

## **Homeless 16 and 17 Year Olds: Protocol with Housing**

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## 1. Introduction

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This joint protocol aims to ensure that, by working together, agencies will prevent youth homelessness and ensure that young people only enter care when it is in their best interests to do so and when there are no safe alternatives available within the young person's friends or family network. The protocol outlines the agreed roles and responsibilities for all parties involved in assessing and supporting homeless 16/17 year olds.

This document offers guidance to Children's Social Care and the Local Authority's Housing Department regarding their duties under Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996. It takes account of current case law including the judgement in the House of Lords, *R(G) v Southwark LBC*, May 2009 and subsequent government guidance issued in April 2010. Both the judgement and the guidance emphasise the continuing duty of both Housing and Children's Services to collaborate in their duties to children and young people.

## 2. Aims and principles

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- 2.1 The Protocol has the overall aim of reducing homelessness among 16/17 year olds. More specifically it is intended to provide an effective service response to young people who present to the Council as homeless or threatened with homelessness.
- 2.2 Work within the Protocol should be carried out according to the following principles:
- The safety and welfare of the young person is paramount
  - It is in the best interests of most young people aged 16 or 17 to live in the family home or, where this is not safe or appropriate, with responsible adults in their wider family and friends network
  - It is usually best practice to prevent a young person from leaving home in the first place by dealing with the causes that are leading to the threat of homelessness
  - The threat of homelessness can affect a young person's self esteem, confidence and identity. It is important that the Council's response to young people who are at risk of homelessness is quick and effective.
  - Staff will work in an open, honest and accountable way with young people and their families.
  - Social Care and Housing staff will collaborate to deliver an integrated service response to the young person so that the young person is not passed back and forward between services. Where disagreements occur they will be dealt with quickly and they will not be allowed to affect the service offered to the young person.
  - For young people who do need it, the council will provide suitable accommodation with the sufficient support to meet the levels of assessed need
  - Young people who request a service will be expected to agree to arrangements to share information with other agencies for the purposes of delivering an appropriate service to the young person. They will also be expected to co-operate with assessments and attend meetings as appropriate.
  - The Council will continue to develop a range of long term housing options for those young people who are assessed as needing to access independent housing. Young people should be encouraged to access these on a planned basis rather than presenting as homeless.

## 3. Legal and policy context

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- 3.1 In May 2009, the House of Lords Judgement on the case *R(G) v Southwark* ruled that local authorities should presume that any lone, homeless child should be provided with accommodation under section 20(3) of the Children Act 1989 to accommodate any child in need aged 16 and 17 whose welfare is likely to be seriously prejudiced without the provision of accommodation. At the same time, local housing authorities are required under the Housing Act 1996 (as amended by the Homelessness Act 2002) to secure accommodation

for people who are unintentionally homeless, eligible for assistance and in priority need. Legislation and guidance emphasise the need for those with responsibility for Children Services and Housing to work closely together to prevent and manage homelessness in relation to young people.

- 3.2 Islington Council provides services using the London Continuum of Need Matrix. Young people who may be at risk of homelessness can expect to receive an immediate response at the earliest indication of family difficulties. This intervention is graduated from Targeted Support Services (Level Two, low to vulnerable, of the Needs Matrix), Children-in-Need Services (Level Three, high and complex, of the Needs Matrix) and Children Looked After (Level Four, complex and acute, of the Needs Matrix).
- 3.3 Targeted Support and Services will be offered to all young people, to prevent family crisis and to intervene at the earliest of stages to prevent family difficulties escalating in complexity. Targeted Support and Services will be co-ordinated via an Early Help Assessment or e-CAF and the allocation of a Lead Professional whose role it is to coordinate services to young people with additional needs.
- 3.4 A 16 or 17 year old is deemed a Child in Need under section 17(10) of the Children Act 1989 if:
  - He/she is unlikely to achieve or maintain a reasonable standard of health and development, unless the local authority (that is Children Social Care) provides services
  - His/her health and development is likely to be significantly impaired, unless the local authority provides services
  - He/she is disabled

Therefore, if a 16 or 17 year old is a child in need of support, rather than in need of support and accommodation, the young person would not meet the criteria for section 20, but they could be supported under sect 17 of the Children Act 1989.

