**PROTOCOL BETWEEN MEDWAY LEAVING CARE SERVICE AND MEDWAY COUNCIL HOUSING DEPARTMENT**

**FOR THE PROVISION OF ACCOMMODATION FOR CARE LEAVERS**

1. **INTRODUCTION:**

**1.1** The journey out of care is a particularly important and challenging transition; the success or failure of which impacts on outcomes throughout early adulthood and beyond. Securing suitable accommodation for care experienced young people is much more than just finding them somewhere to stay.

**1.2** Statutory guidance for care experienced young people highlights that homelessness legislation (Part 7 of the Housing Act 1996) provides a safety for people in housing crisis and should not be used as a mechanism for meeting housing needs that can be anticipated and planned for. To reflect this, this protocol will enable care experienced young people to transition into independent living through the delivery of effective preparation for independence with planned, sustainable moves. There should be no expectation that care experienced young people will be treated as “homeless” when their care placement comes to an end, so as to place the housing authority under an obligation to secure accommodation under Part 7 of the 1996 Act.

**1.3** When planning for their leaving care, care experienced young people need to be made aware by their Leaving Care Personal Advisor (PA) of all the possible options available to them from ‘Staying Put’ arrangements to living independently or returning to their biological or extended family network. They need to be given appropriate advice by their PA to understand the possible advantages and disadvantages of each option set against their own wishes, their own level of skills, competencies and aspirations for the future and the levels of support that they will need to make a success of their choice.

**1.4** The ability to live independently demands resources, support and skills. For many cares experienced young people the acquisition of practical skills is challenging, due to lack of extended opportunities to develop and practice these skills. But, perhaps an even greater challenge is in developing and sustaining positive social networks. The lives of children in care are often characterised by disruption, whether by changes in care placements or accommodation, so building a support network can be difficult. Indeed, even when good quality accommodation is found this may be in communities, they are not familiar with, far from family and peers. There is significant research evidence that tenancies for care experienced young people have a relatively high failure rate in the first few months after leaving care. Medway Council wishes to avoid this happening through good planning and preparation with each care leaver.

**1.5** It is essential that a multi-agency approach is adopted when securing accommodation for care experienced young people. Young People need to be well prepared to live independently and their housing needs must be addressed before they leave care via careful and appropriate pathway planning and joint working. This protocol will ensure that Medway Council’s Children’s Services and Medway Council’s Housing Services each play a full role in providing appropriate resources and support to care leavers to ensure their transition to independent living by way of planned, sustainable moves.

**2. AIMS OF THE PROTOCOL:**

* To clarify the statutory duties and agreed responsibilities of partner agencies.
* To establish a process that ensures care leavers have the best chance of achieving and sustaining their lives as successful, adults, living independently.
* To promote co-operation and joint working between the key partner agencies.
* To prevent care leavers from becoming homeless when the care placement has ended and to avoid care leavers presenting as homeless in the future.
* To ensure that care leavers are appropriately accommodated before leaving the 18+ Service and that the possibility of them becoming homeless after this time is mitigated so far as reasonably possible.
1. **CORPORATE PARENTING ROLE**
* A corporate parent aims to carry out many of the roles a good parent would. As corporate parents, we may not be able to provide everything a loving parent can, but we should still be able to provide our care experienced young adults with the best possible support and care.
* As corporate parents we need to encourage people/organisations to do as much as they can to make sure our young people feel in control of their lives so they can overcome the barriers they face.
* Our role as corporate parents is one of the most important things we do. A strong ethos of corporate parenting means that shared sense of vision and responsibility towards the children and young people we look after is a priority for everyone.
* **The critical question that local authorities should ask is: ‘would this be good enough for my child?’**
1. **CORPORATE PARENTING PRINCIPLES**
* To promote well-being, to encourage young people to express their views, wishes and feelings and to take account of them.
* To feel safe, gain access and make best use of services, to promote high aspirations and secure the best outcomes to enable young people lead fulfilling independent lives.
* To ensure these principles are adhered to, there is a need for a greater focus on well-being nationally and an emphasis on putting young people’s experiences at the heart of our services.
* This protocol should be read in conjunction with the pledges made to care leavers by Medway Council’s Children’s Services and Medway Council’s Housing Services as corporate parents (see appendix 3).
1. **PRINCIPLES OF GOOD PRACTICE.**
	1. **Sense of Connection and Belonging**

Corporate parents ensure that provision is appropriate, person-centred with sustained support. Young People are supported to develop positive personal and professional support networks and relationships.

