

Joint protocol to assist young people in housing need aged 16 and 17 in East Sussex

June 2010

Updated 2011, 2015, 2016 & 2018



1. Aims

- To ensure that there is a consistent approach across East Sussex to preventing and managing youth homelessness
- To prevent youth homelessness wherever possible.
- To deliver the Young People's Housing and Accommodation Pathway in East Sussex (Appendix 7)
- To deliver homelessness prevention activities to support young people and their parents/carers, recognising that the most suitable place for young people aged 14-18 years is to live at home with their families (allowing for managing risks) unless there is a **planned** move to supported or independent living.
- To ensure the provision of appropriate support for homeless and insecurely housed young people.
- To develop a commitment to joint working arrangements between Children's Services, Health and the Housing Authorities
- To ensure that the wellbeing and life chances of young people are not impaired through homelessness or the experience of insecure housing

2. Context

On 20 May 2009 the Lords of Appeal made judgment on the case of G vs Southwark in regard to the duty of responsibilities. This case considered how local authorities support homeless 16 and 17 year-olds. The Law Lords ruled that local Children's Services authorities should assess and provide assistance for 16 and 17 year olds in need, including those who need support with accommodation. The judgment also stressed the need for greater co-operation between agencies. On 1st April 2010 statutory guidance was also issued to local authorities jointly by the Secretary of State for Children, Schools and Families and the Secretary of State for Communities and Local Government.

The Communities and Local Government (CLG) and DCSF good practice guide 'Joint working between Housing and Children's Services Preventing homelessness and tackling its effects on children and young people' (2008) also recommended that Housing and Children's Service Departments should have joint protocols to ensure that there are clear procedures to help prevent homelessness wherever possible. The principle was further enhanced by the publication of "Making every contact count, a joint approach to preventing homelessness" by CLG in August 2012.

For full legislative context please see Appendix 1

3. Joint working procedures

The purpose of the protocol is to acknowledge this existing legislative framework and act as a guide to the agreed ways of joint working for 16 and 17 year olds in East Sussex. By emphasizing joint working, this protocol plays an important role in helping to assist young people aged 16 and 17 in housing need.

In order for the protocol to work effectively it is imperative the joint working procedure is followed and that responsibility is not passed between agencies.

3.1 Standard procedure for assessment of 16/17 year old by Children's Services and the involvement of Local Housing Authorities. (See flowchart at Appendix 5)

3.1.1 The Assessment process

All 16/17 year old young people in housing need will be assessed by Children's Services regardless of which agency they present to. All 16/17 year olds who present at other agencies should be signposted to the appropriate Children's Services department and housing should inform their Children's Services colleagues of the young person. A young person should make their way to Children's Services by Public Transport unless they have a clear reason (e.g. disability) why they could not do this. In such circumstances a reasonable measure should be taken to assist the young person get to Children's Service (e.g. Taxi).

If the young person is in the East of the County (Hastings and Rother) a referral should be made to the Duty and Assessment Team (DAT) at Ocean House, if the Young Person is in the West (Eastbourne, Lewes and Wealden) and they will present to the Duty and Assessment Team at St Mark's.

The duty officer in the Duty and Assessment Team (DAT) will then check LCS to see if the young person is already known to Children's Services and complete an Initial Contact sheet. At this stage the duty officer in DAT will ensure the immediate safety of the young person, where necessary contact the young person's parent/ legal guardian and where appropriate make a referral for a Family Assessment to be completed. The duty worker will ascertain whether the young person can stay with a suitable family member or friend until the child in need assessment can take place. The Initial Contact record should be completed on LCS and sent to the Practice Manager for authorization. The practice manager will then allocate referral for a Family Assessment to the Duty & Assessment team (DAT) to be completed within 10 days.

The Family Assessment will seek to establish the needs of the young person and to intervene to prevent homelessness. It will be completed under s17 of the Children Act 1989, unless the immediate presentation suggests the child is at risk of significant harm (for example, substance misuse, exploitation and abuse), in which case the Family Assessment will be completed under s47. A Family Assessment is a detailed assessment of need and risk and will determine whether or not a young person is in need, confirm their eligibility and support a decision about what services should be provided. The document will be fulsome in its content and represent full disclosure, allowing the Housing authority to reach an informed decision about allocating appropriate accommodation and the supported accommodation provider to establish an appropriate support plan which acknowledges any risks and meets the young person's needs. An example Family Assessment form can be found in Appendix 2 (please note this is just an example Family Assessment form and should not be shared).

A Family Assessment will always be conducted by a qualified Social Worker and will involve:

- The Young Person being seen and interviewed in their own home, where possible, and their views recorded
- Parents/carers with Parental Responsibility for the young person will be contacted and circumstances surrounding the homelessness presentation explored.
- The assessment will explore whether there are any alternative family/friends options available to the young person and what support may be required to support the young person remaining within their family and friends network
 - The gathering of information from agencies/professionals who have knowledge of the

young person's circumstances

- Analysis of any previous involvement with the Young Person by Children's Services
- Consultation with duty supervisor/line manager
- Analysis of the young person's strengths/needs/difficulties
- Assessment of need/risk and addressing safeguarding matters
- An outline plan for providing services and support
- The Family Assessment will be recorded by a Social Worker on a Family Assessment record which will include information about the young person's needs and circumstances and will be uploaded to LCS.
- Understanding the history of the child, including who they have lived with at different points in life.

In all cases the Social Worker will make contact with the young person's family to discuss options for a return home, even if this return is just temporary to ensure a planned move can take place. Research shows that 16/17 year olds are better off at home unless at risk of harm. If at any time during the Family Assessment there arises reasonable cause to suspect a young person is suffering - or at risk of suffering – harm, enquiries must be carried out in line with child protection procedures.

