



## **Northamptonshire joint housing protocol for 16 and 17-year-old young people who may be homeless and / or require accommodation**

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# 1 Introduction

## Purpose of this Protocol

- 1.1 No single agency has sole responsibility for homeless 16- and 17-year-old young people.
- 1.2 Children's Social Care and local Housing Authorities have statutory duties to these young people, and other statutory and voluntary agencies provide a range of services to them.
- 1.3 The purpose of this Protocol is to ensure that, in Northamptonshire, partners continue to work together to provide a consistent and coordinated response to 16- and 17-year-old young people (including teenage parents and pregnant teenagers) who present as homeless and are in need of accommodation and/or accommodation-related support.
- 1.4 It will also help to promote and safeguard the wellbeing of the young person and prevent homelessness, returning young people to their family wherever possible. If a return home is not possible, the objective is to find the most suitable accommodation for the young person and to help them to remain in that accommodation until they are ready, if appropriate, to move on to more suitable accommodation.

## Reflecting government guidance

- 1.5 This Protocol reflects the government guidance 'Provision of Accommodation for 16- and 17-year-olds who may be homeless and/or require accommodation' issued in 2010 following the House of Lords 2009 judgment, *R (G) v Southwark* [2009] UKHL 26.
- 1.6 The government guidance clarifies that the local authority's duty under Section 20 of the Children Act 1989 takes precedence over its duties under the relevant Housing Act legislation in providing for children (young people) in need who require accommodation.
- 1.7 The government guidance also states that the powers of local authorities to provide accommodation under Section 17 of the Children Act 1989 cannot be used to substitute for their duty to provide accommodation under Section 20(1) of the Children Act 1989 to homeless 16- and 17-year-old young people who are assessed as being a child (young person) in need. Northamptonshire Children's Trust does not, therefore, have the option of choosing under which provision it should provide accommodation for homeless 16- and 17-year-old young people.
- 1.8 This Protocol sets out the roles and responsibilities of Northamptonshire Children's Trust and North and West Northamptonshire Council's. A summary of the legislation and guidance is attached (Appendix B).

## Signatories to this Protocol

- 1.9 This Protocol has been developed and agreed by Northamptonshire Children's Trust, Northamptonshire's two unitary authorities North Northamptonshire Council and West Northamptonshire Council.
- 1.10 It describes the joint working arrangements that have been agreed by the signatories.

## A consistent, coordinated response

- 1.11 The majority of 16- and 17-year-old young people who present as homeless will be supported to prevent homelessness by supporting them to return home to family or friends, or by supported access to sustainable accommodation.
- 1.12 Northamptonshire Children's Trust and North and West Northamptonshire Councils have statutory duties in relation to 16- and 17-year-old young people who present as homeless, and a range of other statutory, voluntary and community sector agencies also provide services for these young people.
- 1.13 This Protocol aims to build upon this good practice and will:
  - Improve working relationships between organisations and assist their understanding of one another's roles and responsibilities.
  - Improve the way in which young people are referred to, and access, accommodation, and support services.
  - Achieve greater consistency with support plans and access to services. Clarify where young people are accommodated while awaiting a joint Housing and Children's Social Care assessment.
  - Standardise processes and procedures that are then easier to follow.

## Principles underpinning this Protocol

- 1.14 All the signatories to this Protocol have agreed the following principles:
  - The safety and welfare of the young person is paramount.
  - Every effort will be made to prevent homelessness, wherever possible, through early intervention and effective multi-agency working.
  - Agencies will work together to jointly assess and meet the needs of 16- and 17-year-old young people, and they will share information effectively; An appropriate lead professional from Northamptonshire Children's Trust and North/West Northamptonshire Council will provide the necessary support.
  - Unless there is clear evidence to the contrary (because, for example, continuing to reside in their family home would place the young person at risk of significant harm), the starting point will be that all children and young people are best off with their immediate family or family network.
  - Where young people are unable to return to their immediate families, they should be helped to explore the feasibility and merits of staying with other family members where their needs can be met. Where a young person is unwilling to return home, it is unlikely they would be considered homeless,

but they will be provided with general advice to explore options with other family members and referred to Early Help support services.

- Young people will contribute to and be involved in all decisions made.
- Northamptonshire Children's Trust and North and West Northamptonshire councils commit to not using bed and breakfast/hotel accommodation to accommodate 16- and 17-year-old young people (unless in an absolute emergency and where there is no other accommodation available (this decision will be signed off by Senior Managers in both Northamptonshire Children's Trust and North/West Northamptonshire Council) see paragraph 2.12 for further details).

## Review of this Protocol

- 1.15 This Protocol will be reviewed at least one year after the date it comes into effect, and annually thereafter.
- 1.16 Agencies involved with this Protocol are asked to provide feedback and performance information that can be collated and shared to improve services and inform and support collective commissioning intentions in Northamptonshire.



## 2 Overview of the assessment process

- 2.1 As shown in the flowchart (Appendix A) there are four key stages in Northamptonshire's process for assessing 16- and 17-year-old young people who present as homeless or facing homelessness and are in need of accommodation and/or accommodation-related support.
- 2.2 The process outlines in this protocol will apply irrespective of how close the young person is to their 18th birthday at the date of their initial approach.

The four stages are:

- Stage 1 – Initial conversation with the young person and relevant enquiries/initial homelessness prevention activity
- Stage 2 – Referrals between Northamptonshire Children's Trust and North/West Northamptonshire Council
- Stage 3 – Joint Assessment by Northamptonshire Children's Trust and North/West Northamptonshire Council
- Stage 4 – Outcome of the Joint Assessment and agreed interventions implemented.

### Stage 1 – Initial conversation with the young person

- 2.3 When a 16- or 17-year-old young person contacts Northamptonshire Children's Trust or North/West Northamptonshire Council and advises that they are or will be homeless, the agency receiving the enquiry will have an initial conversation with the young person to better understand their situation.
- 2.4 If North/West Northamptonshire Council establishes that the young person is 'looked after' (under section 20 of the Children Act 1989) – or is already known to Northamptonshire Children's Trust and has had a recent intervention or assessment during, say, the last 3 months – the young person will be referred immediately to Northamptonshire Children's Trust to assess their needs. If Northamptonshire Children's Trust considers that the young person requires accommodation immediately, this will be provided by Northamptonshire Children's Trust pending further assessment.
- 2.5 Although it is likely that additional enquiries will need to be made after the interview, the purpose of this initial interview is to start gathering information about the young person and their circumstances. This will enable a decision to be made whether a joint assessment is required in order to determine whether or not a duty is owed to them, whether or not they can be supported to return home (or to live with responsible adults in their wider network of family and friends if they cannot return home) and whether or not they are capable of coping (with support) in suitable accommodation.
- 2.6 If Northamptonshire Children's Trust has reason to believe that the young person is (or may be) homeless, it will ensure that a Joint Assessment is completed.
- 2.7 If North/West Northamptonshire Council has reason to believe that the young

person is (or may be) homeless, in addition to ensuring a Joint Assessment is completed, it will ensure that a homelessness application is accepted, and initial triage is completed within one working day.

