



# **Warwickshire Protocol for Assessing and Managing the Housing Needs of Homeless Young People**

January 2017

## **Foreword**

The purpose of this protocol is to provide clarity about the roles and responsibilities of Local Housing Authorities (LHA) and Children and Families (C&F) towards children and young people who may be homeless or at risk of homelessness. It aims to clarify each agency's responsibilities under the relevant legislation and to reflect statutory guidance issued by the Government in 2010.

The Local Housing Authorities and Children and Families have prepared this joint protocol having due regard to the House of Lords judgement in R (on the application of G) v Southwark London Borough Council [2009] UKHL26 ruling, referred to as the [G v Southwark judgment](#) that clarified the law regarding homeless 16 and 17 year olds. In particular it outlined the interplay between Housing Act 1996 duties and Children Act 1989 duties, and Sections 17 and 20 of the Children Act 1989. Where a young person aged 16/17 is found to be homeless and in need of accommodation, they would usually be assessed as a 'child in need' under the Children Act 1989 and the ongoing duty to accommodate under Section 20 of the Act will normally fall to Children and Families.

Preventing homelessness occurring in the first place is recognised as being in the best interests of all young people and prevention is a key element of the joint work between Housing Authorities and Warwickshire County Council.

The protocol is designed to ensure effective joint working between Children and Families and Local Housing Authorities across Warwickshire who will work together in trying to keep the young person within their family, wherever it is safe and appropriate to do so, giving consideration to both the accommodation and support needs of young people who are affected by actual or potential homelessness.

The Warwickshire Safeguarding Children Board will monitor the effectiveness of this protocol in promoting the safety and well-being of young people who may be homeless.

Agencies are all committed to working in partnership to ensure the best possible outcomes for the vulnerable young people who require assistance and support. The importance of having a joint commitment and a holistic assessment process is recognised that gives broad consideration to the potential risks and vulnerabilities of young people who present as homeless.

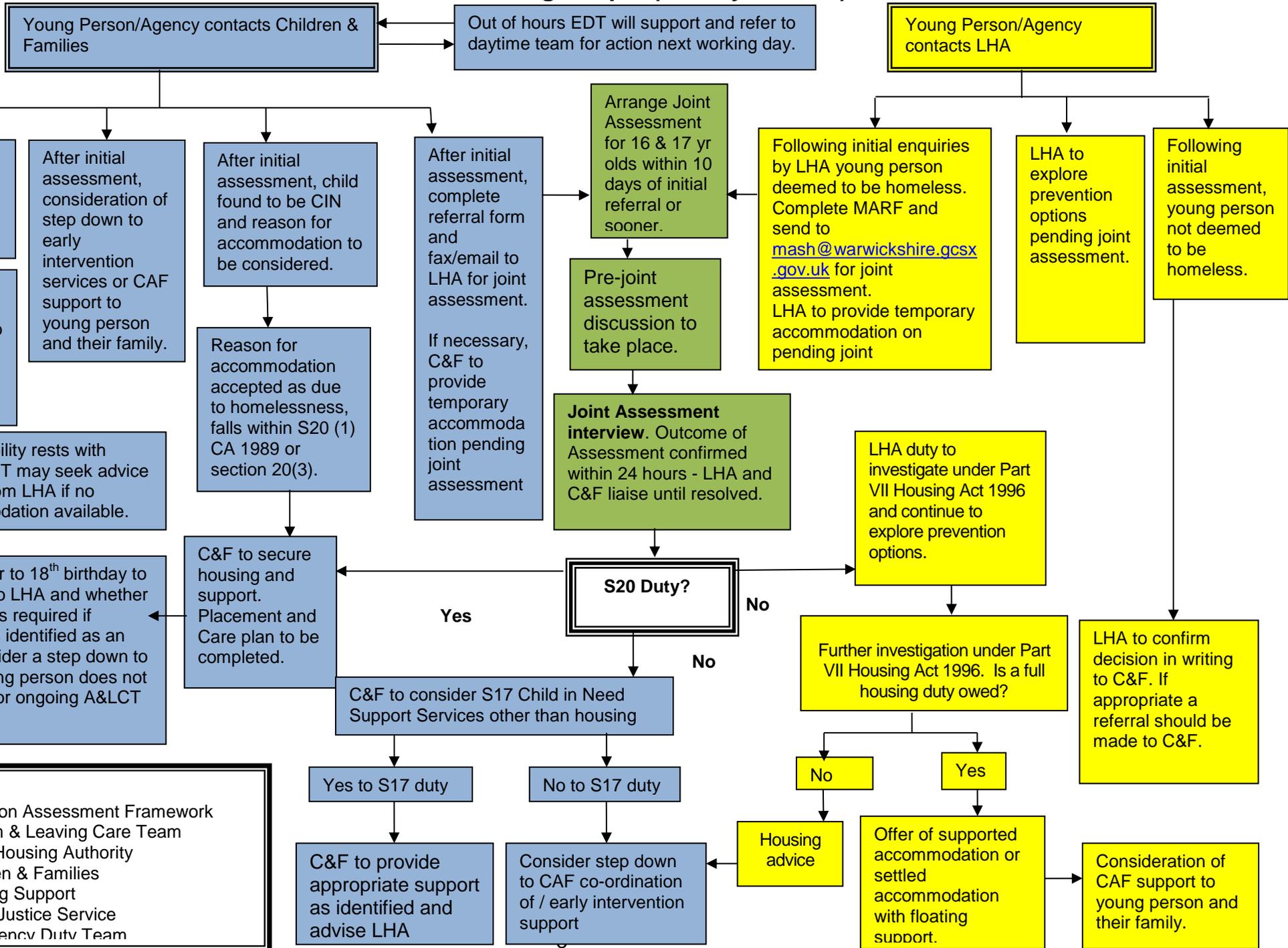
Beate Wagner  
**Head of Service – Children and Families**

