



City of **Stoke-on-Trent**

Stoke-on-Trent City Council

**Joint Protocol and Guidance in relation to the Provision of
Accommodation for 16 and 17 year old young people who may
be homeless and/or require accommodation**

2020 - 2025

Contents Page

Introduction

Scope of Protocol

Legislation and Statutory Guidance

Preventing youth homelessness

Accessing Services to address homelessness

Accommodation Pathway and Process for 16 and 17 year olds

- **Stage One - Initial Contact**
- **Stage Two - Initial Interview**
- **Stage Three - Initial Decision**
- **Stage Four - Ongoing Support and Provision of Sustainable Accommodation**

Exceptional Circumstances

- **Out of Hours Access**
- **16 and 17 year olds from out of the City**
- **16 and 17 year olds who may require accommodation with children and/or partners**

Escalation/Complaints Process

Monitoring the Protocol

Appendices

Introduction

The primary objective of this protocol is to promote and safeguard the well-being of young people and to prevent homelessness; returning young people to their family wherever possible. If a return home is not possible, our objective is to find the most suitable accommodation and to support the young person to remain in and move on from their accommodation when appropriate.

The Council provides a range of accommodation and support services for young people in the city including two specialist Housing Needs Officers based with the Next Steps Team who provide housing advice and support for 16 and 17 year olds who are homeless or at risk of homelessness and young people leaving care. Details of current accommodation and support services for young people are provided at Appendix One of this protocol.

Scope of this Protocol

This protocol refers to all young people aged 16 and 17 who present as, or are referred to, Housing Services or Children Services as homeless and/or requiring accommodation.

The purpose of the protocol is to ensure that these services and wider supported accommodation provider partners continue to work together to provide a consistent and coordinated response to 16 and 17 year old young people who present as homeless and in need of accommodation and accommodation support services. The protocol includes an integrated pathway for referral, assessment and planning for access to accommodation and accommodation support services to streamline and make the most effective use of existing resources.

This protocol sets out the roles and responsibilities of Children's Social Care and Housing Services at the city council and the involvement of other partner agencies. The duties owed by both services will depend on a range of factors requiring them to work together to plan and provide a service centred on young people and their families.

Legislation and Statutory Guidance

In recent years a number of judgments have been handed down by the House of Lords in cases concerning the interrelationship between the duty under section 20 Children Act 1989 ('section 20') and duties under Part VII Housing Act 1996 in the case of young people aged 16 or 17 who require accommodation. The most recent of these has been *R (G) v Southwark [2009] UKHL 26*, but these have also included *R (M) v Hammersmith and Fulham [2008] UKHL 14*.

These judgments have restated and clarified the established legal position that the duty under section 20 takes precedence over the duties in the Housing Act 1996 in providing for young people who have been assessed as in need who require accommodation, and that the specific duty owed under section 20 takes precedence over the general duty owed to children in need and their families under section 17.

This protocol has been drafted using the guidance provided by Communities and Local Government in April 2018 entitled 'Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation' so that any young person who considers themselves to be homeless, is provided with consistent information about services available, and an agreed pathway to provision.

Further information about legislation is provided in Appendices Two and Five.

Any young person accommodated for a continuous period of more than 24 hours will assume looked after status under section 20 if they consent. The assessment process set out in this protocol will determine the longer term outcomes and one of five exit pathways.

Whilst accommodated under section 20 the young person is not eligible for welfare benefits, including housing benefits or housing costs under universal credit.

Preventing Youth Homelessness

It is in the best interests of most young people aged 16 or 17 to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends network. Our response to 16 and 17 year olds seeking help because of homelessness will explicitly recognise this and work pro-actively with young people and their families to identify and resolve the issues which have led to the homelessness crisis.

Young people will be provided with realistic and full information about the support they can receive at the first stage of their enquiry to help them to make a fully informed decision.

Young people must be informed of their eligibility for support under section 20 as well as that available under section 17, leaving care and homelessness provisions.

Preventative work will take place alongside statutory assessment processes but this 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.

Accessing services to address homelessness

The Housing Solutions Service can be reached on 01782 233696 or by email at housing.adviceservices@stoke.gov.uk.

The Safeguarding referral team at Children Services can be reached on 01782 235100. Email: srt.referrals@stoke.gov.uk

Referrals to the Housing Solutions Service and Children Services outside of office hours should be made to the Emergency Duty Team (EDT) 01782 234234.

Accommodation Pathway and Process for 16 and 17 year olds

Stage One - Initial Contact

A young person may make contact with a number of different agencies, for example:

- Children Services at the city council;
- Housing Solutions Service at the city council;
- The Council's Emergency Duty Team – out of hours emergency service;
- Other statutory or voluntary agencies such as the Youth Offending Service;
- Self-referral to accommodation providers; and/or
- Self-referral to safeguarding officers in school or college.

The following sections set out the response of Children Services and the Housing Solutions Service at the council in response to a referral received either directly from a young person or from a partner agency.

Stage Two - Initial Interview

An online Multi Agency Referral Form will be completed for the Safeguarding Referral Team by either Children Services or the Housing Solutions Service – depending on the point of entry to the service.

