

# Joint Protocol for prevention of homelessness and provision of accommodation for 16 and 17 year old young people

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## 1. Introduction

This joint protocol aims to ensure that, by working together, agencies will prevent youth homelessness and ensure that young people only enter care when it is in their best interests to do so and there are no safe alternatives available within the young person's family or friend's network. The protocol outlines the agreed roles and responsibilities for all parties involved in assessment and supporting homeless 16 and 17 year old young people.

This document offers guidance to Children's Services and the Local Authority's Housing Department regarding their duties under Part 3 of the Children's Act 1989 and Part 7 of the Housing Act 1996. It takes account of current case law including the judgement in the House of Lords, *R(G) v Southwark LBC, May 2009*, duties introduced through the Homelessness Reduction Act 2017 and subsequent government guidance issued in April 2018. All these documents emphasise the continuing duty of both Housing and Children's Services to collaborate in their duties to children and young people.

16 and 17 year olds who are homeless or threatened with homelessness are likely to be vulnerable and will often be at risk of harm in the absence of intervention. Safeguarding and promoting their welfare should be central to the service provision. If there is any concern that a child may be suffering, or likely to suffer, significant harm then local safeguarding procedures must be followed. The statutory guidance '*Working Together to Safeguard Children*' sets out what is expected of organisations to safeguard and promote the welfare of children.

## 2. Aims and Principles

The following principles guide the joint work between housing and children's services

- **SAFETY FIRST:** The safety and welfare of the young person comes above all other considerations
- **KEEP FAMILIES TOGETHER:** We believe 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. Where a young person has been provided with emergency accommodation prior to the completion of assessment, Children's Services will continue to work towards a return to the family home.
- **FOCUS ON ROOT CAUSES:** We will seek to prevent Young People from becoming homeless by working with the young person and their family to tackle the causes that are leading to the threat of homelessness
- **WORK QUICKLY** The threat of homelessness can affect a young person's self-esteem, confidence and identity. Our response must be quick and effective.

- **BE TRANSPARENT:** Staff will work in an open, honest and accountable way with young people and their families. Young people and families will be subject to the same expectations.
- **COLLABORATION:** Children's Services and Housing staff will collaborate and work together so that the young person and their family are not passed back and forward between services. Where disagreements occur they will be dealt with quickly and they will not be allowed to affect the service offered to the young person.

### 3. Legal framework

Under the Children's Act 2004, all agencies have a duty to cooperate to safeguard and promote the welfare of children and young people. To achieve this, all agencies will:

- share information, including assessments, in a timely manner and in line with agreements regarding confidentiality
- attend all meetings and reviews or provide written reports where attendance is not possible
- contribute to assessments where appropriate
- play an active role in monitoring the young people's progress against the aims set out in their plan
- maintain a reasonable level of inter-agency contact, particularly where the young person is in crisis
- consult with other agencies regarding any case decisions, especially decisions to end services or cease the looked after status.

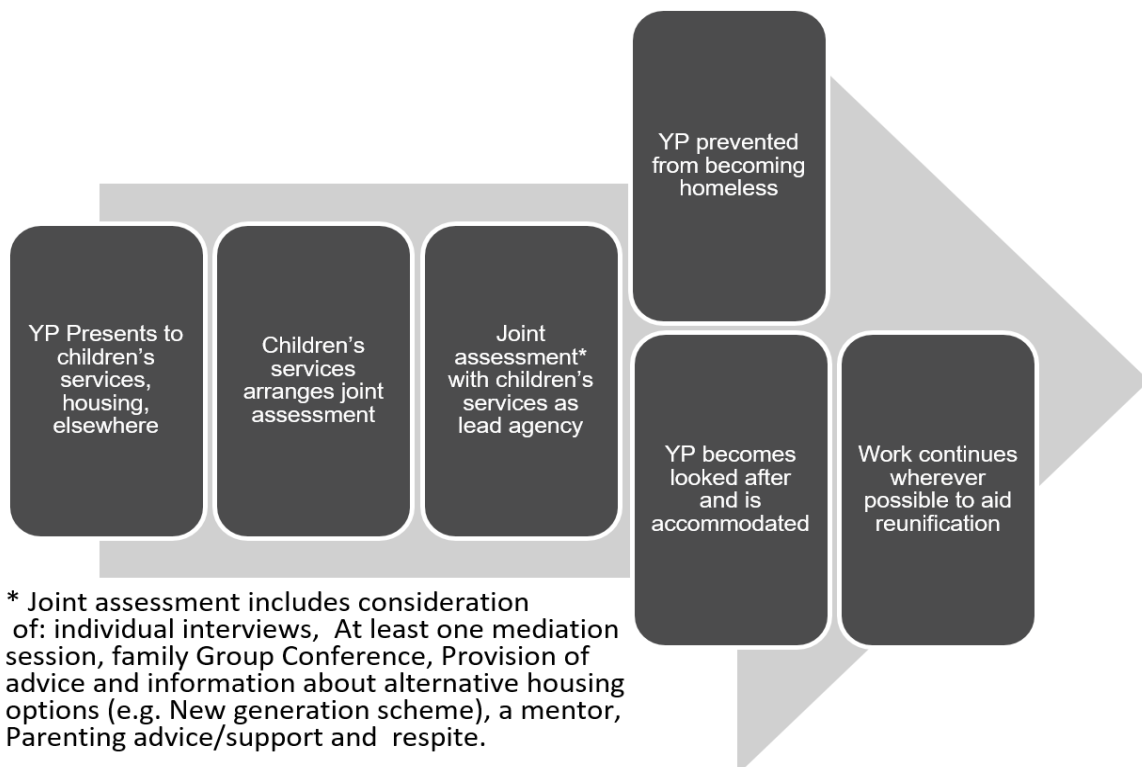
Under the statutory guidance on '*Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless or /or require accommodation* (April 2018)', both Children's Services and Housing Services have responsibilities towards young people who are homeless or at risk of homelessness.

