

1. Introduction

This protocol has been introduced in response to the House of Lords Judgement of May 2009 in the case of R (G) v Southwark[2009] UKHL 26 and the subsequent joint guidance issued by Department of Children, Schools and Families (DCSF) and Communities and Local Government (CLG) about the duties of children's services and local housing authorities. The judgement clarified the legal responsibilities of Children and Young People's services towards homeless 16 and 17 year olds and the inter-relationship between duties under the Children Act 1989 and the Homeless Legislation in Part 7 of the Housing Act 1996 as amended by the Homelessness Act 2002.

2. Principles

- 2.1.** The aim is to achieve better outcomes for Young People and reduce the numbers of those 16 and 17 year olds who are homeless or threatened with homelessness.
- 2.2.** Unless there is clear evidence to the contrary, the starting point should be that all Children and Young People are best off with their immediate families. Every effort should be made to mediate between Young People and their families to negotiate a return home.
- 2.3.** Where Young People are unable or unwilling to return to their immediate families, they should be supported to explore with wider family members the possibility of staying with them.
- 2.4.** Young people should be considered to be Children in Need (S17CA89) and offered an assessment of needs to support their return home or to develop a support package with wider family members.
- 2.5.** Where a Young Person is assessed as homeless and is unable to return home, the Southwark judgement makes it clear that Children, Young People and Families services (CYPF) need to undertake an assessment of need including whether accommodation by the Local Authority is appropriate under the Children Act 1989. It reiterates that the duty under S20 of the Children Act 1989 takes precedence over using S17 of the Children Act and part 7 of the Housing Act 1996. The Judgement also makes it clear that it is the local authority as a whole that is responsible for meeting the needs of these Young People and it is therefore essential that CYPF and Housing Solutions work closely and collaboratively.
- 2.6.** The Young Person's wishes and feelings should be taken into consideration at all times but this must be balanced with their needs. An example of this is that information about vulnerable young people must be shared between

agencies and those with Parental Responsibility whether or not the young person gives consent.

3. Initial Contact to Housing Services

- 3.1.** Where a 16 or 17 year old presents to Housing Solutions a Joint Assessment will be undertaken by CYPF and housing.
- 3.2.** The Young Person is seen at First Point by the Customer Services Advisor (CSA) and if the presenting issue is related to homelessness the CSA informs the Housing Solutions Duty Officer. Alternatively, an appointment can be made by telephone.
- 3.3.** The Customer Services Advisor will contact the named Housing Solutions Officer on duty and the Social Worker from the screening team based at West Children's Social Care to arrange a joint housing/Social Care assessment.
- 3.4.** The duty officer should give details of the Young Person to the CYPF worker and checks are made on the Care First System to establish if the Young Person is already known to CYPF. If they are already known to the service, for continuity, their own Social Worker would undertake the assessment with a housing worker.

4. Initial Contact to Fieldwork Social Care Children's Services

- 4.1.** Some 16/17yr old Young People may present to Social Care, individually or as part of a Family for an assessment due to being a child in need where homelessness may also be a factor.
- 4.2.** If, in the process of an assessment by Social Care, it becomes apparent that a Young person is homeless or at risk of becoming homeless, several options can be considered.
 - Exploration would be made of possibilities for the young person to stay within their extended family or other (assessed) support networks.
 - Social Care will assess with the young person whether they either wish or need to be accommodated by the Local Authority using their duty under Section 20 of the Children Act 1989.
 - If the young person does not wish (or need) to be accommodated and there is nobody with whom they can stay, they will be jointly assessed by Social Care and Housing Solutions. This will explore which housing option is most suitable to meet their needs. These include:



- **Assessment bed: this bed is available for 12 weeks in a supported accommodation project where staff are available and the young person will have a Keyworker who offers them 1:1 sessions to help them to develop their independent living skills. The housing provider and Housing Solutions will undertake an assessment which is reviewed at 6 weeks. The Social Care assessment is also available at 6 weeks and both inform the future plans with the young person.**

4.3. Social Care will stay involved with the Young Person throughout the assessment. If the Young Person wishes to have continued support, Social Care will remain involved until the right support has been identified from other agencies and is in place.

5. The Joint Assessment

5.1. The Social Worker and Housing Solutions officer will complete the Joint assessment with the Young Person either on the day of presentation or at a planned appointment. The Social Worker will have made enquiries of family members, agencies and Social Care electronic records.

