



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL

Bradford Children Social Care and Bradford Housing Options

Protocol to Support Homeless 16 and 17 Year Old Young People

Document Details

Title	Bradford Children Social Care and Bradford Housing Options Protocol for Homeless 16 and 17 year old Young People
Purpose	<p>To define the policy approach by Bradford Children's Social Care and Housing Options to;</p> <ul style="list-style-type: none">• Support and safeguard young people at risk of homelessness or who present as homeless• reduce homelessness for young people• work in partnership with a coordinated and consistent approach• Increase prevention focused intervention with an integrated approach
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1. Policy Statement

Bradford Children's Social Care and Bradford Housing Options *Protocol to support Homeless 16 and 17-year-old Young People*, has been written to identify and detail the systems and procedures that the organisation has adopted. These protocols have been written to follow best practice processes and practice standards and will be used as a template to guide our work.

Children's Social Care, Housing Options and all contributing agencies will work closely together to ensure that all young people have somewhere safe and suitable to live to help them make a positive transition into adulthood.

At Bradford Council we firmly believe that Young People:

- Have access to information, advice and guidance early in their journey to prevent crisis situations
- Have clarity about what will happen next, what to expect and what are, if any, the barriers
- Want to be listened to and helped to make informed choices
- Want to have their wishes heard and someone to talk to who can explain what is going to happen and what could happen
- Have the right support at the right time
- Have the right to speak to an advocate
- Have the right to be 'Child in Care'
- Have the right to suitable and safe accommodation that meets their needs

Our operating Practice Model underpins the ethos of our work with children, young people and their families and takes into account their experiences. The model utilises the strengths based approach of Trauma Informed Practice delivered through a Signs of Safety Approach; both of these approaches allow relationships to flourish. Trauma Informed Practice is a strengths based framework which is grounded in an understanding of the impact of trauma; these experiences are unique to each individual, enabling our responses to be more effective in recognising the strengths within the family but also identify where additional support may be required to provide a platform for sustainable change. Practitioners gaining a deeper understanding of the young people presenting as homeless or at risk of becoming homeless and their family within their own, unique context, ensures that we are considering historical and current trauma present within the family and looking at how this has or currently effects everyone.

2. Key Values

The parents of, or those with parental responsibility for, 16 and 17 year olds are responsible for their children's welfare. Our primary commitment is to keep families together in their homes wherever possible and safe because this is usually best for the child.

- It is the responsibility of all agencies to keep children safe.
- Bed and Breakfast accommodation is not suitable for use by children's services or housing authorities to accommodate 16 and 17-year-old young people. The experience of homelessness is damaging to young people and to their life chances:

the statutory [Joint Guidance](#) (2018) states that ***“it is in the best interests of most young people aged 16 or 17 to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends network”***.

- Young people should be given every opportunity to understand the options available to them and to make informed choices about their future.
- Sometimes and despite everyone’s best efforts, the planned pathway agreed with the young person breaks down.
- Agencies will share information about a young person and their family, subject to their consent.
- Duties under section 20 of the 1989 Children Act take precedence over the duties in the 1996 Housing Act. Preventative work will be undertaken alongside statutory assessment processes and will not delay delivery of statutory services.
- A young person in crisis will receive a consistent, practical and immediate response which focuses on preventing homelessness
- A young person will be offered access to independent advocacy currently provided by the National Youth Advocacy Service (NYAS) whether they present at Children Social Care or Bradford Housing Options

3. Abbreviations and Terminology

Young People;	will refer to all young people aged 16 and 17 years
CSC;	will refer to Children Social Care
CIN;	Child in Need
CIC;	Child in Care
LCS;	Liquidlogic Children’s Social Care Information System Software
MARF;	Multi-Agency Referral Form
HO;	Housing Options
HOO;	Housing Options Officer
PHP;	Personal Housing Plan
H-Clicks;	Housing Information System Software

4. Exclusions

Care Leavers; aged 16 and 17 who have returned home and have either Relevant or Qualifying status will continue to be the responsibility of the Leaving Care Service in identifying suitable alternative accommodation. All Relevant care leavers are allocated a Social Worker and/or Personal Adviser who will assist in meeting housing needs and additional support needs in line with their Pathway Plan.