Nick Cadd/Steve Shanahan/Angela Coates/Dawn Dawson/Bill Hunt  
**Warwickshire Heads of Housing**

## Contents

	Page
Joint Protocol for Homeless Young People (16 - 17 years old) Flow Chart	
1. Purpose	1
2. Aims and Principles	1-2
3. Young People covered by the Protocol	2-3
4. Duties and Responsibilities	3-4
5. Procedure when 16 and 17 year olds present themselves as homeless to the Local Housing Authority	5-6
6. Procedure when 16 and 17 year olds present themselves as homeless to Children and Families	7-10
7. Procedure for Joint Assessment Process for Homeless 16 and 17 year olds	11-15
8. Procedure for Looked After Young People and Care Leavers	15-17
9. Procedure for Prior to Leaving Care – Referrals to Housing Options/Advice Teams.	17-19
10. Procedure for all other young people aged 18 - 21 years	26-27
11. Dispute Resolution	27
12. Monitoring and Review	27

# Joint Protocol for Homeless Young People (16-17 years old) Flow Chart



**KEY:**

- CAF = Common Assessment Framework
- A&LCT = Asylum & Leaving Care Team
- LHA = Local Housing Authority
- C&F = Children & Families
- FS = Floating Support
- YJS = Youth Justice Service
- FDT = Emergency Duty Team

## **1. Purpose**

- 1.1 The purpose of this protocol is to ensure effective joint working between Children and Families (C&F) and Local Housing Authorities (LHA's) across the county for assessing the accommodation and support needs of young people aged between 16 years and 21 years who are homeless or threatened with homelessness.
- 1.2 Agencies should have regard to the [Children Act 1989](#) the [Housing Act 1996](#) (as amended by the Homelessness Act 2002), the [guidance issued by the Secretary of State for Children, Schools and Families and the Secretary of State for Communities and Local Government in April 2010](#), the [Children \(Leaving Care\) Act 2000](#), [The Care Act 2014](#) and [the Children and Families Act 2014](#) alongside the [Working Together to Safeguard Children Statutory Guidance 2015](#) including [Information sharing](#) guidelines.
- 1.3 This protocol provides a guide for front line staff which clarifies the statutory duties and agreed responsibilities of partner agencies in order to establish a system which provides a seamless service to young people, irrespective of which agency they present to first or which district they live in. This will promote co-operation and joint working within and between statutory agencies and their local partnerships across Warwickshire.

## **2. Aims and Principles**

- 2.1 The protocol is underpinned by the following principles:
  - The commitment of all agencies to the safeguarding of young people
  - Inter – agency working should be seamless
  - Wherever possible the starting point should be that young people's needs are best met in their immediate families or, where this is not safe and appropriate, with responsible adults in their wider family and friends network. Therefore every effort should be made to mediate between young people and their families to negotiate a return home where possible.

- All agencies will treat young people with dignity and respect.
- Closer joint working between agencies provides the opportunity to use resources more efficiently.

2.2 Homelessness can often be prevented by early identification of possible problems and unmet needs. In order to prevent homelessness, LHA's and C&F should work proactively together. Where appropriate, work can be carried out with the whole family so that a planned move for the young person can be arranged.

### **3. Young people covered by the protocol**

3.1 This protocol is designed to cover those young people with needs linked to accommodation as defined by the [Housing Act 1996](#) (as amended by the Homelessness Act 2002), [Children's Act 1989](#), [Children \(Leaving Care\) Act 2000](#), [The Care Act 2014](#), [The Children and Families Act 2014](#) along with any further statutory guidance that is issued.

