

Wokingham Care Leavers' Joint Housing Protocol

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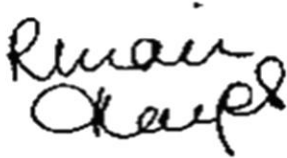
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DATE LAST UPDATED (January 2024)

Organisation/Service Area	Signed by	Name and designation	Date
Wokingham Borough Council, Children's Services		Adam Davis, Assistant Director of Children's Services (Social Care and Early Help)	January 2024
Wokingham Borough Council, Place and Growth		Rhian Hayes, Assistant Director of Economy and Housing	January 2024

1. Introduction

1.1 Overview

This joint protocol sets out how Children's Services and Housing, as well as other parts of the Council, will work together as a corporate parents to ensure that young people who leave care have the housing and the support they need to live successfully as young adults.

Somewhere suitable to live underpins other areas of all young people's lives, it provides the base from which young people can work towards their aspirations. Most care leavers also need practical help and emotional support, often over several years.

The wider range of support and services that Wokingham Borough Council has a duty to provide to young people leaving care and care leavers and how that is delivered is available in the on-line procedures manual:

http://wokinghamchildcare.proceduresonline.com/p_leaving_care.html

1.2 Wokingham's local offer to care leavers

Just as a good parent would, Wokingham Borough Council will work to make sure all care leavers have somewhere suitable to live and to call home, based on their individual needs and

circumstances. This is set out in our 'Local Offer' for care leavers in Wokingham¹, which makes a number of commitments to all care leavers. We will:

-
- Support you to find a home where you belong.
 - Make sure you get an excellent education.
 - Help you have a healthy lifestyle.
 - Make sure you have fun.
 - Respect you, listen to you and take what you say seriously.
 - Help and support you as you become young adults.
 - We will not forget about you.

Whilst our Local Offer describes in broad terms what the commitment is to care leavers, the practical detail of how Wokingham Borough Council will help care leavers to leave care, in terms of finding somewhere to live and making sure young people have the support needed to live more independently, is contained within this joint protocol document, which provides information about:

- Our overall aims and objectives
- Roles and responsibilities of different parts of the Council in delivering this joint protocol
- Legal duties towards care leavers
- Different accommodation options
- What happens in particular situations or circumstances
- How our work will be coordinated
- How our work will be monitored
- What happens if there are any disputes

Wokingham Borough Council recognises that most young people leave care at a significantly younger age than most of their peers might leave the family home. And they do not usually have the choice to return to their carers if something goes wrong or they need help. As corporate parents our responsibility is to make sure each young person has a successful transition from care to their lives as a young adult, with the support and housing options available to make this possible.

1.3 What are the overall aims and objectives of the joint protocol?

The joint protocol is based on some shared aims, which reflect the wider corporate parenting principles which are set out in the Children and Social Work Act 2017 (please see Appendix One).

Our shared aims are that care leavers in Wokingham:

- 1) Are given as much information, choice and control as possible before they leave care and in the first few years of being young adults. This means we:

¹ See: <https://childrenincarecouncil.wokingham.gov.uk/careleavers/care-leavers-local-offer/>



- communicate with young people in a way that they can understand, and that information is up-to-date and realistic
- assist young people to get ready for living more independently, through sharing practical skills, knowledge and supporting their emotional resilience
- try to give young people some housing choices as they come up to leaving care and after leaving care, in terms of where they live and the sort of housing and support they might have
- make sure we take the time to listen carefully to what young people say and not make assumptions about what they need and want

2) Are able to make mistakes without becoming homeless with no options left. This means we will:

- be in touch regularly and be approachable so they feel they can ask for help
- always try to help care leavers to find solutions to problems with housing
- suggest ways young people can manage situations differently in the future - help young people learn from what has happened
- not give up on care leavers, no matter what their circumstances.

3) Have help and support available to meet care leavers' needs, regardless of where they live.

This means we will:

- commission housing-related support locally which can adapt to the changing needs of care leavers
- make sure support workers stick with young people no matter what sort of housing they live in
- make sure we have options for support in place locally and support options available for care leavers who live outside Wokingham

4) Enable young people to overcome the financial challenges of living more independently.

This means we will:

- work with young people on financial planning before they leave care or a 'Staying Put' arrangement, so they have some skills and knowledge to manage on low incomes at the start of living more independently
- provide corporate support to take up opportunities in employment, education and training, which will lead to better prospects in terms of income levels
- provide corporate support through exempting all care leavers residing in Wokingham from payment of Council Tax until their 25th birthday
- work jointly to identify any risks of arrears or debt and how these will be resolved without a care leaver being at risk of eviction

5) Do not experience homeless. This means we will:

- Have a joint approach to early identification of risks of homelessness and a range of tools to prevent homelessness occurring
- Avoid wherever possible the need for care leavers to make homelessness applications and go through the homelessness 'system'
- Have some short stay/emergency accommodation available within the young people's supported housing pathway in Wokingham
- Not use bed and breakfast type accommodation

1.4 How have we developed this joint protocol?

Children's Services, Housing and Commissioning have worked together to develop this joint protocol, with input from young people who have been looked after and left care. Their views and experiences have helped to shape the joint protocol. Just before we wrote this, we talked to some care leavers about their experiences of leaving care and housing options. We also looked at 6 case studies of care leavers to find out more about their journeys from care to living more independently.

1.5 Who should I contact if I need to find out more about the joint protocol?

There are Housing and Children's Services officers who are jointly responsible for different aspects of the joint protocol, details are included in Appendix Two.

1.6 Who does the joint protocol apply to?

There are different groups of young people that this joint protocol applies to, based on legal definitions of children in care and care leavers. These are outlined below. Different duties apply to these young people at different points in their transition to adulthood. Please see Appendix One for more detail.

Eligible children

Eligible children are young people aged 16 or 17 who have been looked after by a local authority for a period of at least 13 weeks, or periods amounting in total to that, at any point since their 14th birthday. They have not yet left care - they are still looked after. Note: this does not apply to children looked after through pre-planned short breaks/respite care of up to 4 weeks where the young person returned to their parent.

Relevant children

Relevant children are young people aged 16 and 17 who have been looked after for at least 13 weeks since their 14th birthday and have been looked after at some time while 16 or 17 and who are no longer looked after – they have left care aged either 16 or 17 but are not yet 18 years old.

Former relevant children

Former relevant children are young people aged 18 - 24 who were 'eligible' and/or 'relevant' aged 16 or 17 but have now reached their 18th birthday. They will have left care on their 18th birthday when they legally become an adult.

Qualifying care leavers

Qualifying care leavers are aged between 16 and 21 and either:

- Left care after the aged of 16 but are not 'eligible' or 'relevant' because they did not fulfil the 13-week criteria. They may have been accommodated in a variety of other settings, for example residential education, or mental/health provision
- Or were subject to a Special Guardianship Order and were looked after immediately before the making of that Order
- Or were privately fostered

See Appendix One for more information on legal definitions.

1.7 What legislation and guidance relate to this joint protocol?

The Children Act 1989

<https://www.legislation.gov.uk/ukpga/1989/41/contents> **The**

Children and Social Work Act 2017

<https://www.legislation.gov.uk/ukpga/2017/16/contents/enacted>

The Children (Leaving Care) Act 2000

<https://www.legislation.gov.uk/ukpga/2000/35/contents> **The**

Housing Act 1996

<https://www.legislation.gov.uk/ukpga/1996/52/contents> **The**

Homelessness Reduction Act 2017

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

Statutory and non-statutory guidance

Department for Education

Transition guidance - from being looked after to being a care leaver:

[Children Act 1989 Guidance and Regulations - Volume 3: Planning Transition to Adulthood for Care Leavers \(revised January 2015\)](#)

Care planning, placement and case review guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf

Extending support to care leavers until they are 25:

[Extending Personal Adviser Support to All Care Leavers to Age 25: Statutory Guidance for Local Authorities \(February 2018\)](#)

Corporate Parenting:

[Applying Corporate Parenting Principles to Looked-after Children and Care Leavers - Statutory Guidance for Local Authorities \(February 2018\)](#)

The Local Offer:

[Local Offer Guidance: Guidance for Local Authorities](#)

The Department for Levelling Up, Housing and Communities Homelessness

Code of Guidance (Part 7 of the Housing Act 1996)

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

Allocations Guidance (Part 6 of the Housing Act 1996)

<https://www.gov.uk/guidance/allocation-of-accommodation-guidance-for-local-authorities/chapter4-framing-an-allocation-scheme>

The Home Office – Immigration and Visas

Looked after children and care leavers – Settled Status

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918663/looked-after-children-EUSS.pdf

The Department for Levelling Up, Housing and Communities -joint protocols for planning accommodation on release from custody

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814964/Prison_Release_Protocol_research_report_FINAL.pdf

2. Planning with care leavers

2.1 At what point will we start to plan with young people where they will live when they leave care?

Planning around accommodation and the support the young person needs to manage this will start when the young person is aged between being 15 ³/₄ and their 16th birthday. Planning may start earlier than this, based on their individual circumstances, for example, where a young person has additional needs or a disability. Any initial plans will be set out in the care plan, the Pathway Plan and the record of the Children in Care review meetings. Pathway planning will:

- begin immediately if the young person is newly looked after aged 16 or 17.
- only be more 'light touch' if there is a written decision action in the Children in Care review record that this is the case, i.e. that this is a conscious, pro-active decision, based on the shared professional judgment of social workers, their manager, carers and Independent Reviewing Officers.

We understand that there is not a 'one size fits all' approach to planning what happens when leave care. Every young person's circumstances are different, for example:

- Some young people are in settled foster placements, whilst others have lived in several placements.
- Some have only recently become looked after, whilst others have been in care for several years.
- Some young people live a long way from Wokingham, others are in placements within Wokingham or not far away. See Section 6 on young people living out of the Wokingham area.

We will make sure there is consistency in how we approach the timing of planning accommodation and support with young people, whilst allowing for individual circumstances of young people to guide our planning with them.

This means before young people leave care, planning future accommodation may be more 'light touch' for some young people (for example, those who are already planning to 'Stay Put') and for others it may be more detailed.