5. Legal and Policy Context

The statutory entitlements of homeless young people are enshrined in the Children Act 1989 and the Housing Act 1996 (as amended) and the relationship between these two pieces of legislation has proven to be complex and, at times, contentious. Consequently, case law and central government guidance now plays a fundamental role in the interpretation and application of the law and in the application of this protocol.

- The primary responsibility for a child in need who requires accommodation, including a 16 and 17-year-old who is homeless lies with the relevant children's services authority. The duty under Section 20 of the 1989 Children Act takes precedence over duties in the 1996 Act in providing for children in need who require accommodation
- Section 20 of the 1989 Children Act takes precedence over the general duty owed under Section 17 of the same Act to children in need and their families where a young person needs to be accommodated.
- Local authority duties for accommodating young people under this s20 are not simply a matter for local policy. The duty is engaged whenever a child in need in the local authority's area requires accommodation as a result of one of the factors set out in section 20(1)(a) to (d) or in section 20(3) and 20(4)
- Section 20(1) requires that:
 - a. 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
 - b. there being no person who has parental responsibility for them
 - c. their being lost or having been abandoned; or
 - d. 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
- In addition, even if the criteria in section 20(1) do not apply, 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 sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide them with accommodation.
- In addition, section 20 (4), provides that:
 - a. 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.

- If a young person in need requires accommodation as a result of one of the factors set out in section 20(1) (a) to (d) or section 20(3) and 20(4) then that young person may be provided with accommodation.
- As a result of being accommodated by children's services for a continuous period of more than 24 hours the young person will become Child in Care after if they consent.
- Whilst accommodated under section 20 the young person is not eligible for welfare benefits, including housing benefits or housing costs under universal credit
- Provision of 'accommodation' means that which is provided by Children's Social Care or the Housing Authority or a jointly commissioned supported accommodation offer,

The lead agency is Children's Social Care; however, Housing Options also have duties towards young people who are homeless or threatened with homelessness. Duties owed by both services will depend on a range of factors requiring them to work together to plan and provide a service centred on young people and their families.

Housing Act 1996 Part 7 as amended by the Homeless Reduction Act 2017

Housing authorities must give proper consideration to all applications aged 16 and over for housing assistance, and if they have reason to believe that an applicant may be homeless or threatened with homelessness within 56 days. They must make inquiries to see whether they owe them any duty under [Part 7 of the 1996 Act](#). This assessment process is important in enabling housing authorities to identify the assistance which an applicant may need, either to prevent them from becoming homeless, or to help them to find another home.

In each case, the authority will need to first decide whether the applicant is eligible for assistance and threatened with or actually homeless. Certain applicants who are 'persons from abroad' are not eligible for any assistance under Part 7 except free advice and information about homelessness and the prevention of homelessness.

An applicant is to be considered homeless if they do not have accommodation that they have a legal right to occupy, which is accessible and physically available to them (and their household) and which it would be reasonable for them to continue to live in.

6. Prevention and Sharing Information

Bradford Children's Social Care and Bradford Housing Options believes that, in most circumstances, the interests of young people are best served by living with their parents and that they should move to independent living in a planned way. The initial priority for Bradford Children's Social Care will be to identify whether a young person, who approaches the authority for assistance because they are homeless or threatened with homelessness, can safely return to their parental home.

Information and advice for young people and families

Information, advice and guidance will be available for all young people, their families and their support agencies online or at different hotspots, including youth provisions, council run leisure centres, schools, colleges, libraries and GP surgeries.

Bradford Council have developed a full directory of support and can be accessed by the following link: - [Youth Info | Bradford Council](#).

Early Help

The Early Help offer is aimed at engaging with partner agencies including education establishments (Schools and Academies) to support Lead Practitioners who might be struggling with young people who may be at higher risk of homelessness but not yet reached a crisis point with their families.

At Tier 2, Prevention Early Help Co-ordinators will assist the Lead Practitioner (Children's Social Care or Bradford Housing Options) to co-ordinate an Early Help Assessment and support and convene a Team Around the Family meeting (this may be parallel with the Housing Options Officer network meeting).