- 3.5 A 16 or 17 year is likely to be deemed to be in need of sect 20 accommodation if:
  - The application is a child
  - The child is present in Islington
  - The child is a Child in Need (see 3.4 above). In nearly all cases 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.
  - This need is as a result of sect 20 (1) being met; i.e:
    - there being no person with parental responsibility for him/her, or because:
    - s/he is lost or abandoned, or because:
    - the person who has been caring for him/her is prevented, for whatever reason, from providing suitable accommodation or care; or:
  - as a result of sect 20(3) being met; the child's welfare will be seriously prejudiced if they are not provided with accommodation;
  - The child's wishes and feelings regarding the provision of accommodation have been ascertained and consideration (having regard to the child's age, understanding and capacity) is duly given to those wishes and feelings. The young person should have had advice about the consequences of making such a decision.
- 3.6 The provision of Children's Social Care accommodation can only be provided if: the young person gives their consent to this form of accommodation (section 20 (6) Children Act 1989) and to therefore becoming a 'looked after child'; and this is a proportionate response to meet needs.
- 3.7 If a young person who has been Looked After, however briefly, then ceases to be Looked After there are a number of important regulations which need to be complied with ( Reg 39

of the Care Planning, Placement and Case Review (England) Regulations 2010 as amended in 2015). Arrangements will need to be signed off by a nominated officer or, where the period of Accommodation exceeds 20 days, by the DCS.

#### **4. Inter-Agency Arrangements to Prevent Youth Homelessness**

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4.1 The council will develop timely, accurate information and advice about housing options and make these available to young people, delivered in a range of formats including web-based information and through schools to reach young people, families and professionals. In this way young people and their families will be empowered to plan transitions to independent living without support from specialist services. They will be helped to understand the links between housing choice and their financial and employment situation.

#### **5. The Referral Pathway**

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5.1 Referrals can come from one of three sources:

- Young people not currently open to the department
- Young people currently receiving services at tier 2 of the London Continuum of Need. These young people will have a Lead Professional and an integrated plan of intervention, but will not have an allocated social worker within Specialist Services.
- Young people currently allocated within Specialist Services

5.2 **Young people not currently open to the department:**

- The first point of contact for this group is the Children's Services Contact Team (CSCT).
- A "contact" is recorded on the Integrated Children's System (ICS);
- The Homeless Prevention Officer (16/17yos) (HPO) within the team will make an initial assessment. This will usually involve the provision of advice and information, discussion with the young person and, mediation with the family if appropriate and practical. This work will have one of four outcomes.
  1. a return to the existing accommodation (or home) proves possible and is deemed in the young person's best interests. The young person may be provided with advice and information regarding their issues and no further action is required.
  2. a return to the existing accommodation (or home) proves possible but follow up work is required. In the short term this can be carried out within the CSCT. However for those requiring more extensive work, the senior social worker at CSCT will decide whether threshold is met for a Single Assessment via s.17 of the Children Act 1989 to establish whether the young person is a Child in Need of other services. This assessment is carried out within the appropriate Child in Need team. For those who are not able to return to existing accommodation, every effort must be made to identify alternative sources of accommodation within the young person's family and friend's network. Section 17 support can be considered if this enables accommodation to be secured while a Single Assessment takes place.

3. If a return home is not possible or safe, and if there is nowhere for the young person to stay even on an interim basis, the case should be considered by the Social Worker and case manager, who, in consultation with the operational manager/Head of Service, will decide on whether temporary accommodation should be provided and what level of support is required. If accommodation is provided by the LA then the young person is looked after under s20 whilst a single assessment is undertaken.
4. If temporary accommodation is required follow the steps in Appendix 1

### **5.3 Young people receiving tier 2 services from the department:**

- Lead Professional will contact the HPO within the CSCT to discuss the Homelessness issues.
- For non-urgent cases advice and information will be given and the Lead Professional will continue to co-ordinate the work with the family.
- For more urgent cases a joint meeting will be carried out involving the HPO and the Lead Professional involving the young person with or without their family. This work will have one of three outcomes:
  1. The meeting is successful in resolving the issues and the Lead Professional will continue to co-ordinate the work with the family.
  2. The meeting concludes that a further programme of work is required and the case needs to be “stepped up” to specialist services. The recommendation is made to the Senior Social Worker within the CSCT who will decide whether threshold is met for Child and Family Assessment (Single Assessment) via s.17 of the Children Act 1989
  3. For cases where the young person is homeless on that day, the Lead Professional, together with the HPO and the Senior Social Worker from the CSCT need to work through the options as in 5.2 above. Temporary accommodation should only be considered if there is absolutely no safe alternative.