The Family Assessment will establish the route required to meet the housing needs of the young person and would follow one of 3 pathways:

1. Children's Services will engage the young person with relevant help and support to mediate their return home or to the care of extended family members. Practitioners should access Mediation or Family Group Conferencing Services to help facilitate a return home, with the recognition that further information, advice and guidance may be required to ensure this placement is sustained. In all instances a full exploration of options within the extended family should be exhausted before other accommodation options are considered.
2. If a young person is unable to stay at home/with other family members, the Social Worker will explain the implications and benefits of being considered "looked after". The young person will be provided with the "Young and Homeless leaflet" (appendix 6) which explains this information in a clear and easy to read format. If the young person is requesting accommodation, consents to becoming a "looked after child" and the professional social worker's assessment is that this is consistent with the Authority's duties under s20 of the Children Act, the duty social worker will arrange accommodation pending the completion of a Family Assessment. Under S.20 a Social Worker will produce a pathway plan based on the Family Assessment and in partnership with the young person. In most circumstances, Housing Services will not be involved. If a young person requires accommodation under S.20 it is likely that this will be in a Supported Lodgings or fostering arrangement. If a 16/17 year old is accommodated under S.20 they should be made aware the implications of this decision i.e. they would be unable to seek any additional benefits e.g. Universal Credit, Housing Support. Before a young person is accommodated under S.20 the Family Assessment must be passed to the Operations Manager to consider the information who in turn will forward to the Head of Service for approval.
3. If the young person is not consenting to becoming a "looked after child" or Children's Services does not consider the level of need to meet s20 requirements, but is in need of emergency accommodation, Children's Services will continue to assist the young person under S.17 of the Children Act 1989. If a child meets the criteria for S.20 but does not consent, the competence of the child to make this decision will be assessed by a Social Worker. Where a young person is to be assisted under S.17 the Family Assessment and case will be passed to a Housing Support Worker/Case Worker in Children's Services. The CS worker will act as the lead

professional for the 16/17 year old in housing need. The CS worker will use the Family Assessment to link the young person into appropriate services to assist the young person, depending on their need. This may include services such as Under 19s substance misuse, Early Help Family Keywork Service, Youth Employability Service (YES), CAMHS, Youth Offending Team (YOT), Home Works and the appropriate Local Housing Authority. With regard to their housing need the worker will then contact a nominated person from the Housing Authority as soon as possible to discuss the housing options for the young person, sharing the information on the Family Assessment. The housing options officer will then arrange for the most appropriate accommodation and contact the CS worker to arrange a meeting with the young person, and the accommodation provider. As the experts on housing resources the local Housing Authority will be best placed to advise the young person on the housing options. If the young person is to be placed in Supported Accommodation the Housing Authority will assist Children's Services in claiming housing benefit to pay for the placement.

Please note: Housing will be assisting Children's Services to place the 16/17 year old, not taking on a duty. The duty to assist the young person (under s17 of The Children Act) remains with Children's Services.

Professional respect is crucial to successful joint working. Professional Social Workers have made the decision on whether a person is owed a S.20 or S.17 duty, based on a full assessment of the young person's needs and wishes. The Practice Manager will also have countersigned the Family Assessment. All workers should respect this decision and only seek a reassessment if there is a change in the young person's circumstances.

3.1.2 Role of the Housing Support Worker/ Case Worker

The Support Worker/ Case Worker will act as the lead professional for the 16/17 year old in housing need. Using the Family Assessment they will link the young person into appropriate services and arrange meetings between different agencies.

The CS worker will contact the appropriate Housing Authority and share a copy of the Family Assessment with a housing officer to ensure that the young person receives the most appropriate accommodation.

3.1.3 Involvement of Local Housing Authorities

Housing will become involved in all cases where 16 and 17 year olds are assessed to have a housing need. Where a young person has been assessed to have a housing need at their Family Assessment, the case will be passed to the CS worker. The CS worker (Duty & Assessment Team (DAT)) will then contact the appropriate Local Housing Authority to discuss the young person's housing options, arranging a meeting if the Housing Authority requires.

Housing will then work to secure suitable accommodation for the 16/ 17 year old where they are found to be unintentionally homeless and a return home or to another family member is not an option. For the majority of young people the best course of action would be to use the information from the Family Assessment and discuss their housing options rather than complete an additional Homelessness Application form.

Having discussed the housing options with the young person, the Housing Authority will then work to place the young person in the most appropriate accommodation. Housing will assist the young person to complete a housing benefit form and will contact the young person and the CS worker within 24 hours when appropriate accommodation becomes available.

Where a Housing Authority becomes aware of a problem with the placement they should seek to contact the CS worker on the same day.

Children's Services will also arrange emergency temporary accommodation for the young person.

See section 3.2 for further details.

3.1.4 Confidentiality and information sharing

All parties agree to respect the confidentiality of individual service users and comply with the law including the Data Protection Act 1998, the Freedom of Information Act 2001 and GDPR regulations.

The Social Worker in the Duty & Assessment Team at Children's Services should inform the young person of the need to share information to assist in the assessment process. Unless a service user raises any objections, information should be given as necessary to those with a direct interest. If objections are raised, these may have implications for the delivery of support and the possible consequences should be explained. All service users are asked for their written permission to have their details both recorded and shared and may withdraw their permission at any time.

Information passed on should be restricted to that in which the recipient has a legitimate interest. The recipient should not transmit it to a third party unless the latter is entitled to it or the service user has explicitly consented or is aware that information needs to be passed on to enable support to be co-ordinated properly.

There may be particular circumstances in which disclosure of information is required by statute or court order or exceptionally, in the absence of consent, can be justified in the public interest. Disclosures based on public interest involve weighing that interest against the duty of confidence in that particular set of circumstances. The balance may be delicate and it may be necessary to take legal advice.

All parties will have due consideration for the confidentiality policies of each organisation.

All written information which identifies a client should be handled in accordance with each agencies data protection policy.