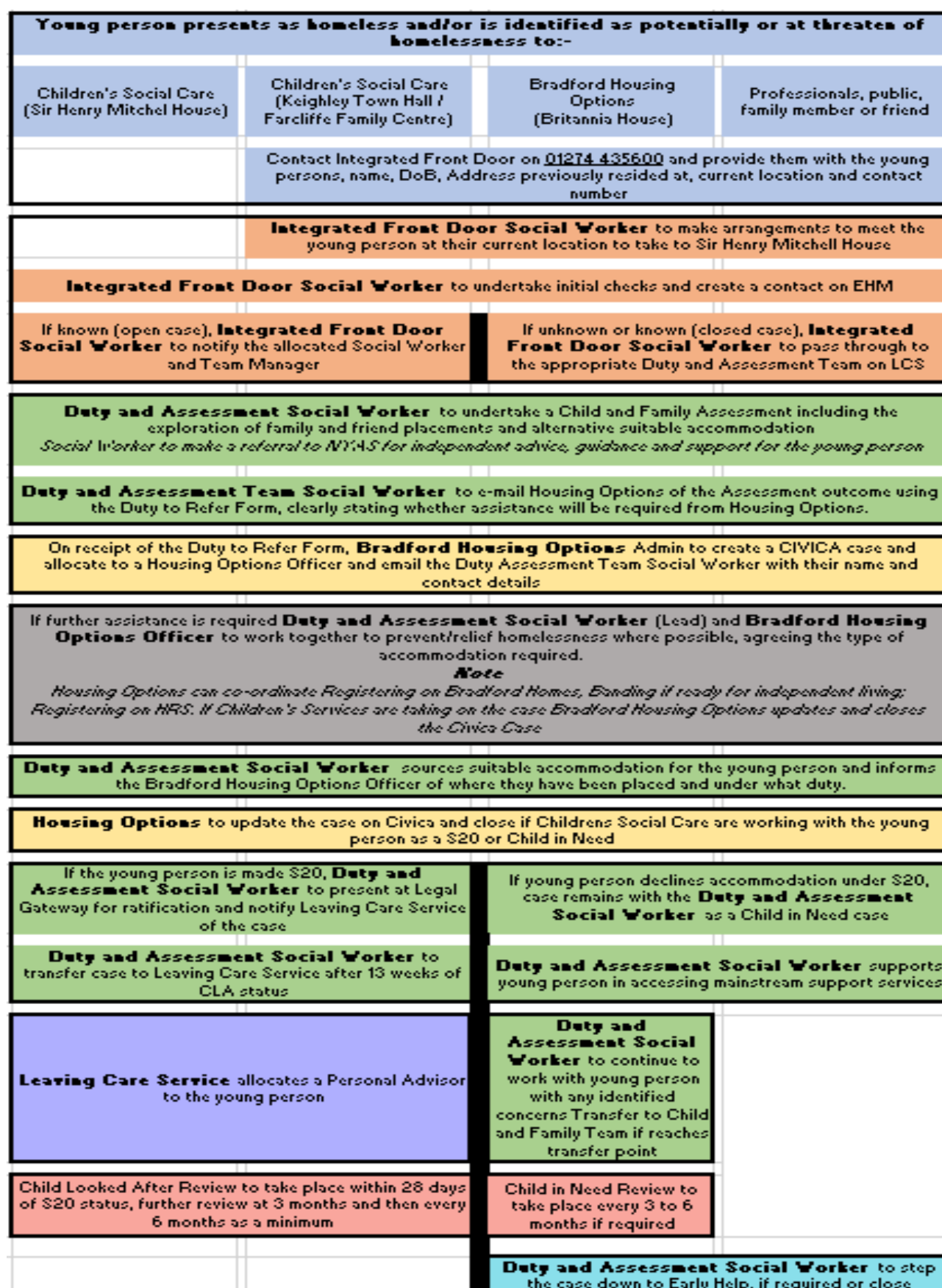
Lead practitioners are able to access the multi-agency Family Hub Lead Practitioner Panels for further advice and guidance that may prevent a homeless situation for the presenting young person.

At Tier 3 Troubled Families via Bradford's Families First Teams and also Family Keyworkers from Early Help are available to support families who are seeking support to overcome relationship challenges with an older child, up to the age of 19 years to prevent a situation whereby requiring accommodation is the only option.

In addition, Children's Social Care have referral protocols in place with services that work with young people who may be at risk of homelessness such as the Youth Offending team, Youth Service, Education partners and CAMHS (Child and Adolescent Mental Health Services).

