

Joint Strategic Protocol to Address the Needs of Homeless 16/17 year old Young People In Essex

Between:

Key Agencies

- Essex County Council
- Local Housing Authority Services

Partner stakeholders

- Supporting People
- Floating support providers
- PCT (Primary Care Trusts)
- Private, Voluntary and Independent sector
- CAMHs (Child and Adolescent Mental Health Services)

1. Aims

- To establish a system and processes that ensure seamless services to 16/17 year old young people who are homeless or threatened with homelessness.
- To clarify the statutory duties and agreed responsibilities of the key agencies and their stakeholder partners.
- To ensure that where ever possible and practical young people are enabled to return home through mediation and the provision of support services from key agencies and key partner stakeholders provided it is safe to do so.
- To promote cooperation and joint working between the key partner agencies
- To promote joint training on roles, responsibilities and processes on a regular basis.
- That co location and / or joint assessments are carried out whenever practical and appropriate.
- To develop a joint working protocol signed up to by the Key partner agencies which will enable local working arrangements to be developed and adhered to.
- To agree the development of and access to appropriate young people's housing, including move on accommodation.

2. Young people covered by the protocol

2.1. This protocol is designed to cover the following groups of young people:

- single people aged 16 and 17 years;
- single people aged 18-21 years who are in need or vulnerable (Children Act 1989) or entitled to after care services under the Children (Leaving Care) Act 2000;
- young people who are in priority need and subject to housing and Homelessness Legislation (2002 Homelessness Act);
- pregnant 16-17 year olds;
- young parents aged 16-17 years.

3. Context

3.1. This protocol covers the assessment and provision of support to homeless young people aged 16 and 17 years.

3.2. The Local Authority have a duty to assess homeless 16 and 17 year olds to determine whether they are children in need within the meaning of s17 of the Children Act 1989 and, if so, whether they are owed a duty under s20 (1) or (3). If a young person is a child in need but not accommodated under s20, LA may use its powers to offer support under Section 17.

3.3. Local housing authorities are required under the Housing Act 1996 to secure accommodation for people who are unintentionally homeless, eligible for assistance and in priority need. Under the Homelessness (Priority need for accommodation) (England) Order 2002, 16 and 17 year olds who are not a 'relevant child' or a child in need to whom the LA owes a duty under s20 of the Children Act 1989 have a priority need for accommodation. This provides a safety net for those young people who are not owed a duty under the Children Act.

3.4. The Children (Leaving Care) Act 2000, the Homelessness Act 2002 and the Homelessness (Priority Need for Accommodation) (England) Order 2002 have underlined the need for those with the responsibility for Social Services and Housing to work more closely together to prevent and manage homelessness in relation to young people.

3.4. Recent case law G v Southwark has outlined that the Children Act 1989 remains the primary legislation in relation to this group of young people.

Local Housing Authorities responsibilities towards young people

Statutory instrument 2002 2051 extended priority need to a number of new categories including all 16 and 17 year olds except those who are;

- a) a relevant child or
- b) a child in need who is owed a duty under s.20 of the Children Act 1989
- c) a care leaver - under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18 has a priority need for accommodation (other than a relevant student).

3.5. An interim duty to accommodate exists if the local housing authority (LHA) has reason to believe that the young person may be eligible, homeless and in priority need. The authority may carry out initial enquiries to satisfy themselves that there is a reason to believe the applicant is homeless before an interim duty arises and may request that an assessment is carried out under s.20(1) of the Children Act to assist with the determination of priority need.

3.6.

- i) If the LHA is satisfied that the applicant is eligible; threatened with homelessness; in priority need; unintentionally homeless and has a local connection they have a duty to ensure that accommodation does not cease to become available to the applicant;
- ii) If the LHA is satisfied that the applicant is eligible; homeless; priority need; unintentionally homeless and has a local connection, they have a duty to ensure that accommodation is available for the applicant's occupation (the full housing duty);
- iii) If there is no local connection the young person may be referred to an area where they do have a connection. Most Housing Authorities aim to complete enquiries within 33 working days.

Intentional Homelessness

3.7. Young people who are assessed as being in priority need and intentionally homeless are entitled to advice and assistance and to accommodation for a reasonable period to give them the chance to secure accommodation for him/herself. A copy of the decision letter in relation to intentional homelessness will be forwarded to the relevant identified agencies as soon as the decision is made.

