



**Joint Protocol between Together for Children and Housing Services,
Sunderland City Council for the Prevention of Homelessness and Provision of
Suitable Accommodation for 16-17-year olds**

Vision

Together For Children (TfC) and Housing Services Sunderland City Council (SCC) are committed to achieving the best possible outcomes for all young people. A foundation to achieving this is that young people are better off living at home or within their family network so long as it is safe for them to do so.

Homelessness at a young age can impact on life chances and safety and should therefore be avoided wherever possible when young people cannot, for whatever reason, continue to live with their families.

This Protocol outlines service expectations in relation to how Together For Children (TfC) responds to 16/17-year olds who present as homeless and it describes the joint approach with the Housing Service within Sunderland City Council to assess the needs and support of these young people. Alongside statutory duties, we are committed to continuing with prevention work even once the young person has left the family home, as it may still be possible to resolve conflict and/or reunite young people with their families where it is safe to do so.

Joint Statutory Guidance originally published by the Department for Communities and Local Government and the then Department for Children, Schools and Families (Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation (April 2010) and the updated guidance 2018 makes it clear that the needs of young people aged 16 or 17 should be considered first and foremost under the Children's Act (1989) section 20 and recognises that young people of this age who are homeless are "extremely likely" to be a Child in Need under the terms of the Act. Decisions made only about their need for accommodation under housing legislation are unlikely to prove to be an adequate response and should only be made after Children's Services have considered the young person's need for assistance. 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.

Relationship between Together for Children (TfC) and Housing Services Sunderland City Council (SCC)

Following the Ofsted inspection of services for children in need of help and protection, children looked after and care leavers, in May 2015, a Commissioner for Children's Services was appointed following a Direction by the Secretary of State for Education. The Council, the Commissioner and the DfE, together with partners,

agreed with the Direction that the Council should work to establish a new holistic service delivery model for the provision of high quality children's services in the City. The Council was recognised for showing strong leadership in promoting this vision.

By taking a joined-up approach with its partners in a culture of social enterprise, the company, 'Together for Children – Sunderland' aims to improve services for children and families within the City.

Together for Children – Sunderland is owned by the Council, but it has day to day operational independence under the management of the TfC Board (with the Chair appointed by the Department for Education (DfE)). The company delivers all services for children in need, children in need of protection, children in care and care leavers, education, including the virtual school and early help under a service delivery contract with the Council. The Council acts as the local commissioner with responsibility for contract management.

The responsibility for homelessness under the Housing Act and Homelessness Reduction Act lies with the Housing Options Team within Housing Services of Sunderland City Council. The Housing Options Team can provide information and advice for people who are homeless or at risk of becoming homeless within 56 days. If you are aged 18 and over and faced with homelessness, the Housing Options team will complete an application with you, along with a Personalised Housing Plan to consider the best options available to you. In some cases, they may also provide you with interim accommodation whilst assessing your homeless application.

For further Information please visit [Homeless Services](#) or contact Sunderland City Council Housing Options Team on 0191 520 5551. Office at 31-32 Fawcett Street, Sunderland SR1 1RE

Rationale for the Sunderland Model of Youth Homelessness

TfC with Sunderland City Council (SCC) operates a single pathway into homelessness assessment and provision for 16-17-year-old children in the City.

It is a model that has been put in place to recognise the legislative requirements (including the [Care Act 2014](#) and [Homelessness Reduction Act 2017](#)) but also to maximise the opportunities offered through our unique set up, to deliver an integrated model which puts the young person at the heart of it.

The model seeks to acknowledge the housing needs of young people aged 16 – 17 years old and to place those needs firmly within a wider assessment that recognises

any young person presenting as homeless should also be considered to be a child in need in the context of the ruling of the [House of Lords Case R \(G\) v Southwark \(2009\) UKHL 26](#).

Whilst reconciliation into family units would always be explored and with input from the young person considered, it is acknowledged within the model that this is not always possible, as other factors may be present that would not allow the young person to return to the family home.

Looking at options for young people within a 'Children's Services' delivery model means that children in need can be placed directly into suitable accommodation without a further hand off, thus providing a much better experience for our young people.

Should a young person (with capacity) who has no other presenting needs or safeguarding issues decline to be supported by TfC, a duty to refer form will be sent to the Housing Options Team, within Housing Services, for an assessment to determine the young person's homelessness. If a young person is eligible and homeless (or faced with homelessness within 56 days), they will be owed a prevention or relief duty under the HRA. (See above).

However, the decision for TfC to both assess and provide accommodation has meant that all 16-17-year olds, identified at first point of contact, are triaged directly by TfC which, in most cases, will assess and provide housing (and wider) solutions and support.