7. Accessing Services

Joint Bradford Children's Social Care and Bradford Housing Options Process Map



On Day One

1. Young person shares that they are homeless. This may be via Children's Social Care (Sir Henry Mitchel House, Keighley Town Hall or Farcliffe Family Centre), Bradford Housing Options (Britannia House) or other professionals (e.g. Health, education etc.) or to a family member or friend
2. The service or individual (first point of contact) the young person presents to, are responsible for contacting Children's Social Care via the Integrated Front Door (01274 4356600), clearly stating they are homeless or have additional needs.
3. If the young person is immediately homeless or threatened with homelessness Children's Social Care will commence the Child and Family Assessment; the housing domain must be completed on day one by the Duty and Assessment Social Worker explaining to the young person what support may be offered from Children's Social Care or Housing Options.
4. Home visits must be explored on Day 1 to progress reconnection with immediate or extended family.
5. The Duty and Assessment Social Worker and Team Manager agree an interim decision on statutory duty owed and communicate this with Bradford Housing Options and the young person stating the reasons for the decision in writing.
6. Duty and Assessment Social Worker to send completed Referral Form to Housing Options.
7. The day the referral is received, the case is passed to Housing Options Officer and Children's Social Care provided with the Officer's name and contact details

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

- a) Not a child in need of accommodation for the reasons contained within s.20.
- b) 16 or 17 years' child in need who, having properly and fully advised of the implications and having capacity to reach a decision, has decided that they do not want to be accommodated under section 20*.

** It may be in some cases that this cannot be ascertained on 'day 1' as the child would need to be provided with independent legal advice as best practice and it may be that a capacity assessment needs to be conducted if there is reason to doubt capacity.*

8. If emergency accommodation is required, Children's Social Care refer to:
 - a. Placement Co-ordination.
 - b. Children's Social Care may ask Housing Options for assistance with accommodation.

Bradford Council will not place young people in Bed and Breakfast accommodation. Bed and Breakfast accommodation as defined in [Homelessness \(Suitability of Accommodation, England SI 3326 2003\)](#), is not deemed to be a suitable temporary

accommodation option for 16 and 17-year-old even on an emergency basis ([Homelessness Code of Guidance, CH17, 17.39](#)).

9. Children's Social Care inform Housing Options Officer of the outcome of their assessment.

On Day 2-10 (working days)

1. Following point 1 above and if the young person is not immediately homeless or has additional needs Children's Social Care will undertake home visits to the Young Person and their family to start the Child and Family assessment, explaining the services the young person and/or family may be entitled to receive from Children's Social Care.
2. Duty and Assessment Social Worker communicates the outcome of the Child and Family Assessment to the Young Person and Bradford Housing Options stating the reason for the decision in writing.
3. Communications between Children's Social Care and Housing Options Officer will continue on the next course of action if a duty is owed under the 1989 Act with Children's Social Care leading the planning.
4. If a young person is not deemed S17 or S20
 - a. Where the S17/S20 is not met but the young person does require accommodation, Bradford Council will discharge their duties under homelessness prevention or relief.
 - b. Children's Social Care will work with Housing Options Officer for further assessment under the Homeless provisions of Part 7 Housing Act 1996, as amended, if appropriate on the case by case basis.
 - c. The Housing Options Officer will make an appointment to assess the young person, Children's Social Care will arrange the advocate.
 - d. Housing Options Officer will take full assessment, providing accommodation if required
 - e. Where Housing Options believe that a young person has suitable accommodation, but they refuse to return to it, they will not be regarded as homeless under the 1996 Housing Act as amended*.

* But depending on the reasons for refusal to return their parents may be 'prevented' from providing them with accommodation thus creating a s.20 duty.

See appendix 1 for the homelessness process.

8. Duty Owed Under Section 20- Child in Care Support

The case of *H, Barhanu and B v London Borough of Wandsworth, London Borough of Hackney, London Borough of Islington* [2007] EWHC 1082 ('Barhanu') provides clear guidance that it is a factual question whether a local authority has duties to a young person merely under s.17 or wider duties under s.20. It is not a matter either for the election of the authority or by the young person asking the authority which statutory scheme he falls or wishes to fall under.