Case law has clarified the relationship between the duty under s20 of the Children's Act 1989 and duties under Part 7 of the Housing Act 1996 in the case of 16 and 17 year old young people who require accommodation. 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 s20 of the 1989 Act, this takes precedence over the duties in the 1996 Act in providing for children in need who require accommodation. Where the specific duty is owed under s20 of the 1989 Act, a 16 or 17 year old should be accommodated under that provision rather than looking to the general duty owed to children in need and their families under section 17 of the 1989 Act.

Whilst the s20 Children's Act 1989 duty takes precedence, housing services also have duties towards young people who are homeless or threatened with homelessness. Duties owed by each service will depend on a range of factors, including which services young people initially seek help from, the outcome of any assessments and enquires, and the wishes and feelings of the young person and their family.

Children's Services and Housing Services have duties to meet the needs of these vulnerable young people:

- Children's Services have a duty to provide accommodation to young people aged 16 and 17 who are assessed as being in need and meet the criteria for accommodation under s20 of Children's Act 1989
- Housing Services owe a duty to young people aged 16 and 17 who are eligible and homeless and in priority need under Part 7 of the Housing Act 1996.



#### 4. Supporting Families to Stay Together

It will be in the best interest of most young people to live in their family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends' network. When a 16 or 17 year old young person is seeking support because they are homeless or threatened with homelessness, housing services and children's services responses should explicitly recognise this and work pro-actively with young people and their families to identify and resolve the issues which have led to the homelessness crisis.

It may be possible to prevent a 16 or 17 year old young person from having to leave home at all, or it may take much longer to work through significant family tensions and problems. It is therefore important that the work is designed to enable the family focus to begin on day one and continue throughout the assessment process, and where

necessary, the provision of accommodation. Joint working between children's services and housing will support this process.

Preventative work is crucial in ensuring a reduction in youth homelessness and every effort should be made to avoid, if safe to do so, a young person becoming looked after. This work may be undertaken under both section 17 of the Children's Act 1989 and section 195 of the Housing Act 1996.

- whenever a young person presents as homeless or at risk of homelessness Children's Services will initially work with the young person and their family to help them address and resolve the issues that are leading to conflict and enable the young person to remain living at home
- all young people presenting as homeless or at risk of homelessness will be offered mediation services, unless otherwise agreed this will be facilitated by an officer in the Homelessness Prevention team to help them and their parents improve and repair relationships and enable young people to remain at home
- where assessment shows the young person to be in need, Children's Services will provide support under s17 (Children's Act 1989) to meet the needs of young people and help them remain living with their families
- where it may not be possible for the young person to remain at home, Children's Services will help families explore alternative care for the young person within their extended family and friends' network using the Family Group Conference process to facilitate this. These arrangements can be supported under s17 (Children's Act 1989)
- where it may be possible that no Children's Services duty may be owed, the Housing Service will provide advice and guidance on legislation and options.

