Appendix 1

Joint HOUSING PROTOCOL

HOUSING AND CHILDREN’S SOCIAL CARE

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| **Title** | Luton Joint Housing Protocol |
| **Service Area** | Housing and Children, Families and Education  |
| **Audience** | Housing Needs Service, Children’s Social Care Service  |
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| **The policies and procedure database holds the most recent and approved version of this policy or guidance. Staff must ensure they are using the most recent guidance and any printed copies are only valid at the time of printing.** |

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| **SUMMARY** |
| This protocol aims to meet the local authority Corporate Parenting duties towards families with children and young people who require assistance with housing. |

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| **EQUALITY AND DIVERSITY** |
| The **Equality Act 2010** seeks equal opportunities in the workplace and in wider society and prohibits discrimination on the grounds of any of the following protected characteristics in relation to goods, services and employee protection: * Age
* Disability
* Gender Reassignment
* Race
* Pregnancy/maternity
* Marriage/civil partnership
* Religion and Belief
* Sexual orientation
* Gender

The Equality Act aims and in particular its General Duties, applies across the council and to any organisation delivering services on a contractual, commissioned or voluntary basis on behalf of the Council.**Feedback:** Our customers expect first class services and we aim to provide them. We therefore welcome feedback about our policies and procedures. If you have any comments about this document please e-mail: Need email address for author or other as agreed. |

# Parties

This is a Joint Housing Protocol between the following organisations (known collectively as ‘the Parties’):

1. Housing Needs Service (Housing)
2. Housing Service (Housing)
3. Children, Families and Education Directorate (Children’s Services)

# RELATED LEGISLATION

1. Children’s Act 1989 and amendments
2. Homelessness Reduction Act 2017
3. Housing Act 1996 Part VII and Amendments
4. Care Act 2014
5. Children and Social Work Act 2017

# AIMS

This protocol has been jointly developed by the Parties to support the Council vision of enabling Luton to be collaborative, ambitious, respectful, empowering and supportive. The main aims of this protocol are to:

* Ensure families are able to secure accommodation suitable for their needs and prevent homelessness
* Ensure young people classed as ‘Care Leavers’ are provided with suitable housing
* Meet the needs of all homeless vulnerable young people and families with children as closely as possible within the remit of legislation and the resources available
* Ensuring that Children’s Services and 18+ Teams intervene timely with families who are in threat of losing their homes
* Both Housing Services and Housing Needs to refer cases timely for early support from the Family Partnership Service where families or young people are failing in their tenancies.
* Ensure children and young people achieve or maintain a reasonable standard of health and development
* Ensure children and young people are not left “roofless”
* Ensure young people do not become homeless after the age of 18 or when leaving care
* Ensure all Luton Council departments accept their ‘Corporate Parent’ responsibility and work together to protect vulnerable children, young people and their families
* Improve and promote co-operation and joint working between the Housing Services, Children’s Services and partner agencies
* Ensure no children who have been assessed, are taken into the care of Children’s Services solely due to lack of accommodation
* Where needed that young people leaving care a supported up to the age of 25 years jointly to sustain their tenancy/licence agreements

# OBJECTIVES

In order to meet the aims of this protocol and the wider Luton Council vision the following objectives have been jointly set:

* Clarify the statutory duties and agreed responsibilities under the protocol of Luton Housing Services and Children Services
* Establish and clarify a single approach agreed by both Housing Services and Children’s Services, which will apply irrespective of the service the homeless families with children or young people present to
* Jointly assess how best to meet the needs of children, young people (including care leavers) and their families and identify any potential risks to the health or development of the children and young people
* Address support needs of children and young people at the earliest opportunity and enable tenancy sustainment
* Ensure 16 to 18 year old young people are assessed correctly as per the Southwark Judgement and resulting statutory guidance[[1]](#footnote-1)
* Ensure a seamless transition of responsibility of households between Housing Services and Children’s Services
* Access to information systems for both the Housing Services and Children’s Services
* Both services to work collaboratively together and ensure that neither service hinder each other’s duties or abilities to deliver a safe service to all they have duties to

