

# Protocol for the Assessment of 16 and 17 year old Young People in need of Care and Support



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## 1. Introduction

This protocol serves as a comprehensive guide for operational staff within Housing and Children's Services in the London Borough of Hillingdon. It outlines the principles, legislative requirements, and procedures for assessing and supporting 16- and 17-year-olds who present as homeless, at risk of homelessness, or in need of care or accommodation. Jointly developed and agreed upon by Housing and Children's Services, it provides a framework for collaborative working to meet statutory obligations effectively.

### 1.2 Aims of the Protocol

- A. To ensure that children's social care step in to make sure that a safe and loving home is found.
- B. To ensure that if a young person cannot live with their own family, they are not considered as 'homeless' but supported as a child in need of care.
- C. To clarify the statutory duties and agreed responsibilities
- D. To promote co-operation and joint working between the partner agencies
- E. To ensure that, through methods such as mediation, family group conferencing and reconciliation between young people and their families/carers is achieved- wherever possible.

## 2. Scope

### 2.1 Young People and Homelessness

For the purpose of this document, "homeless" refers to young people who are in need of care and support as they cannot live with their own family. This includes young people presenting as homeless, at risk of homelessness, are street homeless, 'sofa surfing' or have significant relational difficulties with their parents and are in crisis which has resulted in the young person being unable to live at home with their family.

### 2.2 This Protocol covers:

- Homeless 16- and 17-year-olds including those who are expectant parents
- Homeless 16- and 17-year-olds with dependent children
- Homeless couples where both young people are 16 or 17 years old

### 2.3 Leaving Care

The protocol does not cover young people leaving local authority care - please see Housing Protocol between Corporate Parenting Service and LBH Housing Department for the Assessment of Homeless Care Leavers who require accommodation.

## 2.4 Unaccompanied Asylum Seekers

This protocol does not apply to unaccompanied asylum-seeking young people without a carer or guardian who must be provided with accommodation by children's services under section 20 Children Act 1989.

## 3. Principles

There are a number of key guiding principles to be considered where working with children and young people, including those who are homeless:

- Every child, whatever their age, needs to live somewhere where they can be cared for.
- Children who present as homeless must be provided with the care they need and are entitled to including support and accommodation under s20 CA89.
- Children provided with accommodation should be supported as looked after children – unless they refuse it – with the legal protections that entails.
- If a young person cannot live with their own family, they are not considered as 'homeless' but supported as a child in need of care.
- The Southwark Judgement should be fully considered with young people's best interests, social functioning and level of vulnerability helping to determine the best form of support for the young person.
- Young people have the right to be heard with their wishes and feelings taken into consideration to inform the decision-making process and agreement on next steps.
- Safeguarding concerns should be sufficiently addressed prior to consideration of a young person returning to the family home and care of their parents
- Unless there are ongoing safeguarding concerns it will be in the best interests of most young people to live in the family home with support made available
- Where it is not safe or appropriate for a young person to remain in the care of their parents at home it should be explored and considered whether kinship care with responsible adults in their wider family or network of support is in the young person's best interests.
- Mediation services should be made available to the young people and their families explore whether a planned return home with ongoing support is in the young person's best interests.
- Any form of alternative provisions for adults such as hotel or bed and breakfast accommodation will be regarded as unsuitable for young people at all times.

- In assessing the needs of a young person for accommodation and support, those involved in that process must take account of the individual needs and cultural background of that young person.
- 16 and 17 year olds who present as homeless are likely to be vulnerable and will often be at risk of harm in the absence of care and support.
- The primary responsibility for a child in need of care and support, including young people presenting as homeless remains with children's social care.

## 4. Legal Responsibilities

### Children Act 1989

#### 4.1 Section 17

Section 17 of this Act requires councils to provide appropriate services to a "child in need". Under Section 17(10) of the Children Act 1989, a child is in need if:

- (a) He/she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services by a Local Authority; or
- (b) His/her health or development is likely to be significantly impaired, or further impaired without the provision for him/her of such services, or
- (c) He/she is disabled

Under Section 17, the Local Authority has a responsibility to assess a child's circumstances and consider offering services if it appears that a child may be in need.

