



Walsall Council

Joint Protocol

Walsall Children's Services

&

Walsall's Housing and Welfare Service (Money, Home, Job)

16 and 17 Year Olds

***Who are Homeless or Threatened
with Homelessness.***

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1. Introduction and Purpose of the Protocol

This joint protocol has been developed between Walsall Children's Services and Walsall's Housing and Welfare Support Service (Money, Home, Jobs) in response to the House of Lords judgement in May 2009 in the case of 'R (G) V LB Southwark' and the subsequent statutory guidance issued by the Department for Education is 2010: 'Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation.'¹

The protocol has been developed in compliance with legislation under the Children Act 1989 (part 3) and the Housing Act 1996 (part VII), and statutory guidance, and outlines the joint responsibilities of Children's Services and Housing in working together to meet the needs of young people who are 16 and 17 years old in Walsall, and are homeless or at threat of homelessness.

Walsall recognises that children and young people are better off living within their family home or with wider family members, and therefore we will endeavour to support a young person to remain within their family home or within their family network, as long as it is safe to do so. Some young people may not have the option of this stability from family. Where a young person presents with these circumstances, we will jointly assess their needs to identify the type of accommodation and support that will need to be provided to them.

The Purpose of this protocol is to achieve the best outcomes for young people by committing to effective joint working, by achieving a clear understanding of each other's' roles and responsibilities, through a robust yet flexible approach to finding solutions. Thus, allowing young people access to inclusive advice that will enable them to make informed decisions and choices across all elements of their life.

1.1 Principles

- Unless there is clear evidence to the contrary, our starting point is that all Children and Young People are best off with their families and we will make every effort therefore to mediate between young people and their families to negotiate a return home and prevent homelessness.
- To work together to ensure the Young Person is supported in making the decisions they need to make, giving them all the facts and options and access to an advocate, where required.
- Services are to work together to find accommodation, if the Young Person cannot remain at home or within their wider family network. Bed and breakfasts are **not suitable** for use by Children's Services or Housing and Welfare to accommodate 16 and 17-year-olds, on a temporary basis. Where this is the only accommodation available, the agency with the

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year_old_who_may_be_homeless.pdf

accommodation responsibilities will liaise with the other agency to seek an alternative, and more suitable accommodation.

- To ensure that young people are not passed between services whilst a decision is made as to what service should take lead responsibility in responding to their housing need.
- To ensure that young people receive a seamless service with Council services working together to respond to their needs.

1.2 Legislative Background

Following the **R (G) v Southwark (2009) UKHL 26**, House of Lords judgment, the Government issued joint statutory guidance for Children's Services and local housing authorities from the Department for Education: 'Prevention of homelessness and 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. 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 olds, 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 should 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 1989.

The joint guidance was updated in April 2018 by the Ministry of Housing, Communities and Local Government and the Department for Education, following amendments to the 1996 Housing Act, following the introduction of the Homeless Reduction Act 2017.

All 16 and 17 year olds who are homeless or threatened with homelessness are likely to be vulnerable and will often be at risk of harm in the absence of intervention. Safeguarding and promoting their welfare should be central to service provision. If there is a concern that a child may be suffering, or likely to suffer, significant harm then local safeguarding procedures must be followed. The statutory guidance 'Working together to Safeguard Children'² sets out what is expected of organisations to safeguard and promote the welfare of children.

1.3 Legislative Framework

The Children Act 1989

Section 17 of the Children Act 1989 sets out the responsibilities of local authorities to provide services for children in need and their families. It is the general duty of every local authority:

- To safeguard and promote the welfare of children within their area who are in need, and

² <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

- So far as is consistent with that duty, to promote the upbringing of such children by their families; by providing a range and level of services appropriate to those children's needs.

Section 17 (10) of the Children Act 1989 defines a child as being in need if:

- They are unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for them of services by a local authority under this part;
- Their health or development is likely to be significantly impaired, or further impaired, without the provision for them of such services; or
- They are disabled

Section 20 (1) of the Children Act 1989 requires that:

- Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of;
 - a) There being no person who has parental responsibility for them;
 - b) Their being lost or having been abandoned; or
 - c) The person who has been caring for them is prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care.

In addition, even if the criteria in section 20 (1) does not apply, section 20 (3) requires that;

- Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.

Section 20 (4), provides that;

- A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for them is able to provide them with accommodation) if they consider that to do so would safeguard or promote the child's welfare.

Where a young person in need requires accommodation as a result of one of the factors set out in section 20(1) (a) to (c) or section 20 (3) then that young person must be provided with accommodation. As a result of being accommodated by children's services for a continuous period of more than 24 hours, the young person will become 'looked after', and the local authority will owe them duties that are owed to all looked after children, and once they cease to be looked after, the duties owed to care leavers under the Act.

If a young person is accommodated under Section 20 they become a 'looked after child' and they are afforded further protection and rights with a range of support and services, including a named social worker and a care plan or pathway plan. The care plan or pathway plan should include accommodation and support needs with named contacts, timescales for action and review.

Section 20(6) of the Children Act also requires that;

Before providing accommodation under this section, a local authority shall, as far as is reasonably practicable and consistent with the child's welfare;

- a) Ascertain the child's wishes and feelings regarding the provision of accommodation; and
- b) Give due consideration (having regard to their age and understanding) to such wishes and feelings of the child as they have been able to ascertain.

This will include assessing their emotional and behavioural development, and their capacity to make use of wider resources to manage independent living.

Whilst accommodated under section 20 the young person will not be eligible for welfare benefits, including housing benefits or housing costs under universal credit. Children's services will have a duty to maintain them, including the cost of accommodation.

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

- Not a child in need
- A 16 or 17 year old child in need who, having been properly and fully advised of the implications and having the capacity to reach a decision, has decided that they do not want to be accommodated under section 20.

In addition, a local authority may not provide accommodation under section 20 (7) for any child if any person who;

- a) has parental responsibility for them; and
- b) is willing and able to—
 - i. provide accommodation for them; or
 - ii. arrange for accommodation to be provided for him,

objects.

While a local authority can offer services and support to a young person under Section 17 of the Act, they cannot substitute the Section 20 duty with Section 17 powers.

Housing Act 1996 (as amended)

The Housing Act 1996 Part VII sets out the legal framework for assisting homeless people. Part VII of The Housing Act 1996 (as amended) clearly outlines the duty of the Local Housing Authority to provide a service offering support and advice on preventing homelessness, securing accommodation when homeless and, the rights of those who find themselves homeless, as well as the support available from the local housing authority and other local agencies, to all persons.

The **Homeless Reduction Act 2017** came into force in April 2018 and sees significant amendments to the existing homeless legislation. The Act introduces several new statutory duties to ensure that Local Housing Authorities take steps to prevent or relieve homelessness.

Section 175: A person is homeless if they have no accommodation available in the UK or elsewhere, or if they cannot secure entry to it, or it is not reasonable for them to occupy it.

Section 189: A person is in priority need if they or their partner are pregnant, have dependent children, are aged 16 or 17 years old, are vulnerable due to old age, mental illness or handicap or physical disability or other special reason, or are homeless or threatened with homelessness as the result of an emergency.