- 2.8 The initial conversation will include:
- The young person's current situation and why they are presenting as homeless.
  - Background history, family composition and accommodation history, including whether they are already known to Children's Social Care and/or other agencies, and whether an Early Help Assessment is in place.
  - Existing and potential support networks, including friends and extended family.
  - Confirmation of the age and immigration status of the young person.
  - Exploring the young person's resilience and protective factors (for example their general abilities, emotional maturity, whether they are in education, employment, or training, whether they have appropriate adults in their lives to support them, or services).
  - Immediate concerns about the vulnerability of the young person, such as learning disabilities, mental health issues or child protection/safeguarding.
  - Risks to themselves and/or others, including staff.
  - Communication needs (including interpreter services) and advice and information about their entitlements to ensure they are able to make informed choices.
  - Advocacy needs, including the offer of an independent advocate, to ensure the young person is in a position to make informed choices, this service can be accessed here: [Request a service from Children's Rights](#) - Introduction - Online form (achieveservice.com)
- 2.9 As part of their initial enquiries, Northamptonshire Children's Trust and/or North/West Northamptonshire Council will want to make contact with the young person's parents or carers, and with other agencies as appropriate, to gather relevant information and to explore whether it is possible and safe for the young person to return home. In some circumstances (where forced marriage, trafficking or sexual abuse are suspected, for example), it will not be appropriate to contact the young person's parents or carers as this may put the young person at risk. Housing staff who are concerned that contacting parents or carers may place the young person at risk for any reason, must seek guidance from Northamptonshire Children's Trust before making that contact.
- 2.10 Where it is not possible and safe for the young person to return home, other options will be explored by Northamptonshire Children's Trust and/or North/West Northamptonshire Council, including the placement of the young person with members of their extended family or friends.
- 2.11 If the young person is homeless on the day that they make contact, the agency that they contact first (Northamptonshire Children's Trust or North/West Northamptonshire Council) will be responsible for providing the young person with the most suitable emergency accommodation through the joint offer available on that day.
- 2.12 Northamptonshire Children's Trust and North and West Northamptonshire

Councils agree that bed and breakfast/ hotel accommodation is never suitable for homeless 16- and 17-year-old young people and it will not be used unless there is no other suitable emergency accommodation available on that day (this decision will be signed off by both; a Strategic Manager in Northamptonshire Children's Trust and a Head of Service in North/West Northamptonshire Council). Young people requiring emergency accommodation will be provided with a regulated placement (foster or residential care), supported accommodation or self-contained accommodation with support. It is important to note that these are interim emergency accommodation arrangements pending a more suitable joint offer which will be commissioned during the next twelve months (this Protocol will be updated to reflect the new arrangements).

## Stage 2 – Referrals between the local Housing Authority and Children's Social Care

- 2.13 Although all the signatories to this Protocol have agreed that the agency that is first approached by the young person (Northamptonshire Children's Trust or North/West Northamptonshire Council) will speak with the young person and make the initial enquiries, it is essential that all subsequent referrals for Joint Assessments are made as quickly as possible.
- 2.14 If North/West Northamptonshire speaks with the young person first and is satisfied that they are homeless or may become homeless within the next 56 days, it will make an immediate referral to Northamptonshire Children's Trust, requesting a Joint Assessment via telephone to the Multi Agency Safeguarding Hub (MASH). If the young person is already known to Northamptonshire Children's Trust and has a Social Worker, the Council must request the name, email and telephone number for the allocated Social Worker, their Team Manager and Service Manager in case of any need for escalation. If the young person is not known, the MASH will progress the referral to the relevant social work area team, the Council may be asked to follow up with an [online referral form](#).
- 2.15 If Northamptonshire Children's Trust speaks with the young person first and is satisfied that they are homeless or may become homeless within the next 56 days, it will make an immediate referral to North/West Northamptonshire Council requesting a Joint Assessment and homelessness application as follows:
- North Northamptonshire Council – referral to be completed via ALERT, with follow up email marked urgent sent to [housingoptions@northnorthants.gov.uk](mailto:housingoptions@northnorthants.gov.uk)
- West Northamptonshire Council – referral to be completed via ALERT, with follow up email marked urgent sent to relevant locality inbox:  
West Northamptonshire - [Housingoptionsduty@westnorthants.gov.uk](mailto:Housingoptionsduty@westnorthants.gov.uk).
- 2.16 Safe receipt of all referrals will be acknowledged by the relevant agency (Northamptonshire Children's Trust or North/West Northamptonshire Council) by the end of the next working day.

- 2.17 It is the responsibility of North and West Northamptonshire Councils to assess and determine all homelessness applications. However, the outcome of homelessness applications submitted by 16- or 17-year-old young people (including teenage parents and pregnant teenagers) will depend, in part, on the outcome of the Joint Assessment with Northamptonshire Children's Trust, and whether any duty is owed to the young person under section 20 of the Children Act 1989.

### Stage 3 – Joint Assessment by Children's Social Care and Local Housing Authority

- 2.18 Irrespective of which agency (Northamptonshire Children's Trust or North/West Northamptonshire Council) is first approached by the 16- or 17-year-old young person, both Northamptonshire Children's Trust and North/West Northamptonshire Council will undertake a Joint Assessment within 48 hours of becoming aware that the young person is homeless or may become homeless within the next 56 days.
- 2.19 If the young person is homeless on the day that they make contact, the agency they contact first (Northamptonshire Children's Trust or North/West Northamptonshire Council) will be responsible for providing the young person with the most suitable emergency accommodation through the joint offer available on that day (please refer to paragraph 2.12 for further details).
- 2.20 The Joint Assessment will identify the young person's needs and inform a plan for the young person. The Joint Assessment will include contributions from partner agencies (if appropriate) and will be completed concurrently with the statutory homelessness assessments undertaken by North/West Northamptonshire Councils.
- 2.21 The information gathered during the initial conversation with the young person (and their family) will help inform the Joint Assessment and the decisions made, including interventions and support that will be offered.
- 2.22 During and after the Joint Assessment, Social Workers and Housing Options Officers will continue to explore the possibility of the young person returning to family, their extended family or to friends and, where this is a safe option, they will positively support this.
- 2.23 Appropriate consideration will be given to the young person's informed choice and their level of resilience and resourcefulness to manage in the accommodation provided, alongside their vulnerability. The Joint Assessment will inform the decision as to whether the young person meets the criteria for section 20 accommodation, whether the young person is a child (young person) in need under section 17 of the Children Act 1989, and whether the young person is owed a duty under the Housing Act 1996 (as amended).
- 2.24 It is essential that the young person is fully consulted on, and understands the implications of, being accommodated by Northamptonshire Children's Trust under section 20 of the Children Act 1989 and therefore becoming a looked after child. Professionals conducting the assessment must provide realistic and full information about the support that the young person can expect as a

- looked after child and subsequently, if the criteria are met, as a care leaver.
- 2.25 Northamptonshire Children's Trust and North and West Northamptonshire Councils must ensure that the young person is informed of their entitlements and receives accurate information about what assistance may be available to them if they do not become looked after, and how any entitlement for assistance will be determined to make an informed decision.
- 2.26 Northamptonshire Children's Trust's 'Section 20 Offer' to a young person includes:
- When becoming looked after, the young person will be allocated a social worker who they will meet regularly with relevant family members and write a care plan.
  - Review meetings every six months including other professionals who might be supporting the young person based on their care plan.
  - Accommodation in a placement to meet the young person's needs, this could be foster care, a residential children's home, or semi-independent accommodation.
  - Weekly financial support (personal allowance) until the young person's reaches 18 years old (paid at the same rate as Income Support)
  - Care Leaver status at 18 years old if the young person was looked after for at least 13 weeks since the age of 14.
  - Care Leavers receive further support with housing, education, and other needs until the age of 21, or up to the age of 25 if the young person has a disability.
  - If the young person does not want to be looked after, they will be supported by Northamptonshire Children's Trust as a Child in Need under section 17 Children's Act 1989:
  - The young person will be provided with housing and support to prevent them from being homeless.
  - Support and accommodation needs will be assessed and identified with the young person.
  - The most suitable supported accommodation will be identified for the young person.
  - A Support Worker will help the young person learn more about budgeting, getting into college/work, cooking, cleaning, shopping, living in the community etc.
  - If the young person is not working, they will be able to claim welfare benefits for financial support (to meet accommodation and other costs).
- 2.27 When the young person is able to live independently and confidently, long term housing solutions will be explored. From a housing perspective, if having made an informed choice regarding their entitlements and options the young person decides not to become looked after they will be considered to be in 'priority need' under homelessness legislation and will be offered the interim accommodation duty. Additionally, a range of housing options will be explored including the young person's extended family network and supported accommodation schemes. In all cases, the young person will continue to be

supported by Northamptonshire Children's Trust under section 17 as a child in need in accordance with their child in need plan.

