

**Joint Working Protocol: for
prevention of homelessness and
provision of accommodation for
16 and 17-year-old Young
People, who may be homeless,
threatened with homelessness
and / or require accommodation**

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Contents

Accessibility	3
1 Introduction	3
2 Purpose	3
3 Scope	3
4 Legal Context	4
4.1 2010 Guidance	4
4.2 2018 Guidance	4
4.3 Case Law	4
4.4 Section 20 & Section 17 of The Children Act 1989	4
4.5 Homelessness Reduction Act 2017	4
4.6 Children Leaving Care Act 2000	4
4.7 Joint Working to Safeguard Children	5
5 Principles and Benefits of the Joint Protocol	5
5.1 Principles	5
5.2 Benefits	6
6 Pathway and Procedures	7
6.1 Informing Young People of their housing rights & processes	7
6.2 Single Point of Access via MASH Team	7
6.3 Allocation of a Housing Case Worker	7
6.4 Prevention Work with Young Person at Risk of Homelessness	8
6.5 Young Person who is at Risk of Homelessness	8
6.5.1 Prevention Duty Assessment (WHS)	8
6.6 Young Person who is Homeless	9
6.6.1 Prevention Work	9
6.6.2 Homeless Assessment and Section 20 of the Children Act 1989	9
6.6.3 Emergency Accommodation	10
6.6.4 Young People from other LA Areas	10
6.6.5 Outcomes of the assessment	10
6.7 Referral and Placement of Young People	11
6.8 Procedure for Placements	11

7	Child not assessed as in need or who refused Offer of s20	11
8	Young People in Custody.....	12

1 Introduction

It is our vision that any 16 or 17 year old who is homeless or threatened with homelessness, is provided with support and assistance to maintain or secure safe accommodation whether by Children's Services (CSC) or The Welfare and Housing Service (WHS) of Bracknell Forest Council. All professionals involved with young people will work together, in a co-ordinated and timely way to safeguard the young person and work together to achieve the very best outcome.

2 Purpose

This protocol outlines the agreed practices, responsibilities and procedures within Bracknell Forest Council Council, Children's Social Care, Housing and Early Help and other agencies in connection with housing provision and support for homeless young people in Bracknell Forest. A joint protocol is needed because no one agency has complete responsibility for homeless young people. Housing, Children's Services and the Youth Offending Team all deal with young people under different pieces of legislation. This protocol clarifies the responsibility each agency has under the relevant legislation.

3 Scope

This Protocol and associated procedures relate to 16- and 17-year olds who are not looked after and who present themselves as homeless; and to looked after children and care leavers aged 16 – 25 who are assessed as needing independent accommodation. This may include but not be limited to the following circumstances.

- Situations where a parent or carer is unable to continue to offer care or accommodation as a result of illness, disability or death.
- Situations in which parents or carers are no longer willing to allow the young person to live with them due to relationship breakdown, which, can be as the result of a number of different reasons including in some cases, challenging behaviour of the young person
- Situations in which a young person is homeless as a result of bail conditions which arise from their offending
- A young person leaving custody or a secure residential setting and having nowhere to live on their return to the community
- Situations where a young person may present a risk to another child or young person in their former accommodation
- Situations where a young person is placed at risk by factors in their accommodation which cannot be safely managed
- Unaccompanied asylum-seeking children.
- Young people aged 16 or 17 that have formed relationships themselves and / or a few may themselves have children. In such a case, our assessment, support and accommodation will take into account the young person's relationships as well as any

dependent children. We will also plan for any contingency should those relationship break down for any reason.

- Situations where a young person supported by CSC chooses to de-accommodate themselves or refuses support under S17 or S20

4 Legal Context

4.1 2010 Guidance

Joint guidance by the Department for Education (DfE) and Department for Communities and Local Government (DCLG) was first published in April 2010. This followed a number of judgements handed down by the House of Lords in cases concerning the interrelationship between the duty under Section 20 of the Children's Act 1989, and duties under Part 7 of the Housing Act 1996, where young people aged 16 or 17 require accommodation.

4.2 2018 Guidance

The most recent guidance issued in April 2018 by the DfE and Ministry of Housing, Communities and Local Government (MHCLG) has been amended to reflect the new duties introduced in the Homelessness Reduction Act 2017.