5.2 The joint assessment should assist both Social Care, Housing Solutions and the Young Person to consider the Young person needs. Areas to be covered in the Assessment are:

- Current situation - why the Young Person is presenting as homeless.
- Background history – family composition.
- Support networks.
- Vulnerability – whether there are any immediate concerns e.g. learning disabilities, mental health issues, child protection / safeguarding.
- The Young Person's views - what the Young Person is saying about their need for accommodation.
- Views of those with parental responsibility –whether the Young Person can return home.

5.3 The outcomes of the assessment could include the options of returning to family, being Accommodated (S20CA89) or being housed at a Supported Accommodation provider. This could be in an assessment bed or a bed that is still supported but is not assessment.

6. Initial Decision After the Joint Assessment

- 6.1.** Where a Young Person is unable to return home and they are unable to stay with friends or family, the record of the assessment decision and any attempts at reconciliation will be clearly recorded by social Care and Housing solutions.
- 6.2.** If the Young Person does not wish to be accommodated (S20CA89) and is assessed to be homeless, they will be placed with a supported accommodation provider with a request for an assessment bed. Consideration should be given to convening a multi-agency meeting and making a referral to the Multi-Agency Allocation Meeting (MAAM) for further support to be identified.

7. Assessment Beds

- 7.1** The Assessment Bed provides the Young Person with accommodation in a safe, supportive, Young Person centred setting whilst further specialist assessment is undertaken.
- 7.2** Assessment Beds are provided at:-
- Roundabout
 - Cherry Tree
 - Young Women's Christian Association

8. Booking the Assessment Bed

- 8.1** The Housing Solutions Officer should confirm the authorisation of the use of an Assessment Bed with the Housing Solutions Duty Coordinator.
- 8.2** The Housing Solutions Accommodation/Business Support Team will receive information about the availability of beds and update the duty coordinator on a daily basis.
- 8.3** The joint assessment form and booking form is faxed to the relevant provider by the accommodation/business support team.
- 8.4** The Accommodation/business support team should telephone the provider to check the fax has arrived and confirm the booking within the hour.
- 8.5** The Housing Solutions Officer should ensure that the Young Person has the relevant documentation needed.

- 8.6** The Housing Solutions Officer should discuss the location of the assessment bed with the Young Person and provide bus fare or a taxi if needed.
- 8.7** If the provider has any concerns about accepting the Young Person into the assessment bed they should discuss with Housing Solutions Officer and Duty Coordinator.
- 8.8** Once the referral is complete the Accommodation/Business Support team should monitor the use of the bed.

9. Providers Taking a Referral for an Assessment Bed

- 9.1** The provider should update the Housing Solutions Accommodation/Business Support Team regarding the availability of assessment beds on a daily basis.
- 9.2** The provider should ensure that staff are available to approve referrals for an assessment bed between 8.30am and 5.30pm Monday to Friday. In a 24 hour service staff should be available 24 hours to enable them to take referrals from the out of hour's service.
- 9.3** Once the referral has been received the provider should confirm acceptance of the Young Person within an hour of the referral being made.
- 9.4** On arrival at the supported accommodation, the Young Person should be given an induction to the service.
- 9.5** The provider should pass on any relevant information about the Young Person to the Housing Solutions Officer and CYPF officer who did the joint assessment.

10. Other Interim Accommodation

- 10.1** If no assessment bed is available to the Young Person other interim accommodation should be offered to the Young Person. The Young Person should be moved into an assessment bed as soon as one is available. If there is no accommodation available, the Young Person need to become a Looked After Child until other opportunities are available.

11. Joint Assessment of ongoing Need

- 11.1** Once the Young Person is accommodated in an assessment bed or other emergency accommodation an ongoing assessment will be undertaken by

those agencies working with the Young Person. The Social worker will complete a Social Care Single assessment and the Housing Officer will open a 'homeless case' and complete an assessment of whether the department have any duties to the Young Person within the homeless legislation. Social Care and the Housing Officer and the Young Person will consider what the long term needs are of the Young person are and the support they will need to meet these.

12. Children Act Assessment

12.1 The Children Act Assessment needs to look at whether the Young Person requires accommodation with reference to the criteria in S20 (i) of the Children Act as follows:

20 Provision of accommodation for children: general.

(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 having been 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.