2.2 What options are there for young people when they leave care?

The social worker, the Personal Adviser (if allocated) and Young Person's Homelessness Prevention Officer will assess the options based on what young people's circumstances and views are. These will be discussed at the Young People's Housing Panel as well (see below).

Not all care leavers wish to live in or return to Wokingham if they have lived in placements out of the area. Housing options will therefore vary based on the local authority area where the young person is likely live.

It is essential that young people are given a realistic picture of housing options available in the area they wish to live in.

The variety of options which may be available are:

- 'Staying Put' with former foster carers
- living in a supported lodgings arrangements with a host in their own home
- living in a Shared Lives placement in a family setting– this is only for care leavers with a learning disability
- living in a supported housing scheme
- living in 'step-down' housing, linked to a supported housing scheme, but with more independence
- living in self-contained social housing
- living in a private rented tenancy (shared or self-contained)
- returning to live with family
- living away at university and needing vacation accommodation

There is more detail on these options in Sections 4 and 7 of this joint protocol.

2.3 Listening to young people and helping to manage their expectations

It is critical that young people are listened to carefully about how they envisage their future housing when they leave care, if it is not already clear what their wishes are. This is likely to take more than one discussion with someone they trust, for example, a social worker, a carer, a Personal Adviser or the Children's Rights Officer.

There should be no assumption that young people's views on their housing options will not change. As they develop and mature, young people's views about their future housing and support will need to be checked regularly, as young people may change their minds relatively quickly about what option(s) they believe will work best for them.

Young people's wishes and views need to be carefully balanced with sharing of information about the realities of housing options. It is the responsibility of the social worker and the Personal Adviser (when allocated) to be honest with young people about the realities of living alone at a young age, including possible loneliness, financial hardship, and the likely length of wait for social housing and the possible limited choices available.

Many care leavers are likely to want their own house or flat on leaving care and for some this may be an appropriate option. However, for most young people aged 18, not only care leavers, managing alone at 18 years old is a challenge, with risks of debt, arrears and possible eviction.

Care leavers' should be helped to make informed decisions on what housing options they want on leaving care. The advice and information young people receive should be up to date and realistic, based on:

- their personal situations
- their readiness to live more independently successfully and what level of support they are likely to need
- the local context where they are likely to be living, in terms of housing options, including supported housing
- the support networks available to them
- the realities of managing on a low income

2.4 Who will be involved in planning accommodation options?

Planning with young people is not a single event but a process which is continual. It can be very informal and would, at times, be discussed and be agreed in a formal setting – such as Pathway Plan review meetings and the Young People's Housing Panel. Involved in different discussions would be some of the following people:

- The young person
- Anyone else the young person wishes to involve, for example, family members • The carer(s)
- The social worker and their manager
- The Personal Adviser (when allocated)
- The Independent Reviewing Officer (IRO)
- Young Person's Homelessness Prevention Officer
- Operational Commissioning
- The Transitions Team where care leavers may need services via Adult Social Care
- The Community Mental Health Team and the Child and Adolescent Mental Health Service where a care leaver has a mental health issue and will need additional support

Note that this does not mean that all the above should attend meetings together. This will be at the discretion of the social worker and their manager after consultation with the young person.

Decisions and updates should be shared at the young person's Children in Care Review, which the Young Person's Homelessness Prevention Officer can be invited to attend. See here for the procedures on Children in Care Reviews in Wokingham:

http://wokinghamchildcare.proceduresonline.com/p_look_aft_rev.html

The social worker will contact the Young Person's Homelessness Prevention Officer prior to any planning meeting about their future to seek their advice and views if they are not going to attend the meeting.

Where it is likely that the young person will live in settled social housing at some point between the ages of 18 – 25, then the Personal Adviser and the Young Person's Homelessness Prevention

Officer should assist the young person to make an application for social housing and be placed on the WBC housing register. This can happen at any point after the young person is 16 years old. Note: they will not be able to hold a tenancy in law until they are an adult. See Section 7.1 for the limited circumstances where a 16- or 17-year-old might be able to occupy a property under a licence agreement and a trustee would hold the legal estate.

2.5 The Young People's Housing Panel

To co-ordinate decision-making on accommodation and support for all care leavers, a Young People's Housing Panel has been set up. The housing and support plans and options for young people leaving care will be brought to the Wokingham Young People's Housing Panel meeting, which will be convened every fortnight (may move to monthly meetings when the panel is well established. This meeting will be chaired by the Senior Specialist for Homelessness and Housing Needs or the Manager of Here4U/the Service Manager Corporate Parenting and will be regularly attended by:

- The Here4U Manager
- The Operational Commissioning Manager (Adults and Children)
- The Young Person's Homelessness Prevention Officer
- The Senior Specialist for Homelessness and Housing Needs
- The Transitions Team Manager
- A representative from Community Mental Health Services
- The Children's Rights Officer
- Representatives from relevant young people's support provider agencies

To be invited to attend on a case-by-case basis, as appropriate:

- Young people
- Personal Advisers (when allocated)
- Carers
- Social workers – Children's Services
- Managers of provider services for supported housing
- Transitions Team Manager or social workers
- Housing Needs Manager/officer
- Housing Management (Rental Income and Tenancy Sustainment)
- Youth Offending Service Manager
- Probation Service case workers
- CAMHS workers
- Independent Reviewing Officers

The remit of the meeting, in terms of care leavers is to jointly discuss housing plans for young people leaving care and the support they may need to successfully manage their accommodation.

The purpose of the meeting is to:

- agree the most suitable options for young people, based on their wishes, their assessed needs, (as set out in their Care Plan and Pathway Plan) and the availability to appropriate options
- to check the young person, when aged 16 or 17, has been assisted to make an application to be placed on the WBC Housing Register if that is one of their possible housing options in the future. Note - it is not possible to hold a tenancy in law before the age of 18
See Section 7.1
- prevent unexpected/unplanned moves and any risk of homelessness
- eliminate the use of unsuitable accommodation, such as bed and breakfast (B&B and hotels) and shared nightly let accommodation
- assist, where appropriate, young people to retain the accommodation they are in, rather than a move to new accommodation, where this is appropriate.
- agree a contingency plan for each young person (see point 2.6 below)
- agree when offers of social housing in WBC to care leavers should commence once the young person is 18, based on their readiness to manage a tenancy
- facilitate a return to supported accommodation where a care leaver has surrendered their tenancy or been evicted from a tenancy

The care leavers who may be discussed at the panel meeting will be those who are:

- aged 16 and over who are leaving care and will not be Staying Put with former foster carers
- ready to move on from Staying Put arrangements within the next 3 months
- in custody and will be leaving custody in the next 6 months
- living out of area and do not wish to return to Wokingham
- those who are subject to immigration control and not eligible for housing assistance (e.g., unaccompanied young people seeking asylum and EEA nationals)
- at university and will need vacation accommodation
- ready for a planned move to alternative accommodation
- at high risk of a breakdown of placement or accommodation
- in unsuitable accommodation such as bed and breakfast (B&B) or shared nightly let accommodation

For more detail on joint working arrangements for young people at high risk of homelessness and the joint actions needed to prevent their homelessness, see 2.6 below and Section 8.

The decisions will be informed by young people's wishes and views, the views of other significant adults in the young person's life, including carers and family members, the Care Plan and the Pathway Plan.

All decisions made should be included in both the Care Plan and the Pathway Plan and presented at the next Review meeting for the young person.

The objective of the Young People's Housing Panel is, as corporate parent, to keep young people away from the statutory homelessness system, as any reasonable parent would do. But where it is clear that the young person is or may be threatened with homelessness within 56 days or is already homeless, no homelessness application has been made, and there has been no resolution to a threat of homelessness through the Panel meeting, Children's Services must seek the young person's consent to make a formal referral to the Housing Needs Service under their statutory

'duty to refer.' See Section 8 of this joint protocol and Chapter 4 in the Homelessness Code of Guidance:

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-4-the-duty-to-refer-cases-in-england-to-housing-authorities>

2.6 Joint contingency planning

Our aim is to avoid care leavers becoming homeless or placed in a situation of housing insecurity. Therefore, Children in Care Plans and Pathway Plans must contain contingency arrangements for unexpected changes in circumstances, including placement breakdown and the loss of accommodation.

It is the responsibility of the social worker and/or the Personal Adviser to ensure there are alternative plans which can be actioned should there be a change of circumstances in regard to a young person leaving care and their accommodation.

Contingency plans will be reviewed and updated as part of the Care Plan Review or Pathway Plan review meetings until the young person is 21. They will also be outlined at the Young People's Housing Panel when the young person's accommodation options are being discussed.

Where a young person is living in their own tenancy, the joint contingency plan may include the option of a young person surrendering their tenancy rather than waiting for a notice of intention of seeking possession.

2.7 Identifying and planning with young people at higher risk of homelessness

There are some young people who are likely to be at higher risk of housing insecurity and homelessness. Like other care leavers, their Pathway Plans will be regularly updated and reviewed, but Personal Advisers and the Young Person's Homelessness Prevention Officer will need to ensure that there is no 'drift' in these plans and that if needed, there is more than 1 alternative option in the contingency plans identified for a young person.

The care leavers at higher risk of homelessness include young people who:

- are in custody and have no accommodation on release
- are seeking asylum and have not yet had a decision on their claim
- are from an EEA, EU country or Switzerland and do not have settled status
- are newly looked after aged 16 – 17
- are not in a settled placement and have had several moves in the last 2 – 3 years
- have mental health issues
- have learning difficulties
- Are at risk of sexual exploitation or have been as children
- have substance misuse issues
- have been evicted from supported or settled housing in the past

3. Helping care leavers develop life skills and emotional resilience

3.1 What do young people need to manage successfully as young adults?

As corporate parents both Children's Services and Housing will work together to ensure young people have both informal and formal opportunities to develop the 'capital' they need as young adults. This can be defined as:

- **Social capital:** social networks, social skills, understanding of how the world works, confidence
- **Problem solving capital;** critical thinking skills, experience of solving problems successfully
- **Emotional and mental health capital;** sense of self-worth, ability to talk about and deal with difficult feelings
- **Skills capital;** basic skills, job specific skills, living skills

Within these sets of 'capital' are areas related directly to managing a tenancy, for example, financial skills, practical skills, how and who to ask for help /advice and understanding and managing feelings of loneliness and isolation.