Prevention and Relief Duties

New duties towards people that are homeless or threatened with homelessness were incorporated within Part VII of the Housing Act 1996 by the Homelessness Reduction Act 2017. These include duties to:

- a) Undertake assessments;
- b) Develop personalised housing plans; and
- c) Take reasonable steps to prevent homelessness (for applicants who are threatened with homelessness) or relieve homelessness (for applicants who are already homeless).

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.

Ending the prevention and relief duties

The guidance on how the (section 195) prevention and (section 189B) relief duties come to an end is set out in full in chapter 14 of the Homelessness Code of Guidance³ and include the following:

- 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.

Duties might end in this way if the young person is accommodated under section 20 of the Children Act 1989 and/or within a supported accommodation and the housing authority is satisfied that suitable accommodation will be available for occupation for at least six months.

- b) The Local 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)).

³ <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-14-ending-the-prevention-and-relief-duties>

If the relief duty ends after 56 days without homelessness having been relieved, the Local Housing Authority will be required to reach a decision on whether the (section 193(2)) housing duty is owed (see Main Duty).

- 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)).

If a young person refuses suitable accommodation, such as placement within supported accommodation, 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 main (section 193(2)) 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)).

If the relief duty ends in any of the ways set out in c to f above, Children's Social Work Services will be required to carry out further assessments of the young person's needs.

The Main Housing Duty

Where a young person who is eligible and unintentionally homeless does not have their homelessness prevented or relieved, local 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:

- a) 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.
- b) The young person refused a final offer made under Section 189B (9) (a) of the 1996 Act, or a Part 6 offer and so excluded from the main housing duty. A final offer must be of an assured shorthold tenancy or another appropriate offer of accommodation, which will be for at least six months duration, and which is suitable for the young person's needs.

Guidance on discharging accommodation duties is set out in full in Chapter 15⁴

⁴ <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-15-accommodation-duties-and-powers>

2. Prevention and Support

2.1 Early Intervention and Prevention

When a 16 or 17 year old is seeking support because they are homeless or threatened with homelessness, Walsall Children's Services and Walsall Housing and welfare support service should work pro-actively with the young person and their families to identify and resolve the issues that have led to them becoming or being threatened with homelessness. This could involve family support through Early Help intervention where there is evidence or indication of relationship difficulties and tensions within the home or more intensive family support through Walsall's adolescent service Turning Point, which can include mediation and/or family group conference, or support from the housing and welfare support officer.

Early identification of a young person being threatened with homelessness or there being evident tensions or breakdown in family relationships, is important as this allows for appropriate support to be identified and implemented at the earliest opportunity and to work to improve relationships to prevent the young person becoming homeless.

It may be possible to prevent a 16 or 17 year old from having to leave home at all, if appropriate family support is identified at the earliest opportunity. Where there is significant family tensions and relationship difficulties identified, more intensive support may be required for a longer period of time, and it is important that support is offered in line with the young person and family needs at the earliest opportunity and continues during the course of any assessment.

Work undertaken by children's services and housing services to prevent 16 and 17 year olds from becoming homeless may be undertaken under both section 17 of the Children Act 1989 and section 195 of the Housing Act 1996. Any preventative work should take place alongside the assessment process and should not delay the provision of accommodation or performance of other statutory duties where these are owed.

Where a young person requires accommodation (under section 20, Children's Act 1989), support and intervention should continue to support in rebuilding relationships and a reunification home or to wider family members should be promoted, as long as it is safe to do so.

2.1 Turning Point Adolescent Support Service

Turning Point is an adolescent support service within children's services, for children and young people aged between 10 and 18 years old in Walsall who are experiencing difficulties in family relationships and are at threat of becoming homeless and in need of accommodation. Turning Point accepts referrals from Children's Social Care or Early Help practitioners and will provide intensive family support and intervention for 16 – 20 weeks, alongside the Early Help Practitioner or Social worker's assessment or as part of the existing plan i.e. child in need plan. The intervention focuses on prevention of children and young people coming into local authority care by utilising the AMBIT model (Adaptive mentalisation based integrative treatment) to provide planned intensive support to a family

where complex needs are identified in order to empower and enable the family to work together to remain as a family unit.

The AMBIT model is a psychological model drawn up by the Anna Freud Centre, and is based around life story, life experience, mentalisation and trauma. This is an approach particularly developed to work with complex young people who are often hard to engage with. Turning Point use assessment tools based within this approach with the ultimate aim of supporting young people and their parents/ carers to be able to mentalise each other and understand each other's mind set and thought processes. The approach and model of work also sees a specialist piece of work delivered with parents and carers, the AMBIT reflective parenting approach which helps parents and carers to explore their life story, perceptions of parenting, beliefs around parenting and lived experience of being parented and how this has affected their own parenting. The service model also has a number of trauma screens within and also acknowledgement of the impact of trauma on parenting and life choices/ story. In addition, Turning Point is a multi-agency team, having access to expertise of a clinical psychologist, speech and language therapist and family support workers who specialise in substance misuse and exploitation, enhancing the support and intervention that can be offered to the young person and their family.

The role of Turning Point is to support the family to identify the issues affecting the stability of the home and support, enable and empower them to mentalise and adapt to make the required changes in order to begin working together towards forming a cohesive family unit. This can include mediation and/or family group conferencing. If a young person becomes homeless and requires accommodation through children's services or the housing and welfare service during the course of the joint assessment or intervention, Turning Point will support with a plan of reunification and continue to support the young person and their family in rebuilding family relationship to enable the young person to return home, where it is safe to do so.

Roles and Responsibilities

3.1 First Contact Children's Services

Initial contact/referral

If a 16 or 17 year old presents initially to children's services as homeless or at threat of becoming homeless, children's services have a duty to assess under section 17 of the Children Act 1989 as a child in need.

In the first instance, the Multi-Agency Safeguarding Hub (MASH) would create a new contact, capturing the young person's basic details and overview of current circumstances that have led them to become homeless or threatened with homelessness. A MASH duty social worker would be assigned the contact to make initial enquires and contact with the young person, to ensure that their immediate safety and well-being is considered. The MASH duty social worker would look to obtain an overview of the current circumstances and why the young person is homeless or threatened with homelessness, this will enable them to consider the urgency in which an assessment of the young person's needs is required. If there is an immediate threat of homelessness or the young person is currently homeless, the MASH Team Manager should be alerted and discussions should take place with the locality duty and assessment team manager to alert them to the young person's situation and that urgent

allocation of the young person is required, in order for a social worker to be identified at the earliest opportunity.

The MASH duty social worker would ensure that the young person is aware of what the next steps are and that an assessment will be required, with their consent. The MASH duty social worker would contact the parent or carer for the young person to obtain their initial views in relation to the situation and to seek consent to MASH screening with partner agencies and to a child and family assessment (under section 17, Children Act 1989) to fully understand and assess the young person's needs and current family situation. Consent would also be sought for a referral to be made to Housing and Welfare Services for an assessment of the young person's accommodation needs to be completed jointly.