Wherever possible the initial contact will be followed by a joint initial interview by a Young People's Housing Needs Officer and an officer from the Next Steps Team in Children Services. Where a joint interview is not possible Children Services and the Housing Solutions Service will share information to enable each

service to complete and share their relevant statutory assessments and support plans.

Initial interviews will take place on the same day for young people who are homeless and/or at risk of harm and the officer undertaking the interview should use the 16/17 year old homeless interview form (Appendix Two). All initial interviews will take place within 72 hours of first contact by the young person.

The initial interview will establish:

- Confirmation of the age and identity of the young person;
- The young person's current situation and background, including where the young person has been living and why this has broken down;
- Whether the young person has a local connection with the city;
- Vulnerability of the young person; for example, what do they understand about their situation?;
- The support available for the young person;
- Risks to the young person; for example, are they at risk of harm?;
- Whether the young person appears to the Council to require accommodation. This will include an assessment of whether the young person's current accommodation is suitable and any steps that could be taken to make it suitable; for example, through the provision of support services;
- Whether there is anybody else who might reasonably be expected to be rehoused with the young person;
- The support that would be necessary for the young person, and anybody who will be living with them, to have and sustain suitable accommodation;
- The young person's wishes and feelings and the weight to be given to them having regard to their age and understanding; and
- The views and wishes of those with parental responsibility for the child, noting that this may not be done where the child is assessed as at risk of harm from their family or carers.

The initial interview will include discussion with the young person and their wider network, including parents/carers and other agencies such as their school or college or the Youth Offending Service. Exceptions to this may include where it is believed that contact could put the young person at risk, for example where there is violence, abuse or threat of forced marriage.

The young person will be given advice about their entitlements to ensure they are able to make informed choices through the sharing of the Young Persons' checklist at Appendix Three.

If the young person is homeless that night they will be offered an emergency accommodation placement. This will be with one of the council's commissioned accommodation providers which may be the emergency bed, supported accommodation, supported lodgings, foster care or residential care. Bed and

Breakfast accommodation is not considered suitable for this purpose and should never be used

In cases where the young person is at risk of homelessness but it is safe for them to remain where they are then this will be supported until an initial assessment can be concluded.

Stage Three - Initial Decision for young people who are homeless or at risk of homelessness

Young person returns/remains at home or is staying with wider family or friends

Where the interview confirms the young person can return home or stay with family/friends, it will inform a package of support to facilitate and maintain return home or to family/friends. This will be developed as a Child in Need Plan by Children Services.

The Child in Need Plan will be completed to inform a support plan to meet the young person's needs and enable them to remain at home. A multi-agency meeting will be convened (if appropriate), involving relevant services, the young person and their family, to agree a plan and identify a Lead Professional.

The Lead Professional and multi-agency team will agree to coordinate and deliver the identified package of support (if required).

Where a young person is not able to return home, wider family and friends should be explored as options for the young person. Where this is available, this should be facilitated and supported and a Child in Need Plan completed to provide a support plan to meet the young person's needs.

In the majority of circumstances, facilitating a placement of the young person with family and friends will fall outside private fostering regulations as they do not apply to young people over 16 years of age. Private fostering regulations do apply, however, if the young person is disabled. In these circumstances consideration will need to be given as to whether their level of disability means that a private fostering arrangement would be more appropriate. If the young person is disabled, private fostering regulations will apply if the placement will be for more than 28 days and the placement is with anyone other than a parent, someone with Parental Responsibility, or those who fall within the definition of a relative under the Children Act 1989 i.e. a grandparent, brother, sister, uncle or aunt (whether full blood, half blood or by affinity or civil partnership) or step-parent or a parent's civil partner.

Young person is referred back to the local authority where they have a local connection

Where the assessment with the young person confirms that the young person can return safely to their home local authority a referral may be made to relevant services in the young person's home local authority with the young person's consent, and information/assessments transferred to home local authority upon request. Until that referral is accepted, the Council will ensure that the young person's immediate needs are met.

Young person moves into Emergency Accommodation

Where a young person is unable to return home, cannot access alternative sustainable accommodation and there is nowhere safe for them to stay that night, the only identifiable option is the provision of suitable emergency accommodation whilst further assessments are made. In these circumstances, the young person will be placed into emergency accommodation provision commissioned by the Council for this purpose. The referral will be supported by a summary of the Initial Interview/Initial Decision, which will clearly state the reasons for the referral, and the work that has been undertaken to attempt reconciliation. Subject to the young person's consent this referral will be shared with the accommodation provider.

A further meeting will take place between the young person, Children Services and the accommodation provider within 72 hours of the initial placement in emergency accommodation.

This will mean that where a child is provided with foster care or residential accommodation the young person will become looked after under section 20 if they consent to becoming looked after whilst their needs for continuing accommodation and support are assessed. Where the young person is provided with supported accommodation whilst the assessment is being undertaken this will be pursuant to Section 17 and a decision on whether they are to be provided with accommodation under section 17 or section 20 must be made by Day 10 of the child and family assessment Children Services will be responsible for the funding and immediate provision of the accommodation, although they can be assisted by the Housing Solutions Service with the identification and provision of appropriate accommodation. Consideration will also need to be given to support the young person to obtain food, clothing and other essentials if required.