The information sharing consent form can be found at Appendix 3.

3.1.5 Out-of-hours

If a homeless 16 or 17 year old presents out of hours they should be directed to the Children's Services Emergency Duty Team. The emergency duty team will then act accordingly and inform the young person to present to Children's Services the next working day.

3.1.6 Move-on

- **Move-on from Emergency Temporary Accommodation**

A young person will only be placed in temporary accommodation in an emergency and the CS worker will ensure there is a move-on plan put in place. In the majority of cases the move-on plan will be into Supported Accommodation or a temporary move into Supported Lodgings until a room in Supported Accommodation becomes available.

When a young person is placed in Emergency Temporary Accommodation a referral to Supported Accommodation will be made, as soon as the assessment is complete, to the appropriate housing team. However as there will often be a waiting list for Supported Accommodation, it will not normally be possible to provide an exact move-on date.

In some instances the young person will be able to return home after a period in Emergency Temporary Accommodation. Where this is possible it should also be done in a planned way,

ensuring that the young person still has access to appropriate services to help make sure that relationships don't break down.

- **Move-on from Supported Lodgings**

When a young person moves into Supported Lodgings the CS worker will ensure that a Move-on plan is in place. This will usually be into Supported Accommodation once a suitable vacancy becomes available. In the majority of cases referrals to Supported Accommodation will already have been made via the appropriate housing teams before the young person moves into Supported Lodgings. However as there will often be a waiting list for Supported Accommodation it will not normally be possible to provide an exact move-on date.

In some instances the young person will be able to return home after a period in Supported Lodgings. Where this is possible it should also be done in a planned way, ensuring that the young person still has access to appropriate services to help make sure that relationships don't break down.

When a young person is approaching their 18th birthday the CS worker will contact the appropriate Housing Team 2 months before their 18th birthday (or as close to this date as possible) to develop a planned move-on package. The young person will be reminded that if they do not engage their placement will end on their 18th Birthday.

Where a young person is evicted from Supported Lodgings the CS worker should make referrals to the Family Group Conference Service. Only in emergencies will a young person be placed into Emergency Temporary Accommodation.

- **Move-on from Supported Accommodation**

Move-on from supported accommodation will be facilitated by local Borough and District Housing teams.

With the help of their supported accommodation provider, the young person must first explore options in the private rented sector. Where they are unsuccessful, consideration will be given to move on via the YMCAs Empty Homes properties or through an internally run Private Rented sector scheme.

Where a 16/17 year old young person is being evicted from Supported Accommodation, as soon as the notice-to quit has been served, the CS Worker should make referrals to the Family Group Conference team and supported lodgings team to ensure there is a planned move-on and avoid the young person having to move into Emergency Temporary Accommodation.

Where a young person is 18 or over and is evicted from Supported Accommodation they should seek assistance through their local Borough or District Housing Authority, even if they were originally placed by Children's Services.

3.1.7 Resolution of disputes

In the event of disagreements about referrals, service provision or the behaviour and conduct of staff, the staff member should first discuss the matter with their line manager who if they cannot resolve the issue will take it to the Young Person's Housing and Accommodation Manager, a role part funded by both Children's Services and the Borough/District Councils.

If the issue remains unresolved, the matter should be taken to the Housing Options Manager (HBC) and Operations Manager, Countywide Duty and Assessment Teams, ESCC Children's Services, to mediate and address the issues.

3.2 Emergency Temporary Accommodation arrangements

In all instances, the duty Worker at the DAT must explore all options for a temporary return home whilst all Assessments - including those with housing - are made. Where the young person cannot return home, options must be explored for the young person to stay with other family or friends if appropriate. If arrangements between family and friends cannot be made arrangements should be made for the young person to access an emergency Supported Lodgings placement where available. The duty worker in DAT should contact the Supported Lodgings team, passing on a copy of the emergency assessment form if a Family Assessment has not yet been completed (see Appendix 4). The lodgings team will then search for an appropriate placement, with preference given to the area in which the young person would like to reside. The Supported Lodgings Team will then contact the duty worker and inform them of the details of the placement. After the lodgings team has met the young person, the duty worker/ other worker within DAT will move the young person into the placement. Before a Supported Lodgings placement is made the duty worker should first discuss with a Practice manager.

Purpose of Emergency Temporary Accommodation (ETA)

ETA offers young people, with a high to moderate level risk profile, emergency accommodation for up to 14 days. After this period, they must move on to other accommodation secured during their stay.

The ETA is open seven days a week and will ONLY take admissions between 5pm and 10pm Monday to Friday and 2pm to 10pm Saturdays and Sundays as the young persons' PA/Social Worker must handover to the on-site Support Worker.

The ETA will be staffed 24/7:

NB. This is high risk ETA with lone workers on site 24/7, sleep in cover from 11pm to 8am. Any young person who poses risks to themselves or others which cannot be managed by a lone worker, requires waking night cover or intensive key work, should not be referred.

Who is eligible to be referred?

Young people must meet the following criteria to be eligible for a referral:

- They are a 16-25 year old care leavers and/or 16-17 year old young homeless person.
- All other accommodation options have been explored and none are available (this must be evidenced under 'current circumstances' in the referral form) and the young person is considered street homeless and in urgent need of emergency accommodation.
- They meet the threshold for high to medium level support and do not require waking 24/7 cover (if they need 24/7 support, they should be referred elsewhere).
- They are an East Sussex resident.
- And/or they are an unaccompanied asylum seeking child (UASC) who meets the threshold to be an East Sussex LAC.

Who can make referrals?

- Through Care Team
 - Duty and Assessment Teams when the young person is accepted as being homeless
 - Emergency Duty Service Out of Hours (for emergency 24 hour placements)
 - Youth Support Team at the point the young person has been identified as homeless
 - Looked After Children teams (including Supported Lodgings) via the Through Care Team
- Others e.g. public, housing, police should use existing enquiry routes e.g. via SPOA, DAT who will assess eligibility and, if appropriate, make a referral.

