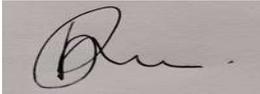


Staffordshire Youth
Homelessness Joint Protocol
March 2023
Working Arrangements to
assist Homeless 16/17-year olds



Signatories

Organisation	Signatory
Cannock Chase District Council Nirmal Samrai Head of Housing and Partnerships	
East Staffordshire Borough Council Brett Atkinson Housing Manager	
Lichfield District Council Lizzie Barton Assistant Director	
Newcastle under Lyme Borough Council Sharron Swift NHA Team Leader	
South Staffordshire District Council Ryan Creswell Housing and Welfare Team Manager	
Stafford Borough Council Hayley Smith Lead Officer Housing Options	
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Staffordshire Moorlands District Council Helen Core Head of Housing Services	Helen Core
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1. Introduction

- 1.1 Young people are better off living at home or within their family network, if it is safe for them to do so. This protocol affects those young people aged 16 and 17 who claim or appear to be homeless and what agencies will do to assess their needs and support them.
- 1.2 The protocol provides a pathway for homeless 16 and 17-year olds to provide a consistent response with clear lines of accountability. There is also a process for conflict resolution so that when this occurs, this will be dealt with on a case-by-case basis and in a way that does not undermine relationships at a local level.
- 1.3 The protocol has been developed in compliance with legislation and statutory guidance and has been adopted as a working document by nine signatories, to guide their activities when undertaking work with this vulnerable client group.

2. Aims of the Protocol

- To ensure effective homelessness prevention services for 16 and 17-year olds.
- To set out how Staffordshire County Council's (Children's Services) and Staffordshire's district/borough councils (Local Housing Authorities) will work together to provide a consistent approach with a focus on the best possible outcomes for young people who are homeless, or at risk of becoming homeless.
- To provide clarity for all organisations on their roles and responsibilities in line with current legislation and statutory guidance, including that contained within the [Homelessness Reduction Act 2017](#).
- To provide clarity for all organisations on their roles and responsibilities following the judgment in the R (G) v LB Southwark (May 2009) by the House of Lords ("the Southwark Judgment") and joint statutory guidance - [Provision of accommodation for 16 and 17 year olds who may be homeless 2018](#).

3. Guiding Principles

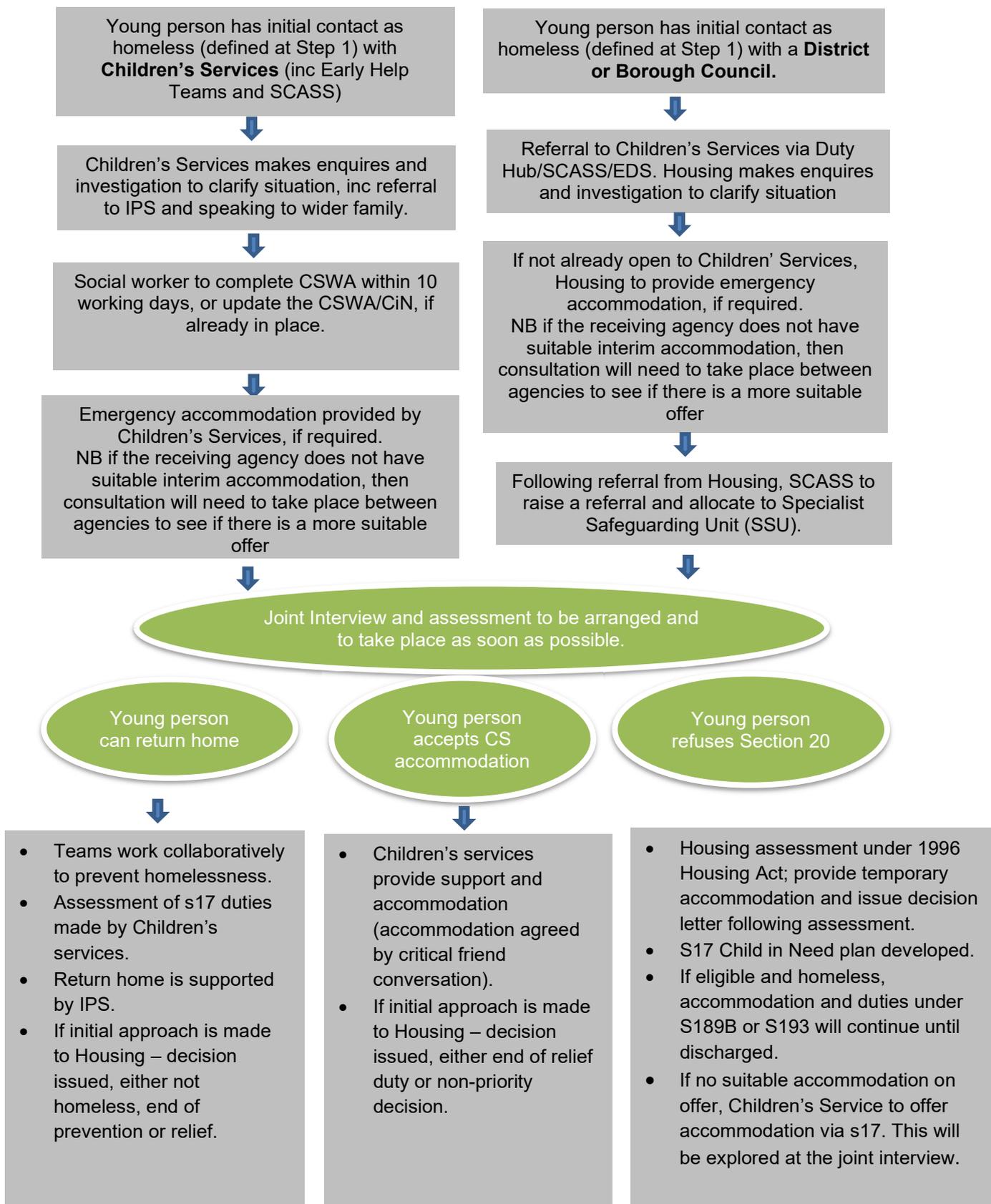
- 3.1 The protocol is guided by the following agreed principles:
 - All agencies will work effectively together to keep young people safe.
 - Young people will be supported to live with their immediate families or, where this is not safe or appropriate, with responsible adults in their wider family and friends' network.
 - Young people in crisis will receive a consistent, practical and immediate response from whichever agency they first approach, and which focusses on preventing homelessness.
 - Safeguarding concerns will be shared with [Procedures - Staffordshire Safeguarding Children Board \(staffsscb.org.uk\)](#)

- Bed and breakfasts are **not** suitable for use by Children's Services or Housing to accommodate 16 and 17-year-olds, on a temporary basis. Where this is the only accommodation available, the agency with the accommodation responsibilities will liaise with the other agency to seek alternative accommodation.
- Young people will be given every opportunity to understand the options available to them to enable them to make informed choices about their future.
- Young people will be provided with information about accessing independent advice and support, including details of any local advocacy services.
- Children's Services will take the lead regarding assessing and meeting the needs of 16- and 17-year olds who seek help because of homelessness, given that the Children Act (1989) takes precedence over the Housing Act (1996) Act.¹

