

Joint Protocol for the assessment of housing and support needs of homeless or likely to become homeless 16- and 17- year-olds



Title	Joint Protocol for the assessment of housing and support needs of homeless or likely to become homeless 16 and 17- year olds.
Version	1.2
Date	December 2023
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Update and Approval Process			
Version	Group/Person	Date	Comments
1.0	Rose Howley	June 2022	
1.1	Jess Markwart, Danielle Johnson, Lewis Rodgers, Tim Carroll	May 2023	Amendments from DfE recommendations signed off within DMT.

1.2	Jess Markwart, Danielle Johnson, Lewis Rodgers, Tim Carroll	December 2023	Amendments from DfE recommendations signed off within DMT.
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CONTENTS

1. Purpose
2. Aim of the Joint Protocol
3. Scope of the Protocol
4. Prevention
5. Duty to Refer
6. Agency Responses
7. Procedure and Timescales
8. Accommodation
9. Looked After Children under section 20
10. Leaving Care Protocol
11. Statistics, Records and Review
12. Resolution Process/Complaints
13. Further Advice
14. Legal Framework
15. Signatures

APPENDIX

- A Protocol flowchart
- B Advocacy leaflet
- C Joint Housing and Children's services Protocol for care experienced young people.
- D PACE agreement

1. Purpose

This joint protocol is an agreement that establishes the roles and responsibilities of different agencies towards children aged 16- and 17-year-olds, with a housing advice need, who may be homeless or threatened with homelessness.

This joint protocol recognises children as homeless when a child does not have a stable or safe place to live. This could mean “sofa surfing”, living or sleeping in a car, street homeless or staying at a property they do not have the right to stay in including squatting.

This joint protocol outlines the respective statutory responsibilities and procedure of all agencies and how they will work together to complete a joined-up assessment of need to assist with the housing and support of homeless 16- and 17-year-olds and those leaving care. The joint assessment takes place between Housing & Children’s Services, supported by other agencies to provide a range of services to young people in the City of York

Additional information relating to support for care experienced young people is contained within the care experienced housing protocol.

This protocol sets out the joint procedure for the assessment of housing and support needs of homeless or likely to become homeless 16- and 17- year-olds. York Children’s Services, Housing Services and partners will work in partnership to ensure effective action to prevent youth homelessness and provide sufficient accommodation and access to the support required to meet the range of needs of homeless young people.

The purpose of the protocol is to ensure that partners continue to work together to provide a consistent and coordinated response to 16- and 17-year-old young people who present as homeless and in need of accommodation and accommodation support services as children in need. The protocol includes an integrated pathway for referral to, assessment for and planning for access to accommodation and accommodation support services.

This protocol provides a series of definitions and procedures to be followed to ensure that the responsibilities for homeless or threatened with homelessness 16- and 17-year-olds under Part 7 of the Housing Act 1996 (as amended by the Homeless Act 2002 and Homelessness Reduction Act 2017), Part 3 of the Children Act 1989, the Children Act 2004, the Children Leaving Care Act 2000, Children and Social Work Act 2017 and Case Law: G v LB Southwark are appropriately fulfilled. It also takes into account DfE/DLUHC joint statutory guidance, published in 2010 and reviewed 2018: [Prevention of Homelessness and Provision of accommodation for 16 and 17 year olds who may be homeless and/or require accommodation](#).

2. The Aim

The aim of this Guidance is to ensure that a young person’s individual needs are met by all agencies including Children’s Social Care and Housing. It will include early intervention through working with schools, peer education initiatives and targeted youth services having housing on their agenda. It will set out the referral routes in relation to homeless 16- and 17-year-olds.

- Early intervention
- First response at point of contact
- Emergency accommodation
- Medium-term supported accommodation

3. Scope of protocol

This protocol covers all 16- and 17-year-olds presenting to any agency as homeless or at risk of being homeless. This guidance is relevant to young people in most cases after statutory school leaving age. This is nationally defined as “the last Friday in June when a young person will become 16 years of age by the end of the school summer holiday after Year 11”.

Young people who are not yet of school leaving age are the responsibility of Children's Social Care however the guidance is relevant to all young people of this age, including those who are pregnant or who have children.

In exceptional circumstances a supported accommodation referral can be considered for a young person 16 years old and still at school, if they are in a homeless situation and cannot for some reason be a looked after child. These young people need to be accessing support from Children's Social Care and all services should remain fully involved for as long as is required.

4. Prevention

It is in the best interests of most young people aged 16 or 17 years to live in the family home, or, where it is not safe or appropriate, with responsible adults in their wider network of family and friends. The local authority responses to 16- and 17-year-olds seeking help because of a risk of homelessness should explicitly recognise this and work proactively with young people and their families to identify and resolve the issues which could lead to a family breakdown or homelessness crisis.

City of York recognise the issue of "hidden homelessness", where many children do not present to/seen by services, because they have found temporary accommodation in unsafe/unstable/unsuitable places. City of York work hard to identify children within these situations through work, supported by our Practice Model detailed below which includes a continued drive to look for support including accommodation with children's already existing networks.

City of York Practice Model focuses on several elements providing an overarching practice framework on how we work with families.

Systemic practice: We will build **trusting relationships** with children and their families, focusing on the **whole family system** rather than an individual. Everyone is **unique** in their experiences and an **expert** in their own situation. We will work to understand a person in their context, their relationships and how they navigate within their own community. We will **challenge** ourselves to **understand** what makes someone who they are and how we can best **support** them.

Signs of Safety; We will work to build **relationships** with children, their families and everyone naturally connected to them to understand **well-being**, risk and promote **safety**, by building on **strengths** and **successes** and give the family and their network every opportunity to come up with and use their ideas to create lasting safety and wellbeing before we offer or impose ours. We will keep children and young people at the **centre** of our work through understanding their **views**, wishes and feelings. We will use a common language which is understood by all focusing on '*What are we worried about?*' '*What's working well?*' '*What needs to happen?*' to create **long-lasting change** over a child's lifetime.

Family Seeing; We believe that **every child has a family** and a community who they should be connected to. We will **invest** in them, knowing that families and **communities** often have the best **solutions** to their challenges. Relationships are the foundations of **resilience**. We will **see** the family in front of us, **engage** them and their **networks** at the earliest opportunity, identify those **important adults** in the child's life and work to build **lifelong family relationships**.

Safe and Together; We will work to promote the well-being of children through **understanding** the impact of **domestic abuse**, partnering with survivors to support them alongside intervening and **engaging** with those who cause harm to **reduce risk**.

Recording and listening to the voice of the child and considering their lived experience and history in all assessments.

The roles of individual services who will work with young people to prevent homelessness include;

Youth Homeless workers - support a young person to reconcile the differences with their parents/guardians so that they can return home on an indefinite basis or return to their parental home for a period sufficient to enable them to make a planned move into independent accommodation. Background checks will be made in every case and where safeguarding concerns are identified or disclosed the Youth Homeless Worker will obtain consent to refer to Children & Families Service for screening to the appropriate service, Children's Social Care or Early Help. The Youth Homeless Worker's will, at the earliest opportunity work with the young person to understand their network. A network meeting will be convened to explore how the young person can be supported.

Early Help – Supporting Families program is vital in offering support to practitioners in delivering early help, including completion of Early Help Assessments and leading Team Around the Families. This delivery will include families who are struggling with relationships and providing support to lead professionals in delivering support to repair relationships and prevent family breakdown.

Early Help – Targeted Intervention support children, young people, and families where there is a need for an Early Help Assessment. An allocated Early Help Children and Families Support Practitioner will complete the assessment which will identify what support is needed and will then work with the family and partner agencies to develop a coordinated package of support, including specifically supporting families to mediate through issue, providing practical parenting advice and resolution to conflict to keep families together and prevent youth homelessness. The support plan will be reviewed on a regular basis to ensure the plan is effective. This support could include family network meetings, brining family's together to resolve challenges such as family tensions, identifying family safety plans to help prevent family breakdown.

Early Help – Immediate Response Team provides an immediate response and edge of care service to children with involvement from children's social care by co-working and providing support alongside an allocated social worker and multi-agency team around the family. The support will be intensive, lasting a number of weeks in the home and community. The focus of the intervention is one of de-escalation, prevention, and diversion from care with the aim of keeping families safely together.

Early Help – Family Group Conference is a family-led meeting in which the family and friends network come together to make a plan for a child, which includes preventing homelessness and looking for alternative care arrangements for the child within their network. The process is supported by an independent coordinator who helps the family prepare for the family group conference. Children are usually involved in their own family group conference, often with support from an advocate.

Children's Social Care – Social workers work with people of all ages, at times in their life when they need support, care and protection. Whatever the challenges individuals and families are facing, social workers aim to build trusting relationships, and to help them make positive changes in their lives. Social workers work with people of all ages, at times in their life when they need support, care and protection. Whatever the challenges individuals and families are facing, social workers aim to build trusting relationships, and to help them make positive changes in their lives. In respect of prevention youth homelessness, social workers are pivotal in completing holistic assessments of the need of a family looking for solutions and mediating via family network meetings to draw

on support within the family's network to support the children to remain in the network. Signs of Safety and Family Seeing underpin the work completed by social workers, which includes the development of safety plans and direct work with children and young people.

Speak Up Advocacy Service – Speak Up is the name of York's Children's Rights and Advocacy Service. The role of Speak Up is to promote children's rights and entitlements, provide advocacy for children and young people who can access this support, and to facilitate participation opportunities for children and young people. A young person will be referred to Speak Up Advocacy Service for all situations of youth homelessness. The service operates in line with National Standards for the provision of advocacy services.

5. Duty to Refer

The [Homelessness Reduction Act 2017](#) places duties on local housing authorities to intervene at earlier stages to prevent homelessness in their areas, and to provide homelessness services to all those who are eligible. The Act introduced a **duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams**. The duty to refer will help to ensure that services are working together effectively to prevent homelessness by ensuring that people's housing needs are considered when they come into contact with public authorities.

Agencies who are subject to duty to refer include;

- prisons
- young offender institutions
- secure training centres
- secure colleges
- youth offending teams
- probation services (including community rehabilitation companies)
- Jobcentres in England
- social service authorities (both adult and children's)
- emergency departments
- urgent treatment centres
- hospitals in their function of providing inpatient care
- Secretary of State for defence in relation to members of the regular armed forces

Duty to refer referrals which meet the criteria as well as informal referrals are recorded by Youth Homeless Workers within electronic records, Open Housing.

6. Agency Responses

A 16 and 17-year-old may seek assistance from any agency and present as homeless to their local authority because they are homeless or at risk of homelessness or can seek help initially from the local authority's Housing Service. Young people may also seek support from other agencies. This protocol will be shared with other agencies to ensure early identification, assessment, and support. Whereby any agency considers a child is homeless a referral should be made to the Multi-Agency Safeguarding Hub (MASH) to ensure a joint assessment is completed with Children's Social Care and Housing and ensuring information from other agencies is also included in the assessment.

Housing services complete an initial assessment to understand if young person is homeless and whether a referral to Children's Social Care is required.

If the young person is eligible the housing authority will have an immediate duty to secure interim accommodation (section 188(1) of the 1996 Act). Housing assessment of need must explore what has caused them to be homeless/threatened with homelessness, the housing need and what accommodation would be suitable, and support requirements to have and sustain suitable accommodation. Personalised Housing Plan must be developed with the young person setting out the reasonable steps that the housing authority and the young person will take to try and prevent them from becoming homeless.

Housing services work collaboratively with children's services throughout assessment, planning and attempting to prevent homelessness ensuring children's and housing assessments and action plans are co-ordinated.

It is essential to establish very close contact and rapport with the young person throughout the assessment process, in order to make sure that their wishes and feelings are properly understood, and their views are considered. All young people must be informed of the Speak Up advocacy service at the point of presentation as homeless. Speak Up can support the young person to have their wishes and feelings heard and help them to understand their rights and entitlements.

7. Procedure and Timescales

Where a 16- or 17-year-old seeks help or is referred by some other person or agency as appearing to be homeless or threatened with homelessness, Children's Social Care must carry out an assessment of need with Housing. It is very important that young people are not needlessly passed between services of the Council. Homeless 16–17-year-old young people have the right to be assessed in the local authority they present to and need to be made aware of how their information will be shared and recorded by the housing Service and Children's Social Care. For young people presenting from out of area the assessment would link with housing and social care services in the area that they normally reside.

Day 1.

- Contact is made with the Multi-Agency Safeguarding Hub (MASH).
- Where a young person is immediately faced with homelessness, the individual should make a referral to MASH providing details of the child's network and what steps have been taken to prevent homelessness.
- Children's Social Care will contact the Youth Homelessness Worker, to establish if the young person is homeless or whether the situation can be mediated where the young person returns home/to their network.
- Social worker will facilitate an immediate family network meeting, exploring network to thoroughly explore how young person can remain and be supported by their network.
- For situations where the Youth Homeless Worker is not the referrer, Duty to Refer will be enacted and contact made with the Youth Homeless Worker will be captured as Duty to Refer.
- Should it be decided that the young person is homeless the joint assessment must be started, indicating this within the Single Assessment.
- The Housing element must be completed within 1 working day, which identifies whether there is a need for emergency accommodation. The young people must be provided with information as to their rights and the options available to them under section 17 Child In Need and section 20 accommodation by the Local Authority.
- All young people who are assessed as homeless must be offered an advocate **to enable children to understand their rights and the difference between section 17 and section 20, sharing Advocacy Leaflet with young person. This is vital to enable them to make informed decisions and assists in capturing child's voice.**
- All young people's wishes and feelings will be taken into account and inform planning alongside social work assessment.
- Given that the 1989 Act takes precedence over the 1996 Act and given their responsibilities for children in need in their areas, Children's Social Care has lead responsibility to assess and meet the needs of 16- and 17-year-olds who seek help because of homelessness under their duties to safeguard and promote the welfare of children under the age of eighteen resident in the City of York.
- During an Assessment the young person can be supported using money under section 17. This would be decided jointly between Children's Social Care and the Youth Homelessness Worker.
- If emergency accommodation is required options will be considered in line with the young person's needs. Should it be deemed Section 20 provision is recommended by the social worker, the social worker will seek agreement from the Head of Service and the Director of Safeguarding. The request will then be presented to Children's Resource Panel.
- If Section 20 provision has been agreed, the young person's needs will be considered and matched to the most suitable accommodation which may include Foster Care, Night stop, Crash Pad.
- Bed and Breakfast accommodation, as defined in Homelessness (Suitability of Accommodation) (England) SI 3326 2003, is not deemed to be a suitable temporary accommodation option for 16- and 17-year-old even on an emergency basis (Homelessness Code Of Guidance, CH17, 17.41)

By Day 10

- The assessment will be completed jointly between housing and Children's Social Care
- A young person will be owed a prevention or relief duty if they may be homeless or threatened with homelessness in 56 days, regardless of priority need and the joint assessment outcome.

The young person's wishes and feelings must be captured within assessment, planning and case recordings, and used to inform planning. The assessment should cover all the usual dimensions of the young person's life in the same way as all assessments. It is important the assessment explores the young person's health and learning needs and the assessment does not focus solely on the homelessness issue. It will be important for the assessment to cover the independence skills the young person. If they have lived at home up until now, how they will manage without the supports of the family. The ability to budget, cook, seek work, or access training will need careful analysis.

The Joint assessment will consider:

	Dimensions of Need	Issues to consider in assessing child's future needs
1	Accommodation	<ul style="list-style-type: none"> • Does the young person have access to stable accommodation? • How far is this suitable to meet the full range of their needs?
2	Family & Social Relationships	<ul style="list-style-type: none"> • The young person's relationship with their parents and wider family. • Capacity of family and wider social network to provide stable, secure accommodation to meet their practical, emotional and social needs.
3	Emotional & Behavioural Development	<ul style="list-style-type: none"> • Does the young person demonstrate confidence, resilience and self-esteem? • Do they show self-control and appropriate awareness? • The quality of their relationships and attachments.
4	Education, Training and Employment (ETE)	<ul style="list-style-type: none"> • Information about the young person's current and previous ETE activity. • Will they need support to enable them to access ETE?
5	Financial Capability & Independent Living Skills	<ul style="list-style-type: none"> • How competent are they with finances? • What level of support may they need to manage their finances?
6	Health & Development	<ul style="list-style-type: none"> • What are the young person's physical, emotional and mental health needs?

7	Identity	<ul style="list-style-type: none"> • What are the young person's needs in relation to their ethnicity, preferred language, cultural background, religious or sexual identity?
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For teenage parents it is particularly important that they are provided with accommodation which gives them the holistic support they require to meet their individual needs and improve their outcomes. This should include support around parenting and independent living skills. The Government's Teenage Pregnancy Strategy requires Housing and Children's Services, and relevant voluntary organisations in their area to ensure the provision of suitable accommodation with floating support.

Decisions and Outcomes of the joint Assessment

The assessment will need to inform whether the young person : -

- Can be supported to remain in their home or with extended family.
- Is eligible for services.
- Is homeless or at risk of homelessness.
- Can be provided with relevant advice and ensure safe accommodation is available.
- Needs emergency accommodation or financial assistance as appropriate.
- Has long term housing needs and in particular in case of young parents' pathway into permanent accommodation (using Resettlement category/trainer flat once support needs established).
- Decisions about the level of Children's Social Care support, including the appropriate type of accommodation needed.
- Where appropriate carry out a housing assessment and agree a Personal Housing Plan.
- to prevent homelessness or relieve homelessness through planned options.
- In Priority Need of housing.
- And has a local connection.

Please note, not all of the above apply if the young person is assessed under Prevention Duty (HRA2017)

8. Accommodation

In order to achieve timely and positive outcomes for young people, it is important that Children's Social Care and Housing Services work closely to ensure that a range of suitable supported accommodation placements are available for 16- and 17-year-old young people. Choice of accommodation may be limited, and this needs to be understood when trying to meet the young person's needs. **Statutory Guidance is clear that Bed and Breakfast accommodation is not considered suitable for 16- and 17-year-olds even on an emergency accommodation basis and should never be used.** For clarity, where a 16 or 17 year old seeks help or is referred, and it appears he or she has nowhere safe to stay that night Housing services will look to provide a suitable emergency placement of supported accommodation e.g. crash pad or night stop, the young person will need to become looked after (under section 20(1)), if they consent, in appropriate foster or residential care whilst their needs, including their need for continuing accommodation and support, are further assessed.

- All 16 and 17-year-olds will be offered support to remain safely at home, or if this is not possible, they will receive support to sustain both temporary and permanent accommodation. This support will be provided jointly by agencies within York.
- To promote good practice, young people who have been provided with housing accommodation and who have required support to improve their outcomes should be consulted about the quality of services and contribute to service reviews.
- If it is concluded that the young person does not require accommodation because their needs can be met by providing other services, for example, support to enable the young person to return to the care of their family, this support will be met by Children's Social Care or other agencies as appropriate.

9. Looked After Children under Section 20

Social workers must look to section 20 (Children's Act 1989) if accommodation needs to be provided. Children's Services have a duty under section 20 to accommodate 16- and 17-year-olds whenever a child in need in the Local Authority's area requires accommodation as a result of one of the factors set out in section 20 (1)(a) to (d) or in section 20(3) and section 20(4):

Section 20(1) requires that:

- a. 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:
- b. There being no person who has parental responsibility for them;
- c. Their being lost or having been abandoned; or
- d. 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.

Even if the criteria in section 20(1) do 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 16 and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide them with accommodation.

Section 20(4) provides that:

- a. 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 a child's welfare.

Whilst accommodated under section 20 the young person is not eligible for welfare benefits, including housing benefits or housing costs under universal credit, therefore the financial support that will be available to them and through which channels will need to be explained to them in detail.

16 and 17-year-olds can consent to section 20 accommodation against their parents' wishes, providing they understand the decision they are making (underlining how important it is to provide information to the young person and access to independent advocacy).

It is possible for a 16 or 17-year-old child to decide that they do not want to be accommodated under section 20. This can only be the case if they have been properly and fully advised of the implications and have the capacity to reach that decision. After being advised of their options and choices with an advocate and a young person declines support under section 20, the young person should continue to be supported as a Child in Need up to age 18.

Homeless 16 and 17-year-olds young people are entitled to claim universal credit, if under section 17, and support regarding finances will be considered during an assessment. The address of the local authority can be provided if they do not have somewhere safe to collect mail. Not having ID is not a barrier and neither is a bank account. Money can be collected at a post office or pay point outlet via a payment card which is posted, or from showing a code on an email or text.

10. Leaving care services

City of York Council has produced a Joint Protocol between Children's Services, Housing Options and Resettlement, Housing Management and Building Services.

The protocol ensures that staff recognise the role of City of York Council as a 'corporate parent' and therefore the collective responsibility of all employees to provide the best possible, support, advice, care and safeguarding for the children looked after by City of York Council.

The protocol sets out roles and responsibilities towards care experienced young people and define the roles of the statutory agencies within the legislative framework. Ensuring officers using this protocol are mindful of the roles and responsibilities of organisations working with young people and the need for multi-agency working to secure positive outcomes and meet the needs of care experienced young people.

For full details of the protocol, please access via the link under section 13 within this document.

11. Statistics, Records and Review

Any successful homeless prevention should be recorded in accordance with HRA17 guidance.

Housing record their involvement through the Children's Mosaic case management system against the child's assessment and case notes.

Any young person who is homeless or potentially homeless and receiving support from housing support agencies, the YJS Caseworker, CSC or Youth Homeless Support Worker, will be tracked at the monthly Young People's Accommodation Panel. The purpose of the Young Person's Accommodation Panel is to provide an operational multi-agency problem solving approach, on a case by case basis, to assist difficult to engage young people or those requiring specialist solutions for onward accommodation.

The application of the Joint Homeless Protocol will be reviewed by the 16/17 Homeless Pathway Operational Group which brings together Children's Social Care, Housing, Youth Justice, Speak Up to oversee and review the effective implementation of the Joint Protocol across City of York children and housing services. Actions of the group include;

- Tracking progress against actions from Department for Levelling Up Housing and Communities visit.
- The learning and good practice obtained from monthly joint audit to be tracked within monthly meeting between Children's Social Care and Housing.
- Continue to foster positive relationships between Children's Social Care and Housing services. Provide an opportunity to discuss escalation concerns to look for resolutions.
- Raising awareness of the 16/17 protocol within Children's Social Care, Housing, and wider partners by sharing good practice and policy developments. Developing communications strategy and training packages.
- Yearly review of City of York joint protocol, ensuring updates and progression in practice are included.
- Production of an annual report into 16/17 protocol application within City of York. This report will be an amalgamation of data across the financial year, quality assurance work, progress made against previous years actions and action plan for the year going forward.

Monthly joint audits between Housing and Children's Social Care reviewing all children entering the pathway within the previous month, ensuring the pathway had been appropriately applied and children were accessing the services they are entitled to. Learning from these audits are fed into the Pathway Operational Group for discussion. Learning across the year is captured within the annual report produced at the beginning of the new financial year.

12. Resolution process / complaints

All young people at risk of homelessness or homeless must be informed of their right to access Independent Advocacy. This can support them to understand their rights and to have their wishes and feelings heard and taken seriously. Advocacy is provided by the Speak Up service who have developed specific leaflets to be shared with young people explaining the service and how to access it.

Youth Homeless Workers: Youth Homeless leaflet gives information about complaints and compliments procedure issued at point of contact. This directs young people to the Youth Homeless Team Manager. They can also follow the council's complaints procedure by contacting the customer complaints and feedback team via letter, email, online form or phone.

Children's Social Care: As above – CYC complaints procedure

Statutory Homeless Assessments: The decision letter provides information about the review process.

Should there be a disagreement between professionals, we would always encourage workers to talk to one another in an attempt to resolve any disagreements. Should a resolution not be found in this way, the housing officer / social worker / provider / advocate should escalate via the relevant line management structure. Youth Homelessness Steering Group meets regularly, and provides an opportunity to discuss issues or themes, including disputes, to seek to resolve any issues and looks for ways to amend guidance or promote communicate to avoid future disputes.

13. Further advice

- Housing Options and Support Team – 01904 554124
- Multi-Agency Safeguarding Hub – 01904 551900, mash@york.gov.uk
- Speak Up (advocacy service) – speakup@york.gov.uk

14. Legal Framework

Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996

Children Act 1989 - This guidance is according to Sections 17 and 20 of the Children Act 1989 and takes into account the recent law relating to 16-and 17-year-olds who may be homeless and/or require accommodation

Part 7 Housing Act 1996 - This legislation sets out the local authority's duties in relation to homeless households and households threatened with homelessness.

The Homeless Act 2002 - confers a priority need on a 16- or 17-year-old who is neither a relevant child nor beneficiary of the statutory duty to accommodate Children in Need in Section 20 of the Children Act 1989.

The Children (Leaving Care) Act 2000 and Transition to Adulthood Guidance 2010 give direction on both sufficiency and quality of accommodation.

The Homelessness Reduction Act 2017 defines at risk of homelessness within 56 days and places a duty on local authority to prevent and relieve homelessness

Duty to Refer is a duty for public bodies to refer those who are homeless or threatened with homelessness. For the purpose of this protocol, this includes Children's Services, Early Help/Children's Centres and recorded by Housing for HCLIC purposes.

Children and Social Work Act 2017

Case Law: G v LB Southwark - the central issue was: where a child of 16 or 17 has been thrown out of the family home is found to be homeless and assessed as a child in need, and seeks help from the local children's services authority to be accommodated by them under Section 20 of the Children Act 1989. Can the children's services authority instead refer the child to the local housing authority for accommodation under the homeless legislation (Part 7 of the Housing Act 1996)?

The case was heard on appeal from the Court of Appeal, which, by a majority of two to one, had upheld Southwark's ability to refer the child for assistance under the homeless legislation even though a duty to provide accommodation had been accepted under Section 20(1) of the Children Act 1989.

The leading opinion, delivered by Baroness Hale, reaffirmed the House of Lords opinion in R(M) v LB Hammersmith and Fulham and sets out the approach that children's services authorities should take when performing their statutory duties to 16- or 17-year-olds who are found to be homeless and in need.

The ruling confirmed the Government's view that local children's services authorities should presume that any lone, homeless child should be provided with accommodation under Section 20(1) of the Children Act 1989, unless the child is not in need.

In nearly all cases, the impact of a child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the child's welfare that the child will be a child in need.

Definition of a Child in Need

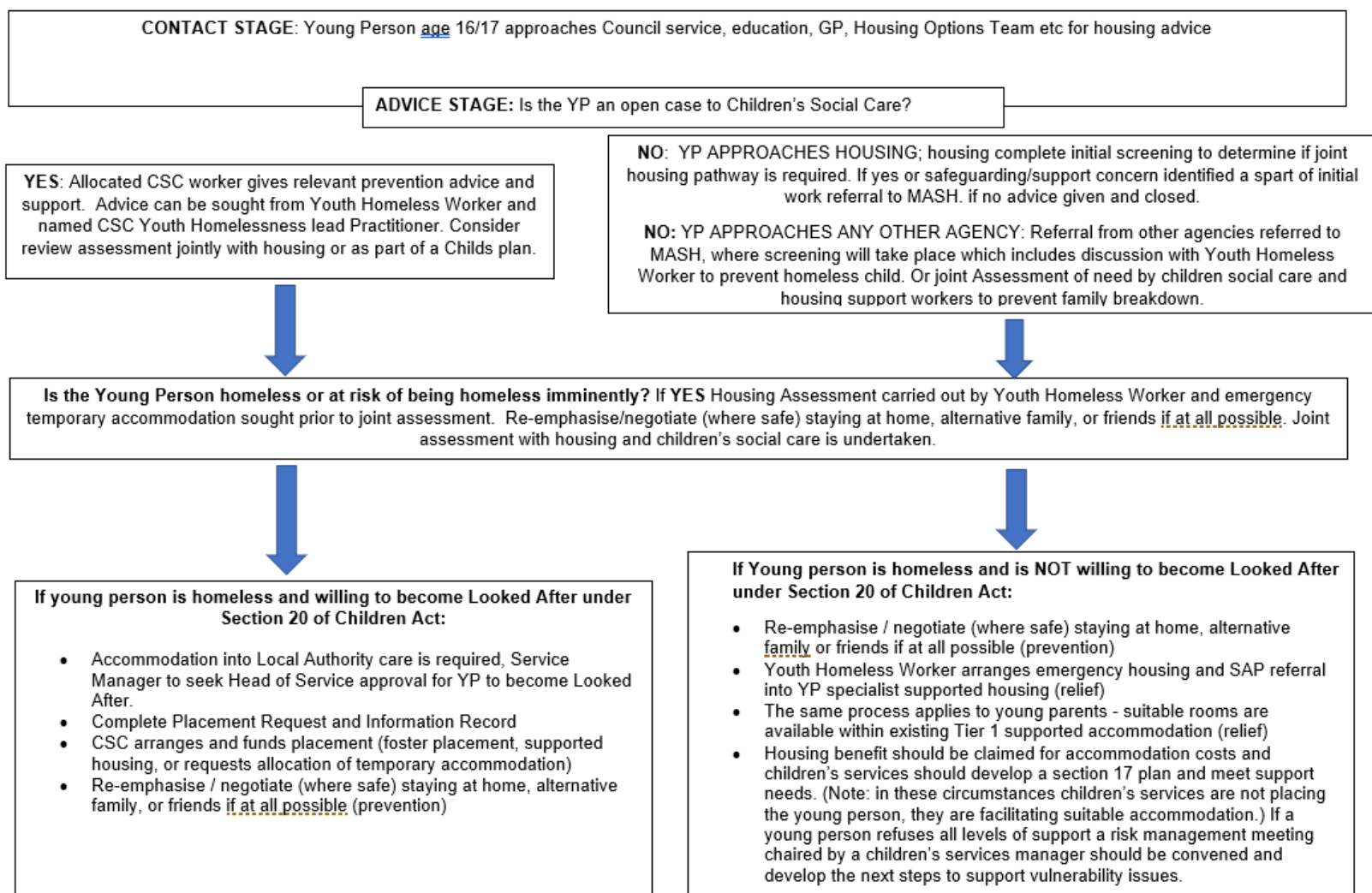
As set out in Section 17(10) of the Children Act (1989), a child shall be taken to be in need if:

- He or she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by the local Authority;
- His or her health or development is likely to be significantly impaired, or further impaired without the provision of such services; or
- He or she is disabled.

Examples of the small number of Homeless 16- and 17-year-olds who would have priority need under the homelessness legislation (by virtue of Article 3 of the homelessness (Priority Need for Accommodation) (England Order 2002) would be for example:

- Because they had been living independently for some time prior to their homelessness;
- Those whose need for accommodation fell within Section 20 but who did not want to be accommodated under Section 20.
- Such young people must be judged to be competent to make such a decision and have had the benefit of advice about the consequence of making such a decision.

APPENDIX A – Protocol flowchart



APPENDIX B – Advocacy Leaflet



Youth Homeless
Advocacy Resource.pd

APPENDIX C - Joint Housing and Children's services Protocol for care experienced young people.



JOINT HOUSING
PROTOCOL FOR CAR

APPENDIX D - PACE agreement



PACE agreement with
East Riding March 202