



**Joint Protocol between
Redcar and Cleveland Children's Services and
Housing Services:
16/17 year old young people who may be
homeless and/or require accommodation**

Version 7.1
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INTERNAL USE ONLY



Date	Author	Version	Change Description	Approved / Quality Checked By & Date	Target Audience / Circulation	Document Review Date
N/K	N/K	1				
N/K	N/K	2				
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Jan 2019	Resources Manager Housing Service Team Leader	4	To reflect changes to legislation and updated joint working practices		First Contact Homeless Section Resource Team Tri.X Practice Manual	
August 2019	Service Manager for children in our care & resources	5	To reflect the advice and guidance following a independent review of joint working practices	WM		August 2022
November 2019	Housing Service Team Leader	6	To reflect changes to homelessness legislation introduced by the Homelessness Reduction Act 2017			
December 2019	Service Manager for children in our care & resources	7	To reflect changes in 5.6	WM		August 2022
July 2022	Service Improvement Research Officer	7.1	Amended references to South Tees MACH with Redcar & Cleveland MACH	SJ		August 2022

Date	Type of Assessment Conducted (e.g. environmental, diversity & equalities, Human Rights Act 1998, Crime & Disorder Act 1998 & Childrens Act 2004)	Stage/ Level Completed (Where applicable)	Summary of Action Taken / Decision Made	Completed By	Impact Assessment Review Date
Jan 2019	Impact Assessment. Document content may impact directly people from different age groups, Looked After Children, people and families from lower incomes and people and families who are homeless	Initial screening	This protocol should have a positive impact on protected and/or vulnerable groups by ensuring stakeholders are working together to support young people who are, or are at risk of being, homeless	Caroline Welch	Review not required unless significant change to type of document content



1.0 PURPOSE OF THE PROTOCOL

- 1.1 This Redcar and Cleveland protocol aims to establish the roles and statutory responsibilities of the different agencies in respect of homeless 16- and 17-year olds. It sets out the practical joint working arrangements between the housing services and children & families services and any other agencies that can assist with the housing and support needs of homeless 16- and 17-year olds.
- 1.2 This protocol aims to ensure that the young people are part of the planning and are fully involved identifying the most appropriate accommodation for them.
- 1.3 The protocol defines the roles and respective statutory responsibilities of both services in supporting homeless young people (16-17yrs). It will outline the practicalities of joint working arrangements between the housing and children and families service.

2.0 REASONS FOR A JOINT PROTOCOL

- 2.1 Both the children and families service and housing service have statutory duties towards this vulnerable group of young people.
- 2.2 It is anticipated that the protocol will:
- Promote a clearer understanding of roles and responsibilities for Redcar and Cleveland staff, wider agencies and clients;
 - Ensure that the accommodation needs of young people aged 16 or 17 years, who present as homeless, are assessed in line with the relevant legislation and guidance;
 - Develop a consistent approach between children and housing services to provide a timely and effective service and eliminate the risk of young people being passed between services unnecessarily;
 - Ensure young people access the most appropriate accommodation, therefore preventing future homelessness;
 - Strengthen joint working by building a mutual understanding of the roles and responsibilities of the children and housing services; and,
 - Ensure that the resources of the council are used efficiently, effectively and equitably.

3.0 SCOPE OF THE PROTOCOL

- 3.1 This joint protocol covers homeless 16- and 17-year olds and includes Children in Our Care and Children in Need.
- 3.2 Young people can be classed as homeless if:
- They have nowhere to live;
 - They are based in temporary accommodation such as a hostel, bed and breakfast, hotel or squat;
 - They cannot stay in their home because of violence or the threat of violence;
 - They are staying temporarily with friends or relatives who are unable or unwilling to accommodate them in the future; or,
 - They have somewhere to live but it is not reasonable to expect them to stay there.



