



HILLINGDON
LONDON

**Protocol for the Assessment of Homeless 16
and 17 year olds who require accommodation
by Housing and Children's Services**

Contents

Section	Contents	Page
1	Introduction	3
2	Scope of the Protocol	3
3	Aims of the Protocol	3
4	Principles of the Protocol	3
5	Legal Responsibilities	4
6	Procedures	5
7	Placements	7
8	Out of Hours/Emergency Requests	8
9	16/17 year olds from other local authorities	8
10	Conflict Resolution	9
11	Appendix A – Young Person Referral Procedure : 16 Plus Team and Housing Needs	10
12	Appendix B – Flow chart of Referral procedure	13

1. Introduction :

This protocol addresses the principles, legislative requirements and procedures for the assessment of 16/17 year olds between Children's Social Care and Housing Services. It outlines the roles and responsibilities and respective statutory responsibilities of the two divisions. The working arrangements outlined in the protocol will help to ensure that homeless 16 and 17 year olds receive the appropriate and most timely services.

This protocol incorporates the House of Lords judgement of May 2009 in the case of G v LB Southwark and the subsequent statutory guidance issued by the department for Children, Schools and Families, and Communities and Local Government department in April 2010. These clarified the legal responsibilities of Children and Young People's Services towards homeless 16 and 17 year olds and the interrelationship between duties under the Children Act 1989 and homelessness legislation.

This Protocol will seek to support and implement:

- LBH Leaving Care Policy
- Hillingdon Accommodating Offenders Protocol
- Hillingdon Children and Young People's Plan 2011-2014

2. Scope:

This protocol covers:

- Homeless 16 and 17 year olds including pregnant 16/17 year olds
- Homeless 16 and 17 year old with dependant children.
- Homeless couples where a partner is 16 or 17 Years Old.
- Homeless couples where both young people are 16 or 17 years old.

It does not cover young people leaving local authority care. There are already systems in place for these young people. ([See LBH Leaving Care Policy](#))

3. Aims of the Protocol:

- a. To clarify the statutory duties and agreed responsibilities
- b. To establish a system that ensures a seamless service to vulnerable young people.
- c. To promote co-operation and joint working between the partner agencies
- d. To ensure that, through methods such as mediation, reconciliation between young people and their families/carers is achieved wherever possible.

4. Principles:

- Unless there is evidence to the contrary, the starting point should be that children and young people's needs are best met in their immediate families. Therefore every effort should be made to mediate between young people and

their families to negotiate a return home. In all cases involving applicants who are 16 or 17 years of age, Children and Families Social Care will first establish whether there is genuine homelessness and whether there is any possibility of family reconciliation. Some 16 and 17 year olds may have left home because of a temporary break down in their relationship. Mediation and support for the family may be required and Children and Families Social Care will need to consider the provision of these services for the family. The process of reconciliation may take time, and **Children and Families/Housing Services** may have to provide interim accommodation to enable this to take place.

- Where young people are unable or unwilling to return to their immediate families, they should be supported to explore wider family members and community options where their needs can be met.
- Where a young person is assessed as homeless and is unable to return home, the judgement and guidance makes it clear that Children and Families Social Care are the lead agency in such cases and the primary legislation is the Children Act 1989.
- In assessing the needs of a young person for accommodation and support, those involved in that process must take account of the individual needs and cultural background of that young person.

5. Legal Responsibilities:

Housing Legislation

Part VII of the Housing Act 1996 as amended by the Priority Needs Order 2001 and the Homelessness Order 2002 sets out the homelessness legislation. Housing authorities have a duty to ensure that accommodation is made available to people who are:

- Eligible for assistance
- Homeless or threatened with homelessness
- In priority need
- Are not intentionally homeless
- Have a local connection with the local authority

Young people aged 16/17, and care leavers aged 18-21 are deemed to be in priority need except for a 16/17 year old who is a relevant child under the Leaving Care Act 2009, or a 16/17 year old who is deemed to be a 'child in need' under section 20 (3) of the Children's Act 1989.