A referral should then be triggered by MASH and progressed to the Locality Duty and Assessment Team for an allocated social worker to be assigned and arrangements then made with the Housing and Welfare Support Service for joint visit to be completed to commence the Joint assessment. The MASH contact should be progressed to a referral within 24 hours of receipt, unless there is an immediate accommodation need owing to the young person being homeless or there being an imminent threat of homelessness, in which case, the contact should progress to a referral the same working day.

If there is an immediate need for emergency accommodation that night, this should be arranged by children services under their statutory duties under section 20 of the Children's Act 1989, pending full assessment, unless the young person initially presented as homeless to the Housing and Welfare service, in which case the responsibility to provide emergency accommodation would lie with housing. Decisions as to which agency assumes or maintains ongoing responsibility to provide accommodation will be determined dependant on the outcome and recommendations following completion of the joint assessment between children's services and the housing and welfare support service.

If a 16 or 17 year old young person is pregnant or has a child, an assessment should be completed in relation to the unborn or child, in addition to that of the young person. Walsall's pre-birth protocol would be followed in relation to assessments for an unborn child. If the young person presents with a partner, the partner will require an assessment in line with statutory duties and this joint protocol if they too are aged 16 or 17. If the partner is over the age of 18, they would not be considered under the joint protocol and should make a homelessness application to the Housing and Welfare service.

Young People open to Children's Services

Where a young person is already open to children's services on an existing plan, i.e. child in need plan and presents as homeless, the allocated social worker should explore the current circumstances and what has led to the young person becoming homeless in the same way as a MASH duty social worker would with a new young person being referred to the service. The allocated social worker should, where it is possible and safe to do so, try to maintain the young person remaining at home or within their family network with appropriate support. The allocated social worker should refer the young person to the Housing and Welfare Service in order for joint assessment to commence. The allocated social worker would be required to complete an updated child and family assessment alongside the joint assessment with housing. In addition, if there is a need for emergency accommodation that evening, the allocated social worker should facilitate this under statutory duties under section 20 of the Children Act, with the young person's agreement.

3.2 First Contact with Housing and Welfare Service (MHJ)

Initial contact

Where a Young Person presents directly to the the Housing and Welfare Service Young Person's Team (YPT) for accommodation or for help with obtaining accommodation, this is treated as an application for assistance under Part VII of the 1996 Act as amended by the homelessness reduction Act 2017.

If the YPT housing and welfare officer has reason to believe the young person is homeless, or is threatened with homelessness within 56 days, they will make enquiries under Section 184 to establish if any duties are owed.

Initial enquiries with Multi-Agency Safeguarding Hub (MASH) will be made to establish whether or not the young person is a 'relevant child' and owed an accommodation duty under the 1989 Act. If a young person is found to be a 'relevant child' a Multi Agency Referral Form (MARF) will be completed and sent to Multi Agency Screening Hub (MASH) to enable the young person to receive assistance from Children's services.

If the outcome of the initial enquiries confirm the young person is not a relevant child or the Young person is not open to Children's services a MARF Referral is completed and sent to MASH to request a Joint Assessment. This will be completed by the Housing and Welfare Officer on the same day as the young person has presented to the Housing and Welfare Service.

The Housing and Welfare officer will make initial enquiries to establish the reason why the young person maybe homeless or threatened with homelessness, including contacting any parents or carers, where it is appropriate to do so.

Where it is safe to do so, attempts will be made to negotiate for the young person to remain at home, or to stay with another family member or other appropriate adults, until a Joint Assessment (Chapter 3) takes place, where the young person's ongoing need for accommodation and support will be further assessed.

If the young person is eligible for assistance and it has not been possible to negotiate for the young person to remain at home, by virtue of being 16 or 17 years old the young person **may have a priority need**. Housing and Welfare will have an immediate duty to secure interim accommodation (Section 188(1) of the 1996 Act).

In considering the suitability of accommodation, Housing and Welfare will bear in mind that 16 and 17 year olds who are homeless and are estranged from their family may be particularly vulnerable and in need of support. Bed and breakfast accommodation, including hotels and nightly let accommodation with shared facilities, is not considered suitable for any 16 or 17 year old.

Priority Need

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.

The YPT Housing and Welfare Officer will be unable to determine whether an applicant has priority need, until a Child In Need Assessment has been completed. It is likely that the young person will have priority need for accommodation if they are not owed an accommodation duty under S20 or after being provided with all the relevant information during the Joint Assessment (Chapter 3) they do not wish to be accommodated under S20.

Duties

Once housing and welfare have completed initial assessments and are satisfied:

- **The young person is eligible and is threatened with homelessness;** a Prevention Duty will be owed and a Personal Housing Plan produced. This will contain achievable actions that the young person and the Young Person's Officer will take to prevent homelessness occurring and maintain the young person within a safe family setting.
- **The Young person is considered eligible and already homeless;** a Relief Duty will be owed. A Personal Housing plan will be produced with actions detailing the steps to be taken to relieve their homelessness.
- **The Young person is homeless but not eligible for housing assistance,** Children's services will be notified to enable the young person to receive assistance.

The YPT Housing and Welfare Officer will lead on the production and delivery of the actions contained within the Personal Housing Plan, in consultation with colleagues in the Children's Services. This will enable a focus on working together to meet the needs of the young person and lead to more sustainable outcomes. Any actions that the young person is required to take should be proportionate to the age, understanding and assessed capability to undertake the actions.

3.3. 16/17 year olds from another Local Authority seeking assistance.

Children's Services

Where a 16 or 17 year old who was living in one local authority area and moves to another local authority area and seeks assistance from children's services in that local authority, the duty to assess falls on the authority area in which the young person is. The authority cannot refuse to consider the young person's immediate needs and expect them to return to the authority in the area presumed to be their 'home' district.

The MASH duty social worker should make Initial enquiries with the young person to establish their connection to Walsall and this should include enquiries with the local authority where the young person came from. It should be established as to why the young person has sought assistance in Walsall rather than their 'home' district, and exploration should be given as to whether it is possible for the young person to return to their 'home' district. Discussions should take place with the 'home'

district to negotiate them taking over the assessment of need for the young person, if there is no evident connection to Walsall or reason for presenting for assistance, and there are no evident safeguarding concern preventing them from seeking support in their 'home' district.

It is essential that any disputes about responsibility for the young person in the medium term should not get in the way of the young person's request for accommodation in Walsall where they have presented and there is a requirement to respond to their immediate needs. The young person must not be passed between local authorities and services whilst a decision is reached about which local authority is responsible for assisting them.

Housing and Welfare Service

Housing and Welfare must consider all applications for accommodation or assistance in obtaining accommodation. Housing may choose to refer Young People who are homeless and eligible for assistance to another housing authority. Referrals can only be made if the below are all satisfied:

- The Young person **does not** have a local connection to the area they have applied to;
- They do have a local connection in the area they are being referred to; and
- They would not be at risk of violence or the threat of violence in the area they are referred to.

