

Wokingham Joint Protocol for addressing the needs of 16- and 17-year-olds who are homeless or are at risk of being homeless

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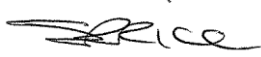
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The following statutory organisations sign up to the principles set out in this Joint Protocol and commit to its aims and objectives.

Organisation/Service Area	Signed by	Name and designation	Date
Wokingham Borough Council, Children's Services		Adam Davis, Assistant Director of Children's Services (Social Care and Early Help)	11 th January 2022
Wokingham Borough Council, Place and Growth		Simon Price, Assistant Director of Neighbourhoods and Communities	11 th January 2022

Section 1: Introduction

1.1 This protocol sets out how Children's Services and the Homelessness and Housing Needs Service in Wokingham Borough Council (WBC) will work together to when 16 /17 year olds are homeless or at high risk of becoming homeless.

1.2 The purpose of this joint protocol is to ensure that young people are not passed around, being sent between Children's Services and Housing, but that they and their parents (or those with parental responsibility) get a timely and helpful response from WBC , which focusses on the well-being and safety of the young person and supports them to remain with their family wherever it is safe to do so.

1.3 There are specific legal duties to 16/17 year olds who are or may be homeless, which, because of their age and legal status as children, mean that officers from both Children's Services and Housing need to understand the interplay between 2 different sets of legal duties, as set out in the Children Act 1989 and the Housing Act 1996.

1.4 As well as understanding legal duties and how they work in practice in WBC, officers need to be alert to the breadth of safeguarding issues relating to teenagers and ensure that any concerns are managed promptly and in accordance with the WBC statutory procedures, alongside the issue of threat of homelessness.

1.5 This joint protocol has been jointly written and agreed by Children's Services (Social Care and Early Help) and the Homelessness and Housing Needs Service. Within Children's Services (Social Care and Early Help) are the following services for children, young people and their families which are directly relevant in terms of this joint protocol:

- Early Help Services
- Duty, Triage and Assessment Service
- 3 Long Term Teams (Brambles, Ambleside and Conifers)

- The Compass Service
- The Youth Offending Service
- Here4U Service (looked after children and care leavers)

Within the Homelessness and Housing Needs Service are the following services for households in housing need:

- Homelessness and Housing Needs Service
- Allocation of social housing/the Housing Register

Section 2: Our shared principles

2.1 We are committed to preventing homelessness and together we will work with young people and their families to achieve this where it is possible and safe to do so.

2.2. The safety and welfare of the young person is paramount.

2.3 All young people aged 16 or 17 will be able to access services, regardless of which service they approach, there is no 'wrong door'. Young people will not be sent between services.

2.4 The WBC joint assessment process will reduce the number of times a young person has to 'tell their story'.

2.5 Front line staff will take into account the wishes and feelings of the young people with whom they are working, and provide young people with:

- Clear and accurate information
- Independent advocacy through the Children's Rights Office if required
- Good communication between Children's Services and Housing.
- Understanding and sensitivity to their needs

2.6 Becoming homeless at a young age results in poor life chances for young people as they make the transition to adulthood. In most instances, it is in young people's best interests to remain with their parents or wider family network. We will work together to support young people to remain or return home or support them to live within their extended family or with another responsible adult in the young person's network.

2.7 Statutory guidance will be followed when completing joint assessments for young people who present as potentially homeless and in need of accommodation and support services.

2.8 Officers will have a good understanding of each other's duties and work collaboratively, sharing information as appropriate and with young people's consent, unless there are safeguarding or other reasons that would necessitate information sharing without consent.

2.9 Officers will ensure they communicate the outcomes of joint assessments between Children's Services, the Homelessness and Housing Needs Service and other relevant agencies. The levels of assistance a young person receives and from whom will be clearly confirmed to all those involved directly in the case.

2.10 The young person will be kept informed of, and involved with, all progress and decisions made. As appropriate, their parents and families will also be informed.

2.11 Where accommodation is needed, this will be provided based on the assessed needs of the young person and in accordance with the relevant statutory duties of the Service which is placing the young person.

2.12 Where accommodation is provided, work will be undertaken with young people to reunify them with their families wherever safe to do so and in the shortest appropriate timescale.

2.13 B&B is not suitable for homeless 16 /17 year olds in any circumstances and will not be used. If it is ever used in exceptional circumstances, this will require authorisation from either the Assistant Director, Children's Services (Social Care and Early Help) or the Assistant Director Neighbourhoods and Communities. This will be strictly time limited on a day by day basis and additional support sought. Any B&B placement will be reviewed on a daily basis and learning shared between partners to avoid any future use of B&B provision. Where the young person is placed in unsupported accommodation, additional support will be provided through the team with responsibility for the young person within Children's Services (Social Care and Early Help).

Section 3: The aims of the joint working arrangements in this protocol

The aims of the joint protocol are to:

3.1 Prevent homelessness occurring wherever possible through early identification and a timely response.

3.2 Establish collaborative working between frontline officers through shared understanding of the respective legal duties and how these work in WBC; effective information sharing and timely interventions for young people.

3.3 Stop young people needing to have more than 1 assessment and 'tell their story' several times, through a seamless joint assessment process.