Children Act 1989

Section 17 of this Act requires councils to provide appropriate services to a "child in need". Under Section 17(10) of the Children Act 1989, a child is in need if:

- (a) He/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 for him/her of services by a Local Authority; or
- (b) His/her health or development is likely to be significantly impaired, or further impaired without the provision for him/her of such services, or

(c) He/she is disabled

Under Section 17, the Local Authority has a responsibility to assess a child's circumstances and consider offering services if it appears that a child may be in need.

Section 20 states 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:

- There being no person who has parental responsibility for him
- His being lost or having been abandoned
- The person who has been caring for him being prevented from providing him with suitable accommodation or care
- Any child in need within their area who has reached the age of 16 and whose welfare the authority considers is likely to be seriously prejudiced if they do not provide him with accommodation

The principle is that the duties of the local authority under Section 20 of the Children Act 1989 take precedence over the duties of the local authority under the Housing Act 1996 in the case of young people aged 16 and 17 who require accommodation. Young people aged 16 and 17 who are homeless will come within the definition of [Children in Need](#) and where they require accommodation, the specific duty in Section 20 of the Children Act 1989 (to provide accommodation in certain circumstances) takes precedence over the general duty owed to Children in Need and their families under Section 17 of the Children Act 1989. Assessments of young people under this legislation will therefore need to consider whether the factors set out in Section 20 (1) or (3) are applicable to the young person's needs.

6. Procedure:

The following stages apply to a 16/17yr old who do ***not have any active Children and Families Services or YOS involvement***. There are 3 stages in the procedure.

Stage 1 : Initial Contact

1. The Children and Families 16+ Leaving Care team will complete an initial interview with the young person under Children Act 1989 /Homeless legislation to determine if the young person is homeless and whether the young person can be supported to return home or be accommodated by wider family / friends. Therefore whichever agency a young person approaches, if they are claiming to be imminently homeless, or roofless, they must be sent to the Children and Families 16+ Leaving Care social work team, where they will be seen by a duty social worker. (**See Appendix A for detailed referral procedure and Appendix B for the flow chart**)
2. If the first point of contact is the Youth Offending Team they may wish to gather any information they have that may be needed for the assessment so that they can forward it to the relevant duty social work prior to making an initial appointment for their service user with the duty social worker in Children and Families

It is important that when a young person is in custody and there are concerns about them becoming homeless upon release that **the Hillingdon Accommodating Offenders Protocol is followed.**

Stage 2: Initial Interview and Assessment

Areas to be covered in the interview should include:

- **The current situation** – i.e. why is the young person presenting as homeless?
 - **Background history** – family make up, accommodation history and whether, previously known to Children and Families
 - **Support networks** – what family members are there, extended family, friends that can offer support?
 - **Vulnerability** – to determine if there any immediate concerns re vulnerability of the young person – e.g. learning disabilities, mental health issues, child protection / safeguarding concerns.
 - **The young person's views** – what is the young person saying about the need for accommodation?
 - **Views of those with parental responsibility** – what are those with PR saying? Can the young person return home?
2. The duty social worker will determine whether there is a realistic prospect of the young person returning home or to wider family or friends. Children and Families Social Care will provide temporary accommodation whilst the initial assessment takes place. The Initial assessment should be completed within the required timescale of 7 working days.

Stage 3 : Outcome of the Assessment :

1. If the outcome of the Assessment is that the child is “in need”, and is deemed to meet the criteria for accommodation , the young person will become looked after under S.20 of the Children Act 1989 and this is accepted by the young person. The Looked After Children (LAC) Procedures will then be followed e.g. Care Plans, Social Work Visits and LAC Reviews.
2. If, following the assessment, the young person is found not to be a ‘child in need’, the young person may be provided with accommodation under the Homelessness Legislation.

Case law and guidance emphasises that S20 subsection (c) should be given ‘a wide construction’, but there are exceptions such as:

- Where a young person is already living away from home and as such is already considered to be independent
- Where a young person is in employment/ training and has already demonstrated independence
- There are clearly no other support needs other than the provision of accommodation
- Where the child does not wish to be accommodated under section 20 and is clearly able to understand and is competent of making this decision

If such a person loses their accommodation and becomes homeless, he would **not** fall within S20

3. Where the S20 criteria is **not** met but the young person requires accommodation under section 17, Children and Families Social Care will refer the young person back to Housing for further assessment under the Homeless provisions of Part 7 Housing Act 1996. Housing will provide and fund this accommodation. The young person will be assisted to claim housing benefit by either their supported housing provider or Access to Resources Team worker or allocated SW/PA.
4. Where the assessment concludes that it is not necessary for the young person to be accommodated under Section 20, Children and Families Social Care should also consider whether services should be provided under Section 17 of the Children Act 1989, for example financial support to enable the young person to live with a member of the family or another responsible adult in the young person's network.
5. Where young parents are provided with accommodation by Children's Services and become looked after, it does not follow that their child will also be looked after. This is an issue for an entirely separate assessment based on the needs of the infant.