- 2.28 In all cases, both agencies will ensure that the young person is made aware of the following:
- Duties on housing services to undertake an assessment, develop a personalised housing plan and to take steps to help the young person retain or secure accommodation (sections 195 and section 189B of the Housing Act 1996).
  - The requirement of the young person to cooperate and for young person to take steps themselves as set out in a
  - personalised housing plan (section 193B and section 193C of the Housing Act 1996).
  - 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 Housing Act 1996).
  - The implication of turning down offers of accommodation that are suitable (section 193A of the Housing Act 1996).
  - The possible risk of being found or becoming homeless intentionally in the future (section 191 of the Housing Act 1996).
  - Their right to request a review of decisions (section 202 of the Housing Act 1996).
- 2.29 During the Joint Assessment, answers will also be sought to the following questions:
- Is the applicant's age confirmed as 16 or 17?
  - Is the applicant a child (young person) in need? [S17 of the Children Act 1989]
  - Does the young person appear to be in need of accommodation?
  - What has happened to cause the young person to be in need of accommodation? [Section 20(1) (a) – (c) of the Children Act 1989]
  - Is the applicant a child (young person) in need whose welfare is likely to be seriously prejudiced if Northamptonshire Children's Trust does not provide them with accommodation in accordance with section 20(3) of the Children Act 1989.
  - What are the young person's wishes and feelings regarding the provision of accommodation and how much weight (having regard to the young person's age and understanding) is to be given to those wishes and feelings. Northamptonshire Children's Trust's contribution to the Joint Assessment should include an evaluation of the young person's competence to make a decision as to whether to become looked after.
  - Does anyone with parental responsibility who is willing to provide accommodation for the young person object to Northamptonshire Children's Trust's intervention.
  - Does the young person agree to being accommodated?

## Risk Assessment

- 2.30 A risk assessment must be carried out for every 16- or 17-year-old as part of the Joint Assessment, including those who are pregnant and those who may have a partner over the age of 18.
- 2.31 Where the risk (to the young person or a third party) is assessed as being high, Northamptonshire Children's Trust and North/ West Northamptonshire Council will jointly consider not just the range of viable housing options but also ways in which the risks can be mitigated through management, interventions, and support.

## Stage 4 – Outcome of the Joint Assessment

- 2.32 The Joint Assessment will be undertaken within 48 hours of Northamptonshire Children's Trust or North/West Northamptonshire Council being contacted by the young person or receiving a referral from each other.
- 2.33 Where a Joint Assessment determines that the young person is in need under section 17 of the Children Act 1989 but does not require accommodation because they can stay at home or with their extended family or friends. The Joint Assessment will therefore inform the package of support that will be provided to facilitate and maintain their return home and prevent future homelessness.
- 2.34 The package of support will be tailored to each individual young person, their circumstances, and give consideration to the cause of their homelessness or threat of homelessness. For example, support might be provided by Child and Family Support Services including Intensive Targeted Support, or Edge of Care Service. Northamptonshire Children's Trust might also involve services such as Community Initiative to Reduce Violence (CIRV), or substance misuse services. Regardless of which service(s) will be supporting the family, social workers and support workers will meet with the young person and their family including in the home environment, carry out mediation and offer other solution-based interventions such as behavior agreements/house rules, signs of safety (safety plans and identification of positive support networks) etc.
- 2.35 Where the young person is unable to return home or stay with their extended family or friends, the Joint Assessment may conclude that:
- The young person is homeless and in need, is without resource and wishes to become Looked After, so will become looked after under Section 20 of the Children Act 1989. Children's Social Care will provide suitable accommodation; or
  - The young person is homeless and in need but is resourceful and has made an informed choice to decline to become Looked After, so will be supported under Section 17 of the Children Act 1989 but will not become Looked After. A multi-agency Child in Need meeting will be convened if necessary to ensure that the young person's needs are met.
- 2.36 Northamptonshire Children's Trust and North/West Northamptonshire Council

will work together to provide the young person with joint written confirmation of the outcome of the Joint Assessment, together with the reasons for the decision and the process that the young person, Northamptonshire Children's Trust, and North/West Northamptonshire Council must follow. It will also include the procedure to appeal against either agency's decision(s) or submit a complaint.

### 3 Working together to assess, assist and support young people

#### Prevention first

- 3.1 The primary aim of Northamptonshire Children's Trust and North and West Northamptonshire Council's (and other services and organisations involved) is to prevent any 16- or 17-year-old young person from becoming homeless.
- 3.2 By working together, and with other partners, Northamptonshire Children's Trust and North/West Northamptonshire will have a range of services and tools to prevent homelessness and support families and young people including:
- Referrals under this Protocol to prevent homelessness.
  - Joint meetings and/or home visits with young person and their family
  - Section 17 funding
  - Homelessness Prevention Funding to provide financial support, or creative solutions to make the family home a more viable option.
  - Advocacy and mediation services
  - Early Help support services (family support, targeted support, edge of care young people's services)
  - Access to supported accommodation schemes
  - Referrals to other services and agencies

#### Young people in a secure custodial setting

- 3.3 Where a young person is in a secure custodial setting and has been identified as having nowhere to live when they are released from custody the Youth Offending Service will notify Children's Social Care and the relevant local Housing Authority simultaneously at the earliest opportunity. A multi-agency meeting will be convened to decide on the best course of action for release.
- 3.4 Although young people on remand have Section 20 status automatically, this is not always the case where the young person has been sentenced to custody. Some young people will have Leaving Care status, so will be managed and supported by Children's Social Care.
- 3.5 As sentenced young people have a known date of release, planning for their release needs to start at the earliest opportunity before release. The Youth Offending Service will co- ordinate meetings to support this process.

#### Completion of a homelessness application

- 3.6 When a 16- or 17-year-old young person approaches (or is referred to) North or West Northamptonshire Council and is homeless or at risk of becoming homeless within the next 56 days a homelessness application will be accepted and statutory homelessness duties will be undertaken in accordance with homelessness legislation (Part 7 Housing Act 1996 as amended by Homelessness Reduction Act 2017). This process will run concurrently with a

Joint Assessment and will prevent any duplication in the respective statutory assessment requirements.

- 3.7 A homelessness triage assessment must be completed as soon as practicable, and within one working day of the young person approaching North or West Northamptonshire. This timescale reflects the fact that, for some young people, the first contact with North/West Northamptonshire Council may be through Out of Hours Services.
- 3.8 It will be for North/West Northamptonshire Council to make appropriate enquiries to determine whether any duty is owed to the young person under the homelessness legislation following the outcome of the Joint Assessment (and Children Act assessment), i.e. whether a section 20 duty is owed to the young person by Northamptonshire Children's Trust.

## The importance of information sharing

- 3.9 The success of this Protocol is dependent on the efficient and effective sharing of information between organisations.
- 3.10 Although all service users are asked for their permission to have their details recorded and shared – and may withdraw their permission at any time – all staff need to be aware of their information sharing obligations in relation to the safeguarding of young people and be familiar with national guidance.
- 3.11 When sharing or receiving information, agencies must acknowledge that any information relating to a person is sensitive and must be always kept confidential.
- 3.12 Although some 16- or 17-year-old young people may refuse to give their permission for a Joint Assessment to take place – or, indeed, other assessments – all agencies may determine that in the interests of safeguarding the young person's welfare, it needs to override the refusal of consent and share with the relevant agencies at least the outcome of those assessments.

## Provision of emergency accommodation

- 3.13 If the young person is homeless Northamptonshire Children's Trust or North/West Northamptonshire Council will be responsible for providing the young person with the most suitable emergency accommodation available through the joint offer.
- 3.14 Before arranging emergency accommodation, both organisations will explore the opportunities for the young person to return home or stay with other family or friends, even on a temporary basis, as this will prevent or delay homelessness.
- 3.15 The accommodation that is provided must be suitable for the young person and, when considering its suitability, taking into account the fact that 16- and 17-year-old young people who are homeless and estranged from their family will be particularly vulnerable and in need of support.
- 3.16 The Secretary of State has directed that Bed and Breakfast accommodation is unsuitable for 16- and 17-year-old young people even on an emergency basis.

