



**Joint 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**

2025

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1. Introduction

Derby's joint protocol is an agreement between Children and Young Peoples Services and Derby Homes to provide support and assistance to 16- and 17year-olds, who are homeless or who are threatened with homelessness, to maintain or secure safe accommodation.

All professionals involved with young people will work together in a co-ordinated and timely way to safeguard the young person and achieve the best outcome.

The protocol outlines the agreed practices, responsibilities, and procedures as we recognise different pieces of legislation are followed by Children and Young Peoples Services and Derby Homes.

Unless there is evidence to the contrary, the starting point should be that children and young people's needs are best met with their immediate families. Every effort should be made to reconnect young people and their families to negotiate a return home where it has been agreed by Children and Young Peoples Services that it is safe to do so. This may require support to explore wider family members and community options.

2. Legislation and Statutory Guidance

The protocol is concerned with the legal duties, set out below, which are to prevent homelessness and provide appropriate accommodation for 16- and 17year-old young people who may be homeless and/or require accommodation.

- 2018 Guidance issued by the Department for Education (DfE) and the Ministry of Housing, Communities and Local Government (MHCLG).
- Children's Act 1989 (The 189 Act) Section 20 and Section 17
- Part 7 of The Housing Act 1996 (1996 Act) as amended by the Homelessness Reduction Act 2017 (HRA)
- Case Law from the House of Lords in R (G) v Southwark [2009]

2.1 2018 Guidance

Joint guidance by the Department of Education (DfE) and Department for Communities and Local Government (DCLG) was first published in April 2010. This followed several judgements handed down by the House of Lords in cases concerning the interrelationship between the duty under Section 20 of the 1989

Act and duties under Part 7 of the 1996 Act, where young people aged 16- or 17-year-olds require accommodation. This was amended in 2018 to reflect the new duties introduced in the (HRA)

2.2 Case Law

The House of Lords Case R (G) v Southwark (2009) UKHL 26 held that, where a 16- or 17-year-old is owed duties under Section 20 of the 1989 Act, this takes precedence over the duties in the 1996 Act, in providing for children in need who require accommodation.

Section 20 of the 1989 Act takes precedence over the general duty owed under Section 17 of the same Act to children in need and their families where a young person needs to be accommodated.

2.3 Children's Act 1989

Legislation and statutory guidance are clear that: -

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 and young people's services authority.

Local authority duties for accommodating young people under this s20 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 because of one of the factors set out in section 20(1)(a) to (d) or in section 20(3) and 20(4):

- a. every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation because of:
- b. there being no person who has parental responsibility for them.
- c. their being lost or having been abandoned; or
- d. the person who has been caring for them is prevented (whether permanently, and for whatever reason) from providing them with suitable accommodation or care.

In addition, even if the criteria in section 20(1) do not apply, section 20(3) requires that: Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare

the authority consider is likely to be seriously prejudiced if they do not provide them with accommodation.

Section 20 (4) provides that a local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for them is able to provide them with accommodation) if they consider that to do so would safeguard or promote the child's welfare.

If a young person in need requires accommodation because of one of the factors set out in section 20(1) (a) to (d) or section 20(3) and 20(4) then that young person must be provided with accommodation.

As a result of being accommodated by children and Young Peoples services for a continuous period of more than 24 hours the young person should be considered as looked after.

Whilst accommodated under section 20 the young person is not eligible for welfare benefits, including housing benefits or housing costs under universal credit - Provision of 'accommodation' means that which is provided by Children's Social Care or the Housing Authority or a jointly commissioned supported accommodation offer.

2.4 Part 7 Housing Act 1996 as amended by Homelessness Reduction Act 2017

If a young person approaches housing services for accommodation or help with obtaining accommodation, this will be an application under Part 7 of the 1996 Act. Enquiries under section 184 must be made if the housing authority has reason to believe the young person may be homeless or threatened with homelessness to determine what duties, if any, are owed to them.

If the young person is eligible and there is reason to believe they are or may be homeless the housing authority will have an immediate duty to secure interim accommodation (section 188(1) of the 1996 Act).

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 by Children and Young Peoples Services.