#### 4.2 Section 20

The Children Act 1989 Section 20(1) requires that:

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

- a) There being no person who has parental responsibility for them
- b) Their being lost or having been abandoned
- c) The person who has been caring for them is prevented (whether or not 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.

Where a young person in need requires accommodation because of one of the factors set out in Section 20(1) (a) to (c) or Section 20(3) then that young person must be provided with accommodation. As a result of being accommodated by Children's Services for a continuous period of more than 24 hours the young person will become looked after, and the local authority will owe them the duties that are owed to all children looked after. When the young person ceases to be looked after, the local authority will owe them duties as a care leaver.

The principle is that the duties of the local authority under Section 20 of the Children Act 1989 take precedence over the duties of the local authority under the Housing Act 1996 in the case of young people aged 16 and 17 who require accommodation. Young people aged 16 and 17 who are homeless will come within the definition of [Children in Need](#) and where they require accommodation, the specific duty in Section 20 of the Children Act 1989 (to provide accommodation in certain circumstances) takes precedence over the general duty owed to Children in Need and their families under Section 17 of the Children Act 1989. Assessments of young people under this legislation will therefore need to consider whether the factors set out in Section 20 (1) or (3) are applicable to the young person's needs.

According to the joint statutory guidance issued in April 2018, there are only two scenarios where a local authority may determine that a homeless 16- or 17-year-old should not be accommodated under Section 20 of the Children Act 1989 and instead be supported under the Housing Act 1996:

- When the young person has been assessed and does not meet the criteria to be classified as a Child in Need.
- When a 16- or 17-year-old who is deemed a Child in Need, after receiving comprehensive advice about the consequences of their choice and demonstrating the capacity to make an informed decision, opts not to be accommodated under Section 20. In such cases, the young person must be offered advocacy and access to legal advice to ensure they fully understand the implications of their decision.

#### **4.3 Part 7 Housing Act 1996**

The Homelessness Reduction Act 2017 introduced new responsibilities under Part 7 of the Housing Act 1996 to address the needs of individuals who are homeless or at risk of becoming homeless. These include:

- Conducting thorough assessments of applicants' situations'
- Creating tailored housing plans to address their specific needs.
- Taking proactive steps to either prevent homelessness (for those at risk) or relieve homelessness (for those already homeless).

#### 4.4 Assessments for Young People

Young people who are eligible and homeless or at risk of homelessness must undergo a comprehensive needs assessment. This assessment should cover:

- The circumstances that led to their current housing situation.
- Their housing requirements, including suitable accommodation for themselves, their household, and any individuals who might reasonably live with them.
- The type of support necessary to secure and maintain appropriate accommodation, both for the young person and for anyone else who will reside with them.

#### 4.5 Interim Duty to Accommodate

If there is reason to believe that a young person is eligible, homeless, and in priority need, the local housing authority has an interim duty to provide accommodation. Initial inquiries may be made to establish whether the applicant is genuinely homeless before this duty arises.

#### 4.6 Child in Need and Housing Duties

The April 2018 joint guidance highlights that local housing authorities cannot determine whether a 16- or 17-year-old has priority need under the Housing Act 1996 until a Child in Need Assessment is completed. It is crucial that referrals to Children's Services are made promptly and assessments are conducted in accordance with statutory timescales—preferably within 15 working days, with a maximum of 45 working days under the Children Act 1989.

When Children's Services determine that the young person is not a Child in Need under Section 17 or if the young person declines Section 20 accommodation, the housing authority retains its obligations under Part 7 of the Housing Act 1996. This ensures ongoing support for the young person in securing and maintaining suitable housing.

### 5. Procedure

The following stages apply to a 16/17yr old who **do not** have an allocated social worker.

