

# **MEDWAY PROTOCOL FOR HOMELESS 16 AND 17 YEAR OLDS**

## **JOINT PROTOCOL BETWEEN**

## **MEDWAY CHILDREN'S SERVICES & MEDWAY HOUSING DEPARTMENT**

## **CONCERNING 16 – 17 YEAR OLDS WHO ARE IN NEED OF ACCOMMODATION**

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**MEDWAY'S COMMITMENT**

## **1. Introduction**

This Protocol sets out the procedure that Medway Children's Services and Medway Housing Department (Housing Options) have agreed to follow when 16 – 17 year olds ('Young Person/ People') approach the Council or are referred to the Council's Children's Services by a person or agency and says they are homeless or at risk of homelessness. The Protocol is written so that those working within the Medway Services are clear about the procedure they must follow and so that other agencies can be informed about Medway's procedure. It will be reviewed annually unless there are changes to the law that require immediate updating.

## **2. Medway's Co-ordinated Strategy**

2.1 Medway Children's Services and Housing Options have established a co-ordinated and co-operative strategy to make sure that the housing and other needs of 16 – 17 year olds are comprehensively considered before any decisions are made about future accommodation and/or support.

2.2 When a Young Person first comes to Medway and says they are homeless they will be assessed, and support will be provided to keep them with their families if at all possible. Officers from both services will meet to carry out a Joint Homelessness Assessment for each case.

2.3 All 16 – 17 years olds will receive a consistent approach from Medway, and whether they first come to Children's Services or Housing Options, they will receive the same level of assessment and support.

2.4 Homeless Young People who are unaccompanied asylum seekers without a parent or guardian with responsibility for their care, and other non UK nationals who are not 'eligible' for assistance under homelessness legislation must also be provided with accommodation and support by Children's Services, but will not require referral to Housing Options.

### **3. The Young Person's Family**

3.1 It is generally considered to be in the best interests of most Young Persons to live in the family home or, if that is not safe or appropriate, with responsible adults from the wider family and friends' network. Medway Services recognise this. When the Young Person comes to either Medway Service and says they are homeless, Medway will:

- Work proactively
- Make enquiries with their family
- Find out why the Young Person says they are homeless
- Find out what issues are affecting the Young Person's welfare
- Assess whether or not they can continue to live at home.

3.2 Specifically, Children's Services will:

- Explore the Young Person's needs
- Liaise with parents and family members
- Make contact with Housing to explore a Joint Housing Assessment and accommodation needs, if any.

3.3 Specifically, Housing Options will complete an assessment to determine:

- Whether the Young Person is homelessness
- What events led up to the homelessness
- Negotiate a return home, if appropriate, even if only on a temporary basis until a Child and Family assessment can be made or the Joint Housing Assessment appointment
- Contact the 'excluder' to find out why the Young Person is homeless and check the information Housing is given
- Explain to the family about the Joint Housing Assessment Process and their parental responsibilities to the Young Person, if appropriate
- Establish whether or not there are any safeguarding concerns
- Negotiate a return home, if appropriate, and even if only on a temporary basis until the Joint Housing Assessment appointment
- If a return to the home is not possible then contact other family members or friends to make sure there is somewhere safe for the Young Person to stay until the Joint Housing Assessment Appointment.

3.4 This work can be undertaken under both section 17 of the Children Act 1989 and section 195 of the Housing Act 1996. The sections are in the Annexe for reference.

3.5 Medway's Joint Housing Assessment team will carry out an assessment of the Young Person's needs. These assessments are carried out twice a week by a joint team from the two services and will consider all of the information that officers have gathered from the Young Person and their family. Although the assessment appointments are currently held on Mondays and Thursdays, the teams conduct

the initial investigations on the day when the Young Person approaches Medway. If there are urgent concerns from either service they will be discussed and an urgent appointment can be arranged if necessary. The team will use the information gathered prior to and during the assessment appointments to determine the Young Person's housing and support needs. Those present at the assessments will be the Social Worker and the Housing Options Officer, as well as the Young Person, the excluder and any advocate nominated by the Young Person.

3.6 The work with the family and the Young Person will take place at the same time as the assessment. The work with the family should not delay Medway Services from providing accommodation or performing other statutory duties owed.

3.7 After the Joint Housing Assessment the Social Worker leading the assessment will take into consideration all of the information and decide whether family mediation would enable a long term stay. It may be possible to resolve a difficult situation at home with for example family mediation or family group conferences. The Medway officer dealing with the Young Person's request for help can arrange this.

