**Dudley Joint Housing Protocol**

**For 16 and 17 year old young people who may be homeless and/or require accommodation**

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**1. Purpose of the protocol**

This protocol sets out the roles and statutory responsibilities of Dudley Children's Social Care and Housing Services in relation to homeless 16 and 17 year old young people.

The purpose of the protocol is to ensure that partners continue to work together to provide a consistent and coordinated response to 16 and 17 year old young people who present as homeless or potentially and require accommodation related support.

The primary objective of the protocol is to promote and safeguard the well-being of the young person, preventing homelessness and returning young people to their family wherever possible. If a return home is not possible, the objective is to find the most suitable accommodation for the young person and to support them to remain in that accommodation until they are ready to move on.

This protocol reflects the government guidance 'Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation', which was issued in 2010 following the House of Lords 2009 judgment in the case of G v LB Southwark.

This guidance clarifies that the Local Authority's duty under Section 20 of the Children Act 1989 takes precedence over its duties under the relevant Housing Act legislation in providing for young people in need who require accommodation.

It also advises that the powers of the Local Authority to provide accommodation under Section 17 of the Children Act 1989, cannot be used to substitute for the duty to provide accommodation under section 20(1) of the Children Act 1989. Therefore, where a young person is assessed as being a Child In Need due to Homelessness and they accept accommodation provided by the Local Authority, this must be provided under Section 20 and the young person will become a Looked after child.

**2. Aims of the Protocol**

This protocol aims to:

• Facilitate greater coordination between services based on an understanding of one another’s roles and responsibilities;

• Improve how young people access accommodation and support services;

• Achieve greater consistency with support plans and access to relevant services;

• Clarify how and where young people will reside or be accommodated while awaiting a Joint Assessment, which will be undertaken jointly between Children's Social Care and Housing services;

• Standardise processes, procedures and expectations so that front line practitioners across agencies have a clear pathway to follow;

• Enable young people to make informed decisions by providing information about their entitlements and offering an independent advocate to support their decision making;

• Identify any gaps in appropriate provision and consider how best to commission housing provision and support services.

**3. Principles Underpinning the Protocol**

• The safety and welfare of the young person is paramount and every effort will be made to prevent Homelessness;

• Unless there is clear evidence to the contrary (eg evidence of risk of significant harm), the starting point will be that all children and young people are best off within their immediate family. Where young people are unable or unwilling to return to their immediate families, young people should be supported to explore wider family members and community options where their needs can be met;

• Consistent with Children Services practice framework, front line practitioners will work alongside young people, taking their wishes and views into account when considering options available to them. Young people will be kept fully engaged in the assessment process and decisions will be made with them;

• Young people should not be sent between different departments or from one office to another without prior direct communication between staff.

**4. Theassessment and decision making pathway**

The process for assessing and supporting 16 and 17 year old’s who are homeless, or are at risk of Homelessness. is mapped out in Appendix 3 to assist practitioners.

This follows a 5 stage process

**Stage 1 - Initial Contact**

A young person may make contact with a number of different agencies or settings to seek support with their accommodation needs e.g:

• Children's Social Care Front Door/Emergency Duty Team;

• Housing Services;

• Other statutory or voluntary agencies including Dudley Family Hubs, who should immediately refer the young person on to the Children’s Front Door.

In addition, a young person already allocated to a Family Support Worker in Targeted Early Help or to a Social Worker in Adolescent Safeguarding, may subsequently present with the threat of homelessness.

**Stage 2 – The Initial conversation**

The initial conversation with the young person will be held by the agency who first has contact with them ie. Children Services (allocated Social worker, allocated family support worker or the Children’s Front Door for children not already open to a social worker or early help) or Housing homeless services.

The purpose of the initial conversation is to start gathering information about the young person and their circumstances.

The initial conversation should explore:

• The current situation - i.e. why is the young person presenting as homeless?

• The young person’s background history; family composition and accommodation history, including whether they have previously been known to Children's Social Care or Targeted Early Help.

• The young person’s support networks – including family and friends – either existing or potential.

• Confirmation of the young person’s age and immigration status.

• Presenting resilience and protective factors eg. The young person’s general abilities, emotional maturity, whether they are in education, employment or training; whether they have adults around them.

• Are there any immediate concerns regarding the young person’s vulnerability e.g. learning disabilities, mental health issues, child protection/safeguarding concerns?

• Is the young person a risk to themselves, others or to staff;

• Consideration of the young person’s advocacy needs, including the offer of an independent advocate, to ensure they are in a position to make informed choices;

• Does the young person have any communication needs? Is an interpreter required?

• What are the young person's views - what is the young person saying about the need for accommodation?