### **5.4 Young people allocated to a social worker within Specialist Services:**

- Social worker will contact the HPO within the CSCT to discuss the Homelessness issues.
- For non-urgent cases advice and information will be given and the Social Worker will continue to carry out the work with the family. Existing Child in Need plans may need to be revised in the light of the issues.
- For more urgent cases a joint meeting will be carried out involving the HPO and the Social Worker involving the young person with or without their family. This work will have one of four outcomes:
  1. The meeting is successful in resolving the issues and the Social Worker will continue to carry out the work with the family. Existing Child in Need plans may need to be revised in the light of the issues.
  2. The meeting concludes that a further programme of work is required. The social

worker, in consultation with their manager, will decide what form this will take and whether an updated Assessment needs to be carried out in the light of the issues and the extent to which existing Child in Need plans need to be revised.

3. For cases where the young person is homeless on that day, the Social Worker, in conjunction with their manager and the Housing worker from the CSCT/or SW if allocated need to work through the options as in 5.2 above. Temporary accommodation should only be considered if there is absolutely no safe alternative.
4. If temporary accommodation is provided the child/yp will be looked after whilst an assessment is undertaken to see if they can return home or need to continue to be looked after if no other options are viable

## 6 The Single Assessment

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- 6.1 The Single Assessment is a vital part of the process. The young person may be in temporary accommodation, or they may be in a short term alternative with family or friends, the single assessment should decide whether the young person is a Child in Need, and if they are, whether they require services sect 17 or under sect 20 of the 1989 Children Act. The legal criteria for these decisions are set out in 3.4 and 3.5 above.
- 6.2 The period during which the Assessment is carried out is an important one. For young people who are out of the home this is the best opportunity to negotiate a safe return home and to address the issues which have led to the threat of homelessness. It is expected that the assessment will comprise:
  - Individual interviews with the young person to ascertain their wishes and feelings and to assess what weight to give them. This process needs to be carefully recorded.
  - Consideration of whether the young person would benefit from individual support eg through a mentor.
  - At least one mediation session with the family – unless this is unsafe or otherwise impractical
  - A Family Group Conference where this would assist in engaging the wider family in identifying a solution.
  - Provision of advice and information about alternative housing options to the family and the young person.
  - A multi agency sect 20 planning meeting where this looks like the most likely outcome of the assessment.

The period of the Single Assessment should not exceed 45 working days.

- 6.3 Once the Child-in-Need assessment is complete, the social worker and manager will make a judgement as to what provision would best meet the young person's needs. Main outcomes will be:
  - The young person is not assessed as a Child in Need. If the young person remains homeless s/he may be referred to Housing for consideration as to whether a duty is owed under the Housing Act 1996. Otherwise the case may be closed.
  - The young person is not assessed as a Child in Need but needs a 'Step-Down' to an e-CAF, the allocation of a lead professional and Targeted Support Services. If the young person remains homeless s/he may be referred to Housing for consideration

as to whether a duty is owed under the Housing Act 1996.

- The young person child is assessed as a Child-in-Need but is not in need of Sect 20 Accommodation. A CIN plan should be developed to support the young person to remain within their immediate or wider family or to be rehabilitated home;
- The young person is assessed as requiring Section 20 Accommodation in the short, medium or long term.