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

4.3 Case Law

The House of Lords Case R (G) v Southwark [2009] UKHL 26

<https://publications.parliament.uk/pa/ld200809/ldjudgmt/id090520/appg-1.htm>

held that, where a 16 or 17-year-old is owed duties under Section 20 of the Children's Act 1989, this takes precedence over the duties in the Housing Act 1996, in providing for children in need who require accommodation.

4.4 Section 20 & Section 17 of The Children Act 1989

Where the specific duty is owed under Section 20 of the 1989 Act, a 16 or 17-year-old should be accommodated under that provision rather than looking to the general duty owed to children in need and their families, under Section 17 of the 1989 Act.

4.5 Homelessness Reduction Act 2017

Whilst the Section 20 Children's Act 1989 duty takes precedence, WHS may also have duties to young people who are homeless or threatened with homelessness, in accordance with the Homelessness Reduction Act 2017.

4.6 Children Leaving Care Act 2000

The Guidance to the Act sets out the main aims as:

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

4.7 Joint Working to Safeguard Children

Given that both CSC and WHS may have duties towards a 16 or 17 year old who is homeless, or threatened with homelessness, it is essential that the 2 services work closely together to plan and provide services that are centred on the needs of the young person and their families, to prevent them being passed between two services at what is likely to be a time of great uncertainty and possible crisis.

16- and 17-year olds who are homeless or threatened with homeless are likely to be vulnerable and will often be at risk of harm in the absence of intervention or support. Safeguarding and promoting their welfare should be central to service provision. If there is any concern that a child may be suffering or likely to suffer significant harm, then local safeguarding procedures must be followed.

5 Principles and Benefits of the Joint Protocol

5.1 Principles

The principles outlined in the Directorate's looked after children, and care leavers, policies and procedures generally apply.

- Homelessness can be damaging to young people's personal, social, emotional and economic development and well-being. Where possible homelessness should be prevented.
- Young people are in most circumstances best cared for in their own family environment or with responsible adults in their wider family and friends network, therefore every effort should be made, where appropriate, to prevent a young person from having to leave home at all, and to encourage the resolution of conflict and family reconciliation following a break up through mediation and other preventative work.
- Working through significant family tensions and problems is likely to be a longer-term undertaking which is likely to require continuing support if a return home is to remain sustainable.
- Evidence shows that it may take much longer to work through significant family tensions and problems whilst the young person is accommodated away from home or by the Local Authority
- The needs of local, vulnerable/ homeless young people will be better met when there is a high level of collaboration between Children's Social Care and Housing Services and some integration of service delivery allowing the young person to move in a planned and supported manner.
- The decision to place a young person should be based on an assessment of the young person's needs including an assessment of the level of care and support that is needed and the expected outcomes.
- All assessments and plans should take due account of the child's wishes and feelings and the views of his/her parents and significant others.
- A child's age, sex, health, personality, race, culture and life experiences are all relevant to any consideration of needs and vulnerability and have to be taken into account when planning or providing help.

- Young people who have been looked after or who are homeless are more likely to be vulnerable to harm than other similar age young people living in the wider community.
- The Local Authority has a Sufficiency Duty requiring them to make all reasonable efforts to provide enough accommodation which is suitable and of good quality and which will include a range of accommodation types that is suitable for 16 and 17 year olds who cannot remain in their accommodation, or with a family member or other guardian.
- These accommodation options will include foster care, children's residential placements, supported lodgings, host family, crash pads and supported housing or properties where supported is provided on a floating basis.
- Section 23 (2) (f) (i) of the Children's Act 1989 permits Local Authorities to make such other arrangements as seem appropriate when they place a child in care. This offers scope for CSC 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 in care, but for whom fostering or a children's home placement would not be the most suitable option.
- The law allows young people over 16 years of age to exercise certain rights, including the right to live independently. A parent's ability (or other person with parental responsibility) to restrict a child from exercising their own discretion gradually diminishes as the child's age increases.
- Young people will have accurate information regarding their rights and the processes around accommodation and will not be passed around multiple services of the council.