Where Children and Young Peoples Services have decided that a section 20 duty is not owed or the young person does not wish to be accommodated, housing services duties under Part 7 of the 1996 Act as amended will continue.

If an eligible 16 - 17-year-old applies or is referred to a housing authority and is not homeless but threatened with homelessness within 56 days, a prevention duty will be owed.

If the eligible 16 -17-year-old is already homeless or they become homeless, a relief duty will be owed.

Under the prevention and relief duties the housing authority need to undertake an assessment, develop a personalised housing plan, and take reasonable steps to prevent homelessness (for applicants who are threatened with homelessness) or relieve homelessness (for applicants who are already homeless)

If the young person remains homeless after 56 days under a relief duty, a decision will be made as to whether a main housing duty will be owed (section 193(2))

The HRA also introduced a duty on some public bodies, of which children's services are one, to notify a housing authority of a service user they consider may be homeless or threatened with homelessness. This is known as the Duty to Refer (sec 213B of the HRA).

3 Scope

This protocol and associated procedures relate to 16 – 17-year-olds who are not looked after and who present themselves as homeless and/or threatened with homelessness. 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 because 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 because of several different reasons including in some cases, challenging behaviour of the young person.
- Situations in which a young person is homeless because of bail conditions which arise from their offending behaviour.
- A young person leaving custody or a secure residential setting and having nowhere to live on their return to their community.
- Situation 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.
- Young people aged 16 – 17 that have formed relationships themselves and/or they may themselves have children. In such cases, a single assessment, support, and accommodation will consider the young person's relationships as well as any dependent children. There will also be a contingency plan should those relationships break down for any reason.
- Situations where a young person supported by People's Services chooses to relinquish or remove themselves from the provided accommodation by the local authority as either S.17 or S.20.

4 Principles

The principles of the joint housing protocol are:

- 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 in most circumstances are 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 breakup 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 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, Early Help, Youth Offending Service (YOS), Children and Young Peoples Commissioning and Derby Homes 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 a single assessment of the young person's needs including an assessment of the level of care and support that is needed and the expected outcomes.
- Single assessments and plans should take into account the young person'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 must be considered 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 their wider community.
- 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 Benefits

The benefits of a joint housing protocol are as follows:

- To ensure that young people have access to the most appropriate housing provision and support services to prevent a housing need impacting on their wider needs for education, employment, and training.

- To ensure that, where accommodation is required, appropriate support is made available by People's directorate and to ensure the accommodation can be sustained safely.
- **Under no circumstances must Bed and Breakfast to be used for housing 16 – 17-year-olds even in an emergency.** The Commissioning framework is the only suitable accommodation which should be used.
- 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 hands off.
- 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 Derby City Council.

6. Key Agencies

The following partners will be expected to adopt and work to the joint protocol:

- Children and Young Peoples Services.
- Leaving Care Service
- Careline
- Children and Young Peoples Commissioning
- Early Help Locality Teams
- Social Care (Locality, Reception and Children in Care)
- Youth Offending Service
- Derby Homes; Housing Options and Homelessness

7. Information sharing

Core details regarding the young person including areas of risk or safeguarding will be shared with relevant partners for the purpose of achieving the best outcome for the young person. The young person should be told that information will be shared in accordance with GDPR processes and protocol.

8. Governance

Governance remains in host agencies, but the implementation of the protocol will be overseen by Children in Care Commissioning Group which reports to Integrated Commissioning Group.

The protocol will be reviewed annually and when changes in legalisation determine.

A quarterly review of all allocated 16-17 homelessness cases who are residing in supported accommodation will take place with Head of Service of Social Care, Head of Service or Deputy Head of Service for Early Help and a housing representative where possible.

9. Escalation

In situations where operational dispute occurs between agencies, resolution must first be attempted at practitioner level. Where issues are not able to be resolved, the matter should be escalated through respective line management arrangements.

In situations where a dispute involves the accommodation of a young person which could lead to notice and placement break down, the provider should raise this immediately with the Children and Young People Commissioning Placements teams and the appropriate identified senior manager.

Any re-occurring patterns will be brought to Children and Young People Commissioning Placements Team by completing an issues and complaints form and emailing to childplacementsteam@derby.gov.uk. This will allow dispute issues to be discussed and resolved at a strategic level.

