

Joint Protocol to address the needs of Homeless 16 and 17 year olds in Cambridgeshire

2018

**Cambridgeshire County Council
Cambridge City Council
East Cambridgeshire District Council
Fenland District Council
Huntingdonshire District Council
South Cambridgeshire District Council
Cambridgeshire LSCB**

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Signatories

The following statutory organisations sign up to the principles set out in this Joint Protocol, and commit to its aims and objectives. They are all members of the Sub Regional Housing Board and the Cambridgeshire Local Safeguarding Board.

Organisation	Signed by	Name and designation	Date
Cambridgeshire County Council: Children Families and Adults		Sarah-Jane Smedmor Assistant Director	13.11.18
Cambridge City Council			
East Cambridgeshire District Council			
Fenland District Council			
Huntingdonshire District Council			
South Cambridgeshire District Council			
Cambridgeshire LSCB			

Introduction

- 1.1 This Joint Protocol forms an agreement between the District and City Councils of Cambridgeshire and Cambridgeshire County Council: People and Communities.
The Joint Protocol aims to ensure that by working together, agencies will prevent homelessness.
- 1.2 The Joint Protocol has been developed in compliance with legislation and guidance and outlines the joint responsibilities of the signatories to address the needs of Homeless 16 and 17 year olds in Cambridgeshire.
- 1.3 The underlying principles are that young people are better off living in their family home or within their family network, as long as it is safe for them to do so and that homelessness at a young age should be avoided wherever possible. This Joint Protocol concerns those young people where homelessness appears not to be immediately preventable and sets out the steps that respective agencies need to take to address need and support young people. However, it is recognised that there is prevention work which should be undertaken alongside statutory duties and that prevention work should continue even once a young person has left the family or their parental home. Over time it may still be possible to resolve conflict and reunite young people, where it is safe to do so with their families.
- 1.4 By working together in partnership to develop this Joint Protocol we have built ownership of the process in each of the partner organisations. We have begun to have challenging conversations which are constructive and have adopted an inclusive and collaborative approach.
- 1.5 By adopting a collective approach we believe this will result in a better and more consistent way of working that delivers improved outcomes for young people that includes resolving difficulties at home and the prevention of homelessness in the first place.

Key Principles

2.1 The parents of, or those with parental responsibility for, 16 and 17 year olds are responsible for their children's welfare. Our primary commitment is to keep families together in their homes wherever possible and safe because this is best for the child.

2.2 There is excellent preventative work taking place at a local level which sits outside of this Joint Protocol. This work supports the principle outlined above: for most young people staying in their family home (with support) is usually the best outcome for them.

2.3 It is the responsibility of all agencies to keep children safe.

2.4 Bed and Breakfast accommodation is not suitable for use by children's services or housing authorities to accommodate 16 and 17 year old young people on a temporary basis: this principle is re-emphasised by the statutory Joint Guidance. Where this is the only accommodation available, the agency with the accommodation responsibilities will look to the other agencies to see if there is alternative accommodation available.

2.5 The experience of homelessness is damaging to young people and to their life chances: the statutory Joint Guidance states that "it is in the best interests of most young people aged 16 or 17 to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends network".

2.6 Young people should be given every opportunity to understand the options available to them and to make informed choices about their future.

2.7 Sometimes and despite everyone's best efforts, the planned pathway agreed with the young person breaks down. There is an absolute commitment on behalf of the signatories to the Joint Protocol to ensure that in such cases the pathway is rebuilt and agencies act as facilitators for that young person to go back to the appropriate stage and re-engage.

2.8 Agencies will share information about a young person and their family, subject to their consent.

2.9 Duties under section 20 of the 1989 Children Act take precedence over the duties in the 1996 Housing Act.

2.10 A young person in crisis should receive a consistent, practical and immediate response which focuses on preventing homelessness in the first place and from whichever agency they first approach and a script has been developed to facilitate this.

2.11 One element of the dialogue that will take place at a local level when the young person first presents will be the offer of access to independent advocacy provided by the National Youth Advocacy Service (NYAS).

Our Definition of Success

3.1 Young People will:

- Have a single point of contact and will not be passed from pillar to post
- Have clarity about what will happen next and about what they can expect or understand the limitations of what can happen
- Be listened to and helped to make informed choices
- Have their wishes heard and someone to talk to who can explain what is going to happen and what could happen
- Have the right support
- Be offered suitable emergency accommodation

3.2 As professionals we want:

- Decisions to be made in the best interest of each young person
- Prevention of homelessness
- Relevant agencies to work together to support young people
- To place young people at the heart of a system that makes sense to them.
- To champion equality and diversity in our communities
- To work together and see success as collective – if one part of the system is failing, we all are
- To be ambitious & creative – adopting a ‘can do’, not ‘cannot do’ approach

Statutory Context

4.1 The Legal Context

This protocol is designed to ensure that the law is properly applied so that the best possible outcomes can be achieved for homeless 16 and 17 year olds.

