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Northamptonshire Joint Housing Protocol for Care-Experienced Young People

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1. Introduction and purpose

Young people leaving care are one of the most vulnerable groups in society and often lack the benefit of a supportive family. The transition to adulthood can be overwhelming, particularly the demands associated with living independently in a new home.

This protocol is a formal agreement between professionals working with care-experienced young people, which aims to ensure that these young people have the best possible chance to become successful, independent adults. More specifically, the aims of the protocol are to ensure:

- Professionals recognise the unique vulnerabilities and changing needs of care-experienced young people.
- Care-experienced young people are provided the skills, resources and support needed for independent living and becoming responsible tenants.
- A wide range of safe, high-quality accommodation is available to care-experienced young people and they are made aware of all possible accommodation options available to them.
- Care-experienced young people live in the most suitable accommodation, which is tailored to their individual needs. Accommodation should not just be a place to live, but should feel like a home.
- Professionals work together to help care-experienced young people maintain tenancies and avoid the risk of homelessness, and
- Care-experienced young people who lose their tenancies will not automatically be assumed to have become homeless intentionally.

2. Principles of this Protocol

This protocol works to the corporate parenting principles identified in the Children and Social Work Act 2017. The principles state that to thrive, children and young people have certain key needs that good parents meet. The principles are as follows:

- To act in the best interests, and promote the physical, mental health and well-being, of children and young people.
- To encourage children and young people to express their views, wishes and feelings.
- To take into account the views, wishes and feelings of children and young people when planning.
- To help children and young people gain access to, and make the best use of, services provided by the local authority and its partners.
- To promote high aspirations, and seek to secure the best outcomes, for children and young people.
- For children and young people to be safe, and achieve stability in their home lives, relationships and education or work.
- To prepare children and young people for adulthood and independent living.

This protocol also accords with the UK Government's Care Leaver Covenant, which sets out a set of commitments to care-experienced young people from central and local government:

- We will support you
- We will respect your identity
- We will listen to you
- We believe in you
- We will support you to find a place you can call home
- We will inform you
- We will be a lifelong champion

3. A note on Pathway Plans

All young people aged 16 to 21 (or up to 25 if Personal Advisor support is requested) leaving care who are eligible, relevant or former relevant children will have an assessment of need and Pathway Plan drawn up by the Leaving Care Team. The Pathway Plan is a legal document which sets out the young person's support needs and future plans. It is reviewed at least every six months and at the point at which a referral to housing services is ready, so it is up to date and reflective of current needs.

Any support delivered to the young person under the terms of this Protocol must be recorded in the Pathway Plan. Any changes in circumstances or needs must also be updated in the Pathway Plan.

4. Data-sharing and consent

The Data Protection Act (1998) requires that young people should give their written consent before any information about them can be shared. Consent to information sharing is covered in the Pathway Plan. The Leaving Care Team may share relevant details/sections of Pathway Plans with housing services.

5. Finding a home for young people

5.1. Accommodation types

The range of accommodation types available to care-experienced young people may include the following:

- Staying put arrangements whereby young people remain living with their former foster carers
- Living with trained carers under the Shared Lives scheme
- Specialist accommodation for young people with support needs
- Self-contained accommodation with housing related support
- Independent tenancies (social or private rented accommodation)

- Homes of Multiple Occupancy (HMO's)
- Training flats
- Other supported lodging placements
- Other transitional accommodation with varying degrees of support such as hostels/foyers

Bed and breakfast / hotel accommodations are not suitable for care-experienced young people and signatories to this Protocol will aim to ensure the use of such accommodation is kept to an absolute minimum, and in emergency circumstances only with prior agreement by senior management in both housing services and Leaving Care Team.

6. Allocation and eligibility

Care-experienced young people over the age of 16 can join the local authority housing register, but if under 18 they would not be permitted to bid for properties until they are considered ready for independent living and there is an agreement in place for a responsible adult or agency to act as guarantor. The guarantor needs written authority to act for the tenant until the tenant turns 18.

Note that this Protocol uses the phrase 'care-experienced' to refer to young people who are legally defined as 'care-leavers.' Appendix 2 sets out the legal definitions of care leavers and other relevant terminology.

