

**16/17-Year-Old Homeless/Emergency Accommodation**

**Joint Working Protocol**

**Children and Families / Housing and Homelessness Team**

**January 2025**

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# Executive Summary

This protocol details the actions and processes to be followed by agencies within Cheshire East when considering when 16- and 17-year-olds present to agencies as homeless or potentially homeless and in the use of emergency accommodation.

# Restorative Practice

In Cheshire East we have adopted restorative practices when we support children and families. This model is based on relational practice that encourages practitioners working with children and their families to build relationships, seeking to understand their perspectives and working with them to build on their strengths, empowering them to better manage the risks and challenges they may face now and in the future. In the workplace teams work in an environment where reflection and mutual respect underpins working relationships, and where restorative approaches are used to challenge.

#  Purpose and Principles

* 1. It is widely recognised that young people are generally best placed living with their families. Every effort will be made to assist young people to remain in their family home through a range of interventions. However, it is acknowledged that there are situations where a young person cannot remain at home and alternative accommodation and ongoing support must be provided.
	2. It is the aim of the Joint Protocol to ensure that both Children’s Social Care and Housing professionals working with young people aged 16/17 who require accommodation do so in a consistent way across Cheshire East, and that all professionals involved in this work are up to date with both children and family law as well as housing and homelessness legislation, thus ensuring a swift and efficient response to their needs. The Protocol outlines the joint responsibilities of Children's Social Care and the Homelessness Team concerning the assessment of need and provision of accommodation services to homeless 16/17-year-olds.
	3. Cheshire East Council and our homelessness partners will work together and with young people and their families where they are not able to return home for a variety of reasons, to ensure that accommodation and support are organised swiftly. Where appropriate, additional organisations will also be involved to enhance outcomes for young people and support relationships within families.
	4. It is the responsibility of all partners/agencies to keep children and young people safe.
	5. Prevention of homelessness and support to remain or to return to the family home where this is safe and appropriate will be the primary focus of the work, as this is likely to be in young people’s best interests. However, this work will not divert the Local Authority from meeting their statutory duties when young people cannot return home.
	6. Bed and breakfast accommodation/hotels will not be used to accommodate 16/17-year-olds, even in emergency situations. Alternatives MUST be sought.
	7. Young people must be consulted to ensure that their needs and views are fully considered. They should also be fully aware of their rights and entitlements, and these conversations recorded on their file. Young people should also be encouraged to access and gain advice from an independent advocate. To do this, referrals can be made to the Children’s Society.
	8. Unless there are clear reasons not to do so, the importance of work with the parents or those with parental responsibility of any 16/17-year-old who approaches being at risk of homelessness underpins this protocol.
	9. A young person's wish not to be taken into care should not affect their Section 17 children in need entitlements to support which should reflect, as far as possible, the support they would receive as if they were being looked after.
	10. The Protocol has been drawn up in accordance with:
* Children Act 1989
* Transitions Guidance 2015
* Children (Leaving Care Act) 2000
* Children Act 2004 & 2008
* Social Work Act 2017
* Working Together 2023
* Housing Act 1996
* Homelessness Reduction Act 2017
* Homelessness Code of Guidance 2018

# Referral

* 1. 16/17-year-old homeless young people who are not open to the Local Authority usually will contact the Homelessness Team via telephone or via their offices at Macclesfield Town Hall and Delamere House. Agencies may also contact ChECS or the Homelessness Team informing them of a homeless young person. If the Homelessness Team is contacted first, they will complete a triage and then refer that young person to ChECS (see Appendix 3).
	2. If any other government agency or Local Authority service becomes aware of anyone that is homeless or at risk of homelessness, they have a duty to complete a ‘Duty to Refer’ (DTR). A DTR informs the Local Homelessness Team that a person is homeless or threatened with homelessness. If the risk of homelessness is within 56 days, the Team has a duty to allocate a dedicated caseworker to support and advise the young person. You can complete a DTR by following this link: <https://hpa2.org/refer/CHEAST>. If a young person has presented directly to Housing, they must open a case to ensure figures locally and nationally are properly recorded.
	3. After ChECS are informed of a homeless young person they will then begin their own investigations and speak to family members and other agencies to fully establish the facts behind the case. ChECS will consider the possibility and safety of a return home whilst exploring other accommodation options with extended family members. This will happen immediately on the day of the referral.
	4. If from ChECS investigations the young person is not deemed to be homeless, but the family require some support, then a referral to Early Help can be made. A referral to the Family Group Conferencing Service will be considered to determine if support around strengthening the family network is an option to help stabilise the situation. If the young person is not deemed homeless but there are safeguarding concerns for that young person and their family, then a referral to CiN/CP is to be made for an assessment. Should ChECS assess that the young person is homeless and in need of support then a referral is to be made to CiN/CP for urgent allocation (see Appendix 3).
	5. It should be the Local Authority’s priority to ensure young people remain at home with their families if safe to do so. To support this, CiN/CP need to consider mediation and family network meetings within four weeks of the referral.