Key Principles

This protocol is based on the following principles and beliefs about young people and their transition to independent adulthood:

- The experience of homelessness is damaging to young people and to their life chances. We support the statutory joint guidance which states that "it is in the best interests of most young people aged 16 or 17 to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends' network". It is the commitment of TfC and SCC Housing Service to keep families together in their homes wherever this is possible as this is usually best for the young person. The parents of, or those with parental responsibility for, 16- and 17-year olds are responsible for their children's welfare. Preventative services available through Early Help and the Pathways Team based with TfC's

Next Steps service will support a young person to remain in their family home and these options should be considered as part of the assessment process.

- Effective homelessness prevention work is at the heart of the approach of helping potentially homeless 16- and 17-year olds.
- Safeguarding concerns should be reported to TfC's Initial Contact and Referral Team (ICRT). Where young people are unable or unwilling to return to their immediate families, young people should be supported to explore wider kinship care and networks where their needs can be met.
- It is the responsibility of all agencies to keep the young person safe and their welfare is always paramount.
- Following the assessment, Bed and Breakfast accommodation, including hotels and nightly let accommodation with shared facilities, is not suitable to accommodate 16- and 17-year olds even on a temporary or emergency basis. Young people should not be placed in all-ages night shelter provision, even in an emergency.
- Young people need to be given every opportunity to have a realistic understanding of the options available to them and to make informed choices about their future and their wishes and feelings should be taken into consideration always.
- On occasions, and despite everyone's best efforts, the pathway agreed with the young person may break down. There is a commitment from the signatories to this Protocol to ensure that in such cases the young person is supported to return to the stage in the pathway appropriate to their needs, to re-engage and to be re-assessed by Children's Services as appropriate.

Objectives of the protocol.

The objectives of the protocol are:

- To ensure 16- and 17-year olds are supported to remain living in their family home, if it is safe to do so, but should not remain at home if this places them at risk of significant harm.
- To prevent the risk of homelessness where possible through early identification, prevention and timely response.
- To provide a clear process for age appropriate and needs led support for young people aged 16-17 who are at risk of homelessness.
- To provide a single and specialised access point for young people where they can get informed advice and support about their situation.

- To ensure that where needed, young people access the most appropriate accommodation, therefore preventing future homelessness.
- To improve arrangements for sharing information to facilitate a collective response to prevent youth homelessness.
- To develop personalised housing plans for young people.

Guidance on the Provision of Accommodation for 16 and 17-year-old young people who may be homeless and/or require accommodation.

- i. Following the, “G v Southwark 2009” House of Lords judgment, the Government issued joint statutory guidance from the Department for Children, Schools and Families (now the Department for Education) and Department for Communities and Local Government - [Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation](#). This guidance outlines the legal duties under [The Children Act 1989](#) and [Housing Act 1996](#) for 16 and 17 year old young people who are homeless.
- ii. 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 giving clear direction that it is essential 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.
- iii. The joint statutory guidance gives clear direction on the complementary roles of children’s services authorities and local housing authorities in implementing their separate statutory roles. The G v Southwark judgment clarified that in the case of a homeless 16 or 17-year-old, children’s law takes precedence over housing law. In light of this clarification, a fundamental principle of the joint statutory guidance is that all 16 and 17 year olds who are homeless will be assessed by children’s services under the Children Act 1989 to determine whether they are a child in need, as set out in Section 17 of the Act and, if so, whether a duty exists to offer accommodation under Section 20 of the Children Act.
- iv. Young people aged 16 or 17 years are still children and that as such, all agencies have duties and responsibilities to act together to protect them if they are suffering, or likely to suffer, significant harm.

Key extracts from this statutory guidance are:

- Para 2.13 “...children’s services should be the lead agency with regard to assessing and meeting the needs of 16- and 17-year olds.”
- Para 2.28 “An initial assessment should be carried out involving interviewing the young person and family members and making enquiries with other agencies...the lead agency will be children’s services, given their responsibilities for children in need in their areas.”
- Para 2.23 “There can be no doubt that where a young person requires accommodation as a result of one of the factors set out in the Section 20(1) (a) to (c) or Section 20(3) then that young person will be in need and must be provided with accommodation. As a result of being accommodated the young person will be Looked After” (except if a private fostering arrangement is in place where the parent arranges alternative care arrangements and Children’s Services simply approve the placement and monitor it on an on-going basis as per the Private Fostering Regulations. This is only applicable up to the age of 16).
- Para 2.16 “...where a 16 or 17-year-old seeks help or is referred, and it appears that he or she has nowhere safe to stay the night, then Children’s Services must secure suitable emergency accommodation for them...” and additionally “...this means that the young person will become Looked After (under s. 20(1)) whilst their needs are assessed.
- Para 2.48 “It will be essential that the young person is fully consulted about and understands the implications of being accommodated by Children’s Services and becoming looked after. The staff 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, as a care leaver. Children’s Services should also ensure that the young person receives accurate information about what assistance may be available to them, including from housing services under Part 7 of the 1996 Act, if they do not become looked after, and how any entitlement for assistance under Part 7 will be determined. In particular, the possible risk of becoming homeless intentionally in future, and the implications of this for further assistance with accommodation, should be made clear to the young person. This information should be provided in a ‘child friendly’ format at the start of the assessment process and be available for the young person to take away for full consideration and to help them seek advice.”
- Para 2.50 “Young people should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages and coming to a balanced decision.”