3.2 The agencies are required to work together to meet their legal obligations to the priority groups of people listed below:

- Single 16 year and 17 year olds;
- Single 18 year to 21 year olds who are entitled to leaving care services under the [Children \(Leaving Care\) Act 2000](#);
- Those who are in priority need as defined by the [Housing and Homelessness Legislation \(2002 Homelessness Act\)](#);
- Couples where one or both partners are aged 16 years or 17 years or are aged 18 years to 21 years and are entitled to after care services as a relevant child under the [Children \(Leaving Care\) Act 2000](#);
- Couples where one or more is aged 16 years -21 years;
- Pregnant 16 year to 21 year olds;
- Offenders aged 16 years and 17 years;
- Parents aged 16 years to 21 years.

- Young people assigned to the Youth Justice Service, who are either on remand or at risk of offending, where homelessness is an issue.
- Those young people who meet the criteria for transitional support under the Care Act 2014 including the young person, child's carer or a young carer.
- Those young people with special educational needs requiring support under The Children and Families Act 2014 'birth-to-25 years' Education, Health and Care Plan (EHC).

3.3 C&F and LHA will consider the circumstances leading to a request for help and assistance to obtain appropriate accommodation that will arise as a result of a range of circumstances including the following: The following list is by no means exhaustive:

- as a result of family relationship problems and/or parental rejection;
- where a young person requires accommodation due to their disabilities and/or learning difficulties and related factors;
- where a young person has been subjected to abuse or is at risk of abuse and is in need of protection;
- where a young person has been subjected to or is at risk of drug and alcohol misuse, economic or sexual exploitation, and offending behaviours;
- where a young person may seriously place their health and personal safety or life, at risk.

#### **4. Duties and Responsibilities**

4.1 In all cases involving young people who are 16 or 17 years of age, LHA's and C&F will need to establish whether there is genuine homelessness and whether there is any possibility of family reconciliation. Some 16 or 17 years olds may have left home because of a temporary breakdown in their relationship. Mediation and support for the family may be required. C&F and LHA's should work together and assist each other in attempting to achieve family reconciliation to avoid homelessness.

- 4.2 Both C&F and the LHA's have statutory duties and responsibilities to young people who are homeless or may be threatened with homelessness. A person under the age of 18 is a child under the legislation mentioned in this protocol.
- 4.3 The judgement in the House of Lords, (R (G) v Southwark LBC, May 2009 clarified that the Children Act has primacy over the Housing Act in providing for children in need. The primary duty to a homeless 16 or 17 year old is under the Children's Act and the ongoing duty to accommodate and support that young person will normally fall to C&F.
- 4.4 The Department for Children, Schools and Families (DCSF) and the Department for Communities and Local Government (DCLG) issued joint guidance in April 2010: [Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation](#). This guidance addresses C&F's and Housing Department's initial response to 16 year and 17 year olds seeking help because of homelessness. It also gives guidance on the provision of suitable accommodation for 16 year and 17 year olds, including those who are not owed a duty under Section 20 or who refuse Section 20 accommodation. It provides guidance on joint working between the agencies at strategic and operational levels.
- 4.5 Both the judgement and the guidance emphasise the continuing duty of Housing Departments and C&F to collaborate in the discharge of their duties to children and young people. It is vital that the preventative work alongside assessment should not result in the delay of the provision of statutory services.

## 5. Procedure when 16 and 17 year olds present themselves as homeless to the Local Housing Authority

5.1 If a lone 16 or 17 year old approaches a LHA the authority will carry out initial enquiries to determine whether the young person:

- May be homeless or threatened with homelessness
- Is eligible for assistance.

5.2 Interim accommodation may not be necessary because the LHA consider the 16/17 year old is still able to live at home. In these cases the LHA should be able to demonstrate that they have carried out an assessment of risk to the young person if they remain at home. C&F will be contacted via the MASH by calling 01926 414144 and follow up with a Multi-Agency Referral Form (MARF) which should be completed and emailed to [mash@warwickshire.gov.uk](mailto:mash@warwickshire.gov.uk). C&F should co-operate in the provision of information to inform this risk assessment. **C&F will respond to requests for assistance or information from the LHA within 2 working days and vice versa.**

5.3 If the young person is not homeless but is in danger of becoming homeless in the near future, prevention activities will be necessary. These can include referrals for Supported Housing or accommodation with friends or other family members. A referral should be made to C&F via the MASH for an assessment to be undertaken as to what assistance and support is available to prevent homelessness (e.g. Early Intervention support services, Targeted Support for Young People, Priority Families, or CAF.)

5.4 A discussion should be held between the housing office and relevant social work team on any arrangements for joint working including sharing any relevant information. For example, the agencies might agree to carry out a joint home visit to prevent homelessness.