S.20(1) provides 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 with 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) for providing him with suitable accommodation or care.

If a young person requires accommodation as a result of any of those three criteria in s.20 as a question of fact, the duty will be regarded as providing accommodation under section 20 and not section 17.

In all circumstances where the outcome is for the young person to be supported under Section 20 of the Children Act;

- The assessment must be robust and consider all areas of the Child and Family Assessment
- Discussion of the consequences of being looked after must come *after* Children's Social Care has determined whether the young person requires accommodation under s.20 and evidence of the discussion documented
- The recommendation must be agreed by the Service Manager
- Approval must be sought from the Head of Service and documented within the young person's record on LCS
- Referral is not required to Legal Gateway Panel

9. Duty Owed Under Section 17- Child in Need Support

Children's Social Care does need to ascertain the child's wishes and feelings regarding being provided with accommodation under s.20. This is set out in s.20(6):

Before providing accommodation under this section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare:

- (a) ascertain the child's wishes and feelings regarding the provision of accommodation; and*
- (b) give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.*

However, the duty in s.20(1) is not subject to s.20(6). In short, the child's wishes and feelings must be considered 'before providing accommodation' but not before the duty to provide accommodation under s.20(1) arises.

The young person's wishes and feelings as to whether they wish to be provided with accommodation at all may be considered. If the young person says they do not want accommodation, it is open to Children's Social Care to conclude the young person does not 'require' accommodation ([56], *Barhanu*). If that is the case, there is no s.20 duty.

Children's Social Care may also rely on the fact that a young person is accommodated because she does not want to return home, rather than because her parents are incapable of looking after her, as evidence that she is accommodated under s.17 rather than s.20 and a decision to this effect is not irrational (*R(M) v LB Barnet [2008] EWHC 2354 (Admin)*). In

straightforward terms this just means that a young person does not actually fall under s.20 at all.

Equally, Children's Social Care may conclude that a young person requires not 'accommodation' (under s.20) but 'help with accommodation' (which would fall under s.17).

For example, there is a spectrum from providing a young person a place to live, funded by Children's Social Care (clearly providing accommodation) to simply helping a young person fill out documents to obtain her own housing (help with accommodation). In *Barhanu*, a local authority paying for the deposit on a private flat but where the young person subsequently signed a tenancy agreement and paid rent on a private basis to the landlord was in the middle of the spectrum, but on the side of 'help with accommodation'. However, when the local authority decides if a young person needs accommodation or help with accommodation, this must be done *without* regard to the implications of the young person being looked after or not.

The four questions the local authority must consider are set out simply in *R (A) v Croydon LBC [2008] EWCA Civ 1445* at para 75:

- d. Is the applicant a child?
- e. Is the applicant a child in need (for reasons within s.20(1))?
- f. Is he within the local authority's area?
- g. Does he appear to the LA to require accommodation?

These are all matters for the local authority's judgment of if a s.20 duty is owed, however, and not actually decisions for the young person.

It may be that in some circumstances, a young person refuses s.20 accommodation for the reason that he or she does not wish to become looked after. [The Department of Education Guidance \(Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation\) April 2018](#) addresses this issue.

'3.60 However, in very limited circumstances the provision of accommodation under section 17 may be appropriate. Where a young person aged 16 or 17 is homeless and requires accommodation, does not wish to be accommodated under section 20 but is subsequently not owed the main accommodation duty by a housing authority, for example 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.

3.61 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 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 services 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.'

As such, the process would be:

- a. The young person is offered s.20 accommodation;
- b. If the young person refuses, refer to Bradford Housing Options;
- c. If the young person is not owed a duty of accommodation by Bradford Housing Options, again offer s.20 accommodation;
- d. If the young person continues to refuse and has the capacity to make that decision, the local authority may offer accommodation under s.17.