How do you make a referral? (Refer to the ETA workflow in the Operating Guidance Pack).
Where assessment is undertaken directly by Children's Services and/or Housing:

- Complete the referral form and risk assessment (see form in the Operating Guidance Pack)
- Call your operations manager to check for matching with those already placed and for a vacancy
- Append all additional information to the referral form and email to your Operating Manager
- Call your operations manager for their formal sign off to place the young person in the ETA

What happens when a referral is approved?

- The young person's Social Worker and/or PA (if not making the referral) must email a copy of the referral and risk assessment form and all accompanying documents, along with the expected day/time of arrival, to the approving Operations Manager and the Young Person's Housing and Accommodation Manager [REDACTED] AND take a hard copy of the referral and risk assessment to the ETA to give to the on-site support worker.
- The Young Person's Housing and Accommodation Manager will forward details of the young person to be placed (name, expected time of arrival, name of PA/Social Worker, referral and risk assessment form) to the Emergency Temporary Accommodation on duty support worker and on duty Out of Hours Duty Manager (Brighton Housing Trust).
- NB. Out of Hours (5pm to 8am and weekends) the DAT Duty Manager approving an emergency 24 hour placement must communicate details of the young person to be placed (name, expected time of arrival, name of PA/Social Worker) to the on duty support worker, on duty Out of Hours Duty Manager and Young Person's Housing and Accommodation Manager.
- The young person's Social Worker and/or PA (if not making the referral) must accompany the young person to the ETA, introduce them to the on-site support worker, participate in a handover briefing and agree a time for the initial placement meeting the following day. Admissions are accepted between 5pm and 10pm Monday to Friday and 2pm to 10pm Saturdays and Sundays.
- NB. Out of Hours, if agreed by the approving Operations Manager as safe, young people can be booked a taxi by the referring team to take them to the ETA to arrive ONLY when support staff on site.

What happens when a referral is declined?

- The young person's Social Worker and/or PA (if not making the referral) must find alternative accommodation.

What happens when the young person arrives?

On arrival the on-site support worker will:

- Settle young person in to their room including provision of a welcome pack, drink and hot meal.
- Participate in a handover briefing with the young person's Social Worker and/or PA.
- Set out the licence agreement and house rules, which the young person must agree to and sign.

The young person's Social Worker and/or PA will:

- Provide a handover briefing with the ETA support worker.
- Coordinate and participate in initial placement meeting within 24 hours of the young person being placed, to draw up a placement plan (See template in Operating Guidance Pack) for the (up to) 14 day placement. This should include.
 - The visiting pattern, how many visits per week and by whom e.g. Social Worker / PA
 - Risks to be managed / needs to be addressed
 - Activities and goals for the 14 day period

- Multi agency and family / friend support, attendance at college or employment
- Early alert to IRO and review of the Pathway Plan ASAP
- Arranging a housing and homelessness assessment ASAP
- Exit date and alternative accommodation / move on options for planned exit
- Visit/engage with the child/young person during placement as set out in the placement plan.
- Coordinate and participate in end of week one and end of placement/exit meetings.

3.3. Complex cases/ FAQ

- **What if the young person presents to the wrong offices?**

If a young person is from Eastbourne, Wealden or Lewes they should be directed to St Marks House in Eastbourne. If they are from Hastings or Rother they should be directed to Ocean House.

If a young person from Eastbourne, Lewes or Wealden presents at Ocean House the duty worker should assess that it is safe and timely for them to present to St Marks and inform them to present at St Marks House. They should also inform the DAT at St Marks that a young person will be coming across. Similarly, if a young person from Hastings or Rother presents at St Marks House the duty worker should assess that it is safe and timely for them to present to Ocean House and inform them to present at Ocean House. They should also inform the DAT at Ocean House that a young person will be coming across.

If a young person presents to St Marks House or Ocean House and is not from East Sussex the duty worker should contact their home authority to ensure that they are not MISPER. If it is safe and timely to do so the duty worker should inform the young person that they need to present to their home authority to prevent unnecessary duplication of assessments. If it is not appropriate for a young person to return to their home county or if further assessment is required, an Assessment should be completed and where appropriate, should be passed on to the young person's home authority. The duty lies with the authority where the young person presents to carry out the assessment, not the authority where the young person is ordinarily resident.

- **What if the young person demands a homelessness application?**

In all instances, the Single Point of Advice (SPOA)/ DAT should complete an Initial Contact sheet on the young person. A 16/17 year old is still a child and owed duties and assessment by Children's Services. *G vs Southwark* made it clear that in the majority of instances if a young person is homeless they will be a Child in Need. Housing Options Officers are not in a position to be able to assess whether a child is a Child in Need - only a social care professional can do this, so should always signpost a 16/17 year old to Children's Services. Whilst any individual is free to make a Homelessness Application, before they do so they must have had a Family Assessment by Children's Services.

- **What if a young person is found to be intentionally homeless?**

The provisions contained in the Leaving Care Housing Protocol (which also apply to homeless young people 16/17) should ensure that in most instances young people are not found intentionally homeless. In the event a young person is made intentionally homeless, the housing department should fully record the action and circumstances leading to the decision and inform the CS worker. To help prevent intentional decisions Housing Authorities should inform the CS worker of the concerns that have been raised by supported accommodation providers etc the same day so the CS worker can intervene.

Children's Services will continue to assist 16/17 year olds who are homeless and found to be so intentionally. In these circumstances, the CS worker will work with voluntary sector partners and the Family Group Conference Team to try to assist the young person. The CS

worker should explain to the young person that having been made intentionally homeless by the local Housing Authority the options open to them will be very limited.