- 5.5 If in the event that reconciliation with the family is not successful but the home is still available to the young person on a short term arrangement then negotiations with the person excluding the young person from their home will be required to allow more time for other housing options to be considered .
- 5.6 Where a young person is unable to return to their immediate families, they should be supported to explore accommodation options with extended family members and friends.
- 5.7 If the 16 year or 17 year old young person cannot return home or live with an appropriate member of their family or friends network then an immediate referral to C&F should be made **in order to set up a joint assessment.** (Appendix A and C) In this case the MASH triage process will work urgently to gather information but this will not hold up the process to ensure the young person obtains an urgent response within one hour. The referral for this specific service request will be sent immediately to the Duty Social Worker within the operational Children's Team so that a joint assessment by Children's Social Care and District Housing can be undertaken.
- 5.8 Where the LHA has reason to believe that the young person may be homeless and is eligible for assistance, **interim accommodation should be secured** under S188(1) of the [Housing Act 1996](#) for a period of up to **10 working days or sooner** pending the outcome of the joint assessment with C&F. During this period there will be close liaison between the LHA and C&F.
- 5.9 **Appropriate interim accommodation should be provided** wherever possible. Bed and Breakfast is not a suitable form of accommodation for homeless young people. If it is unavoidable and has to be used in an emergency then the decision has to be agreed at Service Manager level in Children's Services and at Head of Housing within the housing authorities. The WSCB Performance Sub Committee will monitor the use of bed and breakfast accommodation for homeless 16 and 17 years olds annually.

5.10 **The young person's family will be encouraged to financially support the young person pending the outcome of the joint assessment.** In the event this is not possible the young person will be supported to claim welfare benefits. If all other options have been exhausted C&F will consider assisting the young person's immediate living costs through Section 17 support.

## **6. Procedure when 16 year and 17 year olds present themselves as homeless to C&F**

6.1 Where a 16 year or 17 year old approaches C&F through the MASH, the MASH will always progress referral through the MASH triage process, collating information from other agencies. The MASH will always progress such situations through to district Children's Team for a single **assessment to be undertaken. The MASH aims to progress such referrals through to the district Children's Teams within one hour. The Single Assessment will** determine whether the young person:

- May be homeless or threatened with homelessness;
- Is eligible for assistance;
- Requires consideration of support from CAF services;
- Is a Child in Need, as set out in Section 17 of the [Children Act 1989](#);
- Has a duty owed under Section 20 of the [Children Act 1989](#) as the young person appears to require accommodation.

6.2 The assessment will have particular regard to the [factors to be considered](#) within the DfE guidance (Appendix B) when assessing young people who may be homeless children in need. All [information](#) will be [shared securely](#) in line with data protection guidelines such as gscx. or encryption and recorded on electronic case files and as a key event.

6.3 Should the young person present **outside of normal office hours** the **Emergency Duty Team** will (Appendix A) make an assessment as to what is

safe for the young person with regard to accommodation until the next working day. EDT will refer any such incidents to the appropriate C&F.

- 6.4 The young person **must be advised that wider enquiries need to be undertaken** in order to provide them with proper help and support and to determine whether or not the young person can safely return home or stay with extended family or friends. This will include making enquiries to find out whether or not the young person is already known to any other agency or service such as SEND Social Care, voluntary sector homeless hostels and whether or not a CAF or other assessment (e.g. Asset/Youth Justice Service) has been completed. In these cases C&F should be able to demonstrate that they have carried out an assessment of risk to the 16 or 17 year old if they remain at home. **LHA will respond to requests for assistance or information from C&F within 2 working days.**
- 6.5 If the young person is not homeless but is in danger of becoming homeless in the near future, **prevention activities will be necessary**. These can include referrals for Supported Housing or accommodation with friends or other family members. This will fall within the parameters of a Child in Need Plan or a step down to a range of [Early Intervention](#) Support Services. These are aimed at young people and their families such as for children who are or at risk of NEET (Not in Education, Employment or Training). [Targeted Support for Young People](#) (TS4YP) or other [targeted support](#) from a number of key partner agencies including [Priority Families Project](#) or CAF may be appropriate. At this stage the social worker may determine that it be appropriate to use the step down procedure and initiate a Common Assessment Framework, to ascertain what actions could happen at an early stage to avoid the young person becoming homeless.
- 6.6 If it is established that the young person meets the [Threshold](#) for **an Edge of Care Meeting**, this should be convened within **5 working days** of the request for accommodation, to consider the range of support options available for the young person. A representative from housing should be invited to attend this meeting. Minutes of this meeting will usually be shared with everyone

attending this meeting with a copy being kept on the C&F record. If the outcome of the meeting is for further intervention from other agencies this report may be shared with any relevant agency such as CAF, whom may offer this support.