# CONTEXT

## Housing Needs Services

Housing Needs consists of the following Services who manage homeless households:

* Housing Solutions
* Temporary Accommodation Allocation Team
* Housing Register/Housing Allocations Team
* Rough Sleeping Team

## Children’s Services

Children’s Services are made up of a number of teams including:

* Operations, Statutory Social Work and Family Partnership
* Quality Improvement and Practice Innovation
* Education
* Sensory and Educational Needs Disability

The teams contain the following:

* Multi Agency Safeguarding Hub MASH (front door)
* Family Partnership Service ( Early Help)
* Family Assessment and Support Service
* Family Safeguarding Service
* Children with Disabilities Service
* Commissioning Service
* Corporate Parenting Service including:
	+ Fostering team
	+ Adoption team
	+ 0-17 LAC team
	+ 18+ Care Leavers teams including SEND

# Process

## First approach to the Service

Any family or young person approaching Services as homeless or at risk of becoming homeless, the service that the person approaches must establish the following:

* Cause of homelessness
* Risks to the child/children or young person
* Risks to the parent/primary carer of the children
* Check the IT systems for Children’s Services
* Check IT system for Housing
* Check if known, check if there has been any referrals from them or any other body
* If known the relevant Housing Service speak to the caseworker/officer. If unsure who to speak with call:
	+ Homeless Case: Housing Needs Business Support Team on Ext 6630
	+ Council tenant: Housing Services Ext 3008
	+ MASH
	+ The Assessment Service

## Where a family or young person approaches either service with the prospect of becoming homeless it is the responsibility of the receiving service in consultation with the other service to establish what their involvement is/was or their duties are to the family or young person and to ensure that a joint response is provided.

## No family or young person must be automatically told to approach the other service.

## First Approach 16-17 year olds and care leavers

Although homelessness legislation permits the council to accommodate anyone between the ages of 16 and 17 years of age and considers them to have an automatic priority need, Housing Services and Children’s Services adhere to the findings of the Southwark judgment and have agreed that anyone who falls within this age bracket will be automatically referred to Children’s Services for an assessment and their support.

For children approaching the age of 18, they must be discussed at the 17+ Panel at 6 months before turning 18. The 17+ Panel will have representation from the Housing Solutions Team, Children’s social care and the Homeless Officers that sit within the assessment team to take part in decisions regarding transition into adulthood. A Personal Advisors will be allocated to commence earlier engagement with the young person. Any future plans upon leaving care will take into account the young person’s aspirations for future housing and transition into the 18+ Team.

Anyone where there are difficulties in sourcing accommodation in supported/hostel accommodation the Housing Service will assist in the provision of emergency accommodation until supported/hostel accommodation is secured. In such cases there should be a smooth transition of care leavers from the care of Children’s Service into Housing.

To ensure that the housing needs of 16-17 year olds and care leavers are met Housing Services fund a Housing Solutions Post in Children’s Services. The post holder will sit within the Family Partnership Services and will be the first point of contact, along with the duty social worker from the Family Assessment and Support Service who will maintain the portfolio of the young person until the duty under the Children’s Act is discharged fully. See process MAP for signposting



## Safeguarding Concerns

All cases where there are safeguarding concerns will be referred to the Multi Agency Safeguarding Hub (MASH) based in Children’s Services. Where the family or young person is known to both Housing Services and Children’s Services a joint interview and assessment will be completed. Both services will agree who is best placed to continue to support the family.

If the agreed outcome is for the case to be allocated under Children’s Services and there is a housing concern, Housing Services will work jointly with Children’s Services to resolve the housing situation and the relevant allocated team will seek support from the Temporary Accommodation Allocations Team to assist with the provision of accommodation.