## **5. The referral pathway**

All referrals for young people who are homeless or at risk of homelessness should be sent to Children's Services in the first instance, as Children's Services are the lead agency under the statutory guidance. Where a young person presents to Housing Services, they should be referred on to Children's Services for a joint assessment. Often young people will refer themselves, alternatively other agencies may wish to refer young people. See below pathway:

### **5.1 Criteria for referral**

Agencies should make a referral to Children's Services where:

- the young person has already left or been excluded from the family home
- the home environment is not safe for the young person and places them at risk of harm

- the young person's behaviour is putting them or others at risk and parents are unable to manage their behaviour
- the young person is particularly vulnerable to poor outcomes if they remain at home
- the young person and their family will require services and support from Children's Services to enable them to remain at home or to live with another family member

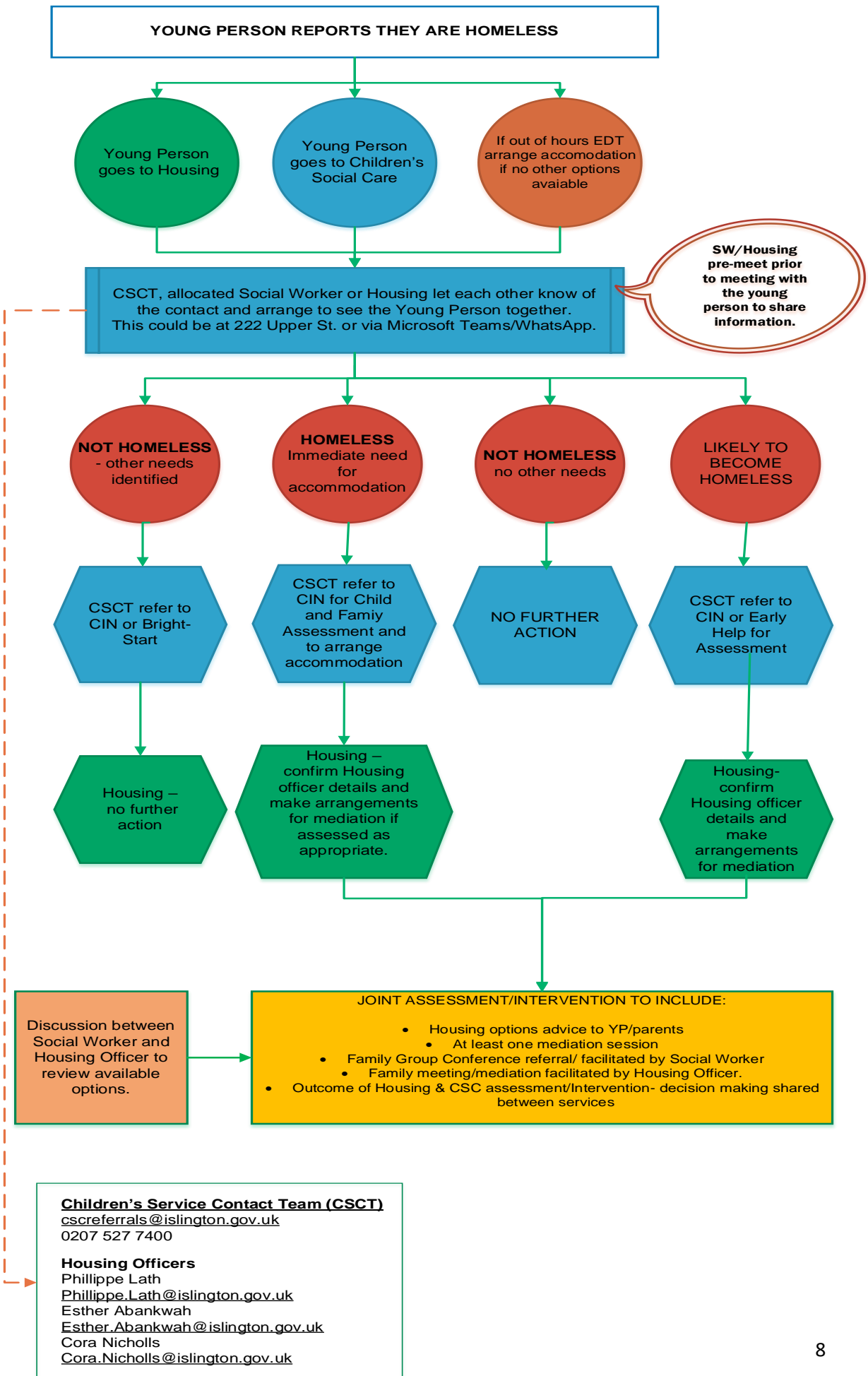
## 5.2 Making referrals to Children's Services

All referrals to Children's Services must be made to the Children's Services Contact Team (CSCT) using the request for service form. Young people may also refer themselves by contacting the CSCT. The CSCT Duty Manager will make a decision on the referral within 1 working day and referrers will be notified of the outcome.

