

Joint Housing and Children and Young People's Protocol for dealing with homeless 16 and 17 year olds

Parties to the protocol.

CMBC Housing & Environment Services

CMBC Children and Young People's Services

Reviewed and updated May 2014

Approved By:

Head of Housing and Environment

Head of Children and Young People's Services

Date: 13 May 2014

This Protocol will be reviewed in May 2015

INTRODUCTION

AIM OF THE PROTOCOL

- To ensure that the responsibility for meeting the diverse accommodation needs of 16-21 year old young people who have been looked after by Children's Services are met.
- To safeguard and promote the welfare of children 'in need' living in the area and to ensure appropriate services are provided for those children.
- To ensure all other categories of 16-17 year olds in need of accommodation will be assessed by the Housing Options Team and Children's Services under the Children Act and Homelessness legislation. The Children Act 1989 /Children's Services duties supersede the Homelessness Act 2002/Homeless duties in this instance:
- To avoid where possible using the homeless route as a means of securing accommodation for care leavers. (See S3.9 National Standards in Leaving Care). Approaching the time that the identified and agreed care placement of a young person will end, or at the point of breakdown of a foster placement, Children's Services, the Leaving Care Service provider and the Housing Option's Team will work in partnership to ensure that their housing needs are met.
- To strengthen existing agreements by specifying the joint working arrangements for young people in custody.

UNDERLYING PRINCIPLES

- The safety and well being of a young person is paramount.
- Young people should never be sent from one office to another without prior communication
- Independent advice should be available to the young person.
- Where possible homelessness should be prevented and young people (and their parents/carers) supported to remain at home (where safe to do so) or assisted to leave in a planned and supported manner.
- When young people are placed in interim accommodation by CMBC Housing Options Service, all parties will acknowledge that the young person remains legally homeless whilst remaining in that accommodation.
- A referral for an assessment using the safeguarding common referral form will be made for all young people, including teenage parents, for who Calderdale Council has reason to believe, may be homeless. If the young person is provided with accommodation by the Local Authority (either under (S20) Children's Act 1989 or homelessness legislation) then an assessment will be completed in accordance with regulatory requirements.

- If appropriate the Housing Options Service will make a referral to the Early Intervention Service for all young people (including teenage parents) who Calderdale council believe may be threatened with homelessness (i.e. likely to become homeless within 28 days).
- The Housing Options Service will be informed of all interviews and meetings relating to a Children and Young People Services (CYPS) or Early Intervention Service (EIA) assessment and a Housing Adviser will be invited to attend in order to further the principle of joint working and joint needs assessment.
- CMBC Temporary Accommodation and Support Service (TASS) will seek to identify suitable short term accommodation from within its available stock for young people who are homeless on the day of presentation regardless of whether the child is an open, closed or unknown case to CYPS
- Staff working within this protocol will take decisions in line with their responsibilities under respective legislation and guidance. These decisions will be accepted and respected by colleagues working under this protocol.

RELEVANT LEGISLATION, STATUTORY GUIDANCE AND CASE LAW

Housing legislation

Part VII of the Housing Act 1996 as amended by the Priority Needs Order 2002 and the Homelessness Act 2002 sets out the responsibilities of Calderdale Council under homelessness legislation. The Council has a duty to ensure that temporary accommodation is made available to people who are:

- Eligible for assistance
- Homeless
- In priority need
- Not intentionally homeless (the duty to people found to be intentionally homeless is to secure accommodation for a limited period- usually 28 days)

A person is homeless if he/she has nowhere available for his occupation which is safe and reasonable for him to occupy.

- Accommodation is not reasonable if continued occupation would result in violence.
- Accommodation is not available if a person cannot access it (e.g. if they are locked out)

A person is threatened with homelessness if they are likely to become homeless within 28 days.

If a person approaches the Council and the Council has reason to believe that the

person is eligible for assistance, homeless at that time and in priority need, they must provide interim accommodation until their enquiries are complete and the level of duty established.

Young people aged 16 or 17 are in priority need unless they are:

- A relevant child

Or

- A child in need to whom a local authority owes a duty under S 20 of the Children Act 1989.

Local Housing Authorities cannot establish whether or not a homeless 16/17 year old is in priority need unless an assessment has been carried out by CYPS.

‘Housing’ codes of guidance

The Homelessness Code of Guidance 2006 and the ‘Provision of Accommodation for 16 and 17 year old young people who may become homeless/and or require accommodation’ 2010 (statutory guidance issued jointly by the Secretaries of State for Children Schools and Families and Communities and Local Government to local housing authorities and local children’s social service authorities) explain the legislation and case law.