The statutory entitlements of homeless 16 and 17 year olds are enshrined in the Children Act 1989 and the Housing Act 1996 and the relationship between these two pieces of legislation has proven to be complex and, at times, contentious. Consequently, case law and central government guidance now plays a fundamental role in the interpretation and application of the law and in the application of this protocol.

4.2 The Children Act 1989, Chapter 41, Part III, Section 20 Provision of accommodation for children:

Key extracts are:

(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.

(3) 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.

(4) 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.

(6) Before providing accommodation under this Section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare—

- a) ascertain the child's wishes and feelings regarding the provision of accommodation; and
- b) give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.

(7) A local authority may not provide accommodation under this Section for any child if any person who—

- a) has parental responsibility for him; and
- b) is willing and able to—
 - i. provide accommodation for him; or
 - ii. arrange for accommodation to be provided for him,
 - iii. objects.¹

If a young person is accommodated under Section 20 they become a 'looked after child' and they are afforded further protection and rights with a range of support and services, including a named social worker and a care plan. The plan must address accommodation and support with named contacts, timescales for action and review

¹ In the case of a 16/17 year old and even if a parent objects, if the young person wishes to be a Child Looked After, they can be if they are deemed competent to make that decision.

dates. Some young people who are 'looked after' will also then qualify for leaving care support and services up to the age of 21 or in some cases, up to the age of 24.²

While a local authority can offer services and support to a young person under Section 17 of the Act, they cannot substitute the Section 20 duty with Section 17 powers.

4.3 Housing Act 1996

Part VII of the Housing Act 1996 outlines the legal responsibilities of a District or Borough Council in terms of assisting people who approach the housing authority as homeless.

16 and 17 year old homeless applicants have a priority need for accommodation, except those who are:-

- A relevant child
- A child in need who is owed a duty under section 20 of the Children Act 1989.

"The primary responsibility for a child in need who requires accommodation, including a 16 and 17 year old who is homeless lies with the relevant children's services authority. The Children Act 1989 (section 20) places a duty on children's services authorities to accommodate a child in need, and in almost all circumstances a homeless 16-17 year old would be a child in need.

However, there remain circumstances when the housing authority will have duties towards a homeless 16 and 17 year olds, including when the young person, having been fully informed of the implications, and being judged to have capacity to make that decision, declines to become looked after under the Children Act and instead applies for assistance under homelessness legislation."

(Homeless Code of Guidance 2018)

The Housing Act recognises that some people will be homeless and roofless before a council can carry out its enquiries and make a decision about what duty is owed. Consequently, section 188 of the Act consists of a duty to secure interim accommodation whilst action is taken to relieve the applicants homelessness or pending a decision, if there is reason to believe that the applicant may be homeless, eligible for assistance and in priority need.

It is this interim accommodation duty that is used under the protocol when a homeless 16 or 17-year-old makes their initial approach to a housing authority.

Homeless applicants are entitled to a written decision under section 184 of the Act and those who receive an unfavourable decision are entitled to request a review

² For those young people who are looked after for 13 weeks or more after their 14th birthday and are still a Child Looked After on or after their 16th birthday, the Children (Leaving Care) Act 2000 applies. For those "qualifying" young people who do not meet the 13 week threshold for the above, Section 24 of the Children's Act 1989 applies.

under section 202. The deadline for requesting a review is 21 days but a local authority has the discretion to accept an out of time review. An applicant who is dissatisfied with a review decision has the right to appeal to the county court on a point of law.

4.4 Case Law

R (on the application of G) v London Borough of Southwark

The House of Lords judgment in the case of *R (on the application of G) v London Borough of Southwark* was handed down on 20 May 2009. The principal legal issue in this case was: what do the criteria in Section 20(1) of the *Children Act 1989* mean and how, if at all, is their application affected by the other duties of children's authorities in particular Section 17 of the 1989 Act and by the duties of housing authorities under Part 7 of the *Housing Act 1996*?

In *R (G) v LB Southwark* the central issue was: where a child of 16 or 17 who has been thrown out of the family home seeks help from the local children's services authority, is found to be homeless and a child "in need", and wishes to be accommodated by them under Section 20 of the *Children Act 1989*, can the children's services authority instead refer him to the local housing authority for accommodation under the homelessness legislation (Part 7 of the *Housing Act 1996*)? The case was heard on appeal from the Court of Appeal, which, by a majority of 2 to 1, had upheld Southwark's ability to refer the child for assistance under the homelessness legislation even though a duty to provide accommodation had been accepted under Section 20(1) of the *Children Act 1989*.

The House of Lords was unanimous in allowing the appeal. The leading opinion, delivered by Baroness Hale, reaffirmed the House of Lords' opinions in *R(M) v LB Hammersmith and Fulham* and sets out the approach that children's services authorities should take when performing their statutory duties to 16 and 17 year olds who are found to be homeless and "in need". The ruling confirmed the Government's view that local children's services authorities should presume that any lone, homeless child should be provided with accommodation under Section 20(1) of the *Children Act 1989* unless the child is not in the local authority's judgement (based on an initial screening assessment), a child "in need". In nearly all cases, the impact of a child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the child's welfare that the child will be a child "in need".