* 1. **Readiness of Care Leavers**

Young people will be prepared towards independent living through their pathway plan and the support and advice of their Personal Advisor (PA) as well as other professionals involved in their development. Young people will be expected to engage in Tenancy readiness training which will be based on the JPPB (Housing) Moving on Moving in Toolkit.

* 1. **Corporate Parenting**

Relates to the local authority duty and responsibility to ensure partnerships are forged between relevant agencies in the interests of care experienced young people and the moral obligation to provide the opportunities and supports that any good family would provide including to address the legacy of significant early disadvantage.

* 1. **Views of Care experienced Young People.**

Engaging young people in decision-making about their own lives, identifying problems and solutions, taking responsibility for success or failure builds self-esteem, confidence and skills.

* 1. **Information Sharing**

 Information may have to be shared among different service providers to provide an effective service to young people. A consent form should be signed by the young person to enable the sharing of appropriate information amongst agencies/landlords. The accommodation section of the care leaver’s pathway plan must be shared with Housing Services.

* 1. **Equality and Diversity**

 Support for the care leaver should aim to address the inequalities associated with socio-economic disadvantage and promote equality.

1. **LEGISLATIVE FRAMEWORK**

**6.1** The Children Act 1989 and its support regulations and statutory guidance place a legal duty on local authorities to provide support for care leavers. The local authority is the “corporate parent” for children in care and therefore has a responsibility for their wellbeing. The precise level of care required by each care experienced young person will depend on their assessed needs and on their leaving care “status”, as defined by statute.

**6.2** The 2010 (and 2011, 2014) regulations set out under Volume 3 of the Children Act 1989 have strengthened an emphasis on leaving care as being a transitional period rather than something that occurs at a particular point in time. Care experienced young people are expected to receive support from their responsible authority (the local authority that last looked after them) up to their 25th birthday if they so wish and are eligible. The aim of such continuing support is to ensure that care leavers are provided with comprehensive personal support so that they achieve their potential as they make the transition to adulthood.

**6.3** The local authority has the responsibility for preparing and keeping up to date pathway plans and support for care experienced young people as they make the transition to adulthood. They will be prepared towards independent living, including with regards to identifying suitable accommodation for them to occupy at the end of their placement, through their pathway plan and the support and advice of their Personal Advisor (PA) as well as other professionals involved in their development.

**6.4** The homelessness legislation (Part 7 of the Housing Act 1996) provides a safety net for people in housing crisis and care experienced young people who are homeless or threatened with homelessness within 56 days and who are eligible may be owed homeless duties, including an accommodation duty, by the local authority. However, guidance confirms that homelessness duties should not be used as a mechanism for meeting housing needs that can be anticipated and planned for, given which there should be no expectation that care leavers will be treated as “homeless” when their care placement comes to an end in order to place the housing authority under homeless duty to secure accommodation. CA89 Regulations and guidance Vol 3, 2015 DOE.

**6.5**. Where all options for a planned transition have been exhausted and a homeless application is made, then a young person owed leaving care duties under section 23C of the Children Act 1989 will have a local connection to the area of the children services authority that owes them the duties. If the children services authority is a county council and not a housing authority, the young person will have a local connection with every housing authority district falling within the area of the children services authority. However, where a care leaver is aged under 21 and normally lives in a different area to that of a local authority that owes them leaving care duties, and has done for at least 2 years including some time before they turned 16, the young person will also have a local connection in that area. Where a young person approaches the housing authority in Medway for homeless assistance and does not have a local connection with this district, then a referral for assistance under the local connection provisions will be made to an authority with whom they do have a connection.

**6.6** For any young person who is a Medway care experienced young person and is owed an accommodation duty by the council under our homeless duties, then if their local connection is to this district and they wish to reside here, Housing Services will accommodate them within the Medway area. This is set out in the *Housing Services Pledge to Care Leaver*s which is attached at appendix 3.

**6**.**7** Young persons who do not have recourse to public funds are not eligible for housing assistance under the Housing Act 1996 but may be owed duties under the provisions of the Children Act 1989.

**6.8** Advice and information about homelessness and the prevention of homelessness, including to meet the needs of care leavers, is available free of charge on Medway Council’s website:

 [https://www.medway.gov.uk/downloads/download/403/housing\_advice\_information leaflets](https://www.medway.gov.uk/downloads/download/403/housing_advice_information%20leaflets)

1. **ELIGIBILITY**

 **7.1** Medway care experienced young people aged 18-25 who have housing, or support needs and who have left or are due to leave the care of the Medway Council. Unaccompanied Asylum Seekers who qualify for a leaving care service to Medway and who have been granted refugee status. Also, those who qualify and are given leave to remain up to the age of 20 or who have an extension beyond the age of 18 for a minimum of one year. Young persons who do not have recourse to public funds are not eligible for housing assistance or an allocation of social housing under the Housing Act 1996, but may be owed duties under the provisions of the Children Act 1989 and or the Human Rights Act 1998.

1. **HOUSING ALLOCATIONS**

**8.1** The young person will be prioritised in the appropriate banding as determined by the LHA’s allocation policy. In addition, we will assist care experienced young people to seek to secure social housing under our allocation scheme by:

* 1. Exempting young people from meeting the residency criteria, including if they have been placed out of borough by Medway Council.
	2. Awarding move on priority s those that are leaving care or supported living.
	3. Giving consideration for two care experienced young people to share accommodation to enable them to be jointly awarded a two-bedroom property.
	4. Giving care experienced young people additional consideration for Community Contribution.
	5. In circumstances where they have refused an offer of accommodation through Homechoice, we will give them additional consideration before reducing their priority.

**8.2** There will be an identified housing lead for care leaver’s seeking supported accommodation.

**8.3** These measures are set out in the *Housing Services Pledge to Care Leavers* which is attached at appendix 3.

1. **PATHWAY PLANNING AND PREPARATION**

**9.1** The 16+ Leaving Care Service will ensure that each Medway care experienced young person is assessed and has a pathway plan in place. The pathway plan shall set out the young person’s route to independence and will be reviewed regularly, at least every six months, and continuing after they cease to be looked after. In accordance with the Children and Social Work Act 2017, where requested PA’s will continue to provide support after the age of 21 and up until 25 years. It should be noted that care experienced young people can choose to opt out of this continuing support if they wish.

**9.2** As part of their pathway planning, the 16+ Leaving Care Service will ensure that the young person has an informed understanding of the range of their accommodation options and a realistic expectation of the type of accommodation that they might be offered upon leaving care.

**9.3** Pathway planning will also ensure that the young person has sufficient skills and knowledge and that the right level of support is in place so that they are able to sustain accommodation. The Pathway Plan should focus on ensuring that care leavers have basic tenancy skills including how to budget income and expenditure to meet their responsibility to pay rent and pay for utility bills, food etc. To facilitate this the 16+ Leaving Care Service will offer to all care experienced young people tenancy accreditation scheme training (as shared with them by Medway Council Housing).

1. **PROCEDURE AND PREPARATION**

**10.1** As highlighted above,Medway 16+ Leaving Care Service will ensure that the young person has an up to date care leaving pathway plan which takes into consideration the readiness of the young person to move on and the accommodation option that would be most suitable for them. In accordance with this plan the young person’s PA will obtain an information sharing consent form from the care leaver to share the accommodation section of the Pathway Plan. -Appendix 1. The care leaver and PA will also ensure that ID documentation, is available- Appendix 2.

**10.2** 6 months before the young person will be leaving their placement, their PA will meet with the care leaver to make them aware of, and to explore, all the possible accommodation options available to them based on the accommodation element of their pathway plan. The PA will support the care leaver to understand the options being presented to them and assist in providing them with information as needed. The PA will make an assessment, based on the all the information available to them, including that provided by the young person, as to whether the care leaver is able to live independently.

**10.3** There are a range of options which, dependent upon their suitability, may be sought to meet a young person’s accommodation needs once they are ready to leave care. These include:

* Returning to their biological or extended family network.
* A staying put arrangement with foster parents
* Moving into supported accommodation
* Living independently, whether in the private rented sector or social housing

**10.4** Where returning to their biological or extended family network or a staying put arrangement with foster parents is identified and agreed as the most suitable option, the PA will liaise with the young person and the other relevant parties to facilitate necessary arrangements being put into place.

**10.5** Where supported accommodation is identified and agreed as the most appropriate accommodation option, the PA will make the necessary referrals, whether to their own commissioned services or those commissioned by Housing to seek to enable the young person to access an appropriate supported housing placement.

**10.6** Where living independently is identified and agreed as the most appropriate accommodation option, then the PA will assist the young person to complete a housing register application for the Medway Homechoice scheme; this will enable the young person to bid for social housing properties under the scheme. In addition, the PA will liaise with the Housing Private Rented Sector (PRS) Team, who can assist to seek to identify potential accommodation in the private rented sector that would be suitable for the young person’s needs. The PA will also work with the young person to ensure that any available moneys, such as a leaving care grant and any savings, are prioritised for the purposes of setting up the young person’s new home and will work with the young person and support them to e.g. access local welfare provision, furniture projects and charities to secure essential furnishings, cookers and white goods as required.

1. **TENANCY SUSTAINMENT AND SUPPORT**

**11.1** It is important that every effort is made to ensure that any tenancy or supported accommodation placement does not break down. The PA will attend any viewings of potential accommodation with the young person and will assist them to complete any licence/tenancy agreement. They will also advise the young person regarding their rights and responsibilities whilst residing in that accommodation.

**11.2** When assisting a young person to secure accommodation, the PA will make themselves known to the landlord/supported accommodation provider as being an important point of contact. Both the young person and the landlord/ supported accommodation provider should be actively encouraged to report any problems to the PA immediately so that they can work together to seek to resolve this. Where the PA becomes aware of any risk of breakdown in the tenancy/ accommodation placement, they will immediately raise the issue with the young person and or the landlord/supported accommodation provider as appropriate. Where appropriate, they will also seek advice and support from Medway Council’s Housing Options Team regarding that young person’s security of tenure and available practical options to sustain that accommodation.

**11.3** Amongst others the PA will contact the young person to ascertain what further support is needed with immediate effect and will action this to prevent a severe crisis. Where appropriate, the PA will also immediately liaise with the Housing Options Team to schedule a joint prevention appointment to be held with the PA, the Housing Options Team young persons’ lead officer, and the young person. The purpose of the meeting will be to agree appropriate actions to seek to resolve the situation and ensure that the young person is appropriately supported going forward so that the tenancy can be sustained. In all cases all appropriate steps will be explored and exhausted to seek to resolve the situation, this would include the PA assisting the young person to pursue any appeal process that may be available.

**11.4** Where accommodation is placed at risk by the deliberate actions or omissions of the young person will be informed by their PA and the landlord that their actions may ultimately lead to a finding that they are intentionally homeless due to their actions/behaviour and the implications of such a decision being made.

**11.5** If the tenancy cannot be sustained and the young person is at risk of becoming homeless, a planned move to alternative accommodation should be arranged by the 16 + Care Leaving Service wherever possible. At this stage consideration will be given to all types of alternative accommodation, including an alternative supported accommodation placement.

1. **MAKING A HOMELESS APPLICATION**

**12.1** As highlighted above, the homeless legislation provides a safety net for people in housing crisis and should not be used in circumstances where a planned move on from care or other types of accommodation can be facilitated. However, where all such options have been exhausted, including all options for sustainment of an existing tenancy or accommodation placement or a planned move on from such, then the young person may need to present to the Housing Options Service as being homeless or threatened with homelessness.

**12.2** In most cases the young person and their PA will already have been involved with the Housing Options Team and therefore should liaise with the Housing Options officer who has been dealing with their case in order to pursue a homeless application. However, where there has not been previous involvement by the Housing Options Service, then with the express permission of the young person their PA may assist them to access that service by making a “duty to refer” referral to housing@medway.gov.uk.

**12.3** Where a homeless application is made and a young person is assessed as being eligible and either threatened with homelessness or homeless, a homeless prevention duty or relief duty respectively will be triggered. These are duties for the Housing Options Service to take reasonable steps to work with the young person to seek resolve their housing situation. In addition, should the young person be homeless and be assessed as falling within a priority need category (whether as a care leaver or otherwise, e.g. due to being vulnerable as a consequence of a physical or mental health condition), then an interim accommodation duty will also be triggered. This is a duty to accommodate the young person whilst their homeless application is being assessed to determine what other homeless duties they may be owed. Full details of the categories of priority need including those relating to care leavers may be found here:

<https://england.shelter.org.uk/housing_advice/homelessness/rules/priority_need>

**12.4** During the prevention and/or relief duty period the young person’s Housing Options Officer will work closely with them and their PA in order to seek to secure a resolution to their housing problem. This will include carrying out a careful assessment of their housing needs and providing them with appropriate advice and assistance to seek to help them to resolve their homelessness/threatened homelessness. The Young person’s Housing Options Officer will also agree with them and provide them with a personalised housing plan, setting out the reasonable steps that the council and they must take to seek to resolve their problem.

**12.5** It is important that when making a homeless application a young person’s expectation are managed appropriately by their PA and their Housing Options Officer so that they have a realistic understanding of the housing options available to them. Amongst others, it should be highlighted to the young person that there is a high demand for housing in Medway with there being a severe shortage of social and other housing units available to the authority with which to discharge its homeless duties. As a consequence, in many cases the most realistic and likely routes for a discharge of homeless duties would either be by assisting the young person to secure supported accommodation or a discharge into shared or other accommodation in the private rented sector.

**12.6** The prevention and relief duties run consecutively with each lasting for up to 56 days. Where the 56 day relief duty period has expired and attempts to relieve the young person’s homelessness have been unsuccessful, then their Housing Options Officer must go on to make a final decision to determine whether or not they are owed the “main housing duty”. Young persons should be made aware that this is not a duty to find them permanent accommodation, but is a duty to ensure that they have accommodation made available to them until such time as the main housing duty can be legally discharged, which typically will be when the young person secures accommodation of their own, whether via bidding on Homechoice, securing accommodation in the private rented sector, or being made a final offer of privately rented or social housing accommodation by the council.

**12.7** Where a young person has become homeless due to their own deliberate act or omission, then this may lead to a finding by their Housing Options Officer that they are not owed the main housing duty as they have made themselves intentionally homeless. In such an instance, any accommodation duty owed to the young persons by Housing Services will be for a limited period only, typically for up to 28 days from the date of the decision. Where such a decision is made then the young person will be notified in writing of it, giving full reasons for the decision and confirming their right to request a review of it within 21 days of the date of notification. This is known as a “section 184 decision letter”. The decision will also confirm the notice period provided to the young person and the date that they are required to vacate any interim accommodation that has been provided to them during the period of the assessment of their homeless application.

**12.8** Decisions of intentional homelessness are arrived at after careful enquiries into and consideration of all the facts and circumstances of a case. Before the making of a final decision all provisional findings will be confirmed to the young person and their PA or social worker in writing in a “pre-intent letter”, with them being given an opportunity to respond to those findings and give their reasons as to why the young person should not be found to be intentionally homeless. In addition, as a corporate parent Housing Services have introduced further safeguards and guarantees for young persons who are at risk of being found intentionally homeless. Amongst others, this includes all proposed intentionally homeless decisions having to be reviewed and authorised by either the Housing Solutions and Reviews manager or the Head of Housing Services, with before a final decision is made the Group Manager (Leaving Care) being given an opportunity to provide their comments and recommendations regarding the proposed decision. These measures are set out in the *Housing Services Pledge to Care Leavers* which is attached at appendix 3.

1. **DISPUTE RESOLUTION.**

**13.1** Any difference of opinion over areas of responsibility and proposed action should initially be dealt with by the PA and the housing officer (if any) involved in the case. For issues relating to Medway Homechoice and or supported accommodation, this housing officer will be a member of the Rehousing Team, whilst if the issue relates to a homeless application the officer will be a member of the Housing Options Team. If the issue cannot be resolved at this level, the case should be referred to the Rehousing Team Manager or Housing Solutions and Reviews Manager (as appropriate) and the Leaving Care Team Manager.

1. **MONITORING AND REVIEW.**

14.1This protocol will be monitored jointly by the 16+ Leaving Care Group Manager and Housing Rep on a quarterly basis at the Corporate parenting subgroup. Monitoring will include:

* Number of care leavers presenting as homeless
* Number of care experienced young people allocated their own tenancies
* Number of care experienced young people obtaining accommodation in the private sector
* Number of care leavers placed in supported accommodation
* Number of care leavers placed in general needs social housing

The protocol will be subject to review annually starting from April 2021.

Signed: 

Paul Startup - Head of Corporate Parenting Services

Signed……………………………………………………………………………………………

Mark Breathwick - Head of Strategic Housing.