Stage Four - Ongoing Support and the Provision of Sustainable Accommodation

Where immediate accommodation is provided, young people will be offered a comprehensive joint assessment of need to identify their needs and to inform a plan for the young person. Children's Social Care will lead the joint assessment, with contributions from partner agencies and the Housing Solutions Service.

The assessment will be undertaken concurrently with the statutory homelessness assessment undertaken by the Housing Solutions Service. The assessments will give appropriate consideration to the young person's informed choice and their level of resilience and resourcefulness to manage in the accommodation provided alongside their vulnerability.

The assessment will be completed within 30 days from the point of referral and the young person will be moved on from emergency accommodation when it is safe to do so. A decision on whether accommodation will continue to be provided under Section 17 or section 20 must be made by day 10.

During the assessments, Children Services will continue to explore the possibility of the young person returning to family, wider family or to friends, and where this is a safe option, will positively support this.

The assessments will inform the decision as to whether the young person continues to meet the criteria under section 20, whether the young person is a child in need under section 17, and/or whether the young person is owed a duty under the Housing Act 1996 (as amended).

It is essential that the young person is fully consulted about and understands the implications of being accommodated by Children Services and becoming looked after by receiving and an officer going through the young person's checklist with them. Where a child does not consent to becoming looked after they must sign the consent form (Appendix Four). Professionals conducting the assessment must provide realistic and full information about the support that the young person can expect as a looked after child and, subsequently, as a care leaver.

Children Services and the Housing Solutions Service should also ensure that the young person is informed of their entitlements and receives accurate information about what assistance may be available to them, including from Housing Services under Part VII Housing Act 1996, if they do not remain/become looked after, and how any entitlement for assistance will be determined.

The assessment will inform the decision as to whether the young person:

- continues to meet the criteria under section 20;
- is in need under section 17; and/or
- is owed a duty under the Housing Act 1996

These decisions will inform the longer term support planning for the young person.

After the comprehensive assessment and decision at Stage Four, there are 5 exit pathways for young people:

1. Return home (with or without support) or stay with family/friends;
2. Referral and facilitated return back to home Local Authority;
3. Support into appropriate sustainable accommodation – with young person’s consent the young person becomes Looked After (section 20);
4. Support into appropriate sustainable accommodation where the young person does not consent to being looked after having been properly and fully advised of the implications of that decision. Young person is homeless and meets the criteria (Parts VI and Part VII Housing Act 1996);
5. Support into appropriate sustainable accommodation where the young person does not consent to being looked after, having been properly and fully advised of the implications of that decision, and does not meet the criteria (parts VI and Part VII Housing Act 1996). Accommodation can be provided under Section 17.

Whichever pathway is decided, it is critical that an effective plan to support the young person is agreed and implemented, and that the young person is fully informed about the decisions made and why. The Lead Professional and multi-agency team are key to the successful implementation of the plan and to achieving the best outcomes for the young person whether they return home or secure alternative sustainable accommodation.

Practice Guidance:

Bed and breakfast accommodation is not considered suitable for 16 and 17 year olds even on an emergency accommodation basis. Where the young person is accommodated under section 20 they will not be eligible for welfare benefits, including housing benefit or universal credit¹ and Children Services will have a duty to maintain them (including meeting the cost of accommodation).

Practice Guidance:

Identifying the needs of the young person and the best response to these needs will be the function of each assessment. The critical factors to be taken into account in assessing whether a young person is in need under section 17 or in need of accommodation under section 20 are what will happen to the young person’s health and development without services being provided or secured by Children Services and the likely effect the provision of services will have on the young person’s health and development. **Where a young person is excluded from home and has no stable accommodation it is extremely likely that they will be a ‘child in need’. Similarly, where a 16 or 17 year old teenage parent is homeless they are also likely to have**

¹ There are exceptions for lone parents and for disabled young people who may have an established entitlement to non-means tested benefits.

significant needs and require accommodation and support as a child in need. Determining who is in need and the extent of any needs requires professional judgment by social workers, informed by consultation with other professionals familiar with the circumstances of the individual young person and their family. The young person's wishes and feelings and those of their family must be taken into account.

Exceptional Circumstances

This section of the protocol concerns cases where there are particular circumstances, including out of hours/emergency referrals; teenage parents; and young people who are ordinarily resident in a different local authority.

Out of Hours/Emergency Referrals

Where young people present as homeless outside of office hours, the priority must be the safety and well-being of the young person, and, where needed, suitable emergency accommodation will be provided until the next working day. A referral will be made to the Emergency Duty Team. The young person will then be referred the next working day for an initial interview under Stage One of this protocol.

16 and 17 Year olds from out of the City

Children Services Practice Guidance:

Where a 16 or 17 year old who was living in one local authority area moves to another local authority area and seeks assistance from Children Services in that local authority, the duty to assess falls on the authority from which they seek assistance. The authority cannot refuse to consider the young person's immediate needs and expect them to return to the authority in the area presumed to be their 'home' district.

An initial interview, perhaps combined with enquiries in the area where the young person came from, should be sufficient to establish their connection with the area where they have sought help and their reasons for seeking help there rather than in their 'home' district. These enquiries may be able to establish whether it is possible for the young person to return to the area where they are presumed to have a stronger local connection. For example, it might be possible for the authority where the young person seeks help to negotiate with their 'home' authority to take over the assessment of the young person's needs, so that the young person is assessed in a familiar setting close to their family and friends.