If Childrens Services are leading the initial conversation, the views of those with Parental Responsibility for the young person will also be sought unless this may pose a safeguarding risk eg. due to trafficking or forced marriage concerns or other concerns about significant harm.

If the Homeless Service is leading the conversation, they will confirm homelessness with parents/guardian and options forvthe young person returning home.

**Stage 3 - Initial Decision**

The information gathered during the initial conversation will support initial decisions about the young person’s accommodation and support needs.

If the young person can return home or live with family/friends and no additional support is required, the agency who first had contact with the young person will record the work undertaken and the process will end.

If the young person requires additional support, or they are not able to return home or to family or friends, a Joint Interview will need to take place between Children and Housing services.

The agency who has completed the initial conversation will refer to the other agency and take responsibility for arranging the Joint Interview.

**Young people whose initial conversation has taken place with Children Services**

1. The young person is not allocated to a social worker or Targeted Early Help worker: The Children’s Front Door will create and open a New Contact on the young person. A Front Door Social Worker will be allocated to complete the Initial conversation with the young person. If the threat of Homelessness continues, transfer will be made to the Adolescent Safeguarding team on duty who will allocate a Social Worker to start immediate work on the Homeless pathway. The allocated Social Worker will make the referral to the Homeless Prevention Team and request a Joint Interview.
2. The young Person has an allocated social worker: If the allocated Social Worker becomes aware that a young person is threatened with Homelessness, they will refer to the Homeless Prevention Team and request a Joint Interview.
3. The Young Person is allocated to a Family Support Worker in Targeted Early Help: The allocated worker will undertake the initial conversation with the young person. If the threat of homelessness remains, the Senior Practice Supervisor will have an immediate step-up conversation with the Adolescent Safeguarding Team on duty. A Social Worker will be allocated and will make a referral to the Homeless Prevention Team and request a Joint Interview.

**Young people whose initial conversation has taken place with the Homeless Prevention Team**

1. The young person is not allocated to a social worker or Targeted Early Help worker: The Homeless Prevention Team will call the Children’s Front Door on **0300 555 0050** or if out of hours, EDT on **0300 555 8574**. Requests should not be sent by e-mail or calls made to any other Children Services numbers as these will not be able to respond. All telephone referrals will need to be followed up immediately with a Portal referral. An immediate same day response will be provided by the Children’s Front Door and any transfer to EDT should be made in a planned way, in full consultation with the Homeless Prevention Team

The Children’s Front Door/EDT will review the information provided by Housing and transfer to the Adolescent Safeguarding Service where a social worker will be allocated to start immediate work in accordance with the Homelessness pathway.

1. The young Person has an allocated social worker: The Housing/Homeless Prevention Team will contact the allocated Social Worker/Team Manager via the Corbyn Road Switchboard on **0300 555 0050**. The allocated social worker will lead on the Homelessness pathway.
2. The Young Person has an allocated Family Support Worker in the Targeted Early Help Service: The Homeless Prevention Team will call the Children’s Front Door on **0300 555 0050** or if out of hours, EDT on **0300 555 8574**. All telephone referrals will need to be followed up immediately with a Portal referral.

The Children’s Front Door/EDT will liaise with the allocated Senior Practice Supervisor in the Targeted Early Help Team. A joint decision will be made about whether the Homeless pathway needs to be followed and if agreed, step-up will take place to the Adolescent Safeguarding Team on duty. A social worker will be allocated to start immediate work in accordance with the Homelessness pathway.

**Stage 4 – The Joint Interview**

The Joint interview should take place as soon as possible and **no later than 48 hours** from the time the young person first made contact with Children Services or Housing. The Joint interview will be undertaken by the allocated social worker and Housing Officer. The young person should be present for this interview.

The purpose of the joint interview is to ensure that both agencies with statutory responsibilities have opportunity to discuss the young person’s situation with them, building on the information already gathered during the initial conversation.

The Joint interview will inform the decision about whether the young person is a child (young person) in need under Section 17 of the Children Act 1989 andwhether the young person meets the criteria for Section 20 accommodation.

If the crietria is not met or if the child declines support under section 20, then the child/young person will be assessed by the Homelessness Prevention and Response Team to confirm what duty is owed to the young person under the Housing Act 1996.

The allocated social worker will discuss potential arrangements for the joint interview with the young person. Their right to advocacy support should also be discussed and if the young person gives their consent for an advocate to support them, the allocated social worker will make a referral to Youth Legal.

The Joint interview will be conducted using the Joint Interview proforma (Appendix one).