3.4 Make best use of Early Help and other services including the Compass Team and using Family Network Meetings to reunite families wherever possible.

3.5 Provide WBC information for young people and their families about preventing homelessness; realistic accommodation options that are available; the rights of young people who are homeless or threatened with homelessness; other help that is available and how to access that help.

3.6 Ensure we undertake accurate and timely joint statutory assessments which meet both the requirements of Section 17 of the Children Act 1989 and the Housing Act 1996 as amended by the Homelessness Reduction Act 2017

3.7 Assist young people to make informed decisions by giving them clear information about the outcomes of their assessments and options or resources available and the offer of an independent advocate, through the Children's Rights Officer, if required.

3.8 Ensure young people have access to suitable short stay/emergency accommodation if required, with continued work with families as appropriate to re-unite young people with parents/extended family or stay with another responsible adult in the young person's network

3.9 Establish joint monitoring arrangements in order that information gathered can improve our understanding of any trends, inform service development and commissioning.

3.10 Arrange joint briefing and training opportunities to ensure continued understanding of roles and responsibilities and promote collaborative working.

3.11 Review the operational application of the joint protocol on a regular basis in order that there is learning from any disputes or difficulties with cases, as well as those cases where joint working has successfully taken place.

Section 4: Statutory guidance

4.1 This joint protocol reflects national legislation and guidance with respect to local authorities' duties. There is more detail on the legal duties in Section 5 below. This Section provides an overview of the statutory guidance, which officers will find helpful to be aware of:

4.2 *The Prevention of Homelessness and Provision of Accommodation for 16 and 17 year old Young People who may be Homeless and/or Require Accommodation*, published in 2018 jointly by the Department for Levelling Up, Housing and Communities and the Department for Education. This reflects all changes to legislation and case law in relation to 16/17 year olds and how Children's Services and Housing Authorities will work together. It starts with the premise that most young people are best living with their families or kin and requires local authorities to help them to achieve this wherever possible.

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

4.3 *Working Together to Safeguard Children*, published in 2018 by the Department for Education. This sets out how agencies will work together to safeguard children and young people and promote their welfare. This guidance

promotes a child-centred and coordinated approach to safeguarding, expecting compliance by local authorities. This is informed by two key principles:

- safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part; and
- a child-centred approach: for services to be effective they should be based on a clear understanding of the needs and views of children.

<https://www.gov.uk/government/publications/working-together-to-safeguard-children-2>

4.4 ***The Children Act 1989 guidance and regulations, Volume 2: care planning, placement and case review***, most recently updated in 2015 by the Department for Education. This sets out the legal duties, considerations and guidance for looked after children, including types of and suitability of placements.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children Act Guidance 2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf)

4.5 ***The Children Act 1989 guidance and regulations, The Transition to Adulthood for Care Leavers***, most recently updated in 2015 by the Department for Education. This sets out the legal duties, considerations and guidance for young people who are care leavers.

<https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers>

4.6 ***The Homelessness Code of Guidance*** most recently published by the Department for Levelling Up, Housing and Communities in 2018. This sets out the detailed guidance on how housing authorities should exercise their functions in respect of Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017. Chapter 8 of the Code of Guidance concerns Priority Need for accommodation and this includes 16/17 year olds. However, the detail of the way in which homelessness law applies to the 16/17-year-old age group is set out in the Department of Levelling Up, Housing and Communities and DfE joint statutory guidance, see Point 4.2 above.

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>

Section 5: The Legal Framework

5.1 The legal framework for responding to 16/17 years old presenting as homeless is set out in:

- Section 17 and Section 20 of The Children Act 1989
- Part 7 of the Housing Act 1996, as amended by the Homelessness Reduction Act 2018 and the Priority Needs Order 2002

5.2 Children's Services duty to accommodate a child in need, under Section 20 of the Children Act 1989 takes precedence over its duties under the Housing Act 1996 in providing for children in need of accommodation aged 16/17.

5.3 In almost all cases of 16/17 year old who was homeless, they would be assessed under Section 17 to determine if they are a child in need of accommodation. In most instances where homelessness cannot be prevented, the young person who is homeless would, subject to their wishes and feelings and capacity to make decisions, become looked after under Section 20 of the Children Act 1989.

5.4 There are very few exceptions to a 16/17 year old not being assessed as a child in need of accommodation and Section 20 not applying. These are:

- If a 16/17 is already been living independently successfully with no one exercising parental responsibility. There will be very few young people in this groups
- A 16/17 year old is homeless but they need to be accommodated with their parents/ family

A homeless 16/17 year old may be assessed as a child in need of accommodation but they decide they do not wish to become looked after. If they are judged to have the capacity to make this decision, then the Section 20 duty to accommodate would not apply. There is additional information on this in point 6.11 below.

5.5 **Section 20 of the Children Act 1989:**

The decision to accommodate a child under Section 20 is one that must be based on legal duties and professional judgment, with the best interests of the child and their welfare driving decision making.

Wokingham Borough Council (WBC) has a responsibility under Section 20(1) of the Children Act 1989 to accommodate a child where

- a. There is no one with parental responsibility for them
- b. The child is lost or abandoned
- c. The person who did provide the child with accommodation is being prevented from doing so.

