



# Joint protocol for the prevention of homelessness of 16- and 17-year-old young people between Housing and Children's Services

August 2023

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## **1. Purpose and Scope**

- 1.1.** The London Borough of Hammersmith and Fulham (H&F) recognises that 16- and 17-year-olds who are at risk of homelessness are likely to be vulnerable and in need of services. Professionals across Housing and Children's Social Care have a duty to act early and collaboratively to promote their welfare.
- 1.2.** H&F aims to ensure that, by working together, agencies provide an effective service response to young people who present to the Council as homeless or threatened with homelessness and ensure that young people only enter care when it is in their best interests to do so and when there are no safe alternatives available within the young person's friends or family network.

## **2. Key Principles**

- The safety and welfare of the young person is paramount.
- We believe it is best for 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. We will try our best to work with and support the young person and their family to enable this.
- We understand that the threat of homelessness can affect a young person's self-esteem, confidence, and identity. It is important that H&F's response to young people who are at risk of homelessness is quick and effective working across all agencies to assess and meet the needs of 16- and 17-year-old young people in line with government guidance and legislation and sharing information effectively.
- Social Care and Housing staff will collaborate to deliver an integrated service response to the young person in the best interests of the young person.
- Young people who present as homeless will have their needs assessed thoroughly.
- A young person will be provided with accommodation under Section 20 of the Children Act, and become a looked after child, following an assessment that indicates they are in need and their welfare will be seriously prejudiced without the provision of corporate parenting accommodation and responsibilities, and with their consent.
- Any accommodation must be of a standard that promotes positive outcomes for the young people who are living there.
- Staff will work in an open, honest, and accountable way with young people and their families and ensure the young person is fully aware of all the available options with access to an advocate if they wish.

### 3. Legal Framework and Government Guidance

3.1. This protocol reflects the DFE Guidance ['Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation'](#), which gives effect to the House of Lord's decision in R (On the application of G) v London Borough of Southwark [2009]. H&F always seeks to follow this Guidance, which is statutory; professionals may always refer to the Guidance if in doubt.

3.2. This guidance states that the local authority's duty under Section 20 of the Children Act 1989 takes precedence over the duties in the 1996 Housing Act legislation in providing for children (young people) in need who require accommodation. While children can be accommodated under s17 of the Children Act 1989, which imposes a general duty, this is not, save in exceptional circumstances, an appropriate mechanism for accommodating 16-17 year olds who are homeless.

3.3. Whilst Section 20 takes precedence, Housing services also have duties towards young people who are homeless or threatened with homelessness. It is therefore essential that Children's services and Housing services 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.

#### **Section 20 Children Act 1989**

- If a young person aged 16/17 is assessed as being in need, then H&F must provide them with accommodation if it considers their welfare will be seriously prejudiced if they do not do so. As a result of being provided with accommodation under Section 20 for a continuous period of 24 hours, the young person will become a Looked After Child (CLA) and thereafter will be eligible to receive all the services which H&F has a statutory duty to provide. They may also be entitled to a range of services once they cease to be looked after as a result of H&F's leaving care duties as set out in the Children Act 1989 s23C and the Care Leavers (England) Regulations 2010.
- There are only two circumstances where a local authority might find that Section 20 does not apply and that the young person be owed duties under the Housing Act 1996. This is where the young person is:
  - not a child in need
  - a 16 or 17 year old child in need who, having been properly and fully advised of the implications and having the capacity to reach a decision, has decided that they do not want to be accommodated under Section 20

### **Section 17 Children Act 1989**

- H&F has a duty to provide services to safeguard and promote the welfare of children in need in their area, within their families if that is consistent with that duty. Establishing whether a child is in need requires an assessment of their circumstances by a qualified social worker. H&F must ascertain the wishes and feelings of any young person prior to the provision of any services under section 17. Under normal circumstances such an assessment of need should be concluded within a maximum of 45 days.
- Children's services have powers to accommodate children under section 17. However, this will almost always concern children needing to be accommodated with their families and should not be used as a substitute for the duty to accommodate under section 20.
- This is only appropriate when the young person does not wish to be accommodated under section 20 but is subsequently not owed the main housing duty by a housing authority, for example because they have refused a suitable offer of accommodation or are found to be intentionally homeless. At that point Children's services should, given the change in circumstances, once again ask them their wishes regarding being accommodated under section 20.
- If they still do not wish to be accommodated under section 20 and are judged to have capacity to make that decision, they should be offered accommodation under section 17 with a child in need plan in place until they reach the age of 18 when children's services and housing will need to work together to ensure they are not then again at risk of homelessness.