¹ Prevention of homelessness and provision of accommodation for 16- and 17-year olds who may be homeless and/or require accommodation. MHCLG, DoH 2018

4. The Plan – Flow Chart

(Appendix A provides an Interview Form that will lead you through these steps)



5. Prevention tools

- 5.1 Prevention of homelessness is key to a robust and successful multi-agency approach to this issue, and there are several prevention tools available to help keep families together, where safe and appropriate to do so. Both Housing and Children's Services should draw on any tools available to try and keep a young person at home, or with extended family networks.
- 5.2 All agencies involved will look towards mediation between a young person and their family to resolve any issues that are causing a risk of homelessness. This may be coupled with a behavioural agreement and further support to help promote positive behaviour that would, again, decrease the risk of homelessness.
- 5.3 Once a referral is received by Children's Services, a referral into the Intensive Prevention Service (IPS) should be made where a young person is at risk of homelessness. Following the referral being accepted by IPS a joint visit will be undertaken by the social worker and a member of IPS to develop a robust package of support to enable the young person to remain living with their family.
- 5.4 At this point, the team working with the young person should explore the young person's wider family network with consideration to making a referral to the Family Group Conference Service or convening a family meeting so that the young person can remain living within their family.
- 5.5 IPS supports children and young people with emotional, psychological and behavioural problems, who are at risk of coming into care, to remain in their home or to return home from a period of short-term accommodation and to ensure that those individuals with greatest need are supported before their problems become entrenched. The service is time limited for up to 12 weeks and the responsibility of the young person will remain with the allocated or duty social worker.

6. Responding to a Homeless Approach – A Step by Step Guide

- 6.1 A young person may present themselves as homeless, or as threatened with becoming homeless within 56 days², to a variety of places, including any part of Staffordshire County Council's Children's Services, or local District/Borough housing authority. Once a report of the homelessness of a 16 or 17-year-old is received, the responsibility lies with the receiving agency to undertake the steps identified below.

Step 1: Initial Contact

- 6.2 When a 16 or 17-year-old states that they are homeless, or are threatened with becoming homeless within 56 days, a report of this kind, by the young person or someone acting on their behalf, requires the receiving agency to undertake

² Housing Act 1996 (Part 7) as amended

further investigation and activity before the matter can be referred to another agency.

- 6.3 A young person may contact any of the following:
- Children's Services (including SCASS, Early Help Teams (EHTs) and/or Safeguarding Teams (SSUs))
 - A local housing authority (District or Borough Council), or
 - Other voluntary or statutory organisation working with young people.
- 6.4 Other voluntary or statutory organisations, working with young people, should contact [Staffordshire Childrens Advice and Support Service - Staffordshire County Council](#) (SCASS) with information about the young person reporting as being homeless or threatened with homelessness. Information required is set out in **Appendix A - Interview Form (Responding to Homeless 16/17-year old)**.
- 6.5 Staffordshire Childrens Advice and Support Service can also be contacted on **0300 111 8007**
- 6.6 It is considered best practice, for which ever agency is the first point of contact, to seek to arrange a **joint interview**. In cases where teams are co-located, this should be normal practice, but if an area team is in different locations, the duty social worker should, in all cases, attempt to visit the area housing office with the young person.
- 6.7 To avoid a young person being passed between agencies, if an agency has been involved within the last 4 weeks to help keep the young person at home, or in securing accommodation for them; this should continue or be resumed. This agency will be responsible for processing the homeless approach identified below in **Steps 2 - 5**.

Step 2: Processing the Homeless Approach and Joint Interview

- 6.8 The agency who has this initial contact with the young person, will be responsible for gathering detailed information to determine whether the young person is homeless, or if they can be supported to return home. If following these enquiries, it is evident that the situation can be resolved through an immediate short-term piece of work, (such as phone mediation with parent(s) / carer(s) or through signposting the young person to a universal service), then this will be completed by the first agency contacted.
- 6.9 To help with the collection of this information see **Appendix A - Interview Form (Responding to Homeless 16/17-year old)**.
- 6.10 Other supplementary questions may be asked dependent upon the conversation with the young person. It will be important to establish why the young person believes they are no longer able to live at home and if it is possible to prevent the young person becoming homeless.

- 6.11 At this point it is key to contact other agencies, if a young person presents to Housing then Children's Services should be contacted to attend an initial joint interview and vice versa. See **Appendix C** This can be facilitated virtually if officers agree. If it becomes apparent there may be little alternative other than interim accommodation, then agencies can discuss the best suitable accommodation to offer (see step 4).
- 6.12 At the joint interview it would be expected a Duty Social Worker be present with Housing and the young person to take further details as described throughout this process. This interview will be key to allow for early intervention and to avoid unsuitable accommodation. It also will be key in to providing the young person with realistic expectation of the services on offer from all agencies, and future plans.
- 6.13 The Duty Social Worker will be responsible for taking the appropriate details and aiding in the process of passing this information over the SCASS to allow for multi-agency checks and to allow SCASS to raise the referral.

Step 3: Immediate Support Issues and Risks

- 6.11 It will be important to build up a clear picture of the young person's immediate support needs, before deciding on the best course of action. **Appendix A - Interview Form (Responding to Homeless 16/17-year old)** will support in collecting this information, but it should not replace professional judgement based on the presentation of the young person.

Step 4: Homeless Prevention

- 6.12 Clarification will be sought as to whether the young person will be homeless *tonight* and if the young person has somewhere to stay where they feel safe. **Appendix A - Interview Form (Responding to Homeless 16/17-year old)**, will help in collecting this information.
- 6.13 If it is established that the young person can return home, consideration should be given to any ongoing support needs that the young person and their parents/family may need, and how these will be met.
- 6.14 Every effort should be made to speak to the young person's parents/carers to negotiate their return home, however, if it cannot be established whether the young person can return home, or it is established that they cannot return home, **Step 5 below should be followed.**
- 6.15 It will be important to understand the young person's views and desired outcomes. For example, is it about seeking a tenancy and support to manage that; is it about support to enable them to return home; is it about living in supported accommodation, or is it something else? Talking to the young person about the options and being realistic about their level of choice, will be key to achieving those outcomes.
- 6.16 If the first approached agency has reason to believe that the young person will approach another agency or organisation, they should update as necessary. Partner agencies/organisation should accept and support the findings of the first approached agency, unless there is good reason not to do so.