## Support for Young People Leaving Care

It is accepted that young people having left care can remain vulnerable up to 12 months after their support is removed. Although such cases have to be assessed as being vulnerable as a result of leaving care, Housing Services and Children’s Services undertake to work closely with the young person for a period of up to 12 months after leaving care to resolve their housing issues up to the age of 25 years.

It is also recognised that young people require higher level of support and the current guidelines for contact/support for a young person are insufficient to address the needs of complex cases through Children’s Social Services or 18+ Teams within this service. Children’s Social Services will ensure that the level of support is agreed in the Personalised Housing Plan (PHP) and the PHP monitored and reviewed jointly by the case workers.

1. Where the young person refuses to engage with Housing and comply with tenancy/licence conditions and has been given a final warning discharging the council’s housing duty Social Services or 18+ Team will address the housing needs of the young person. Any cases that reach this stage must be brought to the attention of their respective managers immediately. Social services must refer a care leaver to Housing 6 months before they turn 18 via the monthly panel.

Housing and Children’s Services will work jointly to explore new initiative, pathway plans, access points and offers to 16-25 year olds and information packs.

Housing to inform Social Services immediately if care leavers are in breach of tenancy conditions and are at risk of intentionality. Social services to develop a support plan immediately if care leavers are at risk of losing their tenancy.

Housing and Social Services will develop and keep up to date a training programme for care leavers before they reach 18. This to cover how to manage a tenancy, rights and responsibilities of care leavers when placed in accommodation, budgeting skills, education and training opportunities.

As part of the options interview consideration must be given to whether they should be placed on the housing register and if the individuals housing needs can be best met through this route.

Where it has been established that the housing needs of a young person leaving care can be met through the housing register an application must be submitted. The young people leaving care will be afforded enhanced priority for rehousing upon confirmation being received from Children’s Services (16+ team) that they are,

a) due to move on from care/fostering placements and

b) deemed to be ready to move to independent living and are able to sustain a tenancy.

This arrangement is embedded within the published Allocations policy in respect of the award of “needs” to applications and has proved to be effective in ensuring that these applicants benefit from an allocation of accommodation.

There is an annual “strategic priorities” quota of up to 10 allocations to care leavers. Allocations to Care Leavers are not explicitly referenced within this quota but would fall within the remit of the wording detailed below:

*‘Up to 10 direct allocations per year to support high priority moves which further a Luton Council strategic ambition. Strategic priorities to include, but not limited to, public protection, multi-agency commitments, to enable fostering and reducing out of borough placements.*

*Allocations will be subject to authorisation by the Service Director, Housing, the Portfolio Holder for Housing and, where applicable, Portfolio Holder for the relevant Service Directorate and receiving landlord’.*

Information pack to be included.

## Housing Services Duty

Where families with young children or a young person present as homeless who are not known to Children’s Services or it has been agreed Housing Services will lead on the case as homelessness is the only concern, the Housing Solutions Officer will complete an assessment in accordance with the homelessness legislation.

Where the Housing Solutions Officer assesses Housing Service do not have a duty to accommodate the family or a young person for any of the following reasons, the case must be discussed with the Children’s Social Services:

1. Not eligible for public funds due to their immigration status
2. Lacks capability of living independently
3. Lacks capacity
4. Not homeless but refuses to return to accommodation where it is reasonable and safe to return to
5. Returned to the Housing Needs Service and a previous negative decision still stands
6. Have made themselves intentionally homeless having exhausted and failed all accommodation options
7. Duty has been discharged due to their refusal of an offer of suitable accommodation
8. Duty has been discharged due to breaches of their license agreement in temporary accommodation

Where a care leaver has approached the Housing Solutions Team for accommodation as homeless or threatened with homelessness the Housing Solutions Team must complete a joint assess with the 18+ Team to ensure that the support needs are met and that the young person is provided with suitable accommodation.