7. Process - young person ready to move on from care

1. The Northamptonshire Children's Trust Leaving Care Team and housing provider representatives will meet monthly in the Care Leavers Accommodation and Transitions Panel to discuss accommodation options for all care-experienced young people. The Panel will ensure that housing services are made aware through referrals of young people likely to require accommodation.
2. The Leaving Care Team will ensure that where applicable, a housing referral is completed and submitted, with a supporting letter providing the details of the young person's history in care, their legal status as a care leaver and confirmation that they are ready for independent living.
3. Referrals and early discussions will include young people. Housing services will respond to referrals within 10 working days of receipt. Housing services and Personal Advisers will liaise to ensure all required information is available for a housing application to be made. If the young person is not ready for independence, the application may still be submitted and activated later.
4. On confirmation of a tenancy offer, the Leaving Care Team will work collaboratively with the young person to agree how to use the Setting Up Home Allowance. Other possible financial support, such as contents insurance and a TV licence, will be considered in line with the Leaving Care Financial Policy. If further financial assistance is required, the young person may be referred to

financial inclusion or similar service if available. The Leaving Care Team will support the young person regarding Council Tax exemption arrangements and will ensure they are aware of any service charges associated with the tenancy.

5. Leaving Care Team will ensure that housing services and any landlord are aware of any changes of address/Personal Adviser/Social Worker for young people during the period between the housing application being made and appointment to sign for a new tenancy.
6. When a property is agreed a 'sign up' meeting will be arranged between the young person, the appropriate housing professional, and the Personal Adviser. This meeting will ensure that:
 - The young person's tenancy support needs are considered and, if required, an additional support agreement will be drawn up.
 - The young person understands their commitments and responsibilities as a tenant.
 - A visiting schedule is agreed for social housing tenancies. As a baseline, the Personal Adviser should visit within 10 working days of the young person moving in and then every 8 weeks. Housing services will visit within 6 weeks and thereafter on a schedule to be agreed at the sign-up meeting.
 - Professionals exchange contact details.

See Appendix 4: Process - young person ready to move on from care.

8. Young people with an offending history

Housing services will work with Northamptonshire Children's Trust to ensure the accommodation needs of care-experienced young people entering or leaving custody are met and, specifically, that there is an accommodation plan in place for care-experienced young people aged 18-24 who are leaving custody.

Leaving Care Team will ensure that housing services or the current landlord are informed if a young person is received into custody and all such young people will be referred to the Care Leavers High Risk Panel.

Housing benefit (or the housing element of universal credit) will continue to be paid for up to 13 weeks while the young person remains in custody and during this time, a decision must be made as to whether the tenancy will continue. If there is an intention for the young person to return to the property, the tenancy will remain active. However, if custody is expected to last more than 52 weeks it is expected that the tenancy will be handed back. If the young person is on remand, housing benefit/element can be paid for up to one year.

Prisons, young offender institutions, secure training schools/colleges, youth offending teams and probation providers are subject to the duty to refer under Part 7 Housing Act 1996, and should refer, with the young person's consent, to housing services if they consider that the young person may be homeless or threatened with

homelessness within 56 days. On receipt of such referrals, housing services will liaise with Northamptonshire Children's Trust if not already doing so, to agree and take reasonable steps to prevent care-experienced young people from becoming homeless on release from custody. Leaving Care Team will send referrals as soon as a possible release date is known, regardless of how far ahead this may be to allow adequate time to jointly plan support that will be available.

9. Young people temporarily living away from home

If a young person intends to temporarily live away from their normal home, Leaving Care Team and the young person should ensure that housing services are informed. Housing benefit or the housing element of universal credit can continue to be paid if the young person intends to return home within the time allowed for their situation and does not rent out the home to anyone else. Generally, a tenant may continue to claim housing benefit/element while away from the property (within England, Wales or Scotland), for up to 13 weeks for any reason.

The following are examples of when a tenant can continue to receive housing benefit/housing element for up to 52 weeks while living away from the property:

- Staying in hospital or residential care
- Bailed to stay at a different address
- Living away from home due to fear of abuse or domestic violence

10. Maintaining tenancies and preventing homelessness

All signatories to this Protocol commit to taking all possible action to help care experienced young people to maintain their tenancy and prevent homelessness.

10.1 Intentional homelessness

Where a care experienced young person loses accommodation that they have been provided, they will be assisted to make a homelessness application to the local housing authority. Support will be implemented in accordance with the Homelessness Reduction Act 2017 including the provision of a personalised housing plan.

