



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

**Family and Children's Services**

**Provision of Accommodation for 16  
and 17 Year Olds who are Homeless or  
Threatened with Homelessness – Good  
Practice Guidance**

## Purpose

The purpose of this document is to provide guidance for Social Workers when assessing 16 and 17 year olds who present as homeless. This should be used in conjunction with the flow chart and the guidance issued jointly in 2018 by the Ministry of Housing, Communities and Local Government (MHCLG) and the Department for Education (DFE) – *Prevention of Homelessness and Provision of Accommodation for 16 and 17-year-old young people who may be homeless and/or require accommodation*”.

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

Please note the joint guidance was first published in April 2010 following a number of judgements handed down by the House of Lords in cases concerning the interrelationship between the duty under section 20 of the Children Act 1989 and duties under Part 7 of the Housing Act 1996 where young people aged 16 or 17 require accommodation. The guidance has been amended to reflect new duties introduced through the Homelessness Reduction Act 2017 and to incorporate other relevant updates.

## The Southwark Judgement

Children’s services and housing services owe young people duties set out in different pieces of legislation. The Southwark judgement clarified that the duties set out in the relevant section of the Children Act take precedence over those in the Housing Act in the case of 16 and 17 year olds who require accommodation.

National guidance is clear that children’s services and housing services must work together to plan and provide services that are centred on young people and their families, and prevent young people from being passed back and forth between services.

## Stage 1: Referral

- Ensure that you have a copy of the checklist (see Appendix 1) to refer to, to help make sure that all the relevant tasks and checks are completed.
- At the point of a Young Person (YP) presenting as homeless it is important that a full picture of their circumstances is gained. This includes gathering details of all family members, including both parents, *anyone who has parental responsibility (PR)*, as well as the details of health, education and any additional services such as YOT/mental health/substance misuse services.

- The YP must provide written consent to undertake checks with parents/carers and professional network. If consent is not provided, the referral cannot be progressed.
- Parents/carers should be contacted to gain their views regarding the circumstances regarding the YP becoming homeless.
- Checks with the professional network should be undertaken to gather a picture of the YP's history and day to day lived experience. FCS background checks should also be undertaken.
- Prior to any assessment being agreed, a referral should be made to Family Therapy or Families Forward, in order for mediation work, in appropriate cases, between the young person and their carer to take place as soon as possible. This is to try to achieve reunification on day one at the time of presenting as homeless and should continue throughout the process of assessment. Appropriate efforts should be made to help identify any alternative family members or friends (if safe and appropriate to do so) who may be able to provide the YP with accommodation. This is a requirement of the family and YP in order for any further assessment to be progressed.
- It should be made clear to the young person and their carers, that they **do not have an automatic right to their own accommodation**. It should be clearly set out that a full assessment of the YP's needs has to take place, prior to any decision being made regarding their future housing and care arrangements.
- The YP needs to be aware that the aim of the assessment is to look at their housing and social needs, but also to determine their legal status i.e., Section 17 or Section 20. The different possible outcomes of the assessment should be made clear to the YP.
- If it is agreed that an assessment is required, a clear timescale of 30 days should be set with the family.
- Social Workers will be encouraged to seek financial support from the young person's carers, or if this is not possible, provide food vouchers/travel cards instead of cash payments.
- When an assessment is commenced the Head of Service should be notified.
- If the YP is unable to remain at home, or with a family member or friend whilst an assessment is undertaken emergency accommodation must be provided. Accommodation must be suitable and appropriate – **hotels should never be used**. In the first instance this should be explored with the young person's representative from the Single Homeless team whether the assessment bed at Burton White House is available.
- If Burton White House is not available, contact fostering and explore whether a 72-hour PACT foster placement, to allow a further period to undertake reunification work or identify alternative accommodation within the YP's network.

## Stage 2: Assessment

- The assessment of the YP's needs should take into account their individual needs, parenting capacity and family and environmental factors as set out in the Framework for the Assessment of Children in Need and their Families. What will happen to the YP's health and development without services being provided or secured by children's services and the likely effect of the provision of services will have on the young person's health and development
- **At least** one home visit to the family home should be undertaken. This is to assess the family living environment – does the YP still have a bedroom? If parents are separated, ensure that **both** homes are visited.
- Throughout the assessment period, it is important that there is regular and ongoing communication with the YP, family and Evolve if an assessment bed at BWH is used, to be aware of any changes that might occur during this period.
- There should be ongoing input from Family Therapy or Families Forward throughout the assessment period.
- Particular attention should be given within the assessment to the following questions:

### Southwark judgment checklist

1. Is the applicant a child?
2. Is the applicant a child in need?
3. Is the child within the Local Authority's area?
4. Do they appear to the Local Authority to require accommodation?
5. Is that the result of a) there being no person who has PR b) his being lost or abandoned c) the person who has been caring for him is prevented from providing them with suitable accommodation or care
6. What are the child's wishes and feelings regarding the provision of accommodation?
7. What consideration (having regard to their age and understanding) is duly to be given to those wishes?
8. Does any person with PR who is willing to provide accommodation for him object to the Local Authority's intervention?
9. If there is any objection does the person named in a Child Arrangements Order as a person with whom the child is to live agree to the child being looked after by the Local Authority?