3.8 If the issues are not resolved but the Young Person is able to remain at home or return there, Medway Children's Services should provide support to the family.

3.9 Where it is not possible to keep the Young Person with the family, and the criteria of section 20(1) Children Act 1989 are met, the Young Person will be accommodated under the provisions of Section 20. The criteria of section 20(1)

are that the local authority shall provide accommodation for the Young Person if they appear to require accommodation because:

- There is no person who has parental responsibility for the Young Person;
- The Young Person is lost or has been abandoned, or
- The person who had been caring for them is prevented, either permanently or not, and for whatever reason, from providing the Young Person with suitable accommodation or care.

3.10 If after the assessment the Young Person is considered to be a child in need, Children's Services will draw up a child in need plan.

#### **4. What Happens When a Young Person presents as homeless?**

4.1 When a Young Person is homeless, or needs accommodation, they are able to approach either Medway's Children's Services or Medway's Housing Options.

4.2 The Young Person who says they are homeless or at risk of homelessness, will not be accommodated under Section 20 Children Act 1989 if:

- the Young Person is not a Child In Need, or
- the Young Person is a Child In Need, but has decided they do not want to be accommodated under Section 20, and they have been properly and fully advised about this, and they have the capacity to make that decision.

## **5. First Approach to Children's Services**

5.1 If the Young Person comes to Children's Services, or is referred to Children's Services by a person or agency, and says they are homeless or at risk of homelessness, then Children's Services must assess whether the Young Person is a Child In Need under section 17, and decide if any duty is owed under section 20 Children Act 1989, to provide accommodation.

5.2 Children's Services have a statutory duty to safeguard and assess the needs of Young People. If the Young Person can return to the care of family or friends, they must consider whether services should be provided under Section 17 Children Act.

5.3 If Children's Services consider the Young Person has nowhere safe to stay that night then suitable accommodation must be secured. If the Young Person is accommodated by Children's Services for a continuous period of more than 24 hours then the Young Person will become a Looked After Child under section 20 Children Act 1989 whilst their needs, including that for continuing accommodation and support, are assessed.

5.4 If the Young Person already has a Social Services' social worker, that person will work with the Young Person to find accommodation. The social worker will contact Housing Options to request a Joint Housing Assessment. The timeframe for the assessment is within 5 working days and the written outcomes must be shared within a further 5 days.

5.5 If a Young Person is accommodated under section 17 of the Children Act 1989, they will not be a Looked After Child and duties to them are different. As a general guide, accommodation under section 17 will concern Young People needing to be accommodated with their families. The provision of accommodation under section 17 cannot be used as a substitute for the provision of accommodation under Section 20(1). There is no discretion or choice between the 2 provisions.

5.6 If a Young Person is homeless and requires accommodation but does not want to be accommodated under section 20, but is not owed the main housing duty by Housing Options, (they may for example have been found to be intentionally homeless) then Children's Services should again ask the Young Person if they want to be accommodated under Section 20.

5.7 If the Young Person still refuses, and no concerns are identified by the Medway professionals about whether the Young Person can make decisions for themselves, they should be offered accommodation under section 17 with a Child In Need plan in place until they no longer need accommodation or reach the age of 18. Children's Services and Housing Options will work together with the Young Person to make sure they are not at risk of homelessness as they get to 18.

5.8 In accordance with the 'duty to refer', Children's Services have a duty to notify a housing authority if they consider that a Young Person may be homeless or likely to become homeless within 56 days. Before any referral is made, Children's Services must have the Young Person's consent, including to pass on their contact



details to the housing authority. They should also discuss and agree with the Young Person as to which would be the most appropriate housing authority to make the referral. Advocacy services may be used where appropriate to make sure the Young Person fully understands Children's Services duties, and what to expect from a referral to a housing authority.

5.9 A referral to Medway Housing Options under the duty to refer will include a summary of any initial assessment and what support and assistance Housing Options might give to the Young Person. Once the referral has been made, Children's Services and Housing Options will work together to make sure the Young Person's needs are met. The first step to working together with regard to any Young Person is the Joint Housing Assessment.

## **6. First Approach to Housing Options**

6.1 If the Young Person comes to Housing Options and says they are homeless, then this is treated as an application under Part 7 Housing Act 1996 and an initial assessment is made. Housing Options must make inquiries to work out what duties it owes. Where Housing Options are satisfied that a Young Person is eligible and homeless or threatened with homelessness within 56 days, a Prevention or Relief Duty will be owed under sections 189B or 195 (as appropriate) of the Housing Act 1996.