- 6.7 **C&F will need to determine whether the [Threshold](#) for accommodation under Section 20 of the Child Act is met.** C&F may not consider accommodation is necessary if the young person is able to live at home. If appropriate and it is safe to do so, the young person will be advised to return home and support may be provided under Section 17 of the [Children Act 1989](#) to facilitate this. C&F may also need to put in place a strategy to try to avoid the young person being threatened with homelessness in the future. This will fall within the parameters of a Child in Need Plan or step down to a range of [Early Intervention](#) support services.
- 6.8 There will be circumstances **where it is immediately clear to C&F that a Section 20 duty is owed to the young person.** In such instances a referral to the LHA will not be necessary.
- 6.9 Where the statutory duty for immediate accommodation is not met a referral should be made to the LHA when C&F and LHA should carry out a **joint assessment within 10 working days** or sooner using any existing assessments as a basis for this with a particular focus on the DfE guidance of factors to be considered when assessing 16 year and 17 year olds who may be homeless children in need (Appendices A and C).
- 6.10 Where it is established that the statutory duty to provide immediate accommodation to the young person has been met under the Children Act, C&F will arrange and fund this accommodation **PENDING** the full joint assessment. The young person will become looked after (Section 20 [Children Act 1989](#)) whilst the assessment is completed and C&F has a duty to maintain them. A **Placement Plan and Care Plan will be completed by C&F.** The young person will not be eligible for welfare benefits. If necessary, C&F can contact the LHA for assistance with the provision of temporary

accommodation. **Appropriate emergency accommodation should be provided** wherever possible and the use of Bed and Breakfast should be avoided. However, it is recognised that in an emergency this may be the only accommodation type that is immediately available or acceptable to the young person.

- 6.11 **C&F will provide** the young person (recorded on the electronic case file) with a full and clear statement both verbal and written, detailing what the full provisions of Section 20 entail including the responsibilities and entitlements up to the age of 21 years under the [Leaving Care Act \[2000\]](#).
- 6.12 Once the assessment is completed and the young person agrees to be accommodated (looked after) by C&F under Section 20, C&F may provide and fund that accommodation.
- 6.13 **Should the young person express the wish not to be accommodated** under Section 20 provisions, **C&F** will provide a full and clear written statement as to the potential consequences of this decision. The young person will be referred to [independent advice](#), before a final decision is reached.
- 6.14 Where there is doubt about a 16 or 17 year old's capacity to judge what may be in his/her best interests, for example, whether they should become looked after or seek alternative assistance, there will be further discussion between C&F, LHA, the young person and their family, to reach an agreed way forward. This may also include the need for [independent advocacy](#) and in exceptional circumstances, consideration of the need for a capacity assessment will be considered.
- 6.15 **Should the young person still not wish to be the subject of a Section 20 duty**, and then he or she will be required to **sign a declaration** stating that they have been [fully informed](#) as to the potential consequences of their decision. **A copy of the assessment will be provided to the LHA.**

- 6.16 It will then be for the LHA to determine what duties are owed under Part VII of the [Housing Act 1996](#).
- 6.17 There may at times be circumstances **when young people do not wish** to be accommodated and refusal of Section 20 support may result in a section 17 Child in Need support Plan or, where a young person refuses social work support, **early intervention services**, or a CAF **will be offered** to the young person and their family.

## 7. Procedure for Joint Assessment Process for Homeless 16 and 17 year olds

- 7.1 **If a 16 or 17 year old presents to the LHA or C&F, and there is reason to believe that the young person may be homeless then** an Initial Referral Form (see Appendices) will be completed and faxed/emailed to LHA/C&F. **All information will be shared securely** in line with data protection guidelines such as gscx or encryption.
- 7.2 Prior to the joint assessment, a discussion should take place between C&F and the LHA to determine whether the young person is known to services including homeless organisations such as Doorway, Bromford support, CAF, YJS, Early intervention etc. and if so to share relevant information. This can be via face to face discussion or telephone conversation, as appropriate. At this stage, a plan could be developed – for example, a joint visit – in order to prevent the homelessness from occurring.
- 7.3 Referrals can be made via telephone, email or fax between Housing Advice/Options Teams (LHA) and C&F as appropriate. Confirmation of receipt of written referrals should be emailed or faxed **within 1 working day**.
- 7.4 **A joint assessment will take place within 10 working days** of the referral to assess the accommodation and support needs of the young person. This assessment **will be recorded** on the electronic case record and **will take into account any other relevant assessments**.
- 7.5 The joint assessment will involve an officer from the Housing Department, C&F and the young person and any other advocate the young person wishes to attend.
- 7.6 A joint assessment making use of any other relevant and/or completed assessments **will have particular regard to the factors to be considered** within the DfE Guidance (Appendix B) and the Homeless Application Form should be completed at the joint assessment meeting. A copy of the Joint

Assessment Form should be provided to the other agency and the young person by the note taker **within 2 working days**.