### Supplementary questions to consider

1. What is the reason for homelessness?
2. How long has the YP been homeless?
3. How has the YP been managing to support themselves in the time that they have been homeless?
4. From the perspective of the YP/carers/family members, what would need to change in order for the young person to remain at home?
5. If the YP was to go home, what support would the family need to manage the YP remaining at home?

6. What support has been put in place previously to support the YP? What did/did not work well?
  7. Have there been any times when the YP's placement at home has been stable? Why did this work well?
  8. When there have been difficulties previously, what has helped resolve these difficulties? Who/what has helped with this?
  9. What are the YP/carers goals for the future? Where do they see themselves in 3 months, 6 months, 1 year?
  10. Does the YP person have any other issues in relation to SYV, CSE, mental health, substance misuse, learning needs.
- The assessment should give a clear recommendation regarding whether the children's needs can continue to be met by a parent/ carer with PR, and on this basis their **legal status** should be determined:

Legal Status	Criteria
<b>Section 17</b>	<p><u>Children in need are defined in Section 17(10) of the Children Act 1989 as:</u></p> <p>Those who are unlikely to achieve or maintain a reasonable standard of health and development, unless the local authority (that is Children Social Care) provides services;</p> <p>Those whose health and development is likely to be significantly impaired, unless the local authority provides services;</p> <p>Disabled children; and the provision of services under this section does not include accommodation.</p>
<b>Section 20</b>	<p><u>Section 20(1) of the Children Act 1989, requires that every local authority shall provide for any Child in Need within their area who appears to them to require accommodation if:</u></p> <p>There is no person who has Parental Responsibility</p> <p>The child is lost or has been abandoned</p> <p>The person who is caring for the child being prevented from providing the child with suitable accommodation or care.</p> <p>S20(3) Every Local Authority shall provide accommodation for any child in need within their area who has reached the age of 16 and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation</p> <p>S20(4) A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with</p>

	<p>accommodation) if they consider that to do so would safeguard or promote the child's welfare</p> <p>S20(5) A Local Authority may provide accommodation for any person who has reached the age of 16 but is under 21 in any community home which takes children who have reached the age of 16 if they consider that to do so would safeguard or promote his welfare</p>
<p><b>EXCEPTIONS:</b></p> <p>a) If the child is not in the Local Authority's judgement a child assessed to be "in need" as under Section 17 or Section 20. This may be because they had been living independently for some time prior to their homelessness. NB: In nearly all cases a child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the child's welfare, that the child will be a Child in Need.</p> <p>b) Those who explicitly did not want to be accommodated under Section 20. Young people must be judged to be competent to make such a decision and have had the benefit of advice about the consequences of making</p>	

- The assessment should give a clear recommendation regarding whether the YP requires accommodation.
- The Social Worker should also within their assessment make recommendations regarding what support might benefit the YP moving forward. This is to support with any needs that may be identified relating to family relationships, education, health, mental health, substance misuse, domestic violence, CSE, SYV etc.
- The SW should demonstrate within their analysis that there has been consideration to all possible outcomes before making their recommendations, stating clearly whether they have met the criteria for accommodation via housing legislation and Section 17 or Section 20.
- The Social Worker should discuss their recommendations with their Line Manager. If the recommendation is for the YP to become LAC, this will need to be discussed with the Head of Service before the assessment is signed off.

### Stage 3: Next Steps

- The outcome of the assessment should be discussed with the YP and their carers.
- If the recommendation is Section 20 – a referral to SIARG will be required in order to identify appropriate accommodation. The Care Plan should consider a plan to work towards the YP returning home to parents/carers/wider family or towards independence if it is clear that the YP will be unable to return home.

- If the recommendation is Section 17 and the YP remains or returns home – develop a robust plan of support with YP and family, considering what work is required to prevent a further breakdown of a family placement in the future.
- If the recommendation is Section 17 and accommodation is required, complete the SHT form and authorisation with the young person and notify the young person's representative in the Single Homeless Team so they can explore accommodation options. Ensure that the YP is supported to apply for benefits as soon as possible.
- A young person may state that they do not wish to be accommodated. The difference between LAC and s17 must be clearly explained and document that this has been explained and they have declined to be looked after.