12.2 Where it appears that the young person requires accommodation as a Looked After Child, CYPF will find and provide accommodation and the Young Person will become a looked after child.

12.3 In these cases the provision of accommodation is CYPF responsibility. Section 11 duties under the CA 2004 require all partners to provide support to CYPF to meet its statutory duties, under this guidance. Assistance may be requested from Housing Solutions.

12.4 If the Young Person does not fulfil the criteria for S20 or refuses S20 accommodation an Assessment under the provisions of Part 7 of the Housing Act is undertaken.

13. Securing Accommodation under Part 7 of 1996 Housing Act

13.1 Under Part 7 of the 1996 Act as amended applicants aged 16 or 17 have priority need for accommodation if they are not owed a duty under section 20 of the Children Act.

- 13.2** Housing Solutions Officer will make a decision on if any duty is owed under Part 7 of the 1996 Act Section 184.
- 13.3** Housing Solutions will have opened a homeless case at the initial assessment and when it is established that s20 is not an option Housing Solutions will complete their inquiries under Section 184 of the 1996 Act and decide if any duty is owed under part 7.
- 13.4** If Housing Solutions find a 16/17 year old intentionally homeless, the Housing Solutions officer should inform CYPF immediately.
- 13.5** If a decision is made that there is a duty under Part 7, Housing Solutions will assess with the Young Person all the housing options available and aim to move the Young Person onto a longer term housing solution within six weeks of the Young Person moving into an assessment bed.
- 13.6** CYPF will continue to work with Housing Solutions to ensure that the Young Person is provided with sufficient support to minimise the risk of becoming homeless intentionally in the future.

14. Explaining the Joint Assessment and the Outcomes to the Young Person

- 14.1** It is essential that the Young Person is fully consulted about and understands the implications of being accommodated by children's services and becoming looked after. The staff conducting the assessment must provide realistic and full information about the support that the Young Person can expect as a looked after child.
- 14.2** Housing Solutions staff should also be clear about what assistance may be available to them under Part 7 of the 1996 Act if they do not become looked after and how any entitlement for assistance under Part 7 will be determined. This will include the possible risk of becoming homeless intentionally now and in the future. Information needs to be given to the Young Person at the start of the process so they can seek external advice if needed.
- 14.3** Throughout all the stages clear explanation should be given to the Young Person as outlined below:
- i. When the Young Person presents and is requesting or is in need of an assessment, the CSA should explain the joint assessment process and how long the Young Person will have to wait

- ii. During the interview the Housing Solutions Officer and CYPF worker should provide the Young Person with named contacts and telephone numbers.
- iii. CYPF and Housing Solutions should explain the joint assessment process and what the possible outcomes could be and provide the Young Person with a leaflet explaining the process. And be given a written record of the actions agreed at the interview.
- iv. It will be made clear to the Young Person by CYPF and Housing Solutions that they will contact parents/carers to try and facilitate a return home.
- v. CYPF will explain that an assessment will be undertaken to see what duty's CYPF have. It should also be explained that sometimes this can include a multi-agency meeting to which the Young Person will be invited.
- vi. The Young Person will be informed on the progress of their case and will have contact with the HSO at least once per week whilst the assessment is taking place.
- vii. Once the assessment has been completed the housing solutions officer and CYPF will meet with the Young Person and it will be explained the decision and what this means for the Young Person.
- viii. If a S20 duty is owed, CYPF will explain what this is and what accommodation options are available which can include provision that is identified by housing solutions but paid for by children's services.
- ix. Housing Solutions staff will explain what options available to the Young Person under part 7 and the implications of intentionality.

15. Recording Information

- 15.1** It is important that information is recorded accurately and timely.
- 15.2** Details of the assessments need to be recorded to include details of the name of the officers undertaking the assessment. The details should be recorded on OHMS and on CYPF case recording system.
- 15.3** Contact with parents/carers should be noted on OHMS and in CYPF case file with the date the Young Person returned home and the reason why a Young Person cannot return home.