- 3.17 While Northamptonshire Children's Trust and North and West Northamptonshire Councils agree that bed and breakfast/hotel accommodation is never suitable for 16 and 17 year old young people, and aim never to use it, there may be occasion certainly pending the development a suitable joint accommodation offer over the next twelve months, that bed and breakfast/hotel accommodation may be used in an emergency only and where there is no other suitable accommodation available on that day (this decision will be signed off by both; a Strategic Manager in Northamptonshire Children's Trust and a Head of Service in North/West Northamptonshire Council).
- 3.18 In the rare event of a young person being placed into bed and breakfast/hotel accommodation in an emergency, this will be kept under daily review and the young person will be supported in the accommodation by Northamptonshire Children's Trust and moved on to suitable emergency accommodation with urgency.
- 3.19 After establishing what accommodation is available – including, where appropriate, supported lodgings, supported accommodation and self-contained accommodation, the lead agency will work with the young person to progress the offer of accommodation and the young person will continue to be supported by Northamptonshire Children's Trust under section 17 and in accordance with their child in need plan (this includes help to access and move in to any accommodation identified).

## Out-of-hours service

- 3.20 Where 16- or 17-year-old young people present as homeless outside of office hours, the priority must be the safety and wellbeing of the young person. If needed, accommodation will be provided until the young person can be interviewed on the next working day.

## Teenage parents and pregnant teenagers

- 3.21 See para 2.30 and 2.31 in relation to risk assessments that will be completed for all 16- and 17-year-old young people assisted under this Protocol. Risk assessments will take into account additional factors surrounding 16- and 17-year-old young people who are parents or pregnant.
- 3.22 Locality is a particular issue in relation to teenage parents. If they are housed away from their support networks, it can have a detrimental effect. Young parents should be able to access extra support to try to avoid breakdown of any arrangements. On occasions when it is unavoidable to have to place outside the young person's locality then every effort will be made to move them to a more suitable location as soon as possible.

## Covering the costs of emergency and interim accommodation

- 3.23 The agency to which the young person presents as homeless on that day (Northamptonshire Children's Trust or North/West Northamptonshire Council)

will be responsible for providing the young person with the most suitable emergency accommodation (through the joint offer) and will be responsible for funding it for the first night. Northamptonshire Children's Trust will then be responsible for the cost of the accommodation until at least the date of the Joint Assessment (see para 3.25 for more information). The young person may be entitled to claim housing benefit to help cover the cost of their accommodation charges although the young person will also be entitled to funding under section 17 of the Children Act 1989 as a child in need.

- 3.24 The identity of the agency responsible for the cost of providing emergency accommodation after the Joint Assessment will depend on the outcome of the Joint Assessment.
- 3.25 On completion of the Joint Assessment, responsibility for the cost of providing emergency accommodation will rest with the following agency:
- Northamptonshire Children's Trust – if it is agreed that the young person is a child (young person) in need and is eligible for assistance under section 20 of the Children Act 1989, and the young person accepts that offer of assistance.
  - North/West Northamptonshire Council – if it is agreed that the young person is not a child (young person) in need or the young person declines Northamptonshire Children's Trust's offer of assistance under section 20 of the Children Act 1989.
- 3.26 If the young person is not accommodated by Northamptonshire Children's Trust under section 20, and proceeds with their homelessness application to North/West Northamptonshire Council, Northamptonshire Children's Trust may still be required to help secure suitable accommodation for the young person if North/West Northamptonshire Council go on to decide that no legal duties are owed (for example, if the young person is not eligible for assistance, has refused an offer of accommodation, or has become homeless intentionally).

## Financial support for the young person

- 3.27 Depending on their circumstances, the young person may be able to claim some financial support through the welfare benefits system, and they will be supported to make the necessary applications.
- 3.28 Northamptonshire's careers advice service for young people, 'Prospects,' will be able to provide the young person with advice and support to re-enter education, employment and training, and advice on welfare benefit claims.
- 3.29 If a young person is unable to secure any welfare benefits, Northamptonshire Children's Trust will provide the young person with reasonable living expenses, as necessary, in accordance with its duties under section 17 of the Children Act 1989 (and the young person's child in need plan where appropriate). Where it is necessary to access living expenses, agencies should contact the Northamptonshire Children's Trust local office.
- 3.30 If financial support is requested by North/West Northamptonshire Council, Northamptonshire Children's Trust must notify the young person and the relevant Council, in writing, of the outcome of the request.
- 3.31 If a request for financial support is rejected, Northamptonshire Children's Trust

must provide the young person (and the relevant Council) with written confirmation of the reasons for its decision and the process that the young person (or Council) needs to follow to appeal against the decision or make a complaint.

- 3.32 A young person owed duties under section 20 of the Children Act 1989 are not entitled to claim welfare benefits because they will be supported in full by Northamptonshire Children's Trust as a looked after child.

### Local connection / ordinary residence

- 3.33 Where the 16- or 17-year-old young person seeking assistance is not ordinarily resident in Northamptonshire, it is the duty of the agency that the young person approaches first to support them in accordance with the processes outlined in this Protocol. The initial conversation and/or Joint Assessment will determine any relevant actions in relation to the young person returning to their 'home' local housing authority area (including a referral under S189B of the Housing Act 1996 as amended).
- 3.34 Young people from abroad may not have a local connection to any local housing authority area and will be regarded as ordinarily resident in the area where they are seeking support.
- 3.35 Where local connection disputes arise and cannot be resolved immediately, these disputes must not be allowed to prejudice the young person's welfare, and further advice should be sought from relevant Senior Managers and/or Legal Services.

### Young people placed in the area by other local authorities

- 3.36 When young people are placed in accommodation in Northamptonshire by other local authorities, particularly in bed and breakfast accommodation, Northamptonshire Children's Trust and North/West Northamptonshire Council will work together to understand which lead professional is supporting the young person (including risk assessment and coordinating their package of support). The details of the lead professional will be made known to the young person and other services and organisations with whom the young person comes into contact.

### Options where it is decided there is no homelessness duty

- 3.37 The most likely reason for the local Housing Authority deciding that a 16- or 17-year-old young person is not homeless will be that their parents or carers are prepared to allow them to return home. As the protection of the young person is paramount, no young person will be expected to return to a situation in which they would be at risk of suffering significant harm.
- 3.38 If family relationships appear to present a barrier to a return home but do not constitute significant harm, Northamptonshire Children's Trust and/or North/West Northamptonshire Council will attempt to mediate with the young

person and their family to support a return home.

- 3.39 If North/West Northamptonshire Council decides that a young person is not homeless, it will not owe them any further duties under the homelessness legislation. Northamptonshire Children's Trust will offer further assistance if the young person is assessed as meeting the criteria for services under section 17 of the Children Act 1989.
- 3.40 Where Children's Social Care has accepted a duty to provide the young person with accommodation (under Section 20 of the Children Act 1989) and the young person has accepted the accommodation, the local Housing Authority will inform the young person that they are not homeless and that their homelessness application will be closed.

### Options where it is decided that the young person is 'intentionally homeless'

- 3.41 It is highly unlikely that North/West Northamptonshire Council will find a 16- or 17-year-old to have become homeless intentionally.
- 3.42 In very rare circumstances young people may be deemed to have become homeless 'intentionally' if their homelessness is the consequence of a deliberate act or omission by them, unless this was made in good faith and in ignorance of a relevant fact. Every young person's situation will be assessed individually and the circumstances surrounding them will be investigated.
- 3.43 All the signatories to this Protocol agree that young people are likely to make mistakes and hence the finding of intentional homelessness will be rare and where the young person's behaviour is deemed to be so severe to warrant an 'intentional homelessness' decision. Any young person with this finding will have the right to request a review of the decision and can challenge the decision through the Courts.
- 3.44 In very rare circumstances that North/West Northamptonshire will make an intentional homelessness decision, both the relevant Council and Northamptonshire Children's Trust will identify an appropriate package of support before the Council sends a 'minded to' letter to the young person (a copy of this will also be shared with Northamptonshire Children's Trust).
- 3.45 A minded to letter provides both the young person and Northamptonshire Children's Trust the opportunity to reflect and respond to the proposed decision. A written decision of intentional homelessness will be signed off by the appropriate Senior Manager within North/West Northamptonshire Council and will set out the reasons for the decision, confirm the date that any temporary accommodation will be withdrawn, and inform the young person of their legal right to request a review of the decision within 21 days.
- 3.46 Northamptonshire Children's Trust has a responsibility to assist 16- or 17-year-old young people who have been found to become homeless intentionally by North/West Northamptonshire Council, its staff will work with partners to provide the young person with appropriate advice, help and support. This might include, for example, a request for a review of the decision and, in exceptional circumstances, a County Court appeal on a point of law.