Homelessness prevention

3.8. The LHA's first duty under the Homelessness Code of Guidance 2006 is to try and prevent homelessness. Under the housing options approach, the procedure for households likely to be eligible and in priority need for homelessness assistance is now likely to be operated as a two stage process, with options and prevention considered first, but with safeguards in place where a person is eligible for and requires assistance under

homelessness legislation.

- 3.9. The Code of Guidance states that local housing authorities should consider the possibility of family reconciliation, e.g. family mediation, for 16 and 17 year olds and will work with Social Services to ensure that all avenues are explored.
- 3.10. The Code of Guidance acknowledges that the process of reconciliation may take time; therefore the normal 33 working day aim for completing enquiries may not be met.
- 3.11. If it appears that it might be unsafe for a young person to return to their last settled address because of violence or abuse, consultation must take place as soon as possible with Social Services and the police where appropriate. Their advice on whether attempts on reconciliation are appropriate must be taken into consideration.

Schools, Children and Families' responsibilities towards homeless young people

- 3.12. Schools, Children and Families responsibilities vary depending on whether the young person is a child in need (Section 17) and or a child in need of accommodation (Section 20).

Children in need

- 3.13. Children in need are defined in Section 17 (10) of the Children Act 1989 as:

- those who are unlikely to achieve or maintain a reasonable standard of health and development, unless the local authority (that is Schools, Children & Families Services) provide services;
- those whose health and development is likely to be significantly impaired unless the local authority provides services;

disabled children;

- 3.14. If an initial assessment of the young person identifies that the young person is both in need and the criteria for accommodation under s20(1) or (3) are met, then Schools, Children & Families will arrange for the child to become looked after including the provision of accommodation.

- 3.15 Duties to accommodate under s.20(1)
s.20(1) 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 him;
- b) his being lost or abandoned; or
- c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care,

3.15. The provision of accommodation by Schools, Children & Families Services can only be provided if:

- the young person gives a 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.

To Note:

Sec 17 (6) may include accommodation and assistance in kind or in cash and may be unconditional or subject to conditions as to the repayment of the assistance in whole or in part, and shall have regard to the means of the child concerned and each of his parents

Leaving Care

- 3.16. Any young person who was a looked after child on or after their sixteenth birthday is the responsibility of the Leaving & After Care Service of Schools, Children & Families Services. This service has a duty to maintain and support them and secure suitable accommodation.
- 3.17. Since the introduction of the Children (Leaving Care) Act 2000, 16 and 17 year old care leavers (except lone parents and disabled people) are no longer entitled to claim state benefits. Schools, Children & Families Services are responsible for meeting the accommodation and maintenance needs of these young people.
- 3.18. Schools, Children & Families Services is responsible for providing or funding vacation accommodation for young people aged 18 to 21 in full time education if their term time accommodation is not available to them. The duty extends to age 25 if the agreed course begins before the age of 21.
- 3.19. The duty of Schools, Children & Families Services to provide/pay for accommodation ends after the young person reaches 18 years with the remaining duty to advise and befriend.

- 3.19.1. Schools, Children & Families Services will be responsible within three months after the young person's sixteenth birthday to undertake a needs assessment in order to prepare a Pathway Plan as soon afterwards as possible. The assessment forms the basis of planning towards the young person's independent living. It will take account of the young person's needs for support, health care, education/training or employment. A central issue will also be future accommodation needs and where the young person hopes to live.
- 3.19.2. The Pathway Plan sets the young person's route to independence and is reviewed regularly, at least every six months continuing after they cease to be looked after and potentially to their twenty-first birthday or to the age of 25 if they are in higher or further education.
- 3.19.3. Following the young person's final review Schools, Children & Families Leaving & After Care Service will notify the LHA six months in advance if they will require alternative accommodation. This will enable a planned move to be facilitated and ensure an appropriate support is in place to help the young person sustain any tenancy that is offered.