- 7.7 In addition to their statutory assessments, **both agencies should consider** what other services can be provided to the young person e.g. tenancy support and/or a planned step down to early intervention support. These will be detailed within the assessment report and will include any joint LHA and C&F support plan.
- 7.8 At the joint assessment, C&F and the LHA will explain to the young person the duties and services provided by each agency. This will include information about the full provisions of Section 20 including the responsibilities to the age of 21 under the [Leaving Care Act](#).
- 7.9 **A decision on the joint assessment** will be formalised **within 24 hours** of the joint assessment interview and will detail the allocation of roles and responsibilities with particular regard to any support plans.
- 7.10 C&F will provide written confirmation to the LHA of its decision in respect of whether the young person is considered to be a Child in Need. This will include advising the LHA of any step down to early intervention support services that have been set up.
- 7.11 Where a duty under Section 17 or Section 20 has been determined by C&F, C&F will confirm to the LHA, in writing the services being offered to the applicant within 2 working days.
- 7.12 The young person will be advised of the outcome of the joint assessment and where a duty under Section 17 is determined a future Child In Need Plan will be agreed. Wherever possible this will be discussed at a pre-arranged meeting and followed by written confirmation. Where a step down to early intervention has been agreed a CAF plan will need to be put in place.

- 7.13 C&F will retain responsibility for any young person who after the joint assessment is judged to be a young person in need and **owed a duty** to provide accommodation under the terms of Section 20 of the [Children's Act](#). A Placement Plan and Care Plan will be completed by C&F.
- 7.14 Should the young person express the wish not to be accommodated under Section 20 provisions, C&F will provide a full and clear statement as to the potential consequences of his or her decision. The young person will be referred to [independent advice](#), before a final decision is reached.
- 7.15 Where there is doubt about a 16 or 17 year old's capacity to judge what may be in his or her best interests, for example, whether they should become looked after or seek alternative assistance, there will need to be further discussion involving C&F, LHA, the young person and their family, to reach an agreement on the way forward.
- 7.16 If it is deemed that a duty is not owed under Section 20 of the [Children's Act](#), C&F will still be required to provide support under Section 17 of the Children Act 1989 unless a step down to CAF co-ordinated early intervention support is agreed as appropriate support for the young person and their family.
- 7.17 The need for a young person to be accommodated may be assessed to have arisen in accordance with [Section 20 \(1\) of the Children Act 1989](#) or [Section 20 \(3\) of the Children Act 1989](#). The [April 2010 Guidance](#) states that where a young person is excluded from home, sofa surfing among friends, or is sleeping in a car, it is highly likely that they will be a child in need of accommodation under Section 20 of the Children Act 1989. Examples of **where a Section 20 duty may not be owed** include: where a young person has been living independently for some time, with a job, with somewhere to live without anyone caring for them. If such a person loses their accommodation and becomes homeless, it is highly unlikely that he/she would fall within the Section 20 provisions. Other examples include, where a young person's accommodation has been temporarily damaged by flood or fire and he/she can afford alternative accommodation whilst it is repaired; where a

young person does have a home to go to but needs help getting there, or getting into it or having it made habitable or safe. What may be required in such cases is not accommodation (Section 20) but Child in Need assistance in accessing it (Section 17).

- 7.18 The LHA will continue with its homeless investigations and prevention work if the young person does not fall within the Section 20 provisions as a child in need of accommodation. If interim accommodation has been provided and funded by the LHA, this will continue if necessary to allow a determination of the circumstances as to whether a housing duty is owed.
- 7.19 The **young person will receive written confirmation** of the homelessness decision (S184 decision) by the LHA. This letter will include advice to the young person that C&F have been updated of this decision and of any early intervention support that has been set up.
- 7.20 Once the LHA has fully completed its homelessness enquiries for all 16 and 17 year olds who have had a joint assessment and do not fall within the Section 20 provisions as a child in need it **will notify C&F of the outcome in writing within 2 working days** of the completion. This will include advising C&F of any early intervention services that have been put in place.
- 7.21 If the young person is found to be intentionally homeless, C&F must be informed of this decision immediately. This would also be relevant for young people who form part of a family that has been found intentionally homeless. Where applicable it may be necessary for C&F to initiate a meeting with the young person and where possible their family or an advocate to discuss how suitable accommodation will be provided and provide the young person with an opportunity to reconsider any previous decision not to accept a Section 20 duty. This meeting should also consider if Section 17 support should continue to be offered or if a step down to the provision of a range of early intervention support services as detailed in 3.1 above is appropriate to ensure the young person continues to be supported with the aim of preventing homelessness in the future. This will be recorded and shared between the LHA and C&F.