- 3.47 It is hoped that by implementing a package of support ahead of an unfavourable homelessness decision the young person will have had the opportunity to work with services to maximise sustainment and ability to plan for move on accommodation before housing duties are brought to an end.
- 3.48 The relevant Council will provide the young person with advice on their housing options, and practical support to secure alternative accommodation, for example in a supported accommodation scheme or hostel. North/West Northamptonshire Council, and Northamptonshire Children's Trust, will also continue to liaise with the young person's family and wider network of family and friends where safe and appropriate to do so to continue efforts to secure and support the young person's return home.
- 3.49 Lead professionals involved will attempt further mediation and home visits, involve and offer support from Early Help services (for example Children and Family Support), explore various supported accommodation options that may be available, and the young person will also be given the option to reconsider their decision in respect of Northamptonshire Children's Trust's Section 20 Offer.

## Early Help assessment

- 3.50 If it is deemed appropriate from the findings of the Initial interview that the matter is able to be stepped down to an Early Help Assessment – to produce a holistic assessment of the young person's needs – A Children Trust Family Support Practitioner will meet with the young person, their parents / carers and relevant organisations with a view to developing a multi-agency plan that sets out the services and actions required to meet the young person's needs.



## 4. Roles and responsibilities

### Northamptonshire Children's Trust

- 4.1 16- and 17-year-old young people who are homeless (or at risk of becoming homeless within the next 56 days) and in need of accommodation or accommodation-related support can approach Northamptonshire Children's Trust direct.
- 4.2 If this happens, the appropriate Area Team will provide the initial response and make both a referral to the Multi Agency Safeguarding Hub (MASH) and to the local housing authority to request a joint assessment. Depending on the urgency of the situation, the Area Team will normally contact the MASH by telephone.
- 4.3 Northamptonshire Children's Trust is likely to become involved in all cases where:-
  - A young person approaches either Northamptonshire Children's Trust direct or North/West Northamptonshire Council as homeless or facing homelessness.
  - A young person is known to Children's Social Care and has had a recent intervention or assessment during, say, the last 3 months.
  - A young person is identified as having more complex needs than just housing and life skills support needs, and these complex needs have been established either during the completion of the Joint Assessment, Early Help Assessment or at a Team Around the Child (TAC) meeting.
  - A young person has indicated to a partner organisation that they are homeless or likely to become homeless.
  - A young person has been assessed as 'intentionally homeless.'
- 4.4 level of service offered to the 16- or 17-year-old young person will be established following the Joint Assessment.
- 4.5 If the needs and circumstances of the young person require further assessment and intervention from Northamptonshire Children's Trust, this will be provided within the frameworks of child in need/child protection procedures, with consideration given to the 2018 guidance in respect of homeless 16- and 17-year-old young people.
- 4.6 Where appropriate, the young person may be provided with financial support under section 17 of the Children Act 1989.
- 4.7 For young people who may not choose to become looked after and accept Northamptonshire Children's Trust's Section 20 Offer, Northamptonshire Children's Trust will ensure that the young person continues to be supported under section 17 and has a child in need plan involving relevant partner agencies and North/ West Northamptonshire Council.
- 4.8 In order to ensure the young person feels able to accept Northamptonshire Trust's Section 20 Offer to become looked after, it is essential that any section 20 accommodation offered by Northamptonshire Children's Trust is situated in, or close to, the area in which they have been living (where reasonably practical).
- 4.9 It will be important to explain to a young person during the Joint Assessment

the benefits or extra protection they will receive as a looked after child in their later years (for example, care leaver services, priority need under homelessness legislation etc).

## North and West Northamptonshire Councils

- 4.10 16- and 17-year-old young people who are homeless (or at risk of becoming homeless within the next 56 days) and in need of accommodation can approach the relevant Council direct.
- 4.11 North/West Northamptonshire Council will have an initial conversation with the young person to better understand their circumstances and be able to carry out relevant enquiries. They will liaise immediately with Northamptonshire Children's Trust to establish whether the young person is known to them.
- 4.12 If North/West Northamptonshire Council establishes that the young person is looked after (under section 20 of the Children Act 1989) – or is already known to Northamptonshire Children's Trust through intervention or assessment during, say, the last 3 months – the young person will be referred immediately to Northamptonshire Children's Trust to assess their needs. If the young person requires accommodation, this will be provided by Northamptonshire Children's Trust.
- 4.13 If it has reason to believe that the young person may be eligible for assistance, may be homeless and is 16 or 17 years of age, North/West Northamptonshire Council will have an immediate duty to secure interim accommodation for them – if accommodation is not already being provided by Northamptonshire Children's Trust under the Children Act 1989 – until at least pending the outcome of the Joint Assessment.
- 4.14 Before arranging emergency accommodation, North/West Northamptonshire Council will explore the opportunities for the young person to return home or stay with other family or friends, if it is safe to do so, even on a temporary basis, as this will prevent or delay homelessness.
- 4.15 Although North/West Northamptonshire Council will secure and pay for emergency accommodation if the 16- or 17-year-old young person is already homeless and contacts them before contacting Northamptonshire Children's Trust, it will only pay for accommodation until the beginning of the next working day when Northamptonshire Children's Trust will assume interim responsibility for payment pending the outcome of the Joint Assessment.
- 4.16 The accommodation that is provided must be suitable for the young person and, when considering its suitability, North/West Northamptonshire Council must take into account the fact that 16- and 17-year-old young people who are homeless and estranged from their family will be particularly vulnerable and in need of support. The commitment not to use bed and breakfast/ hotel accommodation for this purpose has already been detailed at earlier sections in this Protocol.
- 4.17 Following the outcome of the Joint Assessment, in circumstances where Northamptonshire Children's Trust are not accommodating the young person under section 20, then the North/West Northamptonshire Council will

determine what duties are owed under homelessness legislation. If it is determined that duties are not owed under homelessness legislation, housing options advice will be provided to the young person and Northamptonshire Children's Trust.

- 4.18 For young people who decline to become looked after and are instead accommodated by North/West Northamptonshire Council under homelessness legislation, the Council will continue to work with Northamptonshire Children's Trust and other relevant partner agencies in relation to the young person's child in need plan.

## Prospects

- 4.19 Prospects is a Commissioned Service by NCT delivering Targeted not engaging in education employment or training (NEET) Prevention support, focusing on specifically vulnerable young people aged 13-19 (25 for those with Special Educational Needs/Disabilities [SEND] and 24 for care leavers) who are, or are at risk of, not engaging in Education, Employment or Training (NEET). If a homeless 16- or 17-year-old young person approaches Prospects for help, Prospects will advocate for them on their behalf, they will make appropriate referrals in respect of homelessness and provide them with advice and support to re- enter Education, Employment and Training, including advice on benefits claims.

## Youth Justice Service (YJS)

- 4.20 The Youth Justice Service is a prevention service and criminal justice agency that works with young people at risk of offending and with young people who have offended.
- 4.21 The YJS works with young people up to the age of 18 and offers support to enable its service users to access suitable accommodation, education, training and employment and other service.
- 4.22 Under this Protocol, the YJS will provide the initial referrals to the local housing authority and children's social care for all homeless 16- and 17-year-old young people who are already working with YJS on other issues.