- 3.3 Young people can also be classed as homeless if they are likely to become homeless within 56 days.
- 3.4 Young people who are of school age and those up to Year 11 pupils, who have not yet left school (Last day of school for Year 11 is last Friday in June) are not to be taken through this joint process. The child must be referred to the Redcar & Cleveland Multi Agency Children Hub (MACH) for further enquires to be undertaken.
- 3.5 A care leaver who is of the age of 16/17 years is not entitled to claim housing benefit and therefore any accommodation required for the young person must be funded by children services.
- 3.6 When a care leaver turns 18 years, they are able to claim benefits in their own right, the duty to accommodate therefore, will fall with housing services until the young person reaches the age of 21 years, unless they are still in full time education and the duty will continue until the young person turns 25 years.

4.0 LEGAL FRAMEWORK

- 4.1 Young people with housing needs require children service's and other local agencies to work together if they are to receive appropriate support. This need for co-operation is recognised in legislation and accompanying guidance which highlights an expectation from government that children services and local housing authorities forge proactive links with each other to ensure they can comply fully with the inter-relating pieces of legislation and prevent failures in responsibilities and standards of care.
- 4.2 Homelessness for young people aged 16/17 is a complex issue that is covered by the Children Act 1989; The Housing Act 1996, the Homelessness Act 2002 and the Homelessness Reduction Act 2017. The Children Act 1989 is primary law, alongside other regulations and guidance. The legal powers and duties within legislation have been challenged in court and in many cases, this has helped to clarify the law - for example the 2009 G v Southwark Judgement. In addition, Ombudsman reports and Serious Case Reviews further add to understanding through commenting on and making recommendations in relation to legal compliance and good practice.
- 4.3 In 2010, the Department for Communities and Local Government (DCLG) and the Department for Children, Schools and Families (DCFS) published guidance on Joint Working between housing and children's services. This guidance has been updated in May 2018
<https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation>

4.4 CHILDREN ACT 1989

Section 17 1989 Children Act places a general duty on children services to safeguard and promote the welfare of children within their area who are in need, by providing a range and level of services appropriate to those children's needs.

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

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



- whose health or development is likely to be significantly impaired or further impaired without the provision of appropriate services by a local authority; or,
- who is disabled.

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

- there being no person who has parental responsibility for him;
- being lost or having been abandoned; or,
- the person who has been caring for him/her being prevented from providing suitable accommodation or care.

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

Section 20 (4) states that accommodation may be provided for any child within their area if they consider that to do so would safeguard or promote the child's welfare.

Under Section 27 of the Children Act 1989, children's services can ask a housing authority to help in delivering services for children in need. The housing authority must comply with such a request to the extent that it is compatible with their own statutory duties and other obligations.

4.5 HOUSING ACT 1996

Parts VI and VII set out the legal framework for assisting homeless people and allocating housing:

- Section 175: A person is homeless if they have no accommodation available in the UK or elsewhere, or if they cannot secure entry to it, or it is not reasonable for them to occupy it;
- Section 189: A person is in priority need if they or their partner are pregnant, have dependent children, are vulnerable due to old age, mental illness or handicap or physical disability or other special reason, or are homeless as the result of an emergency. (Amended by Homeless Act 2002);
- Section 191: A person becomes homeless intentionally if they deliberately do, or fail to do, something that causes them to lose their accommodation;
- Section 185: A person is not eligible for assistance if they are a person from abroad who is ineligible for housing assistance, or they are subject to immigration control; and,
- Section 193: Local authorities have a duty to secure accommodation (amended by Homelessness Act 2002) if the person is found to be eligible for assistance, in priority need and unintentionally homeless.

4.6 HOMELESSNESS ACT 2002

Amended Parts VI and VII of the Housing Act 1996. The main changes which impact upon young people are:

- a duty on all local housing authorities to develop a strategic approach to tackling homelessness;



- a new duty to provide long term accommodation for unintentionally homeless people in priority need, the extension of the priority need groups to include: 16 and 17 year olds, whose support networks have broken down irrevocably and who are not owed a duty by social services as a relevant child or a child in need; 18 to 21 year olds leaving care who are former relevant children, people aged 21 or over who are vulnerable due to being looked after, accommodated and fostered by the local authority, who are not relevant students; and, people who are vulnerable as a result of violence, being in the armed forces or in prison.