Cases where there is no imminent threat of homelessness and the young person is likely to remain living at home may be referred to an Early Help Service or to a mediation service, including Family Group Conference or meeting.

Cases where the young person is homeless or at risk of homelessness because of conflict with their parents/carers will be referred to the relevant children in need team for assessment and mediation, including a Family Group Conference/ family meeting **contact will be made with the housing officer to organise a joint assessment**

The Housing Service has a duty to refer any young person aged 16 or 17 who presents as homeless or threatened with homelessness into Children's Services immediately for a joint assessment and a decision on whether a duty is owed under s20 of the Children's Act 1989. Housing workers should contact the Children's Services Contact Team to discuss the case in the first instance advising who the housing officer will be to undertake the joint assessment.



## 6. Assessment

All 16 and 17 year old young people presenting as homeless or at risk of homelessness will be jointly assessed by Children's Services and the Housing Department at the point of presentation. The welfare of the child is paramount and a 16 or 17-year-old young person must not be placed at risk whilst waiting for the completion of an assessment.

Children's Services are the lead agency, the initial joint contact will establish the young person's needs, their eligibility for services including whether they meet the threshold to be provided with accommodation and make a recommendation on the most appropriate services and interventions to meet their needs.

The most crucial issues to be determined in the first instance will be whether the young person is actually homeless, if the young person is a child in need (s17) and/or is suffering, or likely to suffer, significant harm (s47) and/or if the young person requires emergency accommodation. All efforts to enable them to stay with extended family or friends whilst carrying out an assessment must be exhausted and evidenced. If this is the case, Children's Services must accommodate them immediately.

The wishes and feelings of the young person needs to be clearly established at the beginning of the assessment period and continually reviewed throughout the assessment process as their understanding of what becoming Looked After entails.

A placement will only be agreed for the duration of the assessment in the first instance and young people need to be made aware that the placement is temporary and their permanent placement will depend on the outcome of the assessment.

It is important to maintain contact with the adults who retain parental responsibility for the young person and with any other family members in the young person's network. Undertaking an assessment will involve interviewing the child and family members, and generally it will be expected to be necessary to visit the family home and other accommodation where the young person has been living.

The period during which the assessment is carried out is an important one. For young people who are out of their family home this is the best opportunity to negotiate a safe return home and to address the issues, which have led to the threat of homelessness.

It is expected that the assessment process will be led by the social worker and will be in regular communication with the housing officer to bring them in as appropriate in the assessment process which will comprise:

- **Individual interviews** with the young person and his/her family members to ascertain their wishes and feelings and to assess what weight to give them. This process needs to be carefully recorded.

- **Home visits** to assess the family home and where the young person has been living and whether this is suitable and meets their needs;
- **At least one mediation session** with the family to work out what needs to happen for the young person to return home. One possibility could be negotiating a written agreement between the young person and the family to address the behaviour, which has led to conflict and the threat of homelessness.
- **Family Group Conference /family meeting** -involving the wider family should be arranged to explore whether there are any family members who may be able to offer the young person a home, or offer respite, support for the family and the young person to enable (s)he to remain living in the family unit. This arrangement could be supported by s17 payments i.e. to fund setting up arrangements. This may be a formal family group conference, or a family meeting.
- **Provision of advice and information** about alternative housing options to the family and the young person. i.e. through the New Generations housing scheme need to be explained carefully
- **Mentor** could be considered for the young person as an independent source of advice and support. The social worker should assist in facilitating this.
- **Parenting advice/support.** Is there a need for some wider support for the parents? Parenting troubled, or troubling adolescents can be very challenging, there may be need for some specialist parenting support for the family. This would be particularly important if there are younger siblings who may encounter similar problems, as they get older.
- **Time out away** Would a period of “time out” help diffuse the crisis. This may be with family or friends.

There may be other sources of support for the family and all community and targeted support should be considered.