Housing and Social Services will work collaboratively to prevent any care leaver from becoming intentionally homeless. Housing will notify Social Services (MASH Team) immediately where there is a threat of someone becoming homeless intentionally. Children’s Services will support and help the applicant with their housing needs and work with them to ensure that their accommodation is of an appropriate standard.

The Housing Solutions Officer will, in the case of families with children and young people, refer the case to MASH, using the MASH referral form at the earliest stage, should there be a strong likelihood of the a young person or family being made intentionally homeless. This can be made at the time of approach, at the time of the ‘Minded to’ decision, formal decision and again at the time of the court decision to evict.

Where a housing duty is being declined by the Housing Solutions Team to a family with dependent child/children or a care leaver they will be given a minimum of 21 days to vacate the accommodation unless there is an exceptional or it has been agreed that accommodation will continue pending the outcome of a Review/Appeal.

Where exceptional circumstances is to be exercised to a care leaver the case must be escalated to senior management in Children’s Services and this decision must be endorsed by the Head Housing Needs.

In all decisions, noted in section 6.4, the Housing Solutions Officer will provide the main applicant with the appropriate decision letter and forward a copy of the decision letter with the MASH referral form to the MASH mailbox mash@luton.gov.uk.

Cases in section 6.4 bullet points 1-2, where possible, the assessment should be completed jointly by Housing Services and Children’s Services’ staff, irrelevant of whether there is a responsible adult accompanying the applicant or a household member.

Any decisions where the housing duty has not been accepted or will come to an end, will be carried out in person and where possible with a member of the appropriate Children’s Services team present. No-one should be asked to leave the service unless there is a clear understanding or assessment as to where children and/or young people will be staying that night.

## Urgent Accommodation

In cases where the family or a young person has been assessed by the Housing Solutions Team and the decision is that there is no duty owed under the Homeless Reduction Act 2017 and is in need of urgent accommodation on the day of approach the Housing Solutions Officer will refer the case to MASH using the prescribed referral form and follow up the referral with a phone call to ensure the referral has been received and ensure a handover is complete. Any conversation on duties owed or matters of disputes such conversations will take place in a private location where the conversation cannot be overheard.

**Referrals into MASH**

On receipt of the referral, the receiving officer in MASH will accept the case, where appropriate, and a Social Care Officer will agree to meet the applicant in the location advised by the Housing Officer within 15 minutes of the referral. This will be to complete a risk assessment, assess the initial duty to the family/ young person and progress the case to the Family Assessment and Support Service within Children’s Services, who will complete a Child In Need (CIN) Single Assessment.

The Housing Officer will make a short handover introduction of the Social Care Officer and the applicant and leave the interview unless they are required to remain by the Social Care Officer, for safety or other reasons. Should both parties decide to remain in the room with the clients, at no time should the parties hold conversations that undermine each other’s duties or responsibilities.

Having completed the risk assessment, Children’s Services must make a decision as to whether an accommodation duty is owed to the family or young person:

* Where the accommodation duty is owed, the Social Care Officer can seek assistance from the Temporary Accommodation Allocations Team to assist with the provision of accommodation
* Where the accommodation duty is not owed the officer must be satisfied as to where the children/ young person will be staying that night
* No child/ young person must be left with no accommodation

Where the family has presented at the Town Hall as homeless into Housing Services after 4.30pm or 4pm on a Friday, the Housing Officer will make a decision to place the family into emergency accommodation for that night and advise the MASH and Temporary Accommodation Allocations Team that this placement has been made on behalf of Children’s Services. The family will be expected to return the following working day to be seen by a member of the MASH. This will be Monday if placed on Friday.

All other cases accessing the service out of hours must be referred to Emergency Duty Team for Social Services.

## Other Authorities Duty to Accommodate

In some cases families will arrive into the service late in the day and the duty to accommodate will be for another authority. The Housing Officer will make the decision having balanced the time of day, the distance needed to travel to that authority and method of transport as to whether the family should return to the authority where the local connection or duties lie.