Where the loss of accommodation is regarded as a direct consequence of the young person's actions (or lack of), careful consideration will be given as to whether they became homeless 'intentionally'. It is assumed that such cases will be rare and any such decision will be made in writing clearly stating the reasons, the date any interim accommodation will be withdrawn, the young person's right to request a statutory review of the decision, and will be signed off by a senior manager within the housing service.

11. Further support commitments

The prompt sharing of information between agencies is essential to support young people and address tenancy issues. The Leaving Care Team and housing provider representatives will meet monthly in the Care Leavers Accommodation and Transitions Panel to discuss accommodation options for all care-experienced young people.

Through the rehousing process, Leaving Care Team and housing services should ensure young people have access to an independent advocate if required. All children under 18 who are legally looked after require a placement plan prior to moving into the allocated property and will require Reviews of Arrangement until their 18th birthday.

Additional support for the young person may include:

- An agreed program of activities to improve independence skills completed by the personal advisor and the young person
- Support via the young person's network (family and friends)
- Support from tenancy support officers

In exceptional circumstances Northamptonshire Children's Trust may act as guarantor or hold a tenancy in trust for the young person until it can be transferred to the young person on their 18th birthday. This offer is only available to young people leaving care who are approaching their 18th birthday. Tenancy workshops will be held to consider financial and other support arrangements.

In relation to housing applicants or succession applicants under the age of 18 the local housing authority will seek to grant or vest the tenancy to an adult (family member, joint tenant, other responsible adult or Northamptonshire Children's Trust) who will hold the tenancy "in trust" on the minor's behalf until they reach the age of 18.

The Leaving Care Team and the landlord will monitor the success of tenancies closely and ensure that potential difficulties involving the young person are dealt with promptly. If there is evidence that a tenancy is unlikely to be sustained, prompt communication between agencies is essential and a review of the Pathway Plan will be undertaken identifying current and future need. Additional tenancy review meetings or multi-agency support meetings should be arranged if required.

Housing services will notify the Leaving Care Team in the event they become aware that a tenancy is at risk. This will allow the Personal Advisor to support the young person appropriately and will ensure a focus on early intervention to prevent tenancy breakdowns. Consultation should take place between agencies, and attempts made to support the young person to resolve any tenancy issues, prior to any formal action being taken to end a tenancy.

12. Waiving the notice period when ending a tenancy

Like any tenant, young people can end their tenancy at any time, which requires giving 4 weeks' notice. In some circumstances and with the consent of all parties the landlord may agree to waive this notice period at the request of the tenant(s). These circumstances include:

- a) Tenant(s) individual circumstances denote a risk to themselves, neighbours and/or the council should the tenancy continue.
- b) Tenant(s) is/are transferring within local authority housing stock or have been nominated by the local housing authority to another social landlord.
- c) Where vacant possession will/has been given.
- d) The tenant is deceased or becomes a permanent resident of a care home.
- e) The tenant is acting on notice seeking possession or notice to quit served by the landlord.
- f) Where a full forwarding address and contact details have been provided.
- g) It is within the best interest of the local housing authority, or
- h) It makes best use of the local authority's housing stock. In all other circumstances the notice period can only be waived by a senior manager within the local housing authority's landlord services department or head of housing/similar.

13. Young people's finances

Care-experienced young people may be entitled to a range of financial support, including a Setting Up Home Allowance and other entitlements, in line with Northamptonshire Children's Trust's Leaving Care Financial Policy. Care-experienced young people across Northamptonshire are eligible for Council Tax assistance, in line with relevant local housing authority policies.

Under the Children (Leaving Care) Act 2000, Northamptonshire Children's Trust are responsible for the accommodation costs in full for eligible and relevant young people up until their 18th birthday. Young people become responsible for paying their own rent after their 18th birthday. They will need to claim housing benefit/universal credit or make direct payment (if in employment and/or ineligible for housing benefit/universal credit).

Under Housing Benefit Regulations all young people who qualify for leaving care services are exempt from the definition of "young individual" and the attendant "shared room rate" restrictions for the purposes of housing benefit. Care-experienced young people between the age of 18 and 25 can get the 'one bedroom' rate for housing benefit in the private rented sector (note that after the age of 25 the applicable rate reverts to the shared room rate up to the age of 35).