- Para 2.53 “Where a 16 or 17-year-old “Child in Need” wishes to refuse accommodation offered under Section 20 of the 1989 Act, Children’s Services must be satisfied that the young person:
 - has been provided with all relevant information
 - has been offered access to an independent advocate to consider any decisions that they may make
 - is competent to make such a decision
- Para 2.55 “The powers of local authorities to provide accommodation under Section 17 cannot be used to substitute for their duty to provide accommodation under Section 20(1) of the 1989 Act to homeless 16- and 17-year olds who are assessed as being a Child in Need following the process described in Part 2, above. Children’s Services do not have the option of choosing under which provision they should provide accommodation for homeless 16- and 17-year olds. Section 20 involves an evaluative judgment on some matters but not discretion.”

Managing Individual Cases.

Throughout, note should be taken of [Working Together to Safeguard Children 2018](#) *Statutory guidance on inter-agency working to safeguard and promote the welfare of children.

Risk of Significant Harm - If the young person presenting is believed to be suffering from, or at risk of, significant harm the SSCB Sunderland safeguarding Children’s Board Child Protection Procedures should be followed and a referral made to the Initial Contact and Referral Team immediately by telephone.

Ordinary Residence - The requirement for a young person to have been ‘Ordinarily resident’ in the city prior to becoming homeless in order to qualify for an assessment of need is no longer applicable.

Only where the young person expresses a clear and informed decision to return to their place of ordinary residence will the priority be to return these young people to their own area where the home local authority will take responsibility for the young person’s homelessness. As per the [Victoria Climbié Inquiry](#), the case cannot be considered as transferred to the home authority until the relevant First Line Manager in that authority has confirmed acceptance in writing (email correspondence will suffice). If the home area manager unreasonably declines the referral the matter should be escalated up the appropriate management lines in both authorities and, if need be, legal advice taken on action to take given the refusal.

Standards of practice.

- A young person in crisis should receive a consistent, practical and immediate response from whichever agency they first approach which focuses on preventing homelessness in the first place.
- Agencies will share information about a young person and their family, subject to the proper consent being obtained, to inform assessment of need.
- TfC and the Housing Options Team within Housing Services will collaborate fully during the assessment process.
- The availability or otherwise of suitable accommodation or support must not influence the determination of statutory duties under the Children Act 1989.
- Once potential duties are determined TfC and the Housing Options Team will work together in consultation with the young person to agree the way forward which:
 - a) Stands the best chance of being sustainable by the young person.
 - b) Offers the best achievable basis for the moving to independent adulthood (including the return to the family home or living with extended family) and
 - c) Makes the best use of all agencies combined resources of accommodation and support.

Effective action to prevent homelessness.

TfC, in consultation with Housing Services, have developed advice and information for teenagers, including 16 – 17-year olds and their families in relation to the help available to families with older teenagers. This sets out the available housing options for young people within the local area, their rights and how to access help. This is available to view on both [TfC](#) and [SCC](#) websites as well as being available as a [leaflet](#) for partners.

When a young person presents as being homeless the first stage is to ascertain the detail regarding their circumstances to verify if they are, in fact, homeless or whether other services need to be provided to support the young person with the real/underlying presenting need. Where possible, this stage will include a home visit together with an officer from the Housing Options Team to begin to establish relationships and assess need.

The Pathways Team within TfC's Next Steps service will complete an initial screening assessment of the referred young person unless the young person is:

- Open to another Social Work team, who are assessing the family under CIN
- Not resident in Sunderland (N.B. this will not apply to Sunderland residents temporarily out of the area)
- No longer homeless or in need

The initial screening assessment will identify all the young person's needs, the support available to them, further services that are required and the young person's views. It will establish whether the young person can remain at home or return home, whether they are a "child in need", and whether any duty is owed under section 20, Children Act 1989.

Where duty is owed under Section 20 and the young person consents, the social worker, after discussion with their Team Manager, will take the case to the Strategic Service Manager for authorisation. If the decision is that the young person should be accommodated under S.20, the responsibility for the young person's housing needs will lie with TfC.

If the young person is known to TfC and if this is an active case, the current allocated worker will respond to the presenting young person.

It should be noted that, as outlined in the G v Southwark ruling 2009 and in the subsequent statutory guidance there are very few circumstances in which a child who is homeless aged 16/17 would not to be assessed as being a Child in Need.