4.7 **HOMELESSNESS REDUCTION ACT 2017**

The Homelessness Reduction Act 2017 places new legal duties on English councils so that everyone who is homeless or at risk of homelessness has access to meaningful help, irrespective of their priority need status, as long as they are eligible for assistance. The Act amended part VII of the Housing Act 1996. Section 175 of the 1996 Act defines that a person is threatened with homelessness if it is likely that they will become homeless within 28 days. The Homelessness Reduction Act 2017 extended the number of days from 28 to 56.

4.8 **R(G) v LONDON BOROUGH OF SOUTHWARK**

The judgment in the case of R (on the application of G) v Southwark London Borough Council was given by the House of Lords on the 20th May 2009. The issue was “if a child of 16 or 17 who had been thrown out of the family home presents himself to a local Children’s Services authority and asks to be accommodated by them under Section 20 of the Children Act 1989, is it open to the authority instead to arrange for him to be accommodated by the local housing authority under the homelessness provisions of Part 7 of the Housing Act 1996.”

- 4.9 The judgement confirmed that children’s service should presume that any lone, homeless child should be provided with accommodation under section 20(1) of the Children Act 1989, unless the child is not in the Local Authority’s judgement (based on a Children and Families assessment under section 17, Children Act 1989), a child “in need”.
- 4.10 The House of Lords reiterated that the Children Act has priority over the Housing Act in providing for children in need.
- The duties of local Children and Families Service to accommodate children in need cannot be circumvented by referring the young person to the housing authority; and,
 - Housing duties under Part 7 of the Housing Act 1996 provide a safety net only for those homeless children who will not meet the criteria for accommodation under Section 20 of the 1989 Act.
- 4.11 The primary responsibility for a child who is assessed as in need and requires accommodation, including a 16 -17-year-old who is homeless lies with the relevant children’s services authority. The Children Act 1989 (section 20) places a duty on children’s services authorities to accommodate a child in need, and in almost all circumstances a homeless 16-17-year-old would be a child in need.



5.0 Contact/Referral

- 5.1 All young people presenting as homeless will be treated with high priority. A referral will be made to the Redcar & Cleveland Multi Agency Children's Hub and a decision to respond to their needs taken within 24 hours. The manager will exercise professional judgement to inform both the timing of and process to deal with the presenting issues to ensure the work with the young person can start without delay.
- 5.2 A joint home visit or office interview will be arranged to establish if the young person is at immediate risk of homelessness and whether they are vulnerable.
- 5.4 Such an interview must establish if the young person is:
- Homeless;
 - Threatened with homelessness (within 56 days); or,
 - Whether it is possible for them to leave as part of a planned process
- 5.5 Housing and social care must seek to resolve the presenting difficulties; the preferred option, if it is safe to do so, is to maintain the young person within the family setting with the aim of preventing the need for a homeless application /or Section 20 accommodation.
- 5.6 If it appears that the young person has nowhere safe to stay that night, then children's services must secure suitable emergency accommodation for them whilst their needs, including their need for continuing accommodation and support, are further assessed. If the young person is provided with accommodated for a continuous period of more than 24 hour it must be clearly recorded whether the basis of the work is pursuant to S20 or S17 CA 1989.

6.0 Preventing Homelessness

- 6.1 Housing and social care believes that, in most circumstances, the interests of young people are best served by living with their parents and that any move into independent living should be done in a planned way. The initial priority for both housing and social care will be to identify whether a young person, who approaches them for assistance because they are homeless or threatened with homelessness, can safely return to their parental home.
- 6.2 Housing and social care at the earliest opportunity will work with the young person to understand their support network. A network meeting will be convened to explore how they can be supported. An emphasis will be placed on supporting the young person to reconcile the differences with their parents/guardians so that they can return home on an indefinite basis or return to their parental home for a period sufficient to enable them to make a planned move to alternative accommodation.