Care-experienced young people can prepare their claim for universal credit up to 28 days before and including their 18th birthday and can be supported to do so by the Leaving Care Team and housing officer. The Department of Work and Pensions (DWP) recognises care-experienced young people as vulnerable and as such can provide additional support to care-experienced young people who are claiming

universal credit. This support may include working closely with Personal Advisers or easing the claimant's commitments based on need.

It is possible for a young person aged 16 or 17 to be entitled to universal credit but it is the decision of DWP to determine if the claimant is entitled and if their circumstances deem them a care-experienced young people at the age of 16 or 17.

At the start of a new tenancy, a deposit and rent in advance may be required. These must not be taken from the young person's Setting Up Home Allowance. If other avenues of support (such as a Discretionary Housing Payment) have been exhausted, The Trust may provide financial support for rent in advance / deposit for a young person's first tenancy. Only in exceptional circumstances would this be provided for a subsequent tenancy and this would need to be agreed at Strategic Manager level.

Personal Advisers should check if a 'Rent Deposit Scheme' or 'Bond Scheme' exists in the area the young person is aiming to live and/or what 'Rent Deposit Protect Scheme' the letting agent/landlord uses.

14. Reviewing the Protocol

This Protocol will be reviewed annually or sooner if the legislation or policies underpinning it change.

Signatories will ensure on an ongoing basis that relevant staff are familiar with this Protocol.

Appendix 1: Legislative background

The main statutory framework applicable to young people leaving care comes from:

The Children Act (1989) which provides the overarching legislation through which local authorities and other agencies are required to ensure children are safeguarded and are supported if they are leaving care.

The Children (Leaving Care) Act 2000 which introduced requirements for local authorities to appoint a Personal Adviser for care leavers and develop a Pathway Plan for them.

The Children and Young Persons Act 2008 which required local authorities to provide assistance to care leavers in education (including a £2,000 bursary for those in higher education) and extended support from a Personal Adviser to age 21 for all care leavers and to 25 if they remained in education.

The Children & Families Act 2014. This introduced the Staying Put policy, requiring local authorities to support young people to remain with their former foster carers to age 21 where both the young person and carer want the arrangement to continue.

The Children and Social Work Act 2017. This Act required local authorities to publish their offer of support to young people leaving their care (the “local offer”) and removed the requirement for certain care leavers to be in education and training to obtain support from a Personal Adviser and get other help from the local authority. The Act also introduced seven “Principles of Corporate Parenting” the most relevant here being “to prepare those children and young people for independent living.”

The government’s strategy for care leavers, *Keep on Caring* provides further information and links to legislation. Sections 1.30 and 3.43 cite the importance of effective partnerships between local authorities and housing services.

Key housing legislation of relevance to care leavers are:

The Housing Act 1996 the Act establishes that housing services should not have a blanket policy as regards intentional homelessness, and should form a view in light of all their inquiries.

The Homelessness Act 2002 which added care leavers as a priority group and established the need for social services to work with housing services to carry out its duties.

The Homelessness Reduction Act 2017 which established the “duty to refer”, i.e., for social services to inform housing services about care leavers – with consent; and redefines “local connection” for care leavers. For county-wide authorities, care leavers now have a local connection to every district and borough in the area. Previously, a person was defined as threatened with homelessness if likely to become homeless within 28 days – this has extended to 56 days under the 2017 Act.

The charity Homeless Link has produced a brief guide to the 2017 Act, *Implementing the Homelessness Reduction Act*.

Government guidance for local authorities in exercising their homelessness functions is set out in the **Homelessness Code of Guidance** with Section 22 dedicated to care leavers.

Appendix 2: Eligibility

Care leaver definitions

This protocol specifically applies to all young people aged 16 to 24 who meet the Children (Leaving Care) Act 2000 criteria:

Eligible young people aged 16 or 17 who are either subject to a Care Order or who are Accommodated by the Local Authority for at least 13 weeks since their 14th birthday and on or after their 16th birthday.

Relevant young people aged 16 or 17 who are no longer looked after but for whom Children and Families Services are responsible for maintaining in suitable accommodation and providing financial support. These young people cannot, subject to some exceptions due to a disability or being a parent, claim welfare benefits.