Arrangements must be made with that authority to receive the family on arrival. This must be followed with written confirmation of the referral to that authority and a copy given to the family/ young person.

In the case where the parents refuse to return to the authority where the duty lies, a Service Manager in Children’s Services will make the decision with regards to the safety of the children if likely to remain roofless that day. Children’s Services can seek assistance with housing by liaising directly with the Temporary Accommodation Allocations Team for suitable accommodation to be provided. The cost of the temporary accommodation will be recharged to Children’s Services area placing the family or young person who will also monitor and manage the placement. Where possible, Children’s Services and Housing Services should agree the best way to ensure income is received to cover all or part of the housing cost through Housing and Welfare benefits.

The case remains the responsibility of the service the referral has been made to and should not be passed back unless mutually agreed or instructed by a manager.

Where the family remain in temporary accommodation under notice to vacate, Children’s Services will complete their assessment within the notice period to maximise the use of temporary accommodation and to avoid a cost which would otherwise fall on them. Any departmental disputes regarding the duty must be raised in accordance with [Section 9 Escalations](#_ESCALATION).

## Referrals to Housing

Where the Housing Service receive a referral from Children’s Services with regards to the end of support from Children’s Services to the family/ young person and there is a housing concern the Housing Service will respond within 24 hours of receiving the referral to complete an initial assessment of the homeless duty.

Once the Housing Officer has made a decision as to whether or not a family with children/ young person is owed a duty under homeless legislation, the Housing Officer will ensure a smooth and speedy transition onto temporary accommodation.

Where the family/ young person is accommodated by Children’s Services through the Temporary Accommodation Allocations Team, and the Housing Solutions Team have agreed to the duty to accommodate under Part 7 of the Housing Act 1996, the rent account is transferred to the Homeless Service and all parties are informed of the decision.

Once Housing Services have made the decision that a family, child or young person is not owed a duty under homeless legislation, the Housing Officer will issue a s184 letter to the household explaining the Housing’s decision. The letter will include a standard paragraph explaining to the household that their case will be referred to Children’s Service for a Child in Need assessment. Households with children will normally be given a further 28 days in emergency/ temporary accommodation from the date of the s184 decision. The cost of this accommodation is covered by Housing Services.

Within one working day of the s184 letter being issued the Housing Officer will:

* make a referral to MASH
* email both the normalinteragency referral form (see Appendix 1) and a copy of the s184 letter to MASH providing as much information as possible on the family’s needs and circumstances as is known to Housing Services

However, if there is existing Children’s Services involvement with the family known to Housing Services, the referral will be made directly to the allocated Social Worker.

After the referral has been received, as a result of the homeless duty ending, the Duty Officer in Children’s Services will:

* Carry out an assessment within 10 working days of the referral having been received or earlier depending on the period of notice given
* Consider what priority to record the referral in accordance with Children in Need
* Contact the household to arrange a date and time for a single assessment
* Confirm with Housing Services receipt of referral and the likely plan for the single assessment

## Child in Need Assessment

The primary aim of the assessment is for Children’s Services to decide whether the child (or children) is ‘in need’. This will be subject to the normal criteria laid out in the Framework for the Assessment of Children in Need and their Families’ (2000, DoH), Luton Practice Framework. In summary, all:

* Children affected by the referral must be seen and assessed
* Children must be interviewed as far as possible given their age and understanding and interpreters should be used if necessary
* Issues contained within the assessment framework must be considered including health, educational, emotional and social development of the child/children and the extended family network

To determine whether the lack of housing is having a specific impact, the social worker should consider the following:

* What is the impact of the housing situation on this child (e.g. effect on the child’s health, emotional and educational wellbeing etc.)?
* What impact is the housing situation having on the capacity of the parents to “parent”?
* How are the parents responding to this stressor?
* What financial and other resources are available to the family to help deal with it (e.g. role of extended family, accommodation available elsewhere and if so is that place safe or does it present a risk, contextual safeguarding concerns etc.)?
* Is assistance needed from housing to accommodate the family/ young person beyond the date of the housing duty coming to an end?