5.2 Benefits

- To ensure that young people have access to the most appropriate housing provision and support services to preventing a housing need impacting on their wider needs for education, employment and training.
- To ensure that where accommodation is required, that appropriate support is made available by CSC and WHS to ensure the accommodation can be sustained safely.
- To avoid the use of unsuitable housing for 16- and 17-year olds such as a Bed and Breakfast accommodation.
- To provide a clear pathway for support for any professionals working with a young person with an identified housing need to avoid unnecessary delay, duplication or hand offs.
- To ensure that young people are provided with good quality advice and assistance at the earliest opportunity.
- To ensure a reduced risk of young people being placed at risk of rough sleeping, exploitation or other safeguarding risks
- To make the best use of limited resources and high-quality expertise from within Bracknell Forest Council

6 Pathway and Procedures.

6.1 Informing Young People of their housing rights & processes

Wherever a young person aged 16 or 17 presents as homeless, or information is received to suggest that homelessness is a possibility, professionals must be very clear of their responsibilities, to ensure that the young person receives the correct advice regarding their circumstances at the first possible opportunity. Young people will need comprehensive information about the implications of being accommodated by CSC and becoming looked after and the support available to care leavers. They also need accurate information about assistance which may be available to them if they do not become looked after. In particular the risk of becoming intentionally homeless in the future and implications of this for further assistance with accommodation, should be made clear. Written information is provided to each young person/family at the start of the assessment process.

Young people should also have access to advocacy and support to assist them in weighing up the advantages and disadvantages and coming to a balanced decision.

Information <https://www.bracknell-forest.gov.uk/housing/helping-you-avoid-homelessness/leaving-home-young-person> and a leaflet is available on the Public website <https://www.bracknell-forest.gov.uk/sites/default/files/documents/homeless-young-people-booklet.pdf>

6.2 Single Point of Access via MASH Team

The MASH will deal with all young people presenting as homeless or who are facing homeless, providing the single point of access for all 16- and 17-year olds who need help and supporting around accommodation and support issues.

Any 16 or 17-year-old who is homeless or at risk of homelessness, and who presents or comes to the attention of another service or partner agency in the district or another part of the Council during normal office hours should be immediately referred to MASH. This will include any 16- or 17-year olds who present initially to the Welfare Housing Service (WHS), to ensure consistency of process and enable a clear pathway to be established from the outset.

Young people presenting as homeless outside of office hours, weekends or bank holidays, should be directed to the Emergency Duty Service.

MASH will screen the information including advice from housing and make a decision with regard to threshold and appropriate team allocation. If the young person is allocated to the Duty and Assessment Team, the Referral and Assessment procedures will also be followed.

The responsibility of young people already open to Children's Social Care remains with the allocated team. Assessments will follow the process outlined in the Referral and Assessment procedures.

6.3 Allocation of a Housing Case Worker

If a young person is allocated to the Duty and Assessment Team (or already open to the department), Duty Team Leaders within WHS are responsible for allocating a caseworker to support Children's Social Care as required. The caseworker will have expertise in homelessness prevention, housing options and will work with Children's Social Care jointly

on assessing the needs of the young person. Children's Social Care and the WHS caseworker will begin work immediately to begin to investigate and understand any issues or underlying problems that may be causing the young person's housing issues by undertaking a joint assessment of need.

6.4 Prevention Work with Young Person at Risk of Homelessness

An assessment of the young person's needs will inform any immediate interventions to prevent the breakdown of current accommodation. Intervention should take place at the first sign of needs arising and should not wait until the end of an assessment period. This may include:

- Identify actions to relieve stress between family members in order that the young person can remain in the family
- Involvement of mediation services
- Family Group Conference
- Contacting support and counselling services
- Involvement of Youth Services EH
- Applying to join the Housing Register
- Accessing health and well-being services
- Keeping in touch with the WHS caseworker
- Exploring options of staying with other family and relatives or friends to ease stresses within the parental home
- Seeking education, employment or training opportunities
- Agreeing acceptable behaviour contracts

6.5 Young Person who is at Risk of Homelessness

If following the joint initial assessment and any appropriate interventions, it is considered that the young person remains at risk of homelessness, CSC will, in line with the Referral and Assessment Procedures and dependent upon the circumstances, follow the child in need/child in care or child protection pathway and establish from WHS whether the young person is owed a Prevention Duty under the Homelessness Reduction Act 2017. This assessment will be undertaken alongside the assessment by Children's Social Care.