The assessment is not to consider who is best placed to meet the identified needs but should rather focus on what those needs are, as well as the expressed wishes and feelings of the young person, their capacity to make decisions regarding their accommodation arrangements and any risk factors that may be relevant.

Initial Actions.

As part of the assessment the allocated worker will:

- Check whether the young person has already contacted them and if so clarify the status of their request for assistance under the Housing Act (1996).
- Agree where the most appropriate place is to see the young person. It will be the responsibility of the assessing worker to travel to meet the young person as opposed to expect the young person to travel to the assessing worker.
- Determine in the first instance whether the young person is homeless or threatened with homelessness,

- If the young person claims to have nowhere safe to stay in the immediate future and if this is endorsed by the assessment the options to be considered include:
 - Place the young person in appropriate emergency accommodation. This will NOT include Bed and Breakfast accommodation including hotels and nightly let accommodation with shared facilities which is not suitable to accommodate 16- and 17-year olds even on a temporary or emergency basis. Young people should not be placed in all-ages night shelter provision, even in an emergency.
 - Supported accommodation
 - Emergency accommodation – Contact the host to share any specific issues relating to the young person and confirm arrangements for the financial responsibility for the emergency accommodation. As the placement is being made by Children’s Services, this will be as a Section 20 placement and as such the funding will be the responsibility of Together For Children.
- Provide the young person with full information about what it means to be accommodated under Section 20 of the Children Act 1989 and what the implications and benefits there may be. Seek the required consents to S20 admission: this includes the young person’s consent and that of any adult with parental responsibility. Should the person with parental responsibility refuse consent for S20, if the young person is deemed “Fraser Competent”, their consent will take precedence over parental consent.
- When consent has been confirmed, implementation of Looked After Children admission procedures will commence.
- Consider the provision of “Floating Support” if the young person is placed in unsupported accommodation. However, this should be avoided where possible.
- Inform the young person what will happen next.
- Ensure that the young person has the appropriate means to travel to the temporary accommodation and accompany them if they have additional vulnerabilities as highlighted within the assessment.
- Ensure that once there, the young person has adequate food, toiletries, clothing and refreshments for that night.

Supporting families to stay together.

In the same way as TfC responds to requests for under-16s to be accommodated, 16- and 17-year olds should, if possible, be diverted from care. For example,

- they may remain at home with support, including a referral to additional support services
- they may be provided with “help with accommodation” under section 17.

However, a key feature of support to family, friends and carers under section 17 is that *the Local Authority has not had a primary role in making the arrangement*. If the Local Authority makes the arrangement then the child will effectively be “looked after” under section 20, and the carers will have to be approved as Local Authority foster carers. Legal advice should be sought if necessary.

Assessment.

All the following conditions apply to the decision to provide accommodation under Section 20 (1) of the Children Act 1989.

(a) Is the Applicant a child?

The guidance applies only to children who have passed their sixteenth birthday but not yet reached eighteen.

(b) Is the Applicant a Child in Need?

This will depend upon the initial assessment. There will be circumstances where a child is temporarily without accommodation but not "in need" within the meaning of Section 17(10). But a child who is excluded from home and "sofa surfing", where a lack of permanent housing will have a long-term impact upon many areas of his life, cannot reasonably be said not to be "in need".

(c) Is the child within the Local Authority area?

Is “ordinarily resident” in another authority area they may be eligible for services in Sunderland. Legal advice should be sought if there is any doubt.

(d) Does the child “require accommodation”?

There are circumstances in which a 16/17-year-old does not “require accommodation” but does need “help with accommodation” that can lawfully be provided under s.17. The child may be able to return home with support. Alternatively, they may have another home to go to, on their own or with family or friends, but need help in getting to it, or making it habitable or safe.

(e) Is the need for accommodation the result of there being no person with parental responsibility for him, or him being lost or abandoned, or the person who has been caring for him being prevented from providing him with suitable accommodation or care?

This third condition covers a child who has been excluded from home even though this is the deliberate decision of the parent, e.g. in relationship breakdown situations. Young people who are being asked to leave the family home because it is felt by

both parties that they need their own accommodation but there is continued support and engagement with the family

(f) What are the child's wishes and feelings?

A local authority can lawfully accommodate a child of 16/17 years with their agreement even if their parent objects, under Section 20(11). There is nothing in Section 20 which allows a local authority to force their services upon older and competent children who do not want them.

Placement arrangements for young people accommodated under s.20.

The arrangements for placement, ongoing assessment, planning and review for 16- and 17-year olds accommodated in these circumstances are the same as for any child accommodated by the authority and are covered in the Together for Children's policies on Tri-x online procedure manual. An IRO will be appointed and a care plan drawn up. If the young person is looked after for more than 13 weeks the case will transfer to the Next Steps team through the normal case transfer process. A Pathway Plan Needs Assessment will be initiated at that point.