### **Housing Act 1996 Part 7 (as amended)**

- H&F has a duty to take reasonable steps to prevent and relieve homelessness. A person is considered to be threatened with homelessness if they are likely to become homeless within 56 days. However, if a 16/17-year-old is indicating that they may be homeless, even if it is outside 56 days, steps can be taken to intervene earlier to prevent future homelessness arising.

4. If homelessness cannot be prevented or relieved, a decision is required as to whether the applicant has a priority need for accommodation. A young person who approaches housing services for accommodation should be considered as being in priority need, because of the Homelessness (Priority Need for Accommodation) (England) Order 2002 and Housing will have an immediate duty to secure interim accommodation for them. Powers and duties under the Housing Act 1996 can be used to secure accommodation to prevent or relieve homelessness.

#### **4.1. Role of youth homelessness social worker (YHSW)**

- 4.1.1. H&F has a dedicated youth homelessness social worker (YHSW) based within the Initial Contact and Assessment (ICAT) team in Children's services who leads on all initial inquiries from young people presenting as homeless or at risk of homelessness
- 4.1.2. The YHSW also has oversight of all 16/17-year-old young people presenting as homeless or at risk of homelessness regardless of point of presentation and will offer a consultation service to allocated social workers for children that are already open to children's services and housing staff

#### **4.2. Stage 1 – Initial presentation of young person as homeless and screening**

- 4.2.1. If a young person approaches Housing because they are homeless or at risk of homelessness, an initial screening of need and risk will be carried out by a housing officer confirming the need for assessment and the young person referred to the YHSW in ICAT.
- 4.2.2. When a referral comes into ICAT regarding a 16/17-year-old who is homeless or at risk of homelessness, it is allocated to the YHSW for initial screening and Housing are notified.
- 4.2.3. If a young person presents as homeless or at risk of homelessness to their allocated social worker a consultation must take place with the YHSW to carry out the initial screening.
- 4.2.4. 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 (section 17) and/or is suffering, or likely to suffer, significant harm (section 47), and/or if the young person requires emergency accommodation. If this is the case, children's services must accommodate them immediately. The welfare of the child is paramount and a 16- or 17-year-old must not be placed at risk whilst waiting for the completion of an assessment.

4.2.5. Following the screening there are two possible outcomes:

**i. the young person returns home and homelessness is prevented**

- The young person returns home after advice – No Further Action
- The young person returns home with support from either Family Support and Child Protection (FSCP) or Family Assist as a child in need and a Family Group Conference (FGC) is requested where appropriate.

**ii. the young person is unable to return home.**

- In this instance, the child's status is changed to homeless and the service user group updated on Mosaic by the YHSW.
- A child and family assessment is started by the YHSW/ allocated social worker to be completed within a maximum of 45 days in conjunction with Housing.
- The family are referred to Family Assist for restorative work and a FGC requested.

**4.3. Stage 2 – Assessment**

4.3.1. A joint assessment meeting is carried out with Housing, Children's social care and the young person within 48 hours. At this meeting, the young person is provided with access to an advocate and information detailing housing options and the different duties and responsibilities they may be owed under the Housing Act 1996 and the Children Act 1989 in a 'young person friendly' format. This will enable the young person to make an informed decision about whether they wish to become 'looked after' and additionally subsequently access H&F's Leaving Care service. Even when a young person does not wish to become 'looked after', they need to be advised that they can still access support set out in their Child in Need plan.

4.3.2. While the assessment is ongoing, the young person may return home temporarily or live in a private arrangement with family/ friends. Where this is not possible, the social worker will need to make a referral to the Placement team for the young person to be accommodated under Section 20 of the Children Act.

4.3.3. Children's Services, in conjunction with the Duty Housing Officer, will lead on the assessment and will liaise and consult with Housing throughout, inviting them to all relevant meetings with the young person. Housing will provide a written contribution to the assessment. The aim is to avoid young people having to repeat their stories and navigate between agencies.

- 4.3.4. Assessments should be child-centred and informed by the views of the young person as set out in the guidance: [Working Together to Safeguard Children](#). The majority of young people seeking help cite the breakdown of relationships with parents or other carers as the reason for their homelessness. The assessment will need to determine whether or not the young person can return home, with support for them and their family if necessary, or whether this is not a possible or a safe option.
- 4.3.5. The assessment should also consider young peoples' relationships as well as any dependent children and, where appropriate, support them to build a positive family life. In some cases, it may be appropriate for a 16- or 17-year-old to be accommodated in a situation where they can live with their partner. This must not prevent local authorities from accommodating a 16- or 17-year-old under section 20 where the young person is owed a duty under this section and specific consideration should be given to placement options in these cases. For example, placement in an alternative arrangement such as a self-contained property with visiting support may be appropriate. It will also be important to have contingency plans in place in case relationships break down.
- 4.3.6. Where young parents are provided with accommodation by Children's services and become looked after, it does not follow that their child will also be looked after. This is an issue for an entirely separate assessment based on the needs of the child.
- 4.3.7. On completion of assessment, the outcome must be communicated to the young person, the adults responsible for their care, housing services and any other relevant agencies.