#### 5.1 Referral and Assessment

1. Whichever agency a young person approaches when presenting as homeless, including Housing Needs Service, must refer the young person to the Stronger Families Hub (SFH).
2. SFH will undertake initial enquiries with the young person, their family and professional network to determine if the young person is in need of

care and support. This will include initial information on the level of need and risk as well as whether the young person may be supported to return home safely or require accommodation to be provided by the wider family / friends or CSC.

3. A Practitioner within the SFH will make contact with the MASH housing duty officer to make relevant enquiries. Young people and their families will benefit from advice from the housing duty officer as part of children's services involvement to explain the LBH housing policy and ensure that they are fully aware of their rights and responsibilities as well as the duties of the local authority.
4. Where the SFH are unable to identify and agree a solution for the young person and their family, the young person will be allocated a social worker for a child and family assessment to be completed.
5. The social worker will meet with the young person at the office if they have presented at the civic centre, or at home as a matter of urgency as agreed with the family on the day of allocation. Where appropriate the housing duty officer will accompany the social worker on this initial meeting at home or at the Civic Centre.
6. The initial visit will determine whether the provision of temporary accommodation whilst the assessment takes place is required. In addition, whether there is a realistic prospect of the young person returning home or to wider family or friends.
7. In partnership with the young person, parent(s) or carers, enquires should be made to determine whether support can be provided to safely enable the young person to remain in the care of their birth family- subject to completion of the assessment with appropriate support services such as mediation, advocacy and family group conferencing made available at that time. It is important to highlight that the young person's welfare and best interests remain of paramount importance at that time.
8. The initial enquiries should be completed within the required timescale of **1 working day** with a holistic needs-based child and family assessment completed within the agreed timescale for the child and no later than 45 working days.
9. The assessment will consider the needs of all children in the family, the parent's capacity to meet these needs, establish whether there is an ongoing risk of homelessness in addition to exploring the possibility of family reconciliation; with support made available during the assessment process. This will always include the child's wishes and feelings as well



as the view of the parents or carers. For further guidance regarding the completion of a child and family assessment please refer to [https://hillingdonchildcare.proceduresonline.com/chapters/p\\_assessment.html](https://hillingdonchildcare.proceduresonline.com/chapters/p_assessment.html)

10. Independent Mediation support as well as a Family Group Conference should be made available to the young person and their family. Both are provided independent of the local authority by a contracted provider, Your Family Matters ( please see list of useful contacts). This is to enable the family to identify their own strengths and resources -with support from the local authority when required- in order to develop a family led support plan for the young person.

## **5.2 Placements during assessment**

It is important to highlight that reconciliation between a young person and their family can take time and therefore children's social care have a duty to provide interim accommodation at that time in order for mediation and reconciliation work to be completed.

Where it is deemed that a young person is in need of care as they are unable to return home, and no other family/friends are available to support, the young person should be discussed at the Hillingdon Access to Resource Panel to agree or ratify the decision to support the young person under s 20 of CA89. In emergency situations, where time does not permit this, a consultation with the relevant Assistant Director and social work team should be completed.

An All About Me form should be completed which fully reflects the young person's needs and lived experience in order for accommodation to be sought by Children's Social Care Brokerage Team. At the same time a service request form should be sent with authorisation by an Assistant Director.

The Children Act 1989 Guidance and Regulations: Volume 2: care planning, placement and case review provides guidance on the placement of looked after children and will therefore apply to young people who are accommodated under section 20 of the 1989 Act.

The types of placements include:

- Semi - independent accommodation with key work support
- Some residential setting
- Foster placement (if the young person is particularly vulnerable).

Hotel or Bed and Breakfast accommodation is never deemed appropriate as a form of accommodation for 16 and 17-year-old young people.

## **5.3 Outcome of the assessment**

The assessment will take into consideration the Southwark Judgement  
If the assessment finds that the child is “in need” and meets the criteria for requiring accommodation, the young person will be offered housing under S.20 of the Children Act 1989, subject to approval at the Hillingdon Access to Resources Panel.