Prior to undertaking a referral to another district where the young person may have a local connection, Housing and Welfare should seek consent to discuss the referral to another authority with relevant children's services, in both the area housing are minded to make the referral to and Walsall Children's Services.

3.4 Duty to Refer

Local Authority Children's services are among the public authorities, which are required to notify Housing Options Services of a service user that they consider may be homeless or threatened with homelessness within 56 days.

This duty applies to 16 and 17 year olds and if they approach Children's Services they must obtain their consent before a referral can be made. The young person can choose which local authority in England the notification should be sent and they must agree that their contact details can be shared so that they can be contacted.

The referral does not diminish Children's Services responsibilities under this protocol but enables early intervention and joint working with Housing Options to prevent young people from becoming homeless. It is not an alternative to carrying out early help or child in need assessments.

Referrals to Housing and Welfare Service are made via:

- Email: dutytorefer@walsall.gov.uk or via Jigsaw: <https://live.housingjigsaw.co.uk>

Information on the 'duty to refer' to housing can be found in the Statutory Guidance⁵.

⁵<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-localauthorities/overview-of-the-homelessness-legislation>

3.5 Young people in custody

If a 16 or 17 year old has received a custodial sentence, the youth justice officer through the Youth Justice Service, must through the Asset plus assessment/resettlement planning conducted at the start of, and during the custodial sentence, identify any threat of homelessness and a possible need for accommodation for the young person upon their resettlement from custody. Every effort should be made to support the young person to be able to return to their family home or within their family network upon release from custody, as long as it is safe to do so. The Youth Justice Service should work pro-actively with the young person and their families to identify and resolve the issues that have led to them being threatened with homelessness. This could involve family support through Early Help intervention where there is evidence or indication of relationship difficulties and tensions that may prevent the young person returning home upon release from custody, or more intensive family support through Walsall's adolescent service Turning Point, which can include mediation and/or family group conference.

If the young person is remanded into custody, they will be a 'looked after child' for the duration of the remand period and should have an allocated social worker who should work collaboratively with the youth justice officer to identify threat of homelessness and appropriate support and intervention required to prevent homelessness upon the young person's release from custody. If the young person is a 'looked after' child, the allocated social worker will take lead in planning post release accommodation from the start of the remand and during the remand, through a combination of the looked after child reviews and the remand planning process alongside the youth justice service. In addition, the Independent reviewing officer will continue to monitor the care planning for the young person and ensure that post remand support and accommodation needs are explored and progressed in a timely manner. Again, the focus should be on the social worker and youth justice officer, working proactively with the young person and their families to identify and resolve the issues that led to them being threatened with homelessness, and ensuring appropriate family support or referral to Turning Point for intervention is actioned at the earliest opportunity, to support in enabling the young person to be released from custody to their family home or within their family network, where it is safe to do so. The same guidance applies for young people who are 'looked after' prior to entering custody.

Children's services have a duty to accommodate young people who were 'looked after' or 'relevant children' when they entered custody, or have become a 'relevant child' by virtue of being remanded into local authority care for 13 weeks or more, if they require accommodation upon release. If/when a young person is sentenced to a custodial disposal, the remand period ends, and depending on the length of the remand, the young person may no longer be deemed a 'looked after child', unless they were a 'looked after child' prior to entering custody. In these situations, if there are unmet needs in relation to accommodation upon release from custody, the best interests of the young person should be paramount in informing the decision regarding whether the young person should receive ongoing support from children's services, particularly where the sentence is relatively short. Remaining open to the social worker would ensure consistency for the young people and allow for robust and timely planning in preparation for their release from custody.

Young people who are not currently 'looked after' or 'a relevant child' and may require accommodation on release from custody must have a child in need assessment (child and family assessment) to

determine what duties are owed under the Children Act 1989. In such circumstances, the youth justice service should refer the young person to Walsall Children's Services MASH (Multi-Agency Safeguarding Hub) and housing and Welfare support at the earliest opportunity, ideally at least one month prior to release, for an assessment under section 17 of the Children Act 1989 and part 7 of the Housing Act 1996 to be completed. The referral should include an up to date Asset Plus assessment. The joint assessment guidance of this protocol then applies and children's services and housing and welfare service, in collaboration with the youth justice service, should assess the young person's needs in line with statutory guidance to identify appropriate support and intervention in relation to the young person's accommodation needs upon release, including whether children's services will have a duty to provide accommodation under section 20. If the young person will not be accommodated under section 20, for example, 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, but continue to wish to apply for assistance under homeless legislation, the housing and welfare service will continue to assess the need for accommodation and children's services should consider if a child in need plan under section 17 of the Children Act 1989 is required.

3.6 Young people at risk of exploitation, youth violence, offending behaviour and/or gang affiliation

Young people who are being exploited or who are vulnerable to exploitation, are engaged in offending behaviour or serious youth violence and/or there are worries of gang affiliation, are increasingly vulnerable to risk of harm and their individual needs should be carefully considered during the joint assessment by children's services and the housing and welfare service. The Youth Justice Team must always be consulted when a young person is open to their service and in need of emergency accommodation, this includes young people at threat of homelessness upon release from custody. The highest priority is always to ensure a young person will be safe and risk of harm to themselves or other young people around them is minimised, for example, where there is worries of gang affiliation, consideration should be given to associations or rival gang members, locations of concern or any other factors that may increase risk to the young person or others around them, such as not providing accommodation in the same provision or area where there may be associated risks or increased vulnerability.

3.7 Young people who have Education and Health Care Plans

If the young person is identified to have an Education and Health Care Plan (EHCP) in place, the allocated social worker should notify the SEND team to make them aware of the young persons current circumstances and to ensure that the young person's needs are considered.

Joint Assessment

4. Joint Assessment

Where a young person seeks help because they are homeless or threatened with homelessness, it is good practice for an assessment of the young person's needs to be conducted jointly by children's services and housing and welfare services. The lead agency will be children's services given their responsibilities for children in need in their area under the Children Act 1989.

Arrangements should be made between the allocated social worker and allocated housing and welfare officer to complete a joint visit to see the young person and commence the joint assessment within 24 hours of initial contact being received, or the same day where the young person is homeless or there is an imminent threat of homelessness. Considerations should be given to where is suitable for this visit to take place and where the young person feels comfortable in meeting. The young person should also be offered an advocate to be present during the assessment visit (see chapter 7).

The joint assessment pro-forma (appendix 2) should be completed by the allocated social worker and housing officer. The social worker will also be required to complete a child and family assessment under their statutory duties under section 17 of the Children Act 1989 however the information contained within the joint assessment will contribute to this.

The statutory timeframe for completion of a child and family assessment is up to 45 working days. Where the young person is homeless and is in need of accommodation, it would be expected that the assessment would commence immediately and conclude in advance of the maximum timeframe to ensure that appropriate accommodation provision, based on the young person's identified needs, can be sought at the earliest opportunity.