# Assessment and Emergency Accommodation

* 1. Should a young person be deemed to be homeless and referred to CiN/CP for an assessment then it is best practice for a Joint Homelessness Assessment to occur. This assessment is led by Children’s Services and the information gathered will also form part of Children’s Social Care’s Children and Family Assessment (C&F Assessment). The Joint Homelessness Assessment needs to be started urgently on the same day of the referral so that if decisions and arrangements need to be made to source accommodation for that young person then the allocated workers have sufficient time. If for any reason a joint assessment cannot occur i.e., due to a late referral then Children’s Social Care must take the lead independently. 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.
	2. A Child and Family Assessment must also be opened on the day of the referral. The Social Worker will have 35 days to complete this and the Joint Homelessness Assessment will gather some information for the C&F Assessment.
	3. As part of the assessment the Social Worker must see the young person on the day of the referral and should attempt to see their family members too. If the young person cannot return home, the young person should be supported to see whether they can stay with friends or family members.
	4. If there are no friends and family options for the young person, the Local Authority must provide the young person with accommodation. This can be under s.17 of the Children Act 1989 or s.20 of the Children Act 1989. In most circumstances s.20 should be used as the young person is a child in need without accommodation. However, the young person may decline becoming Cared for and not want the support that this entails. This should not mean support is ceased. The young person is still very vulnerable and should be offered support under s.17.

* 1. The young person should be clearly informed of the difference between receiving support as a child in need and receiving support as a cared for young person before they make this decision. There is also a young person’s guide to s.20 which must be read to them and given to them (see Appendix 4). All young people should be referred to the Children’s Society so that they can discuss their decision with an Independent Advocate (see referral form in Appendix 5). If the young person changes their mind following the conversation with an advocate, they should still have the opportunity to become cared for and their wishes agreed. All these conversations need to be recorded on the young person’s file. At any time up to their 18th birthday a young person can request a reassessment of their needs and ask to be supported under s.20 of the Children Act 1989. Where a young person has been provided with information in respect of their entitlement under s. 20 and makes a choice not to become ‘Cared For’, the Director of Children’s Social Care should be consulted in respect of this decision.
	2. If the young person needs accommodation immediately then the relevant Team Managers and Service Managers will need to be consulted. In the first instance, and if appropriate, the emergency beds at the YMCA (Bridges, Crewe) and E-Bed at Watermill House (Macclesfield) should be used. The Home and Family Team can check if the emergency beds are available and what the local referral routes are to access these. If the emergency beds are to be used, the Social Workers and Homelessness workers need to follow the ‘Practitioners Guide to Emergency Accommodation’ (see Appendix 6).
	3. If a young person’s needs cannot be met in the emergency beds for whatever reason, or if they are full, a placement request will need to be completed, and the Home and Family Team will need to either look for a foster placement or for a placement on the Placement Northwest Framework. A Service Manager needs to give agreement for this search. A placement request will then need to be completed by the allocated worker and signed off by a Team Manager.
	4. The young person must be placed by a Social Worker and placement planning meeting completed on the same day. The young person may not have any money, or clothes so will need support with these. This may be getting clothes from their families or purchasing some. If a young person is accommodated, they must not claim benefits. The Local Authority is responsible for financially supporting them until they turn 18 years of age or are no longer Cared for. For all financial entitlements for 16-year-olds and above please refer to the Cheshire East Financial Local Offer.
	5. Becoming homeless and having to move somewhere will be very frightening for a young person so they will need reassurance of what support is on offer to them and what the next steps will be. This should be outlined at the placement planning meeting. When placed in Emergency Accommodation the young person should be seen by Children’s Social Care within 24 hours of being placed and then every 48 hours after that as a minimum, with a tailored visiting pattern put in place. The young person and the provider must have a copy of the tailored visiting schedule and risk assessment and contact details for the Social Worker/ Personal Advisor and emergency out of hours support.
	6. Whilst accommodated and during the assessment period it may be that the Social Worker supports the young person to return home. The young person should then cease to be Cared for and remain supported under Children in Need (CiN) until it is deemed appropriate to close or step down. Should the young person remain Cared for and there is no immediate likelihood for them to return home then that young person remains Cared for until their 18th birthday.
	7. In the days following being placed there may need to be longer term accommodation options. If unsure on what is available or if the young person would like some ownership of their next steps, then consider the young person coming to ‘Ignition Panel’. Ignition Panel brings together all local accommodation options for cared for young people and care leavers and allows the young person to get an understanding of what is available to them and allows them a degree of choice and ownership of their next steps. To make a referral to Ignition Panel please complete a pen picture of the young person with an overview of their reason for needing accommodation, any risks, their level of independence and where and what type of accommodation they would like. This pen picture can then be emailed to the CEC C&F Commissioning Team.
	8. The young person should remain allocated to the CiN/CP Social Worker until their second Cared for Review. At this stage the young person should then transfer to the Care Leavers Team. If a young person is due to turn 18 years in only a matter of weeks after this review, they should remain with their current worker as it is in the young person’s best interests to do so.
	9. For young 16/17-year-old homeless young people who meet the requirements to become an ‘eligible’ Care Leaver they will be allocated a Personal Advisor who will support them until they turn 21 years of age, or even 25 years. The Personal Advisor will jointly work with the allocated Social Worker until they turn 18 then become the main allocated worker following that.
	10. For homeless 17-year-olds who become Cared for but do not reach the required amount of time in care to become ‘eligible’ these young people are identified as ‘qualifying Care Leavers’ and can receive advice and assistance from the Care Leavers Team. This will not be a continuation of their pathway plan or an allocated worker, but the duty worker can give them advice and assistance should they need it. The CiN/CP Social Worker who is allocated the young person when they turn 18 years should pass on the contact details for the Care Leavers Service to the young person.