All these elements must be recorded fully on the child’s record on LCS (Liquid Logic).

##  Outcomes

If following a single assessment the child is found not to be “in need”, the family and the Housing Services should be informed in writing to include the reasons for that conclusion. Children’s Services will then have discharged its duty in respect of that referral.

If the assessment determines the child is “in need” but there are no needs beyond the lack of housing and there is no question over the parent/parents ability to cope, Children’s Services will consider the following options (and will bear the cost of a family accepting an option):

* **Accommodation with extended family –** Details of family members both locally and elsewhere in the UK should be obtained with parents expected to fully explore the possibility of staying with extended family whilst they look for alternative accommodation. Payments for fares to access family elsewhere in the UK would be considered.
* **Accommodation is available elsewhere in the UK or abroad –** When a family is able to obtain or return to accommodation in another part of the UK or overseas, consideration should be given to meeting the costs of travel if it’s safe to do so.
* **Rent deposit/Prevention Fund –** Where accommodation cannot be provided through an extended family arrangement a rent deposit may be considered. A family would be expected to seek accommodation in the private sector. Parents should be expected to seek accommodation over a wide geographical area both within and beyond the Borough in order to increase their chances of obtaining such accommodation.

Consideration should be given to providing a deposit/ rent in advance. Where this payment is offered this should be confirmed to the family/ young person or by the 18+ Care Leavers Team in Children’s Service that such payment will be made.

In exceptional circumstances both a deposit and a month’s rent in advance could be agreed. If there are any concerns about the quality of the accommodation obtained the Housing Solutions Team should be requested to check the accommodation. Any deposit or rent in advance should only ever be paid direct to a landlord and not the applicant. The landlord should confirm, in writing, receipt and that any deposit will be paid back to the Housing Solutions Team or Children’s Services/18+ Team when the tenant leaves the accommodation provided that there is no claim on the deposit by the landlord.

Children’s Services will advise Housing Services, in writing, of the outcome of the assessment immediately of it being completed.

Should the family obtain accommodation and require on-going housing related support to re-settle and prevent future homelessness, a joint approach to support should be taken between Housing Services and Children’s Services, or Penrose (a floating support agency).

# Costings and budgets

Housing Services provide £29,000 to provide a service for all 16 – 17 year olds and care leavers including addressing their housing needs that would normally fall onto Housing under the Homeless Reduction Act 2017. This fund covers a post of a Housing Solutions Officers that sits within the Family Partnership Service.

This post holder will ensure that the housing needs to such age groups are met, track progress and provide regular reports to the Housing Solutions Team Manager.

Where accommodation is provided under Social Services duties to a family or young person the budget code will be provided and funded by the relevant service area

# Legal Framework

## Housing

As required under the Homeless Reduction Act 2017, Housing Services will work with the families who are eligible for public assistance regardless of the likely outcome of the main duty to resolve their housing situation, either by preventing them from becoming homeless or finding alternative accommodation.

Where Housing Services are not successful in preventing homelessness or securing alternative accommodation and the main duty is triggered the Housing Solutions Team will assess homelessness applications in accordance with Housing Act 1996 as amended by the Homelessness Act 2002 and the Homeless Reduction Act 2017.

Under Section 193 of the Act the local authority has a duty to secure accommodation for people who are homeless, eligible for assistance or in priority need and not intentionally homeless. Housing authorities aim to complete inquiries within 56 days of the Relief stage of the homeless approach.