The joint assessment will explore the young person's current situation and what has led to them becoming homeless or being threatened with homelessness. The assessment should explore the young person's needs and lived experience, including exploration of family relationships and the young person's wider family and support network. The social worker and housing officer should ensure that it is a holistic assessment and takes into account the young person's individual needs including, health, education, family relationships, friendships and any additional vulnerability such as substance misuse, exploitation, offending behaviour. The assessment should also consider the young person's independent living skills and support needs, should accommodation be required, in order to explore what type of accommodation is most appropriate for the young person's needs.

It is important to explore the young person's wishes and feelings and explore what support they feel they require. It is important that the young person's views are understood and that the young person feels listened to. An advocate should be offered to support the young person during the assessment period (chapter 7). Regular contact should take place with the young person and they should be made aware of what to expect from the joint assessment and the associated timeframes. The young person should be made aware of their rights under the children Act 1989 and the Housing Act 1996 and what the possible outcomes of the assessment could be. The young person should be provided with information in relation to the joint assessment, their rights and support options to take away with them to consider further (appendix 3).

Contact should be made with the parents or carers as part of the assessment and their views obtained. There should be exploration of the current circumstances and what has led to the homelessness or threat of homelessness of the young person and explore the possibility of the young person returning to the care of the parent or carer or to the care of someone in their wider family network, with appropriate support, including the offer of intervention from Turning Point Adolescent Support Service.

In addition to the joint assessment, as part of the child and family assessment that the social worker is required to complete, they should complete lateral checks with partner agencies such as health, education, youth justice service, police and any other relevant agencies. This will allow for a holistic understanding of the young person's needs and any previous involvement the young person may have

had with other services. In addition, a genogram should be completed to fully understand the young person's family relationships and a chronology of any previous children's services involvement.

The joint assessment completed by the social worker and housing officer should identify the young person and their family's strengths as well as their needs. The assessment should determine whether or not the young person can return home with appropriate support, if it is safe for them to do so. If this is not an option, consideration should be given to the young person being cared for within their wider family network.

The assessment must reach a decision as to whether the young person is a child in need and if they are homeless and in need of accommodation under section 20(1) (a) to (c) and section 20 (3).

Assessment Outcomes

5. Assessment Outcomes

- **Young person is not homeless, support under Child in Need Plan to prevent homelessness**

In some cases, it may not be necessary for children's services to provide accommodation because the young person's needs can be met by providing other services, for example, support to enable the young person to return to their family or other responsible adults in the young person's network. If children's services conclude that the young person does not require accommodation for this reason, they should consider whether they should provide services for the young person under section 17 of the Children Act 1989 as a child in need. In such circumstances, a multi-agency child in need plan should be developed which sets out which agencies will provide which services to the child and family. Turning Point support should remain in place to continue to work with the young person and their family to improve relationships and to prevent the young person becoming threatened with homelessness again in the future. This could include mediation and/or family group conferencing.

If the Young person is under Prevention duty and is able to remain at home, the decision will be issued ending the prevention duty as there is a reasonable prospect of suitable accommodation being available for at least 6 months. If the young person returns home whilst under relief duty, a decision will be made to end relief duty as there is accommodation available for occupation.

- **Section 20 accommodation provided by Children's Services under Children Act 1989**

If the young person is within the housing relief duty and has accepted s20, then a decision will be issued ending the relief duty due to them having accommodation available for occupation.

Upon the young person being identified as a child in need and requiring accommodation under section 20, and is accepting of such accommodation following being fully informed of what this entails, the young person will become a 'looked after child' and the social worker will complete a 'decision to accommodate' notification on children's services Mosaic system for authorisation to be given by the head of service for a placement search. A placement referral will be completed, outlining

the needs of the young person and a recommendation as to the most suitable placement provision to meet their holistic needs. Upon identifying a suitable accommodation provision for the young person, the 'LAC planning' will commence and the social worker will devise the care plan drawing upon the assessed needs of the young person and how these will be met, with appropriate support. The young person will receive statutory visits from their allocated social worker whilst in placement and their care plan will be reviewed in line with statutory guidance for looked after children. The young person will also be allocated an independent reviewing officer who will facilitate the looked after child reviews and ensure that the young person's needs continue to be appropriately met during the duration of the placement. The young person will remain 'looked after' whilst the need for accommodation remains or until they reach 18. A plan of reunification should continue to be of focus and ongoing support and intervention through Turning Point should be offered whilst the young person is 'looked after', in order to support a return home to parents or carers, or to their wider family network, if it is safe to do so.

- **Section 20 accommodation declined by young person, accommodation need considered through housing, section 17 child in need plan agreed.**

If the young person has been assessed as a child in need, and requiring accommodation under section 20, however declines such accommodation, the social worker must ensure that the young person's decision is properly informed and is reached following careful consideration of all of the relevant information and that they are deemed competent to make such a decision, and they have discussed their decision with their advocate if they accepted one.

Accommodation can only be provided under the Housing Act if the young person is assessed as not in need of accommodation under Section 20 or has made an informed decision and declined the provision of Section 20 accommodation.

All young people who are provided with Accommodation under the housing act will be assessed by children's services to identify whether they require support under section 17 and if so, will be afforded a Child In Need Plan and support.

If it is assessed that a **Prevention duty is owed**, support from a Young Person's Housing and Welfare Support officer specialising in all aspects of support for young people will be provided to young people and their families to maximise the opportunity of remaining in the family home environment. This will allow the young person receive the assurance that their wishes and feelings are being heard.

If it is assessed that a **Relief duty is owed** toward the young person, they will be entitled to temporary accommodation. The Young Person and the YPT Housing and Welfare Officer will work towards the actions agreed in the Personal Housing Plan (as outlined in 3.2) to take steps to relieve their homelessness. The PHP's will continue to be reviewed in line with any changes in circumstances.

Intentional Homelessness

Housing and welfare should take particular care when assessing whether 16 or 17 year olds 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 their becoming homeless must have been deliberate, this means where a young person's behaviour or actions continue despite the young person having a full understanding of the consequences. However, Local Housing Authorities and other agencies providing support will need to be mindful that a homeless 16

or 17 year old might not have the ability to understand the full consequences of their actions and choices that would be expected of an adult.

Housing and welfare 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.

If, for whatever reason, a 16 or 17 year old is found to have become homeless intentionally, housing and welfare should inform Children's Services immediately.

Deliberate and Unreasonable Refusal to Cooperate

The prevention and relief duties can be brought to an end if an applicant deliberately and unreasonably refuses to take any of the steps that they agreed to take, or the local housing authority set out for them to take where agreement could not be reached, in their PHP.

In considering whether a young person's actions were both deliberate and unreasonable, Local Housing Authorities must take into account their age and maturity, as well as the context in which they are making decisions.

Local 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 Social Work Services can contribute to these arrangements in respect of homeless 16 or 17 year olds. More information on non-cooperation is set out in chapter 14 of the Code of Guidance (14.43 – 14.48).

Housing and welfare will end or discharge and duties owed to the young person in one of the ways detailed in Chapter 1.3 above.

Housing will re-refer to Children's Services where there is no longer any duty owing or due to:

- The young person's temporary (interim) accommodation has ended
- The young person has refused a 'final' offer of accommodation
- The young person has become intentionally homeless
- The young person is no longer eligible for assistance
- The young person has deliberately and unreasonably refused to co-operate.