- **Under what circumstances should a 16/17 year old present to housing rather than Children's Services?**

When a 16/17 year old has owned their own tenancy, can prove they live independently and are not a Child in Need, the young person would not need a s17 or s20 Family Assessment and the Housing Authority would have a duty to provide assistance. Unless the young person can prove they have owned their own tenancy the Southwark ruling stresses that the young person should be assisted by Children's Services.

- **What if there are additional household members?**

i) What if the 16/17 year old has a partner who is 18 years old or over?

All 16/17 year olds with a housing need who have not owned their own tenancy should present to Children's Services for a Family Assessment. This should apply to circumstances where a 16/17 year old has a partner who is 18 years or over. A 16/17 year old is still a child and should receive an appropriate assessment from a qualified Social Worker to ensure that all their needs are being met and there are no child protection issues. The official guidance released by CLG and DCSF in April 2010 is *"The needs of 16 and 17 year olds' for accommodation should be assessed in the context of their relationship with any "partner". In some cases it may be appropriate for a 16 or 17 year old to be accommodated in a situation where they can live with their partner"*.

ii) What if the 16/17 year old has a guardian other than their parent?

Where a 16/17 year old is in housing need and living with a guardian other than their parent they should present to Children's Services for a Family Assessment. The Social Worker will be able to assess their need. If there is a housing need the CS worker will liaise with the Housing Authority to ensure the young person is assisted, and housed where appropriate with their guardian. Children's Services will be responsible for the housing costs until the young person is 18, with the Housing Authority assisting in sourcing Housing Benefit thereafter. A move-on plan should be put in place by the CS worker to ensure the young person does not become homeless when they reach 18.

An important distinction should be made here between a dependent child and a partner. Where a 16/17 year old lives with someone over 18 and they live "as if they were husband and wife", the partner over 18 is not their guardian but their partner. Again in these circumstances the 16/17 year old should present to Children's Services to ensure they get a full assessment of their needs, where consideration will be given about whether there is an exploitative relationship.

iii) What if the 16/17 year old has a child?

All 16/17 year olds with a housing need – including those with their own child - who have not owned their own tenancy should present to Children's Services for a Family Assessment. Only where the 16/17 year old has previously owned a tenancy should they directly present to the Housing Authority.

iv) What if two 16/17 year olds present as a couple?

If two 16/17 year olds present together they will need to be assessed individually before any long term plans can be made. However, just because they will be assessed separately does not mean that they will not be assisted as a couple together, at the end of the assessment process.

- **What if the homeless 16/17 year old is being released from a young offenders institute or secure accommodation?**

Where a young person is released from a Young Offenders Institute or secure accommodation the YOT worker should inform DAT and the YMCA Reaching Your Potential Worker 2 months prior to release. This will ensure that suitable accommodation is sourced in preparation for their release. A full *'Joint Protocol to assist young people aged 16 and 17 who are homeless and*

coming out of custody' was signed off by Heads of Service in Children's Services and YOT in Summer 2010.

If the 16/17 year old has a history of offending behaviour but is not coming out of custody then they should present to Children's Service for a Family Assessment from a Social Worker in the DAT.

- **What will happen to the CAF?**

The Family Assessment covers, in greater detail, all the questions that were previously asked on the CAF at the JHA. This assessment will be shared with housing when they are helping accommodate a 16/17 year old to ensure housing are fully aware of the needs of the young person and any risks that they may present. Consequently there will be no need for a CAF to be completed.

4. Monitoring

All monitoring will aid work around the prevention of homelessness for 16/17 year olds. Monitoring information will be used when assessing the effectiveness of the Protocol and making revisions to procedure.

The young Person's Housing and Accommodation Manager should monitor the number of 16/17 year olds evicted from their placement and the number of 16/17 year olds placed in ETA. These figures should be presented quarterly to the East Sussex Youth Homelessness Operational groups.

The Duty & Assessment Teams and SPOA should monitor the number of calls specifically concerning homeless 16/17 year olds coming through to Children's Services, the number of 16/17 year olds requiring S.20, the number of 16/17 year olds assisted through S.17 and the length of time each 16/17 year old spends in ETA before they are successfully moved on. These figures should be presented at quarterly operational meetings to demonstrate any additional work loads.

5. Targets

To reduce youth homelessness in East Sussex year on year

To ensure a consistent approach to assisting young people in housing need across East Sussex. This will be assessed at the East Sussex Youth Homelessness Operational group meetings.

The CS worker to contact housing options officer to discuss the accommodation options for a young person within 2 working days of a Family Assessment being completed.

To ensure clients are supported to claim statutory benefits including Housing Support/Housing Benefit where entitled.

Working with partners, to ensure clients receive improved outcomes in independent living skills, health and wellbeing, education, employment and training; and economic stability to help secure sustained accommodation at the end of the Pathway.

To reduce 'intentionally homeless' decisions year on year

To ensure that 16/17 year olds are not placed into Bed and Breakfast accommodation. Supported Lodgings and ETA should always be utilised if family options are not available/appropriate before B&B.

This Protocol will be reviewed triennially.

Appendix 1: Context

1. The Children Act 1989

The sections of the Children Act relevant to this protocol are all contained in Part III of the act (Local Authority Support for Children and Families). Specifically, there are two sections that are pertinent to assisting a 16 or 17 year old in housing need: S.17 and S.20.

Section 17 (1) places a **general duty** on social services authorities to:

- “(a) 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”

A Child in Need is to be taken here as someone who is under 18 and:

- (a) is unlikely to achieve or maintain a reasonable standard of health or development without the provision of appropriate services by a local authority, or
- (b) whose health or development is likely to be significantly impaired or further impaired without the provision of appropriate services by a local authority, or
- (c) who is disabled

It is important to note here the emphasis that s17 (1) places on promoting the upbringing of children in need **by their families**. To assist the young person a wide range of different services may have to be involved and Section 17 (5) encourages Children’s Services to call upon other agencies to help them provide appropriate services for the young person, indicating that every Local Authority:

“(a) shall facilitate the provision by others (including in particular voluntary organisations) of services which the authority have power to provide by virtue of this section, or section 18, 20, 23 or 24; and

(b) may make such arrangements as they see fit for any person to act on their behalf in the provision of any such service”

Where it is not possible for the young person to return home these additional agencies may include the local Housing Authority.