10. Prevention

10.1 Informing Young People of their Housing rights and Processes

It is in the best interests of most young people aged 16 or 17 to live in the family home or, where this is not safe or appropriate, with responsible adults in their wider family and friends' network.

Wherever a young person aged 16 or 17 presents as homeless or threatened with homelessness, professionals must be very clear of their responsibilities to ensure that the young person receives the correct advice regarding their circumstances at the earliest opportunity.

Young people will need to be consulted and understand the implications of being accommodated by the local authority and becoming looked after. They will also need realistic and full information about the package of support available to care leavers. (Please refer to the Leaving Care and Transition Procedures and the Local Offer to Care Leavers: [DerbyCityCouncil_Local_Offer_Care_Leavers_2019.pdf](#))

Young People will need accurate information about assistance which may be available to them if they do not become looked after including any entitlement for assistance under Part 7 of the 1996 Act. This will be a homeless assessment and personalised housing plan, the accommodation offers, the implications of turning down a suitable offer, the possible risk of being found homeless intentionally in the future and the right to request a review of decisions.

Written information will be provided to each young person/ family from the start of the housing assessment process.

Young people should have access to independent advice through advocacy and support to assist them in weighing up their options and coming to a balanced decision.

Derby City's Advocacy service is Change Grow Live. The link provides access to contact details, a leaflet for young people and a referral form.

[Childrens Rights Service - advocacy for looked after children - Derby City Council](#)

10.2 Point of Access

If a 16 – 17-year-old presents as homeless or threatened with homelessness to Derby Homes, they will undertake initial enquiries and complete a homeless assessment under the Housing Act 1996 Part 7. Derby Homes at this point would undertake a case discussion with the Initial Response Team (if an unknown case) or locality social care/ early help teams (if an open case) and where possible a joint appointment with services would be undertaken with the young person and, if required, their family.

The Initial Response Team (IRT) will deal with all young people presenting as homeless or who are threatened with homelessness if presenting directly to Children and Young Peoples Services and are an unknown case, providing the single point of access for all 16 – 17-year-olds who need help and support around accommodation and support issues. IRT will contact Derby Homes through a duty to refer within 24hrs (Appendices 1) and, where possible, undertake a joint appointment to complete the single assessment.

Any 16 – 17-year-old who is homeless or threatened with homelessness and who presents or comes to the attention of another service/ partner agency (including YOS and not open to locality social care teams or Early Help Service) during normal office hours should be referred to IRT. They should hold a case discussion with the duty manager to determine the threshold for a single assessment and support. This will include any 16–17-year-old who presents initially to Derby Homes (The Homelessness Team) to ensure consistency of process and enable a clear pathway to be established from the outset.

Young people presenting as homeless or threatened with homelessness outside of office hours, weekends, or bank holidays, should be directed to Careline, the

emergency social care duty service, who hold emergency homelessness duties for Derby City.

IRT will screen the information including advice from housing and decide regarding threshold and appropriate team allocation. If the young person is not known to Children and Young Peoples Services, it will pass through to reception for a single assessment which could take up to 20 days maximum to complete.

If a young person is open to Early Help Services, it will be stepped up via the VCM process to Social Care for a Single Assessment. However, Early Help will remain involved with the case.

If a young person is open to locality Social Care, an updated single assessment will be completed. A duty to refer to housing must be completed by locality Social Care or Early Help within 24 hrs of the young person presenting as homeless and undertake joint appointments to complete the Single Assessment. This single assessment could take up to 45 days maximum to complete.

The local authority's preference, where possible, is for the young person to remain in the family home where it is safe to do so. All relevant services should work together to find the best possible solution to prevent a young person from having to leave home even if the time required to work through significant family tensions and problems means that the young person is temporarily accommodated. It is therefore important that a strength-based approach is taken to enable this family focus to begin on day one and continue throughout the processes of the Single Assessment and, if necessary, the provision of accommodation.