The House of Lords reiterated that the *Children Act* has primacy over the *Housing Act* in providing for children in need. The duties of local children's services authorities to accommodate children in need cannot be circumvented by referring the child to the housing authority, whose duties under Part 7 of the *Housing Act 1996* provide a safety net only for those (very few) homeless children who will not meet the criteria for accommodation under Section 20 of the 1989 Act. Examples of the small number of homeless 16 and 17 year olds who would have priority need under the homelessness legislation (by virtue of article 3 of the *Homelessness (Priority Need for*

Accommodation) (England) Order 2002) would include those whose need for accommodation did not fall within the circumstances specified in S.20(1) of the 1989 Act - for example, because they had been living independently for some time prior to their homelessness - and those whose need for accommodation fell within S.20 but who did not want to be accommodated under S.20. Such young people must be judged to be competent to make such a decision and have had the benefit of advice about the consequences of making such a decision.

Lord Neuberger's judgment, which dealt with the interrelationship between the Section 20 duty and the duty under Part 7 of the Housing Act 1996, provides that the purpose of the 2002 Order was to fill the gap whereby there had been no specific duty to secure accommodation for homeless children aged 16 or 17 whose circumstances did not bring them within S.20 of the Children Act. The purpose of the 2002 Order was not to enable a children's services authority to divert its duty under S.20 to the housing authority, thereby emasculating the assistance to be afforded to children aged 16 or 17 who "require accommodation".

It will be extremely important that there continues to be close partnership between children's services authorities and housing authorities to support local authority responsibilities under the Children Act for meeting the needs of children in their area.

Baroness Hale referred to Section 27 of the Children Act 1989, which empowers a children's authority to ask other authorities, including *any* local housing authority, for "help in the exercise of any of their functions" under Part III of the 1989 Act. The requested authority must provide help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of their own functions. But, she said, this does not mean that the children's authority can avoid their responsibilities by "passing the buck" to another authority; rather that they can ask another authority to use its powers to help them discharge theirs.

4.5 Complaint against Dover City Council and Kent County Council, 31 July 2012

A homeless 16 year old boy, who had previously been in care and had drug-related issues, had applied to the council as homeless in January and June 2009. The council should have accepted the applications and applied a Joint Protocol agreed with the county council for dealing with homeless children in need. Both councils were found to have acted contrary to their Joint Protocol and/or contrary to law. The Local Government Ombudsman recommended that the councils between them pay £10,000 compensation.

4.6 Joint Statutory Guidance - Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation

Following the *G v Southwark* 2009 House of Lords judgment, the Government issued joint statutory guidance from the Department for Children, Schools and Families (now the Department for Education) and Department for Communities and Local

Government - Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation. This guidance outlines the legal duties under the Children Act 1989 and Housing Act 1996 for 16 and 17 year old young people who are homeless.

The joint statutory guidance gives clear direction on the complementary roles of children's services authorities and local housing authorities in implementing their separate statutory roles. The *G v Southwark* judgment clarified that in the case of a homeless 16 or 17 year olds, children's law takes precedence over housing law. In light of this clarification, a fundamental principle of the joint statutory guidance is that all 16 and 17 year olds who are homeless should be assessed by children's services under the Children Act 1989 to determine whether they are a child in need, as set out in Section 17 of the Act and, if so, whether a duty exists to offer accommodation under Section 20 of the Children Act 1989.

Young people aged 16 or 17 are still children and that as such, all agencies have duties and responsibilities to act together to protect them³ if they are suffering, or likely to suffer, significant harm.

The joint guidance was recently updated in April 2018 by the Ministry of Housing, Communities and Local Government and the Department for Education, following amendments to the 1996 Housing Act, following the introduction of the Homeless Reduction Act 2017.

Key extracts from this statutory guidance are:

- Para 2.1 "... generally, it will be in the best interests of most young people to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends network."
- Para 3.19 "Where a young person seeks help because they are homeless or threatened with homelessness it is good practice for an assessment of the young person's needs to be conducted jointly by both children's and housing services..... The lead agency will be local authority children's services, given their responsibilities for children in need in their area."
- Para 3.23 "The most crucial issues to be determined in the first instance will be whether the young person is actually homeless, if the young person is a child in need and/ or is suffering or likely to suffer significant harm and/ or if the young person requires emergency accommodation. If this is the case, children's services must accommodate them immediately. The welfare of the child is paramount and a 16 or 17 year old must not be placed at risk whilst waiting for the completion of an assessment."
- Para 3.11 "Local authority duties for accommodating young people under this section are not simply a matter for local policy. The duty is engaged whenever a child in need in the local authority's area requires

³ *Working together to safeguard children*, guidance for children's services authorities and their partners published by DCSF (now Department for Education) 2010

accommodation as a result of one of the factors set out in section 20(1)(a) to (c) or in section 20(3) of the Children Act.”