Former relevant young people aged 18 to 24 who have previously been either eligible or relevant. These young people can access benefits, but continue to receive leaving care support services.

Unaccompanied Asylum-Seeking Children who qualify for a Leaving Care service and have been granted refugee status or those that have an appropriate leave to remain status (NB if a young person has made an in-time appeal on their pre 18 leave to remain status then according to Section 3 of the Immigration Act 1971 they are considered by the Home Office to still have their original leave to remain).

The protocol does not apply to **Qualifying** young people who may have been briefly accommodated but did not attain eligible status. There is a duty to advise and befriend but for the purposes of meeting housing needs their status is as that applied to any other homeless young person seeking assistance under Homelessness legislation:

Local connection

Clause 8 of the Homelessness Reduction Act 2017 introduces a measure to amend the definition of 'local connection' under Part 7 Housing Act 1996 (as amended) for young people leaving care. Local Connection will be established in the following situations:

1. The young person will have a local connection under Part 7 to the local housing authority that owes them a duty under Section 23C of the Children Act 1989.
2. If the relevant local authority is not a local housing authority, the young person will have a local connection under Part 7 to every local housing authority within the area of the local authority who owes them a duty under Section 23C of the Children Act 1989.
3. The young person will have a local connection under Part 7 to the local housing authority for the area in which they have been accommodated, if they have been accommodated under Section 22a of the Children Act

1989 within the area for at least 2 years (including some time before they turned 16).

4. The above criteria do not apply to Part 6 of the Housing Act 1996. Local housing authorities may therefore have different local connection criteria within their own Housing Allocation Policies. However, both unitary councils in Northamptonshire have agreed to replicate these criteria within their respective Housing Allocation Policies. This means that care experienced young people will have a qualifying local connection to each of the local authority housing registers.

Appendix 3: Equality and diversity

This Protocol will be subject to the equality and diversity policies adopted by the local housing authorities and Northamptonshire Childrens Trust which are in turn kept under regular review.

The local housing authorities and Northamptonshire Childrens Trust and relevant partners value diversity and are committed to equality of opportunity and access to suitable accommodation for all young people, regardless of age, gender identity, marital status, pregnancy or maternity, sexual orientation, race, religious belief or disability.

The local housing authorities and Northamptonshire Childrens Trust and relevant partners seek to promote the participation of young people in decision making processes (this should be evidenced in the young person's Pathperway Plan).

Appendix 4: New tenancy process

1. Young person ready to move on from care and able to live independently?

If no: Care Leavers Accommodation and Transitions Panel (considers accommodation and transitions for range of young people)

If yes: Move to the next step below

2. Leaving Care Team: Housing referral sent to housing services

Complete: Northamptonshire Children's Trust housing referral form

Once completed, move to: Housing services & Personal Adviser liaise to ensure young person ready for independence and all information gathered

3. Housing services & Personal Adviser liaise to ensure young person ready for independence and all information gathered

Once completed, move to: Application ready?

4. Application Ready?

If no: Return to 'Housing services & Personal Adviser liaise to ensure young person ready for independence and all information gathered'

If yes: Move to the next step below.

5. Leaving Care Team submits housing application, young person bids for properties, Personal Adviser/young person discuss finances/Leaving Care Team to inform housing services of any change of address/circumstances (Pathway Plan process must be followed if young person under 18)

Once completed, move to the next step below

6. Tenancy offer received

Once offer received move to the next step below

7. Leaving Care Team and young person to discuss financial support and tenancy costs (rent guarantor, grants, Setting Up Home Allowance, Council Tax Reduction, rent in advance/deposit and service charges in line with the Leaving Care Financial Policy)

Housing services to explore financial inclusion referral or similar if extra support required

Once these steps are complete move to the next step below

8. Leaving Care Team, young person and housing services to agree and attend tenancy sign-up meeting. This will include: young person's support needs, tenant responsibilities, professionals swap contact details, visiting schedule to be agreed, tenancy start date (further support plans to be drawn up if required).

Once these steps are complete move to the next step below

9. Tenancy begins

Once tenancy begins move to the next step below

10. Personal Adviser to visit young person within 10 working days and thereafter every 8 weeks

Housing services to visit within 6 weeks and further visits in accordance with visiting schedule agreed at sign-up meeting.