crisis

Emergency housing with Housing Authority

Early Help

Assessment

Family work/mediation/ Family Group Conferencing

Continue support, refer on, or Close

Refer to MASH for Single Assessment

Single Assessment undertaken by a qualified Social Worker (Jointly with Homeless Prevention Worker if possible). Refer for Family Group conference if this has not been done.

s20 Criteria not met (YP supported as s17)

 Young person refuses s.20

 Assess ability to make decision

Refer for YP floating/support hours as part of HP 16/17 contract in housing which could be sourced by Social Housing, Housing Authorities, Peninsula Framework Providers etc.

Refer to Children’s Resource Panel. CYP Brokerage will then place with DYPAS (DCC Internal Provider) or purchase placement from Independent Sector Provider on Peninsula Framework.

s20 Criteria met

Temporary housing with Independent Sector Provider

Provide support / information. Multi Agency Involvement

Refer to Homeless Prevention Panel (HPP) multi agency panel coordinated by YHPW

Refer to Housing Authority for housing assessment (or young person referring directly)

Provide support, information and multi agency involvement.

**PROCEDURES**

**INITIAL APPROACH**

When a 16 or 17 year old young person approaches and says that they are homeless or that they are at risk of becoming homeless, the organisation that they contact first (Children’s Services or the local Housing Authority) will interview them.

If the local Housing Authority establishes that the young person is Looked After (under Section 20 of the Children Act 1989) – or is already known to Children’s Services and has had a recent intervention or assessment during the last 3 months – the young person will be referred immediately to Children’s Services who will act as the Lead Authority and assess their needs. If Children’s Services considers that the young person requires immediate, accommodation under the Children Act, this will be provided by Children’s Services pending further assessment.[[3]](#footnote-3)

Although it is likely that additional enquiries will need to be made after the interview, the purpose of this first interview is to start gathering information about the young person and their circumstances in order to determine whether or not they can be supported to return home (or to live with responsible adults in their wider network of family and friends if they cannot return home).

Where the young person is not already known to Children’s Services and where the Lead Authority has identified that the young person is homeless that Lead Authority will secure and pay for emergency housing pending the outcome of the shared Single Assessment.

During the first approach interview, answers will also be sought to the following questions:

* Is the applicant’s age confirmed as 16 or 17?
* Is the applicant a child (young person) in need? [S17 of the Children Act 1989]. NOTE: The Devon Safeguarding Board threshold tool can be used for guidance in assessing this. The threshold tool must be used in the context of the young person’s needs, taking into account his or her wishes and feelings and the views of both Housing Services and Children’s Services.
* Does the young person appear to be in need of a place to stay?
* What has happened to cause the young person to be in need of a place to stay? [Section 20(1) (a) – (c) Children Act 1989]
* What are the young person's wishes and feelings regarding the provision of housing? The Childrens Services assessment should include an evaluation of the young person’s competence to make a decision as to whether to become Looked After.
* Is the applicant a child (young person) in need whose welfare is likely to be seriously prejudiced if not looked after by Children’s Services. [Sections 20(3) and 20(4) Children Act 1989].
* If there is someone with Parental Responsibility who is willing to offer or arrange accommodation for the young person, this must be fully explored, as it may not be necessary to provide a place to stay if this is the case. At 16/17 a young person can make this decision without consent of the parent or person with parental responsibility, but it is always important to work with the parent/family/person with parental responsibility in this situation.
* If it is necessary, does the young person agree to accept an offer of temporary housing?

**REFERRAL PROCESS**

Although all of the signatories to this Protocol have agreed that the organisation that is first approached by the young person (Children’s Services or the local Housing Authority) will interview the young person and make the initial enquiries, it is essential that all referrals are necessary, appropriate and arranged in an efficient and timely manner.

If the local Housing Authority interviews the young person first and is satisfied that they are homeless or may become homeless, it will make an immediate referral to Children’s Services (MASH), requesting a Single Assessment is carried out.

If Children’s Services interview the young person first and is satisfied that they are homeless or may become homeless, it will make an immediate referral to the local Housing Authority requesting that arrangements are made for the young person to be interviewed and to complete a housing needs assessment.

**SHARED SINGLE ASSESSMENT PROCESS**

Children’s Services will take the lead in carrying out a Single Assessment for the young person, which will always be undertaken jointly with the Local Housing Authority where homelessness is an issue.