WBC also has a responsibility under Section 20(3) and Section 20 (4) of the Children Act 1989 to accommodate a child aged 16 or 17 in other circumstances, as set out below:

20 (3) Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority

consider is likely to be seriously prejudiced if they do not provide him/her with accommodation.

20 (4) A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him/her is able to provide him/her with accommodation) if they consider that to do so would safeguard or promote the child's welfare.

Where a child is to become looked after under Section 20:

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.

5.6 Section 17 of the Children Act 1989

Section 17 assistance can be used in a preventative way, intended to support children in need and families to remain together.

In the case of a homeless 16/17 year old, the powers of local authorities to provide accommodation under Section 17 of the Children Act 1989 cannot be used as a substitute for their duty to provide accommodation under Section 20(1) of the Children Act 1989 if they are assessed as being a child in need. Young people in this position should become looked after.

Where a young person is assessed as being homeless and is a child in need under Section 17 but decides they do not wish to become looked after under Section 20 and has the capacity to make this decision, they will have a Child in Need plan, which will set out the support from WBC Children's Services and other agencies (as agreed). The accommodation would, in these cases, be provided under Part 7 of the Housing Act 1996, unless there were specific circumstances that meant WBC Homelessness and Housing Needs Service had no statutory duty to the young person.

These situations are covered in detail in the Department of Levelling Up, Housing and Communities and DfE joint statutory guidance, '*Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*', in points 3.60 and 3.61 and points 4.28 and 4.29 within that document:

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

5.7 Part 7 of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017)

The homelessness legislation is set out in Part 7 of the Housing Act 1996. Some of the key duties and powers available to housing authorities which are most relevant to the situation of 16 and 17 year olds being homeless or threatened with homelessness are:

5.7.1 Section 183: **A duty to take a homelessness application** for anyone who may be homeless or threatened with homelessness within 56 days

5.7.2 Section 184: **A duty to make enquiries** to satisfy themselves they are eligible for assistance (in terms of citizenship and immigration control) and if so, what duties may be owed to them

5.7.3 Section 189A: **A duty to assess** 3 areas:

- What are the circumstances that have caused their homelessness/risk of homelessness?
- What are their housing needs?
- What, if any, are their other support needs to be addressed to enable them to keep/ obtain and then sustain accommodation?

5.7.4 **A duty to provide a Personalised Housing Plan (PHP)** which sets out the 'reasonable steps' the authority will take to try and prevent or relieve homelessness. The PHP will also include steps the applicant will take, and can identify any support from other agencies

5.7.5 **Section 195: The 'prevention' duty** applies where an applicant is not homeless but is threatened with homelessness within 56 days. The authority must take reasonable steps to help the applicant to secure that accommodation does not cease to be available for the applicant's occupation

5.7.6 **Section 189B: The 'relief' duty** applies where an applicant is homeless. In these cases, the authority has 56 days to take reasonable steps to help the applicant to secure suitable accommodation becomes available for the applicant's occupation for at least 6 months.

5.7.7 Section 189: Sets out **which groups have a 'priority need' for accommodation** if homeless.

This includes 16- and 17-year-old homeless applicants, who must be accepted as having a priority need except for an applicant who is:

- a child in need to whom a local authority owes a duty to provide accommodation under section 20 of the Children Act 1989.
- a relevant child. A relevant child is a child who is aged 16 or 17, who has now left care but has spent at least 13 weeks in care while over the age of 14, at least one day of which must have been when s/he was over the age of 16.

5.7.8 **Section 188: The provision of interim temporary accommodation.** Where a local housing authority have reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they must ensure that suitable accommodation is available for the applicant's occupation.

5.7.9 Section 213B: Often called ‘**the duty to refer**’, this Section sets out the duty of a specified public body to refer cases to a housing authority if it is considered someone is homeless or threatened with homelessness . This is where a specified public body, which includes Children’s Services and Youth Offending Services is required to refer cases where it is considered that a person is homeless or threatened with homelessness.

This can only take place with consent from the person for the public body to make the referral and also for the housing authority to then contact the person.

The referral does not diminish children’s services responsibilities towards young people. It should be used to help strengthen communication between children’s and housing services, it will not be an alternative to carrying out a child in need or early help assessment. (see point 3.36 in the joint statutory guidance, ‘*Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*’)

5.8 Case law: The most significant of piece of case law is the judgment in the House of Lords, (**R (G) v Southwark LBC**) **May 2009**, which did not change the law, but clarified the legal position, in terms of where responsibilities lay between Children’s Services and Housing Authorities in the case of a homeless 16/17 year old. It also clarified the inter-play between Section 20 and Section 17 of the Children Act 1989.

<https://publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-1.htm>

This case law is reflected in the Department of Levelling Up, Housing and Communities and Department for Education joint statutory guidance.

5.9 The Mental Capacity Act (2005) is the law which provides protection and support for people who, even on a temporary basis, cannot make decisions for themselves. It lays out how we should assess whether someone can make their own decisions and, if not, how decisions should be made for them. Everyone who is caring for or supporting someone who may lack capacity to make their own decisions must comply with Mental Capacity Act I and this should also be borne in mind when considering a young person or their parent’s decisions about accommodation.