[available at <https://www.familylawweek.co.uk/site.aspx?i=ed35569>]

The needs of the young person must be discussed and considered at the Hillingdon Access to Resources Panel to approve a planned accommodation for them. The Looked After Children (LAC) Procedures will then be followed, including Care Plans, Social Work Visits, LAC Reviews, and PEPs.

In situations where the assessment concludes that it is unnecessary to accommodate the young person under Section 20 because it is safe and in their best interests to remain at home in the care of their parents, services under section 17 of the Children Act 1989 should be considered. This includes scenarios where the child is no longer presenting as homeless, but family dynamics remain strained due to the recent crisis that required CSC assessment. The focus should be on preventing future homelessness, family breakdown, or strained relationships that might affect the young person now and post 18 years as an adult. When an assessment determines that a young person is in need or at risk, an allocated social worker will provide support through a child in need plan, which may include financial aid to enable the young person to live with a family member or another responsible adult within their network, along with other suitable support services.

If the assessment concludes that the young person is a “child in need” and meets the criteria for accommodation but declines s20 accommodation, children's services must ensure that the young person's decision is well-informed and made after considering all relevant information. Before finalising the assessment, consent to refer an advocate should be sought to help the young person make a fully informed decision. Details of appropriate agencies offering advice can be found in Appendix 3.

Every 16–17-year-old assessed as a child in need but who does not wish to be accommodated and is deemed capable should have a child in need plan detailing the services provided to meet their needs. This may include the provision of accommodation, but if a young person does not consent to becoming looked after, they must be informed that they would not be eligible for leaving care support later. Therefore, young people should be supported to understand the benefits and protections of becoming looked after.

If a young person later wishes to be accommodated, and it is determined they are still a “child in need” and meet the criteria for accommodation, they should again be offered accommodation as per section 2 above. In such cases, it may be appropriate to conduct another Child and Family assessment to determine the current needs of the young person.

If accommodation is offered and the young person unreasonably declines it or makes unreasonable demands of the local authority, legal advice should be sought from the London Borough of Hillingdon's Legal Services department.

## **6. Arrangements for assessment and planning for the needs of young people in custody.**

Hillingdon Youth Justice Service sits within Children's social care directorate. Young people who are known to the YJS and at risk of homelessness or facing homelessness upon release from custody should be referred to the Stronger Families Hub as soon as possible. This is to enable appropriate assessment and planning. Joint working between the assessment and support service and the youth justice service is well established and therefore planning for exiting custody should be made together. Where it is anticipated that a child is unable to return to the family home address upon exiting custody a Children and Family assessment would be undertaken by the allocated social worker as per section 7 below, including consideration of risks of re-offending.

### **6.1 Involvement of other agencies**

All agencies and professionals involved with the young person and the family, have a responsibility to contribute to the assessment process, with the consent of the young person / parent.

Referrals should be made to appropriate support service upon the identification of need. This may include targeted programmes, mediation, counselling, mentoring support and family group conferencing. Consideration should be given to ensuring that services are able to meet the needs of the individual young person, including cultural needs.

P3 Hillingdon Navigator Plus is contracted by LBH to provide advice and support to young people aged 13-25. Therefore, young people may access support and guidance from P3 in respect of the possibility that they may not be able to remain at home in the care of their parents/carers. In these instances, P3 will refer the young person to the SFH, as detailed earlier. The responsibility for assessment and accommodation remains with children's social care, however P3 may be able to continue to offer support and guidance to the young person during the assessment period and thereafter.

The allocated social worker should ensure that the referring agency and other involved professionals involved in the assessment are made aware of the outcome of the assessment.

