



**Durham County Council**  
**Joint Protocol between Children's Social Care**  
**and Housing**

**8<sup>th</sup> FEBRUARY 2021**

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## **1. Introduction**

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Durham County Council's joint protocol for homeless 16 and 17 year olds is an agreement between partner agencies providing services to young people on how they will work together to meet the needs of young people at risk of homelessness, in order to ensure that young people in crisis are not being passed between agencies unnecessarily. The protocol will meet the requirement for housing and children's services departments to establish a framework for the joint assessment of 16 and 17-year olds to facilitate the seamless discharge of duties and appropriate services to this cohort of young people.

## **2. County Durham Vision**

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Our vision for 2035 is that County Durham is a place where there are more and better jobs, people live long, and independent lives and our communities are well connected and supportive of each other.

## **3. Purpose of this Protocol**

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Durham County Council wants to ensure the best outcome for vulnerable young people by committing to effective joint working by achieving a clear understanding of each other's roles and responsibilities and through a robust approach to finding solutions to problems as they arise. Where it is safe and suitable to do so, and in line with government guidelines, the expectation will be that 16 and 17-year olds will remain in the family home wherever possible.

## **4. Aims**

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The aim of the protocol is to facilitate effective inter-agency working in order to:

- Improve the life chances of young people in County Durham;
- Prevent any 16 or 17-year olds becoming homeless;
- Ensure that the young person's views and wishes, including the location where they wish to live are at the centre of any plan
- Improve outcomes for young people who present as homeless or in housing need;
- Ensure that young people are aware of all the services available to them to prevent homelessness and all of their options, including entitlement to an advocate and to the implications of becoming looked after
- Ensure young people are supported to develop the skills to live independently as required;

- Reduce the use of temporary accommodation

## **5. Key Agencies**

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All agencies are signed up to working collaboratively to shared and agreed pathways and protocols with a clear understanding of each other's roles and responsibilities

The following partners have adopted this joint protocol:

- Children and Young People's Service
- Housing Solutions
- Durham Key Options
- Supported Accommodation providers

## **6. Governance and Measuring Performance**

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The Edge of Care Steering Group oversees the performance of services on how we are meeting the needs of young people edging towards homelessness or on the edge of homelessness

Housing Solutions also report their performance to MHCLG and CSC also report internally

Some shared key performance measures have been developed (see appendix 2) which will be reviewed and revised as appropriate over time.

## **7. Prevention**

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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 network of family and friends.

Services should work together to prevent a young person from having to leave home, even if the time required to work through significant family tensions and problems means that the young person is temporarily accommodated.

It is therefore important that services enable this family focus to begin on day one and continue throughout the processes of assessment and, where necessary, the provision of accommodation.

The two principles that we have adopted to ensure young people are appropriately supported are:

Firstly: Preventing the young person reaching the stage where they need to be assessed as homeless, because their needs are met at a lower level of intervention;

Secondly: Ensuring that a young person is provided with the right level of support and accommodation, at the right time, to meet their needs

If a young person presents as potentially homeless, whether to Housing Solutions, Children and Young People's Service, or the Youth Justice service, or any other access point to Durham County Council an assessment will be commencing and a programme of support and intervention offered to facilitate them to remain or return home. There needs to be both a consistent and robust approach undertaken across all services and evidenced through offer of a tangible programme that is provided immediately.

Preventative work will be undertaken by Supporting Solutions alongside the statutory assessment processes which does not delay assessment or the delivery of statutory services to 16 and 17-year olds who may be homeless or at risk of homelessness.

## **8. Homeless Reduction Act 2017 and Duty to Refer**

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

This guidance provides helpful information and detail on the Duty to Refer (links to be inserted)

## **9. Operational pathways**

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### **9.1. Young People Edging Towards Homelessness (no immediate threat of homelessness)**

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#### **One Point**

Where a 16/17-year-old is not homeless but is edging towards homelessness due to disruption at home, advice and assistance can be provided through One Point Services. One Point Service key worker will complete an **Early Help Assessment** and arrange a **Team Around the Family** meeting to look at interventions that could prevent the young person from being asked to leave and made homeless. If at any point during the assessment the young person is asked to leave, and the One Point Key Worker has clarified homelessness, an internal step up procedure would be followed.