## **7. Young people who become Looked After under Sect 20**

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7.1 If the recommendation is for the young person to come into/remain in sect 20 Accommodation, then the *sect 3.1.1 Becoming Looked After* procedures apply:

- The Single Assessment should be forwarded to the Team Manager for a decision.
- The Team Manager will decide whether a Sect 20 Planning meeting needs to be convened (this will depend on what meetings occurred during the Single Assessment). If a S20 planning meeting is to be convened Independent Futures should be invited to attend in order to help contribute to the planning.
- The Team Manager will arrange for the case to be considered by the ACRP who will make the final decision as to whether the young person becomes Looked After.
- All placements will be sourced by the Placement Team
- Placements will initially be agreed for 4 weeks only whilst the assessment is completed and a decision made about the most appropriate level of accommodation related to need.

7.2 Placements will only be agreed for 4 weeks in the first instance and there should be no impression given to the young person that the first placement will be their permanent placement as this will depend upon the outcome of assessment  
One of the first tasks to be completed by the social worker and their supervisor is to review the young person's placement and support needs. It may well be the case that arrangements for accommodation and support that were sufficient for the interim period of assessment may need to be reviewed if the young person is going to be remaining there for a longer period. The four week review of placement need must be discussed with the placement team so that consideration can be given to alternative resources to meet the young persons needs

7.3 If the young person is to remain looked after the case should transfer to Independent Futures at the first CLA review. The single assessment, care plan, PEP and initial health assessment must be completed in time for the first review. .. Independent Futures will ensure that an allocated worker attends the first review. There should be a transfer meeting prior to the CLA review wherever possible. If this is not possible, a transfer meeting should take place within a week after the CLA review has taken place. If a transfer meeting has not taken place prior to the CLA review Independent Futures should be consulted with about the plan via telephone or e mail.  
Independent Futures will be responsible for completing the Pathway Plan within 6 months of the young person becoming looked after.

7.4 If the young person continues to be Looked After, the second review will take place after a further 3 months.

## **8. Young People who Refuse Section 20**

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- 8.1 There will be some 16 and 17 year olds who require accommodation and fulfil the criteria under section 20 of the Children Act 1989 but who don't wish to be Looked After. This is their right, but it is very important that the young person understands fully the consequences of their decision. If the refusal to become Looked After gives rise to safeguarding concerns or if there is concern about the young person's ability to make such a decision, the social worker must consult with their line manager to consider whether there are grounds to override the young person's wishes or whether a Child Protection Plan is required..
- 8.2 It is good practice for the young person to have access to independent advice in making the decision whether to become Looked After.
- 8.3 It is very important that the information given to the young person and the decision making process is clearly documented. This will usually be recorded within the Single Assessment. The young person should be asked to sign a form outlining their decision and summarising the information that has been given to them.
- 8.4 Young people who are homeless but who refuse to agree to being Looked After under sect 20 should be referred back to the Housing department who will make an assessment as to whether a duty is owed to the young person under the Housing Act 1996

## **9. Arrangements for Timely Assessment and Placement Provision for Young People who Require Accommodation on Release from Custody**

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- 9.1 Where a young person is in custody with no address upon release the YOS case manager will need to notify CSCT at the earliest opportunity/ (within 1 working day if remanded into custody) the allocated social worker will progress the assessment. The notification will go directly to the allocated social worker if already CLA- however, the majority of YP will have ceased to be looked after once sentenced to custody. The majority of YP return home to their parents/carers and this is usually in their best interests.

- The assessment must take into account any issues regarding gang involvement, CSE and issues around territories, siblings and partners will need to be considered. There will also need to be a clear assessment around the risks the YP presents and any issues relating to victims and protection of the public. The referral pathway will still be as in sect 5 above.
- 9.2

- All YP in custody have a right to a Family Group Conference, and a FGC referral will be made within 1 working day of the custodial sentence (including remand) and if accepted by the YP and family this meeting can be used to discuss living arrangements and if the YP is not returning to their family home how the family will support them towards independence.
- 9.3

- Accommodation provided will need to be provided (within) before 2 weeks of release, therefore YP will need to be referred for accommodation to the placements service at least 8 weeks before release.
- 9.4

## **10. Homeless 16/17 year olds with a child or unborn baby**

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- 10.1 Where the young person who is homeless or threatened with homelessness has a child or is pregnant it is important that the assessment process takes account of the complexity of

the situation.