Services for unaccompanied asylum seeking children

- 3.20. The majority of unaccompanied asylum seeking children will be provided with services in keeping with those described in previous sections relating to responsibility of Schools, Children & Families Services including Leaving & Aftercare.
- 3.21. The circumstances, eligibility and entitlements of this group of young people are also impacted upon by their asylum and residence status. The legislation and application of asylum rules are subject to ongoing revision. A notable exception is any young person who is granted indefinitely leave to remain. As a general rule the rights and entitlements of these former asylum seeking children are the same as any other looked after, relevant or former relevant young person.
- 3.22. Services for unaccompanied asylum seeking children are provided by the Specialist Permanency team and the Leaving & After Care teams of the Schools, Children & Family Service

4. Key Stakeholder Roles & Responsibilities

Essex Youth Offending Service

- 4.1. Essex Youth Offending Service is a multi-agency partnership established by the Crime & Disorder Act 1998. The purpose of the Youth Offending Service is to prevent offending by children & young people. The service works with young people aged between 10 and 17 years who are offending or at risk of

offending and who have been referred by either the police or court. The Youth Offending Team is responsible to the County Youth Justice Board and the National Youth Justice Board. The Youth Offending Team comprises of officers from social services, the police, probation, education and voluntary organisations.

- A national performance target covers accommodation for young offenders for the Youth Offending Service. Performance measure 12;
 - all YOTS to have a named accommodation officer; and
- 4.2. all young people either subject to community intervention or a release from secure state have satisfactory accommodation to go to.

Connexions

- 4.3. Connexions is the Government's information advice and support services for all 13 to 19 year olds in England (or up to age 25 for those with a learning or physical or other disability). This includes guidance on choosing courses and careers, help on a broad range of issues for example health, teenage pregnancy and homelessness.
- 4.4. All young people have access to a Connexions personal adviser which for some will involve in depth support. Personal advisers work in schools, colleges and in the community.
- 4.5. All 16-17 year olds claiming job seekers allowance (hardship) must be registered with Connexions providing a link between some of the more hard to reach clients and specialist personal advisers.

Health

- 4.6. Young people presenting as homeless may have unmet health needs. Emergency treatment should be accessed through the Accident and Emergency department of the local hospital. Non-emergency treatment can be accessed as a temporary patient at a GP surgery. If a young person experiences difficulty in registering with a GP they should contact the looked after children's nurse for the quadrant area who will arrange for them to be allocated a GP.
- 4.7. Young parents and their children may be particularly vulnerable and multi agency support is available through the Multi-Agency Allocation Groups and Children's Centres, alongside other community support services.

Voluntary Sector

The voluntary sector fulfils a crucial role in the provision of services to young people. Many young people are more like to initially approach a voluntary sector organisation for advice or support in dealing with the housing related difficulties than their local housing authority or Social Services department.

- 4.8. This protocol recognises the importance of voluntary sector services and seeks to fully involve the provider of those services as part of the holistic approach to delivering seamless services to homeless young people.
- 4.9. Supporting People, will have both a commissioning role and a reviewing role of these services for vulnerable and homeless 16 and 17 year olds and teenage parents

5. Procedure

Initial approach made to Housing

- 5.1. If a 16/17 young person approaches a local housing authority (LHA) in the first instance, the LHA will establish whether the young person:

- may be homeless and in priority need;
- will be roofless that night;

A homeless application will be triggered at this point.

- 5.2. If the above tests have been met the LHA will ensure that accommodation is made available on an emergency basis to the young person pending investigations. If the young person refuses this offer of emergency accommodation then the s.188 duty of the LHA will end.
- 5.3. The LHA may liaise with the Targeted Youth Service to assist in the reconciliation of the young person with their family and may refer the young person to mediation services unless it is unsafe for the young person to return, for example, in cases involving violence or abuse as per the Homelessness Code of Guidance 2006.
- 5.4. If the LHA considers the young person meets the criteria for services under section 17 or 20 of the Children Act 1989 they will complete a CAF and send it to Social Care Direct who will refer the CAF to the Initial Response Team who will request an Initial Assessment from the Targeted Youth Team who will complete in 7 working days and where appropriate core assessment (if likely to meet the criteria for section 20) in 35 working days. (statutory timescales)
- 5.5. The LHA may continue to accommodate the young person throughout the reconciliation, mediation and assessment process. Available appropriate

accommodation will need to be established (bed & breakfast may not be suitable).