# Southwark Judgement

* 1. The House of Lords considered a court case R (G) v London Borough of Southwark in May 2009. The original case related to a young man who complained that the Local Authority (Southwark) had placed him in Bed and Breakfast accommodation which he said was unsuitable. The House of Lords stated that the Local Authority must presume that any lone, homeless child should be provided with accommodation under Section 20 Children’s Act 1989, unless the child is not in the Local Authority’s judgement a “child in need”. The focus of the guidance related to 16- and 17-year-olds, and reinforced the statutory duties already identified within the Children’s Act 1989, but which was felt not being used or referenced when considering suitable accommodation for 16- and 17-year-olds.
	2. Where a young person is assessed as homeless and is unable to return home, the judgement makes it clear that Children’s Social Care (CSC) is the lead agency in such cases and the primary legislation is the Children Act 1989, and where a child/young person fulfils all the elements required by the Children’s Act 1989 s.20 (1), the Local Authority is under a duty to provide him/her with accommodation under that section. However, the judgement also makes it clear that it is the Local Authority as a whole that is responsible for meeting the needs of these young people and it is therefore essential that CSC and Homelessness Services work closely and collaboratively, involving a range of partner agencies where appropriate in holistic assessment of and planning for the young person’s needs and whose duties are set out in Sections 10 and 11 of the Children Act 2004 and Section 27 of the Children Act 1989.

# Complaints / Quality Assurance

* 1. Should a person accessing support from either Children’s Services, or the Housing Team, be unhappy with the service that they have received or been offered they have the right to make a complaint. This can be done by completing the online form which can be found here:

[https://www.cheshireeast.gov.uk/council\_and\_democracy/customer-services/complaints\_and\_feedback/complaints\_and\_feedback.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/customer-services/complaints_and_feedback/complaints_and_feedback.aspx%20)

Alternatively, they can email letusknow@cheshireeast.gov.uk or telephone 0300 123 5038.

* 1. Any 16/17-year-old homeless presentation will be audited by the Audit Group; representation from ChECS, Care Leavers, Early Help, Housing, the Edge of Care Team and the Safeguarding Unit will attend bi-monthly meetings. Any actions will be followed up by auditors with the Team Managers and Social Workers. The ChECS Service Manager and the Safeguarding Unit are responsible for completing a report on the progress and any learning to be shared across the Services.