- **Section 20 and Part VII duties are not owed, section 17 support offered**

Where a young person aged 16 or 17 is homeless and requires accommodation, does not wish to be accommodated under section 20 of the Children Act 1989 but is subsequently not owed an accommodation duty by housing and welfare support, for example because they have refused a suitable offer of accommodation or are found to be intentionally homeless, then children's services

should, given the change in circumstances, once again ask them their wishes regarding being accommodated under section 20.

If the young person does not wish to be accommodated under section 20 and is judged to have the capacity to make that decision and they have been provided with all relevant information to be able to make an informed decision, if it is necessary to safeguard and promote the welfare of the young person who is in need, they should be offered accommodation under section 17 of the Children Act 1989 until they no longer require accommodation or they reach the age of 18. In such cases, children's services and housing and welfare service will need to work together with the young person to ensure that they are not placed at risk of homelessness as they approach the age of 18 and appropriate preparation and support is in place for them in transition to adulthood.

Accommodation Provision

6. Accommodation Provision

In considering suitability, both children's and housing services should bear in mind that 16 and 17 year olds who are homeless and estranged from their family will be particularly vulnerable and in need of support. Children's and housing services are reminded that **bed and breakfast accommodation, including hotels and nightly let accommodation with shared facilities, is not considered suitable for any 16 or 17 year old.**

YMCA Nightstop

Nightstop is a provision commissioned in Partnership with the YMCA. Nightstop is an emergency placement provision for a maximum of seven days (which can be extended based on individual circumstances). This short-term emergency provision enables Children's Services and Housing & Welfare to provide suitable accommodation for the young person, while ongoing assessments are undertaken and enquiries are made.

6.1 Accommodation provision under Section 20

- Foster placement
- Residential care
- Supported lodgings
- Supported accommodation

Where a young person aged 16 or 17 is provided with accommodation by children's services under section 20 of the Children Act 1989, accommodation options include regulated foster placements and residential children's homes. Some young people who require accommodation may be reluctant to take up a placement in foster care or a children's home and the joint assessment of their emotional and behavioural development may indicate that they do not require that level or kind of supervision and support that foster carer or children's homes provide. In such circumstances, the option of

regulated supported accommodation or supported lodgings can be considered, if deemed appropriate for the young person.

16 and 17 year olds are still children and it will not usually be appropriate for them to be placed in temporary accommodation without on-site support. Accommodation with visiting support may be suitable for some young people and this should be explored within the joint assessment. Where this is considered appropriate for the young person, Children's services and the housing and welfare service should ensure that appropriate arrangements are in place for the young person to access support out of hours if this is required.

All 16 and 17 year olds provided with accommodation under section 20 of the Children Act 1989, should have a relevant and up to date care plan in place which will be reviewed at the statutory LAC reviews for the young person. A placement plan setting out how the foster placement, children's home or supported accommodation provision will support the young person should be integral to the care plan.

The placement planning process should involve an exchange of appropriate information included as part of the joint assessment process which informed the development of the looked after young person's care plan, so that the accommodation provider has a full understanding of the young person's needs and their role in meeting these needs. It will be essential that the provider appreciates the arrangements that children's services proposes to put in place to make sure that the young person is adequately supported. The placement plan must be explicit about the respective roles and responsibilities of the placement provider and the young person's social worker, their independent reviewing officer and of other staff employed or commissioned by the local authority to contribute to the plan for the young person's care.

6.2 Part VII Housing Act 1996

If a young person is to be provided with accommodation but not as a looked after child, then the accommodation will be sourced by Housing & Welfare Team. Accommodation here includes:

- Supported Accommodation in our temporary accommodation – Rivers House
- Semi Independent Placements within a commissioned service with Walsall Housing Group
- Supported Lodgings
- Young people who are ready to move on from supported accommodations will also be placed on to the council's allocation scheme for Social Housing.

The offer of accommodation will be based on a risk and needs assessment for the young person. Incorporating the information provided during the joint assessment, family views and from other professionals who may be working with the young person.

In each of the above accommodation offers, there will be appropriate levels of support informed by a robust support plan.

6.3 Unregulated or unregistered accommodation

The Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021 came into force on 9th September 2021 making it unlawful to place children under 16 in unregulated settings. In relation to 16/17 year olds, an unregistered placement is when a service is providing care for a child under the age of 18 in a static placement, this service must be registered by Ofsted

or it is considered unregistered and therefore an illegal arrangement. It is Walsall's policy that we do not place children under 16 years or 16/17 year olds who require care in an unregistered setting.

In order to determine whether a provider of accommodation is providing 'support' or 'care' for 16/17 year olds, the Annex A Ofsted's definition Tool must be completed. This sets out criteria to help identify whether a proposed placement will provide 'support' or 'care'. This form is based on a set of questions with a 'yes' or a 'no' answer that will assist with identifying if care or support will or is to be provided. This should be completed when any unregulated placement is being considered as outlined within Walsall's Unregulated & Crisis Placement Guidance 2021.

Upon completion of the Annex A, if it is identified that the provider of accommodation would be providing 'support' for the young person, agreement must be sought from the children's services Director of Social Work before confirming any unregulated placement provision. The director would review the information provided in relation to the accommodation provider, the outcome of the Annex A and the outcome of the joint assessment in relation to the young person's needs and any additional vulnerabilities before making a decision as to suitability of the provision. If agreed suitable, the director may confirm conditions to the placement provision, such as a specific timeframe for the accommodation to be provided whilst a regulated provision continues to be sought. The young person would be referred to external placement panel (EPP) where the continued suitability of the placement and the support offered to the young person in line with their needs would be considered and reviewed.

6.4 Transition to Adulthood

Whether accommodation is provided by children's services or the housing and welfare service, arrangements should be in place so that the young person has the support they need to make a positive transition towards independence. This might include, for example, the provision of supported accommodation or supported lodgings where young people can remain beyond the age of 18 and develop the skills they will need to manage the transition to adulthood.

Where it is considered that the young person may have care and support needs and would require ongoing support from Adult social care when they reach 18, a referral to adult social care should be completed ahead of their 18 birthday to allow for timely assessment and joint working to ensure smooth transition post 18.

If the young person has been provided accommodation under section 20 for 13 weeks or more, prior to their 18th birthday, they will be entitled to care leavers support until they reach the age of 21, or until they are 25 if they have a disability. In such circumstances, they will continue to receive support from children's services transition and leaving care team who will complete a pathway plan and support them during transition to adulthood, alongside housing and welfare services to ensure appropriate housing applications are made to support a move into independent accommodation.

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 and welfare service 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.

Where a young person is placed in accommodation under Part VII of the Housing Act, the housing and welfare officer should continue to work with the allocated Social Worker on a transition plan so it is clear what accommodation options are available to the young person when they turn 18.

Advocacy

7. Advocacy

A child advocate empowers children and young people to understand their rights and make informed decisions on matters that influence their lives. An advocate will support young people to ensure their rights are respected and their views and wishes are heard and appropriately considered.