In respect of the type of accommodation offered to a young person the assessment will identify what that is thought to be, and the Allocations and Pathways Panel will make the final decision in respect of that recommendation. TfC have their own internal supported accommodation and supported lodgings scheme as well as commissioned and spot purchased placements offering a range of suitable accommodation across the city.

Together for Children must only provide children with supported accommodation which is suitable and of high quality, and the guidance is clear that suitable s.20 placements for 16/17-year olds may be in supported and staffed accommodation, supported lodgings, foyers, and self-contained properties with visiting support, as well as residential homes and foster homes. Where these "other arrangements" are made the day-to-day support arrangements must be planned for, and it may be appropriate to consider whether the young person may be supported in this accommodation after they have left care.

The role of the Allocations and Pathways Panel.

This is a weekly multi agency panel Chaired by TfC Strategic Service Manager and attended by the Housing Options Team, accommodation providers and partners.

The key priority and objective of the Allocations & Pathways Panel is to ensure that appropriate planning arrangements are in place to improve partnership working aimed at meeting the needs of homeless young people aged 16 & 17, care leavers aged 16 to 25 and vulnerable young people aged 18 to 25.

Function and priorities of the panel is to jointly:

- plan and risk assess new supported housing allocations
- review the progress of young people currently in supported accommodation
- risk manage, trouble shoot and move young people flexibly to support them to step down or move on when ready
- share information and intelligence on all matters related to accommodation pathways in Sunderland;
- individual case/accommodation planning - pathways and referrals to housing providers;
- dialogue between housing related partners;
- resolution of individual housing related issues.

Young people who refuse accommodation under s.20 Children Act 1989.

A 16/17-year old's refusal of an offer of s.20 accommodation must be an "informed" decision, i.e. they must be aware of the potential consequences of acceptance and refusal. Good practice requires that competent young people who refuse to be "looked after" should receive a written acknowledgement of their decision, outlining the advice that has been given. This will be done by the member of Next Steps staff working with the young person which will provide an "audit trail" and will be shared, e.g. with the Housing Options Team.

Some young people may lack the competence to make such a decision, and in a few of these cases a "best interests decision" under the Mental Capacity Act 2005 may be appropriate. [Mental Capacity Act 2005](#) Children's Services staff who are unfamiliar with this legislation are expected to seek legal advice in these situations.

Young people who refuse accommodation, or are not owed a duty under s.20, may be advised to apply to the housing authority, in this case the Housing Options Team, for assistance under Part 7 of the Housing Act 1996. It is in the young person's best interests that TfC and the Housing Options Team work together. It should also be noted that the refusal of s.20 accommodation does not make a young person "intentionally homeless" (not even in cases where the young person was accommodated whilst the Pathways Team completed an assessment). The Housing Options Team will consider each young person on their individual circumstances. Plans must be put into place to meet other needs in all circumstances – including when accommodation needs are not met by Together for Children.

Benefit entitlement.

Most young people who are looked after under s20 are not entitled to claim benefits and as such Together for Children will pay the equivalent income maintenance amount of £57.90 each week.

However, there are notable exceptions to this:

- Lone parents
- Disabled young people
- Young people who are unable to work due to incapacity
- Carers

Young people falling into any of these groups should be able to claim benefits (including Housing Benefit) as usual.

Young people who are being assisted under s17 only should retain their normal benefit entitlements.

Transition from Leaving Care to Housing Services via

- **Allocations Route (planned transition)**
- **Relief/prevention route under HRA.**

Allocations Route: If the young person has been identified by TfC as ready to move onto supported accommodation, TfC will complete a housing register application with the young person at the earliest opportunity and submit this along with a copy of their care plan and a financial assessment to the Housing Allocations team. The young person will then be given reasonable preference (extra priority) and placed into a priority band. TfC will work with the young person to ensure they are actively bidding for suitable properties within the specified timescales. The young person will be placed in a priority banding for 12 weeks and can bid for up to 5 properties weekly. The Housing Options Team run a report at week 3, 7 and 11 and if the young person has not been actively bidding their Personal Advisor will be advised that that may result in the young person losing their priority.

A joint protocol should cover arrangements for achieving planned, supportive transitions to independent living; identifying homelessness risk early and acting to prevent it, and providing a quick, safe, joined up response for care leavers who do become homeless.

Homeless Route: If a Young Person is evicted from supported accommodation and is homeless or threatened with homelessness within 56 days TfC will complete a duty to refer application and send it to the Housing Options team along with the young person's care plan and financial assessment and they will be placed into a relief or prevention duty in line with the HRA.