## **7. Out of Hours/Emergency Referrals**

Where young people present as homeless outside of office hours, the priority must be the safety and well-being of the young person. The SFH out of hours service will work with the young person and family members to identify suitable

arrangements until the next working day. In circumstances that this is not a safe or viable option, and in agreement with the senior manager on call, suitable accommodation for the young person will be provided and reviewed the next working day. The young person will then be supported by the assessment service and a social worker allocated to advice, assess and assist the family.

## **8. Young people who seek assistance from children's services in another local authority area.**

### **8.1 Young people moving to Hillingdon**

Where a 16- or 17-year-old young person who was living in one local authority area and moves to Hillingdon and seeks assistance from children's social care, the duty to assess falls on the authority from which they seek assistance. Hillingdon CSC cannot refuse to consider the young person's immediate needs and expect them to return to the authority in the area presumed to be their "home" district/resident local authority. Support should be made available in the role of host authority until further liaison with the resident local authority is made and the best interests of the young person considered further.

### **8.2 Stronger Families Hub**

SFH should undertake enquiries with the young person to establish their connection with Hillingdon and their reasons for seeking help here rather than in their resident local authority. These enquiries may be able to establish whether it may be possible for the young person to return to the area where they may be presumed to have a stronger local connection. For example, it might be possible for the Children's Social Care in Hillingdon to negotiate with the young person's 'home' authority to assume responsibility for the assessment of the young person's needs, so that the young person is assessed in a familiar setting close to their family and friends with appropriate support services put in place.

### **8.3 Disputes**

In cases where disputes arise between Children's Services and Housing regarding case responsibility for a young person, it is essential that such disagreements do not delay the provision of immediate assistance to the young person. Both services must prioritise the young person's safety and welfare, ensuring that assessments and support services proceed without interruption while disputes are resolved. In the first instance, appointed managers from Housing and Children's Services will collaboratively review the issue, ensuring compliance with relevant protocols and laws. Resolution is expected within three working days. If unresolved, the matter is escalated to Service Leads, who will review the case in detail and aim to resolve it within five working days. Persistent disputes are referred to senior leaders (Head of Strategic Housing and Director for Safeguarding and Early Help) for collaborative resolution within five working days. If still unresolved, the issue escalates to the Director for

Housing and Communities and the Corporate Director for Children's Services. Legal services may be consulted to ensure statutory compliance. Each stage of the process must be fully documented, detailing the issue, actions taken, and the resolution to ensure accountability and provide a clear audit trail.

## Appendix 1: Statutory guidance

**Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/712467/Provision\\_of\\_accommodation\\_for\\_16\\_and\\_17\\_year olds who may be homeless.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year olds who may be homeless.pdf)

**Homelessness code of guidance for local authorities**

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-8-priority-need#para8-19>

**Hillingdon Children and Families Procedures Manual**

<https://hillingdonchildcare.proceduresonline.com/>

## **Appendix 2: Useful contacts**

**Stronger Families Hub**  
**01895 556006**

**Housing Service**  
**01895 556666**

## Appendix 3: Information, advice and advocacy for children and young people

### **Citizens Advice Hillingdon Advice Line**

<https://www.hillingdoncab.org.uk/get-advice/>

**0808 278 7893**

### **Shelter**

[england.shelter.org.uk](https://england.shelter.org.uk)

**Helpline: 0808 800 4444**

### **Young Minds**

[youngminds.org.uk](https://youngminds.org.uk)

**020 7089 5050**

### **Shout**

[giveusashout.org.uk](https://giveusashout.org.uk)

### **NSPCC**

[Nspcc.org.uk](https://nspcc.org.uk) Childline

[childline.org.uk](https://childline.org.uk)

**0800 11 11**

### **P3 navigator**

[navplus@p3charity.org](mailto:navplus@p3charity.org)

**01895 436114.**

<https://www.p3charity.org/services/hillingdon-drop-in-navigator>

### **Help at hand**

<https://www.childrenscommissioner.gov.uk/help-at-hand/>

**0800 528 0731**

[help.team@childrenscommissioner.gov.uk](mailto:help.team@childrenscommissioner.gov.uk)