It is essential that disputes about responsibility for the young person do not get in the way of the authority that received the young person's request for assistance

dealing with request until any disputes are resolved. The young person's need for housing/accommodation should not be marginalised while the authorities determine whose responsibility it is to provide a service. It is important that the safeguarding of the child is a priority.

Housing Services Practice Guidance

Similarly, Housing Services must consider all applications for accommodation or assistance in obtaining accommodation. Housing Services can only refer an applicant to another authority if they are satisfied that the applicant is homeless, eligible for assistance, owed the Relief Duty and does not have a local connection with their district and does have one elsewhere in Great Britain. For further guidance about local connections and referrals refer to Chapter 10 of the Homelessness Code of Guidance for Local Authorities.²

16 and 17 year olds who may require accommodation with children and/or partners

By the age of 16 or 17 many young people are forming relationships and a few may themselves have children. Assessment, support and accommodation services will take into account young peoples' relationships as well as any dependent children and, where appropriate, support them to build a positive family life.

The needs of 16 and 17 year olds for accommodation will be assessed in the context of their relationship with any 'partner'. In some cases it may be appropriate for a 16 or 17 year old to be accommodated in a situation where they can live with their partner. This will not prevent the Council from accommodating a 16 or 17 year old under section 20 where the young person is owed a duty under that section. Specific consideration will be given to placement options for young people accommodated under section 20 whilst living with a partner. It will also be important to have contingency plans in place in case relationships break down.

Where young parents are provided with accommodation by Children's Services and become looked after, it does not follow that their child will also be looked after. This is an issue for an entirely separate assessment based on the needs of the infant.

For further guidance about 16 and 17 year olds who may require accommodation

² <http://www.communities.gov.uk/publications/housing/homelessnesscode>

with children and/or partners refer to Chapter 17 of the Homelessness Code of guidance for Local Authorities.

Appendix One provides information about supported accommodation that may be suitable for young people with children.

Escalation/Complaints Process

In situations where potential issues regarding discharge of duty may be raised or a decision cannot be reached this will be escalated to the relevant Service Managers and if agreement can still not be reached to the strategic managers in Children Services and Housing Services in order for a suitable resolution to be found.

Monitoring the Protocol

The Protocol will be reviewed annually and when changes in legislation are made that require a protocol review and/or amendment.

Appendices

- Appendix 1** Supported Accommodation for Young People aged 16-25 in Stoke-on-Trent
- Appendix 2** 16/17 year old – Homeless Interview Form
- Appendix 3** Young Persons' Checklist
- Appendix 4** Consent Form for Young People who do not wish to become looked after
- Appendix 5** Guidance on sections 17 and 20 Children Act 1989
Young person's wishes and feelings
- Appendix 6** Factors to be considered by Children Services when assessing 16/17 year olds who may be homeless children in need
- Appendix 7** Provision of suitable supported accommodation under section 20 Children Act 1989

Appendix 8 Provision of suitable accommodation for 16 and 17 year olds who are not owed a duty under section 20 Children Act 1989 or who refuse section 20 accommodation

Appendix 9 Guidance for Housing Services on the provision of suitable accommodation for 16 and 17 year olds who are not owed a duty under section 20 or who refuse section 20 accommodation

Appendix10 Assessment Process Flowchart

Appendix One – Supported Accommodation for Young People aged 16-25 in Stoke-on-Trent

| Provider: | Service name: | Client group: | Service type: | N° Units |
|--|--------------------------------------|--------------------------------|--|-----------------|
| North Staffs YMCA | Young Person's Service | Single Homeless – young people | <ul style="list-style-type: none"> • Foyer / Campus style accommodation (86 units) • Supported Lodgings – Accommodation within a host family (10 units) • Emergency accommodation provision (4 units) | 100 |
| S-o-T & District Gingerbread Centre | Young Person's Service | Teenage Parents | <ul style="list-style-type: none"> • Accommodation and resettlement support (15 units) • Low level move on / floating support (5 units) | 20 |
| North Staffs YMCA | Supported Flats | Young people | <ul style="list-style-type: none"> • Shared accommodation in flats | 20 |
| Concrete | Care Leavers Supported Accommodation | Care Leavers | <ul style="list-style-type: none"> • Combination of self-contained units of accommodation and HMO flats at Victoria Place • Dispersed units of accommodation in the city. (Includes emergency bed provision) | 40 |
| Total Units | | | | 180 |

**Appendix Two
Stoke on Trent 16 & 17-year-old Homelessness Interview
Form**

| | |
|--|---------------|
| Name: | |
| Contact number: | |
| Date of birth: | NI No. |
| Last settled address: | |
| What is going on at home (where you have been staying) that means you can't go back? Do you feel safe at home? (Expand on this why/why not) | |
| Where have you been staying if not at home? (Who with, on what basis etc.) | |
| What could we do to help you to resolve the difficulties you are having at home? | |
| If we phoned your parents and asked them if you could go back home, what do you think they would say? | |

Do you know about what the housing options are for young people? It is very difficult to live by yourself and most young people aged 16/17 do not have their own place, as they cannot hold a tenancy by law in their own right. (Spell out what the REALISTIC options are, including limited choice, to facilitate the decision-making process).