16 and 17 year old young people who are homeless or at risk of becoming homeless, should be offered to an independent advocate.

An advocate can provide support by:

- Giving the young person the opportunity to speak confidentially to someone who is independent.
- Explaining things to the young person so that they can make informed choices.
- Enabling the young person to feel listened to and help them understand what is happening and why.
- Talk to the young person about what support they need to enable them to have their voice heard.
- Support the young person with appointments and meetings.

Useful contacts:

Black Country Advocacy Service - BCA.Referral@childrenssociety.org.uk

The Children's Society: www.childrenssociety.org.uk

National youth advocacy service: NYAS Children & Young People - Contact number - 0808 808 1001
email - help@nyas.net

Out of Hours

8. Out of Hours

Outside of office hours, young people will need to call the Emergency Duty Team on:

0300 555 2922.

Where young people present as homeless outside of office hours, the priority must be the safety and well-being of the young person, and where needed, accommodation will be provided until the next working day using the Out of Hours Procedure.

All out of hours enquiries are made to the Emergency Duty Team. EDT will contact the local Housing Authority for assistance or source an alternative from Children's Social Care. EDT will ensure Children's Social Care and Housing and Welfare Team are aware of the young person accessing the service the next working day, passing on communications with the emergency bed accommodation provider.

Protocol Governance

9.1 Dispute Resolution

The protocol should be adhered to for all cases of young people approaching the Council, where a young person has an accommodation need. It is the responsibility of the individual Team Managers to ensure that staff within their service areas receive appropriate training and guidance to ensure they comply with the protocol.

Front line staff should be aware it is everybody's responsibility to work together to implement this protocol for the benefit of the young people concerned. It is recognised that from time to time individual staff may encounter professional differences or disagreements.

Where any professional differences or disagreements are encountered during the joint assessment, practitioners should look to have a respectful and restorative conversation to understand each other's view point and rationale for any differing view relating decision making. This is a healthy element of collaborative working and constructive challenge is positive in developing thinking and appropriate decision making. Professional disagreements are only dysfunctional if not resolved in a constructive or timely manner.

Professional differences or disagreements should be discussed and resolved at the earliest opportunity by the social worker and housing officer, always keeping in mind that the young person's safety and welfare is the paramount consideration. Where a professional disagreement cannot be resolved by the practitioners, Walsall's escalation policy should be used, whereby the practitioners would inform their team managers who should look to explore and address and differences and disagreements between children's services and the housing and welfare service to ensure timely and appropriate resolution. If resolution can still not be reached, the escalation policy is utilised, reporting to group managers and then to head of service if this is required until resolution is reached.

9.2 Monitoring review and Development

Training will be delivered to front line staff in group workshops or via Microsoft Teams. There will also be an e-learning refresher course developed. This will be updated as necessary to reflect any amendments to the working protocol.

Children's services and the Housing and Welfare Support Service will hold quarterly monitoring meetings to review the number of young people aged 16 and 17 year old who have presented as homeless or at threat of homelessness and the outcome of the joint assessment. This will include review of the following data:

- Number of contacts to Housing and Welfare
- Number of contacts to Children's Services
- Provision under Section 20 Children Act 1989
- Provision under Part VII Housing Act 1996

Joint audits will take place between Children's Services and the Housing and Welfare Support Service every 6 months to look at the quality of joint assessments and intervention for young people 16 and 17 who have presented as homeless or threatened with homelessness within that timeframe. The audits will contribute to the wider monitoring and effectiveness of the joint working arrangements. An element of the audit should include feedback from the young person and parent/carer.

The joint protocol will be reviewed by Children's Services and the Housing and Welfare Support service annually to ensure relevance and effectiveness is maintained and that any required amendments to the joint protocol are made.

9.3 Data Sharing and Privacy

Walsall council takes its duties and obligations in relation to data protection and confidentiality seriously.

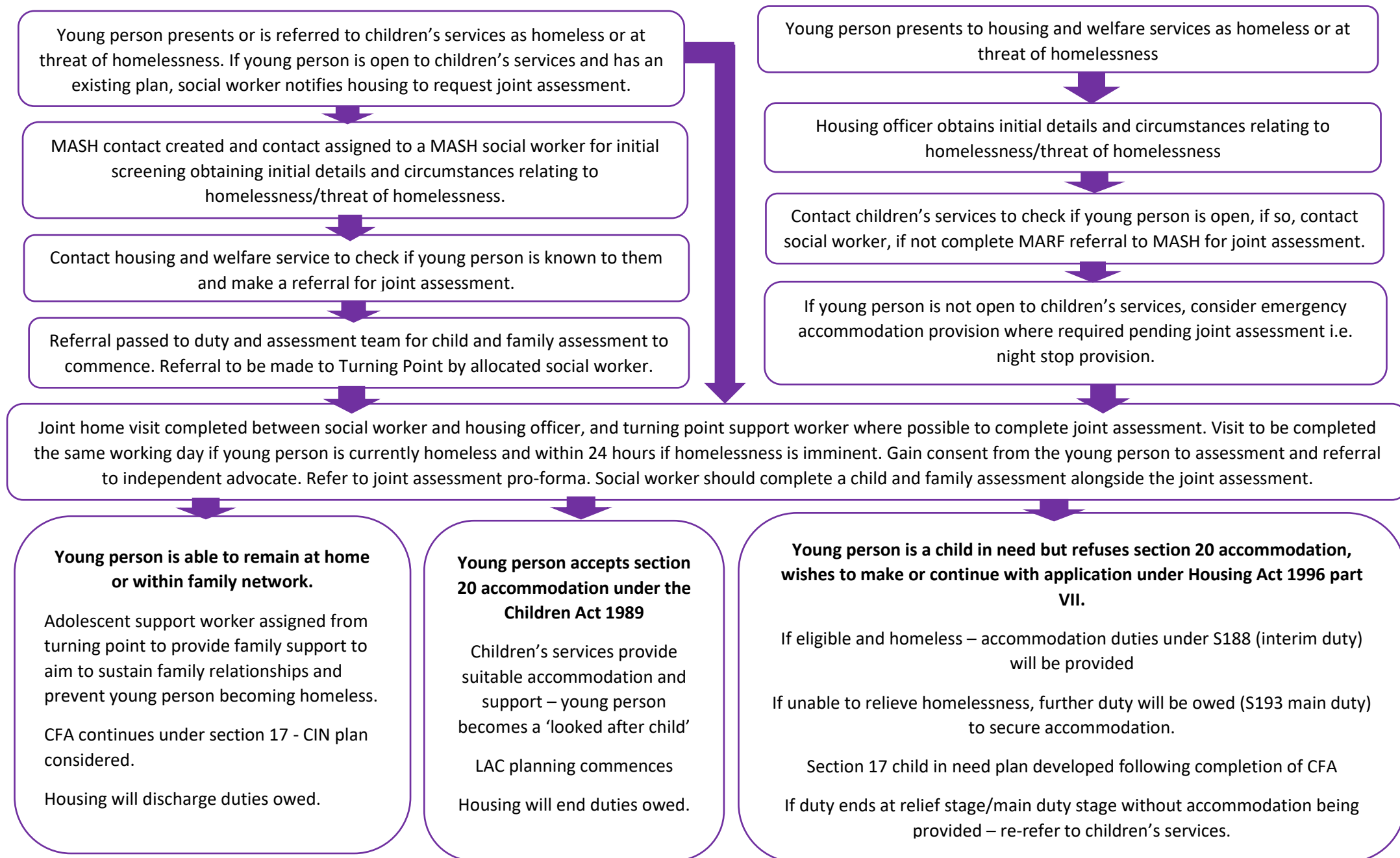
In line with the UK General Data Protection Regulations GDPR and the Data Protection Act 2018 all council services will only ever share personal information where, there are explicit and legitimate reasons to share information under an appropriate lawful basis.