3.2 How will this be delivered?

As a corporate parent WBC recognises that preparing to leave care will not be achieved in a single event or the completion of a course and that this is an on-going learning process, comprising of a mixture of:

- help from carers with practical skills, for example, managing pocket money, cooking, cleaning, shopping as well as emotional support. WBC will offer training to foster carers and residential care staff with responsibility for helping care leavers prepare to manage independence as needed/requested
- more focused work on developing life skills, knowledge, and experiences whilst a young person is 'staying put' with former foster carers
- attending an in-house 8-week course jointly run by Here4U, the Young Person's Homelessness Prevention Officer and with input from other Housing staff
- an accredited on-line course for young people who are not able to attend the 8-week course which can be accessed if they are living some distance from Wokingham or are in custody
- an accredited course for all young people living in WBC supported housing provision
- on-going advice and support from the Personal Adviser
- advice as needed from the Young Person's Homelessness Prevention Officer

- housing related support - sessions in supported accommodation/supported housing and through floating support

3.3 How will Children's Services and Housing assess young people's readiness for more independence?

Social workers, Personal Advisers (when allocated) and IROs will explore young people's strengths and areas for development through the Child Care Plan and Pathway Plan review meetings, looking at the depth and breadth of work undertaken, any gaps to be addressed and how these will be addressed. The Young Person's Homelessness Prevention Officer may also share their views on this as requested.

The Young People's Housing Panel will also be presented with information about each young person's strengths in being able to manage more independently, and the areas they need to develop and the sorts of support they might need.

Young people who have already left care will be asked each year for their views on the assistance they have had to manage more independently and advice on any improvements that could be made. This will feed into the Young People's Housing Panel and the report to the Corporate Parenting Board.

4. What accommodation and support options are there for care leavers?

4.1 Staying Put

The Wokingham Staying Put procedures set out the process by which the Staying Put arrangements are set up, managed and come to an end. For more information:

http://wokinghamchildcare.proceduresonline.com/files/staying_put.pdf

Where young people are living in a 'Staying Put' arrangement, the planning for the ending of this should be set out in the Pathway Plan, including the next move for the young person.

The Pathway Plan should set out plan for the next move alongside the contingency plan should a Staying Put arrangement end unexpectedly.

The next housing move for the young people should be discussed at the Young People's Housing Panel 3 months before the Staying Put arrangement is due to come to an end.

Staying Close:

4.2 Returning to live with family

A significant proportion of care leavers will return to live with their family, even if this is for a short period of time. Reunification with families requires the local authority as a corporate parent to take a proactive role in supporting care leavers and their families. The Compass Team can offer support the young person and their family if reunification is planned.

The Personal Adviser and/or social worker will meet with the young person and their whole family to discuss return to live with the family, which should cover:

- The relationship with the family, any support that may be needed and how this will be accessed
- If a Family Network meeting would be helpful to enable the whole family to talk together about how they envisage a return home working, any challenges or concerns, how these will be managed in the family and what support they may need from WBC
- If the property is safe or needs essential repairs, with advice from Housing if needed
- If the young person will have their own bedroom and if sharing, how this will work and if this is suitable
- Any welfare rights /income maximisation advice that the family may need
- If there is any financial support needed to enable a move back to the family home in the short term
- What practical support the Personal Adviser and the Compass Team can offer, how they can be contacted and the limitations of what can be offered

4.3 Commissioned accommodation and support within Wokingham

Wokingham Borough Council has commissioned the following accommodation and support for young people:

- Reading Road supported housing scheme. This is for young people aged 16 – 25 who have low to medium support needs. It is for any young person from Wokingham who is homeless or at risk of homelessness. There is 24-hour on-site support. There are 7 rooms with ensuite facilities and a shared kitchen and 2 self-contained bedsit flats. Length of stay is 12 months. Rents are low to enable young people to take up employment and training opportunities without needing to move to do so. Sessions and support on independent living and access to education, training and employment are offered. The current provider is P3.
- London Road supported housing scheme. This service will provide support and accommodation for care leavers aged 16 – 21 with a range of needs. There are 4 bedrooms with ensuite facilities, and 3 self-contained bedsits. One of the bedsits is located on the ground floor and has been designed to be wheelchair accessible. There is a shared kitchen and lounge and a purpose-built training and meeting room which is separate to the main building. The length of stay is 12 months, and like Reading Road, rents are low to enable young people to take up employment and training.
- Supported lodgings. there are 2 hosts who provide a bedroom and some support in their own home. This is managed and arranged through the Fostering Team.
- Floating support. This is cross-tenure housing related support which can provide support to people of all ages wherever they live in Wokingham. The current provider is Transform.
- Shared Lives. Young people with a learning disability can live in a family setting as a young adult.

Access to any of the above for care leavers is through agreement at the Young People's Housing Panel where this is a planned move. For Shared Lives, this would involve the Transitions Team as well.

If there is a care leaver who is already living within the commissioned accommodation in WBC and needs a move due to a risk of eviction from or possible abandonment of their current accommodation, the Manager of the Young People's Housing Pathway will call a meeting with all the providers of accommodation and support, the Personal Adviser, the Young Person's Homelessness Prevention Officer to agree what the most appropriate move would be to avoid risk of eviction and any possible homelessness. The young person's views should feed into this meeting and the Children's Rights Officer can attend as appropriate to advocate for the young person.

It is the expectation of WBC that all providers will work closely together and with WBC to avoid unplanned moves and evictions and this is set out in their contracts.

4.4 Commissioned accommodation and support outside Wokingham

The provision outside Wokingham could be:

- A continuation of the Supported Accommodation which the young person was living in whilst they were still looked after. This will need to be funded by WBC
- A placement which specialises in supporting young people with learning disability or physical disability, which is funded by Adult Social Care, including a Shared Lives placement
- Supported housing, commissioned by another local authority (usually for people who are homeless or at risk of homelessness), which has accepted the care leaver from WBC because they fit the eligibility criteria

4.5 Accommodation support for care leavers at university, in further education or attending a training course

Where former relevant care leavers aged 18 – 20 are at university, in further education or attending a training course outside the Wokingham area and need accommodation during vacations, this should be set out in their Pathway Plan, along with the financial support that will be provided by Children's Services.

When a former relevant care leaver is 21 and is taking up or continuing with higher or further education or a training course, in so far as their educational or training needs require it, Children's Services will make a contribution towards expenses incurred as a result of living near the place of education or training. This duty to contribute will continue while the young person continues in the education

Accommodation options may include:

- Staying Put with former foster carers for vacations

- A short term supported lodgings arrangement with a host
- Paying for accommodation which the young person has identified as appropriate

Young people may need some advice on accommodation options if they are pursuing these directly, for example, in relation to tenancy advice or if a property is suitable in terms of being fit for habitation and affordable. The Personal Adviser will seek the advice of the Young Person's Homelessness Prevention Officer and other colleagues in Housing as appropriate.

Where a care leaver is considering university, the following link may provide information regarding universities' provision of accommodation for 52 weeks per year if required:

<https://www.buttleuk.org/about-us/quality-mark-for-care-leavers>

4.6 Other types of accommodation and support

There are other types of supported accommodation which care leavers might live in but do not fall within the 'commissioned' category.

'Exempt accommodation' provides some support and housing management, funded through a higher level of housing benefit (often called 'enhanced' housing benefit) or 'intensive housing management'². It is funded in its entirety through the Department for Work and Pensions. This provision must be owned by a social landlord or not-for-profit organisation and the provision of 'care, support or supervision' is through the social landlord or someone acting on their behalf.

The levels of support may vary and there are concerns nationally that, whilst some provision is good quality and works well, some provision is not of good quality with some local authorities taking action to close provision or ask the Regulator for Social Housing to remove their 'exempt' status. Therefore, where any young person might be considering this type of accommodation, Housing should undertake an inspection of the building and commissioners should assess the level of support and supervision provided.

It is also important to note that the rents are set much higher than a social rent, and should a young person enter work or training they would find it hard to meet the rent levels if on low incomes.

² See paragraph 4(10) of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (SI 2006/217) here: <https://www.legislation.gov.uk/ukSI/2006/217/schedule/3>

5. Working together to jointly assess the suitability of accommodation

5.1 How is suitability defined for care leavers?

Local authorities must ensure that any accommodation provided for care leavers is suitable for their needs in terms of:

- Any disability or medical needs
- Location in terms of access to local amenities (e.g. shops, health services), public transport and ability to get to employment, education or training
- The landlord being a fit and proper person to act in capacity as a landlord
- Size of the property
- Affordability
- State of repair
- Availability of essential services - water, heating, lighting
- Security of tenure

The definition of suitability of accommodation for care leavers is provided in Volumes 2 and 3 of the Children Act 1989 guidance.

See pages 74 - 80 in the Care Planning, Placement and Case Review guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf

See points 7.12 to 7.18 in the Transition to Adulthood guidance:

[Children Act 1989 Guidance and Regulations - Volume 3: Planning Transition to Adulthood for Care Leavers \(revised January 2015\)](#)

There is also a statutory definition of suitability for accommodation provided under homelessness duties (Part 7 of the Housing Act 1996)

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-17suitability-of-accommodation>

Note that the suitability requirements for homelessness duties will only apply if a care leaver is accepted as statutorily homeless. This covers placements into Temporary Accommodation and also offers of accommodation to end a homelessness duty.

5.2 Who will assess a property in terms of its suitability?

When young people leaving care have an offer of accommodation which is not under any homelessness duty, aspects of suitability of accommodation can be assessed by a Personal Adviser, such as its location, essential services and if it will be suitable in terms of any health /medical issues.

Housing Services colleagues will assess other aspects of suitability on request, relating to:

- the state of the property
- its size
- if the landlord is 'fit and proper'
- the legal basis of a tenancy or licence agreement
- affordability

When a young person has an offer of accommodation from Housing to meet or end a homelessness duty, the Housing Needs Services will need to be satisfied regarding the suitability of any offer of accommodation and will need to lead the assessment, but Here4U will also need to assist in terms of factors such as location.