10. Child and Family Assessment

Factors to be considered when assessing 16-17 year olds who are homeless or may be child in need:

Dimensions of Need		Issues to consider in assessing young person's future needs
1	Accommodation	Does the child have access to stable accommodation? How far is this suitable to the full range of the child's needs?
2	Family and social relationships	Assessment of the child's relationship with their parents and wider family. What is the capacity of the child's family and social network to provide stable and secure accommodation and meet the child's practical, emotional and social needs?
3	Emotional and behavioural development	Does the child show self-esteem, resilience and confidence? Assessment of their attachments and the quality of their relationships. Does the child show self-control and appropriate self-awareness?
4	Education, training and employment	Information about the child's education experience and background. Assessment as to whether support may be required to enable the child to access education, training or employment.
5	Financial capability and independent living skills	Assessment of the child's financial competence and how they will secure financial support in future. Information about the support the child might need to develop self-management and independent living skills.
6	Health and development	Assessment of child's physical, emotional and mental health needs.
7	Identity	Assessment of the child's needs as a result of their ethnicity, preferred language, cultural background, religion or sexual identity.

11. Accommodation Options

Children's Social Care

Where a referral is sent to Placement Co-ordination by Children's Social Care we can offer a number of placement options for accommodation & support.

The placement options offered by Placement Co-ordination have been specifically commissioned to meet the needs of young people. We offer high quality accommodation & support services for 16-25-year-old Care Leavers and vulnerable young people. These services include accommodation and tailored support services that focus on the promotion of independent living skills and support young people in to independence. All our placement options are quality assured and all support staff are DBS checked.

The following types of accommodation are available dependant on the needs and independence skills of the specific young person.

1 Crash Pad (Emergency overnight use)

The crash pad is a self-contained flat attached to one of our Group Living facilities. The crash pad is used where we have an emergency need to accommodate a young person and is for one night only, except for weekend admissions where a young people can remain in the crash pad until Monday morning. The Group Living facility has 24/7 support staff on site that will support the young person staying in the crash pad.

2 Group Living

Our Group Living homes offer either a bedroom with shared facilities or a self-contained room with en-suite bathroom and kitchenette. Our Group Living homes are staffed 24/7 by support staff who support young people to develop independent living skills. We have a number of Group Living homes at a range of locations which vary in size from 2 bed to 11 bed homes. Young people's referrals are sent to Group Living providers for consideration of the young people's individual needs and matching against other young people currently living at the home before a placement is offered.

3 Supported Tenancies

Our Supported Tenancies offer a mixture of 1 and 2 bedroom flats/apartments or houses at a range of locations. Supported Tenancies are suitable for young people who have independent living skills or as a step down from Group Living. Supported Tenancies provide accommodation and weekly support hours (hours specified by Children's Social Care, dependant on needs of individual young person).

Housing Options

Where young people presents to Housing Options and triggers an Interim Duty for accommodation under s188 HA96 the following types of accommodation placement options are available dependant on the needs of the young people:

1 Nightstop

This is a non-profit organisation with volunteer hosts that are trained to provide safe accommodation for young people in the hosts own home, (placements are currently at Culture Fusion due to the pandemic).

2 Assessment Centre

In this type of accommodation, the young people will have their own bedroom but will be required to share facilities such as kitchen and wash rooms, the assessment Centres have security presence 24/7 and during the day time support staff are available to support clients with their housing needs.

3 Hostel

This type of accommodation can be a self-contained fully furnished flat or a room in a House of Multiple Occupancy (HMO) depending on availability. The accommodation is supported and the YP would be expected to attend planned support sessions with their allocated support worker.

4 Dispersed Accommodation

These type of accommodation are fully furnished houses/flats spread out within the Bradford area, the YP would have full access to this accommodation and would not be sharing with anyone, like the hostels above these are also supported accommodation and the YP would be expected to attend regular planned support sessions with their allocated support worker.

5 Centre Point

This organisation has two hostels within the Bradford area, one is the Foyer located at 1 Coates Street and the other is at Owllet Grange, Shipley. The accommodation is a room with shared facilities such as bathroom and kitchen, this is supported accommodation and the YP would be expected to attend support sessions with their allocated support worker. This organisation only accommodates people between the ages 16-25 and are specialists at providing support to YP.

6 Incommunities IHM

These are self-contained houses/flats in and around the Bradford district, the properties are managed by Incommunities's Intensive Housing Management team. A YP 16-17 years old would need to provide details of someone over 18 years' old who is willing to act as a trustee for their tenancy (Children's Services may be able to provide this for the YP) once the YP turns 18 the tenancy may then be converted into an assured tenancy.