Section 20 on the other hand lays down the **specific duties** owed to a young person. S.20 has a tighter eligibility criteria than S.17, and all 5 conditions have to be met for a S.20 duty to arise. Should they be met the LA has a duty to accommodate under S.20 entitling them to a specific level of accommodation and a full assessment of the needs which will produce a detailed support plan continuing until the age of 21 or 24 if they remain in education. It should assist with accommodation, finance, education, employment, health and other skills to help them live independently.

S.20 (1) states that

“Every local authority shall provide accommodation for any Child in Need within their area who appears to them to require accommodation as a result of—

- (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.”

Furthermore, **Section 20(3)** states:

“Every local authority shall provide accommodation for any Child in Need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation”

It should also be noted that a young person has a right to refuse s20 and all the additional assessments that accompany it and revert back to the general duty under s17.

2. Housing Act 1996 and Homelessness Act 2002

Parts VI and VII of the Housing Act 1996 set out the legal framework for assisting homeless people and allocating housing. The specific sections in the Housing Act 1996 that are of importance to this protocol are:

- **S.175 Homelessness and threatened homelessness:**

“(1) A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he—

(a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,

(b) has an express or implied licence to occupy, or

(c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.

(2) A person is also homeless if he has accommodation but—

(a) he cannot secure entry to it, or

(b) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.

(3) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

(4) A person is threatened with homelessness if it is likely that he will become homeless within 28 days.”

This is the definition of homelessness that will be used in this protocol.

- **S.188 Interim duty to accommodate in case of apparent priority need:**

“(1) If the local housing authority have reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they shall secure that accommodation is available for his occupation pending a decision as to the duty (if any) owed to him under the following provisions of this Part. “

- **S.189 Priority need for accommodation:**

“(1) The following have a priority need for accommodation—

(a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;

(b) a person with whom dependent children reside or might reasonably be expected to reside;

(c) a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;

(d) a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster”

- **S.191 Becoming homeless intentionally:**

“(1) A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy. “

- **S.193 Duty to persons with priority need who are not homeless intentionally:**

“(1) This section applies where the local housing authority are satisfied that an applicant is homeless, eligible for assistance and has a priority need, and are not satisfied that he became homeless intentionally.”

The Homelessness Act 2002 amended parts of the Housing Act 1996.

As well as placing a duty on all local housing authorities to develop a strategic approach to tackling homelessness the amendments also included new homeless priority need categories that had been introduced by The Homelessness (Priority Need for Accommodation) (England) Order (2002). These new categories included:

- Children aged 16 or 17 (Article 3)
- Young people under 21 who before they were 18 had been in looked after accommodation or fostered i.e. former relevant children (Article 4)
- Young people under 21 who are vulnerable as a result of an institutional background (e.g. having been looked after, fostered, spent time in the armed forces or in prison) (Article 5)

3. Duty to co-operate

In looking to assist 16 and 17 year olds in housing need, this joint protocol aims to ensure close working between housing and children’s services departments. As well as lying at the heart of the East Sussex Youth Homelessness Strategy the duty to co-operate is also clearly set out in legislation.

S.27 of the Children Act 1989 emphasizes the need to co-operate. S.27 states that where it appears that another authority or person could “help in the exercise of any of their functions ..., they may request the help of that other authority or person, specifying the action in question”. S.27 (2) (c) identifies the local housing authority as an “authority whose help is so requested shall comply with the request”. S.10 of the Children Act 2004 also introduced a further duty to co-operate to improve the well being of children and S.213 of the Housing Act 1996 also emphasises the need for co-operation between relevant housing authorities and social services (now Children’s Services).

Appendix 2: Family Assessment

Please note: This is an example Family Assessment. There are no blank Family Assessment forms. All assessments are done electronically on LCS and a new record cannot be opened without creating a new case. This is a redacted example for the purposes of joint working for this Protocol.



Family Assessment
template for Protocol 1

Appendix 3 – Information sharing consent form

Consent to Gather and/or Share Information

Children's Services



A. Details of child or young person

Family name:			
Forenames:			
Date of birth:			
Address:			
Signature of young person* (if aged 12 years or above):		Date:	
Name of parent or legal guardian:			
Signature of parent or legal guardian:		Date:	

B. Details of service

Service:		Team:	
Name of staff member:			
Signature of staff member:		Date:	

C. Consent

	Signature of young person** and/or legal guardian	Date
1. I give consent to gather information about me/my child from relatives or friends if relevant for providing me/my child with services		
2. I give consent to gather information about me/my child from other professionals if relevant for providing me/my child with services		
3. I give consent to share personal information with other agencies if relevant for providing me/my child with services		
4. I have been given a leaflet or document describing how my/my child's information will be used		

* The young person should sign this form if s/he is aged 12 years or above and is competent enough to understand the reasons for gathering and sharing information.

** The young person's consent should be obtained if s/he is aged 12 years or above and is competent enough to understand the reasons for gathering and sharing information. See next page for further details.