If an initial approach by the young person is made to housing services ,the 2010 guidance (Para 2.11) states, ‘If the young person may be homeless or may be likely to become homeless within 28 days, housing services should make an immediate referral to children’s services for an assessment. This applies to all 16 and 17 year old applicants without exception, for example including those who are pregnant and/or a parent.

Para 5.2 of the 2010 guidance stresses the necessity for services for homeless and potentially homeless young people to be underpinned by written joint protocols that are centred on the young people and their families.

CHILDREN’S SERVICES LEGAL FRAMEWORK

Overview of the Children Act 1989

Section 17 places a general duty on social services authorities to safeguard and promote the welfare of children within their area who are in need, by providing a range and level of services appropriate to those children’s needs.

A **child in need** is defined as someone who is aged under 18 and

- is unlikely to achieve or maintain a reasonable standard of health or development without the provision of appropriate services by a local authority or;
- whose health or development is likely to be significantly impaired or further impaired without the provision of appropriate services by a local authority or;
- who is disabled.

Section 17(5) allows Children's Services Departments to call upon other agencies (particularly voluntary and community) to provide services on their behalf.

Section 20(1) states that every local authority shall provide accommodation for any child in need within their area who requires accommodation as a result of:

- there being no person who has parental responsibility for her/him;
- being lost or having been abandoned;
- the person who has been caring for him/her being prevented from providing suitable accommodation or care.

Section 20(3) states that accommodation shall be provided for any child in need who has reached the age of 16 and whose welfare the authority considers is likely to be *seriously prejudiced* if they do not provide her or him with accommodation.

Under **Section 27** of the Children Act 1989, a social services authority can ask a housing authority to help in delivering services for children in need. The housing authority must comply with such a request to the extent that it is compatible with its own statutory duties and other obligations. DoH Guidance on the Act recommends that close liaison between Children's Services departments and Housing is necessary and may be best achieved through the establishment of formal arrangements.

Overview of the Children (Leaving Care) Act 2000

The main purpose of the Act is to improve the life chances of young people living in and leaving local authority care. Its main aims are:

- To delay young people's discharge from care until they are prepared and ready to leave.
- To improve the assessment, preparation and planning for leaving care.
- To provide better personal support for young people leaving care.
- To improve the financial arrangements for care-leavers.

The Regulations and Guidance to the Act state that every local authority must ensure that

- Young people leaving care have access to a range of accommodation options and the support and skills to maintain themselves in their accommodation, and that all local authorities should work to meet these aims.

The Regulations and Guidance also details 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 of accommodation.
- Existing and planned provision of safe affordable accommodation.
- Gaps in provision.
- Priority setting.

- The need for contingency arrangements.

Whilst the primary responsibility for securing accommodation for care-leavers rests with CYPS, it is essential that a multi-agency approach is adopted. The Housing Options Team will work with the Pathways Service provider to ensure that the accommodation needs of care-leavers are addressed before they leave care. This protocol will ensure that both the Housing Options Service and CYPS each play a full role in providing the required resources and support to these young people.

Who is entitled to Leaving Care Services?

Eligible Children - Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14 and who are still looked after.

Relevant Children - Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14, and have been looked after at some time after their sixteenth birthday and who have left care (or would have been relevant children but for the fact that they were detained through the criminal justice system or were in hospital on their sixteenth birthday)

Former Relevant Children - Young people aged 18-21 who have been either “eligible” or “relevant” children or both. If at the age of 21 the young person is still being helped by the responsible authority with education or training, he or she remains a Former Relevant Child to the end of the agreed programme of education or training even if that takes him or her past the age of 21.
Looked after children are those in care because of a Care Order (Section 31) or Accommodated (Section 20) of the Children Act 1989

OPERATIONAL PRACTICE

Referral routes

Referrals to Housing Services will be accepted from any source including self-referrals

All young people aged 16 or 17 who are believed to be homeless or at risk of homelessness should be referred to the Housing Options Service in order that the level of risk of homelessness can be investigated and prevention work can be instigated.

There are **two** exceptions to this general position:

1. Where a young person is a qualifying young person under the Children (Leaving Care) Act 2000 or a Relevant Child.
2. Where the young person is an Unaccompanied Asylum Seeker.

In either of the above situations a referral will be made to CYPS or the Multi-Agency Screening Team (MAST). If the young person is the responsibility of another local authority then the relevant worker in that authority will be contacted.

The Role of Housing Services and CYPS

A Housing Adviser will interview all young people aged 16 and 17 referred to or approaching the Housing Options Service

During the interview the Housing Adviser will gather information about the history and circumstances of the young person and the events leading up to their accommodation difficulties.

The Housing Adviser will if appropriate, make contact with parents and other family members to establish the level of risk of homelessness or the prospects for an immediate return to a family home. The Adviser may also contact other agencies for information.

The Housing Adviser will assess whether there is reason to believe that a young person is homeless or threatened with homelessness.