Section 6: Joint working arrangements in Wokingham

6.1 This part of the joint protocol is set out to reflect what happens when young people are or may be homeless or a risk of homelessness. It covers the joint assessment process and the legal duties which might be owed and local processes.

6.1.1 Officers should be mindful of the importance of taking actions to prevent or relieve homelessness alongside all the necessary statutory work around assessments and decision making.

6.1.2 All of this Section reflects the legal duties and how they are applied in practice in WBC. There is more detail relating to this Section of the Joint Protocol, which is set out in the joint Department of Levelling Up, Housing and Communities and DfE

statutory guidance *Prevention of Homelessness and Provision of Accommodation for 16 and 17 year old Young People who may be Homeless and/or Require Accommodation.*

This is available here:

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

6.2 Where either Children’s Services or Housing believe a young person aged 16/17 is homeless or at high risk of becoming homeless in the next few days or weeks (up to 56 days in total) , this should trigger a joint assessment. The joint assessment brings together the Section 17 child in need or ‘single’ assessment and the statutory homelessness assessment. This process will assist in joint decision making, more seamless communication and reduce the number of times the young person needs to ‘tell their story’.

6.3 Different groups of young people are covered by the joint working arrangements. Some 16/17 year olds will already be known to Children’s Services and may already have an open case as a child in need for a different reason. They may be getting support through Early Help or have a Child Protection Plan. The fact that a 16 or 17 year old is already supported or receiving services through Children’s Services does not alter the legal duties toward them if they are or may be homeless. This joint protocol still applies to these young people.

Other 16/17 year olds may not be known to any service and could present to or be referred to either Children’s Services or the Homelessness and Housing Needs Service.

6.4 There are some groups of young people aged 16/17 whose circumstances mean that additional considerations need to be taken into account if they are homeless or threatened with homelessness. These include:

6.4.1 Young parents: All 16 and 17 year olds are children until they are 18, including young people who already have children of their own. The statutory duties and the joint assessment process will therefore apply to young parents aged 16/17.

If a 16/17 year old young woman is pregnant or has a child or children of her own, Children’s Services’ duties will be determined towards the young person and her children individually.

6.4.2 16/17 year olds in relationships with older partners: If a young person aged 16/17 is in a relationship with an older person, who is aged 18 or over, any duties towards the 16 or 17 year old, including types of placement or accommodation will be considered in the context of that relationship.

6.4.3 16 /17 year olds in custody: The Youth Offending Service will have worked on resettlement planning with the young person and their family from the start of the sentence. Where a young person aged 16/17 is in custody, is not already looked after or a 'relevant child' and may be homeless on release because they have no accommodation to return to, they will require a child in need assessment before they leave custody. The young person's Youth Offending Service case officer will need to ensure that a referral is made to Children's Services for a child in need assessment.

As outlined in Point 5.79, there is a 'duty to refer' (Section 213B of the Housing Act 1996) placed on some specified public bodies to make a referral, with consent to the housing authority, where someone is or may be homeless within 56 days. This applies to the situation of a young person in custody. With the young person's consent, the Youth Offending Service should make a referral to the housing authority of the young person's choice. This referral should be made with as much notice as possible.

The joint assessment should explore all possibilities of restoring the young person to family home, the extended family network or to a responsible adult in the young person's network. The Youth Offending Service case officer should be involved in the joint assessment process, as well as any family members and other services.

6.4.4 Young people from other local authority areas: Where a young person who is ordinarily resident in another local authority area approaches Wokingham Borough Council (WBC) as homeless, an initial interview combined with some enquiries in the local authority area where the young person came from will assist in establishing if it is possible for the young person to return from the area they have come from.

The welfare of the child is paramount, and this should be at the heart of decisions to assist young people ordinarily resident in other areas. Any negotiation or resolution of dispute concerning which local authority is responsible should not override the need to assist the young person with their immediate situation.

Where it is not possible for the young person to return to the authority where they are ordinarily resident on the same day, the duty to assess and meet the young person's needs immediate needs will be with WBC. All matters relating to cases of young people aged 16/17 from other areas should be discussed jointly between Children's Services and the Homelessness and Housing Needs Service.

Where the young person wishes to make a homelessness application to WBC aged 16/17, if they are already homeless then WBC may, at the discretion of the Homelessness and Housing Needs Service, based on the information available, consider if the young person has a local connection to WBC.

6.5 When the initial approach is to Children's Services:

This applies in all instances where a young person who is homeless or threatened with homelessness makes their first contact with Children's Services, or they are already receiving services from Children's Services.

This includes 16/17s who:

- are already 'open' to Children's Services because they are, for example, a child in need, or receiving Early Help services, or subject to a Child Protection Plan.
- or have been referred by another organisation or a Service within the Council e.g. Youth Offending Service
- or have approached Children's Services directly themselves

At this point Children's Services will take some basic information regarding the young person and their circumstances.

If it is the case that the young person is or could be homeless or at risk of homelessness in the next few days or weeks, consent is needed from the young person to make a referral to the Homelessness and Housing Needs Services under the 'Duty to Refer'.