6.5.1 Prevention Duty Assessment (WHS)

If the assessment determines that a Prevention Duty is owed, the WHS caseworker will arrange for a follow up appointment where a homelessness application will be completed and where the caseworker will focus on ways to seek to prevent homelessness and will develop a Personal Housing Plan (PHP) with the young person. This PHP will clearly set out practical and achievable actions that the young person and the council will take to prevent homelessness occurring and maintain the young person within the safe family setting.

The PHP will be the key document that describes the work and steps that are required to avoid the young person becoming homeless and avoiding a crisis which may lead to an emergency placement.

The WHS caseworker will lead on the production and delivery of the actions contained within the PHP in consultation with colleagues in Children's Social Care.

6.6 Young Person who is Homeless

6.6.1 Prevention Work

If a young person presents as actually homeless the starting point will always be what steps can be taken to prevent the homelessness and avoid the need for an emergency placement. This will mean following the actions and steps described above and exploring all alternatives, such as returning to or staying with family members or suitable friends, which will then allow interventions to be jointly taken by CSC and WHS with the young person and their family to allow a safe return home.

6.6.2 Homeless Assessment and Section 20 of the Children Act 1989

If it has not been possible to prevent the young person from becoming homeless then a decision is required around any duty is owed under Section 20 (s20) of the 1989 Act to provide the young person with accommodation.

When completing the Single Assessment, workers must consider whether the criteria of s20 of the Children Act 1989 are met. The most crucial issue to be determined through the assessment process will be to confirm whether the young person is actually homeless and therefore requires accommodation. However, young people seeking help because of actual or threatened homelessness are likely to have a range of concurrent needs.

The Single Assessment will assess the nature of family relationships and the possibility of mediation to return home, as well as the amount and type of support that young people are receiving from their families, even if the young person is not to return home. This is to establish whether a young person is in fact 'abandoned' by their family where all networks and relationships have broken down as well as to distinguish between parents who are prevented from providing accommodation (such as through their own homelessness) compared to parents who are wishing to relinquish their parental responsibilities.

The single assessment will also assess the vulnerability of the young person's housing situation – taking a history from the young person to identify specific vulnerabilities in homelessness such as rough sleeping and 'sofa surfing' as well as considering whether the young person's current housing circumstances meet their needs adequately.

The assessment should also take into account every dimension of the young person's needs and what further support the young person needs. For example, a homeless young person not participating in education or training would in the first place need suitable accommodation, but this should be arranged in conjunction with plans to re-engage them with education or training.

Young people who are not homeless from their family home, but have experience of independent living and are subsequently homeless, but have coped independently may not fall into the s20 criteria: will need an assessment of their needs and vulnerability needs to be undertaken through the single assessment.

The assessment needs to include the views of other agencies and needs to look at the young person's life in a holistic manner following the guidance in Working Together 2018 identifying strengths and difficulties as well as risks or potential Child Protection concerns.

6.6.3 Emergency Accommodation

Where a 16 or 17-year-old seeks help or is referred, and it appears he or she has nowhere safe to stay that night, then children's services in partnership with housing and commissioning must secure suitable emergency accommodation for them. If the young person is accommodated for a continuous period of more than 24 hours the young person will become 'looked (under s20 (1)) whilst their needs, including their need for continuing accommodation and support, are further assessed.

Bed and breakfast accommodation is not considered suitable for 16 and 17 year old's even on an emergency accommodation basis.

Where the young person is accommodated under s20 they will not be eligible for welfare benefits, including housing benefit¹ and children's services will have a duty to maintain them (including meeting the cost of accommodation).

6.6.4 Young People from other LA Areas

Young People who present to the service who have become homeless from other areas will be offered a Single Assessment and given housing advice about joining the Housing Register in their original area. Where possible, young people will be supported to access services in their original Local Authority area to better enable family reunification and to better access services under Housing legislation (where they have a 'Local Connection'). In some circumstances where young people cannot return home to their original Local Authority immediately, these young people may need to be considered for emergency accommodation.