Where a young person is approaching their 18th birthday and has presenting eligible Adult Social Care needs, identified by TfC, the assessment information for the young person is shared at the Transition Management Group where case discussion takes place and an appropriate way forward is identified. An adult Social Worker is allocated to work jointly on the case at the earliest opportunity following the child's 17th birthday.

Transition to Adults Social Care.

If a young person (Age 16-17) at risk of homelessness becomes known to TfC, an assessment would be completed by the Next Steps Team, as agreed; the Pathway Plan with additional consideration given to the Care Act 2014 Eligibility Criteria to establish if ongoing care and support (which may include accommodation) is completed. Consideration should be given to issues of Capacity and consent and any necessary capacity assessment completed, in line with the Mental Capacity Act 2005.

If the young person is known to Children with Disabilities Team (CwD) a Child In Need assessment/review is completed, with additional consideration to the Care Act 2014 criteria, as above.

If Care Act eligibility is likely to be met, the assessment information is shared at the Transition Management Group where case discussion takes place and an appropriate way forward is identified. An Adult social worker is allocated to joint work the case at earliest opportunity following the Child's 17th birthday.

If the child will require supported accommodation when they reach the age of 18, details should be forwarded to the Supported Accommodation Partnership for the child's name to be added to the Commissioning Intentions Database and appropriate accommodation options to be explored.

If Care Act Eligibility is not met, the allocated Next Steps/CWD worker signposts to any relevant services-including Housing Options Team-and makes child and family aware of where they can find further information eg: via community hub etc.

The role of Youth Offending Services.

- i. If a young person aged 16/17 has been given a custodial sentence, their YOS case manager must identify any need for accommodation prior to release. As part of the resettlement plan, accommodation for a young person leaving custody who is not able to return home or back to foster care or residential

- care should be identified as soon as possible at the start of the sentence and not later than 28 days prior to release.
- ii. After sentence the YOS case manager will make a referral to ICRT for an assessment of whether the young person needs additional support as part of a CIN Plan. If the young person has an allocated social worker before the start of their custodial sentence, that social worker will work with the YOS case manager and the relevant secure establishment throughout the sentence period, ensuring that the young person's needs on release for assistance under the Children Act are assessed when appropriate. If the young person was previously a LAC, the social worker will take the lead in planning post-release accommodation from the start of the custodial sentence onwards, combining the sentence planning meeting process with LAC reviews whenever possible.
 - iii. Where the young person has not been looked after but needs accommodation on release, best practice is that this should be identified and reserved for the young person 28 days prior to release, so they know where they are going to be living. Where there is no accommodation identified, the young person is at risk of homelessness and a child in need assessment should be undertaken on that basis.
 - iv. If the young person is not an open case to Children's Services and it becomes apparent to the YOS case manager that the young person will not have suitable accommodation on release, the YOS case manager will complete a referral to Children's Services for a child in need assessment at least one month before the young person's release.
 - v. The YOS will continue to have an active role in preventing homelessness and will continue to offer preventative services to young people and their families where appropriate.

First Contact with Other Agencies.

Where other agencies, including youth work, education and voluntary agencies become aware of a young person aged 16 or 17 who is facing or who is already in a housing crisis or who has nowhere settled to stay (including sofa surfing) they should refer the young person to Children's Services via Early Help, unless there are additional safeguarding concerns, in which case the referral should go to the Initial Contact and Referral Team and follow this up with a telephone conversation.

Duty to Refer.

Local authority children's services are among the public authorities which are required to notify a housing authority of service users they consider may be homeless or threatened with homelessness (i.e. it is likely they will become homeless within 56 days) (section 213B of 2017Act).

Before making a referral, a public authority must:

- a) have consent to refer the young person and supply their contact details to the housing authority.
- b) allow the young person to identify the housing authority in England which they would like the referral to be made to.
- c) The referral must be sent to dutytorefer@sunderland.gov.uk or if from another authority, contact details can be found on the Sunderland Duty to Refer template.

Duty to Refer is used by public bodies, who are aware of homelessness or threat to the person within 56 days and have consent from the person. Wherever possible, young people will be sent a housing register application at the earliest opportunity so that Housing Services can explore their housing options in a planned way and avoid homelessness.

There will be occasions when young people are being evicted from supported accommodation. In these cases, a duty to refer should be sent to the Housing Options Team, giving as much notice as possible, along with the young person's pathway plan. The housing representative that attends the young person's accommodation panel should also be made aware of any potential referrals.

Housing Services use this information for the initial investigation i.e. checking systems to see if they are previously known to the service, any risks highlighted and accommodation they have possibly been excluded from. Housing Services will contact the young person within 3 working days. If a young person is homeless that day, then they should present to the Housing Options Team on the day with their Personal Adviser. The TfC Next Steps worker or Personal Advisor (PA) should, wherever possible, provide Housing Options with a full housing history that covers the last 5 years for the person as well as proof of ID and income where possible as this will help speed up the application process

The Housing Service and TfC will work together to collect all relevant information and previous assessments which will inform the development of a Personalised Housing Plan. This will determine their housing and support needs, along with the

wishes of the young person. Based on this plan, suitable interim accommodation will be identified, if required.