10.3 Assessment of Young People Threatened with Homelessness

An assessment of the young person needs will inform any immediate interventions to prevent the breakdown of current accommodation. This may be part of a Homeless Assessment (if presents at Derby Homes), a Single Assessment, or an Early Help Assessment. Intervention should take place at the first sign of needs arising and should not wait until the end of the assessment period. This will include working within a strength-based approach and may include:

- Home visits to family, carers, and young person to offer practical support, information, and guidance to keep families together will be undertaken by the allocated worker of Children and Young Peoples Services.
- Exploring options of staying with other family and relatives or friends to ease stresses within the parental home.

- Identify actions to relieve stress between family members in order that the young person can remain in the family.
- Involvement of Early Help Services to include Staying Together Team, Targeted packages of support: FST, NVR
- Family Group Conferencing
- Emotional well-being support
- Priority Families Framework
- Referral to STARS (Commissioned Family Support)
- Accessing the Homeless Prevention Fund through Derby Homes
- Seeking education, employment, or training
- Agreeing acceptable behaviour contracts
- If open to YOS the Asset Plus Assessment to be updated and potential consideration for support via the parenting officer.

10.4 Young Person who is at Risk of Homelessness

If, following the above assessments listed and any appropriate interventions to attempt to keep the young person within their immediate or wider family environment, it is considered that the young person remains homeless or threatened with homelessness, social care 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 Derby Homes whether the young person is owed a Prevention Duty under the Homeless Reduction Act 2017. The single assessment by social care will include where possible joint appointments with Derby Homes (The Homelessness team).

10.4.1 Prevention Duty Assessment (Derby Homes)

If the homeless assessment completed by Derby Homes alongside the Single Assessment determines that a Prevention Duty is owed, the Housing Advisor will arrange for a follow up appointment with social care and will complete a homeless application. This will focus on a joint approach with social care to prevent homelessness and will include a Personal Housing Plan (PHP) which can also contribute to the Single Assessment, actions, immediate and future planning. This PHP will set out practical and achievable actions that the young person and Children and Young Peoples Services will take to prevent homelessness occurring and maintaining the young person within the family setting whenever it is safe and appropriate.

10.5 Young Person who is Homeless

10.5.1 Prevention Work for a young person who is Homeless

If the young person presents as homeless the starting point will always be what steps can be taken to relieve the homelessness and avoid the need for an emergency placement. This will mean following the actions and steps described

previously to explore all alternatives, such as returning to or staying with family members or suitable friends. This will allow interventions to be jointly taken by Childrens and Young Peoples Service and Derby Homes with the young person and their family to allow a safe return home.

10.5.2 Single Assessment and Section 20 of the Childrens Act 1989

If it has not been possible to prevent the young person from becoming homeless then a decision is required around any duty under S.20 of the 1989 Children Act to provide the young person with suitable accommodation.

When completing the Single Assessment practitioners must consider whether the criteria of S.20 of the 1989 Act are met. The most crucial issue to be determined through the assessment process will be to confirm whether the young person is homeless and therefore requires accommodation.

The Single Assessment will assess the nature of family relationships and the possibility of mediation to return home safely, as well as the amount and type of support that the young person is receiving from their family, 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 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 them 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 Single Assessment should consider every dimension of the young person’s needs and what further support they may require. 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.

The Single 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 the Working Together 2018 identifying strengths and difficulties as well as risks of potential child protection concerns.

Factors to be considered when assessing 16–17-year-olds who are homeless or may be child in need:

Dimensions of need		Issues to consider in assessing a young person’s future needs?
1.	Accommodation	Does the child have access to stable accommodation? How far is this suitable to the full range of the young person’s needs?

2.	Family and Social Relationships	Assessment of the young person's relationships with their parents and wider family. What is the capacity of the young person's family and social network to provide stable and secure accommodation and meet the young person's practical, emotional, and social needs?
3.	Emotional and Behavioural Development	Does the young person show self-esteem, resilience, and confidence? Assessment of their attachment and the quality of their relationships. Does the young person show self-control and appropriate self-awareness?
4.	Education, Training and Employment	Information about the young person's education experience and background. Assessment as to whether support may be required to enable the young person to access education, training, or employment.
5.	Financial Capability and Independent Living Skills	Assessment of the young person's financial competence and how they will secure financial support in the future. Are parents/ carers willing to offer any financial assistance and support? Include information about the support the young person might need to develop self-management and independent living skills.
6.	Health and Development	Assessment of the young person's physical, emotional, and mental health needs past and present.
7.	Identity	Assessment of the young person's needs because of their ethnicity, preferred language, cultural background, religion or sexual identity.