The assessment should cover all the usual dimensions of the young person's life in the same way as all assessments. In addition, the assessment should explicitly answer the following :

#### Is the applicant a child?

The young person must be under 18 years. You may need to check passport, birth certificate, immigration documents, health or school records to confirm the young person's age

#### Is the applicant a Child in Need?

A 16 or 17 year old is deemed a Child in Need under section 17(10) of the Children Act 1989 if:

- He/she is unlikely to achieve or maintain a reasonable standard of health and development, unless the local authority provides services
- His/her health and development is likely to be significantly impaired, unless the local authority provides services
- He/she is disabled

Nearly all young people who are genuinely homeless are 'children in need', this includes young people excluded from their home who are sofa surfing, sleeping in cars or surviving on the streets.

Many homeless assessments hinge on whether the young person does have a home that they can *reasonably* access. If a young person is able to return home or live with a relative, but chooses not to then a careful assessment needs to be made about whether it is reasonable for the young person to refuse. Clearly if the young person was afraid to go home (and there was evidence to support this) it would be unreasonable to expect them to do so. On the other hand if the young person was merely fed up with the house rules at home, then it could well be deemed that they are not homeless, and therefore may not be a child in need. This is an area which needs careful exploration of the facts to establish whether the young person is a Child in Need as a result of homelessness.

#### Is the applicant in the Local Authority's area?

If the young person presents in Islington then the ultimate responsibility for assessment rests with Islington. However, if the young person has links elsewhere or has only just come to the borough, the originating Local Authority should be contacted and request that they carry out the assessment. In the absence of any other LA doing the assessment, Islington must undertake it.

#### Does s/he appear to the LA to require accommodation?

The assessment should distinguish between young people who need 'help with accommodation' and young people who need 'accommodation'. A young person who has a home to go to but who needs help getting there or making it habitable or safe is deemed to require 'help with accommodation'.

#### Is the need for accommodation the result of:

- a) there being no person with parental responsibility for him/her, or because:
- b) s/he is lost or abandoned, or because:
- c) the person who has been caring for him/her is prevented, for whatever reason, from providing suitable accommodation or care;

If the young person requires accommodation, and it is for one of the above 3 reasons, then the Local Authority has a duty under section 20(1) to provide them with accommodation. A young person who refuses to go home without a good reason would not meet the criteria for s20 as they would not be deemed to be homeless.

Even if the young person is not homeless, does the Local Authority consider that his/her welfare is likely to be seriously prejudiced if they do not provide him with accommodation?

A young person who requests accommodation because they feel unsafe or are neglected at home even though they may in theory be able to return there, should be assessed against this criteria. If met, the young person must be provided with accommodation under s20(3).

Does the young person agree to the provision of s20 accommodation?

This is a very important aspect of the assessment. The young person's wishes and feelings need to be ascertained and the social worker will need to give due consideration (having regard to age and understanding) to those wishes and feelings. The implications of becoming looked after, both positive and negative need to be carefully explained to the young person. The young person also needs to be made clearly aware of the expectation on them if they are looked after e.g. staying at their placement provided and abiding by the placements living rules, be available to meet with their SW.

A Local Authority cannot force a competent 16 or 17 year old to accept s20 accommodation, even when the outcome of the assessment indicates this is the preferable option. The social worker will need to evidence they have clearly explained the difference between S17 support and S20 accommodation. They will also be required to link the young person with an independent advocate to ensure this discussion is confirmed independently of the Local Authority. The young person will be required to sign a document that this has been discussed with them and they decline S20 accommodation which should also be signed by the advocate.

If the young person wants accommodation but does not want to become looked after and they are assessed as competent to make that decision, then, as long as the assessment is thorough, and is properly recorded, then this will be sufficient. It would be open to the LA to assist the young person via s17 or via Housing legislation as an alternative.

## **7. Timescales**

For many young people the threat of homelessness comes in the form of a crisis. Timely interventions in a crisis is recognised as a good way of achieving change, therefore it is important that the assessment and the accompanying interventions happen with pace and momentum.

For young people who have become looked after due to homelessness, it is very important that the situation is not allowed to stagnate. Any accommodation should be offered pending the completion of the assessment, and it is important that the assessment is carried out with pace and purpose.

Where particular needs are identified at any stage of the assessment, social workers should not wait until the assessment reaches a conclusion before commissioning or providing services to support the young person and their family

The maximum timeframe for a statutory assessment to conclude should be no longer than 45 working days from the point of referral. Therefore at 30 days where the assessment is nearing completion the SW should present the case and their thinking in relation to whether the young person should become looked after to the ACRP panel. This will enable senior management oversight and challenge to ensure all avenues have been explored. The assessment should be presented in draft not finalised and have been quality assured by the manager.