The Single Assessment will identify the young person's needs and inform a plan for the young person. Children’s Services will lead this shared assessment, with contributions from partner agencies, and undertake the assessment concurrently with the statutory housing needs assessment carried out by the local Housing Authority. It will be for the local Housing Authority to make appropriate enquiries to determine whether or not any duty is owed to the young person under the homelessness legislation.

If this is necessary, then in tandem with the Single Assessment, the Housing Authority will commence a housing needs assessment to establish whether a duty is owed under part 7 HA 1996 . This will become relevant following the conclusion of the Single Assessment, but carrying the two out in parallel will reduce delays. The Children Act 1989 has primacy over the Housing Act 1996 (as amended) and therefore duties under the Children Act must be discharged before application of the Housing Act responsibilities.

Young people who are 16 or 17 years old are defined as children in *Working Together to Safeguard Children 2015,[[4]](#footnote-4)* i.e. anyone who has not yet reached their 18th birthday.

During and after the Single Assessment, (social workers and local Housing Authority) will continue to explore the possibility of the young person returning to family, their extended family or to friends and, where this is a safe option, they will positively support this. Appropriate consideration will be given to the young person's informed choice and their level of resilience and resourcefulness to manage in the housing provided, alongside their vulnerability.

It is essential that the young person is fully consulted about, and understands the implications of, being accommodated by Children’s Services under Section 20 of the Children Act 1989 and therefore becoming a Looked After Child. Professionals conducting the assessment must provide impartial, balanced and realistic information about the support that the young person can expect as a Looked After child including details of the care plan, regular reviews, social worker visits etc. and subsequently, if the criteria are met, entitlements as a care leaver.

Children’s Services and the local Housing Authority must also ensure that the young person is informed of their entitlements and receives accurate information about what assistance may be available to them if they do not become Looked After, and how any entitlement for assistance will be determined. In particular, the possible risk of being assessed as intentionally homeless in the future, and the implications of this for further assistance with housing, should be made clear to the young person.

It is also important that all workers emphasise the long term positive benefits to remaining in, or returning to, the family home/network and maintaining family relationships where this is safe and appropriate to do so, and that these are focused on.

**OUTCOME OF SHARED SINGLE ASSESSMENT**

Where homelessness is an issue, the Single Assessment will be undertaken within 10 working days of Children’s Services either being contacted by a young person, or receiving a referral from the Housing Authority. The outcome of this shared assessment will be communicated on completion, to the young person, and if appropriate, their parents or people with parental responsibility.

In many instances, the Single Assessment will determine that the young person is in need under Section 17 of the Children Act 1989, but does not require housing, because he/she can stay at home, or with their extended family or friends, or may already be living independently. It will also inform the package of support to facilitate and maintain the return home, and prevent future homelessness. Section 17 can also be used to provide temporary housing, which will be reviewed under a child in need plan. The purpose of this being to maintain the young person in the care of their family. Section 17 ***cannot*** be used in place of long term housing, which must be addressed under Section 20 of the legislation.

There are also less common situations when Section 17 can be applied where the young person has been assessed as intentionally homeless, given information about and understands the implications of being looked after (under Section 20) and does not wish to be in the care of Devon County Council. (See sections on Mental Capacity Act and Legal Framework). Legal advice should always be sought for use of S17 in these circumstances.

Regardless of the legislative route used to assist the young person, the shared aim of district and county colleagues should be wherever possible to reunite the young person with family or friends. Where the young person is unable to return home or stay with their extended family or friends, the Single Assessment may conclude that:

• The young person is homeless and in need, is without resource and wishes to become Looked After, so will become Looked After under Section 20 of the Children Act 1989. Children’s Services will provide suitable housing; or

• The young person is homeless and in need, but is resourceful and has made an informed choice to decline to become Looked After, so will be supported under Section 17 of the Children Act 1989 but will not become Looked After. A multi-agency Child in Need meeting will be convened to ensure that the young person’s needs are met; or

• The young person is homeless, but is capable and resourceful and does not meet the criteria of Section17 or Section 20 of the Children Act 1989 so, as long they are eligible, and have a local connection; their housing needs will be met under the homelessness legislation by the housing authorities. A multi-agency Child in Need meeting will be convened, however, if the young person’s housing needs cannot be met under the homelessness legislation because, for example, the young person is deemed to be ‘intentionally homeless’ (for example through repeated anti-social behaviour at their address resulting in eviction).