The Single Assessment must include the young person's wants and wishes. This will include consideration of their emotional and behavioural development and their capacity to make use of wider resources to potentially manage independent living. It is important that young people are consulted and are provided with information in a format that they can understand about what services can be provided to them as a looked after child and a Child in Need. This can be seen in the Homeless leaflet. The use of independent advice through advocacy should always be considered and offered to a young person to help them determine what housing support and options they would like.

A young person's views and wishes and their understanding of the procedure, should be clearly stated within the single assessment case notes and young people should sign the relevant S.17 or S.20 paperwork (appendices 2).

10.6 Emergency Accommodation

Where a 16- or 17-year-old seeks help or is referred and it appears they have nowhere safe to stay for that night, then Children and Young Peoples services in partnership with Children and Young Peoples Commissioning must secure suitable emergency accommodation for them. At this stage a referral must be

made to Derby Homes under the Duty to Refer. If the young person is accommodated for a continuous period of more than 24 hours the young person may become looked after (Under S.20 (1)) whilst their needs, including their need for continuing accommodation and support or rehabilitation back to family and wider family networks, are explored and further assessed.

Bed and Breakfast accommodation is **NOT** considered suitable for 16- and 17year-olds even on an emergency accommodation basis.

10.7 Young People from other Local Authority Areas

Young people who present to the service who are eligible and are homeless from other areas and who have no connection to Derby will be offered a Single Assessment and given housing advice. Housing services may refer the young person to their local area for housing and support. This may enable family reunification but will not be considered if they would be at risk of violence or threat of violence in the area to which they are being referred. In some circumstances, where young people cannot return home to their original local authority immediately, these young people will need to be considered for emergency accommodation.

10.9 Outcomes of the Single Assessment

There will be certain cases when young people can remain at home after they and their families receive advice around issues raised in the single assessment and where no further support is identified for social care. This may be coupled with referrals to the Early Help Service or supporting agencies for continued support to prevent family breakdown.

Other young people may be able to find accommodation with friends or family which is stable and meets their needs. These young people may need support and advice in relation to housing matters when they turn 18 years and will be supported by an identified lead professional not necessarily by Children and Young Peoples Services.

Where young parents are provided with accommodation by Children and Young Peoples services and they are choosing to 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 do not meet the criteria for accommodation under S.20 or chose to be identified as a Child in Need under S.17 of the 1989 Act after the completion of the Single Assessment. In these cases, once the placement is stable, this can be transferred as a Child in Need to the Early Help Teams and will be reviewed by an CINIRO in compliance with statutory timeframes.

11. Referral and Placement of Young People

A new placement referral should be completed in each case where the Single Assessment concludes along with a social care management decision that the young person is in need and those needs are met by providing suitable housing through the Children and Young People Commissioning Framework.

It is essential for 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 placement referral form should be supplemented by other relevant information/ documentation.

Care should be taken to ascertain a clear understanding of the young person's needs, 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 and ensure the placement is stable.

Electronic referrals are made to Children and Young People Commissioning on LCS.

12. Procedure for Placement

If a placement is required for a young person to seek accommodation under the 16-17 housing framework, a discussion and approval with a Head of Service is required and the placement referral form should be sent to Children and Young People Commissioning Placements Team at childplacementsteam@derby.gov.uk. The practitioner should follow further CLA processes.

13. Child not assessed as in need or who has refused offer of S.20

Where a young person has been deemed not to be a Child in Need or refused the offer of S.20, and therefore has chosen not to be looked after, social care will work with Derby Homes to enable and support a homeless assessment.