For young people who become looked after post 16, once they have been looked after for 13 weeks they acquire the full range of Leaving Care rights. Clearly for those who need to be in care and who, in turn, will benefit from further support post 18, this is entirely appropriate. However where it is considered that the young person can safely return to the family home it is therefore important that any return home is achieved.

## **8. Young people's views, wishes and feelings**

When working with young people, it is important that their views, wishes and feelings are sought and taken into account and that this is an ongoing process through mediation, assessment and beyond.

It is essential that the young person is fully consulted about and understands the implications of being accommodated by Children's Services and becoming looked after. The social worker leading the assessment must provide realistic and full information about the package of support that the young person can expect as a looked after child and, how being accommodated may affect their benefit entitlement, and subsequently, as a 'former relevant' care leaver (as defined in section 23C(1) of 1989 Act), If they are not looked after for the prescribed period, the young person leaving care would be a 'person qualifying for advice and assistance' as set out in s24 of the 1989 Act.

Children's Services should also ensure that the young person receives accurate information about what assistance may be available to them if they do not become looked after, including from housing services under Part 7 of the 1996 Act. In particular, the considerations a young person needs to be made aware of are:

- a) Duties on housing services to undertake an assessment, develop a personalised housing plan and to take steps to help the applicant retain or secure accommodation (sections 195 and section 189B of the 1996 Act)
- b) The requirement on the applicant to cooperate and for applicants to take steps themselves as set out in the personalised plan (section 193B and section 193C of the 1996 Act)

- c) The 'accommodation offer' under the relief duty – suitable accommodation which has a reasonable prospect of being available for occupation for at least 6 months (section 189B and section 195 of the 1996 Act),
- d) The implications on turning down offers of accommodation that are suitable (section 193A of the 1996 Act)
- e) The possible risk of being found or becoming homeless intentionally in the future (section 191 of the 1996 Act)
- f) Their right to request a review of decisions (section 202 of the 1996 Act).

The steps taken to ensure that the young person was properly informed must be clearly recorded in the case file.

Young people, should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages and coming to a balanced decision and understanding and navigating the housing system.

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

- has been provided with all relevant information and have been referred to an independent advocate
- is competent to make such decision and
- that they do not need to take additional safeguarding action

A child in need plan needs to be considered for every young person who refused accommodation under s20, setting out the services that will be provided to meet their needs.

## **9. Access to Care and Resource Panel (ACRP)**

Islington's Access to Care and Resources Panel is a multi-disciplinary meeting attended by Service Managers representatives from Safeguarding and Family Support, Senior Clinicians from the Enhanced Team and the Virtual School Head or Deputy Head. The Panel takes place weekly and is chaired by the Director for Safeguarding and Family Support and the Head of Service for Safeguarding and Quality Assurance.

The Panel is the ultimate decision making body as to whether a child should become looked after. The panel will ensure that this decision for a child to become looked after is critically and robustly reviewed. This includes ensuring all options have been explored to support the child or young people to stay at home and all alternative care arrangements for a child to live with family and/ or friends have been considered. The Panel will need to understand the young people's lived experience, the effectiveness of the intervention and proposed provision of a looked after service and will seek to scrutinise the department's assessment of this in a trauma informed way. Please also see ACRP Policy if you are presenting a case to this panel.

## **10. Young people who refuse s20**

There will be some 16 and 17 year olds who require accommodation and fulfil the criteria under s20 of the Children Act 1989 but who do not wish to be looked after. This is their right, but it is very important that the young person understands fully the consequences of their decision. If the refusal to become looked after gives rise to safeguarding concerns or if there is concern about the young person's ability to make such a decision, the social worker must consult with their line manager to consider whether there are grounds for child protection actions.

It is good practice for the young person to have access to independent advice in making the decision whether to become looked after.

It is very important that the information given to the young person and the decision making process is clearly documented in the assessment and case notes. The young person should be asked to confirm in writing their decision and do so with an independent advocate if possible.

Young people who are homeless but who refuse to agree to being looked after under s20 should be referred back to the Housing department who will make an assessment as to whether a duty is owed to the young person under the Housing Act 1996. They will however remain entitled to S17 support if this was determined within the Child and Family Assessment.