This will inform the Homelessness and Housing Needs Services there is a 16/17 year old who may be homeless or threatened with homelessness. Note that this does not diminish the legal duties which Children's Services have. The referral will formally notify the Homelessness and Housing Needs Service that there is a young person at risk of homelessness.

Housing and Children's Services will then communicate with each other and agree what the next steps will be in terms of undertaking a joint assessment together and any prevention work which could run alongside or in conjunction with this process.

As set out in the Government's statutory joint guidance, a child in need assessment must be triggered where homelessness is actual or is imminent. This means where homelessness is likely within the next few days or weeks. In WBC there is an agreement that the assessment would be a joint assessment with the Homelessness and Housing Needs Service.

6.6. If the young person needs short stay or emergency accommodation during the assessment process and the initial approach was to Children's Services:

Where a young person has approached or been referred to Children's Services on the basis of being homeless, and if they require short stay or emergency accommodation, in the first instance Children's Services will determine if there is someone with parental responsibility who is willing to offer or arrange accommodation for the young person.

If this not possible or appropriate then suitable accommodation will be found, offered and funded under Section 20 of the Children Act 1989 until the outcome of the joint assessment is known.

Where a young person is placed for more than 24 hours under Section 20 they will become a looked after child.

Note that emergency placements should not be made under Section 17 for a 16/17 year old who is or may be homeless and is not with his or her parent/family. Any placement, even for a short time, would be as a Section 20 placement.

6.7 When the initial approach is to the Homelessness and Housing Needs Service : If the young person approaches the Housing Needs Team, they will conduct an initial interview with the young person first in order to be satisfied there is reason to believe the young person may be eligible, homeless or at risk of becoming homeless within 56 days, this triggers the commencement of the Section 184 homelessness duty to make enquiries.

An immediate referral will be made to Children's Services at this point, requesting a joint assessment, comprising of the child in need assessment and the statutory homelessness assessment.

The Housing Needs Team will not owe a duty to a 16/17 year old if it is established that the young person is:

- already a Looked After Child (under Section 20 or Section 31 of the Children Act 1989)
- or is a 'relevant' child, who is aged 16/17 and has already left care, there will be no further statutory duty owing
- or is not eligible in terms of immigration control
- or is not homeless or threatened with homelessness, because they have somewhere that is available to them and it is reasonable for them to occupy

In these instances a referral must be made to Children's Services. Issues regarding the welfare of the young person and safeguarding should be shared.

The Homelessness and Housing Needs Service will seek to co-operate with Children's Services in these instances if necessary, as set out in Section 27 of the Children Act 1989, as long as in so doing it does not prejudice the discharge of their own functions.

6.8 If the young person needs short stay or emergency accommodation during the assessment process and the initial approach was to the Homelessness and Housing Needs Service:

Where a young person has approached the Homelessness and Housing Needs Services on the basis of being homeless, and if they require short stay or emergency accommodation, in the first instance the Homelessness and Housing Needs Service will determine if there is someone with parental responsibility who is willing to offer or arrange accommodation for the young person.

If this not possible or appropriate suitable interim accommodation will be found, offered and funded under Section 188 of the Housing Act 1996 until the outcome of the joint assessment is known. A claim for housing benefit can be made at this point.

If the young person has approached the Homelessness and Housing Needs Service for assistance but already has an 'open' case with Children's Services, the responsibility for providing the accommodation will rest with Children's Services, who will need to place the young person into suitable short stay or emergency accommodation, as set out in Point 6.6.

6.9 When the initial approach is outside usual office hours

Where 16 /17 year olds present or are referred as homeless outside of office hours, the priority must be the safety and well-being of the young person. Children's Services will accommodate until the next working day when a joint assessment can take place.

6.10 The Joint Assessment process: With the consent of the young person a joint assessment will take place as soon as possible. This will be undertaken by Children's Services and the Homelessness and Housing Needs Service together.

6.10.1 Children's Services will lead the joint assessment process from the beginning, reflecting the legal position that in the case of children in need of accommodation, the Children Act 1989 has primacy over the Housing Act 1996 in providing for 16 and 17 year olds who are not with their parents or anyone with parental responsibility for them.

6.10.2 It is critical that throughout the assessment process, any opportunities to prevent or relieve homelessness are taken and where possible, the actions are jointly undertaken. Where this is not possible, the prevention actions should be communicated between Children's Services and the Homelessness and Housing Needs Service.

6.10.3 The joint assessment will commence within 2 working days. There may be exceptions circumstances where a joint assessment must start immediately, in which case both Children's Services and the Homelessness and Housing Needs Service will agree this at the earliest point on the same working day and the assessment will commence. A joint assessment for a homeless 16- or 17-year-olds must be completed within 10 working days from commencement unless there are reasons which both Children's Services and the Homelessness and Housing Needs Service agree regarding why this would not be the case.

If the young person already has an 'open' case with Children's Services and has a Child in Need Plan, this should be reviewed with the young person and their family within 10 working days.

The joint assessment will cover both the child in need assessment and also the housing authority statutory enquiries into eligibility, homelessness and the young person's housing circumstances, housing needs and any related support needs.

