When a 16 or 17 year-old presents as homeless or at risk of homelessness, particular duties and expectations fall onto children’s social care.

1. It is **our** duty – not a housing department’s – to complete an holistic assessment of the young person and their needs, focusing widely and not just on housing issues. As a result of this we may explore options such as mediation to effect a reconciliation and return home. However, this will not be achievable in all cases.
2. Children’s Services must assess whether the young person is a child in need (pursuant to S17 Children Act 1989) and if so requires accommodation. If they do then we must offer to accommodate them under S20 Children Act 1989. While we are undertaking the assessment, we must offer to accommodate the young person under S20 pending the outcome.
3. Where the young person cannot return to their family their needs are likely to be so complex that as a rule the assessment outcome should be that they need to come into care under s20 of the Children At 1989.
4. Where the criteria for s20 are met it is unlawful for children’s social care to provide accommodation under s17 of the 1989 Act or to make a referral to a housing department.
5. The young person must be encouraged to participate fully in the assessment process and to make informed choicesaboutthe support and help they need. This requires those conducting the assessment to give children full and realistic information about their rights and what they can expect as a looked after child and subsequent care leaver at 18.
6. The joint statutory guidance also highlights the importance of giving information about independent advocacy support at the start of the assessment process and facilitating access to such support to help children make informed decisions.
7. If a 16 or 17 year old child in need who, having been properly and fully advised of the implications and having the capacity to reach a decision, has decided they do not wish to be accommodated under S20, they cannot be forced to become looked after. However, if they are agreeable to s20 then we **must** respond accordingly.