



HILLINGDON
LONDON

**Protocol for the Assessment of Homeless 16
and 17 year olds who require accommodation**

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1. Introduction

This protocol addresses the principles, legislative requirements and procedures for the assessment of 16/17 year olds who present as homeless or needing accommodation within the London Borough of Hillingdon. It outlines the roles and responsibilities and respective statutory responsibilities of children's social care and homelessness prevention team.

2. Scope

2.1 This protocol covers:

- Homeless 16 and 17 year olds including pregnant 16/17 year olds
- Homeless 16 and 17 year olds with dependent children.
- Homeless couples where both young people are 16 or 17 years old.

2.2 Leaving Care

It does **not** cover young people leaving local authority care - please see Housing Protocol between Young People Services and LBH Housing Department for the Assessment of Homeless Care Leavers who require accommodation.

2.3 Homeless Young People

For the purpose of this document "homeless" refers to young people who are street homeless, sofa surfing, and those who have been asked or chosen to leave the family home.

2.4 Unaccompanied Asylum Seekers

This protocol does not apply to unaccompanied asylum seeking young people without a carer or guardian who must be provided with accommodation by children's services under section 20 Children Act 1989.

3. Aims of the Protocol

- A. To clarify the statutory duties and agreed responsibilities
- B. To promote co-operation and joint working between the partner agencies
- C. To ensure that, through methods such as mediation, reconciliation between young people and their families/carers is achieved wherever possible.

4. Principles

There are a number of key guiding principles to be considered where working with children and young people, including those who are homeless:

- The welfare of the child is paramount.
- Unless there are safeguarding concerns 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.
- Every effort should be made to mediate between young people and their families to negotiate a return home.
- Bed and breakfast accommodation will be regarded as unsuitable for 16 and 17 year olds, even in an emergency.
- In assessing the needs of a young person for accommodation and support, those involved in that process must take account of the individual needs and cultural background of that young person.
- 16 and 17 year olds who are homeless or threatened with homelessness are likely to be vulnerable and will often be at risk of harm in the absence of intervention.
- The primary responsibility for a child in need who requires accommodation, including a 16 and 17 year old who is homeless lies with children's services.

5. Legal Responsibilities

Children Act 1989

5.1 Section 17

Section 17 of this Act requires councils to provide appropriate services to a "child in need". Under Section 17(10) of the Children Act 1989, a child is in need if:

- (a) He/she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services by a Local Authority; or
- (b) His/her health or development is likely to be significantly impaired, or further impaired without the provision for him/her of such services, or
- (c) He/she is disabled

Under Section 17, the Local Authority has a responsibility to assess a child's circumstances and consider offering services if it appears that a child may be in need.

5.2 Section 20

Section 20 states that

“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:

- There being no person who has parental responsibility for him
- His being lost or having been abandoned
- The person who has been caring for him being prevented from providing him with suitable accommodation or care
- Any child in need within their area who has reached the age of 16 and whose welfare the authority considers is likely to be seriously prejudiced if they do not provide him with accommodation

The principle is that the duties of the local authority under Section 20 of the Children Act 1989 take precedence over the duties of the local authority under the Housing Act 1996 in the case of young people aged 16 and 17 who require accommodation. Young people aged 16 and 17 who are homeless will come within the definition of [Children in Need](#) and where they require accommodation, the specific duty in Section 20 of the Children Act 1989 (to provide accommodation in certain circumstances) takes precedence over the general duty owed to Children in Need and their families under Section 17 of the Children Act 1989. Assessments of young people under this legislation will therefore need to consider whether the factors set out in Section 20 (1) or (3) are applicable to the young person's needs.

6. Arrangements for assessment and planning for the needs of young people in custody.

Hillingdon Youth Justice Service sits within Children's social care directorate. Young people who are known to the YJS and at risk of homelessness or facing homelessness upon release from custody should be referred to MASH as soon as possible. This is to enable appropriate assessment and planning. Joint working between children's social care and the youth justice service is well established and therefore planning for exiting custody should be made together. Where it is anticipated that a child is unable to return to the family home address upon exiting custody a Children and Family assessment would be undertaken by the allocated social worker as per section 7 below, including consideration of risks of re-offending.

7. Procedure

The following stages apply to a 16/17yr old who do ***not have any active Children and Families Services involvement.***

7.1 Referral and assessment

1. Whichever agency, a young person approaches, (including Homeless Prevention) if they are claiming to be homeless a referral must be sent to the Children Social Care Multi Agency Safeguarding Hub (MASH).
2. MASH will undertake initial enquiries with the young person, family and professional network to determine if the young person is homeless and whether the young person can be supported to return home safely or have accommodation provided by the wider family / friends.
3. MASH officers will make contact with the housing duty officer to make relevant enquiries. Young people and their families will benefit from advice from the housing duty officer as part of children's services involvement to explain the LBH housing policy and ensure that they are fully aware of their rights and responsibilities as well as the duties of the local authority.
4. Where MASH are unable to identify a solution for the young person the family will be allocated to a social worker for a child and family assessment.
5. The social worker will meet with the young person at the office if they have presented at the civic centre, or at home as a matter of urgency as agreed with the family **on the day of allocation**. Where appropriate the housing duty officer will accompany the social worker on this initial meeting at home or at the Civic Centre.
6. The initial visit will determine whether there is a realistic prospect of the young person returning home or to wider family or friends. Children's Social Care will also consider whether the provision of temporary accommodation whilst the assessment takes place is required. However, in partnership with the parent(s) or carers, all efforts should be made to support the young person to remain with their birth family subject to completion of the assessment with appropriate support services made available at that time. The initial enquiries should be completed within the required timescale of **1 working day** with a holistic needs based child and family assessment completed within the agreed timescale for the child and no later than 45 working days.
7. This assessment will consider the needs of all children in the family, the parent's ability to meet these needs, establish whether there is genuine

homelessness or risk of homelessness in addition to exploring and exhausting the possibility of family reconciliation. This will always include the child's wishes and feelings as well as the view of the parents or carers. For further guidance regarding the completion of a child and family assessment please refer to https://hillingdonchildcare.proceduresonline.com/chapters/p_assessment.html

8. Consideration should be given to referring the family for a Family Group Conference. This is independently facilitated by a contracted provider, DayBreak (see list of useful contacts) to enable the family to use their own resources with support from the local authority in order to develop a family led support plan for the young person.

7.2 Placements during assessment

It is acknowledged that family breakdown and reconciliation between family members can take time and therefore children's social care may have to provide interim accommodation to enable this to take place.

Where it is assessed that a child cannot return home, and no other family/friends can be identified, therefore the child is found to be in need of accommodation a referral to the Hillingdon Access to Resource Panel should be made to seek approval for accommodation to be made available and confirm the legal basis to do so. In emergency situations, where time does not permit this, a case discussion with the relevant Head of Service and service request form alongside the child or young person's profile should be completed in order for accommodation to be sought by Children's Social Care Brokerage Team. The service request form would need to be authorised by a Head of Service.

The Children Act 1989 Guidance and Regulations: Volume 2: care planning, placement and case review provides guidance on the placement of looked after children and will therefore apply to young people who are accommodated under section 20 of the 1989 Act.

The types of placements include

- Semi - independent accommodation with key work support
- Some residential setting
- Foster placement (if the young person is particularly vulnerable).

Bed and Breakfast accommodation is never deemed appropriate as a form of accommodation for 16 and 17-year-old young people.

7.3 Outcome of the assessment

The assessment will take into consideration the Southwark Judgement [available at <https://www.familylawweek.co.uk/site.aspx?i=ed35569>]

If the outcome of the assessment is that the child is “in need” and is deemed to meet the criteria for requiring accommodation, the young person will be offered accommodation after under S.20 of the Children Act 1989 subject to approval at the Hillingdon Access to Resources Panel.

The young person’s needs require to be discussed and considered at the Hillingdon Access to Resources Panel for approval of a planned accommodation of the young person. The Looked After Children (LAC) Procedures will then be followed e.g. Care Plans, Social Work Visits, LAC Reviews and PEPs.

Where the assessment concludes that it is not necessary for the young person to be accommodated under Section 20, consideration should be given as to whether services should be provided under section 17 of the Children Act 1989. This includes where the child is not homeless, but is threatened with homeless, so as to assist in preventing future homelessness and family breakdown. On the basis the assessment concludes the child is deemed to be in need support will be made available through an allocated social worker and child in need plan which may include, for example, financial support to enable the young person to live with a member of the family or another responsible adult in the young person’s network as well as other appropriate support services.

Where the assessment concludes that the young person is a “child in need” and is deemed to meet the criteria for accommodation however the young person declines s20 accommodation it is important that children’s services are clear that the young person’s decision is properly informed and has been reached after careful consideration of all the relevant information. Before completion of the assessment, consent to refer for an independent person should be sought to ensure the young person makes an informed decision. Details of appropriate agencies available to provide advice can be found in Appendix 3.

Every 16-17 year old assessed as being a child in need but who does not wish to be accommodated and is judged to have the capacity should have a child in need plan setting out the services that will be provided to meet their needs. This may include provision of accommodation, however if a young person does not consent to becoming looked after, they must be fully informed that they would not be eligible for leaving care support at a later stage. For these reasons young people should be supported to understand the benefits and safeguards that becoming looked after affords them.

In the event that at young person later wishes to be accommodated, and the decision remains that they are a “child in need” and are deemed to meet the criteria for accommodation the young person should be again offered accommodation as per section 2 above. In this instance it may be appropriate

for a further Child and Family assessment to be undertaken to determine the current needs of the young person.

In the event that accommodation is offered to a young person, and they unreasonably decline this, or make unreasonable demands of the local authority legal advice should be sought from London Borough of Hillingdon's Legal Services department.

7.4 Involvement of other agencies

All agencies and professionals involved with the young person and the family, have a responsibility to contribute to the assessment process, with the consent of the young person / parent.

Referrals should be made to appropriate support service upon the identification of need. This may include targeted programmes, counselling or mentoring support. Consideration should be given to ensuring that services are able to meet the needs of the individual young person, including cultural needs.

P3 Hillingdon Navigator Plus is contracted by LBH to provide advice and support to young people aged 13-25. Therefore, young people may access support and guidance from P3 in respect of potential homelessness. In these instances, P3 will refer the young person to MASH, as per safeguarding procedures. The responsibility for assessment and accommodation remains with children's social care, however P3 may be able to continue to offer support and guidance to the young person.

The allocated social worker should ensure that the referring agency and other involved professionals involved in the assessment are made aware of the outcome of the C&F assessment.

8. Out of Hours/Emergency Referrals

Where young people present as homeless outside of office hours, the priority must be the safety and well-being of the young person. The out of hours service will work with the young person and family members to identify suitable arrangements until the next working day. In exceptional circumstances, and in agreement with the Senior manager on duty, accommodation will be provided until the next working day. The young person will then be referred to the MASH for allocation and assessment.

9. Young people who seek assistance from children's services in another local authority area.

9.1 Young people moving to Hillingdon

Where a 16 or 17 year old who was living in one local authority area and moves to Hillingdon and seeks assistance from children's social care, the duty to assess falls on the authority from which they seek assistance. Hillingdon cannot refuse to consider the young person's immediate needs and expect them to return to the authority in the area presumed to be their "home" district/resident local authority.

9.2 MASH

MASH should undertake enquiries with the young person to establish their connection with Hillingdon and their reasons for seeking help here rather than in their "home" district. These enquiries may be able to establish whether it may be possible for the young person to return to the area where they may be presumed to have a stronger local connection. For example, it might be possible for the Children's Social Care in Hillingdon to negotiate with the young person's "home" authority to take over the assessment of the young person's needs, so that the young person is assessed in a familiar setting close to their family and friends.

9.3 Disputes

It is essential that disputes about responsibility for the young person in the medium term should not get in the way of the authority that received the young person's request for assistance responding to the young person's immediate needs. The assessment and any relevant support services should not be delayed whilst the two local authorities determine and agree case responsibility and prioritise the young person's best interests.

Appendix 1: Statutory guidance

Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year_olds_who_may_be_homeless.pdf

Homelessness code of guidance for local authorities

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-8-priority-need#para8-19>

Hillingdon Children and Families Procedures Manual

<https://hillingdonchildcare.proceduresonline.com/>

Appendix 2: Useful contacts

London Borough of Hillingdon MASH

lbhmash@hillington.gov.uk

01895 556633

Day break family group conference

Alison Powney

Tel: 02380 696644 / 07901 655 666

www.daybreakfgc.org.uk

Housing Duty Officer

Appendix 3: Information, advice and advocacy for children and young people

P3 navigator

navplus@p3charity.org

01895 436114.

<https://www.p3charity.org/services/hillingdon-drop-in-navigator>

Citizens Advice Hillingdon

<https://www.hillingdoncab.org.uk/get-advice/>

0344 848 7903

Help at hand

<https://www.childrenscommissioner.gov.uk/help-at-hand/>

0800 528 0731

help.team@childrenscommissioner.gov.uk