16/17 year old Young Offenders in Youth Court (Refer to the Hillingdon Accommodating Offenders Protocol for the circumstances listed below.)

1. Where a young person is in Youth Court and is ordered not to return home, the YOS court team will take responsibility for exploring other accommodation options with the young person, including family and friends. If no other options can be identified YOS will refer *directly* to Children and Families Accommodation Officer based in the 16+ Leaving Care for an assessment (this needs to be discussed with ART as they may take these referral on the day to find accommodation)

Custody

2. If a young person in custody is going to be homeless upon release the YOS accommodation officer will endeavour to arrange accommodation prior to release. However in the event that this is not possible a referral will be made by the YOS directly to Children and Families 16+ Leaving Care Team for an assessment.
3. Housing Services will use its best endeavours to assist the YOS / Children and Families 16+ Leaving Care Team to identify suitable accommodation. For those referrals of 16/17 year olds who would, for the lack of an address, be remanded in custody, the 16 + Leaving Care Accommodation Officer will endeavour to respond to any request from the YOS to find accommodation. (this post will be in ART in the near future so this will need to be amended)
4. Where a young person is sentenced to custody whilst S20 it should be noted that a LAC Review should be convened prior to release date to plan for accommodation and support services. (The new Care Planning Regulations mean that when a S20 LAC is given a custodial sentence they cease to be LAC. S31 cases will remain subject to statutory reviews etc)

7. Placements

Placements provided under the Children Act will be funded by Children's Social Care. All other placements will be funded by the Housing Department. The Access to

Resources Team will be responsible for arranging placements. The types of placements which might be used for 16 and 17 year olds will include Supported Lodgings, Supported Housing and self-contained accommodation with floating support.

The DFE guidance states that pending the conclusion of an assessment, accommodation that is provided must be suitable for a 16 & 17 year old and, in considering suitability, authorities 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. The Secretary of State considers that Bed and Breakfast accommodation is unsuitable for 16 and 17 year olds. (*Guidance to children's services authorities and local housing authorities about their duties under Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young people*)

8. Out of Hours/Emergency Referrals

- 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. Children and Families Social Care will be responsible for the funding of this accommodation which will be agreed through the Emergency Duty Team Service. The young person will then be referred to 16+ Leaving Care Team the next working day for an initial interview/assessment under Stage 2 of this protocol.

9. 16 and 17 year olds from one local authority area who seek assistance from children's services in another local authority area

- Where a 16 or 17 year old who was living in one local authority area and moves to Hillingdon and seeks assistance from Children and Families Social care, the duty to assess falls on the authority from which they seek assistance. Hillingdon 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.
- An initial interview, combined with enquiries in the area where the young person came from, should be sufficient to establish their connection with the area where they have sought help and their reasons for seeking help there rather than in their "home" district. These enquiries may be able to establish whether it may be possible for the young person to return to the area where they may be presumed to have a stronger local connection. For example, it might be possible for the Children and Families Social Care in Hillingdon to negotiate with the young person's "home" authority to take over the assessment of the young person's needs, so that the young person is assessed in a familiar setting close to their family and friends.
- It is essential that disputes about responsibility for the young person in the medium term should not get in the way of the authority that received the young person's request for assistance responding to the young person's immediate needs. The young person concerned must not be passed from pillar to post while the authorities determine where he or she comes from.

10. Conflict Resolution

If there is a conflict regarding conclusions about assessments or interventions that cannot be resolved by the workers from each service, this should be referred to the relevant Heads of Service in Children's Social Care and Housing. In the unlikely event that a conflict cannot be resolved this should be brought to the attention of the Deputy Director of Children and Families Social Care, and the Deputy Director of Housing Services.

