

Joint Procedure between Housing and Children's Services for the Assessment of Housing and Support needs of Homeless or likely to become homeless 16- and 17- year-olds

York Children's Services and Housing Services will work in partnership to ensure effective action to prevent youth homelessness and provide sufficient accommodation and access to the support required to meet the range of needs of homeless young people. This joint protocol will set out clear, practical arrangements for providing services that are centred on the young person and their families and prevent young people from being passed between agencies.

General Principles

This protocol sets out a mutually agreed vision, objectives, systems and processes. It provides a series of definitions and procedures to be followed by City of York Council staff to ensure that the responsibilities for homeless or likely to become homeless 16- and 17-year-olds under **Part 7 of the Housing Act 1996 (as amended by the Homeless Act 2002), Part 3 of the Children Act 1989, the Children Act 2004, the Children Leaving Care Act 2000, Recent Case Law: G v LB Southwark** are appropriately fulfilled.

It is accepted that for all young people's welfare to be safeguarded, appropriate packages of accommodation and support are necessary.

Young people should be involved in discussions and plans for their own future. Due regard should be given to the young person's wishes and feeling. The young person should be consulted and informed of the progress of his or her application for accommodation.

In assessing the needs of young people for accommodation and support, those involved in the process must take into account any additional needs and the ethnicity, culture and heritage of the young person.

The parents/carers/guardians of young people will be contacted as an essential part of the youth homeless assessment process and family meetings offered

unless Children's Services assess that to do so would place the young person at possible risk of harm. Further family support such as family group conferencing will be offered where appropriate.

Purpose of Guidance

This guidance has been developed jointly between the Children's Social Care (CSC) and the Housing Options Service. It will set out the referral routes in relation to homeless 16- and 17-year-olds. Its purpose is to ensure continued close partnership working between City of York Children's Services and Housing Services to support local authority responsibilities under the Children Act legislation for meeting the needs of children in York.

This guidance is relevant to young people after statutory school leaving age. This is nationally defined as "the last Friday in June when a young person will become 16 years of age by the end of the school summer holiday after Year 11". Young people who are not yet of school leaving age are the responsibility of Children's Social Care and outside the scope of this Guidance. The guidance is relevant to all young people of this age, including those who are pregnant or who have children.

The Aim

The aim of this Guidance is to prevent rushed and damaging transitions for young people to independence and to minimise the number of young people facing a housing crisis. It will ensure that the young person's individual needs, including needs associated with vulnerability are considered, initially by a specialist Youth Homeless Support Worker and, where it is deemed necessary, by a Qualified Social Worker. It will include early intervention through working with schools, peer education initiatives and targeted youth services having housing on their agenda. It will set out the referral routes in relation to homeless 16- and 17-year-olds.

- Early intervention
- First response at point of contact
- Emergency accommodation
- Medium-term supported accommodation

- Moving on

Prevention

It is in the best interests of most young people aged 16 or 17 years to live in the family home, or, where it is not safe or appropriate, with responsible adults in their wider network of family and friends. The local authority responds to 16- and 17-year-olds seeking help because of homelessness should explicitly recognise this and work proactively with young people and their families to identify and resolve the issues which have led to the homelessness crisis. This may involve supporting the family with mediation, , Family Group Conferences, intensive support, housing-related support services and Children's Social Care 'edge of care' provision from the Children in Need Service.

Preventative work should be undertaken alongside the statutory assessment processes and should not delay assessment or the delivery of statutory services to 16- and 17-year-olds who may be homeless or at risk of homelessness.

Sharing Information

How should staff seek the young person's consent to share information?

Sharing of information. Children's Services Procedures/Housing Procedures. Consent to Share Information Form.

Accessing Services

16- and 17-year-olds who seek assistance from the local authority because they are homeless or at risk of homelessness can either seek help initially from the local authority's Housing Service or Children's Social Care. This protocol will be shared with other agencies, for example Young People's Services (including Castlegate), Youth Offending Team, Schools and Health Services, with a view to ensuring early intervention.