Sometimes households are found to be homeless, in priority need or have a local connection but have made themselves ‘intentionally homeless’. Under Section 190 of the Act, such households with dependent children are offered accommodation for a ‘reasonable’ period (generally 28 days), and advice and assistance in securing accommodation. Under Section 195 of the Housing Act 1996, applicants at risk of homelessness but found to be threatened with homelessness intentionally, are only entitled to advice and assistance in securing accommodation.

Section 191 of the Housing Act 1996 defines a person as intentionality homeless if *“he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy”*. Such acts of omission include rent arrears, anti-social behaviours, breaches of tenancy conditions and giving up accommodation suitable to an individual’s/ family’s needs.

The Homelessness Reduction Act 2017 stresses the need for co-operation between housing authorities and social services when dealing with intentionally homeless households with dependent children. Children’s Services departments have a duty under the Children Act 1989 to accommodate any child in need aged 16 – 17 years old whose welfare is likely to be seriously prejudiced without the provision of accommodation.

The need to work closely with Children’s Services is further supported in The Social Care Act 2005 Appendix A and the Southwark Judgement Appendix B.

Those in priority need who are assessed as intentionally homeless are:

*“Entitled to advice and assistance and temporary accommodation for a short period only, to give the household the chance to secure accommodation for themselves. If a household containing children under 18 or between the ages of 18 – 24 and are a care leaver who is likely to be deemed intentionally homeless then the local authority must inform Social Services (with the applicant’s consent unless there is a safeguarding concern).”*

There will be occasions where a duty to house under Section 193 of the Housing Act 1996 has been accepted and has to be discharged due to:

* Anti-social behaviour
* Breach of license conditions
* Refusal of property, etc.

In such cases the duty to provide accommodation will end and the family/ young person will be issued with a letter explaining the duty has ended and why.

However, under Section 10.5 of the Code of Guidance, there are circumstances where even if consent is withheld, the housing department may disclose information to social services if they have reason to believe that a child/ young person may be at risk of significant harm.

Under section 213A of the Homelessness Act 2002, if Children’s Services decide the child’s needs would be best met by helping the family to obtain accommodation, they can ask Housing Services for reasonable assistance in this and Housing Services must respond. The local authority Housing Services will assist Children’s Services in discharging any obligations under section 17 of the Children Act 1989, by:

* **New or fresh approach** - assessing the homeless duty to the family/ young person and provide accommodation where a duty to provide accommodation is owed
* **Intentionally homeless** - advising families on the range of housing options available to them, which depending on their individual circumstance, they would be expected to pursue. Advice on housing options is provided during the housing interview, as part of the homeless assessment process
* **Advice and assistance** as is considered reasonable might include help with locating suitable accommodation and making an inspection of a property to ensure it meets adequate standards of fitness and safety; however, the duty does not extend to a requirement on the housing authority to provide accommodation for the family

## Children’s Services

The general accommodation responsibilities of Children’s Services are defined by section 17 of the Children Act 1989 (as amended in 2004) and concern the responsibility towards children in need and are defined as:

1. those who are unlikely to achieve or maintain a reasonable standard of health and development, unless the local authority provides services
2. those whose health and development is likely to be significantly impaired, unless the local authority provides services
3. disabled children

Section 116 of the Adoption and Children Act 2002 amends section 17 of the Children Act 1989 to allow the assistance given by Children’s Services to include the provision of accommodation.

If a child or children are in need solely as a result of homelessness, Children’s Services will consider whether the best way of meeting the need is to help the family obtain accommodation, possibly by providing accommodation, or a deposit, under s17 of the Children Act 1989.

The Children Act 1989 responsibility applies to children living or found in the local authority area and applies regardless of any decision taken by another authority within any other legislative framework (e.g. Housing’s ‘Habitual Residence Test’ which is a test for eligibility for assistance).

Under the Homeless Reduction Act Social Care Team are under the duty to refer anyone that is homeless or threatened with homeless to the Housing Solutions Team for assistance with accommodation if that team has not already completed an assessment and has assessed that a duty is not owed. Such cases must be referred using the online Duty To Refer form which is managed daily for a speedy response.