5.3 Ending the use of bed and breakfast accommodation for care leavers

It is the intention of Wokingham Borough Council as a corporate parent to work together to prevent homelessness amongst care leavers and to end to use of unsuitable accommodation such as bed and breakfast (B&B and hotels) or shared nightly let accommodation in any instances where homelessness occurs.

WBC is working to end the use of B&B for all care leavers.

However, if B&B is used as a last resort, the young person can only be placed for 2 nights at a time and approval is needed from the Assistant Director (Social Care and Early Help) and, where placed under homelessness duties, the Assistant Director (Neighbourhoods and Communities). Any extension of a B&B or shared nightly let placement over 2 days, or subsequent use of B&B or nightly let accommodation must be approved in advance by the Assistant Director.

A plan outlining the next move for the young person should be submitted at the point approval is requested, with timescales setting out the move to suitable accommodation.

Additional support and checks on the young person are needed if they are placed into B&B type accommodation, including if they are placed in B&B under homelessness duties. This will be managed through the Personal Adviser and the Young Person's Homelessness Prevention Officer.

5.4 How can care leavers appeal or make a complaint regarding offers of accommodation on the grounds of suitability?

Where care leavers are offered accommodation or are living in accommodation and believe it is not suitable, but this is not accommodation offered under a homelessness duty, they should be encouraged to raise this with their Personal Adviser and the Young Person's Homelessness Prevention Officer.

If a resolution cannot be found, the young person should be advised they can contact the Children's Rights Officer for independent advocacy if they wish.

The young person can make a complaint using the Children's Services complaints process which is set out here:

http://wokinghamchildcare.proceduresonline.com/p_reps_complaints.html

When a care leaver has been made an offer of accommodation under a homelessness duty (Part 7 of the Housing Act 1996) and is not satisfied that the accommodation being provided is suitable, they have the right to appeal.

The process for this is set out in the Homelessness Code of Guidance, point 17.64 here:

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-17suitability-of-accommodation>

6. Care leavers living outside Wokingham Borough Council area

6.1 Reasons why young people might be living outside Wokingham

There are a number of reasons why young people may live outside the Wokingham area when they leave care:

- Young people who have been in looked after placements outside the Wokingham area may decide they wish to remain in that area when they are 18
- The support from family, former carers or other significant adults means a young person wants to live outside Wokingham to be closer to them

- Due to licence conditions or a risk assessment, it is not possible for the young person to remain in or return to Wokingham
- A job or training opportunity means a care leaver needs to live outside Wokingham. See Section 4.5
- The young person is at university and the vacation accommodation they have identified is outside Wokingham

6.2 Ensuring there is a shared understanding of care leavers living outside Wokingham

All young people who will or are living outside the Wokingham area should still be discussed at the Young People's Housing Panel prior to leaving care so there is a shared overview of their accommodation and support and how well this is meeting their needs.

Young people's cases should come back to the Young People's Housing Panel if/when more assistance is needed with a move or more support and actions agreed.

The Here4U Manager or a Team Leader may make contact with the leaving care service in the area where the young person is living or intending to live to discuss the local options for accommodation and support. Contacts for most Children's Services Authorities are available through Wokingham's membership of the National Leaving Care Benchmarking Forum.

6.3 16/17-year-olds and care leavers aged 18 and over who are placed in Supported Accommodation outside Wokingham

Some young people who are looked after aged 16 and 17 are in Supported Accommodation outside Wokingham which has been procured through Operational Commissioning.

In July 2022, the government laid the first set of regulations required to introduce the reforms to supported accommodation for 16- and 17-year-old looked after children and care leavers.

In March 2023 Ofsted released guidance for local authorities and Providers about the introduction of these regulations from April 2023.

Ofsted began registering providers from 28 April 2023. The Regulations and guidance must be complied with for the purposes of registration and as soon as providers and managers are registered with Ofsted.

If a complete application for registration with Ofsted has not been made before 28 October 2023, it will be an offence to carry on or manage a supported accommodation service on or after that date.

Young people aged 16 or 17 who are still looked after or are ‘relevant’ care leavers, can move from supported accommodation into other types of accommodation, such as supported housing or supported lodgings, or to their family, as long as it is suitable and will meet their assessed needs. Where these are planned moves, they should be discussed at the Young People’s Housing Panel.

If a care leaver is aged 18 or over and is still in Supported Accommodation they are likely to have a plan for a move to other accommodation. This should be discussed at the Young People’s Housing Panel.

6.4 Planning moves outside the Wokingham area:

When a young person will be living outside the Wokingham area, it is likely to be more difficult to access some types of accommodation:

- Locally commissioned housing related support, including supported housing and floating support. Where this is within a local authority’s portfolio of housing related support provision, this is likely to be more difficult to access as there may be eligibility criteria which excludes young people leaving care who are the responsibility of another Children’s Services authority. Contact can be made directly with any local providers of commissioned housing related support for young people, as they may be able to provide support and accommodation outside their contract or advise on what is available. Where this is the case any accommodation and support would need to be commissioned through Operational Commissioning. WBC is part of the Post 16 Accommodation Framework for the South-Central Region framework, and this may be a useful route to commission supported housing for care leavers, but this is also likely to be high cost.
 - Social housing in other housing authority areas. Local allocation policies, which set out the qualifying criteria for social housing, are not likely to give ‘reasonable preference’ to care leavers on medical or welfare grounds if they are not the responsibility of that local authority. Each allocation policy will be different and Personal Advisers should contact the Young Person’s Homelessness Prevention Officer and/or the Senior Manager for Homelessness and Housing Needs to give their view on the allocations policy/scheme, if a care leaver from WBC might qualify for the housing register and the likely priority a care leaver from WBC might be awarded. A reciprocal arrangement may be offered by WBC, if this fits with the WBC Allocation Policy criteria. A reciprocal arrangement may be offered by WBC, if this fits with the WBC Allocation Policy criteria.
 - Private rented accommodation in other areas. See Section 7.4.
-

Where a care leaver lives outside Wokingham in social or private rented accommodation and needs additional support, this would need to be arranged and, if required, funded by Here4U. This may be, for example through arrangements with:

- former foster carers
- a local floating support scheme, ideally one which specializes in supporting young people
- the leaving care service within that area
- an individually procured arrangement bespoke to the young person's needs
- Adult Social Care if the young person has eligible care needs

Note: There is no duty on WBC housing authority to provide or fund accommodation outside the area unless young people are being placed to meet or end a statutory homelessness duty. Where this is the case, the Housing Authority must notify the authority in which WBC are placing the young person ([section 208 of the Housing Act 1996](#))

7. Living in settled accommodation

Most care leavers will find managing in their own tenancy a challenge, particularly when they have just left care. Many care leavers will stay in Staying Put arrangements or supported housing settings and progress towards their own tenancy in more settled housing.

Decisions about a care leavers' readiness for a tenancy and the sorts of support they might need will be discussed at the Young People's Housing Panel.

There are different longer-term options for WBC care leavers, dependent on where they live and what sort of housing would best suit their needs.

Ensuring that the settled accommodation is suitable for the young person is of critical importance. Housing and Children's Services will work together to try to ensure accommodation which care leavers move into is suitable. See Section 5 for more information on suitability.

7.1 Applying for social housing within Wokingham

Where a care leaver might live in social housing within the Wokingham area, the young person will need to make an on-line application to Housing in order to join the WBC housing register. The Personal Adviser (when allocated) will assist the young person with making an application to join the housing register and if necessary, seek advice from the Young Person's Homelessness Prevention Officer.

Any young person looked after or previously looked after by WBC and who is eligible, relevant, former relevant or a qualifying care leaver and owed leaving care duties by WBC, may make an application for social housing within WBC, regardless of which local authority they were living in

when they left care, because the usual residency requirements do not need to be satisfied for WBC care leavers. They will be placed in Band Two on the housing register.

The only exceptions to this are care leavers who are not eligible for housing or housing assistance from a local housing authority because they are subject to immigration control (unaccompanied young people seeking asylum and EEA nationals with no settled or pre-settled status). In these instances, Children's Services will continue to support young people with accommodation in so far as their welfare requires it. See Section 10.

Where a young person aged 18 -24 has left care and lived away from WBC (for example, to attend a university or further education course or to take up employment or training elsewhere) and wishes to return to WBC and make an application for social housing, they will go into Band Two as a care leaver.

As set out in Section 2, an application for social housing can be made at any point after the young person is aged 16 but only adults aged 18 and over can hold a tenancy in law. Care leavers will not be made any offers until their 18th birthday at the earliest. The Young People's Housing Panel will approve the point at which offers of social housing in WBC will commence, based on the young person's individual circumstances and their assessed readiness to manage a tenancy successfully.

In very limited special circumstances, arrangements may be made by the Council to grant permission to allow the occupation of a property by way of a licence or 'Equitable Agreement' where a trustee will hold the legal estate until the young person's 18th birthday. This will require a joint decision at the Young People's Housing Panel.

7.2 Planning with care leavers for a move into WBC's social housing

It is important that young people understand the significance of turning down a reasonable offer within the area of choice. It may mean that the young person's application will be deferred for 12 months.

Care leavers may have to wait for a long period of time (several months or a year or more) for an offer of social housing due to the pressures locally for 1-bedroom social housing. It is important that they are kept up to date with the likelihood of an offer and any likely delays with offers, so they do not feel they have been forgotten about. The Young Person's Homelessness Prevention Officer will liaise with the Senior Allocations Officers responsible for the housing register and keep the young person informed via their Personal Adviser.

When an offer is made, a care leaver will be asked to view the property. As a corporate parent, Housing recognise that making a decision on where to live for young people leaving care is significant. As a consequence, care leavers will have up to 7 days to make a decision regarding accepting the offer or not. If they do not accept the offer, the reasons for this should be noted, and

taken into account, as appropriate, when another offer is made. However, the consequences of refusing an offer, which could be the deferring of an offer for 12 months or ending of a homelessness duty without any offer of settled accommodation, should be made clear to a young person. If the young person believes an offer to be unreasonable, a review by a Senior Officer from Housing can be requested.