In circumstances where a 16- and 17-year-old does not wish to be S.20 they will still be classed as a Child in Need, will be eligible for support under S.17 and have a CIN plan as per the statutory guidance. Social Care, Children and Young Peoples Commissioning and Derby Homes will work together in undertaking this assessment and identifying suitable accommodation that will be provided whilst the assessment is in progress. Suitable accommodation may be:

- With family friends or relatives
- Through using the commissioning framework

In these circumstances the assessment under the Homelessness Reduction Act 2017 will determine whether a **Relief Duty** is owed to the young person. The

accommodation sourced whilst the assessment is underway will be retained whilst the homelessness assessment is being conducted. Derby Homes will work in partnership with Children and Young Peoples Commissioning to explore available accommodation considering the support needs of the young person.

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

14. 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. Youth Secure Establishments can, and do, refuse to release children from custody unless the accommodation placement details for the child on release has been shared.

A Pre-Release meeting is held for young people in custody at least 14 days prior to their release date, to confirm:

- Transporting arrangements
- Living arrangements
- The reporting arrangements.
- Sources of support - including out of hours services.
- The arrangements for education or employment.
- Arrangements for meeting continuing health needs.
- Financial support arrangements if applicable.
- Visiting patterns of their social worker.
- The roles and responsibilities of other agencies involved.

As soon as it is known that a young person in custody is likely to be homeless this protocol will be applied as though they were in the community. Part of the single assessment and potentially the homelessness assessment may necessitate visits to the young person in custody and the YOS will assist in facilitating such visits.

Sentence planning meetings from commencement and throughout the young person's custodial sentence will consider accommodation needs and YOS will work in partnership with social care to ensure young people know where they will be living on release. Release on temporary licence (ROTL) can be used to help a young person familiarise themselves with where they will live on release, or to attend any appointments or interviews that are required by a placement provider to secure or facilitate the placement. This will all be subject to governor approval and risk management considerations.

Establishment-specific Escalation processes are in place with key Secure Estate Partners (i.e., Secure Children's Homes, Secure Training Centres, Young Offender Institutions) through which issues such as a failure to agree postsentence

accommodation placements or ROTL arrangements can be challenged. YOS can provide further information if it is assessed that escalation is required to achieve a placement outcome in a timely fashion.

Whilst it is hoped that a young person will know where they will be living well in advance of release, the YOS 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 have an up to date single assessment completed by IRT or locality social care (if an open case) and complete a duty to refer notification to Derby Homes as part of the Homelessness Reduction Act 2017.

15. Collaborative Housing Process for Young People Turning 18 in CYP Supported Accommodation

Where a young person is S.20 and therefore has chosen to be looked after, social care will work with Derby Homes from the young person's 17th Birthday to enable and support an assessment under the Care Leavers Housing Pathway. If, after an Independent Living Assessment, the Young Person is identified as being able to live independently they will be able to register an application under Derby HomeFinder. In addition, an application for a discretionary offer of accommodation will be completed by Derby Homes. This process is designed to identify a suitable property and a planned transition for the young person.

A 16 and 17-year-old Child in Need will be eligible for support under S.17 until their 18th Birthday. Social Care, Commissioning and Derby Homes will work together from the young person's 17 ½ Birthday to plan for an application for housing to be submitted at their 18th Birthday. A young person classed as a Child in Need will, where possible, be offered Supported Accommodation which attracts housing benefit payments to support the transition to their own tenancy.

Appendices 1 – Definitions

Homeless or Threatened with Homelessness

A person is threatened with homeless if they are likely to become homelessness within 56 days.

A person is homeless if they have no accommodation that is available for their occupation, in the United Kingdom or elsewhere that they have a right to occupy, and which is reasonable for them to occupy.

The Housing Act 1996 (Part 7) as amended by the Homelessness Reduction Act 2017

Statutory provision for Housing Authorities to intervene earlier and support all those affected (not just those in “priority need”) to:

- Provide information and advice about homelessness, prevention, and rights of those affected.

Where there is reason to believe a person is homeless or at risk of homelessness to enquire whether a duty is owed under Part 7 of the 1996 Act as amended by the Homelessness Reduction Act 2017:

1. To prevent homelessness within 56 days, which includes:
 1. Help to stay in current accommodation
 2. Find new accommodation prior to becoming homeless
2. Relieve homelessness by providing support for 56 days for those who are actually homeless
 1. Helping to secure accommodation
 2. Providing interim accommodation, if in priority need
 3. Agree a Personal Housing Plan, following assessment, including reasonable steps/ actions for the applications and housing authority to take prevent or relive homelessness
4. Main Housing Duty for those that are:
 1. Eligible
 2. In priority need
 3. Not intentionally homeless
5. Duty ends (discharged) usually through the offer of a settled home including.
 - An offer of a suitable secure or introductory tenancy with the local authority
 - An offer of accommodation through a private registered provider (housing association)

An offer of a suitable tenancy for at least 12 months from a private landlord made by arrangement with the local authority.