The Joint interview will seek to answer these questions:

* Is the young person confirmed as either 16 or 17 years old
* Is the young person a Child In Need in accordance with Section 17 of the Children Act 1989:
* *they are unlikely to achieve or maintain or to have the opportunity to achieve or maintain a reasonable standard of health or development without provision of services from the Local Authority.*
* *their health or development is likely to be significantly impaired, or further impaired, without the provision of services from the Local Authority.*
* If the young person is assessed as being a ‘Child In Need’, does the young person appear to require accommodation as a result of one of the following criteria:
* *There being no person who has responsibility for the child.*
* *The child is lost or abandoned.*
* *The person who has been caring for the child is being prevented from doing so (permanently, and for whatever reason) from providing the child with suitable accommodation, or care*
* What are the young person’s wishes and feelings regarding the provision of accommodation and how much weight (having regard to the young person’s age and understanding) is to be given to those wishes and feelings (including an evaluation of the young person’s competence to make a decision as to whether to become looked after).
* Does anyone with parental responsibility who is willing to provide accommodation for the young person object to Dudley Children Services providing accommodation?
* Does the young person agree to becoming looked after?

During the Joint Interview, the implications of accepting support under Section 20 of the Children Act 1989 should be discussed with the young person and their advocate if one is present The allocated social worker should provide full information about the support that the young person can expect as a looked after child and share the Young Person’s Information leaflet with them (Appendix 2). The young person should understand the implications of refusing Section 20 accommodation.

Following the joint interviewthe young person will be referred for independent legal advice.

The young person will be able to discuss the options given and make an informed decision.

* **If the young person is assessed as requiring Section 20 accommodation and accepts this offer**

If the young person is assessed a being a Child In Need and being in need of accommodation, an appropriate placement should be sought for the young person. A Placement Referral request should be completed by the allocated Social Worker and sent to the Placements Team.

* **If the young person refuses Section 20 accommodation or is assessed as not being a Child In Need**

If the young person makes an informed choice not to become Looked After by the Local Authority, they will be considered to be in ‘priority need’ under Homelessness legislation and will be offered the interim accommodation duty. Additionally, a range of housing options will be explored including the young person’s extended family network and supported accommodation schemes.

The homelessness legislation places duties on Housing services for supporting homeless 16 and 17 year olds. The Homelessness (Priority Need for Accommodation) (England) Order (2002) Part 7 (1986 Act) states that the following young people have priority need for accommodation:

* A child aged 16 or 17 who is not a relevant child of section 23A (CA 1989) and is not owed a duty under section 20 CA 1989
* A person who:
  1. Is under 21, and
  2. At any time after reaching the age of 16, but while still under 18, was, but is no longer, looked after, accommodated or fostered.

Housing will work with the young person to create a personalised housing plan (PHP) if the young person is eligible ie. They are Homeless; have a priority need and are not considered to be Children In Need; have not made themselves intentionally homeless and they meet the local connection criteria. The plan will outline actions to be undertaken to help secure suitable accommodation. The plan will be kept under regular review.

Housing will inform Children’s Services where they no longer have a duty because:

* The young person’s temporary (interim) accommodation has ended
* The young person has refused a ‘final’ offer of accommodation
* The young person has become intentionally homeless
* The young person is no longer eligible for assistance
* The young person has deliberately and unreasonably refused to co-operate.

In all cases, the young person will continue to be supported by Dudley Children Services and have their needs assessed through a Child and Young Person’s Assessment. If necessary, support will continue via a Child In Need plan or through Targeted Early Help support.

**Stage 5 – Social Work assessment and Provision of Sustainable Accommodation**

The comprehensive needs of the young person will be assessed via a Child and Young Person Assessment completed by the allocated social worker. The assessments will give appropriate consideration to the young person's informed views and choices.

During the assessment, social workers will continue to explore the possibility of the young person returning to their family, wider family or to friends. Social Workers will fully explore the value of arranging a family meeting or Family Group Conferencing to secure family support for the young person.

The assessment will inform the decision as to whether the young person continues to meet the criteria for Section 20, and if so, what accommodation type is most appropriate for meeting their needs. This will be reviewed as part of the Care

**5**. **Same day/Emergency Housing Provision**

If a young person is street homeless and they have nowhere to sleep that night, emergency accommodation will need to be provided.

If it is clear during the initial conversation or Joint Interview that the young person will require ongoing accommodation through Section 20, then a Placement Referral form should be completed by the allocated social worker and permission sought from a Head of Service to accommodate the young person.

If Children Services and Housing believe that they may be able to return the young person to the care of their family within 24 hours, the CHADD/YMCA emergency beds may be used. Young people must not remain in this provision beyond 24 hours, as the young person would then become a Looked After Child in an unregulated provision. The emergency beds are accessed via the Homelessness Prevention and Response Team.

If a decision is made to provide emergency accommodation, the Joint Interview should also explore what support is required by the young person to ensure that they have food; can access their educational provision (including transport) and can access benefits. This includes the use of Section 17 financial support.