Appendix A - Young Person Referral Procedure: 16 Plus Team and Housing

Needs

This protocol applies to 16 and 17 year olds who approach this council needing housing assistance.

Referral Triggers

Whenever a young person (16 or 17 years) approaches the Housing Needs Services or 16 + Team for accommodation either in person, email or by telephone or in writing, an assessment must be carried out by both services to establish level of need.

Referral Process

- The details of any 16-17 yos approaching should be checked on the Protocol system to ascertain whether the young person is known to Children's Services (SCHH) and gather any relevant background. This can also be done by phoning the 16 + duty team (on Ext 7066/7637).
- If the young person is known to the 16+ team, they will give instructions to the referrer regarding the next course of action.
- If the client is not currently an open case with the 16+ team, the client should be informed that a new referral will be made to that team. A referral should then be sent to the 16+ team by email (cicadmin@hillingdon.gov.uk) and copied to the managers on tbateman@hillingdon.gov.uk and bdouieb@hillingdon.gov.uk.
- If the young person is in need of accommodation pending the Initial Assessment by the 16+ team, this will be provided by Children Services. Housing will work closely with Children Services to ensure that there is access to suitable accommodation through Housing Needs Lead Officer Somo Kabuiku on housingoptions@hillingdon.gov.uk.
- After carrying out the Initial Assessment, the 16+ team will communicate the outcome to the young person, any support worker involved, and the Housing Needs Lead Officer.

Outcome of the Assessment.

a) Child in Need (CIN)

If a young person is assessed to be in need of becoming a looked after child and deemed to be in the care of the London Borough of Hillingdon under s20 of the Children's Act 1989, then the responsibility for accommodating that young person is with the 16 + team.

If the young person is assessed to have the skills they need to live in supported accommodation, then both services, Housing Needs and 16+ team will work jointly to access appropriate accommodation for the client. And where necessary, the 16+ team will compile a Child-In-Need (CIN) plan to address other identified needs from the assessment.

b) Not a Child in Need

If a young person is assessed not to be a child in need or they decline the support of 16+ team, the case will be referred to the Housing Options Team for a housing assessment, case work where relevant, and advice and assistance.

If the young person is homeless on the day, the Housing Options team will provide accommodation pending housing assessment. If the young person is not threatened with homelessness (i.e. is not homeless within 28 days), they will be referred to P3 Navigator Service for an assessment and provision of suitable accommodation. P3 will update the Housing Needs Lead Officer on outcomes for each case where accommodation is being sought.

Note - The homelessness criteria will not normally be applied at the initial stage since the reason for referral to the 16+ team is to determine if the young person is a child in need or not. If the young person is a child in need, Children Services and Housing will liaise to ensure that suitable accommodation is provided. Where it is deemed that the young person is not a child in need, assessment will be carried out under the relevant housing legislation.

c) Out of hours service

If a young person contacts the out-of-office Hours service, s/he should be referred to the Emergency Duty Team Service to provide accommodation. The young person will then be referred to the 16+ team for an initial interview and assessment the next working day.

d) Assessment Panel

Where a young person is assessed as needing ongoing support and the young person agrees to be supported by 16+ team, and where the 16+ team have not already obtained suitable accommodation, the case will be referred to the fortnightly assessment panel at which a decision about future accommodation options will be reached.

The panel will consist of persons nominated for that purpose.

The panel meets bi-monthly at the Civic Centre to review the cases and agreed on outcome of child in need assessment (IA) and agree on the way forward as regards accommodation options and support.

Outcomes are agreed by the majority of the panel and the form signed by each member.

Housing options available to the young person include: staying with friends or relatives, renting privately, reassessment of banding for upgrade, referral to hostel and supported accommodation.

d) Record Keeping

Each service is expected to keep a record of all referrals and outcomes for effective management.

Link Officers:Children Services

- a) Teresa Bateman – Team Manager (16+ Team)
- b) Jill McIver – Accommodation Officer, 16+ Team (ECS)

Housing Services

- c) Somo Kabuiku – Team Leader, Housing Options
- d) Jennie Darlow – Housing Advisor

Appendix B – Flow Chart of Procedure