The specific needs and circumstances of the young person will be considered in determining the suitability of the accommodation as well as its location.

Special circumstances.

Out of Hours/Emergency Referrals

Any young person presenting as homeless out of hours should be referred to the Emergency Duty Team (EDT) on 0191 5205552

Teenage Parents/young carers

Where the homeless young person is also a parent with a dependent child still in their care there should also be a formal assessment of the needs of the dependent child as a potential Child in Need in their own right.

Unaccompanied Asylum-Seeking Children (UASC)

On first presenting as homeless, unless it is established the UASC is ordinarily resident elsewhere in the UK (see above), any UASC aged 16-17 who is homeless is automatically owed S20 duties and becomes a child looked after unless that young person makes a fully informed decision to decline this proposal. If the young person has already been accepted by another Local Authority, they retain responsibility for the services to the young person. If the young person is unknown, an age assessment is required to identify if the claimant is indeed 16/17 years old. A referral should be made to the Next Steps Team TFC who will arrange to carry out the age assessment. It may be that the young person requires accommodation under s20 whilst this assessment is on-going. The Next Steps Team will continue to liaise with the Housing Services should that be the case.

Young Person in Court/Custody

Where a Youth Court orders that a young person should not return home and there is a risk of remand to a Youth Detention Accommodation Order or remand to the care of the Local Authority, the YOS case manager must inform Children's Social Care on the day of the court appearances so that appropriate accommodation can be looked for. If a young person is subsequently made subject to a remand to a Youth Detention Accommodation Order the young person becomes Looked After

and the YOS case manager will need to confirm this to Children's Social care who will allocate a social worker and an Independent Reviewing Officer (IRO).

If the young person does not have an alternative address YOS the Pathways Team in Next Steps will take joint responsibility for exploring alternative safe options within the family and friends' network. Where there is no such option, YOS will refer the young person for a CIN assessment. Where a young person is serving a custodial sentence and likely to be homeless on release, YOS staff will take responsibility for exploring alternative safe options within the family and friends' network which will also need to be checked by Social care. This should be done as soon as it becomes known the young person is likely to be homeless. Where there is no alternative option, YOS will refer the young person for a CIN assessment. This should be done at least 4 weeks prior to release or within 24 hours of the likelihood of homelessness becoming known if this is nearer the release date.

Where a young person in S20 care is sentenced to custody CiC procedures should be followed, to include the convening of a Statutory Review prior to the release date to ensure there is accommodation and support on release.

Explaining assessment Outcomes to the Young Person

It is essential that the young person is fully consulted about and understands the implications of accepting or declining housing accommodation and/or accepting or declining S20 care. If the assessing worker has any doubt as to a young person's ability to understand the assessment or outcome, an advocate should be engaged to safeguard the young person's rights and support them to reach informed consent.

TfC and SCC staff should be clear what assistance may and may not be available to young people under Part 7 of the 1996 Act as a possible alternative to S20. This should include how any entitlement for assistance under Part 7 will be determined and the possible risk of becoming homeless intentionally now and in the future.

Similarly, SCC, TfC and YOS staff must provide realistic and full information about the support the young person can and cannot expect either under S17 or S20 of the Children Act.

The reason for staff giving clear explanations is so the young person can make an informed decision about requesting S20 or alternative accommodation options. In all cases, the young person should be advised where s/he can seek external advice if desired.

Recording Case Information

It is important that information is recorded on each service's relevant electronic system accurately, within prescribed timescales as per the relevant departmental guidance. At a minimum, recording should cover the following: -

1. Details of the need assessed and any known risks or safeguarding concerns.
2. The name of the worker undertaking the assessment.
3. Involvement of any other agency/service with the young person and/or their family.
4. The expressed views of the young person.
5. Contact with parents/carers and their views.
6. The date the young person returned home or the reason why a young person cannot return home.
7. The decision regarding any housing duty or S17/S20 duty, to include the date the decision was made and the date young person informed TfC/SCC and the rationale for any management decision made.
8. Details of any accommodation provided including the date this started, provider name and date the young person moved in.
9. If the young person refuses S20 care, the date it was refused and the reasons why should be recorded along with the date young person informed TfC/SCC of this.

In all cases the decision made in respect of the young person's needs and the assessment as to how those needs will be best met must be clearly recorded on the respective agency's case files. This recording should specifically address the competence of the young person and the evidence that any decisions made by them were fully informed.

Within TfC these decisions should always be recorded on the young person's Liquid Logic case file.