Information will only ever be shared with relevant parties on a need to know basis or where we acquire the data subject's informed and explicit consent to do so in line with their rights and the obligations for the delivery of social care, housing, benefits and or other relevant council services that the data subject requires or engages with.

To ensure transparency all individuals known as data subjects are fully informed of why and how their information will be collected, shared and or retained via the council's privacy notices and or statements which are available from the council's website directly or made available to you on any referrals, research or partner application forms as and where required.

Please see the Walsall Council Data Protection and individual Privacy Notices on the website for more information and if you are in doubt about the way we collect, store, share and or keep your data, feel free to contact our DPO who's contact details can also be found on our pages: https://go.walsall.gov.uk/your_council/data_protection

16/17 year old Joint homeless protocol flowchart





Walsall Council

Joint Assessment Housing & Children's Services

Date:

Young Person Name:

DOB:

Home Address:

Current Address (if different to above):

Present:

Role	Name:	Contact Details:
Social Worker		
Housing & Welfare Officer		
Advocate		

Young Person's Story:

- Can you tell us about your current circumstances? Where have you been living? What is living there like for you? Why can't you live here anymore?
- How are you feeling? What support do you feel you need to improve your current situation?
- Do you feel safe at home or where you have been staying?
- If we contacted your parents/carers, what do you think they would say? Would they say you can return home?

Family Information:

- Family make up – Parents, siblings, wider family members
- Tell me about your relationships with family members
- What is living at home or current address like? (including routines, boundaries, discipline)

Friends/Support Network:

- Do you have close friends?
- What are your parents/family's views of your friendships?
- Are you currently in a relationship?
- Who do you feel able to talk to or go to in an emergency or when something is worrying you?
- Do you have family or friends that you feel support you?
- If you aren't able to return home, is there any family or friends that you feel you may be able to stay with?

Health Needs:

- Who is your GP?
- Do you have any health needs or are you taking any current medication?
- If yes, does this impact on your everyday life and how?
- Are you pregnant or think you may be pregnant?

Mental Health:

- Do you have any current or previous mental health needs? Do you take any medication currently?
- How does this impact upon your everyday life
- Are you receiving any support i.e. CAMHS, counselling, CPN?
- Have you Self-Harmed previously?

Education:

- Are you attending School/College/training? (name of provision) how are you getting on/what do you enjoy/dislike?
- Do you have an EHCP? Do you receive any additional support in school/college/training?
- Interests – what are your aspirations? Any support required to access EET?

Offending History:

- Are you currently involved in any police investigation?
- Are you currently or have you previously been open to the Youth Justice Service? if so why and name of worker
- Have you ever been arrested or convicted of anything in the past.
- Are you involved in any gangs or are any of your friends involved with gangs?
- Are you currently a victim of any crime?

Substance Misuse:

- Do you drink alcohol or use any substances? What/how much/frequency?
- Are you currently accessing any support for alcohol or substance misuse? Do you feel support is required?

Independent Living Skills/Support Needs:

- Do you have any form of income currently? Pocket money, savings, employment, benefits.
- How do you feel you manage your money? Do you feel that you are able to budget your money?
- Can you prepare and cook meals?
- Have you independently been shopping for food and essential items, do you feel this is something you could do without support?
- Are you able to travel independently to appointments, education, employment or training? Do you feel you need any support relating to travel.
- Are you able to independently make phone calls, i.e. arrange a GP appointment

Young Persons wishes and feelings:

Tick to confirm;

- ☐ Young Person provided with copy of Joint Assessment, if not, date to be provided
- ☐ Young Person provided with information and advice about becoming a Looked After Child
- ☐ Young Person advised of duties owed under a homeless application
- ☐ Young Person/advocate satisfied that the young person was provided with all the relevant Information required to make an informed decision

Assessment Outcome:

- ☐ Young person is able to remain at home or within family network, with continued support From children's services (i.e. child in need plan)
- ☐ Young person is able to remain at home or within family network and has declined ongoing Support from children's services and the housing and welfare service.
- ☐ Young person has agreed to accommodation under section 20 Children Act 1989 and Wishes to become 'looked after' – 'looked after child' planning to commence
- ☐ Young person has declined accommodation under section 20 and wants to pursue assistance under Housing Act 1996, Child in need plan considered
- ☐ Young person has declined accommodation under section 20 and is not owed a duty to Accommodation through housing, accommodation accepted under section 17 Children Act 1989

If accommodation is required, what type of accommodation is appropriate for the young person? Is support required? If so, what level of support? Who is responsible for seeking appropriate accommodation for the young person?

Actions agreed:

Action	By whom	Deadline

I agree that this is an accurate record of the Joint Assessment:

Young Person _____

Housing and Welfare Officer _____

Social Worker _____

Advocate _____

Appendix 3

New information leaflet for young people 16 and 17 years old, who are homeless or threatened with homelessness to be added here.

Appendix 4



Walsall Council

Consent form for Young People who have presented as homeless, who do not wish to become 'Looked After' by the Local Authority.

I confirm that I fully understand that I have been assessed by Walsall Children's Services as being in need of accommodation under section 20 of the Children Act 1989 due to my current homeless circumstances.

I can confirm that I have been offered an independent advocate and Children's Services have explained to me what section 20 accommodation could consist of and what it means to be a 'looked after' young person.

I am aware that the Local Authority cannot force me to become 'looked after', but by choosing not to be 'looked after' by the Local Authority I am limiting the options available to me in terms of after care services.

I can confirm that having carefully considered the information shared with me, I do not wish to be accommodated by the Local Authority under section 20 Children Act 1989.

Name (print):.....

Signature:.....

Date:.....

Appendix 5



Walsall Council

Consent form for Young People who have presented as homeless, who do not wish to access accommodation offered by Walsall Housing and Welfare Services.

I confirm that I fully understand that I have been assessed by Walsall Housing and Welfare Service as being eligible for assistance under the Housing Act 1996 due to my current homeless circumstances.

I can confirm that I have been offered an independent advocate and the Housing and Welfare Services have explained to me what accommodation options are available to me.

I can confirm that having carefully considered the information shared with me, I do not wish to be accommodated by the Housing and Welfare Service.

Name (print):.....

Signature:.....

Date:.....