- 6.17 The young person should be made aware of their rights and options and the officer dealing with the homeless approach should ensure that the young person has seen the Young Person's information leaflet (**See Appendix F**)

Step 5: Alternative Accommodation

- 6.18 If it cannot be established that the young person can return home safely, secure *interim* accommodation must be provided for them. This will remain the responsibility of the first agency approached, until the young person's pathway is formally progressed in a planned way.
- 6.19 This alternative accommodation must be arranged by the receiving agency under their applicable duties triggering the relevant statutory assessments. The most suitable alternative accommodation must always be sought, but depending on the time of day and availability,
- 6.20 As laid out in the flowchart, if the receiving agency does not have suitable interim accommodation, then consultation will need to take place between agencies to see if there is a more suitable offer. This could be, for example, the crash pad or Children's Services Supported Accommodation. If this is the prescribed route it would be expected the receiving agency leads and funds this placement. This will be no longer than Children's Service assessments, 10 working days max.
- 6.21 It will be important to check the young person's circumstances, including if they have access to food and benefits, which can be discussed at the end of the interview. Housing are unable to assist with emergency subsistence to young people, this would need to be picked up by Children's Services.
- 6.22 The young person may decline the offer of accommodation from the receiving agency in favour of making their own decisions and accessing services from another authority (e.g. declining the offer from Children's Services in favour of accepting an offer from Housing, or vice versa). While this should not be encouraged, it is an option open to the young person. **Such a referral will not be made until the information collected at Steps 1 – 4 has been recorded and transferred to the chosen authority to avoid duplication.**
- 6.23 A summary of the immediate support requirements (identified at Step 3), including any that will be provided by Children's Services, should be sent as part of the referral information. The young person should also have signed the 'Consent Form' for young people who do not wish to become looked after by Children's Services. (**See Appendix E**).
- 6.24 In the interests of the young person and to maintain effective joint working relationships, agencies will not encourage or influence a young person's decision to reject one agency's offer in favour of another. In most cases, the first agency approached will provide the interim accommodation during the assessment process (Steps 7 & 8). Where a referral occurs, the chosen agency will accept the findings of the transferring agency, unless new information becomes available.

Step 6: Joint Visit

- 6.25 The outcome of the initial contact (Step 1), and any follow-up work will be recorded for sharing between relevant partners dependant on consent. Housing will refer all 16 & 17- year olds who are confirmed as being homeless to Children's Services.

- 6.26 In all cases of confirmed homelessness, home visits will be carried out to families and carers unless there are safeguarding concerns. Where possible, joint home visits will be carried out by Children's Services and the relevant housing authority, preferably **within 5 working days** after the initial approach. This will constitute the 'initial visit' for Children's Services which triggers the start date of the **Child Social Work Assessment (CSWA)**.
- 6.27 The objective is to achieve family reunification, therefore a referral to Children's Service's' Intensive Prevention Service (IPS) will also be considered. Where a young person is not able to return home, the joint assessment will explore accommodation options with responsible adults in their wider family and friends' network.

Step 7: Decision of Children's Services following the Child Social Work Assessment

- 6.28 A Child Social Work Assessment will be completed **within 45 working days** of referral. Good practice indicates that for young people who are homeless, or threatened with becoming homeless within 56 days, assessments should be completed more quickly. Children's Services will decide, **within 10 working days** of a young person being provided with temporary accommodation, if they are to be provided accommodation under Section 20 or Section 17 (Children Act 1989).
- 6.29 Most homeless young people will be a 'child in need', unless they have previously lived independently successfully, or have the capacity to decide for themselves and have declined to be accommodated under Section 20 (CA 1989). The social worker will discuss the implications of being looked after with the young person using the checklist (See **Appendix E**) as reference and having provided the young person with impartial and balanced information about the offer.

NB: Young people who are perceived to be resourceful, streetwise and able to stay with friends in an unsettled way, will not be considered to have been living independently.

- 6.30 Children's Services will determine if services are to be provided under Section 20 (CA 1989) and will apply the following tests to determine this:
- a) Is the young person a child? (i.e. under the age of 18)
 - b) Is the young person a child in need, according to the following criteria:
 - I. Are they unlikely to achieve or maintain, or have a reasonable opportunity of achieving or maintaining, a reasonable standard of health or development within the provision of services by a local authority under Section 17, or
 - II. Is their health or development likely to be significantly impaired or further impaired without the provision of such services, or
 - III. Are they disabled?
 - c) Does the young person appear to require accommodation?
 - d) Is the need for accommodation the result of one of the following criteria:
 - I. There being no person who has responsibility for the child.
 - II. The child is lost or abandoned.

- III. The person who has been caring for the child is being prevented from doing so (permanently, and for whatever reason) from providing the child with suitable accommodation, or care, or

Section 20 (3) Every local authority shall provide accommodation for any child in need in 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.

- e) Consideration must be given to the young person's wishes and feelings. **(See Appendix B)**

- 6.31 The Child Social Work Assessment (CSWA) will confirm whether the criteria for providing the young person accommodation under Section 20 have been met. If a child chooses to become looked after Appendix D will be explained to the young person.
- 6.32 The accommodation provided will be to meet the young person's needs; and the types of accommodation considered will be Supported Accommodation, Supported Lodgings, or placement with foster carers and/or in residential. Children's Services may work with other agencies to identify suitable accommodation and support, for example with *specialist supported housing schemes* for young people.
- 6.33 To promote joint working, children's Services will discuss the case with Housing before making an adverse decision (i.e. that no Section 20 duty is owed) so that they can provide any further information which might be relevant. This cannot take place until conversations have been had with the young person about the implications of being looked after.
- 6.34 Young people who decline Section 20 support must be judged by their social worker to be competent to make such a decision and have had advice about its consequences. Information about the realities of living independently and the availability of alternative accommodation will be provided.
- 6.35 Every 16-17-year-old assessed as being a child in need but who does not wish to be accommodated under Section 20 (CA 1989) should have a child in need plan setting out the services that will be provided to meet their needs.

Step 8: Homeless Application to Housing (District/Borough Councils)

- 6.36 If a young person approaches Housing (District/Borough Council) for accommodation, an application will be considered under Part 7 of the Housing Act (1996) as amended by the Homeless Reduction Act (2017).
- 6.37 If Housing has reason to believe the young person is homeless, or is threatened with homelessness **within 56 days**, they will make inquiries under Section 184 to establish if any duties are owed.
- 6.38 If the young person is eligible and is/maybe homeless and is 16/17 years old; they may have a priority need and Housing are first approached, will have a duty to secure interim accommodation.
- 6.39 The Homelessness (Priority Need for Accommodation) (England) Order (2002) provides that the following have a priority need for accommodation for the purposes of Part 7 (1996) Act:

- a) A child aged 16 or 17 who is not a relevant child of section 23A (CA 1989) and is not owed a duty to provide accommodation under section 20 (provision of accommodation for children in need).
 - b) A person (other than a relevant student) who:
 - I. Is under 21, and
 - II. At any time after reaching the age of 16, but while still under 18, was, but is no longer, looked after, accommodated or fostered.
- 6.40 Housing will be unable to determine whether a 16-17-year-old has priority need under the Housing 1996 Act until a child in need assessment has been completed.
- 6.41 A referral to Children's Services and a joint interview should be made as soon as possible. The homelessness legislation acts as a safety net for any homeless 16 and 17-year olds who are not owed a duty under s20 CA (1989).
- 6.42 Housing will undertake investigations, once satisfied that the young person is eligible and *threatened* with homelessness, a *prevention duty* will be owed.
- 6.43 If the young person is eligible and homeless, a *relief duty* will be owed.
- 6.44 Housing will work with the young person to create a **personalised housing plan** (PHP). The plan will outline reasonable steps for both the housing and the young person to undertake to help secure suitable accommodation as it becomes available. The plan will be kept under regular review and align with the child in need plan.
- 6.45 Housing will inform Children's Services where there is no longer any duty owing or because:
- The young person's temporary (interim) accommodation has ended
 - The young person has refused a 'final' offer of accommodation
 - The young person has become intentionally homeless
 - The young person is no longer eligible for assistance
 - The young person has deliberately and unreasonably refused to co-operate.
- 6.46 For guidance on how the *prevention* and *relief* duties can end, see Chapter 14 of the Homelessness Code of Guidance-
<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-14-ending-the-prevention-and-relief-duties>.
- 6.47 Most young people, who are living independently in temporary accommodation, may lack skills in managing independent living and household budgeting. Young people, who are estranged from their family, will often lack the support network available to most other young people who are setting up their own home for the first time. In these situations, a young person may be provided with practical support from Children's Services under S17, set out in a child in need plan.

7. Duty to Refer to Housing

- 7.1 The Homelessness Reduction Act (2017) introduced a duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams.

For more information on the 'duty to refer' to housing see:
(<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/overview-of-the-homelessness-legislation>)

- 7.2 If an application is made directly to Children's Services, they will provide *interim* accommodation and trigger an assessment (CSWA). A referral of a 16/17-year-old under the duty to refer does not lessen Children's Services' duties and is not an alternative to a child in need assessment, or an early help assessment (EHA).
- 7.3 Children's Services should make a referral to housing under the 'duty to refer' if a young person has declined S20 support following a CSWA, or if they are a care leaver approaching 18 years of age, and no alternative accommodation has been secured through move on plans.
- 7.4 A summary of any assessment and what support is, or will be provided by Children's Services, should be sent as part of referral information.
- 7.5 Before making a referral to Housing, Children's Services will undertake the following:
- a) Obtain consent from the young person.
 - b) Ask the young person which housing authority they would like to be referred to; and,
 - c) Have consent that their contact details can be shared so that Housing can contact them regarding the referral.
- 7.6 Housing should work with Children's Service throughout the assessment process to try to prevent or relieve homelessness. Any decisions should be informed by Children's Services' intervention e.g. Intensive Prevention Services (IPS).
- 7.7 Housing must inform Children's Services where there is no longer any duty owing or because a young person:
- Has had their temporary accommodation ended
 - Refused a 'final' offer of accommodation
 - Become intentionally homeless
 - Is no longer eligible for assistance
 - Has deliberately and unreasonably refused to co-operate.

NB: Children's Services may consider the use of advocacy services to ensure the young person fully understands the information and options available to them. For more information: [Specialist children and young people's advocacy - Staffordshire County Council](#)

8. Out of Hours

- 8.1 Emergency out of hours staff from either Children's Service or Housing, will deal with homeless approaches in a way which is consistent with this protocol, however, no referrals between authorities will be made out of hours, unless there are safeguarding concerns. The agency that has dealt with the approach out of hours will ensure that the steps outlined in the protocol are completed (in full) the next working day.

9. Dispute Resolution

- 9.1 The protocol aims to minimise disputes and encourages open and respectful dialogue. Conflicts may arise from the young person's initial assessment and any of the three parties, the County Council, District/Borough Councils and/or the young person may escalate their concerns about the decision or practice of any other agency.
- 9.2 A dispute may be escalated through the stages below to seek resolution:
1. Discussion between operational front-line practitioners.
 2. Discussion between direct-line managers to explore strategic solutions and compromise.
 3. A meeting/discussion between partners, arranged by the Placements Team, placements.unit@staffordshire.gov.uk
- 9.3 If a resolution cannot be reached, a discussion will take place between the relevant service leads.
- 9.4 Staffordshire Safeguarding Children Board's 'Escalation Procedure' (2019) will be utilised to take forward the most serious concerns or intractable problems. See SSCB Inter-agency procedures: [SSCB Escalation Policy - Staffordshire Safeguarding Children Board \(staffscsb.org.uk\)](https://www.staffscsb.org.uk)
- 9.5 A record of any disagreement which is escalated to Stage 2, or later will be submitted to the Working Group for consideration (see below). A third-party complaint from a family member received by either authority will be subject to the authority's internal complaint's process to examine the actions of their officers, considering the aims of the protocol.

10. Monitoring and Management of the Protocol

- 10.1 The Staffordshire Youth Homelessness Group will meet to monitor the effectiveness of the protocol, as agreed 3 times per year, although any issues relating to the protocol can be raised if and when they arise. Membership of the group will include representatives from all the signatory organisations, and where appropriate other representatives will be invited to attend.

The Group will:

- Monitor the number of young people presenting as homeless (through all available channels) utilising the existing organisational data recording practices.
- Collate and share data between organisations to monitor trends.
- Monitor the number and proportion of young people where homelessness is prevented through a successfully managed reunification with a parent/carer, or a managed move into suitable supported accommodation.
- Monitor the number and timescales for completion of child social work assessments and homelessness applications specific to 16/17-year olds who have presented as homeless, and the associated outcomes
- Monitor and improve accommodation options for this client group.
- Provide information to relevant statutory and voluntary agencies as required.

The wider objectives of the group will be to develop, implement, monitor and review the available services for young people who are at risk of homelessness, or who are homeless by:

- Working to ensure that barriers to successful joint working are overcome.
- Addressing the wider issues relating to young people's homelessness.
- Ensure that joint initiatives and development plans are developed and agreed across partner agencies, which facilitate good working practices.
- Providing strategic direction for the development of the services for young people.
- Ensuring that relevant strategies complement and support the provision and delivery of appropriate services for young people who are homeless or threatened with homelessness.

Appendix A

Staffordshire 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 you 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.

All information will be processed and used in accordance with the Data Protection Act 1998.

Appendix B

Wishes and Feelings of the Young Person

Local authority children's services have a duty to ascertain the wishes and feelings of a young person regarding the provision of services to be delivered under s17 (CA 1989).

Section 20(6) of the Children Act (1989) also requires that:

Before providing accommodation under this section, a local authority shall, as 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 their age and understanding) to such wishes and feelings of the child as they have been able to ascertain

Children's Services should also ensure that the young person receives accurate information about what assistance may be available to them if they do not become looked after, inc from housing under Part 7 of the 1996 Act. This will include any entitlement for assistance under Part 7. The considerations a young person needs to be made aware of are:

- a. Duties on housing services to undertake an assessment, develop a personalised housing plan and to take steps to help the applicant retain or secure accommodation (sections 195 and section 189B of the 1996 Act),
- b. The requirement on the applicant to cooperate and for applicants to take steps themselves as set out in a personalised plan (s193B and s193C of the 1996 Act),
- c. The 'accommodation offer' under the relief duty, suitable accommodation which has a reasonable prospect of being available for occupation for at least 6 mths (s189B and s195)
- d. The implications of turning down offers of accommodation that are suitable (s193A of the Housing Act 1996),
- e. The possible risk of being found or becoming homeless intentionally in the future (s191 of the 1996 Act),
- f. Their right to request a review of decisions (s202 of the 1996 Act).

Where a 16 or 17-year-old child in need wishes to refuse accommodation offered under s20 (CA 1989), Children's Services must be satisfied that the young person:

- a. Has been provided with all relevant information;
- b. Is competent to make such a decision; and
- c. That they do not need to take additional safeguarding action.

Every 16-17-year-old assessed as being a child in need but who does not wish to be accommodated under Section 20 (CA 1989) should have a 'child in need' plan setting out the services that will be provided to meet their needs³.

³ Prevention of homelessness and provision of accommodation for 16/17-year olds requiring accommodation. MHCLG & DoH (2018)

Appendix C

Useful Contacts and Key Partners

Organisation	Address	Phone/Other contact
Cannock Chase District Council	Civic Centre PO Box 28 Beecroft Road Cannock WS11 1BG	01543 462621 Out of hours emergencies: 01543 462621 Welcome (cannockchasehousing.co.uk)
East Staffordshire Borough Council	Customer Service Centre Market Place Burton Upon Trent DE14 1HA	01283 508120 Out of hours emergencies: 01283 508126 Advice if you are homeless now ESBC (eaststaffsbc.gov.uk)
Lichfield District Council	District Council House Frog Lane Lichfield WS13 6YX	0333 220 3088 Out of hours emergencies: 01543 574480 Our homelessness service (lichfielddc.gov.uk)
Newcastle-under-Lyme Borough Council	Newcastle Housing Advice Castle House Barracks Road Newcastle-under-Lyme ST5 1BL	01782 717717 Out of hours emergencies: 01782 615599 Newcastle Under Lyme - Leaving Care and 16 / 17 Year Olds (nhaoptions.co.uk)
South Staffordshire District Council	Wolverhampton Road Codsall Wolverhampton WV8 1PX	01902 696504 Out of hours emergencies: 01902 696504 Housing advice and homelessness South Staffordshire District Council (sstaffs.gov.uk)
Stafford Borough Council	Civic Centre Riverside Stafford ST16 3AQ	01785 619000 Out of hours emergencies: 01785 619170 Homelessness - I Have or Will Have Nowhere to Live Stafford Borough Council (staffordbc.gov.uk)
Staffordshire Children's Advice and Support Service	Staffordshire Childrens Advice and Support Service - Staffordshire County Council	Tel: 0300 111 8007 Out of hours 0345 604 2886
Staffordshire Moorlands District Council	Moorlands House Stockwell Street Leek Staffordshire ST13 6HQ	0345 605 3012 Out of hours emergencies: 0808 1692 333 Homeless or at risk of becoming homeless - Staffordshire Moorlands District Council (staffsmoorlands.gov.uk)

Tamworth Borough Council	Marmion House Lichfield Street Tamworth Staffordshire B79 7BZ	01827 709709 Out of hours emergencies: 01827 709709. Help if you are at risk of homelessness Tamworth Borough Council
Centrepoint	Offering advice to anyone aged 16-25.	0800 800 0661 Centrepoint Webchat (Mon-Fri 10-4pm)
Shelter	Advice, support and legal services for young people struggling with bad housing or homelessness.	0800 800 4444 Shelter Webchat (9-5pm weekdays)
YMCA	Supported Housing - Rugeley - YMCA Black Country Group (ymcabc.org.uk)	Anthony Coton 01889 586 578 rugeleyhousing@ymcabc.org.uk
CGL Staffordshire Advocacy Project	Specialist children and young people's advocacy - Staffordshire County Council	07809 587007 sscrs@cgl.org.uk

Appendix D

Checklist for homeless 16-17-year olds, if they choose to become Looked After Child by Staffordshire County 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, you may need to claim benefits to help with your rent, you will be eligible for the one-bedroom rate under Universal Credit until you reach the age of 25 (depending on your income). Most single people applying for Universal Credit aged between 18 and 25 years old will get the significantly lower shared accommodation 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. For instance help with the upfront costs of securing accommodation or essential items.
- When leaving care if you need a guarantor to secure accommodation the local authority may be able to act as your guarantor.
- 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 E

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 F

Homelessness Application Check List

This checklist will help to ensure that a young person, who has presented as 'homeless', is fully aware of what making a 'Homeless Application' under Section 184 of the Housing Act 1996 (Part VII), will mean for them.

- Any emergency accommodation may not be near to your home/college/work placement or training, so you may need to catch a bus or a train.
- You will need to comply with a variety of rules set by both the council and the accommodation provider.
- You will need to contribute towards the cost of your housing either from your own funds or through Housing Benefit or Universal Credit. The council may not provide you with any living expenses, so you will need to source an income from elsewhere. Bear in mind that benefits are not usually paid for the first 7 days after the date you make a claim. .
- The housing authority will only offer you accommodation following its enquiries if you have not been offered accommodation by children's services or, alternatively, have refused that accommodation.
- If the local housing authority decides that it is your fault you are homeless because of something you have done or not done, it will provide temporary accommodation for a short period to give you time to find yourself somewhere else to live. Once you have had a reasonable period to make your own arrangements the accommodation it is providing will end, even if you have not found anywhere yourself.
- If the local housing authority decides that it is not your fault you are homeless and that you have a local connection to its district, it will need to find more permanent accommodation for you. You may have to stay in temporary accommodation for a period before it can arrange this other accommodation. It might arrange:
 - Housing which requires you to engage with an onsite support worker, possibly sharing with others
 - Unfurnished social housing under a 12-month tenancy held by a trustee
 - A room in the private rented sector
- You will have to arrange everything else yourself - the rent and council tax, and in unfurnished independent housing the gas, electricity, water, carpets, curtains, furniture and equipment. You will need to comply with the tenancy or licence agreement and will lose the accommodation if you don't.
- There is no specialist help or provision for those exiting the Local Housing Authority system; you will not receive any special treatment when you turn 18 or if you become homeless again.

I, _____(name), have understood the above information concerning what it will mean to apply as homeless under the Housing Act 1996 Part VII.

Signed: _____

Date: _____

Appendix G

Legal Context

R (on the application of G) v London Borough of Southwark

The House of Lords judgment in the case of *R (on the application of G) v London Borough of Southwark* was handed down on 20 May 2009. The principal legal issue in this case was: what do the criteria in Section 20(1) of the *Children Act 1989* mean and how, if at all, is their application affected by the other duties of children's authorities, Section 17 of the 1989 Act and by the duties of housing authorities under Part 7 of the *Housing Act 1996*?

In *R (G) v LB Southwark* the central issue was: where a child of 16 or 17 who has been thrown out of the family home seeks help from the local children's services authority, is found to be homeless and a child "in need", and wishes to be accommodated by them under Section 20 of the *Children Act 1989*, can the children's services authority instead refer him to the local housing authority for accommodation under the homelessness legislation (Part 7 of the *Housing Act 1996*)? The case was heard on appeal from the Court of Appeal, which, by a majority of 2 to 1, had upheld Southwark's ability to refer the child for assistance under the homelessness legislation even though a duty to provide accommodation had been accepted under Section 20(1) of the *Children Act 1989*.

The House of Lords was unanimous in allowing the appeal. The leading opinion, delivered by Baroness Hale, reaffirmed the House of Lords' opinions 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- and 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 the local authority's judgement (based on an initial screening assessment), a child "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".

The House of Lords reiterated that the *Children Act* has primacy over the *Housing Act* in providing for children in need. The duties of local children's services authorities to accommodate children in need cannot be circumvented by referring the child to the housing authority, whose duties under Part 7 of the *Housing Act 1996* provide a safety net only for those (very few) homeless children who will not meet the criteria for accommodation under Section 20 of the 1989 Act. 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 include those whose need for accommodation did not fall within the circumstances specified in S.20(1) of the 1989 Act - for example, because they had been living independently for some time prior to their homelessness - and those whose need for accommodation fell within S.20 but who did not want to be accommodated under S.20. Such young people must be judged to be competent to make such a decision and have had the benefit of advice about the consequences of making such a decision.

Lord Neuberger's judgment, which dealt with the interrelationship between the Section 20 duty and the duty under Part 7 of the *Housing Act 1996*, provides that the purpose of the 2002 Order was to fill the gap whereby there had been no specific duty to secure accommodation for homeless children aged 16 or 17 whose circumstances did not bring them within S.20 of the *Children Act*. The purpose of the 2002 Order was not to enable a children's services authority to divert its duty under S.20 to the housing authority, thereby

emasculating the assistance to be afforded to children aged 16 or 17 who “require accommodation”.

It will be extremely important that there continues to be close partnership between children’s services authorities and housing authorities to support local authority responsibilities under the Children Act for meeting the needs of children in their area.

Baroness Hale referred to Section 27 of the Children Act 1989, which empowers a children’s authority to ask other authorities, including *any* local housing authority, for “help in the exercise of any of their functions” under Part III of the 1989 Act. The requested authority must provide help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of their own functions. But, she said, this does not mean that the children’s authority can avoid their responsibilities by “passing the buck” to another authority; rather that they can ask another authority to use its powers to help them discharge theirs.

Complaint against Dover City Council and Kent County Council, 31 July 2012

A homeless 16-year-old boy, who had previously been in care and had drug-related issues, had applied to the council as homeless in January and June 2009. The council should have accepted the applications and applied a joint protocol agreed with the county council for dealing with homeless children in need. Both councils were found to have acted contrary to their Joint Protocol and/or contrary to law. The Local Government Ombudsman recommended that the councils between them pay £10,000 compensation.

Prevention of homelessness and <https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation>

Following the *G v Southwark* 2009 House of Lords judgment, the Government issued joint statutory guidance from the Department for Children, Schools and Families (now the Department for Education) and Department for Communities and Local Government - Prevention of homelessness and <https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation>

This guidance outlines the legal duties under the Children Act 1989 and Housing Act 1996 for 16 and 17-year-old young people who are homeless.

The joint statutory guidance gives clear direction on the complementary roles of children’s services authorities and local housing authorities in implementing their separate statutory roles. The *G v Southwark* judgment clarified that in the case of a homeless 16- or 17-year olds, children’s law takes precedence over housing law. In light of this clarification, a fundamental principle of the joint statutory guidance is that all 16 and 17 year olds who are homeless should be assessed by children’s services under the Children Act 1989 to determine whether they are a child in need, as set of in Section 17 of the Act and, if so, whether a duty exists to offer accommodation under Section 20 of the Children Act. Young people aged 16 or 17 are still children and that as such, all agencies have duties and responsibilities to act together to protect them⁴ if they are suffering, or likely to suffer, significant harm.

⁴ *Working together to safeguard children*, guidance for children’s services authorities and their partners published by DCSF (now Department for Education) 2010

The joint guidance was recently updated in April 2018 by the Ministry of Housing, Communities and Local Government and the Department for Education, following amendments to the 1996 Housing Act, following the introduction of the Homeless Reduction Act 2017.

Key extracts from this statutory guidance are:

- Para 2.1 “generally, it will be in the best interests of most young people to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friend’s network.”
- Para 3.19 “Where a young person seeks help because they are homeless or threatened with homelessness it is good practice for an assessment of the young person’s needs to be conducted jointly by both children’s and housing services..... The lead agency will be local authority children’s services, given their responsibilities for children in need in their area.”
- Para 3.23 “The most crucial issues to be determined in the first instance will be whether the young person is actually homeless, if the young person is a child in need and/ or is suffering or likely to suffer significant harm and/ or if the young person requires emergency accommodation. If this is the case, children’s services must accommodate them immediately. The welfare of the child is paramount and a 16 or 17-year-old must not be placed at risk whilst waiting for the completion of an assessment.”
- Para 3.11 “Local authority duties for accommodating young people under this section are not simply a matter for local policy. The duty is engaged whenever a child in need in the local authority’s area requires accommodation as a result of one of the factors set out in section 20(1)(a) to (c) or in section 20(3) of the Children Act.”
- Para 3.12 “Where a young person in need requires accommodation as a result of one of the factors set out in the Section 20(1) (a) to (c) or Section 20(3) then that young person must be provided with accommodation. As a result of being accommodated by Children’s services for a continuous period of more than 24 hours the young person will be Looked After” (except if a private fostering arrangement is in place where the parent arranges a foster carer and Children’s Services simply approve the placement).
- Para 3.42 It will be essential that the young person is fully consulted about and understands the implications of being accommodated by children’s services and becoming looked after. The social worker leading the assessment must provide realistic and full information about the package of support that the young person can expect as a looked after child....”
- Para 3.43 “Children’s services should also ensure that the young person receives accurate information about what assistance may be available to them if they do not become looked after, including from housing services under Part 7 of the 1996 Housing Act... The considerations a young person needs to be made aware of are:
 - Duties of housing services to undertake an assessment, develop a personalised housing plan and to take steps to help the applicant retain or secure accommodation,
 - The requirement on the applicant to cooperate and for applicants to take steps themselves as set out in a personalised plan,
 - The accommodation offer under the relief duty – suitable accommodation which has a reasonable prospect of being available for occupation for at least 6 months,
 - The implications of turning down offers of accommodation that are suitable,

