

# (Procedure on responding to young people presenting as potentially homeless (and relationship with the Joint Protocol) 01.07.20

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## 1. Introduction

1.1 Young people may present as homeless for a variety of reasons. However, family breakdown, mental health concerns and unemployment are often major contributing factors to this. 16 and 17 year olds who are homeless or threatened with homelessness are likely to be vulnerable and will often be at risk of harm in the absence of intervention and should always be considered as children in need under the Children Act 1989.

1.2 Intervention to try and prevent homelessness should always be the first step in trying to maintain the young person within their family when it is safe to do so. Only if all attempts to retain the young person in the family homes, or return the young person home, should Section 20 accommodation be considered.

1.3 Each young person should be assessed under the Children in Need procedures [For more information click here](#) to determine both their accommodation needs and their wider support needs.

1.4 Safeguarding and promoting their welfare should be central to service provision. If the threat of homelessness cannot be mitigated it will be essential that children's services and housing services work together to plan and provide services that are centred on young people and their families, so that young people are not passed back and forth between services.

1.5 The focus will always be to support the young person to remain within their family where it is safe to do so.

## **2. Purpose of this procedure**

2.1 This procedure sets out the legal duties and practical joint working arrangements between Children's Social Care and Housing in relation to assessing the needs of 16 and 17 year olds presenting as homeless, or at risk of becoming homeless, and assisting with their housing and support needs if they are not able to remain with, or return to, their families.

2.2 This procedure, and the joint protocol to which it refers, are designed to:

- Promote the welfare of young people, and prevent any young person being homeless
- Set out who is responsible for completing the child and family assessment for any young person who presents as homeless or at risk of homelessness
- Support a clearer understanding of the roles and responsibilities of workers, wider agencies and young people;
- Reduce the risk of young people being let down by any agency and therefore becoming at risk of exploitation, rough sleeping and other safeguarding risks;
- Provide young people with the support to address their problems and to experience a timely and coordinated response to their needs so that homelessness can be avoided now and in the future;
- Provide young people the opportunity to access support from an independent advocate;
- Ensure that young people who require it have access to the most appropriate housing provision and support services to prevent housing needs impacting on their wider needs
- Make the best use of resources and professional expertise;
- Avoid the use of unsuitable accommodation
- Ensure that young people who cannot remain at home are helped at the earliest and most appropriate stage of their housing pathway.

## **3. Relevant legislation and guidance**

### **3.1 Provision of accommodation for 16 and 17 year olds who may be homeless and/or require accommodation**

3.1.1 In April 2018 children's services authorities and local housing authorities were issued with updated guidance on Provision of Accommodation for 16 and 17 year olds who may be homeless and/or require accommodation. This guidance sets out the respective duties of children's services and housing services to secure or provide accommodation for 16 and 17 year old young people who are homeless or in need of accommodation.

3.1.2 This guidance, which originally issued following the judgment by the House of Lords in the case of R (G) v London Borough of Southwark in 2009, has now been updated to reflect changes in children's and homelessness legislation.

3.1.3 The guidance is clear that if a young person is at risk of becoming homeless in the future, for example because of conflict within the family home, it will be for children's services to determine what support is required depending on the circumstances and the needs of the young person and their family. Where there is no immediate threat of homelessness intervention may be more appropriately led by early help services, whereas if there is an

imminent threat of homelessness or if the young person is actually homeless, a child in need assessment must be carried out and the child accommodated under Section 20 of the Children Act 1989 (See Section 7 below)

[See Provision of accommodation for 16 and 17 year olds who may be homeless and/or require accommodation (GOV.UK)] ([link to be inserted](#))

### **3.2 Homeless Reduction Act 2017**

3.2.1 Also in April 2018, the Homelessness Reduction Act 2017 came into effect, placing new duties upon local housing authorities to intervene at an earlier stage in order to reduce the risk of homelessness.

3.2.2 The Homelessness Reduction Act (2017) places a duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams. The guidance provides helpful information and detail on the referral process which is brought out in useful links below ([links to be inserted](#))

### **4. Young people presenting as homeless to First Contact**

4.1 Any young person aged 16 or 17 who is presenting as homeless or at risk of homelessness should be referred to **First Contact**. (If the young person is the responsibility of another Local Authority then the relevant worker in that Authority will be contacted).

4.2 **First Contact** will immediately make a referral to the **Young Persons Service** in order that a Child in Need assessment can be undertaken. The **Young Persons Service** will inform the referrer of the name of the social worker.