- Para 3.12 “Where a young person in need requires accommodation as a result of one of the factors set out in the Section 20(1) (a) to (c) or Section 20(3) then that young person must be provided with accommodation. As a result of being accommodated by Children’s services for a continuous period of more than 24 hours the young person will be Looked After” (except if a private fostering arrangement is in place where the parent arranges a foster carer and Children’s Services simply approve the placement).
- Para 3.42 It will be 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 social worker leading the assessment must provide realistic and full information about the package of support that the young person can expect as a looked after child....”
- Para 3.43 “Children’s services should also ensure that the young person receives accurate information about what assistance may be available to them if they do not become looked after, including from housing services under Part 7 of the 1996 Housing Act... In particular the considerations a young person needs to be made aware of are:
 - Duties of housing services to undertake an assessment, develop a personalised housing plan and to take steps to help the applicant retain or secure accommodation,
 - The requirement on the applicant to cooperate and for applicants to take steps themselves as set out in a personalised plan,
 - the accommodation offer under the relief duty – suitable accommodation which has a reasonable prospect of being available for occupation for at least 6 months,
 - the implications of turning down offers of accommodation that are suitable,
 - the possible risk of being found or becoming homeless intentionally in the future,
 - their right to request a review of decisions”.
- Para 3.47 “Young people should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages and coming to a balanced decision.⁴
- Para 3.49 “Where a 16 or 17 year old child in need wishes to refuse accommodation offered under Section 20 of the 1989 Act, children’s services must be satisfied that the young person :
 - has been provided with all relevant information
 - is competent to make such a decision and

⁴ “Children and young people who have received services under the 1989 Act are able to be supported to make complaints and representation with the help of an independent advocate. Children’s services should provide information about access to advocacy services when they explain the assessment process to 16 and 17 year olds seeking help because of homelessness.”

- that they do not need to take additional safeguarding action”
- Para 3.50 “Every 16-17 year old assessed as being a child in need but who does not wish to be accommodated under section 20 should have a child in need plan setting out the services that will be provided to meet their needs.”
- Para 3.59 “The powers of local authorities to provide accommodation under Section 17 cannot be used to substitute for their duty to provide accommodation under Section 20(1) of the 1989 Act to homeless 16 and 17 year olds in need. Children’s services do not have the option of choosing under which provision they should provide accommodation for homeless 16 and 17 year olds. Section 20 involves an evaluative judgment on some matters but not a discretion.”⁵
- Paras 3.62-3.65 “Local authority children’s services are among the public authorities which are required to notify a housing authority of service users they consider may be homeless or threatened with homelessness”....”The referrals does not diminish children’s services responsibilities towards young people Rather it should be used to help strengthen communication between children’s and housing services, it will not be an alternative to carrying out a child in need or early help assessment”. This protocol outlines the lines of communication and how information is shared.
- Para 4.4 “Housing authorities will be unable to determine whether a 16-17 year old has priority need under the 1996 Act until a child in need assessment has been completed. It is therefore essential that referrals are made and assessments completed in a timely manner.” This will include the joint assessment between housing and children’s services.
- Para 4.15 Under the requirements of the Homeless Reduction Act (which has amended the 1996 Housing Act) housing have a duty to prevent homelessness. Where the applicant is already homeless the housing authority has a duty to relieve homelessness. This may be brought to an end in a number of ways including where the applicant has refused an offer, the applicant has become homeless intentionally from accommodation provided or has deliberately and unreasonably refused to cooperate.
- Para 4.19 “If the relief duty end..... children’s services will be required to carry out further assessment of the young persons needs”.
- Para 4.28 “Where a young person aged 16 or 17 is homeless and requires accommodation, does not wish to be accommodated under section 20 of the 1989 Act but is subsequently not owed an accommodation duty by a housing authority, for example because they have refused a suitable offer of accommodation or are found to be intentionally homeless, then children’s services should, given the change in circumstances, once again ask them their wishes regarding being accommodated under section 20.”
- Para 4.29 “If the young person still does not wish to be accommodated and is judged to have the capacity to make that decision, if it is necessary to

⁵ R (G) v Southwark [2009] UKHL 26 – para. 31
<http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/id090520/appg-2.htm>

safeguard and promote the welfare of the young person who is in need, they should be offered accommodation under section 17 of the 1989 Act until they no longer require accommodation or they reach the age of 18. In such cases children's services and housing services will need to work together with the young person to ensure that they are not placed at risk of homelessness as they approach age 18."

4.7 Information sharing

This protocol has been formulated to facilitate the exchange of information between the signatories. It is, however, incumbent on all partners to recognise that any information shared must be justified on the merits of the agreement. The balance, between an individual's Human Rights and the need to disclose information, must be assessed to ensure the information shared between agencies is proportionate to the purpose. [Anyone in doubt should consult their Information Sharing Lead before proceeding.]

Information shared will include personal data about the young person, including an assessment of their needs. Information will be shared using the Cambridgeshire and Peterborough Children's Social Care referral form and Joint assessment form.

<https://www.cambslscb.co.uk/report-a-safeguarding-concern/>

If there is a need to share additional information on a one-off-basis, the parties concerned should consider whether the sharing is necessary to the agreement and document their considerations/findings, including any additional consents sought (and if not sought, an explanation as to why).

Consent should be sought and recorded by each agency who is sharing information where possible, however, information should be shared without consent if necessary if there are child protection and safeguarding concerns

The Cambridgeshire Information Sharing Framework provides details of the overall security standards required of participating organisations to manage the information they receive from other parties under this agreement. These must be respected by all signatories.

Everyone sharing data under this agreement is responsible for the quality of the data they are sharing.

Before sharing data, officers will check that the information being shared is accurate and up to date to the best of their knowledge.

Partners to this agreement undertake that information shared under the agreement will only be used for the specific purpose for which it was shared, in line with this agreement. It must not be shared for any other purpose outside of this agreement.

Each agency should follow its own guidelines for retention periods in relation to this data.

The recipient will not release the information to any third party without obtaining the express written authority of the partner who provided the information.

It is the responsibility of everyone sharing information and accessing and using the information that has been shared to take appropriate decisions, then hold the information securely, in accordance with the standards set out in the overall Framework and this agreement. Any person who is not sure of the requirements on them should read the Framework and this Agreement, then, if necessary, contact their line manager.

Partners as receivers of information covered under this Agreement will accept total liability for a breach of this Information Sharing Agreement should legal proceedings be served in relation to the breach.

If a breach of data occurs then all organisations need to be made aware and the lead organisation needs to the investigation. The lead organisation must decide Information Commissioner needs to be made aware.

Joint Working: The Detail

5.1 Legislation, government guidance and case law are clear what should happen when a young person is homeless or at risk of homelessness and they are not able to stay or return to the parental home or their family network. This specifies how their needs should be assessed and which agency, if any, should take statutory responsibility for their housing, support or care needs (if homelessness cannot be prevented), both during and after that period of assessment.

5.2 The enclosed flowchart translates this clarity into a diagram that fits the Cambridgeshire context. There are some basic principles that it is worth making explicit:

The flowchart “How it works” (Appendix 2)

5.3 This sets out the decision making process and identifies where the responsibility lies.

5.4 The flowchart makes clear the lead role to be taken by Children’s social care in decision making. It gives clarity over the pathway(s) to be taken by homeless young people and simplifies the process, avoiding duplication and making the experience less distressing for the young person. The First Contact script (appendix 1) should be used by whoever comes into contact with the young person first and the information used to complete the Joint Peterborough and Cambridgeshire referral form and submitted to Children’s Social Care.

5.5 The contact centre will refer all homeless 16/17 year olds to the adolescent teams in children's social care.

5.6 If emergency accommodation is required that night, the agency (either children's services or the housing authority) whom the young person first approached will be responsible for securing this accommodation. To avoid undue distress or change for that young person, all efforts will be made to maintain that young person in the accommodation that has already been provided (unless there is cause for concern).

5.7 Where the only available emergency accommodation available is B&B accommodation, the agency with responsibility for providing accommodation will look to the other agencies to see if there is any alternative accommodation available. Where payment for this accommodation is required (that is not available through the young person's benefit entitlements) this will be paid for by the agency with the accommodation responsibilities.

Joint Assessment

5.8 As lead agency children's social care will contact housing to arrange a joint assessment. Where housing is approached first, a joint assessment should be requested at the time of referral to social care.

5.9 Decisions as to which agency assumes or maintains ongoing responsibility to provide accommodation will be dependent on the outcome and recommendations following completion of the Joint Assessment and should be reached within ten working days.

5.10 The Joint Assessment will fully involve the young person and their family, consider the young person's wishes and determine the most appropriate pathway for the young person taking into account the legislative context and statutory guidance.

5.11 The Joint Assessment should be completed within 10 working days in conjunction with the housing authority to determine the views and wishes of the young person and whether:

- The young person is a child in need of services under s17 CA1989;
- Children's services should offer accommodation under Section 20 CA 1989;
- Targeted Early Help Services could be provided to meet identified needs.
- Any duties are owed under the Housing Act 1996.

5.12 The assessment will also involve:

- Contacting any other referring agency to gain any further information available.
- Contacting the young person's parents or those with parental responsibility if it is safe to do so and the young person provides consent.
- Establishing an up to date assessment of the young person's needs and strengths

5.13 If the young person has an existing relationship with children's services the Adolescents team will review the Child in Need Plan with the young person and their family within 10 days.

5.14 If a 16 or 17 year old woman is pregnant or has a child or children of her own, children's services' duties will be determined towards each of them individually. The LSCB pre-birth protocol should be followed if relevant. Similarly, if a young person is in a partnership with an older person, only duties towards the 16 or 17 year old will be considered.

5.15 Children's Social Care and the Housing Options Team will work together to conclude the determination of duties under the Children Act 1989 and Housing Act 1996 and where there are duties to assist put in place a suitable package of assistance which reflects the young person's wishes and feelings and is realistic and will best assist the young person in moving on to independence, including retaining supportive social and family networks, plans for education, training and work.

5.16 Actions following the outcome of the Joint Assessment

The actions following their determination of duties are summarised below:

5.17 If a duty is owed under Section 17 AND Section 20 applies Children's Social Care will:

- Discuss the assessment outcomes and options for the future with the young person ensuring that they can make a fully-informed decision on whether to accept the offer of assistance under Section 20.
- In the case of an exceptionally vulnerable young person, discuss with the relevant children's services placement team regarding the availability of foster or residential care options.

5.18 If the young person accepts the offer of assistance under Section 20 Children's Social Care and Housing Options Team will:

- Inform the housing options team and any other referring agency.
- Arrange a placement in suitable accommodation taking over financial responsibility for the young person's accommodation if they have previously been placed by the Housing Options Team.

- Put in place a care plan and allocated social worker for the young person
In accordance with looked after children procedures.

5.19 If the young person does not accept the offer of assistance under Section 20 Children's Social Care will:

- Advise and facilitate the young person to contact the Housing Options Team as soon as possible.
- Assess the capability of the young person to make this decision.
- Inform the housing options team by email, including the reasons why the young person refused assistance.
- Review the young person's holistic needs and whether they require on-going support under s17.
- Inform the proprietor or host if the young person has been placed in emergency accommodation of the date children's services will cease payment.

5.20 The Housing Options Team actions after being informed by Children's Social Care of their determination of duties under the Children Act are summarised below:

5.21 If a duty is owed under Section 17 AND Section 20 applies - If the young person has accepted the offer of assistance under Section 20 CA 1989 the Housing Options Team will:

- If the young person is still within the relief duty and has accepted s20, then a decision will be issued ending the relief duty due to them having accommodation available. If the decision on s20 is reached whilst the main housing duty is being assessed a non priority decision letter will be issued due to them being a looked after child.
- Assist children's services in finding suitable Section 20 placement options, if requested to do so.
- If the young person has previously been placed in emergency accommodation by the Housing Options Team, notify the benefits team that housing benefit entitlement has ceased, and the proprietor/host that invoices should be directed to children's services from this point on.

5.22 If the young person has not accepted an offer of assistance under Section 20 the Housing Options Team will:

- Treat the young person's application in the same way as if a duty is owed under Section 17 but section 20 does not apply (see below).

5.23 If no duty is owed under Section 17 the Housing Options Team will (There will be very few instances where a homeless young person or a young person threatened with homelessness would not be a child in need, as set out in this document):

- Treat the young person's application in the same way as if a duty is owed under Section 17 but section 20 does not apply (see below)

5.24 If a duty is owed under Section 17 BUT Section 20 does NOT apply the Housing Options Team will (this will usually be because the young person is not homeless or the young person has refused s20 assistance):

- Determine duties owed under Housing Act 1996.
- If the young person is still in need of accommodation, assist the young person in completing their application for housing benefit if they have been occupying children's services emergency accommodation placement.
- If there is a change in circumstances and the young person subsequently becomes homeless, they should be re-referred for a further assessment.

5.25 If a duty is found to assist under the Housing Act 1996 the Housing Options Team will:

- Follow local housing authority procedures for interim/ temporary accommodation and eventual discharge of duty.
- If applicable liaise with Children's Social Care about the young person's support needs.

5.26 If no duty is found to assist under the Housing Act (for instance, if the young person is found to be intentionally homeless) the Housing Options Team will:

- Follow local procedures to end emergency accommodation (if any) allowing the young person a reasonable time to make alternative arrangements.
- Discuss the decision and the young person's future housing circumstances with Children's Social Care (if no relationship currently exists with Children's services) and, if necessary re-refer the young person for further assessment. If a relationship with Children's Services already exists discuss with the lead professional or allocated Safeguarding Social Work Unit.

Youth Offending Service

6.1 If a young person aged 16 or 17 years has been given a custodial sentence or custodial remand, their Youth Offending Service Case Manager must through the Asset process conducted at the start of, and during the custodial sentence, identify any need for accommodation on release. If a young person is remanded in custody (Youth Detention Accommodation), they will automatically become a looked after child (LAC) and should be allocated a social worker to address any accommodation needs alongside the Youth Offending Service.

6.2 If the young person has an allocated Adolescents team before the start of their custodial sentence, the Unit will work with the Youth Offending Service Case Manager and the relevant secure establishment throughout the sentence period, ensuring that the young person's needs on release for assistance under the Children Act are assessed when appropriate. If the young person is a Looked after Child, the social worker will take the lead in planning post-release accommodation from the start of the custodial sentence onwards, combining the sentence planning meeting process within procedures relevant to looked after children (i.e. LAC Reviews). The Independent Reviewing Officer will continue to monitor and care planning for the young person.

6.3 If the young person is not allocated to an adolescents team and it becomes apparent to the Youth Offending Case Manager that the young person will not have suitable accommodation on release, the Case Manager/ YOS Accommodation Officer will complete a referral to the Integrated Front Door as soon as possible and ideally at least one month before the young person's release. The Asset document will always be referenced on **'The First Contact'** and relevant information from the Asset including risk and vulnerability factors will be incorporated into the referral form.

6.4 The Youth Offending Service's Accommodation Officer will continue to have an active role in preventing homelessness and will continue to offer preventative services to young people and their families where appropriate. In the event of a young person becoming homeless, the Accommodation Officer will maintain their involvement alongside Housing and Children's Services colleagues as appropriate.

Problem Resolution Procedure

7.1 Legislation, Case Law and Government guidance emphasise the importance of the Joint Protocol as the means by which the statutory services will be held to account to Homeless and Vulnerable Young People for the service that they provide.

7.2 The most likely place where conflicts will arise is over the young person's initial assessment. This is why our Joint Protocol for Addressing the Needs of Homeless 16 and 17 year olds has concentrated so much on the First Contact.

7.3 There are three parties to that assessment – the County, the District and the Young Person. Any one of these can escalate the disagreement to a formal complaint.

7.4 We have agreed to use the Problem Resolution Procedure as published by Cambridgeshire Safeguarding Board which can be found on the Cambridgeshire LSCB website, and the young person can use the complaints procedure.

7.5 Disagreements could arise in a number of areas but are most likely to arise around:

- Thresholds
- Roles and responsibilities
- The need for action
- Communication

7.6 Problem resolution is an integral part of professional co-operation and joint working to safeguard and promote the well-being of children and young people. While often a positive sign of developing thinking within a dynamic process this can be reflected in the immediate term as a lack of clarity in procedures or approaches. Professional disagreement is only dysfunctional if not resolved in a constructive and timely fashion.

7.7 Attempts at problem resolution may leave one worker or agency believing that the child remains at risk of significant harm. This person or agency has responsibility for communicating such concerns through agreed channels.

7.8 It is the responsibility of every professional to “problem solve”. The aim must be to resolve professional disagreement at the earliest opportunity and as swiftly as possible always keeping in mind that the child and young person's safety and welfare is the paramount consideration. The Cambridgeshire Safeguarding Board is clear that there must be respectful challenge whenever a professional or agency has concern about the **action or inaction** of another.

7.9 If a professional disagreement arises and the issue cannot be resolved between practitioners the matter must be referred to the Line Manager who will discuss with their opposite number in the other agency in the hope that the issue can be resolved.

7.10 Failure to resolve disagreements between Line Managers must be further escalated to Senior Managers within the respective organisations. If there continues to be no resolution then the matter should be escalated to the Independent Chair of the Local Children's Safeguarding Board via the Board Manager.

7.11 A clear record of all discussions, agreements and actions must be kept by all parties. Should the matter be escalated to the Board there is a template available for recording. A serious escalation could be defined as a situation where the effectiveness of the response of one agency is likely to have a significant impact on the confidence of the other agency leading to possible longer term impact on the ability of the agencies to work together for the benefit of vulnerable children, young people and their families.

7.12 For further details on Problem Resolution please refer to the full Cambridgeshire Safeguarding Children Board policy on Cambridgeshire LSCB website.

Monitoring and Review

8.1 This Joint Protocol will be monitored annually by the Cambridgeshire Local Safeguarding Children's Board and the sub regional Housing Board.

1. Monitor the number of young people presenting as homeless (through contacts on Children's services electronic records and through referrals to the Children's social care)
2. Monitor homeless applications to the districts with outcomes.
3. Monitor the number and timescales for Child in Need assessments carried out by District Safeguarding Service specific to 16 and 17 year olds who have presented as homeless.
4. Monitor the number and percentage of young people who become looked after due to being homeless.
5. Monitor the outcomes for those not owed a section 17 duty.

APPENDICES

Appendix 1: The First contact

Appendix 2: Flowchart How it works

Appendix 1

The First Contact

These questions are the minimum we would expect to be asked of a young person when they present as homeless. The purpose of this is to ensure a consistent response and experience, regardless of whose front door the young person presents to and regardless of where in the county they present. These questions should be revisited and explored further with the young person at the Joint Assessment.

I am going to need to ask you a few questions to find out more about you and understand your story. I will need to ask some personal questions so that we can work out how best to help you and I'll have to make some notes. I'm going to use the notes to fill in a form that will start the process of getting you some help, are you ok with that?

Can you tell me your name, DOB and current address?

Context

The first thing we need to do is to establish where you have been living and why you can't live there any more:

- Can you tell me where you have been and what has been going on?
- Do you feel safe at home (where you have been staying)?
- Can you tell me a bit more about why/why not?
- What is going on at home (where you have been staying) that means you can't go back?
- **If there are no safeguarding concerns:** What could we do to help you to resolve the difficulties you are having at home?
- Do you know what the housing options are for young people?
- If we phoned your parents and asked them if you could go back home, what do you think they would say?

Other supplementary questions may be asked dependent upon the conversation. What we need to establish is why if the young person believes they are no longer able to live at home, if it is possible to “hold” the position at home and prevent homelessness. If they are not at home, how long is it since they left home, how long have they been in an interim arrangement and why has that ended?

Support Needs and Risk

The next thing we need to establish is whether you are getting any help from anyone right now and that will help us work out if you need any extra support and who best can do that.

We can offer you help to sort things out with your parent(s). Lots of young people fall out with their parents and it can take a bit of time, but it’s much better to be at home or with your family and then plan your move out if that's what you need or want to do.

- Are there any other agencies you are involved with or any other people you see who help you or give you support?
- How are you feeling in yourself?

If you are concerned about a young person’s responses:

- Can you tell me more about what is making you feel like that?
- Is there anything that makes it better, is there anything that makes it worse?
- Are you getting any support from any other professionals i.e. your GP or a therapist?
- Do you have any concerns about alcohol or substance use?
- Can you identify any support that you are not receiving now that you think would be helpful?

Before we can look at what happens next, we just need to build up as clear a picture as possible of you and identify anything that might help you or anything that might make things go wrong.

- Are there any offences you can tell me about or is there anything you are waiting to hear about?

If yes, ask about involvement with YOS, the sentence, timing and generally get more detail.

Immediate accommodation options

- Can you go home tonight whilst we try to support you and your family to resolve your difficulties? (**NB IF THERE ARE NO SAFEGUARDING CONCERNS**)
- Have you somewhere to stay tonight? Would you feel safe there?
- What about any friends or family members, is there anyone you could stay with where you would feel safe? Can I help you sort that?

Identify what the local, emergency offer is. Dependent on the young person's circumstances, ask about food and benefits as part of this conversation. In line with the principles of the protocol emergency accommodation will be provided by whoever the young person has approached first and that agency should follow its usual out of hours procedure for providing accommodation. If B&B accommodation is the only option available, the agency seeking accommodation should check with the other if they have any alternatives unless it is impossible to do so out of hours.

Action & Next Steps

- What I would like to do now is talk you through what happens next, where this information goes and what happens to it but before I do that, I would like to hear about what you would like to see happen?

We are looking for the young person to expand beyond "I need somewhere to live" to understand their desired outcome: is about a tenancy and support to manage, is it about support to return home, is it about living in supported accommodation etc...?

So, I said at the beginning that I was going to take some notes and fill in a form; I'd like us to go through briefly what I have written on the form to make sure that you agree this is a fair record of what we have discussed.

With your permission, I will now share this information with Children's Service/the Housing Options Team (dependant on who is completing the first contact) so that we can do a joint assessment of what your needs are and we can start to work out how best to help you.

- Are you happy for me to share this information?

If you are allocated a social worker in the Adolescents Team, then they will contact you within 24 hours.

I will copy the form so that I have a copy and you have a copy as well as the one I will send to Children's Social Care. Is there anyone you would like an extra copy of this information for, so someone you would like to be invited to meetings alongside you to help make sure that your voice is heard? We call this person an advocate.

If you haven't got someone you would like to come along, I can refer you to an independent person (NYAS) who can work with you to do this and who can make sure that your views are heard in any meetings or that you understand what is going on. Would you like me to do this?

Our initial discussion is now complete. I will now contact Children's Social Care/housing, and we will carry out a joint assessment of your needs. Given you are homeless and have nowhere suitable to stay; we will now find suitable, temporary accommodation for you whilst this assessment is undertaken and we will continue to look at your longer term needs.

Young person gets action sheet/ personal housing plan to take away. This should include who will do what, by when and contact details.
--

How it works flowchart

Young person is already a child in need or has approached Children's Services first as homeless

↓

First contact script is completed and emergency accommodation provided by Children's services if required (if only B&B available, speak to housing to see if they have an alternative available)

↓

Children's Services arrange a joint assessment within a maximum of 10 days with Housing Authority and update CIN plan if already in place

Young person presents as homeless to Housing

↓

First contact script is completed

↓

Contact Social Care to establish if young person is known to them and send safeguarding referral to Children's Services Contact Centre if not

↓

If not already assessed as a Child in Need open to Children's Social Care, Housing to provide emergency accommodation if required (if only B&B available, speak to children's services to see if they have an alternative available)

↓

Passed to the Adolescents team, who will arrange joint assessment within a maximum of 10 days with Housing

Joint assessment takes place.
Outcomes:

→ **Young person is a child in need but refuses s20 accommodation and wishes to make/ continue homeless application**

↓ **Young person accepts S20 accommodation**

← **Young person is able to return home**

- Teams work collaboratively to prevent homelessness.
- Assessment of s17 duties made by Children's services
- If initial approach made to housing – not homeless decision to be issued

- Children's services provide support and accommodation (accommodation agreed by Head of Service within same day if necessary)
- If initial approach made to housing – decision issued, either end of relief duty or non priority decision

- Housing assess under 1996 Housing Act, provide temporary accommodation and issue decision letter following assessment.
- S17 child in need plan developed
- If eligible and homeless – accommodation and duties under S189B or S193 continue until discharged.
- If duty not ended at relief stage, not accepted or duties later discharged without accommodation being provided – re-referral to Children's Services