- The possible risk of being found or becoming homeless intentionally in the future,
 - Their right to request a review of decisions”.
- Para 3.47 “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.”⁵
- Para 3.49 “Where a 16 or 17 year old child in need wishes to refuse accommodation offered under Section 20 of the 1989 Act, children’s services must be satisfied that the young person :
 - has been provided with all relevant information
 - is competent to make such a decision and
 - that they do not need to take additional safeguarding action”
- Para 3.50 “Every 16-17-year-old assessed as being a child in need but who does not wish to be accommodated under section 20 should have a child in need plan setting out the services that will be provided to meet their needs.”
- Para 3.59 “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) of the 1989 Act to homeless 16 and 17-year olds in need. Children’s 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.”⁶
- Paras 3.62-3.65 “Local authority children’s services are among the public authorities which are required to notify a housing authority of service users they consider may be homeless or threatened with homelessness””The referrals does not diminish children’s services responsibilities towards young people Rather it should be used to help strengthen communication between children’s and housing services, it will not be an alternative to carrying out a child in need or early help assessment”. This protocol outlines the lines of communication and how information is shared.
- Para 4.4 “Housing authorities will be unable to determine whether a 16-17-year-old has priority need under the 1996 Act until a child in need assessment has been completed. It is therefore essential that referrals are made, and assessments completed in a timely manner.” This will include the joint assessment between housing and children’s services.
- Para 4.15 Under the requirements of the Homeless Reduction Act (which has amended the 1996 Housing Act) housing have a duty to prevent homelessness. Where the applicant is already homeless the housing authority has a duty to relieve homelessness. This may be ended in a number of ways including where the applicant has refused an offer, the applicant has become homeless intentionally from accommodation provided or has deliberately and unreasonably refused to cooperate.

⁵ “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. Children’s services 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.”

⁶ R (G) v Southwark [2009] UKHL 26 – para. 31
<http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-2.htm>

- Para 4.19 “If the relief duty end..... children’s services will be required to carry out further assessment of the young person’s needs”.
- Para 4.28 “Where a young person aged 16 or 17 is homeless and requires accommodation, does not wish to be accommodated under section 20 of the 1989 Act but is subsequently not owed an accommodation duty by a housing authority, for example because they have refused a suitable offer of accommodation or are found to be intentionally homeless, then children’s services should, given the change in circumstances, once again ask them their wishes regarding being accommodated under section 20.”
- Para 4.29 “If the young person still does not wish to be accommodated and is judged to have the capacity to make that decision, if it is necessary to safeguard and promote the welfare of the young person who is in need, they should be offered accommodation under section 17 of the 1989 Act until they no longer require accommodation or they reach the age of 18. In such cases children’s services and housing services will need to work together with the young person to ensure that they are not placed at risk of homelessness as they approach age 18.”

The Children Act 1989, Chapter 41, Part III, Section 20 Provision of accommodation for children: general.

Key extracts are:

(1) 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 permanently, and for whatever reason) from providing him with suitable accommodation or care.

(3) 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.

(4) 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.

(6) 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.

(7) A local authority may not provide accommodation under this Section for any child if any person who—

- a) has parental responsibility for him; and
- b) is willing and able to—
 - i. provide accommodation for him; or
 - ii. arrange for accommodation to be provided for him,
 - iii. objects.⁷

⁷ In the case of a 16/17-year-old and even if a parent objects, if the young person wishes to be a Child Looked After, they can be if they are deemed competent to make that decision.

If a young person is accommodated under Section 20 they become a 'looked after child' and they are afforded further protection and rights with a range of support and services, including a named social worker and a care plan. The plan must address accommodation and support with named contacts, timescales for action and review dates. Young people who are 'looked after' will also then qualify for leaving care support and services up to the age of 21 or in some cases, up to the age of 24.⁸

While a local authority can offer services and support to a young person under Section 17 of the Act, they cannot substitute the Section 20 duty with Section 17 powers.

The five tests are:

- Are they a child?
- Are they a child 'in need'?
- Are they usually resident in the area of the local authority?
- Do they require accommodation?
- What are their wishes and feelings about becoming looked after?

The homelessness legislation acts as a safety net for any homeless 16- and 17-year olds who are assessed as not being owed a duty under Section 20 of the Children Act 1989. In such a case a young person may still get practical support through Section 17 of the Children Act 1989, but that does not include the provision of accommodation.⁹

Housing Act 1996

Part VII of the Housing Act 1996 outlines the legal responsibilities of a District or Borough Council in terms of assisting people who approach the housing authority as homeless.

16 and 17-year-old homeless applicants have a priority need for accommodation, except those who are-

- A relevant child
- A child in need who is owed a duty under section 20 of the Children Act 1989.

"The primary responsibility for a child in need who requires accommodation, including a 16 and 17-year-old who is homeless lies with the relevant children's services authority. The Children Act 1989 (section 20) places a duty on children's services authorities to accommodate a child in need, and in almost all circumstances a homeless 16-17-year-old would be a child in need.

There remain circumstances when the housing authority will have duties towards a homeless 16- and 17-year olds, including when the young person, having been fully informed of the implications, and being judged to have capacity to make that decision, declines to become looked after under the Children Act and instead applies for assistance under homelessness legislation."

⁸ For those young people who are looked after for 13 weeks or more after their 14th birthday and are still a Child Looked After on or after their 16th birthday, the Children (Leaving Care) Act 2000 applies. For those "qualifying" young people who do not hit the 13-week threshold for the above, Section 24 of the Children's Act 1989 applies.

⁹ Homeless Link, June 2013, No Excuses: Preventing Homelessness for the Next Generation.

(Homeless Code of Guidance 2018) <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>

The Housing Act recognises that some people will be homeless and roofless before a council can carry out its enquiries and decide about what duty is owed. Consequently, section 188 of the Act consists of a duty to secure interim accommodation whilst action is taken to relieve the applicants homelessness or pending a decision, if there is reason to believe that the applicant may be homeless, eligible for assistance and in priority need.

It is this interim accommodation duty that is used under the protocol when a homeless 16 or 17-year-old makes their initial approach to a housing authority.

Homeless applicants are entitled to a written decision under section 184 of the Act and those who receive an unfavourable decision are entitled to request a review under section 202. The deadline for requesting a review is 21 days but a local authority has the discretion to accept an out of time review. An applicant who is dissatisfied with a review decision has the right to appeal to the county court on a point of law.

Homeless Reduction Act 2017

The Homelessness Reduction Act 2017 extended the duties placed on local housing authorities to prevent and relieve homelessness. Local housing authorities must provide an assessment for individuals who are eligible for assistance and where there is a reason to believe they are homeless or threatened with homelessness within 56 days.

The duties are outlined below:

Prevention Duty:

- Where a young person is ‘threatened with homelessness within 56 days.’
- There is no requirement for the individual to have a local connection to the local housing authority.
- Where eligible young people are threatened with homelessness, councils must take reasonable steps to prevent them from losing their current accommodation. Young people will be provided with a Personalised Housing Plan that will outline reasonable steps that both the housing authority and the young person should take to prevent them from becoming homeless. The Personalised Housing Plan will be agreed with the young person and should be drafted in conjunction with the young person’s Child in Need Plan. Once agreed, the young person will be required to cooperate with the local housing authority in line with steps outlined in their Personalised Housing Plan. If the young person does not cooperate, they may receive a reduced duty from the local housing authority.
- Once triggered, the prevention duty would continue for 56 days unless it is ended.