Where a care leaver moves into a WBC property, they may be able to access funding to help them to set up a new home. This may be from Here4U budget for this purpose, where each care leaver may have up to £2,000 to set up a new home, but Housing may also be able to assist if necessary. Here4U staff and Housing will work together to ensure that:

- The property is newly decorated prior to the young person moving in
- There are white goods, carpets and basic furniture (bed(s), table, chairs, sofa)
- The young person has made a claim for housing costs if they are in receipt of welfare benefits or will have entitlement
- If an Alternative Payment Arrangement (APA) has been applied for and if not, if this is needed
- All the utilities are in working order
- Young people know their income and their expenditure and are assisted with managing their budget as necessary
- Young people have set up payment plans with utilities
- Access to additional floating support is available as needed, as well as Personal Adviser support and advice from Housing (Rental Income and Tenancy Sustainment Teams)
- In the first 6 months, the joint meetings between Here4U and the Rental Income and Tenancy Sustainment Officers keep a check on the rent account and any other issues the young person may be experiencing as a new tenant
- There is an updated contingency plan in place which may include surrender of tenancy rather than waiting for a notice of intention of seeking possession.

7.2 Planning with care leavers for a move into housing association social housing in Wokingham

If an offer is made to a care leaver for a housing association (often called 'Registered Provider') property, WBC will wish to be satisfied that the property is suitable, as set out in Section 5 above. Where a care leaver will move into a housing association tenancy in Wokingham, with a care leaver's consent, a Personal Adviser or the Young Person's Homelessness Prevention Officer should contact the housing association landlord to let them know that their tenant is a care leaver who is getting support from WBC and who to contact (with the young person's consent) if there is a risk of tenancy breakdown including where rent arrears are accumulating or there are concerns around anti-social behaviour.

Alternative Payment Arrangements (APAs) should be discussed with every care leaver who is likely to be claiming housing costs through Universal Credit for the rent costs of social housing accommodation. If granted, this would ensure the rent was paid direct to the housing association.

Care leavers will need to make their own application for an APA with the support of a Personal Adviser. See here for more details: <https://www.gov.uk/government/publications/universal-credit/alternative-payment-arrangements/alternative-payment-arrangements>

7.3 Applying for social housing outside the Wokingham area

Where the young person wishes to live in social housing outside the Wokingham area, the young person will need advice on whether they meet the residency criteria of the local authority allocation scheme where they wish to live. The Personal Adviser (when allocated) and the Young Person's Homelessness Prevention Officer will discuss this with the young person.

If more advice is needed, the Senior Homelessness and Housing Needs Manager will ensure a Housing officer reads the relevant allocation scheme and if necessary, talks to the local housing authority regarding the level of preference the care leaver is likely to be awarded. A reciprocal arrangement may be offered by WBC, if this fits with the WBC Allocation Policy criteria.

See Section 6 for more on care leavers living outside WBC.

7.4 Private rented sector accommodation

The private rented sector can be a good option for some young people leaving care. It can provide more ready access, choice of location and tenancy flexibility than social housing when young people need to be mobile for study, training or work opportunities. Young people can share with other young people or may be able to live in self-contained accommodation.

However, alongside these elements, which can give more choice to young people, are issues of suitability, including affordability, which WBC and the young person will need to take into account.

Where WBC has assisted a care leaver with pursuing accommodation in the private rented sector, the Young Person's Homelessness Prevention Officer will make arrangements for a joint assessment of any property under consideration and the tenancy arrangements in order to ensure the accommodation is suitable for the young person and agree any actions needed as appropriate. See Section 5 and in particular, Section 5.2 for more detail on suitability.

Where a young person has identified a property themselves or has already signed a tenancy agreement without consultation with their Personal Adviser, a suitability assessment should still take place, with the consent of the young person. This is so the young person and WBC can be satisfied the property is suitable and if it is not, then agree any actions that can be taken to mitigate against identified issues/concerns.

Young people leaving care in Wokingham can access the WBC rent in advance/ rent deposit scheme for private rented accommodation within WBC or in another area. A care leaver can also

make an application to WBC for a Discretionary Housing Payment (DHP) to cover these costs, but DHP will only be payable if the young person will be living within the Wokingham area and qualifies for housing costs /housing benefit.

The cost of private rented accommodation in Wokingham and many other areas of the country mean that affordability assessments are needed to make sure this option is sustainable for the young person in the medium and longer term.

Where a care leaver is reliant on housing costs for the payment of the rent and the rent is set around the 1-bedroom LHA rate, a plan will be needed to mitigate the reduction in rent entitlement when the care leaver becomes 22 years old⁵. Mitigation actions would need to be planned well in advance and could include:

- Pro-active assistance to help young people into employment
- the young person making an application for social housing in WBC or another area, offering a reciprocal where possible (See Section 7.2 and Section 6.4)
- a move to more affordable self-contained or shared housing
- a short-term top-up to cover the shortfall between the rent and the housing costs through a Discretionary Housing Payment whilst plans are made to address this through any of the above

Landlords may find care leavers to be more attractive as tenants if they are aware of some of the support which is available to them.

With a care leaver's consent, a Personal Adviser or the Young Person's Homelessness Prevention Officer should contact a landlord to let them know that their tenant is a care leaver who is getting support from WBC and who to contact (with the young person's consent) if there is a risk of

⁵ This is because care leavers aged 18 - 21 who need to claim housing costs through Universal Credit are entitled to the Local Housing Allowance (LHA) 1 bedroom rate but only until their 22nd birthday. They are exempt from the Shared Accommodation Rate (SAR) which limits the level of housing costs to the cost of a room in a shared house for most single 18 – 35-year-olds. From October 2023 the SAR exemption for care leavers will be extended to their 25th birthday as announced in the Budget of February 2020.

tenancy breakdown including where rent arrears are accumulating or there are concerns around anti-social behaviour.

Alternative Payment Arrangements (APAs) should be discussed with every care leaver who is likely to be claiming housing costs through Universal Credit for the rent costs of private rented accommodation. If granted, this would ensure the rent was paid direct to the landlords. Care leavers will need to make their own application for an APA with the support of a Personal Adviser.

See here for more details: <https://www.gov.uk/government/publications/universal-credit/alternative-payment-arrangements/alternative-payment-arrangements>

Within WBC, young people living in the private rented sector can access additional floating support to help them with tenancy sustainment. The current provider of this is Transform.

As set out in Section 6.4, where a care leaver lives outside Wokingham in social or private rented accommodation and needs additional support, this would need to be arranged and, if required, funded by Here4U. This may be, for example through arrangements with:

- former foster carers
- a local floating support scheme, ideally one which specializes in supporting young people
- the leaving care service within that area
- an individually procured arrangement bespoke to the young person's needs
- Adult Social Care if the young person has eligible care needs

Where a landlord or the young person indicates there is or may be a significant risk of a notice being served by the landlord seeking possession, the Young Person's Homelessness Prevention Officer will seek a meeting with the young person and the landlord to attempt to resolve the issues which underline this.

It may be that the young person could surrender the tenancy rather than wait for a notice of intention of seeking possession. This is likely to be better in terms of their housing history and future housing choices.

7.5 Home ownership

The cost of housing in Wokingham is high. Surrounding areas are slightly cheaper but overall Berkshire and the South East Region are challenging areas for most young people to join the housing ladder.

However, care leavers should be made aware of options that could be available in the future if they are in employment and their income levels might enable them to at some point consider buying their own home.

Help to Buy South act as the Help to Buy Agent for Wokingham Borough Council. If a young person wishes to consider this option, a Housing Officer will advise on the general remit of the available schemes. A Personal Adviser should offer advice on saving and any other assistance the local authority could offer as a corporate parent.

Information on the Help to Buy South Shared Ownership and Help to Buy schemes are available here:

<https://www.wokingham.gov.uk/housing-and-tenants/housing-needs/shared-housing-ownership/>

8. Support to prevent and relieve homelessness

As a corporate parent, Wokingham Borough Council does not want any care leaver to become homeless or be threatened with homeless. One of the aims of this joint protocol is to prevent homelessness becoming a risk for care leavers.

Chapter 22 of the Department of Levelling Up, Housing and Communities Homelessness Code of Guidance sets out how local housing authorities should work with care leavers and with Children's Services to prevent and relieve their homelessness:

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-22care-leavers>

8.1 Early intervention tools to prevent homelessness

Through other sections of this protocol are the ways in which we will put in measures and take actions to prevention homelessness occurring, including:

- The Young People's Housing Panel, which have an overview of all our care leavers, where they placed, as well as any issues affecting individual care leavers whose accommodation could be at risk, whether this is in supported accommodation, a family home or their own tenancy.
- Provide tenancy sustainment/ floating support services, particularly at the start of a tenancy to help the young person settle in, or to assist through any crises that may put the tenancy at risk.
- Providing the landlord with contact details for the Personal Adviser, with a care leaver's consent, so any issues can be addressed early.
- Setting up Alternative Payment Arrangements (APAs) to enable the housing costs component of Universal Credit to be paid direct to the landlord where appropriate.
- Providing support where a tenancy, placement or return to a family home is at risk of breaking down.
- Learning of skills to manage on a tight budget, through training courses, with foster carers, in supported housing or their own tenancy through floating support.
- Additional advice and support can be provided for young people in arrears or with other debts
- Enabling care leavers who might otherwise be evicted to surrender their tenancy and if needed, return to a more supported environment.

8.2 Joint working to deliver Homelessness Reduction Act duties

Where a care leaver is eligible for assistance under Part 7 of the Housing Act 1996 and is threatened with homelessness within 56 days or has become homeless, they are entitled to receive support from the local housing authority to either prevent or relieve their homelessness.

8.2.1 The duty to refer: Where Children’s Services, usually a social worker or a Personal Adviser, are aware a young person is or may be homeless or at risk of homelessness within 56 days, there is a statutory ‘duty to refer’. This means that a referral to the relevant housing authority must be made, with the young person’s consent, to inform them of this.

The link below provides more information and how to make a referral in Wokingham:

<https://www.wokingham.gov.uk/housing-and-tenants/housing-needs/homelessness/>

If the young person is living in or wants a referral made to another local authority area, then a referral should be made to that local authority as well.

The link below provides email addresses for all other housing authorities in England:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929141/Local_Authority_Duty_to_Refer_emails.pdf

8.2.2. Setting up joint assessments of housing and support needs: Where a care leaver either presents as homeless to the Housing Needs Service in Wokingham or there is a referral made under the ‘duty to refer’, the young person’s consent will be requested to hold a joint meeting between the Personal Adviser, the Housing Needs Service and/or the Young Person’s Homelessness Prevention Officer.