### **5. The role of the Young Persons Service and Supporting Solutions**

5.1 On receiving the referral from First Contact, the **Young Persons Service** will immediately make a referral to **Supporting Solutions** and discuss the timing of a joint visit.

5.2 The Social Worker and **Supporting Solutions** duty worker will arrange a joint visit to the young person within the same day (until 4.45pm if necessary) to start the mediation process and explore whether a return to parents/carers can be achieved. There should also be a discussion with the family on whether a **Family Network meeting** would be appropriate. [[Link to Family Network meeting information](#)]

5.3 If the young person has returned home prior to the visit taking place, the allocated Social Worker will undertake the child in need assessment, including meeting with the young person and visiting the family home. The **Supporting Solutions** worker will offer intensive support to consolidate the young person's return home.

5.4 The Young People's Service Social Worker and Supporting Solutions worker will assess the needs of the young person, including what contributed to the young person presenting as homeless and will formulate a plan to enable the young person to remain at home/return home where safe to do so.

5.5 The assessment will inform the decision as to whether the young person is a young person in need under Section 17 of the Children Act 1989, and whether the young person meets the criteria for Section 20 accommodation (See Section 6 below).

5.6 The allocated **Supporting Solutions** worker will work extensively with the young person and the immediate/ extended family to rebuild relationships during the assessment period.

5.7 If possible, **Supporting Solutions** will then assist the **Young People's Service** Social Worker to organise a **Family Network** meeting to identify other family members who may be able to offer support and/or accommodation for the young person.

5.8 The discussion with the young person should be central to the assessment of their needs. The date of the discussion and the outcome should be clearly recorded within the young person's Liquid Logic file and in the case summary.

5.9 If after extensive efforts it becomes apparent that the young person cannot safely remain at home /return home the assessment of the young person's needs should include their views about being accommodated under Section 20 of the Children Act 1989. If the assessment recommends that the young person should become looked after, this will need to be arranged.

5.10 If the young person makes an informed decision to refuse the offer of Section 20 accommodation and it is agreed that the young person will need housing accommodation the **Young Peoples Service** will arrange a **Joint Housing Protocol** interview with the **Joint Protocol Officer** (see Section 10 below)

## **6. Accommodating under Section 20 of Children Act 1989**

6.1 The young person and their family must be given a clear explanation of the difference between receiving accommodation under Section 20 of the Children Act 1989, or support and services, which can include accommodation, under Section 17 of the Children Act 1989. This information will be provided in a 'young person friendly' format and be given to the young person to keep for full consideration and to help them seek advice.

6.2 Where, after assessment, it appears that a 16 or 17 year old has nowhere safe to stay that night, children's services must secure suitable emergency accommodation for them under Section 20. If the young person makes an informed decision not to be accommodated under Section 20, they can be offered accommodation under Section 17 of the Children Act 1989., whilst their needs, including their need for continuing accommodation and support, are further assessed.

6.3 There are only two circumstances in which a local authority can decide 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 either:

- assessed not to be a child in need at completion of the assessment process;
- is a 16 or 17 year old young person in need who, having been properly and fully advised of the implications and having the capacity to reach a decision, has decided that they do not want to be accommodated under section 20.

6.4 Young people will be given access to independent advocacy to support them to make this decision.

6.5 The request to accommodate must be made on Liquid Logic and approved by the relevant Strategic Manager.

## 7. Young People Presenting as Homeless to Housing

7.1 When a young person aged 16 or 17 presents as homeless to housing, housing will undertake preliminary enquiries to:

- Contact parents and other family members to establish the level of risk of homelessness or the prospects for an immediate return to the family home
- Assess whether there is reason to believe that a young person is homeless or threatened with homelessness
- Commence the young person's housing assessment and gather information about the history and circumstances of the young person and the events leading up to their accommodation difficulties.
- Contact (with consent) other agencies for information.
- If appropriate, discuss with the young person and their family their options and the support available to ensure that they are fully informed

7.2 If homelessness or risk of homelessness is confirmed, Housing will make a referral to **First Contact**, which will be forwarded to the **Young People's Service**. Housing will inform the referrer of this.

7.3 A Social Worker from the Young People's Service will be allocated and begin the Child in Need assessment.

## 8. Where a Young Person is open to a One Point

8.1 If a young person open to the **One Point** Service presents as homeless or is at risk of being homeless, the One Point worker should make enquiries to establish whether the young person is homeless or there is a threat of imminent homelessness.

8.2 If either homelessness or threat of homelessness is confirmed, the **One Point** worker should immediately discuss with their manager who will 'Step Up' the young person to the **Young People's Service**.