## **11. Young people aged 16 or 17 year olds who cease to be looked after**

As the duty to provide accommodation under s20 only applies when the young person is homeless, any young person who is accommodated under s20 who successfully returns home or who subsequently does not appear to require accommodation, can be discharged from care.

It must be made clear to the young people at the placement planning meeting that any overnight stays must be agreed in advance with the social worker and the key workers. Young people would be expected to make use of the placement for a minimum of 5/7 nights a week. If there is clear evidence that the young person is consistently returning home for long periods of time, including overnight, this will be notified to the social worker. This will be monitored and use of accommodation and support services will be informing the child and family assessment and final recommendation. If the young person does not make use of the placement within 24 hours of this being available then the matter should be presented to relevant Service Manager as this young person may not be looked after.

*Where the young person has been looked after for more than 20 days, The Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013, Reg 39ZA state that in any case where young person is aged 16 or 17 and is not in the care of the responsible authority, the decision to cease looking after the young person must not be put into effect until it has been approved by the responsible authority's director of children's services.*

## **12. Financial support and access to benefits**

Children's Service have a duty to support looked after children and young people financially up to the age of 18, and young people who are looked after under s20 will not be able to claim benefits. Young people who are registered disabled or have children may be able to claim some benefits and social worker will need to support and advise young people of this. Islington will also make savings for all children and young people looked after.

When a looked after young person is 18 years old, they will be eligible to claim benefits and their personal advisor in the Independent Futures team should help in making their claim.

Young people aged 16-18 who are not subject to s20 but who are living separately from their parents having been placed there by the homeless service will be able to claim income support or job-seekers allowance and will need to apply for housing benefit to pay for their accommodation. Following contact, the social worker and the housing officer will support the young person, where necessary, to apply for benefits the practitioner may need to consult with the Income Maximisation (IMAX) Team. The social worker can provide a letter stating that the young person is living independently, is estranged from their parents and will not be accommodated under s20 of the Children's Act 1989. Until these benefits are in place, payments will be made by Childrens Social Care at the equivalent rate to s20 payments.

## **13. Leaving care**

Young people who are accommodated under s20 at ages of 16 and 17 years old will qualify for looked after services until they are 18 years old. However, if they qualify as an eligible or relevant child (aged 16 or 17 year old who has been looked after by the local authority for more than 13 weeks between 14 and 17 years old), or former relevant child, they will normally be entitled to a full leaving care service up to the age of 21 (or 25 if they request continuing support).

Young people will cease to be entitled to a leaving care service if they have returned to live with their parent or someone with parental responsibility or residence order/child arrangement order for a continuous period of at least 6 months.

Young people who are looked after for less than 13 weeks prior to their 18<sup>th</sup> birthday will not be entitled to a leaving care service however, they may be eligible for advice and support around their education, training and employment.

## **14. Young people in specific circumstances**

### **14.1 Young people who are parents**

By the age of 16 or 17 most young people are forming relationships and a young person may have additional needs in that they may be pregnant or have a child. Assessment, support and accommodation should take into account young people's relationships as well as any dependent children and support them to build a positive family life.

If the young person is a parent and is to be accommodated under s20 of the 1989 Act, consideration should be given to the needs of the family but it will not automatically follow that the child will become looked after. If the young person is pregnant, a pre-birth assessment should be considered. If there are substantial safeguarding concerns about the parent's ability to parent her child/unborn child, it may be that a recommendation for a parent and baby unit could be considered.

Assessments must take into account the family's rights to family life under the Human Rights Act, as well as the separate needs of the child/unborn child. This may involve making arrangements for the young person to be accommodated in a situation where they can live with their partner/the baby's father.

When working with young parents and expectant mothers, social workers must ensure that the accommodation provided meets the identified needs, the professional network is fully involved in planning for the young person and their child and that the young person can access their full entitlement to benefits and maternity grants.

### **14.2 Homelessness arising out of hours**

The Housing authority has a similar duty to assess the young people's homelessness application however, even if the young person is found to be homeless, the Housing authority undertaking the assessment can refer the young person back to the 'home' housing authority on the grounds that there is a local connection.

The first point of contact for all 16 or 17 year old young people at risk of homelessness out of hours is the Children's Services Emergency Duty Team (EDT). Referrals should be made using the agreed referral procedures. Where a young person is thought to be homeless the following actions will be taken:

- Emergency duty social worker will carry out an interview with the young person and seek alternative safe options such as return home or family friends
- When a young person is considered to be vulnerable and a s20 placement is needed following assessments, the emergency duty team social worker will

contact the senior manager for Children's Services on call for discussion and authorisation to facilitate Temporary Accommodation for the Young Person.