## 8. Procedure for Looked After Young People and Care Leavers – 16 year - 21 years olds

- 8.1 As corporate parents we aim to ensure that no care leaver becomes homeless. Local Housing Authorities and the Asylum and Leaving Care Team will work together to ensure planned moves for young people from their care placement into suitable accommodation where they feel safe. This will include, where appropriate, support by C&F making an application for housing to the LHA, usually six months prior to the young person's 18<sup>th</sup> birthday. Any [information](#) shared will be done so [securely](#) and in line with data protection guidelines such as gscx. or encryption and recorded on the electronic case record.
- 8.2 A young person who was looked after under Section 20 for at least 24 hours after reaching 16, but left when still a child (under 18 years) or privately fostered before the age of 16 (18 if they have a disability) becomes a qualifying young person (for advice and assistance) under the Children (Leaving Care) Act 2000. These young people may benefit from CAF or co-ordinated support services and/or support to make an application for housing.
- 8.3 A young person that has left care aged 16 or 17 years having been looked after over the age of 14 for more than 13 weeks would become an eligible young person under the [Children's \[Leaving Care\] Act 2000. After 18 they become formerly relevant.](#) A 'relevant child' is a child who is not being looked after by any local authority, but was, before last ceasing to be looked after, an eligible child, and is aged 16 or 17. **The local authority shall carry out an assessment** to determine what advice, assistance and support is required such as funding of accommodation and maintenance until the young person is 21 years old. There are exceptions to these provisions. For example a child who has lived with a person within his/her family for a continuous period of six months or more is not to be a relevant child.

- 8.4 **Should a young person aged 16 or 17 remain looked after for more than 13 weeks from the age of 16**, (calculated by including any time spent looked after from the age of 14), they become an 'eligible young person' and C&F have responsibilities under the [Children's \[Leaving Care\] Act 2000](#) until that young person is at least 21 years of age. **These responsibilities require that the local authority shall carry out an assessment** to determine what advice, assistance and support is required such as funding of accommodation and maintenance until the young person is 18 years old. It is the aim of services working with looked after young people to maintain foster placements for as long as possible, up to the legal limit of their 18<sup>th</sup> birthday, preferably extended to 21 years under 'Staying Put' arrangements.
- 8.5 Some young people may consider themselves ready to leave foster or residential placements prior to 18<sup>th</sup> birthday and it is the purpose of the needs assessment and the pathway planning process to determine the viability of this, and the support that may be required. Placements may be sought through other arrangements such as supported accommodation, lodgings, or self-contained accommodation in the private or social sector. Particular support may be required where a young person returns to Warwickshire after a period of being placed out of county. A Placement Plan and Care Plan will be completed by C&F and in certain circumstances this may involve consideration of a step down to CAF if the young person was accommodated on voluntary basis.
- 8.6 A young person under 21 years who was (but is no longer) looked after, accommodated or fostered between the ages of 16 years and 18 years (except a person who is a "relevant student") will have an automatic priority need under the homelessness legislation should they become homeless or threatened with homelessness. These young people may benefit from CAF or co-ordinated support services and/or support from C&F to make an application for housing. In certain circumstances this may involve a step down to CAF if the young person was accommodated on a voluntary basis. They will still be able to seek advice and assistance from C&F until they are 21 years old and may benefit from CAF co-ordination of support.

## 9. Procedure Prior to Leaving Care – Referral to Housing Advice/Options Service

- 9.1 The five District and Borough Housing Authorities in Warwickshire and C&F have agreed the following procedure to ensure that young people leaving care at 18 years are accepted as a priority by their LHA.
- 9.2 The aim of the procedure is to enable the young person to move to independent accommodation in a planned way, which avoids using the homeless route and the unnecessary use of temporary accommodation.
- 9.3 Approaching the time of the young person's 18<sup>th</sup> birthday, when the foster placement may be coming to an end, C&F and LHA will work together to ensure that the young person's housing needs are met in a seamless manner.
- 9.4 The **young person's personal advisor should carry out a pathway plan assessment** of the future housing needs of the looked after young person once they turn 16 years of age. This can include completing a housing application form and consideration of step down/CAF co-ordinated support post-16. Once registered by the LHA, the young person will be accruing waiting time on the Housing Register. This may vary slightly from district to district in accordance with each LHA's Allocations Policy.
- 9.5 The notification of the young person to be assessed for housing **should be a minimum of six months prior to their 18th birthday** and recorded on the electronic case file.
- 9.6 The young person's Leaving Care **worker will complete the referral** form (Appendix E) and send it to the Housing Options/Advice Manager at the relevant LHA. Any [information](#) will be [shared securely](#) and in line with data protection guidelines such as gscx. or encryption.