The joint assessment will involve:

- the young person
- their family
- any other significant family friends
- other agencies or services which work with the young person or the family

6.10.4 The joint assessment will aim to determine the following:

For Children's Services:

- Is the young person aged 16 or 17?
- Are they a child in need, as set out in Section 17 of the Children Act?
- Does the need arise because they are homeless and require accommodation?
- Is that need the result of Section 20 (1 (a-c)) or Section 20 (3) or Section 20 (4)
- Do they usually live in Wokingham ?
- What are their wishes and feelings regarding the provision of accommodation
- What considerations (having regard to the young person's age and understanding) is to be given to their wishes and feelings?

For the Homelessness and Housing Needs Service:

- Is the young person eligible in terms of immigration control or other reasons regarding their status in the UK?
- Is the young person homeless or threatened with homelessness within 56 days?
- Does the young person have a priority need for accommodation¹?
- What are the circumstances that have led to their current situation of homelessness?
- What are their accommodation needs?
- What are the relevant support needs to be addressed and who will assist them, in order that they can manage in their accommodation (whether this is to stay with family/friends or move into alternative accommodation)?

¹ See Point 5.7.7 - 16/17 year olds will not have an automatic priority need for accommodation if they are a care leaver who is a 'relevant' child or if they are owed a duty under Section 20 of the Children Act 1989

6.10.5 Decisions regarding the ongoing responsibility to provide any accommodation needed will be dependent on the outcome and recommendations following completion of the joint assessment.

6.11 Wishes and feelings of the young person: The joint assessment will also consider the young person's wishes and determine the most appropriate pathway for the young person, taking into account the legislative context and the statutory guidance.

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

6.11.2 If a young person cannot stay within or return to the family home or extended family or friends network, it is likely that they will be a child in need of accommodation and would be offered to the option to become looked after under Section 20 of the Children Act 1989. The joint assessment will determine this, but there are few instances where this would not be the case, as set out in Points 5.3 and 5.4 above.

6.11.3 Decisions on becoming looked after must be based on full and impartial information about the practicalities and support offered if a young person is in care, being a care leaver and what would happen if they did not become looked after but decided to be accommodated under Housing Act duties. This work should be supported by the WBC Children's Rights Officer who will act as an independent advocate where appropriate.

Professionals conducting the joint assessment must provide impartial, balanced and realistic information about the support that the young person can expect as a Looked After Child, including details of the care plan, where they might live and with whom, regular reviews and social worker visits and subsequently, if the criteria are met, entitlements as a care leaver.

6.11.4 Children's Services and the Homelessness and Housing Needs Service must also ensure that a young person who is homeless is informed of their entitlements and receives accurate information about what assistance may be available to them if they do not become looked after, and how any entitlement for assistance will be determined. In particular, young people will need to understand the ways in which a homelessness duty can be ended and the implications of this, for example:

- where someone is homeless but turns down a suitable 'Final Offer' of accommodation
- the possible risk of being assessed as being 'intentionally' homeless

6.11.5 Most young people aged 16/17 will be assessed to have the capacity to make decisions but if through the joint assessment process there is a concern that the young person may not have capacity, a meeting to discuss this should be called with the Team Manager from the relevant Children's Services team.

Section 7: Working with families

7.1 As part of their enquiries, Children's Services and/or the Homelessness and Housing Needs Service will want to make contact with the young person's parents or carers and conduct a home visit where possible or appropriate. They may also work with other agencies as appropriate, to gather relevant information and to explore whether or not it is possible and safe for the young person to return home.

7.2 In some circumstances (where forced marriage, trafficking or sexual abuse, are suspected, for example), it will not be appropriate to contact the young person's parents or carers as this may put the young person at risk. Where there is any concern of a risk to the young person or disclosure of abuse, information must be shared between Children's Services and the Homelessness and Housing Needs Service.

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

7.3 In most instances, the use of prevention work, such as home visits, on-line or telephone discussions, involving negotiation, mediation, practical assistance and arranging family network meetings can assist young people and their families to stay together. This should take place alongside the statutory assessment activity.

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

7.5 Children's Services and the Homelessness and Housing Needs Service will work together to conclude the determination of duties under the Children Act 1989 and Housing Act 1996 and where there are duties owed, to put in place a suitable package of assistance which reflects the young person's wishes and feelings, is realistic and will best assist the young person in moving on to independence, including retaining supportive social and family networks, plans for education, training and work. In order to do this, families should be consulted and involved, unless there are clear reasons why this should not take place.

7.6 During and after the joint assessment, Children's Services staff and Homelessness and Housing Needs Service staff will continue to explore the possibility of the young person returning to family, their extended family or to friends and, where this is a safe option, they will positively support this. Appropriate consideration will be given to the

young person's informed choice and their level of resilience and resourcefulness to manage in the accommodation provided, alongside their vulnerability.

Section 8: Actions following the outcome of the Joint Assessment

8.1 Following the joint assessment, Children's Services and the Homelessness and Housing Needs Services will be in a position to determining whether:

- The young person is a child in need of services under Section 17 of the Children Act 1989
- Children's Services should offer accommodation under Section 20 of the Children Act 1989
- There are any Early Help Services or other services which could be provided to meet identified needs
- Any duties are owed under Part 7 of the Housing Act 1996

8.2 The outcome of the joint assessment will be communicated on completion, to the young person, and if appropriate, their parents or people with parental responsibility.