**How are you feeling in yourself?
(If negative, then carry on with: Can you tell me more about what is making you feel like that? Is there anything that makes it better / worse? Please note any self-harming behaviour or similar).**

Are you in any education or employment? Record any details of commitments.

Are there any other agencies you are involved with/are there any other people you see who help you or give you support? Did you see anyone else prior to coming here and if so what did they say?

Do you have any health problems, including mental health/learning disabilities?

Do you ever use alcohol or drugs? If yes, please give details:

What kind of support do you think you need to live away from home?

Are there any offences you can tell me about or is there anything you are waiting to hear about?

Homelessness

Can you go home tonight whilst we try to support you and your family to resolve your difficulties (where there are no safeguarding concerns)?

**Have you somewhere to stay tonight? Would you feel safe there?
(Evaluate friends or family members network)**

Have you any income and/or sufficient funds to meet your costs? E.g. food.

What I would like to do now is talk you through what happens next, where this information goes and what happens to it but before I do that, I would like to hear about what you would like to see happen? We are looking for the young person to expand beyond “I need somewhere to live” to understand their desired outcome: is it about a tenancy and support to manage, is it about support to return home etc.

Actions and Next Steps

Call to Parent/Guardian (if safe). Notes:

If unable to return to Parent, call to wider friend and family network. Notes:

Is temporary accommodation required pending further enquiries? If yes, please make the arrangements and provide details of address and accommodation provider.

Decision to offer temporary accommodation under _____

Make any arrangements for food etc., and issue young person with a letter providing contact details and action list detailing what will happen next.

Arrange joint Home Visit between Housing Options, Children’s Services and any other relevant agencies if safe to do so.

Officer Details

| |
|-------------------|
| Name: |
| Phone No |
| Email |
| Agency: |
| Address: |
| Signature: |

Information Sharing Consent Form

I give permission for _____ (insert name of referring agency)

To share any necessary information and make any necessary enquiries about me in relation to this referral (this includes sharing the outcome of any assessment or enquiries).

| | |
|------------------|-------|
| Name | _____ |
| Signature | _____ |
| Date | _____ |

The terms “necessary information” and “necessary enquiries” mean that the agencies on the list will only share information or ask for information about you that they need in order to:

- Assess their responsibilities to you
- Decide on the type and location of accommodation that may be

secured for you.

- **Decide with you on the type and duration of support that will be in place for you.**

Appendix Three Young Persons' Checklist

Checklist for homeless 16-17-year olds, if they choose to become Looked After Child by Stoke on Trent City Council

If it is assessed that a young person cannot stay with family or friends, then young people have the right to choose whether they want to be looked after by the Local Authority. This could be under S20 (Children Act 1989) or, they may be provided with supported accommodation under S17 (Children Act 1989). The differences will be carefully explained when they present as homeless so that an informed decision can be made.

Choosing to become looked after means that the young person is entitled to support and advice from an allocated Social Worker from Children's Services but also means that the Local Authority will expect the young person to work in partnership and to engage with planning and decision making.

If you become looked after, the below checklist will apply to you:

- You will have an allocated Social Worker who will complete an assessment of your needs and personal circumstances within 10 working days. Your Social Worker will then make recommendations about your care and how best to meet your identified needs.
- If you've been looked after for at least 13 weeks, as you approach 18, you will be allocated a Personal Advisor (PA) who works alongside your Social Worker to offer you practical support and to advocate for you. You could receive this service until you are 25.
- When you first become looked after you will be offered a medical to ensure that any health needs are identified and met in full. You will be asked to consent to this.
- Your Social Worker will draw up a pathway plan with you and make sure that you receive support and services to which you are entitled. It is important you are involved in your pathway plan as it discusses your plans for the future and your future living arrangements.
- Your Social Worker will visit you at your accommodation to check that where you live is safe and suitable and to make sure you are accessing all available support.
- You will receive what is termed a "maintenance living allowance" if you are in supported accommodation for the same amount as any benefit entitlement that a 16 or 17-year-old would be able to claim. This money is given so that you can buy food, personal items and pay for additional expenses such as travel. You will be offered advice on how to manage your money and budget.

- An independent reviewing officer will chair a looked after review which ensures your care plan is appropriate and is meeting your needs. The first review takes place within 28 working days. The second review takes place after three months and then every six months for as long as you remain looked after.
- Your Personal Advisor will spend time with you working on managing your money, housing issues, employment or education, life skills and independent skills in order to prepare you for the future.
- To support you with current education if you are accessing it, and to plan for your attendance at college or university in the future you will be offered a PEP which is a personal education plan. The PEP meeting involves you, your Social Worker and your Education provider.
- If you are offered supported accommodation it will be necessary for you to sign a tenancy agreement and to work within the terms of this. Landlords have expectations around behaviour and their property being maintained.
- Once you reach 18 you will no longer be a looked after young person and this status will end. However, you may be eligible for leaving care services and in advance of you celebrating your 18th birthday the ongoing services and support to which you are entitled will be fully explained to you. These include support with housing, finances and other everyday life events. If you have not been looked after for at least 13 weeks, you may not receive this support.
- Upon leaving care at age 18, and you need to claim benefits to help with your rent, you will be eligible for the one-bedroom rate of Housing Benefit until you reach the age of 22 (depending on your income). Most single people applying for Housing Benefit aged between 18 and 22 years old will get the lower rate to enable them to afford shared accommodation.
- When leaving care, you could have help with setting up your new home which will be coordinated by your PA.
- If you start in some forms of education (usually university) once you leave care, you may be eligible for help with the costs of this.