- 15.4** Details of the assessment bed referral including the date of referral, provider, date moved in. This should be noted on OHMS and in the CYPF case file.
- 15.5** Details of the Single Assessment should be recorded on the CYPF case file. A copy of the Single Assessment will be given to Housing Solutions Officer and also to the young person and this should also be recorded on OHMS.
- 15.6** If the Young Person does not want to be Looked After under Section 20 of the Children Act, the date they made this clear and the reasons why should be recorded on OHMS along with the date CYPF informed Housing Solutions of this.
- 15.7** The date of the 'Homeless decision' should be recorded on OHMS and this information passed to CYPF worker to include date of decision, details of the decision and the date Housing Solutions informed CYPF of the decision.

16. Risk of significant harm

- 16.1** If the Young Person presenting appears to be suffering from, or at risk of significant harm then a phone call referral will be made to Social Care immediately. The Social Care Team who receives the referral is determined by the Young Persons last known address. A Children Act section 47 enquiry will then be completed by the social work team and the outcome shared with the Young Person, CYPF worker and Housing Solutions worker. A written report should also be sent to the Social Care team by the Housing Officer making the referral within 24 hours.

17. Teenage Parents

- 17.1** Where 16 and 17 year old parents present as homeless, the protocol will be followed in relation to the pathway.
- 17.2** Whilst the needs of the Young Person's child will need to be taken into account as part of the assessment it is the legal duty that is owed to the Young Person that is key to the provision of accommodation. Both the Young Person and the child will be considered by Social Care to be Children in Need (Section 17, Children Act 1989)

18. Ordinary Residence

- 18.1** Where Young People who are ordinarily resident elsewhere present as homeless in the city they may be encouraged to return to their own area where the home local authority can take responsibility for completing the assessment processes outlined in the protocol. There is a duty, however, to respond to children 'within the area' and this is regardless of a lack of connections in the area and therefore, if young people present with a need and will not return to their home area, they will be assessed in Sheffield.

19. Out of Hours/Emergency Referrals

- 19.1** Where 16 and 17 year olds present as homeless out of office hours the priority must be the safety and well being of the Young Person. Where needed accommodation will be provided until the next working day. The OOH's team will undertake an Initial Assessment immediately and this will be finalised the next day with the Housing Support Officer.

20. Timescales

- 20.1** The 16/17 year old Young Person will be Assessed on the day of presentation.
- 20.2** If the Young Person is accommodated through the out of hour's service they will be assessed by the Out Of Hours team, which will be passed to the Joint team to conclude the next working day.
- 20.3** The referral must be sent to the assessment bed provider immediately after the assessment and the provider confirm acceptance within an hour of its receipt.
- 20.4** Notes of the assessment must be recorded on OHMS and CYPF recording system within 24 hours of the interview taking place.
- 20.5** The single assessment undertaken by CYPF will be concluded wherever possible on the day of presentation and on rare occasions within 2 working days. There may be rare examples where this takes longer in which case 10 days is maximum but this will be very rare to ensure decisions are made timely.
- 20.6** Once a decision is made by CYPF on any duties owed under Section 20 CYPF should inform the Housing Solutions Officer within 24 hours of the decision taking place in writing.

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- 20.7** Once a decision is made to accept a Section 20 duty a CYPF worker and Housing Solutions Officer should arrange to see the Young Person to explain the decision the next working day.
- 20.8** If a Young Person refuses the s20 duty the date of refusal and reasons for the rejection should be passed in writing to Housing Solutions within 24 hours of the refusal taking place.
- 20.9** If a s20 duty is accepted, CYPF in partnership with Housing Solutions under Section 11 need to find alternative accommodation and move the Young Person out of the assessment bed in a timely but supportive timeframe. If this is not possible an extension will be agreed with the Housing Solutions Manager of up to 10 days but will be monitored on a daily basis. The Young Person cannot stay in the assessment bed beyond six weeks of them moving in.
- 20.10** If a Young Person refuses s20 support or CYPF decide that no duty is owed the assessment under homeless legislation needs to take place in no more than 33 days of the case being opened.



21. Monitoring and Evaluation

It is important to monitor and evaluate the joint working arrangements on a regular basis.

22. Disputes

Any disputes that occur regarding the duties awarded to an individual Young Person will need to be resolved in the interest of the Young Person as follows:

- Informally by staff
- Informally between CYPF team manager and Housing Solutions Assistant manager responsible for the pilot
- Informally by Housing Solutions Manager and Parenting manager
- Panel

Signed and Agreed

Housing Solutions

CYPF