Procedure

Initial approaches for housing advice for 16- and 17-year-olds are often made via known services such as the Housing Options Team, Youth Homeless Workers, the Children's Advice Team, Children's Social Care, the Youth Offending Team, Castlegate or Salvation Army. More detailed advice should be provided by accredited housing advisers who will give Housing Options advice and ensure that prevention and other alternatives to the homeless route have been fully explored.

Given that the 1989 Act takes precedence over the 1996 Act, and given their responsibilities for children in need in their areas, Children's Social Care has lead responsibility with regard to assessing and meeting the needs of 16- and 17-year-olds who seek help because of homelessness under their duties to safeguard and promote the welfare of children under the age of eighteen resident in the City of York. However, it is acknowledged that many young people are reluctant to be referred to 'Social Services' and the Youth Homeless Support Worker is therefore often the initial point of contact, acting on behalf of Children's Social Care. All young people (over school leaving age) presenting as homeless or threatened with homelessness will be seen by the Youth Homeless Worker or if unavailable the Housing Options Team or Pathway Duty Worker. The Youth Homeless Worker will check if the young person is known to Children's Social Care and YOT to identify whether there is already a Lead Practitioner for the young person. A 'Youth Homeless Assessment' will be undertaken to clarify the young person's current situation, including whether there are any vulnerabilities additional to homelessness that require assessment by Children's Social Care

Where a young person has identified vulnerabilities and is not open to Children's Social Care, the Youth Homeless Worker will seek the consent of the young person to a referral to Children's Social Care for a joint Single Assessment and Housing Assessment. Where a Single Assessment is commenced, alternative accommodation to a young person who is potentially at risk of harm, such as Crashpad/Nightstop may be made available while safeguarding concerns are investigated.

SAFEGAURDING

All young people working with the Youth Homeless Team will be 'flagged' via the 'Children's Front Door' to ensure there is a record of the involvement.

A qualified social worker (Duty Worker) within the Referral and Assessment Service will provide advice and support to Youth Homeless worker at any point during the youth homeless assessment in relation to safeguarding issues

A qualified social worker (Duty Worker) within the Referral and Assessment Service will carry out a Single Assessment where there is a safeguarding issue.

Where any young person presents in need of emergency accommodation and has no identified additional vulnerabilities, and has requested a referral to Children's Social Care relevant referrals will be made to appropriate emergency or tier 1 supported accommodation.

The Youth Homeless Support Worker has access to section 17 monies for young people they believe to need short term financial support during this process or if this will assist with homeless prevention.

If appropriate accommodation cannot be found then Children's Social Care will secure suitable emergency accommodation for the young person. This will mean the young person may need to become looked after (**Children Act 1989 Section 20(1)**) whilst their needs, including their need for continuing accommodation and support, are further assessed. Where the young person is accommodated under Section 20, he or she will not be eligible for welfare benefits, including housing benefit, and Children's Social Care will maintain the young person (including meeting the cost of accommodation).

If the young person presents with needs additional to accommodation, the most appropriate package of accommodation and support will be provided by Children's Social Care or other agencies as appropriate.

If it is concluded that the young person does not require accommodation because their needs can be met by providing other services, for example, support to enable the young person to return to the care of their family, this support will be met by Children's Social Care or other agencies as appropriate.

It is essential to establish very close contact and rapport with the young person throughout the assessment process, in order to make sure that their wishes and feelings are properly understood and their views are taken into account.

In cases where specialist young person's accommodation is not available or the young person is not assessed as needing, or does not wish, to be Looked After then the Housing Options Team will take a formal homeless presentation and make legal decision under Housing Act (1996) and Homelessness Act (2002). Housing will secure emergency accommodation. Young People will wherever possible be referred into specialist young persons supported housing in a planned way.