Appendix Four; Consent Form for Young People who do not wish to become looked after

Consent Form for young people who do not wish to become Looked After by the Local Authority (under S20 CA 1989) who have presented as homeless/threatened with homelessness.

I confirm that I fully understand that I have been assessed by the Local Authority, Children's Social Care as being in need of accommodation under section 20 of the Children Act 1989 due to my current homeless circumstances.

I can confirm that it has been explained to me that the Local Authority cannot force me to become looked after, but by choosing not to be looked after by the Local Authority I am limiting the options available to me in terms of after care services.

I can confirm that I do not wish to be accommodated by the Local Authority.

Name (print): _____

Signature: _____

Date: _____

Appendix Five – Guidance on sections 17 and 20 Children Act 1989

Section 17(10) of the 1989 Act defines a child as being in need if:

- a) he 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 for him of services by a local authority under this Part;
- b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- c) he is disabled.

The duties described in section 17 apply to all children in need in the area of the local authority.

A child is any person under the age of 18 (see section 105(1) Children Act 1989).

A local authority has a general duty to provide services to children in need in its area:

- a) to safeguard and promote the welfare of children within their area who are in need; and
- b) so far as is consistent with that duty, to promote the upbringing of such children by their families by providing a range and level of services appropriate to those children's needs.

Provision of accommodation under section 17:

- 1 Local authorities have powers to accommodate children under section 17(6). A young person provided with accommodation under this section would not be looked after and the local authority would not have the corresponding duties set out in sections 22, 23 and 24 Children Act 1989. However, the provision of accommodation under section 17 will almost always concern children needing to be accommodated with their families.
- 2 The powers of local authorities to provide accommodation under section 17 cannot be used to substitute for their duty to provide accommodation under section 20(1) to homeless 16 and 17 year olds who are assessed as being children in need. Children Services do not have the option of choosing under which provision they should provide accommodation for homeless 16 and 17 year olds. Section 20 involves an evaluative

judgment on some matters but not a discretion.³

Section 20(1) requires that:

Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:

- a) there being no person who has parental responsibility for him;
- b) his being lost or having been abandoned; or
- c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

In addition, even if the criteria in section 20(1) do not apply, section 20(3) requires that:

- Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.

In addition, section 20 (4), provides that:

- A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare.

³ R (G) v Southwark [2009] UKHL 26 – para. 31
<http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-2.htm>

Appendix Six - Young Person's wishes and feelings

- 1 Section 20(6) Children Act 1989 requires that:

Before providing accommodation under this section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare;

 - a. ascertain the child's wishes and feelings regarding the provision of accommodation; and
 - b. give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.
- 2 This will include assessing their emotional and behavioural development and their capacity to make use of wider resources to manage independent living.
- 3 However, where a young person says they do not wish to be accommodated, the local authority should consider the young person's wishes as part of an overall judgment of their assessed needs and the type and location of accommodation that will meet those needs.
- 4 The assessment must be child-centred. Children Services' staff responsible for the assessment must inform the young person what enquiries will need to be made and the timescales involved. A key aspect of the assessment will involve reaching an understanding about how the young person views their needs.
- 5 It will be essential that the young person is fully consulted about and understands the implications of being accommodated by Children Services. They must be provided with full information about the support that the young person can expect as a looked after child and, subsequently, as a care leaver.
- 6 They should also receive accurate information about what assistance may be available to them from Housing Services under Part VII Housing Act 1996, if they do not become looked after, and how any entitlement for assistance under Part VII will be determined. In particular, the possible risk of becoming intentionally homeless in the future, and the implications of this for further assistance with accommodation. This information should be provided in a manner commensurate with their understanding at the start of the assessment process and be available for the young person to take away for full consideration and to help them seek advice.

- 7 Where there are concerns about a 16 or 17 year old's capacity to judge what may be in his or her best interests, e.g. whether they should become looked after or seek alternative assistance, there will need to be further discussion involving Children Services, Housing Services, the young person concerned and their family, to reach agreement on the way forward.
- 8 Young people should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages and coming to a balanced decision.⁴
- 9 The fact that a young person may be reluctant to engage with the assessment process outlined above is not in itself a basis for assuming that the young person has rejected Children Services intervention to provide them with support or accommodation. Lack of co-operation is no reason for the local authority not to attempt to carry out its duties under Children Act 1989. In these circumstances, the assessment will need to involve careful recording of how the authority has attempted to engage with the young person to assess their needs in order to determine what appropriate services are needed. Ultimately, however, it is not possible to force services on young people who persistently continue to refuse them.

⁴ Children and young people who have received services under the 1989 Act are able to be supported to make complaints and representation with the help of an independent advocate. CYPS should provide information about access to advocacy services when they explain the assessment process to 16 and 17 year olds seeking help because of homelessness.