6.2 Housing Options must make an immediate referral to Children's Services via the Portal. The purposes of this referral are:

- To make Children's Services aware that this may be a child in need and enable them to safeguard that child by making arrangements for emergency support and assistance as appropriate to the Young Person.
- To request a Joint Housing Assessment. Once the date of the JHA has been confirmed, Housing Options will advise the Young Person and their parents or representatives of this and explain to them the process of assessment.

6.3 The JHA should be completed within 5 working days and the written outcomes shared within 5 working days and outcomes of the Assessment incorporated into the Young Person's Personal Housing Plan.

6.4 If the Relief Duty is owed but no suitable accommodation is available with family or friends, then suitable emergency temporary accommodation will be arranged.

6.5 Housing Options will arrange the Temporary Accommodation under section 188 Housing Act 1996. The Temporary Accommodation Team will be informed of any special issues known about the Young Person. Whilst residing in temporary accommodation, Children's Services will provide the Young Person with appropriate support and assistance to meet their needs.

6.6 Housing Options will not be able to decide whether the Young Person has priority need without a Child in Need assessment. Given this, both the referral and the

Child in Need assessment must be completed in a timely manner. It must be remembered that Homeless Young Persons are vulnerable and in need of support.

## **7. Referrals**

7.1 A Young Person should be referred directly to Children's Services if they:

1. Are being assessed by Children's Services,
2. Are already a Looked After Child
3. Approach from another area.

If the Young Person discloses safeguarding concerns, the officer should make a direct referral to Children's Services through the portal.

7.2 Housing Options may need to be involved, and if they provide accommodation before a Joint Housing Assessment, Children's Services will prioritise those referrals to make sure on-going support like food can be offered in the meantime.

## **8. The Joint Housing Assessment**

8.1 The Medway Joint Housing Assessment is conducted jointly by Children's Services and Housing Options, but the Children's Service is the lead agency.

8.2 Information will be shared appropriately to ensure the Young Person does not have to keep repeating their story.

8.3 Each assessment will:

- Be led by a social worker who will explain the process to the Young Person and their family
- Be multi-agency
- Be child centred
- Aim to identify the Young Person's needs and how to address them
- Aim to understand the Young Person's wishes and feelings and take them into account.

8.4 The timescales and goals of the JHA will be clearly explained to the Young Person and their family so that they know who is responsible for what actions. The team will work in compliance with Medway's Protocols.

8.5 If a child has been excluded from their home, they may be a Child in Need. An assessment of need will be carried out if the Young Person is also the carer of a disabled child.

8.6 The principles for assessing children under the Children Act 1989 are set out in the statutory guidance Working Together to Safeguard Children. This can be accessed on the government website [www.gov.co.uk](http://www.gov.co.uk) by entering the title in the search bar at the top right hand of the screen page. Medway services will comply with this guidance unless there are exceptional circumstances.

## **9. Timeframes**

- 9.1 Action must be timely. The Young Person's circumstances and the nature and level of any risk of harm will dictate which an assessment is carried out.
- 9.2 If a referral is made a Medway social worker will decide what to do and let the referrer know. If the Young Person refers themselves or is referred by an agency of Housing Options, Children's Services will carry out a Child in Need assessment.
- 9.3 The maximum time for completing a statutory assessment should be no longer than 45 working days from the date of referral. Medway Services will do all that is possible to make the assessment more quickly than that and there should be no delay in the provision of services to meet the needs of the Young Person identified during the course of the assessment.
- 9.4 An approach to Medway Housing Options or Children's Services will result in initial enquiries, following which a decision must be made about whether the Young Person appears to need immediate help and further assessment.
- 9.5 If there is an immediate need for accommodation because the young person is homeless and has nowhere safe to stay that night, the Service first approached will provide it.

9.6 If the approach was to Housing Options, and it is considered the Young Person is homeless and needs further assistance, then they will be referred, and a Joint Housing Assessment will be requested within 24 hours.

9.7 A Joint Housing Assessment will be carried out by a qualified social worker and a housing officer, within 5 working days of the request being received. Children's Services will be able to assess whether they need more time to intervene with the Young Person and their family.

9.8 If the initial approach is to Children's Services, and there is already a case open about that Young Person, then the allocated worker or team will carry out an initial response and request a Joint Housing Assessment, which will be completed in 5 working days if the homelessness is a new development in the Young Person's situation, and is not connected with any outstanding case.

9.9 In all cases, Children's Services will decide what action needs to be taken and communicate the decision to the Young Person, adults responsible for their care, Housing Options and any other relevant agencies.

## **10. The Young Person's Needs and Feelings**

### **a. If the Young Person has their own family**

10.1 The Young Person may have their own young child or children. The Young Person may have a partner. Where it is appropriate, the Young Person will receive support to build a positive family life.

10.2 The Assessment and the support and accommodation provided by Medway should take these immediate family needs into consideration. Accommodation with a partner will be considered, where appropriate, and a strategy devised in case the relationship breaks down. This will not stop Medway accommodating the Young Person under section 20.

10.3 If the Young Person becomes looked after, their children or children will not necessarily be looked after as well. The needs of the child or children of the Young Person will be assessed separately. If concerns are identified for the child or children then a contact and referral will be made by the professional making the assessment, via the Portal, unless there are any immediate safeguarding issues. Contact will be assessed and a Threshold Decision made about the appropriate level of intervention.

**b. The Young Person's Wishes and Feelings**

10.4 Medway Children's Services have a duty to find out about the Young Person's wishes and feelings about services that are provided under section 17(4A)(a) of the Children Act 1989, and under section 20(6).

10.5 Medway will, as far as is reasonably practicable and consistent with the Young Person's welfare, find out their wishes and feelings about the provision of accommodation and give due consideration, with regard to the Young Person's age and understanding, to the wishes and feelings they have been able to find out.

10.6 This process includes assessing the emotional and behavioural development of the Young Person as well as their capacity to use wider resources to manage independent living.

## **11. Suitable Accommodation**

11.1 Accommodation must be suitable for the Young Person and anyone who normally lives with them or might reasonably be expected to live with them.

11.2 All aspects of accommodation must be considered when deciding if it is suitable, including physical standards and safety, the location, the landlord, and affordability. Young People should have support so that they can make a positive transition to independence.

11.3 Accommodation will be provided in foster care and children's homes, and other arrangements that best meet the needs of the Young Person. That may include supported housing and independent accommodation where there is suitable support.

11.4 Both Housing Options and Children's Services are aware that bed and breakfast accommodation is not suitable for Young People, or temporary accommodation without on-site support, although out of hours support services may be appropriate for some Young People.



- 11.5 Emergency accommodation can include short term supported lodgings in homes of trained and vetted hosts, emergency beds in specialist young peoples' supported accommodation services, and other specifically designed services and emergency foster placements, but not all-ages night shelters.
- 11.6 Whether the Young Person approaches Children's Services or Housing Options for assistance, then where it is deemed appropriate for them to be accommodated, Housing Options will endeavour to secure suitable accommodation for them from the Council's temporary accommodation stock. However, in all cases the provision of such suitable accommodation will be subject to availability. In the event that suitable accommodation is not available via this route, then Children's Services will independently take appropriate steps to secure suitable accommodation for that Young Person.
- 11.7 Whether accommodation is secured by Housing Options or Children's Services, until such time as the Joint Housing Assessment has been completed and ongoing accommodation arrangements agreed, Children's Services will fund that accommodation.
- 11.8 Children's Services will hold a Placement Plan meeting and will then draw up a plan that is signed by the person who will be responsible for the child at the accommodation. A support plan that sets out how the supported accommodation service will support the Young Person will be integral to the placement plan.

11.9 The accommodation provider must:

- Understand the arrangements to make sure the Young Person is adequately supported and
- Have a full understanding of the Young Person's needs
- Be given the information relevant to how the care plan developed.

11.10 The placement plan must be clear about the roles and responsibilities of the placement provider and the social worker, Independent Reviewing Officer and other staff involved in the care plan.

11.11 If the accommodation is secured by Housing Options, under Part 7 of the Housing Act 1996, Chapter 17 of the Homelessness Code of Guidance gives further information in this regard. This can be accessed by going to the government website.

11.12 Statutory Guidance about suitable accommodation can be found in The Children Act 1989 Guidance and Regulations: Volume 2: care planning, placement and case review. This was last updated on 3<sup>rd</sup> July 2015 and is available on the government website [www.gov.uk](http://www.gov.uk).

## **12. If the Young Person Refuses Section 20 Accommodation**

12.1 It is important that the Young Person is given clear explanations so that they understand:

- What it means to be accommodated by Medway Children Services
- What it means to become 'looked after'

- What support they can expect to receive
- What support is available as a 'former relevant' care leaver (defined at section 23C(1) of the Children Act and
- That they would qualify for advice and assistance if they are not looked after for the prescribed period (as set out at section 24 of the Children Act).

12.2 Young People cannot be forced to engage with Children's Services, but if the Young Person says they do not want to be accommodated, then Medway should conclude their wishes are decisive only as part of an overall judgment of the Young Person's assessed welfare needs, including type and location of accommodated. If the Medway Officer has any reason to doubt that the Young Person has capacity to judge what may be in their best interests, then Children's Services and Housing Options must discuss a way forward with the Young Person and involve their family too, if safe and appropriate, to reach agreement.

12.3 Some Young People will decide to refuse accommodation under Section 20 perhaps because they do not want to be supported as a 'looked after child'. The Young Person should be given information about what assistance is available if they do not become looked after.

12.4 The information includes details about the help available from Housing Options under Part 7 of the Housing Act 1996, including any entitlement for assistance under Part 7. The Young Person should be made aware of:

- Housing service's duty to:
  - Carry out an assessment

- Develop a housing plan
- Help the Young Person to keep or secure accommodation
- The Young Person's need to:
  - Cooperate
  - Take steps set out in their plan

12.5 The offer of suitable accommodation to end the Relief Duty, should be available for occupation for at least 6 months, and the Young Person must understand:

- the implications of turning down offers of accommodation;
- the risk of intentional homelessness; and
- the right to request a review of decisions under section 202 of the Housing Act 1996.

12.6 All information must be communicated in a straightforward and 'Young Person friendly' way. This includes any written material that they can take away to digest and use to ask for advice. They should be given information about getting help to make complaints and to be represented, if the Young Person has had help under the Children Act 1989.

12.7 Medway will give the Young Person the contact details for the Young Lives Foundation for independent advocacy:

[www.ADVOCACY@YLF.ORG.UK](mailto:www.ADVOCACY@YLF.ORG.UK)

01622 683815

12.8 Agencies such as CAB, Shelter and Action for Children can also provide support to help them make a balanced decision.

12.9 If the Young Person refuses Section 20 Accommodation, Medway Children's Services will formally inform Housing Options. If Housing Options determines that it does not have a duty to accommodate the child and they remain homeless, then Housing Options must tell Medway Children's Services so that they can take further action if necessary.

12.10 In summary, if the Young Person refuses accommodation under section 20 of the Children Act 1989, Medway Children's Services must be satisfied the Young Person has been given all relevant information, is competent to make such a decision and that Medway does not need to take additional safeguarding action. In terms of best practice, every effort must be made to ensure the Young Person understands their options and the consequences of the decision they make, and what the decision means regarding their Care Leaving Status and access to services in the future. It cannot be stressed too strongly that information must be explained clearly to the Young Person.

12.11 It is important to stress that the Young Person can revisit this decision at a later date if they continue to be vulnerable.

12.12 If the Young Person is assessed as a Child in Need who does not want accommodation under section 20, they will be given a plan setting out the services that will be provided to meet their needs.

### **13. Other Issues**

#### **a. If a Young Person is from another local authority**

13.1 If a Young Person is from another local authority, but has moved into Medway's area, Medway has the duty to assess that Young Person. Their connection with the area will be established and they will be asked why they have come to Medway. It may be possible for their original authority to take over the assessment so that family and friends are close by. But disputes about responsibility should not get in the way of responding to the Young Person's immediate needs.

#### **b. If a Young Person has been in custody**

13.2 If a Young Person has been in custody, Medway Youth Offenders Service, Children's Services, Medway Council Youth Service and Housing Options will work together to identify Young People who may be homeless on release. All of the services will use family mediation, group conferences or other family support to make sure that, where appropriate, the Young Person can live with parents or guardians or an appropriate adult. This planning will begin at the start of the sentence and continue throughout custody.

13.3 Children's Services have a duty to accommodate Young People who were Looked After or Relevant Children before custody or were remanded into local authority care for 13 or more weeks and need accommodation when they are released.

13.4 If a Young Person is not a Looked After or Relevant Child and may need accommodation on release, a Child in Need Assessment must be carried out to work out what duties are owed under the Children Act 1989. Children's Services may have a duty to provide accommodation under section 20, or they may need to make a referral to Housing Options and carry out an assessment whether the Young Person is a Child In Need under section 17 of the Children Act.

## **MEDWAY'S COMMITMENT**

### **Medway's Commitment to Young People who say they are homeless or at risk of being homeless**

Medway Children's Services and Housing Options have established a co-ordinated strategy to make sure that the housing and other needs of 16 – 17 year olds are comprehensively considered before any decisions are made about future accommodation and/or support. Officers from both services will meet to carry out a Joint Homelessness Assessment for each case. All 16 – 17 years olds who approach either Medway's Children or Housing Options will receive the same assessment.