- 10.2 The referral pathway will still be as in sect 5 above, however it is expected that most cases will require a Single Assessment.
- 10.3 Assessments must take into account a family's rights to family life under the Human Rights Act, as well as the separate needs of the child/unborn baby. This may involve making arrangements for the young person to be accommodated in a situation where they can live with their partner/the baby's father.
- 10.4 In situations where there are substantial safeguarding concerns about a mother's ability to parent her new-born baby, a mother and baby unit could be considered.

## **11. Homelessness arising Out of Hours**

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- 11.1 The first point of contact for all 16 and 17 year olds at risk of homelessness out of hours is CSC Emergency Duty Team, (EDT). Referrals should be made using the agreed referral procedures. Where a young person is thought to be homeless the following actions will be taken:
  - Emergency Duty social worker carries out their normal interview with the young person and seeks alternatives to temporary accommodation, such as return home to family or friends as in 5.2 above;
  - If temporary accommodation is required, the Emergency Duty Social Worker will co-ordinate temporary accommodation and finance via Contact Islington;
  - Contact Islington will seek authorisation from Housing Advice Centre Out of Hours Manager for the placement;
  - When a young person is considered to be vulnerable and a s.20 placement is needed following assessments the Emergency Duty social worker will follow the out of hours Becoming Looked After procedure (i.e. by contacting the on call senior manager for Children's Social Care for discussion and possible authorisation).

## **12. 16/17 year olds who cease to be Looked After**

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- 12.1 If a young person who has been Looked After, however briefly, then ceases to be Looked After there are a number of important regulations which need to be complied with ( Reg 39 of the Care Planning, Placement and Case Review (England) Regulations 2010 as amended in 2015). These state that before ceasing to Look After the young person the Local Authority must have:
  - assessed the accommodation, maintenance and support arrangements for the young person
  - ascertained the young person's wishes and feelings.
  - Assessed whether ceasing to Look After the young person will promote his/her welfare
  - Set out what support the LA intends to provide
  - Ensured that the family have been consulted, as appropriate
- 12.2 For young people who have been Looked After for fewer than 20 days, the above assessment should be signed off by the relevant Head of Service. For those who have been Looked After for longer, the assessment must be signed off by the DCS.

## **13. Homeless young people from another area**

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- 13.1 Where a 16/17 year old who was living in one Children's Service area moves to another area and seeks assistance from services in that area, the duty to assess falls on the Children's Services area from which they seek assistance. The Children's Service authority undertaking the assessment has a duty to consider the young person's immediate needs and cannot expect them to return to the authority in the area presumed to be their "home" district.
- 13.2 However when young people present to LBI and clearly have links with other areas, enquiries should be made of those LAs at the time of the referral to see whether they would be willing to undertake the sect 17 assessment. If the other LA unreasonably refuses to undertake the assessment the matter should be escalated to more senior managers up to Assistant Director level, however in the absence of action from the home authority, the Local Authority where the young person is physically present must undertake the assessment.
- 13.3 If the young person is ordinarily resident in another London borough the Pan London Child Protection procedures may provide useful additional guidance.
- 13.4 The Housing authority has a similar duty to assess the young person's homelessness application. However, even if the young person is found homeless, the Housing authority undertaking the assessment can refer the young person back to the "home" Housing authority on the grounds that there is a local connection.

#### **14. Data collection**

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- 14.1 The Homeless Prevention Officer within the CSCT will maintain a spreadsheet to track the progress of current homelessness cases. He will submit data on the volume of cases and the outcomes which will be added to the Local Performance Information Report (LPIR). In addition the Placement service will keep records on any placements made.

#### **15. Resolving Disputes about Responsible Agency**

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- 15.1 The process for resolving any disputes arising between staff from Children's Services and staff from Housing Services (for example, where expectations for completing assessments within specified timescales have not been met) are as follows. Every attempt should be made to resolve disputes locally and directly between staff. Should this not be possible then the matter should be escalated through immediate line managers. Should the dispute still not be resolved then respective operational managers from Islington Housing Services and Islington Children's Services should discuss the complaint / dispute and seek resolution.

# Appendix 1: Flow Chart – homeless 16/17 year olds