If there is reason to believe that a young person is homeless on that day the Housing Adviser will arrange suitable interim accommodation and make a referral to MAST and the Early Intervention Service to request an assessment (If there is reason to believe that a young person may be **threatened** with homelessness then a referral will be made to the Early Intervention Service). In most cases the Housing Adviser will commence a S184 homelessness investigation.

In the case where a homelessness decision has recently been made and there are no new facts but the young person is once again homeless, then a fresh homelessness application will not usually be instigated. Rather the Housing Adviser will liaise with TASS to arrange suitable short term accommodation to enable the CYPS/EIS assessment to commence and a multi-agency planning meeting to be held. This meeting will endeavour to identify a suitable accommodation pathway and support package for the young person concerned.

MAST will make a decision within 24 hours and if the referral has not been accepted will inform the referrer. Where the referral is accepted a Social Worker will be allocated and will undertake an assessment, the Housing Adviser will be informed of the proposed action within 48 hours and a joint visit arranged.

The allocated Social Worker will if appropriate, make contact with parents and other family members to establish the level of risk of continued homelessness or the prospects for an immediate return to a family home with additional support services. A joint visit within five working days will be arranged between the allocated social worker and Housing Adviser preferably where the young person has been housed to complete the assessment. If the young person has returned home prior to the visit taking place the allocated social worker will undertake the assessment visit at the family home, this may also include the Housing Adviser if there is a concern that this young person could present again in crisis.

If a young person is assessed as not being a Child in Need but additional needs have been identified then a referral will already have been made to the Early Intervention Service. The case will therefore close to Children's Social Care.

Where a young person has been assessed as having a high level of need and vulnerability by either Children's Social Care, the Early Intervention Panel, or partner agencies a referral will be made to the Vulnerable Young People's Panel (VYPP) for additional support and services.

If a young person is assessed as a Child in Need and whose needs include accommodation then the social worker in consultation with their manager will discuss the option of S20 accommodation with the young person. If S20 accommodation is the outcome of the assessment and agreed at the Vulnerable Young Person's Panel, the chair of the panel will take the case to the Gateway Panel. If S20 accommodation is agreed at Gateway Panel then this will be provided and funded by CYPS.

If the young person is deemed to be a Child in Need a decision will be made as whether the lead worker is a social worker or a FIT worker (at level 4). If the young person is considered to be at level 1-3 on the Continuum of Need then the lead worker will be from the Early Intervention Service. A copy of the assessment undertaken by either CYPS or EIS will be provided to the Housing Options Service. All homeless young people will be subject to either a CIN plan or an Early Intervention Plan; the Housing Adviser (and /or in some cases the TASS worker) will be invited to the planning meeting and provided with a copy of the plan

The Housing Adviser will complete the homelessness assessment and issue a decision within 33 working days and will notify the allocated social worker of the outcome.

All homelessness decisions will be notified in writing to the young person concerned and information about the right to request a review of that decision included in the letter. The young person will also be advised of sources of independent advice.

Young People Involved with Youth Offending Team

Where a young person appears before Court and is presenting as homeless on the day of the court appearance, the YOT will undertake enquiries to establish whether there are any suitable extended family members or friends able to offer accommodation. If homelessness is established the YOT will make a referral to MAST, Housing Options or the allocated Social Worker, as appropriate, for provision of an address and an assessment to be commenced

If a young person is in custody and it is known that he/she will be homeless on release, the YOT will make a referral to MAST/ Early Intervention Service 28 days prior to the release date so that an assessment can be arranged in custody in order to secure accommodation on release. The relevant allocated worker will arrange a joint visit with a Housing Adviser.

Unless the young person is subsequently accommodated under S20, the Housing Adviser will undertake a homelessness investigation.

The Role of Children's Social Care where a young person is already an open case in First Response or the Locality Teams

If a young person who is already an open case in either First Response or one of the Locality Teams presents as homeless, the Housing Adviser will interview the young person concerned and if he/she is believed to be homeless will arrange interim accommodation and commence a homelessness assessment. The Adviser will contact the allocated social worker or the duty social worker in the relevant locality team. A joint visit will take place within five working days and if an assessment is not currently open on the young person then an updated assessment will be undertaken to address a change in needs/circumstances.

Where a young person has been assessed as having a high level of need and vulnerability by either Children's Social Care, the Early Intervention Panel, or partner agencies a referral will be made to the Vulnerable Young People's Panel (VYPP) for additional support and services.

If a young person is assessed as a Child in Need and whose needs include accommodation then the Social Worker in consultation with their manager will discuss the option of S20 accommodation with the young person. If S20 accommodation is the outcome of the assessment and agreed at the Vulnerable Young Person's Panel, the chair of the panel will take the case to the Gateway Panel. If S20 accommodation is agreed at Gateway Panel then this will be provided and funded by CYPS

The allocated Social Worker will inform the Housing Options Service of the assessment and decisions made.