7.0 Assessment Process

- 7.1 Statutory guidance working together to safeguard children sets out the principles of assessing children under the children act. It must be carried out by a qualified social worker and completed within 45 working days but importantly within timescales for the child. Such an assessment must be focused on the needs of young person who must be fully consulted throughout the process.



- 7.2 The assessment must determine the basis on which housing or other accommodation is to be provided. The options broadly present themselves as follows:
- a) the provision of housing and services under section 17
 - b) discretionary accommodation pursuant to Section 20 (4) CA 1989 if the local authority consider that to do so would safeguard or promote the child's welfare
 - c) A mandatory duty to accommodate pursuant to Section 20 (3) CA 1989 if the Local Authority considers the welfare of the child is likely to seriously prejudiced if they do not accommodate them.
- 7.3 The young person should be given "Redcar & Cleveland information guide for homeless, young people 16/17" to make an informed decision about becoming a child in our care. Services should also ensure that a young person receives up to date information about what assistance may be available to them by support services as a Child In Need under Section 17 of the Children Act 1989.
- 7.4 It is important to note that if a child is deemed to be accommodated pursuant to Section 20 1989 CA they will need to in agreement and fully understand the implications of being accommodated by the Local Authority and a child in care.
- 7.5 If it is determined that a young person requires Section 20 accommodation the assessment and plan setting out how they will be supported to transit into adulthood should be presented to the Resource Panel for approval.

8.0 Young people in custody

- 8.1 In the light of legal judgments (2007 Sutton and 2009 Southwark), release planning for homeless 16- and 17-year old's in custody is a children's services responsibility, to be undertaken in liaison with the youth offending team. Young people homeless on release are likely to be Children In Need who are owed a duty of accommodation under S.20 of the 1989 Children Act. Where the young person does not want to become a child in care on release and has capacity to hold such a view, their wishes should be respected but children's services should still treat the transition from custody as a corporate parenting responsibility.
- 8.2 The youth offending team will inform children's services as soon as it becomes evident that a young person in custody is likely to be homeless on release and the case will be allocated for a children and families assessment. The assessment will explore family mediation and reconciliation, alternatives within the wider family or suitable adult friendship networks (either as a short-term bridging arrangement or on a longer-term basis) and accommodation options on release, determining what ongoing support the young person might also require while still in custody. It will ascertain the young person's wishes and feelings and the weight that should be given to them.

9.0 The Child is a Child in Need Section 17 but has rejected offers of accommodation under the provision of Section 20

- 9.1 If a young person is judged to be in need and also homeless and the social worker has shared all the benefits of their accommodation needs being provided under section 20 CA 1989, but the young person has refused to accept the offer housing service should be notified immediately to ensure that any duties owed to the young person under the homeless legislation as considered and discharged.



- 9.2 The social worker may continue to remain involved to provide wider services to support the young person under Section 17 and this will require a child in need plan to be formulated.
- 9.3 If the young person has refused the offer of Section 20 this must be clearly recorded on the young person's record and good practice would require them to confirm this in writing. Independent advice for example via Shelter may be shared to ensure that the consequence of this decision is acknowledged by the young person both now and in the longer term.
- 9.4 The young person should then be provided with a letter, informing them that they are not looked after by the local authority and their social worker has explained this to them, and they are in agreement with this decision.
- 9.5 Consideration should be given to whether the young person has the capacity to understand the implications of accepting or refusing the housing and support options that are being made available to them. A young person should be encouraged to secure independent advice and support that can help them to determine what housing and support options they want.
- 9.6 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) In the exceptional circumstances of a young person insisting on Bed & Breakfast and they being no alternative the Local Authority shall undertake an immediate risk assessment to ensure the young person concerned is safeguarded.

https://england.shelter.org.uk/housing_advice/housing_for_young_people/help_and_housing_for_care_leavers