Decisions and Outcomes of the Youth Homeless Assessment

- Eligible for services
- Homeless
- Assessment of vulnerabilities and referral to CSC for Single Assessment
- Secure emergency accommodation or financial assistance as appropriate
- Referral if any safeguarding issues for customer or siblings
- Initiation of assessment process to determine long term housing needs and in particular in case of young parents pathway into permanent accommodation (using Resettlement category/trainer flat once support needs established)

Decisions and Outcomes of the Single Assessment

Decisions about the level of Children's Social Care support, including the appropriate type of accommodation needed will be made by a Service Manager within the Referral and Assessment Service and communicated to the young person.

Support

To support this process Children's Social Care will

- regularly review the housing assessment to ensure that it is detailed enough to assess whether the Young Person's welfare is safeguarded and promoted provide Youth Homeless Workers with monthly 'clinical

- supervision' by a Qualified Social Worker to ensure decisions are consistent and appropriate in respect of CSC / safeguarding
- included Youth Homeless Workers in CSC training opportunities

Timescales

Within one working day of a referral being made regarding a child or young person, a decision by Children's Social Care must be taken about whether to carry out a Single Assessment of need. Where a young person appears to have vulnerabilities additional to homelessness, a Single Assessment will be progressed by a Qualified Social Worker. A Children's Social Care Single Assessment must be proportionate and must be completed within 45 working days from the referral.

Decisions and Outcomes of the Statutory Housing Assessment

A Housing Options Worker will need to make decisions about whether the young person is:-

- Eligible
- Homeless
- In Priority Need
- Unintentionally homeless
- And has a local connection

Once a decision has been made on the duties owed to the young person it will be conveyed to them verbally and subsequently in writing, with an explanation of what this will mean for them.

Provision of Accommodation and Provision of Support

In order to achieve timely and positive outcomes for young people, it is important that Children's Social Care and Housing Services work closely to ensure that a range of suitable supported accommodation placements are available for 16- and 17-year-old young people. Choice of accommodation may be limited, and this needs to be understood when trying to meet the young person's needs. Bed and breakfast accommodation is not suitable supported accommodation for 16- and 17-year-olds. Where independent accommodation

is provided in the private rented sector or from housing associations or the authority's own stock, floating or visiting support should also be provided. This will include independent living skills; their health and well-being; access to education and training; and their readiness for future independent living. For teenage parents it is particularly important that they are provided with accommodation which gives them the holistic support they require to meet their individual needs and improve their outcomes. This should include support around parenting and independent living skills. The Government's Teenage Pregnancy Strategy requires Housing and Children's Services, the local teenage pregnancy co-ordinator and relevant voluntary organisations in their area to ensure the provision of suitable accommodation with floating support.

All 16 and 17year-olds will be offered support to remain safely at home, or if this is not possible, they will receive support to sustain both temporary and permanent accommodation. This support will be provided jointly by agencies within York.

To promote good practice, young people who have been provided with housing accommodation and who have required support to improve their outcomes should be consulted about the quality of services and contribute to service reviews.

Statistics and records

Any successful homeless prevention should be recorded in accordance with P1E guidance.

Any young person who is homeless or potentially homeless and receiving support from housing support agencies, the YOT accommodation worker, Castlegate or CSC, Youth Homeless Support Worker, will be tracked at the monthly Young People's Accommodation Panel.

Resolution process / complaints

Youth Homeless Workers: Youth Homeless leaflet gives information about complaints and compliments procedure issued at point of contact. This directs young people to the Youth Homeless Team Manager, Tim Carroll. They can

also follow the council's complaints procedure by contacting the customer complaints and feedback team via letter, email, online form or phone.

Children's Social Care : As above – CYC complaints procedure.

Statutory Homeless Assessments: decision letter provides information about the review process.