If on the completion of a children and families assessment it is judged that a section 17 or 20 duty is owed to the young person, housing services will be informed of this. If they have been providing interim housing the responsibility for the cost of the housing will be transferred from the housing service to children’s services. If children’s services have been providing housing under section 20 already, then the outcome of the children and families assessment will inform appropriate ongoing housing and support requirements. Conclusion is considered to be when all parties have been informed of the outcome of the initial assessment.

Children’s Services must provide the young person – and the local Housing Authority, if it is involved – with written confirmation of the outcome of the Single Assessment, together with the reasons for the decision and the process that the young person (and Housing Authority) needs to follow to appeal against the decision or submit a complaint.

**HOUSING NEEDS ASSESSMENT**

If Children’s Services has reason to believe that the young person is (or may be) homeless, it will ensure that a Single Assessment is completed within 10 working days.

If the local Housing Authority has reason to believe that the young person is (or may be) homeless or that the young person may become homeless, it will ensure is the young person is assessed under part 7 of the Housing Act 1996 (as amended). This assessment will be completed within 10 working days.

The Children Act 1989 has primacy over the Housing Act 1996 (as amended) and therefore duties under the Children Act must be discharged before application of the Housing Act responsibilities. The Children Act 1989 s27 it makes it clear that Local Authorities and Housing Authorities must work together.

Areas to be covered during the initial interview will include:

• The young person’s current situation and why they are presenting as homeless;

• Background history, family composition and housing history, including whether or not they are already known to Children’s Services and/or other agencies, and whether or not an Early Help Assessment (or an Assessment undertaken under the previous Common Assessment Framework - CAF) is in place;

• Existing and potential support networks, including friends and extended family;

• Confirmation of the age and immigration status of the young person;

• Resilience and protective factors;

• Immediate concerns about the vulnerability of the young person, such as learning disabilities, mental health issues or child protection/safeguarding;

• Risks to themselves and/or others, including staff;

• Communication needs (including interpreter services) and advice and information about their entitlements to ensure they are in a position to make informed choices;

• Advocacy needs, including the offer of an independent advocate, to ensure the young person is in a position to make informed choices;

• The young person’s views about their situation and their need for housing and the sorts of support they need.

The Law Network has produced an excellent, easy to read guide for young people that can be found at: <http://www.lawcentres.org.uk/asset/download/356.pdf>

As part of their enquiries, Children’s Services and/or the local Housing Authority will want to make contact with the young person’s parents or carers, and with other agencies as appropriate, to gather relevant information and to explore whether or not it is possible and safe for the young person to return home. In some circumstances (where forced marriage, trafficking or sexual abuse,are suspected, for example), it will not be appropriate to contact the young person’s parents or carers as this may put the young person at risk.

Housing staff who are concerned that making contact with parents or carers may place the young person at risk for any reason, must seek guidance from Children’s Services before making that contact.

Where it is not possible and safe for the young person to return home, other options will be explored by Children’s Services and/or the local Housing Authority, including the placement of the young person with members of their extended family or friends.

If the young person is homeless on the day that they make contact, the organisation that they contact first (Children’s Services or the local Housing Authority) will be responsible for providing the young person with suitable emergency housing on that day.

If the enquiries conducted by the Housing Officer and the allocated worker (or Family Support Worker) conclude that the young person can return home, or there are appropriate alternative housing options, then the homelessness assessment process will end here as further work will be targeted at the prevention of homelessness as opposed to responding to a specific homelessness need. The young person can also be supported with moving on in a planned way at a later date when they are less likely to require formal support or in crisis.

If however the young person is believed to be homeless after the initial enquiries, then a referral is made to the MASH service.

In the rare event that a housing duty is not owed to the young person, for example due to anti-social behaviour at his/her accommodation, then the duty of the Housing Authority to provide housing under homeless legislation will end. However, it is expected that the Housing Authority and Children’s Services will work together to find a solution to the housing need.