7 Concept Housing IHM

These are self-contained houses/flats within the Bradford District managed by Concept Housing, they are supported housing and would require the YP to attend support sessions with their allocated support worker. This accommodation is classed as semi-permanent and once the YP is tenancy ready they can get the extra banding on their housing application to assist them to get something off the waiting list.

12. Out of Hours Access

Where young people present as homeless outside of office hours, the priority must be the safety and well-being of the young person, and where needed, accommodation will be provided until the next working day.

A young person may contact the homeless team out of hours number **01274 381999**.

The homeless team will liaise with Children's Social Care Emergency Duty Team and jointly identify suitable emergency accommodation (refer to emergency accommodation on page 10). Bed and Breakfast is not deemed as suitable.

Children's Social Care Emergency Duty Team will ensure a contact record is generated and progress assessment of need to the Children Social Care Integrated Front Door; whom will follow the timescales and process map as set out in page 9.

13. 16/17 year olds from out of area

16 and 17 year olds from one local authority area that seek assistance from a children's services in another local authority area should not be returned and Children's Social Care must consider the young person's immediate needs. The duty to assess falls on the authority area where the young person is requesting assistance.

If during assessment it becomes clear that young people are ordinarily resident elsewhere, the decision may be made by Children's Social Care to return the young person to their home area provided that it is safe to do so.

Enquiries should be made by Children's Social Care with the "home authority" for them to take over the assessment of their needs. Homeless young people should not be returned to another area where there is no confirmation that accommodation is available for them.

If the young person refuses to return to where they are ordinarily resident Children's Social Care must take into account, the child's wishes and feelings and deal with the case as they would if the person was from the local area working in partnership with Bradford Housing Options.

14. APPENDIX'S

Appendix 1 - Homeless Assessment Process

‘An applicant is to be considered homeless if they do not have accommodation that they have a legal right to occupy, which is accessible and physically available to them (and their household) and which it would be reasonable for them to continue to live in.’

What to Expect from a Homelessness Assessment?

- **Assessments and Personalised Housing Plans**

Housing authorities have a duty to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness. If you are 16 or 17 and homeless or threatened with homelessness you are entitled to ask the council for assistance.

The assessment can take over an hour. Questions will be asked to identify what has caused your homelessness or threat of homelessness, your housing needs and any support you need in order to be able to secure and retain accommodation. Following this assessment, the housing authority must work with you to develop a personalised housing plan which will include actions (or ‘reasonable steps’) to be taken by the Council and you to try and prevent or relieve your homelessness. You can have an advocate to help you with your application.

Certain applicants who are ‘persons from abroad’ are not eligible for any assistance under Homelessness Legislation except free advice and information about homelessness and the prevention of homelessness

- **Prevention Duty**

Housing authorities have a duty to take reasonable steps to help you prevent homelessness regardless of whether or not you may be intentionally homeless and whether you have a local connection. This means either helping you to stay in your current accommodation or helping you to find a new place to live before you become actually homeless. The prevention duty continues for 56 days unless it is brought to an end by an event such as accommodation being secured for you, or by you becoming homeless.

This duty ends if:

- You have suitable accommodation for at least six months
- You refuse an offer of suitable accommodation
- You become homeless (you will move into Relief Duty)
- becomes homeless intentionally (you will move into Relief Duty)
- ceases to be eligible
- withdraws their application

- 56 days have passed
- The prevention duty will also end if the local authority gives notice that the applicant has [deliberately and unreasonably refused to cooperate](#).

- **Relief duty**

If you are already homeless, or become homeless despite activity during the prevention stage, the focus will be on helping you to secure accommodation. This relief duty lasts for 56 days unless ended in another way. If the housing authority has reason to believe you are eligible for assistance and have a priority need you must be provided with interim accommodation. All 16/17 yr olds have a priority need.

If you lose this accommodation the Council will longer have a duty to provide you with accommodation until a decision is made on day 57. If this happens the Housing Options Officer will make a referral to Children's Services ideally with your permission. If there is a reason to believe you are at risk of harm a referral can be done without your permission.