Relief Duty:

- Where the young person has no legal right to occupy accommodation, or it is no longer safe and reasonable for them to continue to occupy their accommodation.
- The young person will require a local connection to the housing authority.
- Where eligible, the local housing authority must take reasonable steps to secure that accommodation is made available for a minimum period of six months.
- Once triggered, the relief duty would continue for 56 days
- Young people aged 16 and 17 will be considered priority need and the local housing authority has a duty to provide emergency accommodation. In practice,

the local housing authority will work closely with Children's Services to find suitable temporary accommodation for the young person.

- Young people will be provided with a Personalised Housing Plan (PHP) that will outline reasonable steps that both the housing authority and the young person should take to prevent them from becoming homeless. The Personalised Housing Plan will be agreed with the young person and should be drafted in conjunction with the young person's Child in Need Plan. Once agreed, the young person will be required to cooperate with the local housing authority in line with steps outlined in their Personalised Housing Plan. If the young person does not cooperate, they may receive a reduced duty from the local housing authority.
- Homeless legislation allows the local housing authority to provide a young person with one suitable offer of accommodation before ending their housing duty. For a 16/17-year-old this can be difficult as they are not able to hold their own tenancy and housing options can be difficult. The local housing authority will work in conjunction with Children's Service to provide a suitable offer of accommodation.
- Where a young person remains homeless, after the Relief Duty has expired, they will be assessed for a full housing duty in accordance with Section 193(2) of the Housing Act 1996. The local authority will consider whether the applicant is in priority need and whether they have become homeless intentionally. Young people who are accepted under Section 193(2) will be owed a fully housing duty for the local authority to provide an offer of suitable accommodation. In cases of 16/17 year olds the local housing authority will work closely with Children's Services to find a suitable offer of accommodation.

Personalised Housing Plans (PHPs):

- Local housing authorities must prepare an assessment of the circumstances of all eligible applicants who are homeless or threatened with homelessness within 56 days.
- A Personalised Housing Plan (PHP) must be drawn up and set out the reasonable steps that the local authority and the applicant will take.
- The applicant will be required to co-operate with the local housing authority.
- This will look at support and housing needs, and steps could link to or be taken directly from a Children in Need (CiN) plan.

HOW TO...

Work with homeless young people



Young people are better off living at home, or within their family network, if it is safe for them to do so. Sometimes however, young people may become homeless.

If a referral is received it is important to establish that the young person has somewhere safe to stay.

The following are **not** suitable accommodation for young people

- Most temporary accommodation by a Local Housing Authority (LHA). Most LHAs do not have access to accommodation that would be classed as suitable. i.e. there is no support.
- Sofa surfing
- Bed and breakfast

Visits and Assessment

- A visit to the address and family members will be made and a referral will be sent to the Intensive Prevention Service (IPS).
- A conversation/joint visit with the Local Housing Authority will also take place
- A Child's Social Work Assessment will be completed to determine any long-term plans. This should be completed in **10 working days**.
- If a safe place for the young person to stay can't be found, other accommodation will be located. This could be with another family member or accommodation offered by Children's Services.
- The CSWA will identify the type of accommodation needed, which could be offered under Section 17 or Section 20, depending on the young person's needs.
- A young person can refuse Section 20 accommodation, but the implications of this must be explained to them. **The young person should sign to say they have refused accommodation under Section 20.** (See Staffordshire Multi-Agency Protocol to assist Homeless 16- and 17-Year Olds - Appendix F)
- If the referral has not come from an LHA, they should be made aware, particularly if the young person is 17 ½ or more, when the young person will be looking for independent housing. (See Pathway for leaving accommodation for extra information)

Seeking accommodation

- If accommodation is being sought (both Section 17 and Section 20), types of accommodation and any support needs must be considered. (See Admission to Care Accommodation Panel Policy and Procedures)
- If accommodation is needed in an emergency, a critical friend conversation must take place between the Head of Service (Early Help/Specialist Safeguarding) and the Head of Service (Prevention & Placements). This will be ratified at Accommodation Panel.

- If the young person is placed in Supported Accommodation, the placement and support will need to be monitored by the allocated social worker.

Education, Employment & Training

- If the young person is accommodated via S20 a PEP will need to be arranged
- If the young person is accommodated via S17 and NEET contact will need to be made with Entrust for their advice and guidance service.
- Following this, appropriate referrals to providers could be made.
- If the young person is EET the provider will need to be invited to CIN meetings

HOW TO...

Support S17 young people transition from accommodation offered by Children's Services

Joint working between the Local Housing Authority (LHA) and Children's Services is key to ensure a smooth pathway for the young person.

- Justification for housing must be established and evidenced as the young person will not have the same leaving care entitlements as those of a care leaver who was looked after under a s20 arrangement.
 - This could be a supporting letter/evidence, which includes the young person's need for housing e.g. estranged from family. It should also include details of any other additional needs.
- Placements such as the YMCA will allow a young person to stay post 18 and will follow a 'move on' plan.
- If the young person is in Supported Accommodation provided by SCC, it is expected that the provider will help in this process as part of the young person's preparation for independence. However, they are **not** expected to lead, and this should be done by the social work team around the young person.

Key dates

- Before the young person reaches 17 ½, a discussion should be had with the young person in relation to housing.
- Six months prior to the young person's 18th birthday a housing application will need to be made with the relevant (LHA).

Making the housing application

- The young person must have local connection to the area where they're being housed this could be
 - home before they were provided accommodation by SCC
 - having close family members living in the area
 - or it being the place they work.
- Each LHA has an individual policy that should be checked prior to application. This may result in slight variations in the way the process is completed. For more details, contact the LHA directly.
- The young person will need
 - photo ID
 - proof of their national insurance number
 - proof of income/benefit entitlement (when received).

Following the housing application

- Following the housing application, the young person may be asked to attend appointments at the LHA, this should be supported by the social work team.
- Engagement with this process will be needed, including further appointments, obtaining support letters, details of physical/mental health issues etc.
- Once the application is completed, the young person should be allowed to bid on properties, however the likelihood is they will not be considered for a property until they are 18.
- Therefore, it is important that a referral is made to the LHA Homeless Team **56 days** prior to their 18th birthday as they are at risk of homelessness. This is known as the duty to refer and each LHA has their own referral portal online (a link can be found in the protocol).
- If a young person is accommodated after 17 ½, then this process must be considered while other assessments are ongoing.
- The team around the young person should ensure the young person is bidding on suitable properties at all time.
- If there are delays, or other issues there should be constant 2-way communication between all parties.

‘Communication is important, so information should be accessible to everyone. People with sensory communication disabilities may need documents in easy read, large print, audio or Braille formats for example. Others may need face to face communication support through a; British Sign Language Interpreter, deafblind interpreter, lip speaker or note taker (as recommended by the NHS Accessible Information Standard). If someone speaks (or reads) a language that is not English, they will need to have the appropriate language-spoken language interpreter and / or text translator’.

For more information go to:

<https://www.intra.staffordshire.gov.uk/equality/Translation-and-Interpretation.aspx>