**Joint assessment of 16/17 year olds**

**Introduction**

There has been many judgements over the years handed down by the House of Lords, regarding the LA duties under S.20, the most recent being *R (G) v Southwark [2009] UKHL 26*.

These judgments have restated and clarified the established legal position that the duty under section 20 of the 1989 Act takes precedence over the duties in the 1996 Act in providing for children in need who require accommodation, and that the specific duty owed under section 20 of the 1989 Act takes precedence over the general duty owed to children in need and their families under section 17 of the 1989 Act.

What the Act says

Section 20

S20 (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.

In addition, even if the criteria in section 20(1) do not apply:

S20(3) requires that: Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.

S20 (4), provides that: a local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare. 2.22 Local authority duties for accommodating young people under this section are no

**There can be no doubt that where a young person requires accommodation as a result of one of the factors set out in section 20(1)(a) to (c) or section 20(3) then that young person will be in need and must be provided with accommodation. As a result of being accommodated the young person will become looked after and the local authority will owe them the duties that are owed to all looked after children, set out in sections 22 and 23 and once they cease to be looked after, the duties that are owed to care leavers under that Act.**

**Housing Service**

If a referral for housing assistance is made to housing services, the authority should treat the approach/referral as an application for assistance under Part 7 of the 1996 Act. The authority will therefore need to decide whether there is reason to believe the young person may be homeless or likely to become homeless within 28 days (section 184 of the1996 Act) and, if so, the authority will need to make inquiries to determine whether any duty is owed under Part 7 of the 1996 Act. 2.10

If there is reason to believe the young person may be eligible for assistance, may be homeless and may be 16 or 17 years of age, the authority will have an immediate duty to secure interim accommodation (section 188(1) of the 1996 Act) pending a decision whether any substantive duty is owed under Part 7. Such accommodation 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.

If the young person may be homeless or may be likely to become homeless within 28 days, housing services should make an immediate referral to children’s services for an assessment. This applies to all 16 and 17 year old applicants without exception, for example including those who are pregnant and/or a parent.

The question whether any substantive duty is owed under Part 7 of the 1996 Act will depend in part on the outcome of the assessment by children’s services, and whether any duty is owed under section 20 of the 1989 Act.

Housing services should continue to secure accommodation under section 188 (1) until they have notified the young person whether any substantive duty is owed under Part 7 of the 1996 Act.

Assessment of YP

When assessing the needs of a YP, this should be carried out by speaking to the YP, the YP’s family and making enquires with other agencies

This assessment should be conducted jointly with Housing – **See appendix 1**

The assessment will need to establish whether the factors set out in S.20 are applicable to the young person circumstances.

**The assessment need to include the following**

1. **Current accommodation**

Is this suitable?

1. **Family and social relationships**

Assessment of child’s relationship with parents and wider family

1. **Emotional and Behavioural Development**

Does the child show self-esteem and resilience with confidence?

1. **Education, Training and Employment**

Information about the child’s education experience and background

1. **Financial capability and independent living skills**

Assessment of the children financial competence and how they will secure financial support in the future

1. **Health and Development**

Assessment of physical, emotional and mental health needs

1. **Identity**

Assessment of any needs as a result of the child’s, ethnicity, preferred language, culture, religion or sexual identity.

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