8.3 In many instances, the child in need assessment will determine that the young person is in need under Section 17 of the Children Act 1989, but does not require housing, because he/she can stay at home, or with their extended family or friends, or may already be living independently. It will also inform the package of support to facilitate and maintain the return home and prevent future homelessness.

8.4 Whilst the joint assessment process should ensure a seamless approach between Children's Services and the Homelessness and Housing Needs Service, it is critical that the steps outlined in different scenarios are followed so young people are supported in a seamless, client-focussed way and their need for accommodation and support is addressed. The actions following the joint assessment and the determination of duties are summarised below:

8.4.1 If a duty is owed under Section 17 AND Section 20 applies Children's Services will:

- Discuss the assessment outcomes and options for the future with the young person ensuring that they can make a fully informed decision on whether to accept the offer of assistance under Section 20.
- Ensure the placement options reflect and are suitable to meet the needs of the young person. This should include the range of foster, residential care and semi-independent options available.

8.4.2 If the young person accepts the offer of assistance under Section 20, Children's Services will:

- Inform the Homelessness and Housing Needs Service and any other referring agency.
- Arrange a placement under Section 20 in suitable accommodation taking over financial responsibility for the young person's accommodation if they have previously been placed by the Homelessness and Housing Needs Service
- Put in place a care plan and allocated social worker for the young person in accordance with looked after children procedures.

8.4.3 If the young person does not accept the offer of assistance under Section 20 Children's Services will:

- Consider if there is a need for some independent advocacy and if so, arrange this, in the first instance with the Children's Rights Officer
- Assess the capacity of the young person to make this decision.
- Advise the young person to contact the Homelessness and Housing Needs Service as soon as possible and ensure this takes place in a seamless way, so the young person does not 'get lost' between services whilst they are homeless and in need of accommodation and support
- Inform the Homelessness and Housing Needs Service by email including the reasons why the young person refused assistance.
- Develop a Child in Need plan for the young person, based on their other assessed support needs. This should include assisting them to access welfare benefits to cover costs of accommodation and a personal allowance.
- Inform the providers of the short stay/emergency accommodation if the young person has been placed in emergency accommodation of the date Children's Services will cease payment.

8.4.4 If the young person is not owed any duty by the Homelessness and Housing Needs Service, because, for example, they are found to be intentionally homeless, but does not accept the offer of assistance under Section 20 of the Children Act, Children's Services will:

- Undertake further work on their wishes and feelings about becoming looked after and the implications of refusing this when there is no Housing duty owed to them
- Offer them accommodation under Section 17 if they again do not accept Section 20 and ensure this is signed off by senior managers²
- Draw up a Child in Need plan which reflects the need for both accommodation and other support and how this will be provided

8.5 The Homelessness and Housing Needs Service actions after being informed by Children's Services of their determination of duties under the Children Act 1989 are summarised below:

8.5.1 If a duty is owed under Section 17 and Section 20 of the Children Act 1989 applies and the young person has accepted the offer of assistance under Section 20 the Homelessness and Housing Needs Services will:

- Issue a decision to end the relief duty if the young person is still within the relief duty and has accepted Section 20, due to them having accommodation available. If the decision on Section 20 is reached whilst the 'main' housing duty is being assessed, a non-priority decision letter will be issued due to them being a looked after child.
- Assist Children's Services in finding suitable Section 20 placement options, if requested to do so.
- If the young person has previously been placed in emergency accommodation by the Homelessness and Housing Needs Service, notify the Housing Benefit team that housing benefit entitlement has ceased, and the provider of accommodation that invoices should be directed to Children's Services from this point on.

8.5.2 If a duty is owed under Section 17 but Section 20 does not apply because the young person does not wish to be looked after, the Homelessness and Housing Needs Service will:

- Determine which duties are owed under Part 7 of the Housing Act 1996.

² Section 17 should not usually be used to provide accommodation to a child in need aged 16/17 who is homeless and will happen only in exceptional circumstances. In these instances please refer to the Joint Statutory Guidance on 16/17 year olds at risk of homelessness, which covers this.

- If the young person is found to be homeless, accept the relief duty, draw up a Personal Housing Plan and place the young person into suitable interim temporary accommodation under Section 188 and arrange for young person to claim housing benefit.
- Liaise with Children's Service about meeting the support needs of the young person and the development of a Child in Need plan.

8.5.3 If a duty is owed under Section 17 but Section 20 does not apply because the young person is not homeless, the Homelessness and Housing Needs Service will:

- Determine if a prevention duty is owed under Part 7 of the Housing Act 1996 and if so, draw up a Personal Housing Plan.
- Liaise with Children's Service about meeting the support needs of the young person and the development of a Child in Need plan.
- If there is a change in circumstances and the young person subsequently becomes homeless, they should be re-referred to Children's Services for a further assessment.

8.5.4 If the young person is homeless but there is no duty owed under Section 17 of the Children Act 1989, the Homelessness and Housing Needs Service will:

- Call a case meeting to discuss the decision with Children's Services, to ensure it is correct, based on the limited set of exceptions to this decision in the case of a homeless 16/17 year old
- If this is the case, determine which duties are owed under Part 7 of the Housing Act 1996
- If they are (or may be) homeless, place the young person into suitable interim temporary accommodation under Section 188 and arrange for young person to claim housing benefit.
- Draw up a Personal Housing Plan setting out how their housing and support needs will be met.