Consent to Gather and/or Share Information

Note to Staff

1. Information sharing will only take place if the individual whose information it is has made an informed decision to give their explicit consent to share. Staff should explain clearly the purposes for gathering or sharing information. Staff should also provide the young person and parent with a copy of *Your Information and You* leaflet or other relevant service leaflet or document that explains why and how personal information will be processed.
2. The consent of the individual cannot be assumed and **must be recorded** on the *Consent to Gather and/or Share Information* form. In order to obtain informed consent, the individual concerned must be advised of the implications of giving or withholding consent and the purposes for which the personal information is being held or shared.
3. Staff should refer to the Children's Services *Confidentiality Code of Practice* (especially *Appendix 4: Consent*) for more detailed guidance on obtaining consent.
4. Young people aged 12 years or above may generally be expected to have enough understanding to give consent to gather or share their information. If the young person is judged to be competent, their consent should be obtained on the *Consent to Gather and/or Share Information* form. The young person's consent, or refusal to consent, should be considered, even if the parent disagrees.
5. If the young person is competent but is below 16 years of age, it is good practice to record the consent of both the young person and the parent. If there is disagreement between the young person and parent, this should be recorded on the form and the young person's case file.
6. If the young person is judged not to be competent, or is below the age of 12, consent must be obtained from a person with parental responsibility. It is necessary to obtain the consent of only one person with parental responsibility. It is important to check that the person giving consent has the authority to do so.
7. If the young person, or parent acting on behalf of the young person, refuses to give consent this should be recorded on the form and the implications of this refusal in limiting the responses of Children's Services should be explained to them and recorded on the young person's case file.
8. Staff must regularly **check the continuing validity of previously given consent**. As children get older, they may gain a better understanding of the implication of giving consent and their parents may no longer need to give consent on their behalf. It is important, therefore, that staff check with the young person and their parent at least once a year whether previously given consent is still valid
9. Consent to gather or share information should be reviewed at least annually and the most recent form placed in the front of the young person's case file; the previous consent form should also be held on file. Where any break in service has taken place, or where specialist enquiries are to be made, consent to gather or share information must be reviewed.

10. In some cases consent may be obtained over the telephone, in such cases the worker should sign the form in the first instance with the service user signing at a later date.
11. **There are circumstances when consent should not be sought – if seeking consent would place a child at increased risk of harm or an adult, including a work colleague or a third party, at serious risk of harm, or if seeking consent would lead to unjustified delay in making enquiries about allegations of significant harm to a child or serious harm to an adult. Staff should refer to the Children’s Services *Confidentiality Code of Practice* (especially *Appendix 4: Consent*) for more detailed guidance.**

Appendix 4: Referral, Risk Assessment & Management Plan For Emergency Temporary Accommodation (ETA)



Medium Risk Emergency Accommodation

ETA Referral, Risk Assessment & Management Plan

FULL RISK ASSESSMENT AND REFERRAL FOR IN HOURS REFERRALS (9-5 MONDAY TO FRIDAY)

Note: Please complete SECTION 1 of the referral form including risk assessment, and then contact Approving Managing by phone (must be an Operations Manager) to assess whether the young person being referred 'matches' with those already placed. If they do match, complete SECTION 2, and gain sign off from an appropriate manager by phone (SECTION 3) and submit the referral by email for filing/reference.

*NB. This is a medium risk emergency assessment placement, with lone workers on site 24/7 seven days a week with sleep in cover from 11pm to 8am. **Any young person who poses a high risk to themselves or others, cannot be managed by a lone worker, requires waking night cover, or intensive key work, should not be referred.***

SECTION 1

Child/Young Person's Details

Name of young person/child:	
P Number (if known):	
Date of birth and age:	
Legal status of child: S20, S17	
Home address:	
Ethnicity:	
Disability needs:	
Social Worker:	
Personal Advisor if over 18:	

Eligibility – Essential Criteria

Young people must meet the following criteria to be eligible for a referral	Confirm Y/N
They are a 16-25 year old care leavers and/or 16-17 year old young homeless person	
All other options have been explored and none are available (this must be evidenced under 'current circumstances' below) and the YP is considered street homeless and in urgent need of emergency accommodation	
They meet threshold for medium level care and do not pose a high risk to themselves or others, cannot be managed by a lone worker, requires waking night cover, or intensive key work (if they do, they should be referred elsewhere)	
They are an East Sussex resident	
UASC who meet the threshold to be an East Sussex LAC (not essential)	

Referrer details

Reason for referral			
Date of Referral		Referrer: e.g. Social Worker/ PA	
Referring team		Referrers phone #	

Team Tel. Number		Operations Manager	
Practice Manager		Operations Manager phone #	

Key contact details during placement

Young person/child's social worker / personal advisor	Name:
	Email:
	Tel:
	Mobile:

Current Circumstances of the child/young person

(This needs to include a description of where they have been residing recently, why that option is no longer available or suitable and what options have been explored with the child/young person about all other available options in their friends and family network. It should include an outline of the response from both parents, and other key people in their family).

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Risk Assessment

(Include known issues around substance/alcohol misuse, risk indicators around child sexual exploitation, missing and mental health issues). Indicate whether any such issues are current, historic or both).

Identified Risk	Details	Current or Proposed Intervention
Physical Harm		
Sexual Harm		
Alcohol/Substance Misuse		
Pregnancy		
CSE		
Criminal/Anti-Social Behaviour		
Physical/Mental Health/Known Medication (detail)	NB. on-site support staff will not store or administer medication	
Known associates (friends, family etc.)		