Within SCC these decisions will be recorded by the Housing Options Team on CDP soft and reports are run to inform the shaping of services for young people going forward.

Dispute Resolution.

Where there is any dispute or disagreement between staff working to this protocol this should not interfere with the provision of a seamless service to young person. The safety and well-being of young person must be secured by the service currently

responsible for them whilst attempts are made to resolve the dispute. All staff and managers must aim to resolve disputes professionally. In the unlikely event that a resolution is not possible, the issue should be referred to the lead officers for the protocol for a final decision.

If resolution is not sought within 10 working days, then workers should escalate to senior managers of relevant agencies:

Together For Children: Sharon Willis – Strategic Service Manager

Sharon.willis@togetherforchildren.org.uk

Sunderland City Council Housing Services: Liz McEvoy – Senior Housing Manager

Liz.McEvoy@sunderland.gov.uk

Protocol Monitoring.

It is important to monitor and evaluate the joint working protocol.

The Protocol will be monitored quarterly by TfC with Housing Services and The Homelessness Advice and Support Team working group will meet annually to review the Protocol. This meeting will include a review of the numbers of young people whose needs have been addressed via this protocol and their outcomes and address any working practice issues that may have arisen and provide effective training for all agencies involved.

Strategic joint working.

There are several housing boards and strategies which provide the governance for joint working.

The Strategic Housing Delivery Board is comprised of officers at a leadership level and oversee the delivery of the City's Housing Strategy.

Both the Housing and Homelessness Strategies include input from Together for Children colleagues and include actions to reduce homelessness among young people. Representatives from both TfC and Housing Services sit on the working groups that take these actions forward.

There is a working group of Together for Children and Housing Services to jointly commission supported accommodation, floating support, supported lodgings and more specialist accommodation, based on shared data around need and demand.

Appendices

1. Together for Children 16-17 homeless referral process
2. Together for Children 16-17 homeless flowchart

Links

[Together for Children guide for young people and families](#)

Housing Options Duty to refer [template](#)

[Homelessness Code of Guidance in relation to youth homelessness](#)

APPENDIX 1

TOGETHER FOR CHILDREN 16-17 HOMELESS REFERRAL PROCESS

1. Young person presents or is referred to children's social care as homeless

Contact received via Emergency Duty Team (EDT)/ Initial Contact and Referral (ICRT)

Person receiving contact either out of hours, ICRT. Establish if young person meets homeless criteria, unable to return to appropriate family member/parent with parental responsibility.

- In absence of alternative interim accommodation, emergency accommodation will be sourced via TfC commissioning.

2. Case Open?

YES - Contact sent to allocated Social Worker/allocated Team with recent involvement in line with re-referral guidance timescales.

NO - ICRT will complete parallel chronology of Social Care involvement and case file if decision is to progress to referral. Progression to Pathways Team Next Steps for review against criteria of 16/17 Homeless Child in Need (CIN) enquiry/assessment.

3. Criteria Met

Decision made within 24 hours

- NO – Referral to Housing Options Team. With support from Duty Worker to complete referral/presentation.
- YES - Referral sent to identified allocated Social Worker to commence 45 day 16/17 Homeless CIN enquiry/assessment.

4. Allocated to Pathways Team Social Worker

Accommodation under Section 20 considered for Young Person. Young Person informed of the option to become accommodated as a Looked After Child, with

informed consent and decision making. Accommodation provision will be reviewed via allocation panel with service providers as appropriate.

Child In Need Assessment completed within 45 working and reviewed in line with CIN guidance.

5. Outcome of CIN assessment

- i. Following agreement from Senior Management TfC to accommodate and should S20 CA1989 remain appropriate, young person will continue to be supported via care planning. Request for Independent Reviewing Officer to be allocated in line with guidance, 20-day review to be co-ordinated.
- ii. Young Person opts out of Section 20. Accommodated under Section 17 CA1989. CIN process remains appropriate and reviewed in line with CIN guidance. 4 weekly visits from allocated worker and CIN meetings to be held 4-6 weekly.
- iii. Young Person opts out of support from Children's Services; referred to Housing Options Team for assessment under homelessness legislation.
- iv. Young Person aged 17+ with Eligible Adults Social Care Needs. Transition process to be commenced with Adult Social Care. Assistant Team Manager Next Steps to present case to Transition Management Group which will be reviewed monthly and track progress of Adult Needs assessment to inform future planning. See Appendix 2 for additional process.
- v. Reunification with family achieved. Consider continuing CIN process or step down to Early Help services if appropriate. 4 weekly visits from allocated worker and CIN meetings to be held 4-6 weekly.

APPENDIX 2

TOGETHER FOR CHILDREN 16-17 HOMELESS FLOWCHART

Joint 16 – 17 Homeless Referral Process