### **9.2. Young people on the Edge of Homelessness (immediate threat of homelessness within 56 days) or already homeless**

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#### **Young People's Service**

If a safeguarding referral is made to the Young People's Service (YPS) as a young person is on the edge of homelessness (in that they are likely to become homeless within 56 days) or already homeless, the allocated social worker from the Young People's Service will refer the young person into Supporting Solutions. Supporting Solutions will work with the young person and parents/carer and the allocated social worker to negotiate and support the young person either staying at home, or returning home, wherever possible.

If staying at, or returning, home is not achievable the social worker will, under the 'Duty to Refer' (see 8 above) make a referral to Housing Solutions, who will then commence a homeless assessment. Following this an accommodation meeting/joint protocol meeting can be arranged. Within the accommodation meeting the joint protocol co-ordinator will explain the accommodation options available to the young person.

Initially the young person will be treated as a 'Child in Need' until the outcome of the assessment. The assessment will also consider whether Section 20 accommodation is appropriate, depending on the young person's assessed level of need and considering the young person's views. It is important that there is a full discussion with the young person regarding their rights, and whether they wish to receive services as a Looked After Child under part of s20 or s17 Child in Need. This conversation needs to include consideration of Leaving care entitlement and should be revisited regularly. Consent and understanding is critical at this point and requires written signature following decision.

## **Advocacy**

A referral to NYAS should also be made, so that the young person has access to independent advocacy to support them (see Appendix 3)

### **9.3. Housing Solutions**

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Where a 16/17-year-old presents to Housing Solutions as either homeless or on the edge of homelessness (at risk of becoming homeless within 56 days), they will be spoken to by a Housing Officer who will complete a housing needs assessment form. The housing officer will make every effort to negotiate either a return to the parental home or alternative accommodation with family members or friends if such a placement is safe for the young person. This may be on a temporary basis or permanent.

If the young person is homeless, a homeless application will be taken.

If the young person does **not have** an allocated social care worker and are closed to the Children and Young People's Service, a safeguarding referral will be completed and emailed to First Contact

### **9.4. Durham Key Options/Supported accommodation providers**

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If a 16/17 year old young person or another agency (not part of the protocol partners) completes a housing application form for Durham Key Options partners or supported accommodation stating they are homeless it is up to the supported accommodation provider/Durham Key Options partner to make a referral to First Contact.

### **9.5. Supported Accommodation Providers**

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Durham County Council use supported accommodation services to accommodate 16/17-year olds

All supported accommodation providers are commissioned through Durham County Council. Monthly panel meetings are held with Accommodation Co-Ordinator within Young People's Service to raise any issues, concerns and share good practice between providers.

## 9.6. Referrals out of Hours

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If a young person presents as homeless outside office hours, the priority must be the safety and wellbeing of the young person, and, where necessary accommodation will be provided until the next working day by the emergency duty service. This accommodation must be provided under the most appropriate legal framework, which in a crisis over night is likely to be under the Children Act.