Appendix Seven - Factors to be considered by Children Services when assessing 16/17 year olds who may be homeless 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 the full range of the young person's needs? |
| 2. | Family and Social Relationships | <ul style="list-style-type: none"> • Assessment of the young person's relationship with their parents and wider family. • What is the capacity of the young person's family and social network to provide stable and secure accommodation and meet the child's practical, emotional and social needs |
| 3. | Emotional and Behavioural Development | <ul style="list-style-type: none"> • Does the young person show self-esteem, resilience and confidence? • Assessment of their attachments and the quality of their relationships. Does the child show self-control and appropriate self-awareness? |
| 4. | Education, Training and Employment | <ul style="list-style-type: none"> • Information about the young person's education experience and background • Assessment as to whether support may be required to enable the child to access education, training or employment. |
| 5. | Financial Capability and independent living skills | <ul style="list-style-type: none"> • Assessment of the young person's financial competence and how they will secure financial support in future • Information about the support the child might need to develop self-management and independent living skills |
| 6. | Health and Development | <ul style="list-style-type: none"> • Assessment of young person's physical, emotional and mental health needs. |
| 7. | Identity | <ul style="list-style-type: none"> • Assessment of the young person's needs as a result of their ethnicity, preferred language, cultural background, religion or sexual identity. |

Appendix Eight - Guidance for Children Services on provision of suitable accommodation under section 20 Children Act 1989

- 1 Children Services must only provide children with accommodation which is suitable and of high quality. A range of different types of accommodation may provide suitable accommodation for 16 and 17 year olds who cannot live with their families, carers or guardians and whose best interests are likely to be affected as a result. These include foster care, children's homes, supported accommodation and properties with visiting support tailored to the young person's needs as well as other types of supported accommodation. In order for services to work well it is important that Children Services work closely with Housing Services to ensure that a range of suitable accommodation options are available for young people in their area, whether or not they are looked after children. Bed and breakfast accommodation is not suitable for 16 and 17 year olds. 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; their health and well-being; access to education and training; and their readiness for future independent living.
- 2 The choice of placement for any individual young person will be informed by the assessment of their needs.
- 3 Section 23(2) Children Act 1989 sets out the range of placement options in which a young person who is looked after by the local authority may be accommodated. These will include placements in foster care or in children's homes.
- 4 Some 16 and 17 year olds who require accommodation may be reluctant to take up these kinds of accommodation options and the assessment of their emotional and behavioural development may indicate that they do not require the level or kind of supervision and support that foster or children's home care provides.
- 5 Section 23(2) (f) (i) Children Act 1989 permits local authorities to make *such other arrangements* as seem appropriate when they place a looked after child. This provision offers scope for Children Services to ensure that they are able to make appropriate provision with support tailored to the needs of the young person for those homeless 16 and 17 year olds who they accommodate, and are looked after, but for whom fostering or a children's home placement would not be the most suitable option.

- 6 From the point at which Children Services accommodate a 16 or 17 year old child, they should look forward to the support that the young person will need for transition to independence. This might include, for example, the provision of supported accommodation where young people can remain beyond the age of 18 and develop independent skills. This kind of accommodation might be jointly commissioned by Children Services and Housing Services as part of the local authority's duties in securing sufficient accommodation for looked after children and care leavers in their area⁵. For example, a formerly homeless young person may be placed in supported lodgings to offer them opportunities to take on more responsibility for their own care in order to prepare them for the transition to adulthood.
- 7 The primary issue to be addressed in making each and every placement in 'other arrangements', just as in any other placement setting, will be: how will making this placement meet the assessed needs of the individual young person?
- 8 Where a young person is placed in other arrangements then the local authority must prepare a placement plan which is agreed between the young person and the person responsible for supporting the young person in the accommodation. This should be the person who will have the most day to day contact with the young person, for example their 'key worker' or supported lodgings host/carer. The support plan should set out how the supported accommodation service will support the young person and should be integral to the placement plan.
- 9 The placement planning process should involve an exchange of appropriate information included as part of the core assessment which informed the development of the looked after young person's care plan so that the accommodation provider has a full understanding of the young person's needs and their role in meeting these needs. It will be essential that the provider appreciates the arrangements that the local authority proposes to put in place to make sure that the young person is adequately supported. The placement plan must be explicit about the respective roles and responsibilities of the placement provider and the young person's social worker, their independent reviewing officer and of other staff employed or commissioned by the authority to contribute to the plan for the young person's care.
- 10 The plan must set out:
 - The respective safeguarding responsibilities of the provider and local authority

⁵ Section 22G of the 1989 Act inserted by section 9 of the Children and Young Persons Act 2008 – s.9

- The frequency of visits the young person can expect from their responsible authority
 - Communication arrangements between the provider and the local authority
 - The provider's responsibilities for notifying the young person's social worker and accountable staff of the authority of any significant change in the young person's circumstances
 - Arrangements for giving notice of intention to terminate the placement (along with the authority's responsibilities for convening a review of the young person's care plan where there is a risk of the placement being terminated).
- 11 For further guidance on provision of suitable supported accommodation under section 20 refer to Chapter 22 of the Homelessness Code of Guidance for Local Authorities.⁶

⁶ <http://www.communities.gov.uk/publications/housing/homelessnesscode>

Appendix Nine - Guidance for Housing Services on the provision of suitable accommodation for 16 and 17 year olds who are not owed a duty under section 20 or who refuse section 20 accommodation

- 1 If Children Services decide that they do not have a duty to provide accommodation for a homeless 16 or 17 year old or the young person has refused provision of accommodation, Children Services and relevant partners must consider whether they owe a duty to provide other support and services for the young person to meet their needs. In any case where Housing Services provide accommodation, Children Services will need to consider the provision of services under section 17 to meet the young person's other needs.