The young person may decide to decline the offer of emergency housing in favour of making their own decisions. Both agencies should satisfy themselves that decisions made by the young person are fully informed and record the decision on the young person’s records.

**6. Relevant Legislation and Guidance**

The Children Act 2004

Emphasises the need for agencies to work together to improve outcomes for children. Section 10 establishes a duty on Local Authorities to make arrangements to promote cooperation between agencies and a duty on key partners to take part in those arrangements. This joint protocol plays an important part in formalising such a process.

The Children Act 1989

The Children Act 1989 Section 20 places a duty on Local Authorities to provide accommodation for young people in need under the following criteria:

Section 20 (1) states that -

“Every Local Authority shall provide accommodation for any “child in need” within their area who

appears to them to require accommodation as a result of:-

a. There being no person who has Parental Responsibility for him;

b. His being lost or abandoned;

c. The person who has been caring for him being prevented (whether or not permanently and for

whatever reason) from providing him with suitable accommodation or care”

Section 20 (3) continues:

“Every Local Authority shall provide accommodation for any child in need in their area who has reached the age of 16 and whose welfare that Authority considers is likely to be seriously prejudiced if they do not provide accommodation”.

Section 17 (10) defines a “child in need” as follows:

a. He is unlikely to achieve and maintain, or to have the opportunity of achieving and maintaining, a reasonable standard of health or development without the provision for him of services by a Local Authority under his part;

b. His health or development is likely to be significantly impaired, or further impaired without the provision for him of such services; or

c. He is disabled.

R(CG)v London Borough of Southwark/ House of Lords ruling.

This ruling confirmed that Local Authorities should presume that any young, homeless child should be provided with accommodation under the Children Act 1989, Section 20 unless the Local Authority can satisfy itself that the young person is not a Child in Need under the terms of the Act. The ruling clarified that Children’s Services could not discharge their duties to 16/17 year olds in need by referring them to the Housing Services for accommodation and reiterated that the Children Act has primacy over the Housing Act in providing for Children in Need.

All 16 and 17 year olds who present to a Local Authority as homeless or at risk of homelessness are therefore entitled to an assessment to identify whether they are a “child in need” under Section 17 and therefore the Local Authority has a specific duty to provide accommodation under Section 20. In determining whether a young person’s welfare is likely to be seriously prejudiced, consideration will be given to whether the young person’s health or development has been significantly impaired or she/he has suffered or is likely to suffer Significant Harm and whether by virtue of this or any disability, the young person is not able to cope and manage in the community, notwithstanding the provision of services to her/him.

All 16/17 year old young people who present in need of Housing will require a Single Assessment to determine whether or not they are Children in Need and therefore should be referred to Family Support and Child Protection for accommodation under Section 20 of the Children Act.

In relation to unaccompanied asylum seeking children, where a child has no parent or guardian in this country, the presumption should be that he/she would fall within the scope of Section 20 and become looked after.

Section 27 (10) of the Children Act allows Local Authorities to request the help of various agencies and people to assist in discharging these duties. Those identified in the Act who could be requested to help are:

a. Any Local Authority; (Children Services);

b. Any Local Education Authority; (Children Services);

c. Any Housing Authority;

d. Any Health Authority;

e. Any person authorised by the Secretary of State for the purpose of this section.

Any Authority requested to help is required to comply with the request provided that request is compatible with its own statutory or other duties and obligations and does not “unduly prejudice” the discharge of any of its own functions.

Whether a Section 27 request is accepted or not, the statutory duty for the provision of appropriate advice and assistance in order to safeguard and promote the welfare of the young person remains with the Children and Young Peoples Service.

The Housing Act 1996 (amended by the Housing Act 2004)

Part 7 of the Housing Act 1996 places a duty on Local Authorities to provide assistance to certain categories of homeless people. The homelessness (priority need for accommodation) (England) Order 2002, included new categories of homeless persons who have a priority need for accommodation and this includes a person aged 16 or 17 who is not a “relevant child” or a “child in need” to whom the local authority owes a duty under Section 20 of the Children’s Act 1989.

Children (Leaving Care) Act 2000:

Eligible Child

An “eligible child” is a young person aged 16 or 17 who has been looked after for at least 13 weeks since the age of 14 and who is still looked after.

Relevant Child

A “relevant child” is a child aged 16 or 17 who has been looked after (in care) by a Local Authority for

at least 13 weeks since the age of 14 and has been looked after at some time while 16 or 17, and who is not currently being looked after.

Former Relevant Child

A “former relevant child” is a young person aged 18-21 years who has been either an eligible or relevant child.

**Appendix**

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|  | Template joint interview document for Housing and Social Care |  |
|  | Help if you are Homeless Leaflets |  |
|  | 16 / 17 Process Map |  |