The duty can also be ended for other reasons, such as the applicant turning down a suitable offer of temporary accommodation or because they are no longer eligible for assistance.

6. Intentional Homelessness because of a deliberate:

1. Action – a decision to leave accommodation where it was reasonable to continue living there
2. Omission – non-payment of rent where the rent was affordable

If in priority need and intentionally homeless, advice and assistance to find accommodation will be given and accommodation for a reasonable period.

Duty to Refer

The Homeless Reduction Act 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.

The duty to refer is to ensure that services are working together effectively to prevent homelessness by ensuring that peoples' housing needs are considered when they come into contact with public authorities. It is also to encourage local housing authorities and other public authorities to build strong partnerships which enable them to work together to intervene earlier to prevent homelessness through, increasingly integrated services.

The specified public authorities subject to the duty to refer are (in England only):

- prisons
- young offender institutions
- secure training centres
- secure colleges
- youth offending teams
- probation services (including community rehabilitation companies)
- Jobcentres in England
- social service authorities (both adult and children's)
- emergency departments
- urgent treatment centres
- hospitals in their function of providing inpatient care
- Secretary of State for defence in relation to members of the regular armed forces

The duty to refer only applies to the specified public authorities in England and individuals can only be referred to a local housing authority in England.

The duty requires the specified public authorities to identify and refer a service user who is homeless or may be threatened with homelessness, to a local housing authority of the service user's choice.

The service user must consent to the referral being made. The consent can be made in writing or given orally although the person referring should follow the agreed processes set out in their agency's internal guidance.

A person is considered homeless if:

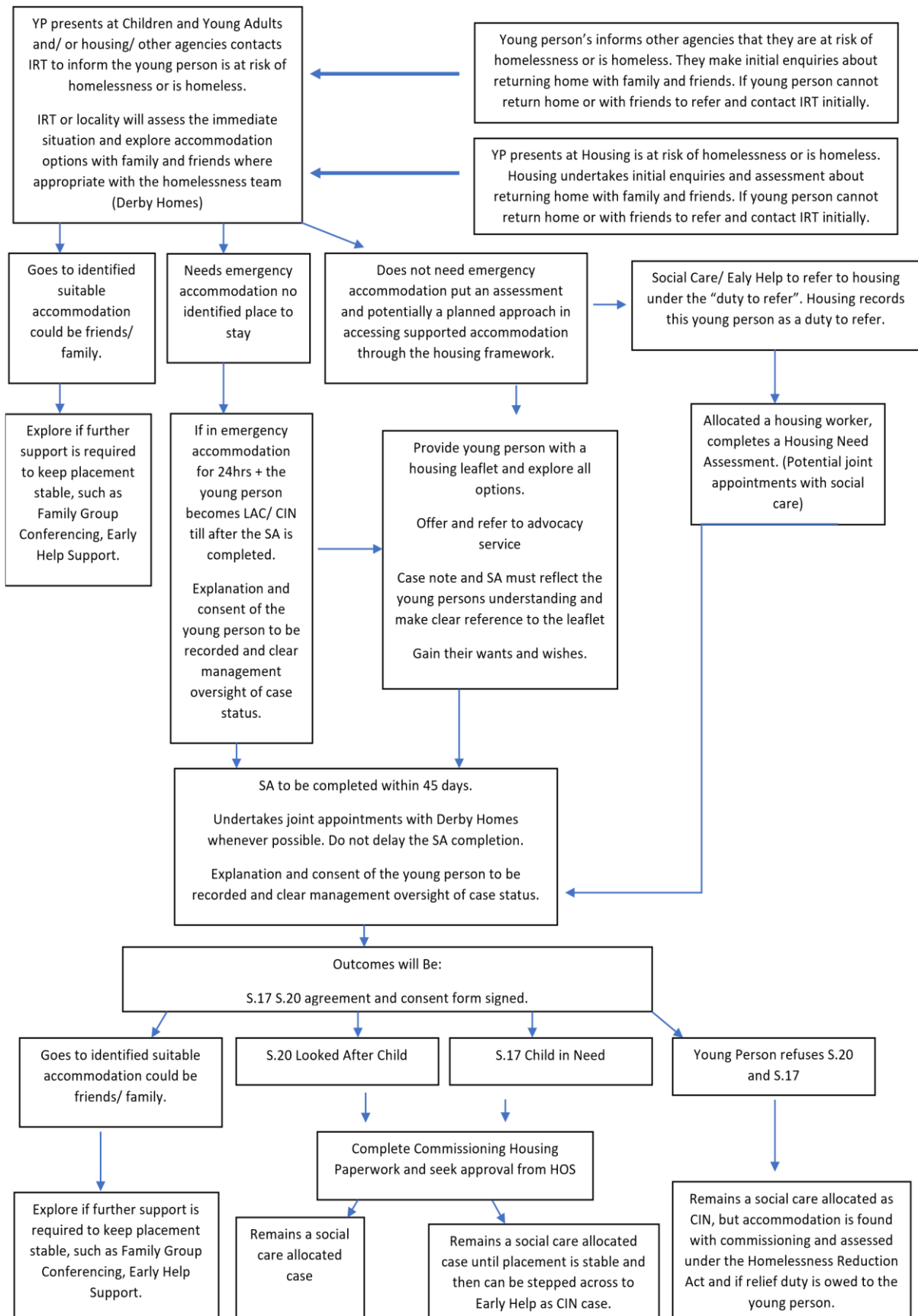
- they do not have any accommodation which is available for them which they have a legal right to occupy; or,
- it is not reasonable for the person to occupy their current accommodation, for example, because they would be at risk of domestic abuse
- Someone is defined as being threatened with homelessness where they are likely to become homeless within 56 days, or have been served with a valid notice under [section 21 of the Housing Act 1988](#) by their landlord, which expires within 56 days.