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

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

## 9.7. Escalation

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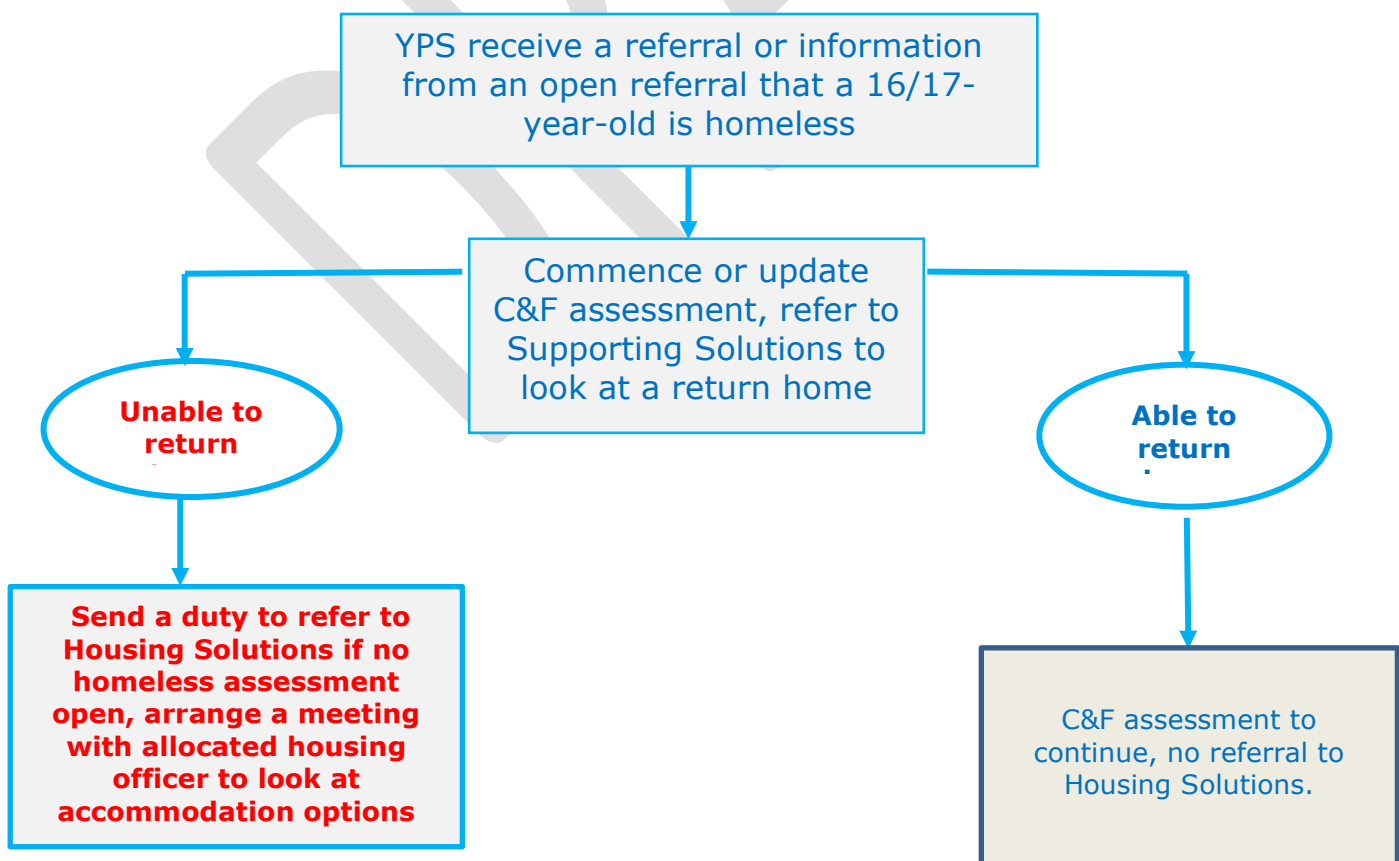
In situations where operational dispute occurs between agencies, resolution must first be attempted at practitioner level. Where issues are not able to be resolved, the matter should be escalated through respective line management arrangements. The Accommodation Co-Ordinator will review to address any re-occurring patterns within the joint protocol process.

## 10. Flow Charts

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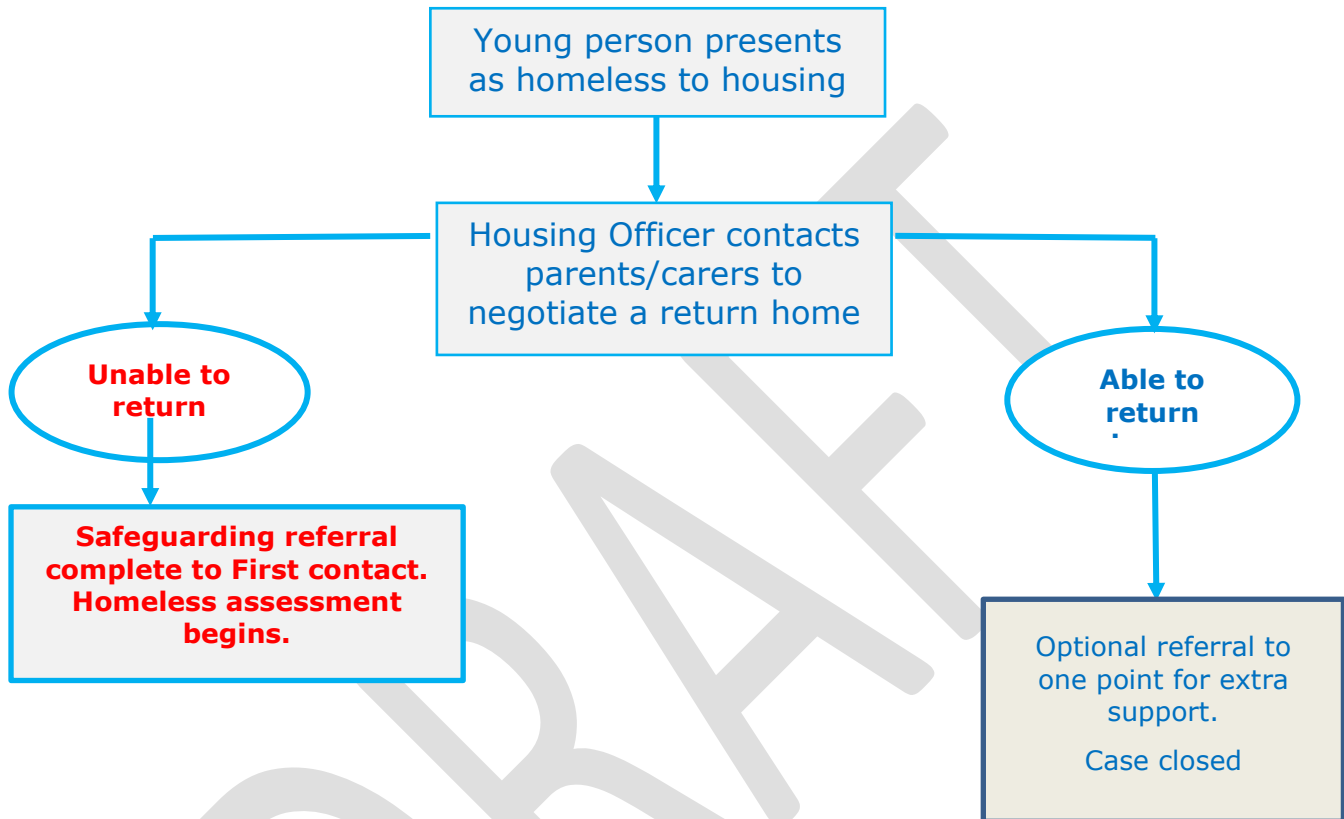
### Young People's Service (YPS)

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## Housing Solutions

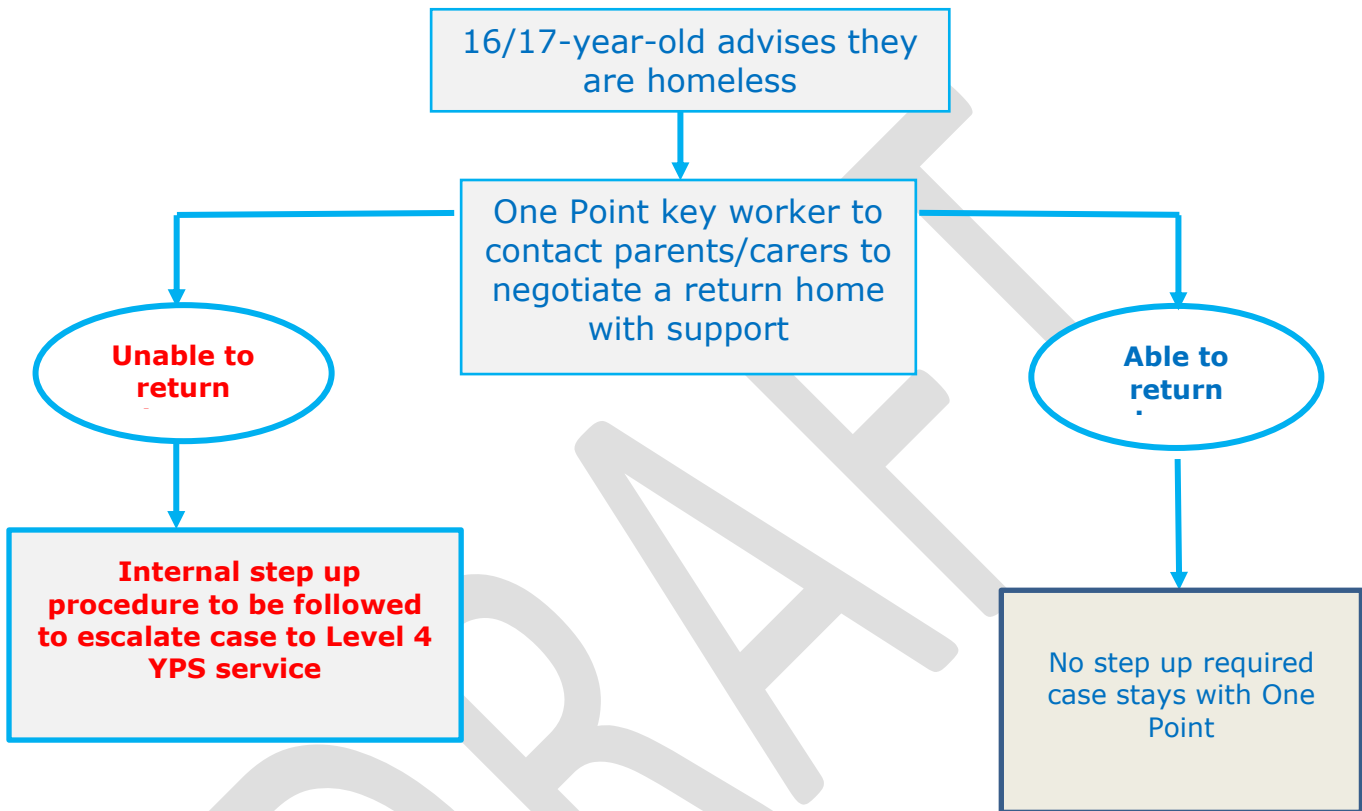
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## One Point

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# 11. Appendices

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## Appendix 1 – Legal Requirements

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

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.

This guidance, 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. In the original judgement, the House of Lords made it very clear that the 1989 Children Act has primacy over the Housing Act in providing for children in need, and that the duties of children's services authorities to accommodate children in need cannot be circumvented by referring to the housing authority. Furthermore and critically to children's services authorities, where a 16 or 17 year old presents as homeless to a local authority and is assessed as requiring accommodation, in all but a few exceptional cases, these young people will meet the criteria for accommodation under section 20 of the 1989 Children Act, and therefore become looked after children with all that entails.

Key points in the revised statutory guidance:

- Homelessness applications must be taken for all 16/17 approaches to housing authorities if are homeless or threatened with homelessness within 56 days
- Homeless 16/17-year olds must be referred to Children's Services, to complete a Child in need assessment. Trigger points and timescales for a child in need assessment changed
- HRA places a Duty to Refer on Children's Services to notify a housing authority where they consider someone is or may be homeless within 56 days. Does not diminish Children's Services duties. It is not an alternative to a child in need assessment or an early help assessment
- Young people's options and choices must be clearly explained, including providing clear information on S20 offer and Part 7 Housing Act duties
- Young people should have access to an advocacy services to assist them in making the right choice for them
- Child in need plans should be in place for all 16- and 17-year olds who are assessed as being children in need, including those who are homeless but do not want to be looked after
- Section 17 cannot be used as a substitute for the Section 20 duty

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)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/712467/Provision\\_of\\_accommodation\\_for\\_16\\_and\\_17\\_year\\_olds\\_who\\_may\\_be\\_homeless.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year_olds_who_may_be_homeless.pdf)

## Homelessness and Rough Sleeping Strategy

### Homeless Reduction Act 2017

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

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 <https://www.legislation.gov.uk/ukpga/2017/13/contents/enacted>

## Appendix 2 – Performance Indicators

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Performance Measure	By Who	Frequency
Total Contacts for 16/17 year olds presenting as homelessness or at risk of homelessness <ul style="list-style-type: none"> <li>○ Children’s Social Care</li> <li>○ Step ups</li> </ul>	CYPS	Quarterly
Number of young people referred to Supporting Solutions	Supporting Solutions	Quarterly
Number of young people accommodated in an emergency	CYPS/Housing Solutions	Quarterly
Number of joint protocol meetings which took place	CYPS/Housing Solutions	Quarterly
Number of homeless applications <ul style="list-style-type: none"> <li>○ Prevention Duty owed</li> <li>○ Relief Duty Owed</li> <li>○ Main Duty</li> </ul>	Housing Solutions	Quarterly
Current open cases	All	Quarterly
Outcomes <ul style="list-style-type: none"> <li>○ Number of young people supported to stay or return home</li> <li>○ Secured permanent accommodation for at least 6 months</li> <li>○ Number that became looked after</li> <li>○ Number that are supported with a CIN plan</li> </ul>	CYPS/Housing Solutions	Quarterly

○ Main Duty discharged		
Source of referrals	All	Ad hoc
Reason for presenting	All	Ad hoc
Early Help	TBC	TBC

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