**Other guidance:**

[Care Leavers Charter](http://www.education.gov.uk/childrenandyoungpeople/families/childrenincare/a00216209/care-leavers-data-pack)

* [Extending Personal Adviser Support to All Care Leavers to Age 25: Statutory Guidance for Local Authorities (February 2018)](https://www.gov.uk/government/publications/extending-personal-adviser-support-to-age-25)
* [Applying Corporate Parenting Principles to Looked-after Children and Care Leavers - Statutory Guidance for Local Authorities (February 2018)](https://www.gov.uk/government/publications/applying-corporate-parenting-principles-to-looked-after-children-and-care-leavers)
* [Joint Housing Protocols for Care Leavers: good practice advice (DfE and MHCLG)](https://www.gov.uk/government/publications/joint-housing-protocols-for-care-leavers/joint-housing-protocols-for-care-leavers-good-practice-advice)
* Development and effective delivery of a joint protocol
* [Local Offer Guidance: Guidance for Local Authorities](https://www.gov.uk/government/publications/local-offer-guidance)

# ESCALATION

All services will work together to achieve the right outcome for the child, young person or family. Where Officers are unable to reach satisfactory solution to the housing problem and the child, young person or family are homeless, likely to lose their home or where there are delays in co-operation from officers, the officers will escalate the case to their respective line managers.

Managers will assess the case from a corporate parenting perspective and having regard for the legislative framework the managers will work together to ensure the children, young person or family remains the priority focus.

On the very rare occasions where there is still no agreement the respective Service Directors will determine the final position. Service Directors will make the final decision as to how the case will proceed and communicate their decision down to the relevant managers.

# MONITORING

All parties will maintain a record of all cases referred to either service. The referral, assessment and outcomes will be recorded on their respective systems to allow for monitoring and performance.

The managers of all relevant service areas will collate data on a quarterly basis and monitor the effectiveness of the protocol. Quarterly meetings to discuss cohorts and types of reports to and from Housing Service and Children’s Service will be held. A template for reports and monitoring has been agreed.

Children’s Services - Monitoring report must include:

1. Number of cases referred to Children’s Services from Housing
2. Number of cases referred from Children’s Services into Housing
3. Initial outcome of that referral.
4. Final outcome of the referral
5. Breakdown of which teams are making the referral i.e. MASH, Assessment Team, Housing Management, Housing Solutions,
6. Number of cases where Children’s Services requested support in the provision of accommodation whilst completing their assessment of their duties
7. Type of household i.e. family, single person.

# Performance TARGETS and Key Performance Indicators

* 100% of intentionally homeless or duty is discharged on other grounds to households with children or care leavers to be referred by Housing Services to Children’s Services on the same day as the s184 decisions being issued
* 100% of families referred who have agreed to an initial child in need assessment will be contacted by Children’s Services or 18 + Team within 5 working days or immediately depending on the seriousness of the case and notice given

# TRAINING

The senior managers of the respective parties will be responsible for the ensuring all staff are trained and kept up to date on this protocol quarterly. Other joint areas of training will be jointly agreed between managers and should include:

* Safeguarding and the Children’s Act 1989
* Security of Tenure
* Homeless Reduction Act 2017
* Care Act 2014
* NRPF Practice Guidance
* Any other legislation/ case law as agreed

# REVIEW OF PROTOCOL

The protocol will be reviewed annually to ensure that it remains up-to-date and appropriate. Any changes to the protocol will be jointly agreed and signed off by the respective signatories. An updated copy will be shared with the staff groups of the respective parties following any changes being agree and should further training be required this will be delivered jointly where possible.

Signed:

Colin Moone - Service Director for Housing

Signed:

Allison Parkinson Service Director – Children Operational Services

1. Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation <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> [↑](#footnote-ref-1)