#### **4.4. Stage 3 – Assessment outcome**

- 4.4.1. There are 4 possible outcomes to the assessment.
- i. The young person becomes a Looked After Child:**
- After exploring all potential avenues to reunite the young person via restorative work with Family Assist and a FGC, the assessment concludes that the young person cannot return home.
  - The young person agrees to be accommodated under section 20 of the Children Act and the young person's case is taken to the Children's Care and Resource Panel for ratification and consideration of placement and support needs.
  - The young person becomes looked after and is allocated to one of the Children Looked After teams.

**ii. The young person remains a Child in Need**

- The young person returns home with ongoing support from Children's social care and is either allocated a social worker from FSCP or Family Assist or referred to Early Help for support.

**iii. The young person is accommodated under Part VII of the Housing Act 1996**

- The young person is unable to return home and having been properly and fully advised of the implications with access to an advocate if they wish and having the capacity to reach a decision, does not consent to becoming a looked after child. In this instance, the young person's Looked After Child status ceases and the placement reverts to accommodation provided under Part VII of the Housing Act 1996 with ongoing support from their allocated social worker.
- Please note that any accommodation offered to 16- or 17-year-olds under the Housing Act 1996, Part VII will be Supported Accommodation via the Young Person's pathway (not temporary accommodation, B&B, Council accommodation etc).

**iv. No further action:**

- The young person can return home and no further services or support are required as they are not deemed to be a child in need.

**5. Escalation**

**5.1.** In the event of a difference of opinion between Children's social care and Housing then the expectation is that in the first instance the practitioners should attempt to resolve this in a positive way themselves with the assistance of the team manager. If they are unable to resolve the issue, the worker should refer this matter to the relevant head of service. In an emergency or serious case, the matter should be escalated to the operational director for Children and Young People's Service and the Assistant Director for Housing.

**6.** For a visual representation of the pathway please see Appendix A.

**7.** Further guidance can be found on the Department for Education website - [Provision of accommodation for 16 and 17 year olds who may be homeless and/or require accommodation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/Provision_of_accommodation_for_16_and_17_year_old_who_may_be_homeless_and_or_require_accommodation.pdf)



## Appendix A: H&F Young People at Risk of Homelessness (YPAR) workflow process

**KEY:**  
**YP** – Young person  
**SW** – Social Worker  
**CSC** – Children's social care  
**FC** – Foster Carer  
**ICAT** – Initial consultation & advice Team  
**HPAS** – Homelessness Prevention & Assessment Service  
**CIN** – Children in Need  
**CLA/ CL** – Children Looked After/ Care Leavers

### STAGE 1– INITIAL PRESENTATION OF YOUNG PERSON AS HOMELESS

16/17 year old presents as homeless

**YP not open to CSC** – Youth Homelessness SW (YHSW) in ICAT or Housing officer in HPAS (dependant on where YP presents) complete initial screening of need/risk/family mediation and confirms risk of homelessness & need for assessment and make each other aware.

**YP open to CSC** – Allocated SW has a consultation with Youth Homelessness SW (YHSW) in ICAT to carry out screening.

YP returns home and homelessness prevented

YP returns home after advice – NFA

YP returns home with support – CIN or Family Assist; FGC requested

YP not able to return home

Child status changed to homeless, service user group updated on Mosaic and joint assessment started by YHSW/ allocated social worker and Housing to be completed within 45 days.

Case referred to Family Assist for restorative work and for a FGC.

### STAGE 2– ASSESSMENT

YP returns home or in private arrangement while assessment is ongoing

YP returns home or in private family/friend arrangement throughout assessment.

Joint working with Housing

Joint assessment meeting carried out with Housing, CSC & YP within 48 hours.

YP provided with access to an advocate and a leaflet detailing housing options.

YP accommodated under Section 20

Referral made to the Placements team and short-term placement (agreed by HoS) identified.

### STAGE 3– ASSESSMENT OUTCOME

CLA

YP is assessed and agrees to be accommodated under S20 becoming a Looked After Child. The case is taken to the Children's Care and Resource Panel for ratification and consideration of placement and support needs and the YP is transferred to a CLA/ CL team.

CIN

**YP returns home** with ongoing support from CIN team.

**YP is accommodated** under Part VII of the Housing Act 1996 with ongoing support from CIN team.

NFA

**YP is able to live independently** with support from Housing key worker. YP CLA status ends and the placement reverts to accommodation provided under Part VII of the Housing Act 1996 with no further involvement from CSC.

**YP returns home** with no further support required.