8.5.5 If the young person is homeless but no duty is owed to assist under the Housing Act (for instance, if the young person is found to not to be eligible, or is found to be intentionally homeless) the Homelessness and Housing Needs Service will:

- As a matter of urgency, discuss the decision and the young person's future housing circumstances with Children's Services and re-refer the young person for a further child in need assessment.
- Follow local procedures to end emergency accommodation provided (if any has been provided) allowing the young person a reasonable period of time to make alternative arrangements. Note: it may be the case that Children's Services pick up accommodation duties and fund the accommodation the young person is already in, if this is suitable and meets their assessed needs.

Section 9: Financial support for the young person

9.1 Any child assessed as a child in need must have a Child in Need plan. This applies to young people who are homeless but have declined the offer of becoming looked after under Section 20 of the Children Act 1989. They still require in law a Child in Need plan which should set out the support to be offered, who will provide this and what might happen if, for example, there were a further risk to the welfare of the child.

9.2 Provision of financial support is a critical part of the Child in Need plan. Depending on their circumstances, the young person may be able to claim Severe Hardship or Income Support/Universal Credit. However, in order to do this, they will need to satisfy the DWP / Jobcentre Plus that they are estranged from their family.

If a young person is unable to secure crisis benefits, Children's Services will need to provide the young person with reasonable living expenses, as a last resort, in accordance with its duties under Section 17 of the Children Act 1989.

9.3 If financial support is requested by the Homelessness and Housing Needs Service, Children's Services will contact the young person to discuss their financial situation. In the event that a request for financial support is declined, Children's Services must provide the young person and the Homelessness and Housing Needs Service with written confirmation of the reasons for the decision and the process that the young person (or Homelessness and Housing Needs Service) needs to follow to appeal against the decision or make a complaint.

Section 10: Escalation process

10.1 If at any point in the practical working of this joint protocol, or associated procedure, there is disagreement between Children's Services and the Homelessness and Housing Needs Service, then either or both parties should escalate this to their

direct line manager, or where this is not possible, to the next management tier as appropriate.

10.2 Disagreements should be routinely dealt with via peer to peer management discussions to seek to resolve the issue, taking into account any safeguarding issues and keeping the young person as the focus.

10.3 Disagreements could arise in a number of areas but are most likely to arise around:

- Communication
- Thresholds for services
- Understanding of the legal duties and how these work in practice
- Roles and responsibilities of different services/officers
- The need for timely action and completion of assessments

10.4 Problem resolution is an integral part of professional co-operation and joint working to safeguard and promote the well-being of children and young people. While often a positive sign of developing thinking within a dynamic process this can be reflected in the immediate term as a lack of clarity in procedures or approaches. Professional disagreement is only dysfunctional if not resolved in a constructive and timely fashion.

10.5 Attempts at problem resolution may leave one worker or agency believing that the child remains at risk of significant harm. This person or agency has responsibility for communicating such concerns through agreed channels.

10.6 It is the responsibility of every professional to try to resolve disagreements at the earliest opportunity, always keeping in mind that the child and young person's safety and welfare is the paramount consideration.

10.7 If a professional disagreement arises and the issue cannot be resolved between practitioners, the matter must be referred to their line manager who will discuss with their opposite number in the other Service in the hope that the issue can be resolved.

10.8 Failure to resolve disagreements between line managers must be further escalated to senior managers within the respective service areas. If there continues to be no resolution, then the matter should be escalated to the Senior Homelessness and Housing Needs Manager and the Service Manager (Safeguarding). A summary of the disagreement, in anonymous form, will be shared with the Young People's

Housing Group. A clear record of all discussions, agreements and actions must be kept by all parties.

Section 11: Reviewing this joint protocol

11.1 This protocol will be reviewed annually, or sooner if required, for example, if there are any changes in legislation and/or government guidance.

11.2 Collecting, analysing and acting on information, including data and qualitative feedback, will assist Wokingham Borough Council to address the needs of 16/17 year olds who may be at risk of homelessness in the future. We will monitor through the Young People's Housing Group the following:

- The number of young people presenting as homeless or threatened with homelessness or referred as homeless to Children's Services
- The number of young people presenting as homeless or threatened with homelessness or referred as homeless under the 'duty to refer' or other referrals to the Homelessness and Housing Needs Service
- The number and timescales for completion of the joint assessments
- The number and percentage of young people who were prevented from becoming homeless and where they were living
- The number and percentage of young people who were or became homeless.
- The number and percentage of young people who become looked after due to being homeless, even if this was for a short period of time
- The number and percentage of young people who become looked after due to being homeless and were looked after for more than 13 weeks as a result and became an 'eligible' child as a result
- The number and percentage of young people who were homeless but did not become looked after for more than 13 weeks
- Monitor the outcomes for those not owed a section 17 duty.
- Monitor any compliments or complaints from young people aged 16/17 and their parents/families

Appendix 1

Joint assessment

****Flow charts in development****

Appendix 2

Flow chart of process

****Flow charts in development****