- 5.6. Upon receipt of the CAF the Targeted Youth Team of Schools, Children & Families Services will:
- contact the young person and offer an appointment for an initial assessment which must be completed within 7 working days. If child protection issues are identified by the housing officer this assessment can be completed in less than 7 working days; and
 - share the outcome of the initial assessment with the LHA within one working day after completion by faxing a copy of the assessment to the Housing Needs/ Options Team.
- 5.7. The outcome of the Schools, Children & Families initial assessment will be considered by the housing authority when reaching their homelessness decision.
- 5.8. Where it is considered appropriate (this will usually be where it is considered that a young person is likely to meet the criteria for S20) a core assessment will be completed within 35 days and after completion this will be faxed to the Housing Needs/Options Team.
- 5.9. If the young person is to be accommodated under s.20 appropriate arrangements will be made to ensure that a seamless move on to new accommodation is undertaken within a reasonable timescale.
- 5.10. The LHA will notify the team manager of the Targeted Youth Team of Schools, Children & Families Services in writing within two working days of the outcome of their homelessness enquiries for all young people who have Schools, Children & Families initial assessment/core assessment.
- 5.11. If all attempts at reconciliation are unsuccessful and the young person has been assessed as not requiring accommodation under s.20, or has made an informed choice not to become looked after, the LHA will continue with their enquiries into the young persons circumstances and will continue to accommodate the young person under s.188. If the LHA accepts a statutory homeless duty then appropriate accommodation will be offered. This may be in supported accommodation provided by a support provider.
- 5.12. If the young person is found to be intentionally homeless, Schools, Children & Families Services and appropriate stakeholder agency will be informed immediately the decision is made.

Approaches to Schools, Children & Families Services

- 5.13. If a young person approaches the Schools, Children & Families Services first then:
- the young person will be directed to contact the Targeted Youth Team duty service.
- 5.14. The duty officer will then:
- Check the Services Information System, Integrated Children's Systems, CAF contact point and Youth Offending Services Information Systems to see if the young person is already known to services. If this check reveals the young person is the responsibility of the Leaving & Aftercare service then the call centre duty officer will make an immediate referral to the appropriate team by telephone.
 - The Targeted Youth Team will go out and meet with the young person and complete an initial assessment to assess the needs of the young person.
- 5.15. Schools, Children & Families Services will retain responsibility for any young person who after assessment by them is assessed to be a young person in need or in need of protection. If appropriate the Schools, Children & Families Services team may request the assistance of the LHA in accessing suitable accommodation for the young person. The LHA may assist the Targeted Youth Team to access suitable accommodation under s27 of the Children Act. This may be supported accommodation or private rented accommodation in which case the young person will need support.

6. Provision of Support

- 6.1. As part of the assessment process key partners and stakeholders will work together in accordance with this protocol to establish the type and level of support that the young person will need to maintain their accommodation.

Floating Support

- 6.2. All young people who are accepted as homeless under the protocol will be referred for floating support services to the relevant Supporting People provider.
- 6.3. This includes young people placed in bed and breakfast and other accommodation whilst the reconciliation and assessment process is undertaken.
- 6.4. The young person's floating support provider will be responsible for developing a support plan for the young person. This will include:

- details of the referrals and contacts made to other agencies;
- who is involved in providing support to the young person; and
- how often the young person will be seen and contacted by the floating support service.

6.5. The Floating Support Provider will after discussion and if agreed by the young person share information and supply a copy of the support plan to the Targeted Youth Team and the LHA or housing association landlord to assist in maintaining the young person's tenancy .

7. Resolution of Dispute

7.1. If there is a dispute over the outcome of a case either Initial Assessment or Homelessness decision the case will be referred to the Housing Needs Manager in the LHA and the team manager of the Targeted Youth Team to re look at the the case. On the very rare occasions where there is still no agreement the respective senior managers of the organisations will agree the final position.

8. Monitoring

8.1. LHA Housing Needs Managers will be responsible for collating responses and feedback to Schools, Children & Families Service Managers will be responsible for collating feedback at their meetings with their local team managers

8.2. Schools, Children & Family Service Managers and LHA Housing Needs Managers to have quarterly quadrant meetings in order to monitor protocol.

8.3. Connexions to give feedback to the Targeted Youth Service Support Manager of the Schools, Children and Family Service.

8.4. All feedback to be given by LHA Housing Needs Managers to the Chair of the Essex Homeless Officer Liaison on a quarterly basis .

8.5 All feedback to be given by the Schools, Children and Family Service to the Targeted Youth Service Support Manager in the Integrated Youth Service

8.6 The progress of the protocol will be reported to Essex Housing Officer Group and Social Services equivalent half yearly.

8.7 Outcomes will also be monitored by Supporting People through returns to the National Outcomes Framework.

9. Review

- 9.1. This protocol will be reviewed annually to ensure that it is up to date and appropriate.
- 9.2 Urgent amendments to this protocol will be made after joint discussion between the Chair of the Essex Homeless Officer Group and the Targeted Youth Service Support Manager.