IN THE EVENT RISKS ESCALATE TO A LEVEL NOT MANAGEABLE BY A LONE WORKER, WHAT IS THE EXIT STRATEGY?
E.g. call police, call OOH duty manager, call Operations Manager for move on

Check for Matching CALL OPERATIONS MANAGER (WHO WILL ALSO CHECK A BED IS AVAILABLE)

Date of matching		Approving Managing (must be an Operations Manager)	CONFIRM initial check for matching Y/N
------------------	--	--	--

SECTION 2

Supporting documents submitted with referral e.g. Pathway/Child's Plan

Include a copy of a Placement Notification (See Operating Guidance Pack)

On arrival the on-site support worker will:

- Settle child/young person in to accommodation including provision of a welcome pack and meal
- Participate in a handover briefing with the child/young person's Social Worker / Personal Advisor
- Set out the licence agreement and house rules, which the young person must agree to and sign
- Participate in a placement planning meeting (advised to occur at point of admission)

The Social Worker/PA will:

- Provide a handover briefing with the Crash Pad support worker
- Coordinate and participate in initial placement, week one and end of placement meetings
- Draw up the placement plan including move on plans
- Visit/engage with the child/young person during placement as set out in the placement plan

Additional support required within the first 24-48 hours of the placement

Risks and risk management activities

Identified needs and support

Placement meeting to agree a placement plan for the 14 day placement, this should include

- The visiting pattern, how many visits per week and by whom e.g. Social Worker / PA
- Risks to be managed / needs to be addressed
- Activities and goals for the 14 day period
- Multi agency and family / friend support, attendance at college or employment
- Early alert to IRO and review of the Pathway Plan ASAP
- Alternative accommodation / move on options for planned exit

REVIEW ARRANGEMENTS

Include when this will take place, who will review the decision and how this will be communicated to the child/young person and others involved.

- **Date of initial placement plan meeting to agree a 14 day placement plan (can be at point of admission)**
- **Date of mid placement review and move on plan notice e.g. end of week 1 for a 14 day placement)**
- **Date of end of placement meeting to review the placement and manage move on arrangements**

SECTION 3

Sign off CALL OPERATIONS MANAGER: email a copy of the referral and risk assessment form and all accompanying documents, along with the expected day/time of arrival, to the ETA at crash.pad@bht.org.uk, the approving Operations Manager, and the Placement Coordinator at [REDACTED]

Date of approval

Approving Managing (must be an Operations Manager)

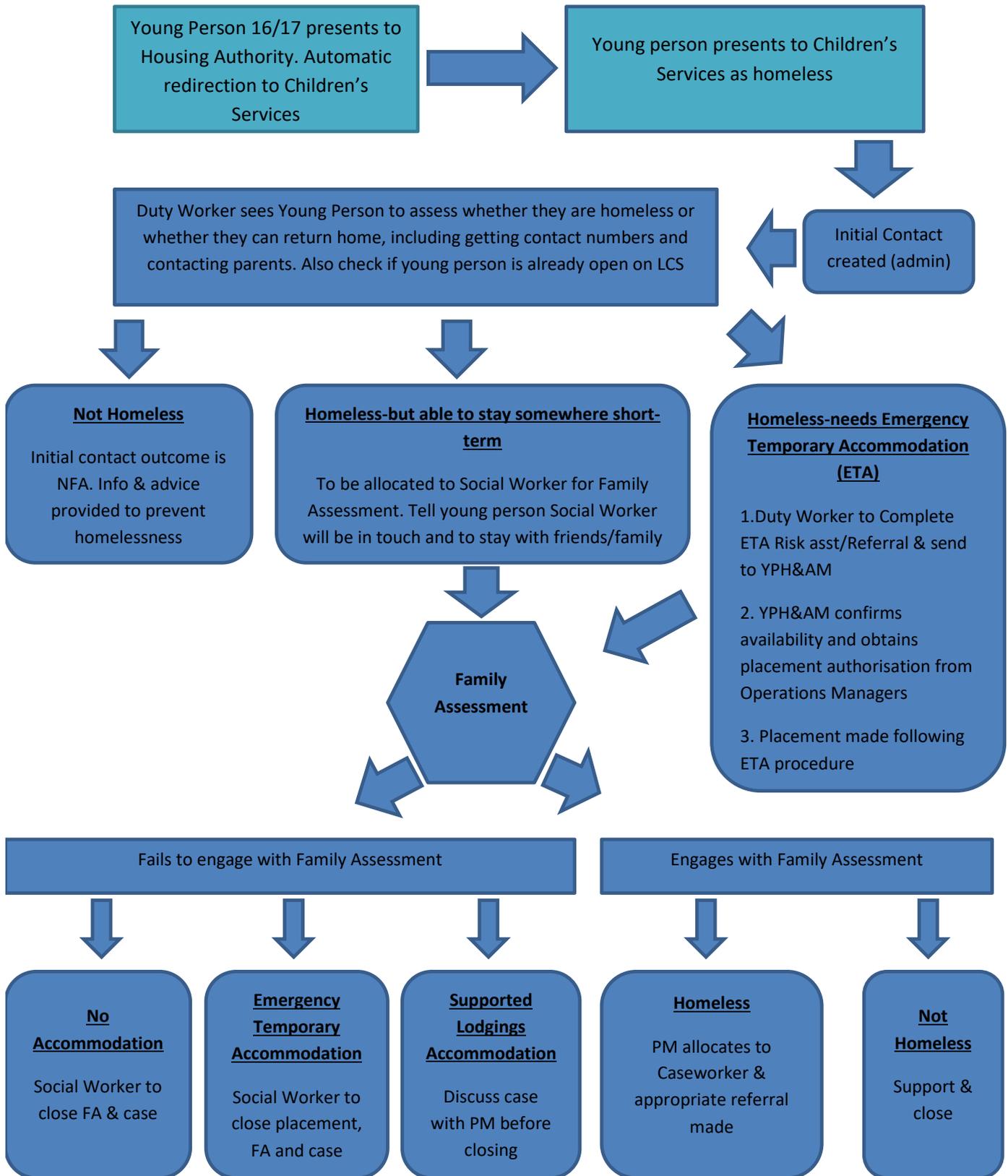
CONFIRM signed off for placement Y/N

Duration of placement (NB. 24/48 hours for an OOH placement pending fuller assessment within 24/48)

hours (i.e. the next available working day)

X days (up to a maximum of 14 days)

Appendix5: Standard procedure Flowchart



Appendix 6: “Young and Homeless” leaflet



Young & Homeless
leaflet

Appendix 7: Young People’s Housing and Accommodation Pathway in East Sussex



Young People’s
Housing and Accommod