Legal Framework

Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996

Children Act 1989 - This guidance is according to Sections 17 and 20 of the Children Act 1989 and takes into account the recent law relating to 16-and 17-year-olds who may be homeless and/or require accommodation

Part 7 Housing Act 1996 - This legislation sets out the local authority's duties in relation to homeless households and households threatened with homelessness.

The Homeless Act 2002 - confers a priority need on a 16- or 17-year-old who is neither a relevant child nor beneficiary of the statutory duty to accommodate Children in Need in Section 20 of the Children Act 1989.

The Children (Leaving Care) Act 2000 and Transition to Adulthood Guidance 2010 give direction on both sufficiency and quality of accommodation.

Case Law: G v LB Southwark - the central issue was: where a child of 16 or 17 has been thrown out of the family home is found to be homeless and assessed as a child in need, and seeks help from the local children's services authority to be accommodated by them under Section 20 of the Children Act 1989. Can the children's services authority instead refer the child to the local housing authority for accommodation under the homeless legislation (Part 7 of the Housing Act 1996)?

The case was heard on appeal from the Court of Appeal, which, by a majority of two to one, had upheld Southwark's ability to refer the child for assistance under the homeless legislation even though a duty to provide accommodation had been accepted under Section 20(1) of the Children Act 1989.

The leading opinion, delivered by Baroness Hale, reaffirmed the House of Lords opinion in R(M) v LB Hammersmith and Fulham and sets out the approach that children's services authorities should take when performing their statutory duties to 16- or 17-year-olds who are found to be homeless and in need.

The ruling confirmed the Government's view that local children's services authorities should presume that any lone, homeless child should be provided with accommodation under Section 20(1) of the Children Act 1989, unless the child is not in need.

In nearly all cases, the impact of a child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the child's welfare that the child will be a child in need.

Definition of a Child in Need

As set out in Section 17(10) of the Children Act (1989), a child shall be taken to be in need if:

- a) He or she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by the local Authority;
- b) His or her health or development is likely to be significantly impaired, or further impaired without the provision of such services; or
- c) He or she is disabled.

Examples of the small number of Homeless 16- and 17-year-olds who would have priority need under the homelessness legislation (by virtue of Article 3 of the homelessness (Priority Need for Accommodation) (England Order 2002) would be for example:

- a) Because they had been living independently for some time prior to their homelessness:
- b) Those whose need for accommodation fell within Section 20 but who did not want to be accommodated under Section 20.

Such young people must be judged to be competent to make such a decision and have had the benefit of advice about the consequence of making such a decision.

Factors to be considered by Children's Services and Housing Services when assessing whether 16/17 year olds who may be homeless/ are likely to become homeless are children in need

	Dimensions of Need	Issues to consider in assessing child's future needs
1	Accommodation	<ul style="list-style-type: none"> • Does the young person have access to stable accommodation? • How far is this suitable to meet the full range of their needs?
2	Family & Social Relationships	<ul style="list-style-type: none"> • The young person's relationship with their parents and wider family. • Capacity of family and wider social network to provide stable, secure accommodation to meet their practical, emotional and social needs.
3	Emotional & Behavioural Development	<ul style="list-style-type: none"> • Does the young person demonstrate confidence, resilience and self-esteem? • Do they show self-control and appropriate awareness? • The quality of their relationships and attachments.
4	Education, Training and Employment (ETE)	<ul style="list-style-type: none"> • Information about the young person's current and previous ETE activity. • Will they need support to enable them to access ETE?
5	Financial Capability & Independent Living Skills	<ul style="list-style-type: none"> • How competent are they with finances? • What level of support may they need to manage their finances?
6	Health & Development	<ul style="list-style-type: none"> • What are the young person's physical, emotional and mental health needs?
7	Identity	<ul style="list-style-type: none"> • What are the young person's needs in relation to their ethnicity, preferred language, cultural background, religious or sexual identity?

See also Joint Protocol Flow charts on Forms Library