If it is established that the care leaver is eligible (in terms of entitlement to housing assistance under Part 7 of the Housing Act 1996) and is threatened with homelessness or is already homeless, then a prevention or relief duty will be accepted, and an assessment will be undertaken to establish:

- their housing circumstances
- their housing needs
- any support needs which need to be met in order to manage a tenancy or sustain accommodation

If the young person consents, the Housing Needs Service will contact Here4U and request that the Personal Adviser attends the homelessness assessment and shares information as part of the assessment process.

There is already information about young people’s accommodation and support needs within their Pathway Plans and this information should, with the consent of the young person, be shared in order to inform the statutory ‘Personalised Housing Plan (PHP)’.

A PHP will set out what reasonable steps the Housing Needs Service and any other relevant person or agency/service, including the Personal Adviser, will take to assist the care leaver in

order to prevent or relieve their homelessness. It will also set out the actions the young person will take. These should be reasonable and bespoke to the young person's age, understanding, level of maturity and personal circumstances.

The PHP needs to be kept under review by the Housing Needs Service as appropriate and must be reviewed if the care leaver moves from a prevention duty to a relief duty. When it is reviewed, this should be done jointly with Children's Services. The Housing Needs Officer should liaise with the Personal Adviser and the Young Person's Homelessness Prevention Officer to agree a date with the young person for a review meeting.

8.2.3. Working together to end homelessness duties positively with care leavers

There are many ways to resolve homelessness or the threat of homelessness which should result in a positive outcome for the young person. When a prevention or relief duty is ended positively, the housing authority must be satisfied there is suitable accommodation available to the care leaver for at least 6 months.

For example, the young person could:

- be supported to retain their current accommodation under a prevention duty
- be assisted to move into a supported housing pathway which meets their needs and where they can stay for at least 6 months
- be offered a tenancy in social housing
- be offered private rented accommodation with a tenancy that lasts for at least 6 months

There are also ways that homelessness duties can end which will not result in a positive outcome for the young person. By working together and with the young person, the risks of this can be minimised. Examples of how duties can be ended are:

- a refusal of a suitable offer of accommodation.
- an intentionally homeless decision (note – this is only made at the 'main duty' stage and can only be made after 56 days of a 'relief' duty being owed to someone who is homeless). See point 8.3 below
- a young person becoming ineligible for housing assistance because their immigration status changes
- where a young person refuses to co-operate with the steps to prevent or relieve homelessness that are set out in the Personal Housing Plan

Housing and Children's Services will work together with care leavers, to help them to understand the implications of homelessness duties ending. By communicating with care leavers, some problems can be resolved before a decision is made, for example,

- Young people will need to understand the implications of turning down a reasonable offer. Housing Needs Officers should be aware of the housing needs of the care leaver, but they

should consult with the Personal Adviser in advance of making an offer to see if, in the Personal Adviser's view, the offer would be likely to meet the needs of the young person.

- For young people who become ineligible due to a change in their immigration status, the Housing Needs Service cannot offer housing assistance, but they can offer advice to Children's Services, who will need to pick up the accommodation duty should the welfare of the young person require this. See Section 10.
- If a young person is not making any progress with the steps set out in their Personal Housing Plan, the steps can be reviewed with the young person, or the Personal Adviser can be more pro-active with assisting the young person in order to avoid any negative decision

8.3 Avoiding making intentionally homelessness decisions on care leavers

The Housing Needs Service is committed to working with Children's Services and other relevant agencies in order to avoid making intentionally homeless decisions on care leavers. Many of the actions set out throughout this joint protocol should support care leavers and minimise the risks of an intentionally homeless decision.

A long-term housing duty (the 'main' homelessness duty) is only owed to applicants who have already been homeless for 56 days under the 'relief' duty, who have a priority need and who have become homeless through no fault of their own and are not considered 'intentionally homeless'.

As soon as the young person is owed the 'relief' duty, the Personal Adviser and Here4U Service and the Housing Needs Service should jointly assess any risk of an intentionally homeless decision at the 'main' duty stage. Where a risk is present, there is a window of time – up to 56 days - to take action together to relieve homelessness and end a homelessness duty with an offer of accommodation, avoiding the need for any intentionally homeless decision.

If homelessness has not been relieved within 56 days, and there is a risk of an intentionally homeless decision, the Housing Needs Service will take into account the individual circumstances of the young person, their emotional and mental well-being, maturity and general ability to understand the impact of their actions.

Where it is possible that an intentionally homeless decision could be made, this should trigger a discussion at a senior level, between the Assistant Director (Neighbourhoods and Communities) and the Assistant Director (Social Care and Early Help).

Following this, if the Housing Needs Service is still minded making an intentionally homeless decision, this will require the authorisation of the Assistant Director (Neighbourhoods and Communities).

8.4 Local connection and care leavers

All care leavers who are from Wokingham will be deemed to have a local connection to Wokingham if they are homeless and present to the Housing Needs Service.

Care leavers from Wokingham who present as threatened with homelessness within 56 days to another housing authority will not need to prove a local connection, as this is not a statutory test for the prevention duty.

However, if they present as already homeless, they will need to establish they have a local connection. For care leavers, there is a specific provision whereby a local connection under homelessness duties is established with another area if they are under 21 and have lived in the area for at least 2 years including some time before their 16th birthday. See the Homelessness Code of Guidance on local connection: <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-10-local-connection-and-referrals-to-another-housingauthority>

8.5 Care leavers who are rough sleeping or are at high risk of doing so

Where a care leaver is rough sleeping or is at high risk of doing so, a multi-agency meeting will be called. A meeting will be triggered whether they live within Wokingham or in another local authority area.

Attending the meeting from WBC will be:

- The Manager of the Here4U Service
- The Personal Adviser
- The Senior Homelessness and Housing Needs Manager
- The Rough Sleeping Co-ordinator
- The Young Person's Homelessness Prevention Officer
- Representatives from other agencies as appropriate, including Health agencies/services, Criminal Justice agencies, the Police, voluntary agencies and other local authority personnel if the care leaver is living in another area

The purpose of the meeting is to agree the immediate actions to:

- Assist the young person off the streets and into accommodation that is suitable
- Mitigate any known risks to the young person or to others
- Agree how to address any immediate health support needs and who will lead this
- Ensure the young person's case is referred to the Young People's Housing Panel to plan accommodation and support in the medium and longer term

8.6 (INSERT A PROCESS MAP)

9. Young people leaving custody who are care leavers

9.1 Overview

Research indicates that care leavers who leave custody are at high risk of homelessness including rough sleeping.

In Wokingham, the number of looked after children and care leavers in custody is very low. But this group will be at a very high risk of homelessness and rough sleeping if pro-active actions are not taken to support them with accommodation on release.

Housing and Children's Services will work together in Wokingham to ensure that young people leaving custody who are also care leavers will have suitable accommodation on release and there is support available to assist them in keeping their accommodation.

This section should be read in conjunction with the WBC Child Care procedures:

http://wokinghamchildcare.proceduresonline.com/p_respons_loc_auth.html

The young people covered in this section are those who:

- Were looked after children prior to entering custody and are still looked after whilst in custody
- Have become looked after through LASPO remand arrangements
- Have been sentenced and are no longer looked after, but may become a care leaver on release
- Are former relevant care leavers aged 18 and over

Children's Services are responsible in law for the accommodation and support for 16 and 17 years who are either looked after or are 'relevant' care leavers. However, Housing can play a helpful role in advising as appropriate with 16- and 17-year-olds on future housing options.

Housing are likely to have duties to care leavers aged 18 and over should they be at risk of homelessness on leaving custody and if homeless on release from custody.

9.2 The role of the Young People's Housing Panel meeting in overseeing plans for care leavers coming out of custody

- All care leavers in custody will be discussed at the Young People's Housing Panel on first entering custody and possible accommodation options noted
- An update with an accommodation plan and the contingency plan will be presented to the Panel 3 months from the expected release date
- 1 month from expected release date an updated plan will be shared with the Panel.
- If there is no accommodation identified at this point, this will be escalated to the Assistant Director for Children's Services (Social Care and Early Help) and the Assistant Director (Neighbourhoods and Communities)

9.3 Planning for resettlement on release will start on arrival into custody

Initially this will require communication and where needed or possible, meetings between:

- The young person
- The case manager from the secure estate (YOI or prison)
- The Youth Offending Service caseworker
- The National Probation Service or Community Rehabilitation Company (CRC) caseworker
- The Children's Services social worker (if under the young person is aged 18)
- The Personal Adviser (when allocated) to plan for accommodation on release
- The Young Person's Homelessness Prevention Officer

It is important that all the relevant factors are taken into account during early planning of accommodation and support, including:

- the assessed needs of young people, as set out in their AssetPlus assessment and their Pathway Plan
- the licence conditions which may be in place on release
- identifying the most appropriate geographical area
- the support needed and any support networks and professionals who will provide this
- the type of housing in which the young person will be most likely to settle

Her Majesty's Prison and Probation Service (HMPPS) has identified in each prison in England a Care Leaver Lead. HMPPS Care Leaver Champion for the secure estate. They may be contacted to be involved as required.

9.4 Covering housing costs whilst in custody

If the young person has already left care, has their own tenancy and is on remand or serving a short sentence of no more than 6 months, they will be able to continue to claim the Universal Credit housing costs element for up to 6 months if they are either on remand or serving a short sentence. Note that if a young person on remand is then convicted and has a custodial sentence the time spent on remand is included in the 6 months.

If a young person has a tenancy or a licence and is claiming Housing Benefit (usually because they live in supported housing) they will be able to continue to receive Housing Benefit for up to 13 weeks if serving a custodial sentence and up to 52 weeks if on remand.

Where either Universal Credit (housing costs element) or Housing Benefit are in place the Personal Adviser will contact:

- The Young Person's Homelessness Prevention Officer
- The CRC or National Probation Service case worker
- The young person

Between the 3 officers they will need to ensure that Universal Credit or Housing Benefit is in place to cover the rent costs.