6.6.5 Outcomes of the assessment

Some young people can remain at home after they and their families receive some advice around issues raised in the single assessment and where no further role is identified for Children's Social Care. This may be coupled with referrals to other agencies for continued support – such as Targeted Youth Services or Mediation and Family Group Conference.

Others may be able to find accommodation with friends or family which is stable and meets their needs temporarily and do not fall into the s20 criteria. These young people may need ongoing support or advice in relation to housing matters and will be supported by an identified lead professional.

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

Some young people who do not meet the criteria for accommodation under s20 may still be identified as Children in Need under s17 of the Children Act as a result of the Single Assessment – in these cases, a referral will be made for a multi-agency Child in Need Planning meeting to be held or stepped down to early help.

There is also an important circumstance in which a young person, who is a child in need, might not be accommodated under the Children Act s20, which is when he or she chooses not to be. The assessment must include a consideration of the weight to be given to the young person's wishes and feelings, and their capacity to reach a decision which is in their best interests.

6.7 Referral and Placement of Young People

A referral form should be completed in each case where the single assessment concludes with a social care management decision that the young person is in need and those needs could be appropriately met by placement with a Foster Carer.

It is essential to the matching process to ensure that the fullest information is provided in respect of the young person needing a placement. Where possible, the information provided on the referral forms should be supplemented by other relevant information/documentation. e.g. LAC documentation.

Particular care should be taken to ascertain a clear understanding of the young person's need, legal situation, wider family circumstances, and any known risk factors, e.g. whether the young person may pose a risk to themselves, carers, accommodation providers or any other young people in the household.

6.8 Procedure for Placements

If a placement is required, the social worker should follow the CLA processes.

7 Child not assessed as in need or who refused Offer of s20

Where a young person has been deemed not to be a Child in Need or refused the offer of s20, and therefore chose not to be looked after, CSC will work with WHS to enable and support an assessment under the homelessness legislation.

In circumstances where a 16 and 17-year-old does not wish to be s20 they will still be classed as a Child in Need and will be eligible for support under s17 and have a Child in Need Plan as per the statutory guidance. CSC, WHS caseworker and the Lead Social Worker will work together in undertaking the joint assessment and identifying suitable accommodation that will be provided whilst the assessment is in progress. Suitable accommodation may be:

- Supported lodgings
- A host family placement
- Specialist supported housing for young people
- With family friends or relatives
- A placement into temporary accommodation managed by the WHS

Suitable temporary accommodation will not be Bed and Breakfast accommodation.

In these circumstances the assessment under the Homelessness Reduction Act 2017 (HRA) will determine whether a **Relief Duty** is owed to the young person. The accommodation sourced whilst the assessment is underway will be retained whilst this assessment is completed by the WHS with support from CSC if required or accepted and until suitable alternative temporary accommodation can be sourced by the WHS. The offer of suitable accommodation will be made in conjunction with WHS and CSC taking into account the support needs of the young person.

Where duties under the HRA end and there is further risk of homelessness for the young person, further work will be undertaken by the social worker to determine whether the change of circumstances would trigger further work and duties under the Children Act 1989.

8 Young People in Custody

The protocol also applies equally to all young people in custody. Where a young person can prepare for their release and knows where they will be able to reside, this may help to prevent re-offending. As soon as it is known that a young person in custody is likely to be homeless the policy will be applied as though they were in the community. Part of the homelessness assessment may necessitate visits to the young person in custody and the YOT and/or the Community Safety Team (CST) will assist in facilitating such visits.

Sentence planning meetings will consider accommodation needs and the YOT will work in partnership with CSC to ensure young people know where they will be living on release. Release on temporary licence can be used to help a young person familiarise themselves with where they will live on release - subject to governor approval and risk management considerations.

Whilst it is hoped that a young person will know where they will be living well in advance of release, the YOT is required to notify the Director of Children's Services of any young person who does not have a suitable address 7 days prior to their release and in the case of a 16 or 17-year-old, is required to complete a referral to the WHS via the referral pathways set in the Homelessness Reduction Act 2017 by completing a Duty to Refer form or subsequent documentation as amended.