Timescales

The Housing Options Team will endeavour to complete a homelessness investigation and issue a decision within 33 working days. To be able to complete assessments within this timescale it is essential that the Children's Social Care assessment is completed within a reasonable timescale. A child and Family single Assessment is up to 45 days. In respect of any homeless issue this assessment should be completed within the 15 day timescale regarding a decision being made in respect of S20 accommodation. Should delays in completing assessments adversely impact on completion of a statutory homelessness assessment then service managers should contact their counterparts to reach satisfactory agreement. Gateway Panels are held every Thursday afternoon, any approval for S20 accommodation has to be presented and authorised at this panel.

CYPS will provide a decision within 15 working days on all cases. If the decision is the young person is not a Child in Need a completed assessment will be provided in 15 working days. If the young person is a Child in Need then the assessment will be completed within 45 working days.

Moving on from S20 accommodation

The Housing Options Service and Children and Young People Service will work together to secure suitable accommodation for young people who have been accommodated under S20 of the 1989 Children's Act and who are ready to leave the care of the local authority.

Where appropriate young people may be referred to Supported Lodgings or the Foyer.

Young people who meet the criteria of a 'Relevant Child' will be supported by the Leaving Care Service Provider. A protocol exists between CMBC Housing Options Team and the external service provider to assist 16/17 care leavers supported by the external service provider to move on quickly into independent accommodation, once they are considered to be 'tenancy ready'. This protocol is set out in Appendix 2

Young people who have been accommodated under S20 of the 1989 Children's Act and who do not meet the criteria of 'Relevant Child' will need to have a housing support package agreed before they will be accepted for re-housing by any Registered Social Landlord in Calderdale. Children's Care Services should therefore make referrals to Foundation UK or another young person's housing support provider to secure such a package or provide appropriate tenancy support themselves.

Calderdale Council's Housing Allocation Scheme (KeyChoice) makes provision for 16/17 year old Children in Need who are ready to leave the care of the Local Authority and who are considered to be able to sustain a tenancy with support, to be awarded Gold Band priority. This priority should enable the young person to secure a tenancy within a relatively short timescale.

The Social Worker supporting the young person should assist the young person to complete a KeyChoice membership form and once this is registered should contact the Deputy Housing Options Manager or Young Person's Housing Adviser at Doorways providing details of the young person and details of the tenancy support package that is to be provided. The Deputy Housing Options Manager / Specialist Young Person's Housing Adviser will arrange a meeting with the young person and if all are satisfied that the support package is adequate and the young person is 'tenancy ready' then Gold Band priority will be awarded to the young person's KeyChoice membership for a period of three months.

The specialist Young Person's Housing Adviser will monitor the young person's progress in making suitable bids and will work with the young person and the social worker to identify suitable properties and resolve any difficulties that occur.

Information sharing

When a potentially homeless young person approaches the Housing Options Service for assistance in securing accommodation they will be required to sign a form that consents to information about them being shared between the Housing Options

Service, TASS, Children and Young People's service (including the Youth Offending Team where a referral has been made by them).

Emergency Contact Numbers

Emergency Duty Team (Children's Services)

Tel: 01422 288000

Out of Hours Emergency Homeless Service (Housing Needs)

Tel: 01422 288000

DISPUTE RESOLUTION

The key to implementation of this joint protocol is direct communication between frontline workers and/or their managers to resolve differences at the earliest stage. Differences of opinion over areas of responsibility and proposed action should be dealt with initially by the case worker in each department. If the issue cannot be resolved at this level the matter should be referred for a decision to the appropriate combination of Housing Access Manager, Leaving Care Team Manager, Social Care Manager and/or YOT Team Manager, depending on the nature of the dispute.

18-24 YEAR OLDS FORMERLY IN LOCAL AUTHORITY CARE

Young people who have spent some time in the care of the Local Authority between the ages of 16 and 18 will have a priority need for accommodation under homelessness legislation unless they are a 'relevant student'. If such a young person is at risk of homelessness, they should be encouraged to contact the Housing Options Team as soon as possible.

All young people who were formerly in Care will be assessed by the Housing Options Service in accordance with part 7 of the 1996 Housing Act and the Homeless Act 2002. The Housing Options Service will work closely with the Leaving Care Service provider and other relevant agencies to identify suitable accommodation solutions.

APPEALS/COMMENTS

The reasons for decisions made by Children's Services under S17 of the Children Act 1989 will be given to the young person in writing and will explain how these decisions can be challenged.

The reasons for the decision made by the Housing Options Team under Part VII 1996 Homelessness Act will be provided in writing to the young person and will include details on how the young person can request a review of the decision given.