9.5 Surrendering a tenancy or licence agreement

Where the care leaver has a tenancy or a license agreement and is imprisoned or remanded for a period of more than the Universal Credit or Housing Benefit will cover for, they may either accumulate rent arrears or possibly lose their tenancy. Young people can avoid this by voluntarily giving up their tenancy or licence agreement. This will reduce or eliminate any debt and make better use of the accommodation. In order to do this, care leavers will need help to put in writing that they wish to surrender their tenancy to the landlord.

If the young person surrenders a WBC social housing tenancy, and they wish to continue to live in the Wokingham area, as soon as possible upon release, they will be made a direct allocation of a secure or flexible tenancy that meets their needs. The size of accommodation would be the same as their previous tenancy, or a size that meets their needs.

Where a care leaver has been convicted and imprisoned in relation to a crime that would enable the Council to seek repossession of their accommodation - where this applies the Council will normally take repossession action.

9.6 When young people leaving custody want to, or are required to live in a different local authority area

Where a care leaver will be living in a different local authority area on release from custody, the Personal Adviser, the case worker from the CRC or National Probation Service and the Young Person's Homelessness Prevention Officer will need to work together to ensure there is suitable accommodation available.

Where social housing is the more appropriate option for a young person, WBC can offer a 'reciprocal' arrangement to the local authority in exchange for a social housing tenancy for the care leaver.

Where a private rented tenancy is likely to be the option, and the accommodation is assessed as suitable and is affordable, a rent deposit and rent advance can be provided.

9.7 Making a referral to a housing authority under the 'duty to refer' if a young person is threatened with homelessness on release from custody

If there is no accommodation plan in place 56 days (2 months) prior to the expected release date and the young person is aged 18 or over, there is duty placed on a number of agencies working with the young person to make a referral, with the young person's consent, to Wokingham Housing Needs Service, under the 'duty to refer'.

The link below provides more information and how to make a referral in Wokingham:

<https://www.wokingham.gov.uk/housing-and-tenants/housing-needs/homelessness/>

If the young person may be living in another local authority area on release, then a referral should be made to that local authority as well.

The link below provides email addresses for all other housing authorities in England:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929141/Local_Authority_Duty_to_Refer_emails.pdf

9.8 Pre-release and final planning

For care leavers aged 18 and over, a pre-release plan will be drawn up by the Offender Manager. The accommodation element of the pre-release plan should be informed by joint work which the Personal Adviser and the Young Person's Homelessness Prevention Officer have undertaken with the CRC or National Probation Service.

Young people should be informed of the accommodation option that has been identified if they are not already aware of this and given information about what will happen on the first few days when they are released from custody, including their licence conditions and the support which will be provided by WBC

9.9 On release from custody

The practical actions WBC will undertake as a corporate parent on the first few days after release will assist young people to resettle. Having safe, suitable accommodation is critical, as well as help to attend appointments. The Personal Adviser and the Young Person's Homelessness Prevention Officer will work together to make sure that:

- Someone is there to meet the young person as they come 'through the gates' on the release date
- Appointments with the Job Centre are set up in advance and the young person attends these
- The young person has essential toiletries, food and clothing
- The accommodation is ready and has the basics in terms of furnishing
- The young person understands the terms of their tenancy or licence agreement and the 'house rules' if they are living in supported or shared housing
- Any appointments with health agencies are arranged
- The young person knows who to contact for advice and support and how to do so

9.9.1 (INSERT A PROCESS MAP)

10. Unaccompanied asylum-seeking young people and EEA nationals who are former relevant children

10.1 Care leavers who are seeking asylum

A care leaver seeking asylum will not be eligible for housing assistance from the Housing Authority under Part 6 or 7 of the Housing Act 1996 unless they are granted limited or indefinite leave to remain. This means they cannot access social housing and cannot be offered assistance under any homelessness duty or hold a tenancy in social housing. If their asylum claim is accepted and they are granted refugee status, they will become eligible for housing and homelessness assistance from the local authority.

When an unaccompanied asylum seeker who was an eligible or relevant child under the provisions of the Children (Leaving Care) Act 2000 and the Children Act 1989 reaches the age of 18, Children's Services has the power to assist them as a former relevant child to the extent that her/his welfare requires it, and this includes the power to provide accommodation.

In these instances, Children's Services may wish to discuss the case at the Young People's Housing Panel, with advice only from Housing, in order to establish what support will be offered by Children's Services.

In assessing the need for accommodation, local authorities cannot take account any accommodation that could be provided by the Home Office (UK Visas and Immigration) under Section 4 or Section 95 of the Immigration and Asylum Act 1995, as the UK Visas and Immigration are not required to provide accommodation if the asylum seeker or failed asylum seeker is entitled to accommodation under another statutory provision.

If the young person seeking asylum reaches the age of 18, and is a 'qualifying' care leaver, not a former relevant child, when she or he turns 18, any duty to accommodate will fall to the UKBA, unless she or he needs care and attention and is assessed under the Care Act 2014 in terms of 'destitution plus' status. Should this apply then Adult Social Care services would have a duty to accommodate under Section 21 of the National Assistance Act 1948.

See the Homelessness Code of Guidance Chapter 7 on eligibility and housing assistance.

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-7eligibility-for-assistance>

10.2 Care leavers from an EEA country

A care leaver who is an EEA national living in the UK before 31st December 2020, will have been supported by WBC Children's Services to make an application for settled status, under the Withdrawal Agreement, which, if granted, would give them indefinite leave to remain. Where either settled or pre-settled status has been granted they will be eligible for housing and for housing assistance.

Where this has not taken place they cannot access social housing and cannot be offered assistance under any homelessness duty or hold a tenancy in social housing. If their application for settled or pre-settled status is accepted, they will then become eligible for housing and homelessness assistance from the local authority.

When an EEA national who was an eligible or relevant child under the provisions of the Children (Leaving Care) Act 2000 and the Children Act 1989 reaches the age of 18, but does not have presettled or settled status, Children's Services has the power to assist them as a former relevant child to the extent that her/his welfare requires it, and this includes the power to provide accommodation.

In these instances, Children's Services may wish to discuss the case at the Young People's Housing Panel, with advice only from Housing, in order to establish what support will be offered by Children's Services.

See:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918663/looked-after-children-EUSS.pdf

See the Homelessness Code of Guidance Chapter 7 on eligibility and housing assistance.

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-7eligibility-for-assistance>

11. How will we understand the impact of the protocol?

. We will know if the joint protocol is working by:

- Any complaints or compliments from young people leaving care which relate to housing, including complaints or compliments to commissioned providers of housing related support
- Asking for feedback directly from young people on their experiences, including the Children in Care Council
- Asking the Children's Rights Officer for a short overview of their work which related to housing for care leavers in that quarter
- Jointly analysing data which the Council already holds, including:
 - The types of accommodation all care leavers are living in, broken down by age and by local authority area and whether it is suitable⁶
 - The number of care leavers awaiting an offer of social housing within Wokingham and lengths of time on the Register
 - The number of unplanned moves (including from Staying Put arrangements, family settings, supported accommodation and supported housing) and the reasons for these



- The number of possession notices or notices to quit served on care leavers and the reasons for these
- The number of care leavers who have been evicted from or abandoned accommodation, including supported housing as well as their own tenancies and reasons for evictions/abandonments
- The numbers of care leavers who have become statutorily homeless in that quarter within Wokingham and if placed in Temporary Accommodation, the length of stay
- Within the number above, the numbers of care leavers who have experienced repeat homeless
- The number of care leavers placed in bed and breakfast (B&B) type accommodation, including shared nightly let and hotels and the length of time in B&B
- The number of Wokingham care leavers living outside Wokingham who have become statutorily homeless and the type of Temporary Accommodation they are placed in
- The quarterly monitoring reports from commissioned providers of housing related support, including number of referrals of 16/17 year olds looked after children and care leavers; numbers placed into accommodation; planned moves and destinations; unplanned moves and destinations

Every 12 months a report will be presented to the Corporate Parenting Board, setting out the monitoring information and the analysis of this. Where there are concerns about housing and support for care leavers, recommendations for changes will be suggested for the Corporate Parenting Board to consider.

⁶ The suitability of accommodation for care leavers is provided in the Children Act 1989: care planning guidance – [volume 2 \(pages 74 – 80\)](#) and [volume 3 \(7.12 – 7.18\)](#).

Where a young person is homeless, a housing authority must have regard to suitability of accommodation provided for them as set out in the Homelessness Code of Guidance – [chapter 17](#) and in [sections 22.24 to 22.29](#).

12. Dispute resolution

The protocol is an opportunity to map out routes of escalation and ways of resolving disputes within the authority should there be any disagreement relating to the support and accommodation that a care leaver is receiving, including where they are homeless or threatened with homelessness

Appendix One The legal framework

The Children Act 1989 sets out terms describing Looked After Children which are used when referring to different duties that are owed, in various legislation and guidance

Eligible Young People

They are aged 16 or 17, have been Looked After for a period or periods totalling at least 13 weeks starting after their 14th birthday and ending at least one day after their 16th birthday, and are still in

care. (This total does not include a series of pre-planned short-term placements of up to four weeks where the child has returned to the parent). There is a duty to support these young people up to the age of 18, wherever they are living.

The statutory definition and requirements to undertake a needs assessment, prepare a Pathway Plan, keep the Pathway Plan under review and appoint a Personal Adviser are covered by Regulations 42, 43 and 44 of the Care Planning, Placement and Case Review (England) Regulations 2010.

Relevant Young People

They are aged 16 or 17 and are no longer Looked After, having previously been in the category of Eligible Young Person when in care (that is, they have been Looked After for a period, or periods, totalling at least 13 weeks starting after their 14th birthday and ending at least one day after their 16th birthday). However, if after leaving care, a young person returns home for a period of 6 months or more to be cared for by a parent and the return home has been formally agreed as successful, they will no longer be a "Relevant Young Person".

A young person is also "Relevant" if, having been in care for three months or more, he or she is then detained after their 16th birthday either in a hospital, remand centre, young offenders' institution, or secure training centre. There is a duty to support Relevant Young People up to the age of 18, wherever they are living.