Securing accommodation under Part VII Housing Act 1996 (Housing Services)

- 2 Under Part VII Housing Act 1996, and the *Homelessness (Priority Need for Accommodation) (England) Order 2002*⁷, applicants aged 16 or 17 have a priority need for accommodation if they are not owed a duty under section 20. Where such applicants are also eligible for assistance, the local housing authority will owe them a duty under section 193 (2) Housing Act 1996 to provide advice and assistance to prevent or relieve their homelessness. Authorities should refer to the *Homelessness Code of Guidance for Local Authorities* for general guidance on discharging their homelessness functions under Part VII Housing Act 1996.
- 3 Where the assessment of need concludes that the criteria for section 20 is not met, and the young person applies to Housing Services for accommodation or assistance in obtaining accommodation, Housing Services will need to consider whether any duty is owed under Part VII Housing Act 1996 (section 184).
- 4 In considering whether a duty under Part VII is owed to a 16 or 17 year old who has refused section 20 accommodation, it is for the housing authority to satisfy themselves in each individual case whether the applicant is homeless or threatened with homelessness.
- 5 Where a 16 or 17 year old is secured accommodation under Part VII Housing Act 1996, other services, such as Children Services and the locality teams, should work closely with Housing Services to ensure that

⁷ <http://www.opsi.gov.uk/SI/si2002/20022051.htm>

- the young person is provided with sufficient support to ensure he or she does not become homeless intentionally in the future, for example, as a result of accruing rent arrears or being evicted due to anti-social behaviour.
- 6 Where Children Services hold open the offer of accommodation on a temporary basis to ensure that a 16 or 17 year old has accommodation available to meet his or her immediate needs, Housing Services should not necessarily consider that the young person is not homeless. Housing Services will need to consider whether, in the circumstances, it would be reasonable for the applicant to continue to occupy the accommodation indefinitely, if they did not intervene and secure alternative accommodation.
 - 8 Children Services and Housing Services will need to agree a procedure to share information that temporary accommodation provided by Children Services will come to an end. This will help Housing Services to facilitate the provision of accommodation to meet the young person's long term accommodation needs. This process should aim to minimise anxiety for the young person associated with concerns that they may again find themselves without anywhere to live. Children Services and Housing Services will need to work together closely to ensure that the young person's ongoing housing needs can be met in the most practical and timely way possible.
 - 9 Housing Services are reminded that applicants cannot be considered to have become homeless intentionally because of failing to take up an offer of accommodation; homelessness is only capable of being 'intentional' where the applicant has ceased to occupy accommodation that it would have been reasonable for him or her to continue to occupy.
 - 10 Case law has established that in some circumstances a person does not do, or fail to do, something 'deliberately' for the purpose of Part VII Housing Act 1996 if he makes a considered choice between two courses of action or inaction, either of which he or she is able to take. Thus, the Secretary of State considers that where a 16 or 17 year old is required to leave accommodation as a result of his or her decision to refuse section 20 accommodation (for example, where Children Services bring to an end interim accommodation pending assessment of the young person's needs), that decision should not be treated as deliberate action or inaction that contributed to intentional homelessness, subject to it being an informed and considered decision.
 - 11 If, for whatever reason, a 16 or 17 year old is found to have become homeless intentionally, Housing Services should inform Children Services immediately, and a joint way forward should be agreed. For further

guidance about intentional homelessness, authorities should refer to Chapter 9 of the *Homelessness Code of Guidance for Local Authorities*.⁸

- 12 Section 191(1) provides that a person becomes homeless intentionally if ALL of the following apply:
- a. they deliberately do or fail to do anything in consequence of which they cease to occupy accommodation; and,
 - b. the accommodation is available for their occupation; and,
 - c. it would have been reasonable for them to continue to occupy the accommodation.

However, for this purpose, an act or omission made in good faith by someone who was unaware of any relevant fact must not be treated as deliberate.

Section 191(3) provides that a person must be treated as homeless intentionally if:

- a. the person enters into an arrangement under which they are required to cease to occupy accommodation which it would have been reasonable for the person to continue to occupy; and,
- b. the purpose of the arrangement is to enable the person to become entitled to assistance under Part VII; and,
- c. there is no other good reason why the person is homeless.

- 13 Where a housing authority finds an applicant to be homeless, or threatened with homelessness, intentionally they have a duty to provide the applicant (or ensure that the applicant is provided) with advice and assistance in any attempts he or she may make to secure that accommodation becomes available (or does not cease to be available) for his or her occupation. Where such an applicant also has a priority need for accommodation the authority will also have a duty to secure accommodation for such period as will give the applicant a reasonable opportunity of securing accommodation for his or her occupation. In practice there will only be rare and exceptional cases of intentionality among 16 and 17 year olds.

⁸ <http://www.communities.gov.uk/publications/housing/homelessnesscode>

Appendix Ten – Assessment Process Flowchart