- 9.7 The referral will be allocated to a Housing Advice/Options Officer who will arrange an appointment with the worker and the care leaver to discuss and assess housing options. The aim of the meeting is to ensure that the most suitable and appropriate housing option is offered to the care leaver.
- 9.8 An offer of self-contained unsupported accommodation may not be the most appropriate form of housing for the young person leaving care. Options could include supported housing, a private sector tenancy or general needs housing through the housing register (to include wherever possible floating support and/or CAF/Early intervention support).
- 9.9 Where it can be shown that the care leaver is able to live independently, the young person will be given priority through the Housing Register to enable him/her to bid for properties under the Choice Based Lettings Scheme. The care leaver **will be placed in the relevant band and given priority** for the relevant length of **time in accordance with the LHA Allocation's Policy**. The care leaver **will be notified in writing** of registration on the scheme, with a copy sent to the Leaving Care worker and/or CAF officer.
- 9.10 The Housing Options/Advice worker will liaise with the Leaving Care worker to ensure the care leaver is supported through the bidding process. When the care leaver is allocated a tenancy, every effort is made to ensure that the tenancy does not break down for the young person. These young people may benefit from CAF or co-ordinated support services and/or floating support.
- 9.11 A care leaver will generally only be given priority for housing by the LHA if they meet the criteria set out in the [Housing Act 1996](#), Part VII and they have a local connection with that area. Where a "looked after" young person is accommodated by C&F in an area other than the one covered by the LHA then the young person may not have a local connection but this would need to be considered on a case by case basis.
- 9.12 A local connection may arise by virtue of close family members living in the LHA area for 5 years or more. Family members are defined as parents or

siblings. If the young person is employed in the area, then this may also give rise to a local connection if the employment is other than that of a casual nature.

## **10. Procedure for all other young people aged 18 years - 21 years old**

10.1 For all other young people aged 18 to 21 the LHA is required to give careful consideration to the possibility of vulnerability. A priority need due to vulnerability may arise as a result of a combination of factors and as such it is important that all agencies make the necessary enquiries to identify whether any of these issues apply as they would for a potentially homeless 16/17 year old:

- lack of support from family and friends
- whether the person has to leave home because of violence or abuse, or the risk of violence or abuse
- any history of local authority care
- risk of abuse, exploitation or prostitution if the person is homeless
- risk of offending and vulnerability due to leaving custody
- risk of drug or alcohol abuse
- whether the person is fleeing harassment (including verbal or psychological abuse)
- learning difficulties or special educational need
- mental or physical health issues.

10.2 Agencies referring these young people to LHA should ensure that where any of the above issues apply relevant details are included in the referral (Appendix A and C) and wherever possible contact details of relevant agencies are provided. The LHA will need to make enquiries to identify whether any of the above issues apply, as this will assist with both the assessment of vulnerability and the identification of any support needs.

10.3 **If a person is eligible** under the Housing Act, there is reason to believe they may have a priority need, and their homelessness cannot be prevented, then **suitable temporary accommodation will be offered**. Consideration would also be given to CAF co-ordinated support services for these young people.

## 11. Dispute Resolution Process

11.1 If either the LHA or C&F is unable to agree in respect of any referral, assessment, support package or accommodation provision, then the case is to be referred to the Housing Manager responsible for homelessness in the case of the LHA, and the Operations Manager in respect of C&F for resolution.

11.2 Where it is deemed necessary meetings will be convened on a case by case basis in order for a resolution to be negotiated.

11.3 Where the disagreement cannot be resolved at this level the case will be referred to the Head of Housing of the LHA and the Service Manager C&F.

11.4 If any young person is dissatisfied with the outcome of the Joint Assessment procedure, they have the right to complain or appeal through existing complaints and appeals procedures.

## 12. Monitoring and Review

12.1 Regular statistics will be compiled and collated by both LHA Housing Advice or Options Managers and C&F Operations Managers.

12.2 Information collated needs to be consistent across all District and Boroughs and should include the following:

- Number of 16 and 17 year olds approaching for assistance
- Number of 16 and 17 year olds assisted to remain/return to the family home

- Number of 16 and 17 year olds accommodated under Section 20
- Number of joint assessments requested and undertaken
- Number of 16 and 17 year olds who have been offered but refused Section 20 accommodation
- Number of 16 and 17 year olds accepted as statutory homeless through the homelessness legislation.

12.3 Warwickshire Heads of Housing and Children and Families Service Managers (North and South) will review the effectiveness of the protocol within 3 months of the re-launch and then at 6 monthly intervals where the information collated will be reviewed and any issues related to compliance and the consistent application of the protocol will be addressed. These meetings can include other officers as appropriate. In some cases changes in legislation, guidance or new case law may result in the protocol being reviewed sooner.