## 5. Partners and signatories

Partners committed to this protocol.

| Authority                         | Signatory                                                                          | Signature                                                                             |
|-----------------------------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Northamptonshire Children's Trust | Colin Foster – Chief Executive                                                     |    |
| North Northamptonshire Council    | David Watts – Executive Director of Adults, Health Partnerships and Housing (DASS) |    |
| North Northamptonshire Council    | Cornelia Andrecut Executive Director Children's Services                           |    |
| West Northamptonshire Council     | Jane Carr – Director of Communities and Opportunities                              |  |
| West Northamptonshire Council     | Melanie Barnett – Director Children's Services                                     |  |

## **6. Appendix A – Flowchart for 16- and 17-year-old young people who may be homeless and/or require accommodation**

### **Stage 1 - Initial Conversation**

- 6.1 Young person approaches North or West Northamptonshire Council's Housing Options Service as homeless or facing homelessness. The Council has initial conversation and accepts homeless application (completes triage).
- 6.2 Young person approaches NCT's MASH as homeless or facing homelessness and has initial conversation (or passes to Duty and Assessment Team or allocated social worker).
- 6.3 Outcomes
- 6.4 Conversations with young person and parents/ carers result in young person being able to return home (where safe to do so).
- 6.5 Young person's homelessness situation is resolved, relevant Council provides any further housing options advice and closes homelessness application. NCT will assess the young person and family's needs to determine the requirements for any provision of support and appropriate interventions to prevent further family breakdowns and homelessness, this might be provided under section 17 or through Early Help support services (if North/West Northamptonshire Council complete the initial conversation and enquiries, they will still need to refer to NCT for this purpose).
- 6.6 Conversations with young person and parents/ carers determine young person cannot return home but have other family/friends they can live with in wider network – accommodation solution agreed as suitable by NCT and relevant Council, resulting in young person being able to return home (where safe to do so).
- 6.7 No suitable person identified for young person to live with.
- 6.8 Move to stage 2.

### **Stage 2 – Referrals**

- 6.9 If after the initial conversation and enquiries the young person is without accommodation because there is no suitable person identified for them to live with, NCT will complete a referral to West or North Northamptonshire Council (and vice versa) to request a Joint Assessment and source the most suitable emergency accommodation through the joint offer that is available on that day. (The agency completing the initial conversation is responsible for completing the referral and securing suitable emergency accommodation). In all cases, NCT will ensure that the young person is supported under section 17 of the Children Act 1989. Safe receipt of the referral will be acknowledged by the end of the next working day.

## Stage 3 - Joint Assessments

- 6.10 Joint Assessment completed within 48 hours of NCT referring to North or West Northamptonshire Council (and vice versa). During the Joint Assessment, the young person's options and choices will be explained to them by both agencies. Assuming accommodation is still required, the most suitable accommodation available will continue to be provided.

## Stage 4 - Joint Assessment

- 6.11 Following the Joint Assessment, it will be agreed whether NCT will offer section 20 accommodation. The young person will decide whether to accept or decline NCT's Section 20 Offer.
- 6.12 Outcomes
- 6.13 Young person can return to family home (or live with another suitable person in wider network of family and friends). North/West Northamptonshire Council decides young person is not homeless and will work with NCT to liaise with the young person to ensure a supported return home. NCT to assess young person's ongoing requirements for a package of help and support including services provided under section 17 as a child in need, or case will be stepped down for Early Help support services, to prevent further family breakdowns and homelessness.
- 6.14 Young person cannot return to family home and no other suitable person identified for them to live with. Young person declines NCT's Section 20 Offer – NCT will provide package of help and support to young person under section 17 as a child in need and progress Children Act assessment (within 45 days) to determine the young person's child in need plan. Young person progresses homelessness application with North/West Northamptonshire Council who will provide interim accommodation (young person will be supported by NCT as above).
- 6.15 Young person cannot return to family home and no other suitable person identified for them to live with. Young person accepts NCT's Section 20 Offer, becomes looked after and NCT provides suitable accommodation.
- 6.16 North/West Northamptonshire Council will send 'minded to' letter to young person and NCT in the rare event of a finding of intentional homelessness. The final decision will be signed off by a Senior Manager. NCT will provide a package of help and support to the young person under section 17 as a child in need and in accordance with their child in need plan.

## 7. Appendix B – The legislative framework

- 7.1 Young people in need of housing require children's services, local housing authorities and other local agencies to work together if they are to receive the appropriate help and support.
- 7.2 This need for co-operation is recognised in legislation and accompanying guidance which highlights an expectation from government that children's services and local housing authorities forge proactive links with one another to ensure they comply fully with the inter-relating pieces of legislation and prevent failures in responsibilities and standards of care.
- 7.3 Northamptonshire Children's Trust and West and North Northamptonshire Councils must work together to ensure that homeless 16- or 17-year-old young people are able to access services and are helped and supported in a timely manner.
- 7.4 This Appendix sets out the primary legislation for Northamptonshire Children's Trust (the Children Acts of 1989 and 2004) and the primary legislation for the local housing authorities (Part 7 of the Housing Act 1996, as amended by the Homelessness Reduction Act 2017). It also contains details of the House of Lords rulings, and the subsequent guidance issued jointly by Department for Education and the former Department for Communities and Local Government in April 2010 which was since updated in 2018 – the link to the updated guidance can be found here:

[Provision of accommodation for 16 and 17 year old who may be homeless and/or require accommodation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/682222/Provision_of_accommodation_for_16_and_17_year_old_who_may_be_homeless_and_or_require_accommodation.pdf)

### Primary legislation/duties for Northamptonshire Children's Trust in relation to this protocol

#### **Children Act 1989**

- 7.5 Section 17 places a general duty on social services authorities to safeguard and promote the welfare of children within their area who are in need, by providing a range and level of services appropriate to those children's needs.
- 7.6 A 'child in need' is defined as someone who is aged under 18 and:
  - 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 of appropriate services by a local authority; or
  - Whose health or development is likely to be significantly impaired (or further impaired) without the provision of appropriate services by a local authority; or
  - Who is disabled?
- 7.7 Section 17(5) allows Social Services Departments to call upon other agencies (particularly voluntary and community organisations) to provide services on their behalf.
- 7.8 A Section 17 assessment may ascertain that someone is capable of living independently and able to access appropriate support when needed; this would

indicate that housing is the main issue rather than provision of care and support.

- 7.9 Section 20(1) states that every local authority shall provide accommodation for any child in need within their area who requires accommodation as a result of: there being no person who has parental responsibility for him/her being lost or having been abandoned. The person who has been caring for him/her being prevented from providing suitable accommodation or care
- 7.10 The Southwark ruling clarified that “children’s services authorities should presume that any lone, homeless child should be provided with accommodation under Section 20 (1) of the Children Act 1989, unless the child is not ‘in need’. Section 20 assistance can be refused by a young person, however, because it is a voluntary arrangement.
- 7.11 Section 20(3) states that accommodation shall be provided for any child in need who has reached the age of 16 and whose welfare the authority considers is likely to be seriously prejudiced if they do not provide her or him with accommodation.
- 7.12 Under Section 27 of the Children Act 1989, a social services authority can ask a housing authority to help in delivering services for children in need. Clause 2 states “an authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of their functions.”

### 2018 Guidance states at Para 3.13:

“There are only two circumstances in which a local authority might find that a homeless young person should not be accommodated under Section 20 and may instead be owed duties under Housing Act 1996. These are where the young person is:

- a. not a child in need.
- b. 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.

- 7.13 Department of Health Guidance on the Act recommends that close liaison between social services departments and housing is necessary and may be best achieved through the establishment of formal arrangements.

### **Children Act 2004**

- 7.14 In autumn 2003 the Government published the ‘Every Child Matters’ Green Paper. This led to the Children Act 2004. The emphasis in the Act is on the increasing need for agencies to work together and establish procedures to enable the sharing of information about children and young people at risk. This means that joint protocols between agencies should play an increasingly important part in formalising processes between agencies.

## Primary legislation/duties for North and West Northamptonshire Councils in relation to this protocol

### **Housing Act 1996**

- 7.15 Part 7 of the Housing Act 1996 (as amended) sets out the legal framework for assisting people who are homeless or facing homelessness.
- 7.16 S175 of the Act sets out the definitions of homelessness and threatened with homelessness and the different factors to consider.
- 7.17 S185 of the Act sets out who is eligible for assistance under homelessness legislation considering their immigration status.
- 7.18 S189 of the Act sets out who is in 'priority need' for accommodation which includes 16- or 17-year-old young people.

### **Homelessness reduction act 2017**

- 7.19 Part 7 Housing Act 1996 has been amended by a variety of other Acts to follow, most notably for the purpose of this Protocol the Homelessness Reduction Act 2017.

### **Initial Assessment**

- 7.20 Where a young person approaches housing services for accommodation, or help with obtaining accommodation, housing services should treat this as an application for assistance under Part 7 of the 1996 Act. Under section 184, if housing services have reason to believe the young person may be homeless, or threatened with homelessness, they must make inquiries to determine what duties, if any, are owed to them.
- 7.21 If the young person is eligible and is (or may be) homeless and, by virtue of being 16 or 17 years old may have a priority need, the housing authority will have an immediate duty to secure interim accommodation (section 188(1) of the 1996 Act). In considering the suitability of accommodation authorities should bear in mind that 16- and 17-year-old young people who are homeless and estranged from their family will be particularly vulnerable and in need of support.

### **Priority need**

- 7.22 The Homelessness (Priority Need for Accommodation) (England) Order 2002 provides that the following have a priority need for accommodation for the purposes of Part 7 of the 1996 Act:
  - a. A child aged 16 or 17 who is not a relevant child for the purposes of section 23A of the Children Act 1989 and is not owed a duty to provide accommodation under section 20 of that Act (provision of accommodation for children in need).
  - b. A person (other than a relevant student) who;
    - i. is under twenty-one, and;

- II. at any time after reaching the age of sixteen, but while still under eighteen, was, but is no longer, looked after, accommodated, or fostered.
- 7.23 Housing authorities will be unable to determine whether a 16- or 17-year-old young person has priority need under the 1996 Act until a child in need assessment has been completed. It is therefore essential that referrals are made, and assessments completed in a timely manner.

### **Arrangements for Children Act Assessments**

- 7.24 If the outcome of the initial housing authority assessment is a finding that a young person is homeless but not eligible for housing assistance or is a 'relevant child' owed an accommodation duty under the 1989 Act, immediate arrangements must be made for them to receive assistance from children's services.
- 7.25 Young people who are eligible for homelessness services should also be referred to children's services during the prevention and/ or relief stages as set out below. There will also be circumstances in which a further referral is needed, including for young people who have declined to become looked after, but subsequently lose accommodation or are no longer owed a duty by housing services.
- 7.26 The fact that a young person may be reluctant to engage with the Children Act assessment process is not in itself a basis for assuming that the young person has rejected any children's services' intervention to provide them with accommodation. Lack of co-operation is no reason for the local authority not to attempt to carry out its duties under the 1989 Act. In these circumstances, the assessment will need to involve careful recording of how the authority has attempted to engage with the young person to assess their needs in order to determine and provide appropriate services. Ultimately, it is not possible to force services on young people who persistently continue to refuse them. Where children's services have decided that a section 20 duty is not owed, or the young person does not wish to be accommodated, housing services duties under Part 7 of the 1996 Act will continue.
- 7.27 In any case, where a housing authority provides accommodation for a child in need, including where the young person has declined to be accommodated under section 20, children's services will need to consider the provision of services under section 17 of the 1989 Act, set out in a child in need plan, and continue to work with housing services to ensure the young person's needs are met.
- 7.28 Where any safeguarding concerns emerge during their work undertaken with a 16- or 17-year-old young person, the housing authority must make a referral to children's services according to local safeguarding procedures.

### **Prevention and relief duties**

- 7.29 New duties towards people that are homeless or threatened with homelessness were incorporated within Part 7 of the Housing Act 1996 by the Homelessness Reduction Act 2017.

- 7.30 These include duties to:
- i. undertake assessments.
  - ii. develop personalised housing plans; and
  - iii. take reasonable steps to prevent homelessness (for applicants who are threatened with homelessness) or relieve homelessness (for applicants who are already homeless).
- 7.31 Young people who are eligible and homeless, or threatened with homelessness, must have an assessment of their needs. This must include:
- a. the circumstances that have caused them to be homeless or threatened with homelessness.
  - b. their housing needs, and what accommodation would be suitable for them, their household and anybody who might reasonably be expected to live with them; and,
  - c. the support that would be necessary for them, and anybody who will be living with them, to have and sustain suitable accommodation.
- 7.32 If a young person who applies or is referred to a housing authority is not homeless, but is threatened with homelessness within 56 days, a prevention duty will be owed irrespective of whether the young person is likely to have a priority need.
- 7.33 A referral should be made to children's services identifying the threat of homelessness, and services should co-operate together in efforts to prevent the young person from becoming homeless.
- 7.34 A Personalised Housing Plan must be developed with the young person, setting out the reasonable steps that the housing authority and the young person will take to try and prevent them from becoming homeless. Any steps that the young person is required to take should be proportionate to the age, understanding and assessed capability of the young person to undertake the actions. Other relevant people, for example parents or social workers, may also be requested to take actions as appropriate.
- 7.35 If a young person is already homeless when they seek help, or they become homeless despite efforts to prevent it, housing services must attempt to relieve their homelessness by ensuring that suitable accommodation is made available to them (section 189B). A Personalised Housing Plan must also be produced or amended to reflect the changes in housing circumstances. While a Personalised Housing Plan is prepared, emergency accommodation should be provided where necessary. If a child in need assessment has not already been completed one should be commenced immediately. Children's services should conclude the assessment within 45 days. The question of which further duties are owed under Part 7 of the 1996 Act will depend in part on the outcome of the assessment by children's services, and whether any duty is owed under section 20 of the 1989 Act.
- 7.36 Housing services should seek to work with children's services throughout the process of assessment, planning and attempting to prevent or relieve homelessness so that the child in need assessment and homelessness assessment, and the resulting plans and actions, are co-ordinated. This will enable a focus on working together to meet the needs of the young person and

is likely to lead to better and more sustainable outcomes.

7.37 Ending the prevention and relief duties

7.38 The section 195 prevention and section 189B relief duties can come to an end in a number of prescribed ways (as set out in the Homelessness Code of Guidance come to an end is set out in full in chapter 14 of the Homelessness Code of Guidance – Chapter 14) which include:

- a. The housing authority is satisfied that the applicant has suitable accommodation available for occupation and a reasonable prospect of suitable accommodation being available for at least 6 months from the date of the notice.

7.39 Duties might end in this way if the young person is accommodated under section 20 and/or within a supported housing pathway, and the housing authority is satisfied that suitable accommodation will be available for occupation for at least six months. Where the young person is older than 17 and a half, and children's services duty to accommodate them is likely to end within six months, it is the responsibility of the housing authority to satisfy itself that accommodation will be available for at least six months, for example through being confident that arrangements are in place for the young person to remain in the accommodation beyond their 18th birthday or for a planned transition to other suitable accommodation.

- b. The housing authority has complied with the prevention or relief duty and 56 days have passed (regardless of whether the applicant is still threatened with homelessness in the case of the prevention duty or whether they have secured accommodation in the case of the relief duty) (sections 195 (8)(b) and 189B (7)(b)).

7.40 If the relief duty ends after 56 days without homelessness having been relieved, the housing authority will be required to reach a decision on whether the (section 193(2)) main housing duty is owed (see below).

- c. The applicant has refused an offer of suitable accommodation, and, on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for the minimum prescribed period (sections 195(8) (d) and 189B (7) (c)).

7.41 If a young person refuses suitable accommodation, such as placement within a supported housing pathway, the prevention or relief duty may be brought to an end but without any effect on further duties that might be owed. Refusal of suitable accommodation within the relief stage will not disapply the young person from the (section 193(2)) main housing duty except where the offer was a 'final offer' of an assured shorthold tenancy or a Part 6 offer.

- d. the applicant has become homeless intentionally from any accommodation that has been made available to them as a result of reasonable steps taken by the housing authority during the prevention or relief duty, whichever is relevant (sections 195(8)(e) and 189B(7)(d)).
- e. the applicant is no longer eligible for assistance (sections 195(8)(f) and 189B (7) (e)).
- f. the applicant has deliberately and unreasonably refused to co-operate (sections 195(10) and 189B (9) (b)).

- 7.42 If the relief duty ends in any of the ways set out in c- f above, children's services will be required to carry out further assessments of the young person's needs.