8.3 Where the young person has an established relationship with a **One Point** worker, they may remain involved with the TAF, in line with the best interest of the young person, although the lead practitioner will be the Social Worker within the **Young People's Service** who will undertake the full child in need assessment with **Supporting Solutions**.

## 9. Out of hours/ emergency referrals

9.1 **Supporting Solutions** will become involved will visit outside office hours with an **Emergency Duty Team** social worker (as long as one is available)

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

9.3 A referral will be made to the **Emergency Duty team**, who will be responsible for the funding of this accommodation, which will be then recoded to the **Young People Service**.

9.4 The following working day the young person will be referred to the **Young People's Service**.

## 10. The Joint Protocol [\[Add link to Joint protocol\]](#)

10.1 The Joint Protocol has been in place for several years. It ensures that the appropriate assessment, decision-making and delivery of services to young people is compliant with the statutory duties outlined in:

- The Children Act, 1989;
- The Housing Act, 1996;
- The Children Act, 2004;
- The Homelessness Reduction Act ,2017
- Guidance on Provision of accommodation for 16 and 17 year olds who may be homeless and/or require accommodation, 2018

10.2 If the young person cannot safely remain at home or or be returned home, and has either been assessed to not be a child in need, or has made an informed decision to refuse accommodation under Section 20 of the Children Act 1989, a **Joint Protocol** assessment will be carried out to identify their housing and support needs. This can be carried out by any of the named agencies partner to the protocol.

10.3 Where more than one agency is required to work together to meet the needs of a young person, a **Joint Protocol** panel meeting will be called.

10.4 Under the **Joint Protocol** a 16/17-year-old presenting as homeless will only be offered a homelessness assessment if a Children Act assessment has already been carried out and if this is the best option for the young person.

## Appendices

### Appendix A - Young People Involved with the Youth Offending Service

Where a young person appears before Court and is presenting as homeless on the day of the court appearance, the Youth Offending Service will undertake enquiries to establish whether there are any suitable extended family members who could care for the young person. The Youth Offending Service is responsible for confirming with the young person's family that the young person cannot return home.

If it is established that the young person is homeless or threatened with homelessness the Youth Offending Service will make a referral to **First Contact**, for the Young People's Service and Supporting Solutions to complete a full a Child in Need assessment, and if necessary provide accommodation under Section 20 or Section 17 of the Children Act 1989.

If a young person is in custody and it is known that they will be homeless on release, the Youth Offending Service will make a referral to **First Contact**. The Young People's Service will accept the referral and respond at least **56 days** prior to the release date so that an assessment can be arranged while the young person is in custody, in order to avoid homelessness on release.

If required, the Youth Offending worker will arrange a **Joint Housing Protocol** meeting.

### Appendix B - Accommodating under Section 20 of Children Act 1989 (supplementary information)

Section 20 of the Children Act, 1989 confers a mandatory duty upon local authorities to provide accommodation for children "in need" who present as homeless or threatened with homelessness and require accommodation.

If, after assessment it is identified that the young person is unable to return home discussions will take place with the young person and their family (where appropriate) about being accommodated under Section 20.

If the young person is accommodated by Children's Services for a continuous period of more than 24 hours they will become looked after, and the local authority will have the same responsibility for them as for all looked after children.

Whilst accommodated under section 20 the young person will not be eligible for welfare benefits, including housing benefits or housing costs under Universal Credit. Children's services will have a duty to maintain them, including meeting the cost of accommodation.

### Appendix C - Accommodating under Section 17 of Children Act 1989

The Child in Need assessment needs to consider whether the young person is a Child in Need under Section 17 of the Children Act 1989

Section 17 of the Children Act 1989 contains a power to provide a 'range and level of services' to 'children in need'. This can include financial support and/or accommodation.

If the young person 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, either until they are no longer assessed as being a Child in Need, or until they no longer require Section 17 accommodation.

In some circumstances the provision of accommodation under Section 17 may not be appropriate.

## **Appendix D Accommodating under Housing Act 1996**

There are two circumstances in which a child can be assessed under the Housing Act 1996. These are where a young person is either:

- not a child in need
- is a 16 or 17 year old child in need who, having been 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.

Once a young person has made this decision **it is** the duty of Durham County Council's **Housing Solutions Service** to complete a full homeless assessment and offer the young person advice and assistance along with emergency accommodation.

**Useful link:** <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/overview-of-the-homelessness-legislation>

## **Appendix E – Flowchart**

This will need to be tidied up once the revised procedure is agreed.



## 16/17 Year Old Homelessness Process