#### 14.3 Young people who present as homeless as they approach 18 years of age

- Young people who present as homeless as they approach 18 years of age should receive a joint assessment of their options and choices to ensure no further risk of homelessness for the young person at the age of 18.
- The Homelessness Code of Guidance identifies that there will be circumstances when Housing Services will have duties towards a homeless 16 and 17 year old, including when the young person, having been fully informed of the implications, and being judged to have capacity to make that decision, declines to become looked after under the Children Act and instead applies for assistance under homelessness legislation.
- By definition these young people are nearing adulthood and may demonstrate an ability to live independently.
- In such cases Children's services and Housing Services will work together to ensure the young person is supported in making a homeless application.

### 15. Homeless application

Applications can be made by the person who is homeless or threatened with homelessness, or by someone on their behalf. This could be someone acting in a professional capacity, for example a solicitor, adviser or social worker.

Applications do not need to be in writing, nor in any other particular form. As long as an applicant who may be homeless or threatened with homelessness makes it clear that they are seeking accommodation or assistance in retaining or obtaining accommodation, this constitutes a homelessness application.

#### **Prevention Duty**

Where the local authority is satisfied that the applicant is threatened with homelessness and eligible for assistance, it owes the applicant the prevention duty. This requires the local authority to work with the applicant to help prevent them becoming homeless.

The prevention duty applies even if the applicant does not have a local connection to the authority's area. The local authority has a duty to assess and produce a Personalised Housing Plan. This should inform all action taken under the prevention duty.

If the applicant becomes homeless, the authority should then make inquiries into whether the relief duty is owed.

### **Provision of temporary accommodation**

The authority has a duty to provide interim (also known as emergency) accommodation if, at any point during enquiries, there is a reason to believe that an applicant may be:

- homeless
- eligible for assistance, and
- in priority need

### **Relief duty**

The relief duty applies when a local authority is satisfied that an applicant is homeless and eligible for assistance.

The relief duty requires an authority to ‘take reasonable steps to help the applicant secure that suitable accommodation becomes available for the applicant’s occupation for at least six months.’ This requires the local authority to work with the applicant to help them find and keep accommodation.

There is a duty to assess and produce a Personalised Housing Plan which should inform all action taken under the relief duty.

If the local authority has a reason to believe that the applicant may have a priority need, the interim accommodation duty applies and runs concurrently with the relief duty.

### **Main duty**

Where the relief duty has ended, in most cases the local authority is subject to the main housing duty where it is satisfied that the applicant is:

- homeless
- eligible for assistance
- in priority need
- not intentionally homeless

The duty is owed by the authority to which the application was made unless the application meets the conditions for a local connection referral to another local authority.

The main duty means that the authority has to secure temporary accommodation for the applicant until the duty has ended.

### **What is the Duty to refer within the context of the Homeless Reduction Act?**

Certain public authorities must notify local authorities that a person who has engaged with them might be homeless or at risk of homelessness. This includes **Childrens Social Care**.

A public authority has a duty to refer if it is exercising its functions in relation to the service user/ young person and either:

- it considers the service user to be homeless or threatened with homelessness
- the service user discloses they are homeless or at risk of homelessness

A referral must be made if the service user:

- agrees to the referral
- specifies the local authority they wish to be referred to
- agrees that their contact details can be given to the local authority

Upon receipt of consent from the young person, a person being referred has the right to choose which English local housing authority they want to be referred to. If the person is homeless but has no local connection, the local authority can refer them to another local authority where they do have a local connection. A local connection referral cannot be made to an area where the person would be at risk of violence or abuse.

### **How to make a referral?**

In Islington, a referral can be made by the completion of an online form. This can be found by clicking on the link [here](#).

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Children's Services may:

- Support with accommodation
- Provide other support by buying the items needed directly or, in exceptional circumstances, by providing cash, to the extent the young persons welfare and education needs require it
- Provide a grant to pay for expenses related to education, training and work needs up to the age of 25
- Contribute to living expenses related to the young persons education and training, up to the age of 25.

## **16. Resolving disputes**

The aim of this protocol is to encourage discussions to be taken jointly and to ensure that the needs of young people are addressed by the most appropriate agency within the framework of legislation and good practice.

Every attempt should be made to resolve disputes locally and directly between staff. Should this not be possible, then the matter should be escalated in accordance with the Islington Safeguarding Children Board escalation procedures.