### **Intentional homelessness**

- 7.43 Housing services should take particular care when assessing whether 16–17-year-old young people are to be considered intentionally homeless from their family home or from accommodation provided for them. For an applicant to be intentionally homeless the actions or omissions that led to them becoming homeless must have been deliberate. Housing authorities will need to be mindful that a homeless 16- or 17-year-old young person might not have the ability to understand the full consequences of their actions and choices that would be expected of an adult.
- 7.44 Housing services are reminded that applicants cannot be considered to have become homeless intentionally because of failing to take up an offer of accommodation; homelessness is only capable of being 'intentional' where the applicant has ceased to occupy accommodation that it would have been reasonable for them to continue to occupy. For a young person to be considered intentionally homeless from accommodation provided during the prevention or relief stages the accommodation must have been provided under the reasonable steps provisions and not as interim accommodation under Section 188 of the 1996 Act.
- 7.45 If, for whatever reason, a 16- or 17-year-old young person is found to have become homeless intentionally, housing services should inform children's services immediately.

### **Deliberate and unreasonable refusal to cooperate.**

- 7.46 The prevention and relief duties can be brought to an end under section 193B and section 193C respectively if an applicant deliberately and unreasonably refuses to take any of the steps that they agreed to take, or the housing authority set out for them to take where agreement could not be reached, in their Personalised Housing Plan. In considering whether a young person's actions were both deliberate and unreasonable, housing authorities must take into account their age and maturity, as well as the context in which they are making decisions. This would include considering the impact of homelessness on the young person's mental and emotional health, as well as their ability to understand the consequences of their actions and decisions.
- 7.47 Housing authorities must have procedures governing the service of notice on applicants who deliberately and unreasonably refuse to cooperate and might wish to consider how children's services can contribute to these arrangements in respect of homeless 16- and 17-year-old young people.

### **The main housing duty**

- 7.48 Where a young person who is eligible and unintentionally homeless does not have their homelessness prevented or relieved, housing authorities must assess what further duties (if any) are owed to them. If the young person is not

a child in need owed duties under section 20 of the 1989 Act, they will have priority need for accommodation and will be owed the main section 193(2) housing duty with the following exceptions:

- 7.49 The relief duty ended due to the young person's unreasonable and deliberate refusal to cooperate, in which case the section 193C (4) duty is owed.
- 7.50 The young person refused a final offer made under section 189B (9) (a) of the 1996 Act, or a Part 6 offer and so is disapplied from the main housing duty. A final offer must be of an assured shorthold tenancy of at least six months' duration which is suitable for the young person's needs.
- 7.51 Authorities should refer to chapter 14 of the Homelessness Code of Guidance for guidance on the ways in which prevention and relief duties end, and chapter 15 for guidance on discharging accommodation duties.
- 7.52 Where children's services have been providing temporary accommodation and a young person is to be provided with settled accommodation by the housing authority, children's and housing services will need to agree a procedure for children's services to inform housing services that their provision of temporary accommodation will come to an end. This process should aim to minimise anxiety for the young person associated with concerns that they may again find themselves without anywhere to live. Children's services and housing services will need to work together closely to ensure that the young person's ongoing housing needs can be met in the most practical and timely way possible.

### **Government guidance and case law**

- 7.53 The Department for Education and former Ministry of Housing Communities and Local Government (now Department of Levelling up, Housing and Communities) published joint guidance in 2018; 'Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation: Guidance to children's services authorities and local housing authorities about their duties under Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young people. The guidance can be found here: [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)
- 7.54 This guidance was first published in April 2010 following a number of judgments handed down by the House of Lords in cases concerning the interrelationship between the duty under section 20 of the Children Act 1989 ('the 1989 Act') and duties under Part 7 of the Housing Act 1996 ('the 1996 Act') 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 ('the 2017 Act'), and to incorporate other relevant updates.
- 7.55 Case law has clarified the relationship between the duty under section 20 of the Children Act 1989 ('the 1989 Act') and duties under Part 7 of the Housing Act 1996 ('the 1996 Act') in the case of 16- or 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 young person is owed duties under section 20 of the 1989 Act, this takes precedence over the duties in the 1996 Act in

providing for children in need who require accommodation. Where the specific duty is owed under section 20 of the 1989 Act, a 16- or 17-year-old young person 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.

- 7.56 Whilst the section 20 Children 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 service they initially seek help from; the outcomes of any assessments and enquiries; and the wishes and feelings of the young person and their family. It is therefore essential that children's services and housing services work together to plan and provide services that are centered on young people and their families and prevent young people from being passed back and forth between services and hence the commitments from the signatories to this Protocol.
- 7.57 Both the Judgments and the Guidance emphasise the continuing duty of children's services authorities and local housing authorities to collaborate in the discharge of their duties to children and young people. It is also made clear that 16- and 17-year-olds are too vulnerable to leave home and live independently, and it is a primary aim of all signatories to this Protocol to ensure that young people remain (or return to) their families if it is safe for them to do so.
- 7.58 Where there are exceptions (where the risk to the young person or the family members is such that, they cannot remain living together), it is expected the family will seek suitable alternative living arrangements for the young person within the wider family if possible. Those with Parental Responsibility for the young person will be expected to exercise this responsibility at least until the young person is 18.
- 7.59 All young people under the age of 16 remain the exclusive responsibility of their parents, and if in need, Northamptonshire Children's Trust. If a homeless young person under the age of 16 approaches any of the signatories to this Protocol, Northamptonshire Children's Trust should be contacted immediately in order for an assessment to be undertaken.

## 8. Appendix C – Example of Joint Assessment form (Page1)

Northamptonshire Joint Assessment form for a 16- or 17-year-old young person's accommodation and support needs.

### Professionals completing Joint Assessment

|                                                                                               |  |
|-----------------------------------------------------------------------------------------------|--|
| Northamptonshire Children's Trust Team, role, email and telephone number                      |  |
| Housing Team, role, email and telephone number                                                |  |
| Date of assessment:                                                                           |  |
| Is the young person accompanied by parent/carer or a support worker (please provide details): |  |

## 9. Appendix D – Escalation information

Northamptonshire Children's Trust will complete a review of this page on a quarterly basis to ensure all contact information remains up to date.

In the event of the need to escalate an emergency/crisis case, and having followed the process as set out in para 2.14, please contact the following:



| Name / Title                                               | Email                                                                          | Telephone    |
|------------------------------------------------------------|--------------------------------------------------------------------------------|--------------|
| Greta Ullfors<br>Strategic Manager, MASH,<br>DAAT and EDT  | <a href="mailto:Greta.ullfors@nctrust.co.uk">Greta.ullfors@nctrust.co.uk</a>   | 07787 197972 |
| Alby Luguterah<br>Strategic Manager, MASH,<br>DAAT and EDT | <a href="mailto:Alby.luguterah@nctrust.co.uk">Alby.luguterah@nctrust.co.uk</a> | 07920 416575 |
| Di McKinley<br>Strategic Manager,<br>Safeguarding          | <a href="mailto:Diane.McKinley@nctrust.co.uk">Diane.McKinley@nctrust.co.uk</a> | 07393 798608 |



| Name / Title                                                | Email                                                                                        | Telephone                    |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------------------|
| Antonio Taylor<br>Head of Housing<br>Solutions and Strategy | <a href="mailto:Antonio.Taylor@westnorthants.gov.uk">Antonio.Taylor@westnorthants.gov.uk</a> | 07741 692546                 |
| Kay Gilbert<br>Housing Options<br>Manager                   | <a href="mailto:Kay.Gilbert@westnorthants.gov.uk">Kay.Gilbert@westnorthants.gov.uk</a>       | 07857 600621<br>01604 526213 |



| Name / Title                                          | Email                                                                                      | Telephone    |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------|
| Claire Davis<br>Housing Advice and<br>Options Manager | <a href="mailto:Claire.Davis@northnorthants.gov.uk">Claire.Davis@northnorthants.gov.uk</a> | 07717 342654 |
| Emma Forbes<br>Head of Housing Solutions              | <a href="mailto:Emma.Forbes@northnorthants.gov.uk">Emma.Forbes@northnorthants.gov.uk</a>   | 07825 627009 |