The statutory definition and requirements to stay in touch with the young person, undertake a needs assessment (unless this was done when the young person was 'Eligible'), prepare and keep the Pathway Plan under review, appoint a Personal Adviser (unless this was done when the young person was 'Eligible') and provide accommodation and assistance to meet their needs in relation to education, training or employment are covered by Regulations 4 to 9 of the Care Leavers (England) Regulations 2010.

A Young Person Discharged from Being Looked After

Any decision to cease looking after a child aged 16 or 17 who is Looked After other than by virtue of a Care Order, must be approved by the Director of Children's Services. The Director must be satisfied that:

- The child's wishes and feelings have been ascertained and given due consideration.
- The child's Independent Reviewing Officer has been consulted.

The child's relatives have been consulted, where appropriate.

Former Relevant Young People

They are aged 18 -25 and have left care having been previously either "Eligible", "Relevant" or both. There is a duty to consider the need to support these young people wherever they are living. Until the age of 21 there is a duty to stay in touch with the young person, keep the Pathway Plan under review, continue the appointment of a Personal Adviser and provide financial assistance near where the young person is employed or seeking employment/to enable the young person to pursue education or training are covered by Regulations 4 to 9 of the Care Leavers (England) Regulations 2010.

If the Former Relevant child pursues higher education in accordance with their Care Plan, there is a duty to pay a higher education bursary.

To the extent that the Former Relevant child's welfare requires it, 'other assistance' must be provided which may be in kind or, in exceptional circumstances, in cash.

On reaching the age of 21, there is a duty (Children and Social Work Act 2017) that extends Personal Adviser support (where requested) to all care leavers. This means that the local authority continues to exercise functions in respect of care leavers to age 25 and should therefore apply the corporate parenting principles when exercising those functions.

The ultimate aim of leaving care services is to support care leavers so that they can live successful independent lives. Each care leaver will reach that point at a different age and there should be no assumption that the duty means that all care leavers will require statutory support until the age of 25.

The duty therefore means that local authorities do not necessarily need to provide the same level of support to former relevant care leavers aged 21 to 25 as it does for those aged 18-20. The duty does however enable local authorities to respond positively to requests for support from care leavers aged 21-25 who may be continuing to struggle with the transition to independence and adult life.

Qualifying Young People

They are aged 16 and over and under the age of 21, and:

- Subject to a Special Guardianship Order (or were when they reached 18) and were looked after immediately before the making of that Order.
- At any time after 16 (but whilst still a child), were (but no longer are) looked after, accommodated, or fostered.

'Looked after accommodated or fostered' includes:

- Looked After by a local authority;
- Accommodated by or on behalf of a voluntary organisation;
- Accommodated in a private children's home;
- Accommodated for a consecutive period of at least 3 months (including even before the child was 16) by a Health Authority, CCG or Local Authority (providing education), in:
 - A care home; ◦ Independent hospital; ◦ National Health Service trust or Foundation Trust.
- Privately Fostered - but do not qualify as Eligible, Relevant or Former Relevant.

Where a local authority looked after, accommodated, or fostered a young person, and they are deemed as Qualifying for advice and assistance, the local authority has a duty to take reasonable steps to contact them with a view to advising and assisting them.

This includes financial assistance in relation to expenses incurred in living near the place where the young person is, will be, or is seeking work or where they will be receiving education or training; or where the person is in full time further or higher education, is under the age of 25 and qualifies for advice and assistance, or would have done if they were under 21, assistance in relation to securing vacation accommodation.

NOTE: Qualifying care leavers have some entitlements in welfare and housing legislation which they, and service providers are not always aware of because they are not in receipt of the same level of leaving care services as ‘former relevant’ care leavers – see below.

The Children (Leaving Care) Act 2000

The Act sets out various duties that local authorities have towards young people in and leaving care, including those relating to accommodation. The duties differ depending on care leaver status (i.e. eligible, qualifying, relevant or former relevant child) but the general requirements are that local authorities should:

- plan with young people and involve them in decisions
- avoid moving young people who are settled
- assess young people’s needs and prepare them for any move
- ensure that the accommodation meets any needs relating to impairment
- consider education, training, and employment needs
- where practicable, offer a choice of accommodation
- set up a package of support to go with the accommodation
- have a clear financial plan for the accommodation and a contingency plan.

The regulations and guidance⁷ also detail how the local authority strategy for care leavers should take into account:

- the diverse accommodation and support needs of care leavers
- the capacity to offer young people a degree of choice in accommodation
- existing and planned provision of safe affordable accommodation
- gaps in provision
- priority setting
- the need for contingency arrangements.

7

The guidance to local authorities advocates commissioning a range of accommodation types to meet different needs, including some provision for crisis. In January 2015, the Department for Education revised guidance to clarify that Bed and Breakfast is unsuitable accommodation for care leavers and should be used for no more than two working days in an emergency (paragraph 7.12).

Children & Social Work Act 2017

The Act introduces new duties and extends local authority support for care leavers:

It introduces 7 corporate parenting principles to which local authorities must have regard;

- To act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
- To encourage those children and young people to express their views, wishes and feelings;
- To consider the views, wishes and feelings of those children and young people;

- To help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- To promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- For those children and young people to be safe, and for stability in their home lives, relationships and education or work; and
- To prepare those children and young people for adulthood and independent living.

It also sets out a requirement on local authorities in England to publish a Local offer for care leavers, providing information about services which the local authority offers that may assist care leavers in, or in preparing for, adulthood and independent living. This includes services relating to health and well-being; relationships; education and training; employment; accommodation; participation in society;

The Act also extends local authority support to 'former relevant' care leavers to the age of 25, if young people request this. The support includes the provision of Personal Advisers, assessment of the needs of former relevant children and preparation of Pathway Plan.

See the guidance here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683701/Extending_Personal_Adviser_support_to_all_care_leavers_to_age_25.pdf

Allocation of social housing: Part 6 of the Housing Act 1996 Homelessness: Part 7 of the Housing Act 1996

The Homelessness Reduction Act 2017 has amended Part 7 of the Housing Act 1996 and places new legal duties on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help, irrespective of their priority need status, as long as they are eligible for assistance.

The Code can be found here: <https://www.gov.uk/guidance/homelessness-code-of-guidance-forlocal-authorities>

Chapter 22 provides guidance on specific duties towards care leavers.

The main measures introduced by the Act are:

- Improved advice and information about homelessness and the prevention of homelessness. LAs required to ensure services are designed to meet the needs of particular groups that are at increased risk of becoming homeless, including care leavers
- Extension of the period 'threatened with homelessness' from 28 to 56 days
- New duties to 'prevent' and 'relieve' homelessness for all eligible people, regardless of priority need and intentionality. Both duties last for up to 56 days. The 56-day period can be extended for anyone under the 'prevention' duty where homelessness is still a threat and could be extended for anyone who does not have a 'Priority Need' under the 'relief' duty.

- As before, interim temporary accommodation will only be offered to people who are or may be: eligible, homeless and 'Priority Need'. Temporary Accommodation under the 'Main duty' is only offered to people who are eligible, homeless, 'Priority Need' and not intentionally homeless
- Assessments and creation of personalised housing plans, setting out the actions or 'reasonable steps' housing authorities and individuals will take to secure accommodation
- All care leavers under the age of 21 will be considered as having a local connection with an area if they were looked after, accommodated, or fostered there for a continuous period of at least two years, which started at some point before their 16th birthday. If they are looked after by an upper tier authority, (a County Council) they will have a local connection to all the district housing authorities within the two-tier structure.
- Encouraging public bodies to work together to prevent and relieve homelessness through a new statutory 'duty to refer' placed on many public bodies:
 - prisons;
 - youth offender institutions;
 - secure training centres;
 - secure colleges;
 - youth offending teams;
 - probation services (including community rehabilitation companies);
 - Jobcentre Plus;
 - Social service authorities;
 - emergency departments;
 - urgent treatment centres; and,
 - hospitals in their function of providing inpatient care.
 - The Secretary of State for Defence in relation to members of the regular forces (Royal Navy, Royal Marines, the army, and the Royal Air Force)

These public bodies must refer, with consent, someone who is or may be homeless to the housing authority of the person's choice

The Act is about providing more statutory assistance to more people, including single people who are not assessed as having a 'Priority Need', who previously may not have received significant or meaningful assistance. It brings about a culture change from a perception of systematic 'gatekeeping' whereby people were denied the chance to explain their needs and access services, and there were a significant number of 'intentionally homeless' decisions.

The emphasis on earlier intervention and prevention contained in the Homelessness Reduction Act 2017 is not new to local authorities. Having arrangements in place to actively prevent homelessness was recognised best practice before the new legislation, but this is now on a statutory footing. New duties to provide advice, assessment and preparation of a housing plan for all customers at risk of homelessness constitute a significant change, aimed at improving the service and the outcomes particularly for non-priority single homeless applicants.

When combined with the duties on public bodies to notify local authorities of a person at risk of homelessness, the legislation provides an impetus to improve pathways for young people who are at risk of homeless on leaving custody.

The Department for Levelling Up, Housing and Communities published the **Homelessness Code of Guidance for Local Authorities** in February 2018, which sets out local authorities should exercise their homelessness functions under Part 7 of the Housing Act, as amended by the Homelessness Reduction Act 2017. Within the Code is more detail on all aspects of the homelessness legislation, including guidance on:

- Eligibility for assistance
- Duty to refer
- Homelessness or threatened with homelessness
- Assessments and personalised housing plans
- Preventing and relieving homelessness
- Priority need groups
- Intentionally homeless decisions
- Local connection and referrals to other local authorities
- Suitability of accommodation

In the case of ‘former relevant’ and ‘qualifying’ care leavers, their leaving care status means they all have a Priority Need for accommodation until their 21st birthday.

From the age of 21, the ‘test’ for Priority Need changes. Any care leaver aged 21 or over may have a Priority Need if they are assessed as vulnerable as a result of having been Looked After. Care leavers may have a Priority Need for a different reason, for example, because they are pregnant or have dependent children.

Appendix Two

Responsible Officers	
Hayley Rees	Children’s Commissioning Hayley.rees@wokingham.co.uk
Danielle Willmott	Strategic Housing Service Manager, Housing Needs and Options Manager Danielle.willmott@wokingham.gov.uk
Isabel Prinsloo	Head of Corporate Parenting Isabel.prinsloo@wokingham.gov.uk