This duty ends if:

- 56 days have passed and the Council has not yet made a decision
- 56 days have passed and the Council is satisfied you do not have a priority need (all 16/17 year olds have a priority need) or is intentionally homeless
- You have deliberately and unreasonably refused to take a step in their plan
- You have suitable accommodation for at least six months
- You have refused an offer of accommodation, including a final offer
- You have become intentionally homeless
- You are no longer eligible
- You have withdrawn our application

- **Main housing duty**

If homelessness is not successfully prevented or relieved, a housing authority will owe the main housing duty to applicants who are eligible, have a priority need for accommodation and are **not homeless intentionally**. All 16/17 yr olds do have a priority need but they can be found to be intentionally homeless (have deliberately done something to cause homelessness, see further down for a more detailed explanation).

Under the main housing duty, housing authorities must ensure that suitable accommodation is available for the applicant and their household until the duty is brought to an end, usually through the offer of a settled home. The duty can also be brought to an end for other reasons:

- The applicant turning down a suitable offer of temporary accommodation
- They are no longer eligible for assistance.
- A suitable offer of a settled home (whether accepted or refused by the applicant) which would bring the main housing duty to an end includes an offer of a suitable secure or introductory tenancy with a local authority, an offer of accommodation through a private registered provider (also known as

a housing association) or the offer of a suitable tenancy for at least 12 months from a private landlord made by arrangement with the local authority.

- Being evicted from Temporary Accommodation due to their behaviour
- Voluntarily leaving Temporary Accommodation

The main housing duty can be brought to an end where:

- You cease to be eligible for assistance
- You become intentionally homeless from temporary accommodation provided under the main duty
- you voluntarily cease to occupy the accommodation provided
- you accept an offer of a fully assured tenancy from a private landlord, including a housing association
- accepts a private rented sector offer or a final offer under the authority's Part 6 allocation scheme
- refuses certain offers of accommodation

NOTE: You do have a right of review of all decisions made. You must request this within 21 days of receiving the decision letter

- **Suitable Accommodation (All offers must be suitable accommodation)**

Housing authorities have various powers and duties to secure accommodation for homeless applicants, either on an interim basis, to prevent or relieve homelessness, to meet the main housing duty or as a settled home. Accommodation must always be 'suitable' and there are particular standards set when private rented accommodation is secured for households which have priority need.

19. Under the [Homelessness \(Suitability of Accommodation\) \(England\) Order 2003](#), bed and breakfast accommodation is not considered suitable 16 and 17 year olds.

NOTE: You do have the right to request a review if you disagree with suitability of accommodation. You can even move in a still request the review.

- **Definition of Intentional homelessness**

1. A person would be homeless intentionally where homelessness was the consequence of a deliberate action or omission by that person. A deliberate act might be:
 - A deliberate act might be a decision to leave your previous accommodation even though it would have been reasonable for you (and anyone in your household) to continue to live there.
 - A deliberate omission might be non-payment of rent that led to rent arrears and eviction despite the rent being affordable.
2. Where people have a priority need but are intentionally homeless the housing authority must provide advice and assistance to help them find accommodation for themselves and secure suitable accommodation for them for a period that will give them a reasonable chance of doing so.

If you are aged 16/17 you can still be assisted under the [Children Act 1989](#)

- **Local connection and referrals to another authority**

- You may have a local connection with a district because of residence, employment or family associations in the district, or because of special circumstances. (There are exceptions, for example, residence in a district while serving a prison sentence there does not establish a local connection.)
- Where you meet the criteria for the relief duty or for the main housing duty, and the authority considers that you do not have a local connection with the district but does have one somewhere else, the housing authority dealing with the application can ask the housing authority in that other district to take responsibility for the case. However, applicants cannot be referred to another housing authority if they, or any member of their household, would be at risk of domestic abuse or violence (that is not related to domestic abuse) in the district of the other authority.

If you do not have a local connection and you are aged 16/17 Housing Options would have a [Duty to Refer](#) your case to Children's Services ideally with your permission. If there is a reason to believe you are at risk of harm a referral can be done without your permission.

- The definition of a 'local connection' for young people leaving care was amended by the [Homelessness Reduction Act 2017](#) so that a young homeless care leaver has a local connection to the area of the local authority that looked after them. Additional provision is made for care leavers who have been placed in accommodation, under [section 22A of the Children Act 1989](#), in a different district to that of the children's services authority that owes them leaving care duties. If they have lived in the other district for at least 2 years, including some time before they turned 16, they will also have a local connection with that district until they are 21.