Link to:

[duty-to-refer-form .docx](#). Please send duty to refer forms via email to dutytorefer@derby.gov.uk

Appendices 2 – Operational Flow Chart

Appendices 2 Operational Flow Chart



Appendice 3 – S.17 and S.20 Signed Consent Form



An explanation of Services I will get as a Looked After Child Section 20 Children's Act 1989

If you become a Looked After Child, you will have an allocated social worker who will oversee your care as Derby City Council becomes your corporate parent.

Your social worker will visit you regularly and work with you towards living independently, this is known as a Pathway Plan. A Pathway Plan is written to plan how Children's Services are going to support you to live independently.

A pathway plan is like a contract between you and Children's Services, which you both must agree on. It is an opportunity for you to have your say about how you want Children's Services to support you, until you feel confident to live independently.

This will include and support with any parts of your life you need help with, such as:

- Education
- Regular Health Checks, including checks on height, weight, a general chat about how you are feeling and any health issues or any worries you may have and help to register with a Doctor and Dentist
- Identity and emotional well-being
- Finances
- Relationships with family and friends.

You and your social worker will attend Looked After Child meetings which will review your care and pathway plan. This will be overseen by an Independent Reviewing Officer who will make sure that your voice is heard.

You will not be able to claim benefits if accommodated by Derby City Council. However, your rent for accommodation will be paid and a weekly allowance, at the same rate as welfare benefits. You will be able and entitled to claim benefits once you turn 18 years.

You may receive ongoing support post 18 from the Leaving Care Service (if you have been accommodated for more than 13 weeks before your 18th birthday). This could be support up until 25 years and include:

- A personal adviser allocated.
- The continuation of the Pathway Plan, including regular reviews.
- Living expenses associated with living near the place where they work/plan to work.
- Assistance with education and training needs.
- Higher Education bursary
- Help with accommodation (Leaving Care Housing Protocol will be followed)

I have read and discussed the above information.

I agree to be supported as a Looked After Child

Signed (YP) Date:

Social Worker/Advocate.....

Derby... Safe

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