**OUT OF HOURS SERVICE**

Where 16 or 17 year old young people present as homeless outside of office hours, the priority must be the safety and well-being of the young person. Where housing is necessary a joint approach is required to ensure the suitability of housing.

Whilst the principles and legislation which apply during the working day should also be applied ‘out of hours’, it is recognised that early liaison between the District Council’s emergency out of hours officer and Social Care emergency duty team will facilitate best use of either organisation’s scarce resources should it be assessed that the young person requires somewhere to stay.

**FINANCIAL SUPPORT FOR THE YOUNG PERSON**

Depending on their circumstances, the young person may be able to claim Severe Hardship or Income Support. However, in order to do this, they will need to satisfy the DWP / Jobcentre Plus that they are estranged from their family.

If a young person is unable to secure crisis benefits, Children’s Services will provide the young person with reasonable living expenses, as a last resort, in accordance with its duties under Section 17 of the Children Act 1989. Where it is necessary to access living expenses, partners should contact the Children’s Services local office or the Emergency Duty Service out of office hours.

If financial support is requested by a Housing Authority, Children’s Services will contact the young person to discuss their financial situation. In the event that a request for financial support is turned down, Children’s Services must provide the young person – and the Housing Authority, if it made the request – with written confirmation of the reasons for its decision and the process that the young person (or Housing Authority) needs to follow to appeal against the decision or make a complaint.

**ESCALATION PROCESS**

If any point in the protocol, or associated procedure, cannot be agreed upon by Children’s Services and the Housing Authority, then either or both parties should escalate this to their direct line manager, or where this is not possible, to the next management tier as appropriate.

Disagreements should be routinely dealt with via such cross authority peer to peer management discussions to seek to resolve the issue, taking into account any safeguarding issues and keeping the young person as the focus. The county council and district councils will make available structure charts to enable discussions between the appropriate tier of management. Whilst there are ultimate escalation routes through judicial review proceedings, this protocol seeks to eradicate the need to ever resort to them.

**REVIEW OF THIS PROTOCOL**

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

**SIGNATORIES TO THIS PROTOCOL**

**Devon County Council**

**NAME : Jo Olsson**

**POSITION : Chief Officer - Children’s Services**

**SIGNATURE :**

**DATE : 25/01/2018**

**District Council : East Devon District Council**

**NAME : John Golding**

**POSITION : Strategic Lead – Housing, Health and Environment**

**SIGNATURE :**

**DATE : 01/12/2017**

**District Council : Exeter City Council**

**NAME : Bindu Arjoon**

**POSITION : Director**

**SIGNATURE :** 

**DATE : 13/12/2017**

**District Council : Mid Devon District Council**

**NAME : Andrew Pritchard**

**POSITION : Director of Operations**

**SIGNATURE :**

**DATE : 01/12/2017**

**District Council : North Devon District Council**

**NAME : Jeremy Mann**

**POSITION : Head of Service – Environmental Health and Housing**

**SIGNATURE :**

**DATE :**

**District Council : South Hams District Council**

**NAME : Sophie Cobbledick**

**POSITION : Housing Specialist**

**SIGNATURE :**

**DATE : 20/12/2017**

**District Council : Teignbridge District Council**

**NAME : Amanda Pujol**

**POSITION : Business Manager – Housing and Health**

**SIGNATURE :**

**DATE : 04/01/2018**

**District Council : Torridge District Council**

**NAME : Simon Toon**

**POSITION : Customer Support Manager**

**SIGNATURE :** 

**DATE : 04/12/2017**

**District Council : West Devon District Council**

**NAME : Sophie Cobbledick**

**POSITION : Housing Specialist**

**SIGNATURE :**

**DATE : 20/12/2017**

1. Devon Safeguarding Children Board, Guidance for Developing Multi-agency Policies, Procedures, Protocols and Practice, August 2016, www.devonsafeguardingchildren.org [↑](#footnote-ref-1)
2. *Provision of housing for 16 and 17 year olds who may be homeless and / or require housing*, 1st April 2010, Department for Communities and Local Government and Department for Education, www.gov.uk [↑](#footnote-ref-2)
3. If not determined by paragraph 2 above, the Lead Authority will be determined by who the young person first approaches. [↑](#footnote-ref-3)
4. Working Together to Safeguard Children, 26th March 2015, www.gov.uk [↑](#footnote-ref-4)