# Appendices

# Appendix 1 – Policy Information Sheet

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| **Policy Information Sheet** |
| **Service Area** | Children and Families / Housing  |
| **Date effective from** | January 2025 |
| **Responsible Officer** | Head of Service Cared for Children and Care Leavers |
| **Date for Review** | January 2027 |
| **Status*** **Mandatory (all staff name must adhere to guidance)**
* **Optional (Procedures and practice can vary between teams)**
 | Mandatory |
| **Target Audience** | Social Workers, Family Support Workers, Independent Reviewing Officers, Senior Social Work Managers, Housing Options Officers, Youth Justice Workers. |
| **Related Document(s)** |  |
| **Superseded Documents** | 16/17-Year-Old HomelessJoint Working Protocol August 2024 |
| **Equality Impact Assessment** | Checklist completed – see over |
| **Date of Approval** | 27 January 2025 |

| **Type of Document** | Policy | X | Standard Operating Procedure |  | Guideline |  |
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**Document control**

| **Version no** | **Type of change** | **Date** | **Description of change** |
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If you have any comments or views on this document, please contact us at childrensdevelopmentandpartnerships@cheshireeast.gov.uk

# Appendix 2 – EIA information and checklist

**Equality Impact Assessments**

Equality Impact Assessments (EIAs) must be completed whenever you plan, change, or remove a service, policy or function. They should be an **integral** part of continuous service planning and policy development. For further details and guidance on completing EIAs please see here on centranet: [Complete an Equality Impact Assessment](https://centranet.cheshireeast.gov.uk/how-do-i/project-working/complete-an-equality-impact-assessment.aspx).

# EIA Checklist

| **Equality Impact Assessment** |
| --- |
| **1** | **Does the policy/guidance affect one group less or more favourably than another on the basis of:** | **Yes/No** | **Comments** |
|  | Race  | N |  |
|  | Ethnic origins (including gypsies and travellers) | N |  |
|  | Nationality | N |  |
|  | Gender  | N |  |
|  | Culture | N |  |
|  | Religion or belief | N |  |
|  | Sexual orientation including lesbian,gay and bisexual people | N |  |
|  | Age | N |  |
|  | Disability-learning disabilities, physical disability, sensory impairment and mental health problems | N |  |
| **2** | **Is there any evidence that some groups are affected differently?** | N |  |
|  | If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable? |  |  |
| **3** | **Is the impact of the policy/guidance likely to be negative?** | N |  |
| a | If yes can the impact be avoided? |  |  |
| b | What alternatives are there to achieving the policy / guidance without the impact? |  |  |
| c | Can we reduce the impact by taking different action |  |  |
| **4** | **Evidence considered – What data or other information have you used to evaluate if this policy is likely to have a positive or an adverse impact upon protected groups when implemented?** | **Y** | Regular audits of 16/17 year old YP’s who present as homeless; Learning shared and changes made to the policy. Consultation with young people. |
| **5** | **Initial consultation – Have you consulted staff representatives and/or external representatives including those from protected groups? What were their views?**  | **Y** | Consultation with Housing Head of Service and Service Manager for Care Leavers.  |
| **6** | **Promoting equality - Does this policy have a positive impact on equality? What evidence is there to support this? Could it do more?** | **Y** | The policy ensures that YP’s know their rights, Audits regularly Q/A their circumstances. Policy up-date to be shared across services.  |

# Appendix 3: 16/17 Homelessness Flowchart

[Click here to view](https://ourcheshire.sharepoint.com/%3Aw%3A/r/sites/CE-T-cecaf2/CFdocuments/16-17%20Homelessness%20Flowchart.docx?d=w330c127c18364e5a9beb6e8324b81263&csf=1&web=1&e=nc4nnW)

# Appendix 4: Section 20 Young Person’s Guide

[Click here to view](https://www.cheshireeast.gov.uk/housing/housing-advice-guide/housing-advice-leaving-home-aged-under-18.aspx)

# Appendix 5: Advocacy Referral Form

[Click here to view](https://ourcheshire.sharepoint.com/%3Aw%3A/r/sites/CE-T-cecaf2/Forms/Advocacy%20CE%20Referral%20Form.docx?d=w8b50830ec92e4415ab33bd53e81cafaa&csf=1&web=1)

# Appendix 6: Practitioners Guide to the Use of Emergency Accommodation

[Click here to view](https://ourcheshire.sharepoint.com/%3Aw%3A/r/sites/CE-T-cecaf2/CFdocuments/Practitioner%27s%20Guide%20to%20Emergency%20Accommodation.docx?d=w250cdfe162644dc59923d1eb8dc4e317&csf=1&web=1&e=1ERzdZ)

# Appendix 7: DfE Provision of accommodation for 16- and 17-year-old young people who may be homeless and/or require accommodation

[Click here to view](https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation)