

Central Bedfordshire Council

Protocol
For Children's Services & Housing Services

This protocol outlines the steps that will be followed by the Children's and Housing Services in response to; 16 – 17 year olds presenting as homeless or at risk of homelessness; and families with children and pregnant adults facing, or receiving, adverse homelessness decisions.

The protocol is designed to provide clear steps to be taken in a joint working approach.

The protocol takes account of the requirements of Law, Regulations & Guidance.

A summary of relevant references to legislation is contained in Appendix A.

Revised January 2019
Previous Revision 8 November 2011

1. INTRODUCTION

1.1 The protocol sets out the joint working approach to achieve an efficient and timely response when meeting the council's duties:

- to secure and provide accommodation to homeless 16 and 17 year olds;
- to secure accommodation for families with children and for pregnant adults when threatened with homelessness within the next 56 days;
- to provide families with children, and pregnant adults, where they: are likely to be subject to an intentional homeless decision; refuse a reasonable offer of accommodation; or are evicted from temporary/interim accommodation with advice and guidance regarding securing alternative accommodation for their children.

1.2 The protocol is designed to support professionals of the Children's and Housing Services to cooperate and work together when carrying out their duties and responsibilities on cases described above.

1.3 Professionals working jointly when assessing homelessness and providing services will:

- Be clear on their respective roles
- Deliver a clear and timely assessment of need of 16 and 17 year olds that is homeless, or at risk of being homeless.
- Provide clear and useful information to applicants on the assessment process, and the support available.
- Focus on solutions.
- Provide a seamless service to avoid applicants being made to repeat their stories multiple times, or being made to navigate between multiple council offices.

1.4 Children's and Housing Services will jointly monitor and review the effectiveness of this protocol every twelve months, following an initial review three months after sign off. The Manager in Housing Options responsible for Part VII Housing duties will lead on arranging and chairing the reviews.

2. PROTOCOL PRINCIPLES

2.1 16 and 17 year olds presenting as homeless or at risk of homelessness

2.1.1 Children's Services is the lead agency with responsibility for the assessment of need for 16 and 17 year olds.

2.1.2 It is generally in the best interest of young people to live in their family home or, where it is not safe or appropriate to do so, with responsible adults in their wider family and friends' network. The local authority will consider support such as family group conferences.

2.1.3 The local authority will seek to act proactively with young people and their families to identify and resolve the issues which have led to homelessness or being threatened with homelessness.

2.1.4 Homeless 16 and 17 year olds may be vulnerable and in need of support. Their wishes and feelings are paramount.

2.2 Homeless households where there are young children or a pregnant person

2.2.1 Housing are the lead agency in determining the housing option for these families. Where Housing determine that a family in temporary accommodation may not be eligible for ongoing housing, then the Housing Service will refer to Children's Services any family with children that are likely to be/or will be without accommodation. This could be:

- following a decision that the household is intentionally homeless;
or
- due to refusing suitable interim accommodation; or
- due to eviction from interim accommodation;

2.2.2 Children's Services is the lead agency with responsibility for then considering the needs for the children in the household to ensure that the family do have suitable housing plans for their children.

2.3 Information sharing – Data Protection

2.3.1 Information sharing will be in line with data protection principles and consents. All staff must make themselves aware of, and act on, their responsibilities under the law and in accordance with council policy.

2.3.2 Sharing relevant information between departments within the council may be key to the delivery of timely and appropriate services. If the relevant information required to be shared is contained in a record or document containing other non-relevant personal/sensitive information then a summary of the relevant information only will be shared. Officers will need to communicate clearly what information is necessary for them to carry out their respective duties.

2.3 Safeguarding

2.3.1 Staff should make themselves aware of, and act on, their responsibilities under the council's safeguarding policy.

2.4 Disputes & Staff Availability

2.4.1 Disputes between departments about the implementation of this protocol or parts of this protocol must not prejudice the assessment and provision of a service. At all times, an applicant's welfare should be the focus of both Children's and Housing Services.

2.4.2 If a Children's Services worker or Housing Options worker are not available to progress the steps required in Sections 3 and/or 4 of the protocol; or there is a dispute about the operation of the protocol; this will be referred immediately to the manager of the relevant team without delay. The manager will resolve the dispute so that the actions in the protocol can be completed within the timescales described. If the manager is unable to resolve a dispute they should immediately refer the matter to the Head of Service.

3. 16 & 17 Year Olds Presenting as Homeless or at risk of Homeless

3.1 Where a 16 or 17-year-old (pregnant or not pregnant, with or without a partner, with or without children, who is not currently looked after by the Local Authority) presents to the council as homeless, or at risk of homeless within 56 days, Children's Services will undertake a homelessness assessment.

3.2 Children's Services may request the support of a Housing Options worker to join the homelessness assessment interview that is arranged to ensure joint working between Housing and Children's services.

Requests for this will be made by CSS via the Housing Duty line on 0300 300 4370

Where the young person has an allocated Children's Services worker this worker will lead on the homelessness assessment. Where the young person is not already known to Children's Service the Access and Referral Hub will lead on the homelessness assessment.

3.3 **Seeking Consent to a Joint Interview**

The worker from Children's Services will seek the consent of the young person to a joint interview to be led by the Children's Services worker, and with the Housing Options Duty Worker present to advise on homelessness.

The aim of the joint interview is to avoid the young person having to repeat their story and to ensure clear, consistent and timely advice and support is provided.

If the young person does not consent to a joint interview then the worker from Children's Services and then the Housing Options duty worker will offer to conduct the homelessness interview with the young person alone. In both cases Housing and Children's Services will continue to liaise with each other.

3.4. **The Homelessness Interview**

The assessing worker will complete the homelessness assessment interview with the young person. This will identify:

- (a) Whether the young person is homeless, or likely to become homeless within 56 days; the reasons why; the current status of accommodation; any risks to the young person if they remain at home; and whether the young person is currently outside of the family/family home but in a safe place.
- (b) Options will be explored with the young person including return home, living with family members, accessing emergency (Crashpad) accommodation, accessing hostel accommodation and the right of a homeless young person aged 16 or 17 to be accommodated under section 20 of the Children Act 1989

The homelessness assessment interview will be completed on the day if the young person is presenting as homeless or within 7 working days if the young person is presenting as likely to become homeless within 56 days.

- (c) The assessing worker will explain the outcome of the homelessness assessment interview to the young person.

As a result of having completed a homelessness assessment a young person will be offered support that is assessed as required to meet any presenting needs. This could be the progression of a Child and Family Assessment, referral to Early Help support services, referral for a family group meeting, referral to Youth Support Services for education and employment support; referral to housing services for support with budgeting to ensure payment of rent.

- (d) If the young person refuses options that are offered to them by Children's Services then housing options duty worker will give the young person accurate information about the housing assistance which may be available to them outside of that offered by Children's Services.

The housing options officer will gather information and discuss with the young person the full range of housing options open to them other than that already explored with Children's Services.

If a young person is offered interim accommodation by Housing Options whilst homelessness relief duty is underway, the allocated Children's Services worker or the Access and Referral Hub worker will continue to liaise with Housing Options.

A 16 and 17 year old will be advised that if they refuse an offer of accommodation made by Children's services then they may be deemed to have made themselves intentionally homeless, but each case will be assessed on its merit and the applicant's needs.

3.5 Providing Emergency Accommodation - On the Day

3.5.1 If the young person has nowhere safe to stay on the day the worker from Children's Services will be required to secure suitable emergency accommodation. The worker from Children's Services is required to seek the young person's wishes and feelings in relation to the option that the young person wishes to be progressed on their behalf.

3.5.2 The worker from Children's Services will consider what care and support needs should also be provided in the immediate short term. They should

also consider what financial support should be provided to the young person if they have no access to, or other means of, support. The worker from Children's Services will consider the ongoing needs of the young person and this could take the form of an early help or child and family assessment.

3.5.3 Bed and breakfast or hotel accommodation is not considered suitable accommodation and should only be considered in absolute emergencies for 16 and 17 year olds.

3.5.5 A 16 and 17 year old who is accommodation by Children's Services under Section 20 of the Children Act 1989, pending further assessment, becomes '*looked after*' by Children's Services and is eligible for duties set out in Sections 22 and 23 of the Children Act 1989 around the type and location of accommodation and support provided.

3.6 **Looked After Children at risk of homeless.**

3.6.1 For Looked After Children who are at risk of homelessness within the next 56 days, then the allocated social worker should make a referral to Housing under the duty to refer:

<https://forms.centralbedfordshire.gov.uk/officeforms/duty-to-refer.ofml>

Housing Services will then:

liaise with Children's Services to ascertain what actions have been taken already to prevent homelessness;

will offer advice and guidance to the social worker and the young person and explore options.

If it is assessed by Housing Services that the young person qualifies for interim accommodation, then this will be offered by Housing Services

If a guarantor is required for a temporary accommodation licence agreement for a young person who is '*looked after*', the worker from Children's Services must make every effort to secure a guarantor from the young person's family or extended network.

If there is no other person to be the guarantor for the looked after young person then

- A. A representative of Children's Services i.e. Head of Service, should be the guarantor. There should be a named individual worker from Children's Services who will provide support for the young person whilst in accommodation. There must be no delay in provision of accommodation due to the need to sign such agreements.
- B. If the young person is required, and fails, to make a financial contribution to the temporary accommodation; or if there is any other breach of a licence agreement, the Intensive Property Management Team will alert the worker from Children's Services without delay.
- C. The Intensive Property Management Team will take all reasonable steps to recover the arrears. The worker from Children's Services will take all reasonable steps to support the young person to manage their circumstances and resolve the matter, for example; support with budgeting skills.

Arrears must be actively managed

- D. If a young person fails to make a further payment step C will be repeated. In addition, the worker from Children's Services will alert their line manager and the Head of Service, including what steps they will take to support the young person to resolve the matter.
- E. If non-payment or breach of licence continues and at the end of a placement there are outstanding arrears where Children's Services are acting as guarantor; the following actions will be taken:

The Intensive Property Management Team will provide information to the relevant Head of Service, Children's Services outlining the steps they have taken to recover the arrears; and the details of the outstanding arrears.

Any dispute about payments will be resolved by the Heads of Service for Children's and Housing Services. Every effort will be made to resolve the arrears to avoid a 'looked after' young person having a history of arrears going forward.

3.7 For Young People aged 16 to 17 offered permanent social housing

A young person aged 16 to 17 who is offered permanent social housing by the local authority will require a guarantor or an adult to agree a rent agreement. This will be a family member. The YP will be allocated a Tenancy Sustainment Officer to support them in managing their tenancy.

For a young person who is a looked after where Children's Services agreed that permanent social housing should be offered then if there is no family member who can provide this guarantor then the Head of Service can provide this, in order for the tenancy to progress. If rent arrears arise, the Heads of Service for Children's and Housing Solutions will determine how to address any ongoing or resultant rent arrears.

4. Pregnant Adults and/or Families with children

- 4.1 Children's Services have a duty to refer to Housing Services any family or pregnant person who they know are of at risk of homelessness within the next 56 days.

Housing Duty line is 0300 300 4370

Duty to refer weblink:

<https://www.centralbedfordshire.gov.uk/officeforms/duty-to-refer.ofml>

- 4.2 For pregnant adults and/or families with children where they: are likely to be subject to an intentional homeless decision; refuse a reasonable offer of accommodation; or are evicted or at threat of eviction from temporary/interim or CBC accommodation providing timely advice and support is key to preventing and relieving homelessness.

- 4.2 The Housing Service is the lead agency for;
- determining if a pregnant adult, or household with children who make a homeless application, is in need of accommodation;
 - providing the above accommodation where applicable;
 - making a decision on the homeless application.
 - the management of CBC tenancies, including evictions following Possession Orders

Not all pregnant adults, or applicants with dependent children will be owed a homelessness duty.

Housing will progress a housing needs assessment and provide a personalised housing plan to the household. They will be offered interim accommodation for the period of the relief duty (56 days)

- 4.3 If the Housing Service is minded to determine that a pregnant adult or family placed in temporary accommodation will be found to be not eligible, or not homeless, not in priority need, or intentionally homeless; or facing eviction from a CBC tenancy following a Possession Order; then the Housing Service will invite them to meet with the Housing Options Officer to inform them of this decision. Children's Services will attend the meeting with Housing and the family.

- 4.4 In such cases, the housing officer will notify Children’s Services at least one week before an intentionally homeless decision is made, or as soon as a suitable property is refused, or as soon as an eviction notice is served. Referral is made using the BIC 100 referral form available at: <https://www.centralbedfordshire.gov.uk/officeforms/Bic100.ofml>

Access and Referral contact number is 0300 300 8585.

- 4.5 Housing will hold a ‘*Consent to Share & Declaration*’ enabling them to progress this referral to Children’s Services.

- 4.6 If the ‘*Consent to Share & Declaration*’ form has not been completed, and there is no consent forthcoming, the housing officer should make a referral about a homelessness case if, following a risk assessment, they have reason to believe a that a child is, or may be, at risk of significant harm.

4.7. **Joint Meeting – ‘Minded To’ Cases**

- 4.7.1 The purpose of holding a joint meeting is to ensure timely and good information is provided to the pregnant adult or family to prevent homelessness, and to safeguard the welfare of the children/unborn child.

- 4.7.2 At the meeting the Housing Options officer will share with the family the reasons they are minded to make the decision, and afford the family the opportunity to provide any new and relevant supporting information that may affect their homelessness application.

- 4.7.3 At the meeting the worker from Children’s Services will provide information to the family regarding their duties to safeguard and promote the welfare of the children as parents or carers. The children’s services worker will advise the family if there is a need to assess if the child/children in the family under the Children Act 1989; and what, if any, services should be offered to the child to safeguard and promote their welfare.

5. Families with children, presenting with no resource to public funds

- 5.1 Children’s Services will consider the circumstances of the children and family and plan any response that may be appropriate. They will need to assess if a child or children in the family is a child in need under the

Children Act 1989, and what, if any, services should be offered to the child to safeguard and promote their welfare.

6 Housing Prevention Fund

6.1 The Housing Service has some limited prevention funding to relieve and prevent homelessness through its 'Lets Rent' scheme. The priority for prevention funding is to those to whom the Housing Service owes a statutory housing duty.

6.2 In exceptional circumstances, where the Housing Service have discharged their duty to homeless applicants, or where there is no duty owed, Children's Services may pick up a duty to the children in the family. Where Children's Services have assessed that there are exceptional circumstances in such a case they can make a request to the Housing Solutions Manager for prevention funding.

6.3 The request, with supporting information should be sent to the Housing Options manager who will consider exercising discretion to provide prevention funding to support a housing solution. Each case will be assessed on a case by case basis on its own merit and will be subject to funding being available.

NOTE: Prevention funding is limited and cases where there is a statutory housing duty will take precedence.

APPENDIX A - SUMMARY OF RELEVANT LEGISLATION

- 1 The information below provides an outline of the legal obligations of Children's Services and Housing Services, that should be taken into consideration when assessing a young person. The Children Act 1989 applies to all non-adults. The Homelessness Act 2002 imposes a duty on Local Authorities to consider all homeless 16/17 year olds as vulnerable. Exceptions are those young people who fall under the remit of the Leaving Care Act 2000.
- 2 The Leaving Care Act 2000 gives Local Authorities responsibilities for certain groups of young people; eligible, relevant and former relevant. If any of these young people become homeless they will be assisted under the Leaving Care Act and not this joint protocol.

3 SECTION 17

The Children Act 1989 Section 17 (1) places a general duty on the local authority:

“a) To safeguard and promote the welfare of children within their area who are in need; and

b) So far as is consistent with that duty, to promote the upbringing of such children by their families,

by providing a range and level of services appropriate to those children's needs.”

The purpose of a Section 17 assessment is to identify the needs of the young person and determine how those needs are to be met.

4 SECTION 20

Section 20(1) of the Children Act 1989 requires that:

Every local authority shall provide accommodation for any child in need in 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.

Section 20(3) provides that every local authority shall provide accommodation for any child within their area who has reached the age of 16 and whose welfare the authority considers likely to be seriously prejudiced if they do not provide him with accommodation.

Section 20(4) provides that a local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare.

Section 20(6) provides that 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.

Section 105(1) Children Act 1989 defines a child as anyone under the age of 18.

If the outcome of the social care assessment is that the young person requires accommodation, this must be provided under Section 20 Children Act 1989.

The young person will become looked after at the point that the local authority determines that the young person needs accommodation (including emergency accommodation) under Section 20.

5 Children (Leaving Care) Act 2000

The above act imposes duties on the local authority to assist care leavers until they are 21 (and beyond in some cases).

Children will either remain looked after until they are 18 or, if they cease to be looked after aged 16 or 17, Children's Services will be under a duty to maintain and or provide suitable accommodation, or provide support to the young person (unless the local authority is satisfied that the young person's welfare does not require it). Such a 16 to 18-year-old is known as a "Relevant Child". Such young people are not entitled to benefits. It is assumed that Children's Services will make any necessary arrangements for these young people although there may be occasions when advice is sought from the Housing Service because of their knowledge concerning available accommodation.

There will be some 16 and 17 year olds that do not qualify as relevant children. How these young people will be assessed, is outlined below

6 Housing Act 1996 Part VII & as amended

This legislation defines homelessness and the Council's duty to those who are in a priority need category and unintentionally homeless.

Young people aged between 16 & 17 are in a priority need category (unless they are relevant children). This includes asylum seekers with leave to remain.

Care leavers up to age 21 may have a priority need if they are vulnerable as a result of being in care.

Young offenders who have been in custody may also fall into this vulnerable category.

People with an enduring physical or mental illness may also be vulnerable as a result and in a priority need category. The term vulnerability is defined by homelessness case law and is determined by assessment.

Homelessness

Homelessness is when the loss of accommodation has already occurred or will occur within 28 days.

Young people aged 16 & 17 are in a priority need category if they are homeless.

The local housing authority has a duty to assess all claims of homelessness and priority need. In some cases there is a duty to provide interim accommodation until the outcome of the assessment is known. If a negative decision is reached the authority will no longer have a duty to provide them with accommodation.

The full duty to permanently re-house occurs when someone is eligible, unintentionally homeless and in a priority need category.

As a result of the provisions of Part 7 of the Housing Act 1996, children with families will be placed in temporary accommodation whilst the local authority considers whether they have a duty to house them under the Housing Act 1996.

Housing Act 1996 Part VII

If a homelessness applicant is accepted as eligible, unintentionally homeless and in priority need, the council's Housing Service has a duty to re-house the family permanently. However, this duty may be discharged if a family refuses a reasonable offer or is evicted from interim accommodation.

7 Statutory Guidance on the provision of accommodation for 16 or 17 year olds who may be homeless and/or require accommodation.

Provides revised guidance for children's services authorities and local housing authorities about their respective duties under [Part 3 of the Children Act 1989](#) and [Part 7 of the Housing Act 1996](#) to secure or provide accommodation for homeless 16 and 17 year old children, following the judgment by the House of Lords in the case of R(G) v London Borough of Southwark (2009).

<https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation>