

Please provide the following:

1. Copies of any current local authority policies and procedures specifically relating to 16 and 17 year-olds who present to the local authority as homeless and/or estranged from their parents.
2. Copies of any materials produced by the local authority specifically for 16 and 17 year-olds who present to the local authority as homeless and/or estranged from their parents. (Please note, we are seeking only those materials which are currently in use).
3. Copies of any current local authority policies and procedures specifically relating to the use of semi-independent or independent accommodation ('supported accommodation') for looked after children aged 16 and 17.

Please see attached PDF for Protocol

Please see attached leaflet.

Please see attached.

Housing support for
16 and 17 year olds

Wigan
Council

Are you homeless?

Are you worried
about being
homeless?

Wigan Council
is here for you

We can support you by working together to complete a joint homeless assessment. This means we will speak to you, visit your family home, and speak to family members and people who work with you or your family.

These are the sorts of things we will discuss:

- What your living situation is. For example, if you have been asked to leave by your parents or if your landlord has evicted you
- If you are 16 or 17 years old
- How you've become homeless. For example, did you do something that led to you losing your place to live? If so, did you know that these actions could result in you losing your home? Did someone else do something that led to you losing your home?

If at the end of the assessment we find that you have become homeless through no fault of your own, and have a priority need, we will find you somewhere to live.

You will be made one offer of a property, and if you refuse this, we will no longer be able to assist you in finding a home.

If you are under 18 years old and are having difficulties at home, or have lost your accommodation, you should contact the Children's Duty Team on **01942 828300** or the Homeless Solutions Team on **01942 487732** immediately.

These teams will work with you to help you find some solutions.

More help from Wigan Council

Depending on your situation, we might ask our Start Well services to support you.

Start Well can help you with education, employment, training opportunities, budget management and developing daily routines.

If you're leaving care, have a chat with your personal advisor if you're worried about your future housing plans. You can contact the Leaving Care team on **01942 487150**

Help from other local services

Depending on your situation, some of these other local services might also be able to offer you some support:

- Wigan & Leigh Carers Centre: **01942 697885** (If you are a young carer)
- My Life: **01257 472900** (If you or a family member has a disability)
- Embrace: **01942 233323** (If you or a family member has a disability)
- Children First Partnership Hub Tel: **01942 828300**, Monday to Friday, 8:45am to 5.00pm
Out of Hours: 4.30pm - 8.30am weekdays, all day weekends and bank holidays, Tel: 01942 828777
- Adactus Housing Group: young people's supported accommodation projects. **01942 608715** www.adactushousing.co.uk
- The Brick, Wigan: enquiries@thebrick.org.uk **01942 236953**
- Shelter emergency helpline: **0808 800 4444** www.englishshelter.org.uk

Wigan Council Protocol for Homeless 16/17- year-old Young People

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Signatories

Wigan Council has statutory duties in relation to young people who are homeless or threatened with homelessness. These statutory duties span across Children's Services and Housing. They are committed to the principles set out in this Joint Protocol and commit to its aims and objectives.

<i>Organisation</i>	<i>Signed by</i>	<i>Name and designation</i>	<i>Date</i>
Wigan Council			

1. Introduction

- 1.1 This Joint Protocol forms an agreement between Wigan Council Children's Services and Housing. The Joint Protocol aims to ensure that by working together collaboratively, social care and housing professionals will prevent homelessness for young people in Wigan. The experience of homelessness is damaging to young people and to their life chances: The statutory Joint Guidance states that: "it is in the best interests of most young people aged 16 or 17 to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends' network".
- 1.2 Children's Services and Housing will work together on a range of early interventions to prevent the threat of homelessness being realised for young people. This Joint Protocol concerns those young people where homelessness appears not to be immediately preventable and sets out the steps that will be taken by respective professionals in Social Care, and Housing to support young people.
- 1.3 The Joint Protocol has been developed in compliance with legislation and guidance and outlines the joint responsibilities of the signatories to address the needs of Homeless 16 and 17-year-olds in Wigan.
- 1.4 The objective of this protocol is to ensure that professionals in Children's Social Care and Housing work together well to safeguard the wellbeing of the young person and to prevent homelessness.
- 1.5 By working together in partnership to develop this Joint Protocol we have built ownership of the process in each of the departments. We believe this will result in a better and more consistent way of working that delivers improved outcomes for young people that includes resolving difficulties at home and the prevention of homelessness in the first place.

2. Key Principles

- 2.1 The parents of, or those with parental responsibility for, 16 and 17 year olds are responsible for their children's welfare. Our primary commitment is to keep families together in their homes, or the homes of other wider family members, wherever possible and safe because this is best for the young person.
- 2.2 There is excellent early intervention and preventative work taking place at a local level which sits outside of this Joint Protocol. This work supports the principle outlined above: for most young people, staying in their family home (with support where needed) is usually the best outcome for them.
- 2.3 Young people aged 16 or 17 are still children and that as such, all agencies have duties and responsibilities to act together to protect them¹ if they are suffering, or likely to

¹ *Working together to safeguard children*, guidance for children's services authorities and their partners published by DCSF (now Department for Education) 2018

suffer, significant harm. The safety and welfare of the young person is paramount in the application of this protocol.

- 2.4 Young people should be supported by the people working with them to understand the available options so that they can make informed choices about their future. There are multiple access points that a young person or agency can access support if there is a risk of homelessness, such as; the Lifecentre, via phone or email and the online referral process. Young people should be kept informed throughout the process about what decisions are being made by professionals and fully engaged in the assessment of and planning to address their needs.
- 2.5 If a young person engages in a joint assessment as a result of being Homeless/Threatened with Homelessness, they will be offered access to independent advocacy services.
- 2.6 Social Care and Housing will work together to assess the needs of young people and in doing so, ensure that they share information effectively to inform decision making.
- 2.7 Sometimes and despite everyone's best efforts, the planned pathway agreed with the young person breaks down. There is an absolute commitment on behalf of the signatories to the Joint Protocol to ensure that in such cases the pathway is rebuilt, and agencies act as facilitators for that young person to go back to the appropriate stage and re-engage.
- 2.8 A young person in crisis should receive a consistent, practical, and immediate response which focuses on preventing homelessness in the first place and from whichever agency they first approach. A "quick guide" has been developed to facilitate this (Appendix 1).

3. Statutory Context

- 3.1 For the purposes of this protocol:
 - a. 'Homeless' in relation to Housing Services refers to Section 175 of the Housing Act 1996, and
 - b. 'Child in Need' refers to Section 17 of the Children's Act 1989.
 - c. There is a separate duty to accommodate children under Section 20 Children Act 1989.

16 and 17-year-old homeless applicants have a priority need for accommodation, except those who are:

- A relevant child, or
- A child in need under section 17 who are owed a duty under Section 20 of the Children Act 1989.

- 3.2 Statutory Guidance (2018) "Prevention of homelessness and provision of accommodation for 16- and 17-year-old young people who may be homeless and/or require accommodation". This joint guidance was first published in April 2010 following several judgements handed down by the House of Lords in cases concerning the interrelationship between the duty under section 20 of the Children Act 1989 ('the 1989 Act') and duties under Part 7 of the Housing Act 1996 ('the 1996 Act') where

young people aged 16 or 17 require accommodation. The guidance has been amended to reflect new duties introduced through the Homelessness Reduction Act 2017 ('the 2017 Act'), and to incorporate other relevant updates. All presentations from 16-17 year old young people, either in person or via the duty to refer processes, will have a case created and recorded on the homelessness case file system and data submitted as part of the Homelessness Case Level Information Collection (H-CLIC) returns. [Homelessness Reduction Act 2017 \(legislation.gov.uk\)](https://legislation.gov.uk). While a Local Authority can offer services and support to a young person under Section 17 of the Act, they **cannot** substitute the Section 20 duty with Section 17 powers and as a result of being accommodated by children's services for a continuous period of more than 24 hours under s.17 the young person will become looked after under s.20.

- 3.3 The guidance sets out the respective duties of children's services and housing services to secure or provide accommodation for 16- and 17-year-old children who are homeless or in need of accommodation and states that "The primary responsibility for a child in need who requires accommodation, including a 16- 17-year-old who is homeless, lies with the relevant Children's Services authority. The Children Act 1989 (Section 20) places a duty on Children's Services authorities to accommodate a child in need, and in almost all circumstances a homeless 16-17-year-old would be a child in need. However, there remain circumstances when the Housing Authority will have duties towards a homeless 16-17-year-olds, including when the young person, having been fully informed of the implications, and being judged to have capacity to make that decision, declines to become looked after under the Children Act and instead applies for assistance under homelessness legislation".
- 3.4 If a young person is accommodated under Section 20, they become a 'Child in Care' and they are afforded further protection and rights with a range of support and services, including a named social worker and a care plan. The plan must address accommodation and support with named contacts, timescales for action and review dates. Some young people who are 'looked after' will also then qualify for leaving care support and services up to the age of 21 or in some cases, up to the age of 25.
- 3.5 This protocol has been developed with reference to "Prevention of homelessness and provision of accommodation for 16-17-year-old young people who may be homeless and/or require accommodation" published in 2018. It sets out the respective duties of children's services and housing services to secure or provide accommodation for 16-17-year-old children who are homeless or in need of accommodation. The guidance was originally issued following the judgment by the House of Lords in the case of R (G) v London Borough of Southwark (2009). It has now been updated to reflect changes in homelessness and children's legislation.

4. Before a Young Person Becomes Homeless

- 4.1 It is important to act quickly in the event that a young person expresses concern about the security of their home. The Duty to 'Refer' placed upon children's services to ensure young people who are threatened with homelessness or are homeless are referred, with informed consent, to a local housing authority. This duty, introduced through the 2017 Act should not detract from, and may be used to enhance, performance of other statutory duties or joint working arrangements. If a young person aged 16/17 approaches Housing for advice and support and there are no known safeguarding issues, they will explore the concerns in the family home with a

view to ensuring that any support, such as mediation, can be arranged promptly and prevent family breakdown, there can also be a request to Children's Social Care for Early Help support through targeted services to support and sustain the young person within the family home.

- 4.2 If a young person is already known to and working with Social Care or Targeted Intervention Services and they become concerned about the security of their home, their allocated worker should actively seek to work with the young person and their family to ensure there is no disruption to their accommodation. If the young person is at threat of homelessness, the allocated worker can access specialist mediation through Housing if required.
- 4.3 In Wigan borough there is a wide range of services which provide advice and support to people who are having a problem related to their accommodation, homelessness or who need assistance to maintain a stable home (see appendix 5).

5. If Homelessness Cannot be Prevented

- 5.1 A young person 16/17 is a child, and if it becomes apparent that they cannot be safely supported and accommodated by their family, including wider family, Children's Social Care will offer them a full assessment of need and engage Housing in a joint assessment to determine the right next steps for the young person and help them to make informed decisions.
- 5.2 If a young person is not known to social care or targeted intervention services and presents to Children's Social Care as homeless, a social worker must undertake a full assessment of need and engage Housing in a joint homeless assessment if accommodation continues to be a concern.
- 5.3 Emergency accommodation may be required if there is no safe place for the young person to stay while assessments are underway. However, this must always be a very last resort and significant attempts made to connect to family and find alternatives. Where a 16 or 17-year-old seeks help from or is referred to children's services and it appears that they have nowhere safe to stay that night, then children's services must secure suitable emergency accommodation for them under s.20 of the 1989 Act, whilst their needs are further assessed. If it is assessed that the young person continues to require accommodation and they are accommodated for more than 24 hours they will become Looked After (subject to paragraph 4.7 below) and they will be owed all the duties that are owed to a looked after child, in accordance with the Care Planning, Placement and Case Review Regulations 2012 and the Care Planning, Placement and Case Review statutory guidance 3. If required, accommodation will be jointly arranged by Children's Social Care and Housing and will support the finding of the most appropriate accommodation for the circumstances of the young person.
- 5.4 Bed and Breakfast accommodation is not suitable for use by Children's Services or Housing Authorities to accommodate 16 and 17-year-old young people on a temporary basis and will under no circumstances be used: this principle is re-emphasised by the statutory Joint Guidance. Bed and Breakfast accommodation, as defined in Homelessness (Suitability of Accommodation) (England) SI 3326 2003, is not deemed to be a suitable temporary accommodation option for 16-17-year-olds even on an emergency basis (Homelessness Code of Guidance, CH17, 17.41)

6. Wigan's Definition of Success

6.1 Young People will:

- Have clarity about what will happen next and about what they can expect or understand the limitations of what can happen
- Only have to tell their story once and not repeatedly to different individuals in the same organisation.
- Be listened to and helped to make informed choices with Advocacy support.
- Have their wishes heard and someone to talk to who can explain what is going to happen and what could happen
- Have the right time, by right person in the right place.
- Be offered suitable emergency accommodation where they cannot live at home or in their wider family and friends' network

6.2 As professionals we all want:

- Decisions to be made in the best interest of each young person
- To prevent homelessness
- Relevant agencies to work together to support young people
- To place young people at the heart of a system that makes sense to them
- To champion equality and diversity in our communities
- To work together and see success as collective – if one part of the system is failing, we all are
- To be ambitious & creative – adopting a 'can do', not 'cannot do' approach

7. Information Sharing

7.1 This protocol has been formulated to facilitate the exchange of information between the signatories. It is, however, incumbent on all partners to recognise that any information shared must be justified on the merits of the agreement. The balance between an individual's Human Rights and the need to disclose information must be assessed, to ensure the information shared between agencies is proportionate to the purpose in line with General Data Protection Regulations (GDPR).

7.2 Information shared will include personal data about the young person, including any initial assessment of their needs. In the first instance any referral made must seek the consent of the young person to share the information. Information will be shared using the Professional Referral Form (PRF).

7.3 Before sharing data, officers will check that the information being shared is accurate and up to date to the best of their knowledge.

8. Joint Working: The Detail

8.1 Legislation, government guidance and case law are clear what should happen when a young person is homeless or threatened with homelessness and they are not able to stay or return to the parental home or their family network. This specifies how their needs should be assessed and which agency, if any, should take statutory responsibility for their housing, support or care needs (if homelessness cannot be

prevented), both during and after that period of assessment. As highlighted within the 'Working Together Framework' agencies need to work together to prevent homelessness in young people. It is the responsibility of every agency, key worker to prevent homelessness. Homelessness should not be recognised as a point where an individual is about to lose their accommodation, in the majority of cases, there will be warning signs and opportunities for intervention.

- 8.2 If the young person is threatened with homelessness but is not homeless - where a decision reached is that the young person is a child in need, children's services will lead work to prevent the young person being threatened with or becoming homeless in the future. This will be based on the professional judgment of an individual young person's circumstances, whether it is in the young person's best interests to remain with their family and if so, what is needed to support this. Where the young person is a child in need, children's services should use their powers under section 17 of the 1989 Act to provide these services and set these out within a child in need plan.
- 8.3 The summary flowchart (Appendix 2) translates this clarity into a diagram that fits the Wigan context. There are some basic principles that it is worth making explicit and these are detailed below.
- 8.4 A young person may disclose to any number of agencies or professionals that they are faced with homelessness, to their school or college, other statutory or voluntary agencies, accommodation providers etc. Professionals in these instances should support the young person to contact Housing. There is specialist provision within Housing to support young people and their families who are at risk of household breakdown, including the provision of mediation. For young people not known to Social Care, Targeted Intervention Services and Housing will provide the young person and/or their family with advice and information which will, in many cases, be sufficient to resolve the housing difficulty. In cases where this advice and support is not sufficient then a joint assessment from Housing and Children's Social Care will be triggered.
- 8.5 If a homeless 16/17-year-old contacts Children's Social Care (via the Children First Partnership Hub) and they do not have an allocated social worker, the contact will be passed to the Duty Team to initiate the Initial Screening meeting to start the process of the Joint Assessment of need with Housing on the day of the referral. If the young person has a social worker, that worker will undertake and start the process of Initial screening for the joint assessment with Housing the same day. This is to ensure that following the initial screening process if a young person is deemed to be homeless and has nowhere safe to stay that night appropriate plans will be made for emergency accommodation.
- 8.6 There are times outside general office opening hours when young people aged 16 and 17 will present as being homeless. As the Children Act 1989 takes precedence over the Housing Act 1996, Children's Services will remain the lead agency in respect of assessing the needs of children in need aged 16-17 years of age who present out of office hours and request housing provision and will liaise with Housing Options out of hours emergencies on 01942 828777. All approaches to OOH by young people aged 16 and 17 will therefore be regarded as an initial approach to Children's Services and, following the placement within suitable emergency accommodation, the guidance set out at of this protocol will apply.

- 8.7 For the purposes of the Joint Assessment, by 16, we mean children who have finished their school year. Prior to this point young people would not be assessed under the Joint Protocol but via a Children and Family Assessment in Children's Social Care. Mediation services are still available.
- 8.8 If emergency accommodation is required on the same night that the young person makes contact, Children's Services and Housing will work together to place them in suitable young person's emergency accommodation, irrespective of which agency were first approached. Emergency Accommodation will always be a last resort. Services should work together on the child remaining in their existing accommodation where it is safe for them to do so, even if this involves negotiation/mediation with existing family members. This may be a short-term option whilst alternative accommodation is sourced. Both children's services and Housing will work together around achieving this outcome, where it is safe and feasible to do so.
- 8.9 On occasion, it may not be possible to secure suitable accommodation with existing family and friends, and an emergency accommodation placement will be required. Children's services and Housing will work together to determine the most appropriate accommodation (under Section 188 of the 1996 Act) and will consider accommodation via the commission of the Young Person's hub, whereby an emergency 72-hour placement could be made, providing there is a vacancy to enable this. In the event that Young Person's hub is full, Children's Services and Housing will look at what other viable options are available to achieve a safe, suitable emergency accommodation placement. Collectively we need to ensure an appropriate plan is in place until that young person has secured suitable accommodation – be this returning home or new accommodation, they cannot be left without a move on plan. The impact will also be seen on availability of emergency accommodation as there will be no facility to accommodate another young person that may need this facility as should only be 72 hours to enable joint assessments to be undertaken.
- 8.10 However, if there is no suitable accommodation and arrangements need to be made under Section 20 of the Children's Act, the young person must consent if they have capacity to do so. If the young person lacks the capacity to consent, consent will need to be sought from someone with parental responsibility, although if that was not obtainable, legal advice must be sought. The local authority would still be responsible to accommodate under Section 20. If a young person with capacity does not give explicit and informed consent accommodation must be provided by Housing.
- 8.11 The flowchart makes clear the lead role to be taken by Children's Social Care in decision making following the joint assessment. It gives clarity over the pathway(s) available for homeless young people and simplifies the process, avoiding duplication and making the experience less distressing for the young person. The Initial Contact guide (Appendix 1) should be used by whoever comes into contact with the young person first and, if an assessment is required, this information is used to inform the need for the Joint Assessment.
- 8.12 Young homeless people aged 16/17 are in 'priority need' as defined by the Housing Act 1996 and are therefore entitled to assistance. Under Part 7 of the Housing Act 1996, every local authority should provide accommodation for young people that are eligible for assistance, are homeless or threatened with homelessness, are in

priority need and are not intentionally homeless. If the young person does not have a local connection to the borough, they may be referred to another area where they do have a connection, so long as it is safe for them to return there. The *duty to assess falls on the authority area in which the young person is* (3.51 of the joint guidance) – see ages 19 and 29 of the [joint statutory guidance](#).

Under Part 7, a young person may be owed the following duties:

- To ensure that accommodation is available for his/her occupation
- To take reasonable steps to ensure that accommodation does not cease to be available for his/her occupation
- To ensure accommodation is available for occupation for such period as will give the young person a reasonable opportunity of securing accommodation for his occupation
- To provide advice and assistance in any attempt the young person makes to ensure accommodation becomes available for his/her occupation

8.13 Decisions as to which agency assumes or maintains ongoing responsibility to provide accommodation will be dependent on the outcome and recommendations of the Joint Assessment process and should be reached within ten working days.

8.14 The initial screening meeting to start the process of the Joint Assessment will be undertaken on the same day or within the next working day (as a priority if housing have provided emergency accommodation on an evening or weekend), this must fully involve the young person and their family where it safe and appropriate to do so, consider the young person's wishes and determine the most appropriate pathway for the young person considering the legislative context and statutory guidance. During the initial meeting the housing officer and social worker will explain options to the young person (S17, S20, Care Leaver duties and duties under Housing, including risks of becoming Intentionally Homeless). The young person will also be provided with a leaflet to explain their rights and options Housing and Social Care will work together to undertake the assessment as part of prevention of homelessness, this will usually include speaking with the young person (with the support of an advocate if required, advocacy support will be offered to every young person presenting), visiting the family home and speaking with family members, and talking with any relevant professionals who are working with the young person or their family. Social workers need to be aware of advocacy services and independent visiting services provided by The National Youth Advocacy Service. Advocacy (NYAS)

8.15 The Joint Assessment process should reflect the views and wishes of the young person and whether:

- They can remain at or return home with, if required, support from Targeted Intervention Services or any other service
- They are a child in need of services under Section 17 of the Children's Act 1989
- Children's Services should offer accommodation under Section 20 of the Children's Act 1989
- Any duties are owed to the young person under the Housing Act 1996.

- 8.16 If a 16- or 17-year-old woman is pregnant or has a child or children of her own, Children's Services' duties will be determined towards each of them individually. The Wigan Safeguarding Children's Board (WSCB) pre-birth protocol should be followed if relevant.
- 8.17 If a young person is in a relationship with an older person, only duties towards the 16- or 17-year-old will be considered under this protocol.
- 8.18 Children's Social Care and the Housing Team will work together to conclude the determination of duties under the Children Act 1989 and Housing Act 1996. Where there are duties to assist, they will put in place a suitable package of assistance which reflects the young person's wishes and feelings, is realistic, and which will best assist the young person in moving on to independence (including retaining supportive social and family networks, plans for education, training and work).
- 8.19 In all decisions, consideration must be given to the wishes and feelings of the young person. It is possible for an assessment to determine that a young person is eligible for accommodation and support under Section 20 of the Children's Act 1989 and for the young person to decline this and make an informed decision to accept support under Section 17 of the Children's Act or under homelessness legislation, if the young person chooses the homeless route they will still be offered support via a CIN plan, if the young person refuses this support further support will be offered by Early Help targeted services. It is important that practitioners have ensured that the young person is aware of their entitlements to leaving care services before their decision in such matters can be considered to be informed.

9. Safeguarding Considerations

- 9.1 If at any point in the assessment or following the assessment those working with the young person become aware that the young person is at risk of harm (if, for example, they disclose that they have been or are being exploited or abused) then workers should follow the Children's Safeguarding Procedures. The young person must be informed of this duty, though their consent is not required. Allegations of violence and abuse will be taken seriously, and the Children's Services Safeguarding Procedures followed before any contact is made with the alleged perpetrator(s).

10. Actions Following the Outcome of the Joint Assessment

- 10.1 If a duty is owed under Section 17 **AND** Section 20 applies, **Children's Social Care** will:
- Assess the capability of the young person to make this decision. Discuss the assessment outcomes and options for the future with the young person, ensuring that they can make a fully informed decision on whether to accept the offer of assistance under Section 20. In the case of an exceptionally vulnerable young person, discuss with the relevant Children's Services placement team regarding the availability of foster or residential care options, for those homeless 16-17 year olds who accepts s20 but is not exceptionally vulnerable the local authority will provide supported accommodation to help prepare the young person in developing independent living skills to help them prepare for adult life.

Housing will:

- Issue a decision letter to the young person:
 - If the young person is still within the relief duty and has accepted S20, then a decision will be issued ending the relief duty due to them having accommodation available
 - If the decision on S20 is reached whilst the main housing duty is being assessed a non-priority decision letter will be issued due to them being a Child in Care.
- If the young person has previously been placed in emergency accommodation by the Housing Team, notify the benefits team that housing benefit entitlement has ceased, and the proprietor/host that invoices should be directed to Children's Services from this point on.

10.2 If the young person accepts the offer of assistance under Section 20, **Children's Social Care** will:

- Inform any referring agency
- Arrange a placement in suitable accommodation, or arrange to take over financial responsibility for the young person's accommodation if they have previously been placed by the Housing Team
- Put in place a care plan and allocated social worker for the young person in accordance with Children in Care procedures.

10.3 If the young person does not accept the offer of assistance under Section 20 **Children's Social Care** and **Housing** will:

- **Children's Social Care** will review the young person's holistic needs and whether they require on-going support under Section 17 and may refer to targeted services to access support. If a young person declines S20 they should have a CIN plan and they should be aware that if they refuse S20 they can request a reassessment anytime up until their 18th Birthday.
- **Housing** will inform the proprietor or host if the young person has been placed in emergency accommodation (under Section 188 of the 1996 Act) of the date the authority will cease payment and treat the young person's application in the same way as if a duty is owed under Section 17, but Section 20 does not apply (see below).
- However, in very limited circumstances the provision of accommodation under section 17 may be appropriate. Where a young person aged 16 or 17 is homeless and requires accommodation, does not wish to be accommodated under section 20 but is subsequently not owed the main accommodation duty by a housing authority, for example because they have refused a suitable offer of accommodation or are found to be intentionally homeless, then the children's services authority should, given the change in circumstances, once again ask them their wishes regarding being accommodated under section 20.
- If the young person still does not wish to be accommodated under section 20 and is judged to have the capacity to make that decision, **they should be offered accommodation under section 17 with a child in need plan in place, until they no longer require accommodation or they reach the age of 18.** In

such cases, children's services and housing services will need to work together with the young person to ensure that they are not placed threat of homelessness as they approach age 18.

10.4 If a duty is owed under Section 17 BUT Section 20 does NOT apply (this will usually be because the young person is not homeless, or the young person has refused S20 assistance) the **Housing** Team will:

- Determine duties owed under Housing Act 1996
- If the young person is still in need of accommodation, assist the young person in completing their application for housing benefit if they have been occupying an emergency accommodation placement
- Ensure that the young person is aware that if there is a change in circumstances and the young person subsequently becomes homeless, they should approach the team for a re assessment anytime up to their 18th Birthday.

10.5 If a duty is found to assist under the Housing Act 1996 the **Housing Team** will:

- Follow local Housing Authority procedures for interim/temporary accommodation and eventual discharge of duty
- If applicable liaise with Children's Social Care about the young person's support needs.

10.6 If no duty is found to assist under the Housing Act (for instance, if the young person is found to be intentionally homeless) the **Housing** Team will:

- Follow local procedures to end emergency accommodation (if any) allowing the young person a reasonable time to make alternative arrangements. Housing services should take particular care when assessing whether 16–17-year-olds are to be considered intentionally homeless from their family home or from accommodation provided for them. For an applicant to be intentionally homeless the actions or omissions that led to their becoming homeless must have been deliberate. Housing authorities will need to be mindful that a homeless 16–17-year-old might not have the ability to understand the full consequences of their actions and choices that would be expected of an adult.
- Housing services are reminded that applicants cannot be considered to have become homeless intentionally because of failing to take up an offer of accommodation; homelessness is only capable of being 'intentional' where the applicant has ceased to occupy accommodation that it would have been reasonable for them to continue to occupy. For a young person to be considered intentionally homeless from accommodation provided during the prevention or relief stages (see above) the accommodation must have been provided under the reasonable steps provisions and **not** as interim accommodation under Section 188 of the 1996 Act. Before concluding that the young person is intentionally homeless, housing must consult the legal department. Inform Children's Social Care Immediately to discuss the decision and the young person's future housing circumstances (if no relationship currently exists with Children's Services) and, if necessary, re-refer the young person for further assessment. If a relationship

with Children's Services already exists, they will discuss the decision with the lead professional or allocated Social Worker.

11. Young People in Custody

- 11.1 The duty to refer places a statutory responsibility on public authorities in England to notify a local housing authority (LHA) of applicants they think may be homeless or threatened with becoming homeless within 56 days.

The public authorities specified in the Homelessness Regulations 2018 include:

- Prisons
- Youth offender institutions
- Secure training centres
- Secure colleges
- Youth offending teams
- Probation services (including community rehabilitation companies)
- Jobcentre Plus
- Social service authorities
- Emergency departments
- Urgent treatment centres
- Hospitals in their function of providing inpatient care Agencies signed up to Voluntary Duty to Refer:
- Local housing providers
- Greater Manchester Police

If a young person in in youth detention and will have no home on release, children's services and housing will work together to assess their needs and work with the young person, and any professionals, to find them a home. Children's Services and Housing will:

- Visit a young person in youth detention to complete a homeless assessment
- Work with the young person and other agencies to develop a plan for release
- Offer advice on a range of issues.

It is important that children's services and housing are contacted as soon as possible to ensure there is enough time to explore all housing options.

- 11.2 If a young person aged 16 or 17 years has been given a custodial sentence or custodial remand, their Youth Offending Team Officer must at the start of and during the custodial sentence, identify any need for accommodation on release. If there is a legal duty to notify housing. If a young person is remanded in custody (Youth Detention Accommodation), they will automatically become a Child in Care (CiC) and should be allocated a Social Worker to address any accommodation needs alongside the Youth Offending Service.
- 11.3 If the young person has an allocated Social Worker before the start of their custodial sentence, they will work with the Youth Offending Team Officer and the relevant secure establishment throughout the sentence period, ensuring that the young person's needs on release for assistance under the Children Act are assessed when

appropriate. If the young person is a Child in Care, the Social Worker will take the lead in planning post-release accommodation from the start of the custodial sentence onwards, combining the sentence planning meeting process within procedures relevant to Children in Care (i.e, CiC Reviews). The Independent Reviewing Officer will continue to monitor the care planning for the young person.

- 11.4 The Youth Offending Team Officer will continue to have an active role in preventing homelessness and will continue to offer preventative services to young people and their families where appropriate. In the event of a young person becoming homeless, they will maintain their involvement alongside Housing and Children's Services colleagues as appropriate.

12. Problem Resolution Procedure

- 12.1 **Legislation, Case Law and Government guidance emphasise the importance of the Joint Protocol** as the means by which the statutory services will be held to account to Homeless and Vulnerable Young People for the service that they provide.
- 12.2 Conflicts are most likely to arise over the young person's initial assessment. Wigan's Joint Protocol deliberately concentrates on the Initial Contact to address this.
- 12.3 There are three parties to that assessment: the Council's Children's Services and Housing Teams and the Young Person. Any one of these can escalate the disagreement to a formal complaint.
- 12.4 We have agreed to use Escalation Policy which can be found on the Wigan Safeguarding Children's Board website, whilst the young person can use the complaints procedure.
- 12.5 Disagreements could arise in a number of areas but are most likely to arise around:
- Thresholds
 - Roles and responsibilities
 - The need for action
 - Communication.
- 12.6 Issues resolution is an integral part of professional co-operation and joint working to safeguard and promote the well-being of children and young people. While often a positive sign of developing thinking within a dynamic process, this can be reflected in the immediate term as a lack of clarity in procedures or approaches. Professional disagreement is only dysfunctional if not resolved in a constructive and timely fashion.
- 12.7 Attempts at problem resolution may leave one worker or agency believing that the child remains at risk of significant harm. This person or agency has responsibility for communicating such concerns through agreed channels.
- 12.8 **It is the responsibility of every professional to 'problem solve'**. The aim must be to resolve professional disagreement at the earliest opportunity and as swiftly as possible, always keeping in mind that the child and young person's safety and welfare is the paramount consideration. The Wigan Safeguarding Children's Board is clear that

there must be respectful challenge whenever a professional or agency has concern about the **action or inaction** of another.

- 12.9 If a professional disagreement arises and the issue cannot be resolved between practitioners, the matter must be referred to the Line Manager who will discuss with their opposite number in the other agency in the hope that the issue can be resolved.
- 12.10 Failure to resolve disagreements between Line Managers must be further escalated to Senior Managers within the respective organisations. If there continues to be no resolution, then the matter should be escalated to the Independent Chair of the Wigan Safeguarding Children's Board via the Board Manager.
- 12.11 A clear record of all discussions, agreements and actions must be kept by all parties. A serious escalation could be defined as a situation where the effectiveness of the response of one agency is likely to have a significant impact on the confidence of the other agency, leading to possible longer-term impact on the ability of the agencies to work together for the benefit of vulnerable children, young people and their families.
- 12.12 **For further details on Problem Resolution please refer to the full Wigan Safeguarding Children's Board policy on Wigan Safeguarding Children's Board website.**

13. Monitoring and Review

- 13.1 This Joint Protocol will be monitored annually by the Wigan Safeguarding Children's Board and the Positive Transitions Board. They will monitor:
- The number of young people presenting as homeless (through contacts on Children's Services electronic records and through referrals to the Children's Social Care)
 - Homeless applications to the Housing Team with outcomes
 - How many were prevented/return home sustained or re-presented in a certain timescale
 - Was DTR made and recorded
 - How many needed emergency accommodations and/or moved into supported housing?
 - The number and timescales for Child & Family Assessments carried out by the Assessment & Planning Team specific to 16- and 17-year-olds who have presented as homeless
 - The outcomes for those not owed a Section 20 duty.
 - How many had CIN plans
 - The number and percentage of young people who become looked after due to being homeless
 - How many were offered/accepted advocacy
- 13.2 The effectiveness and continuing relevance of joint protocols will be reviewed annually, to monitor implementation and consider the outcomes for all young people presenting homeless. It would be good practice for young people who have been provided with services to be consulted about the quality of services and contribute to service reviews.

14. APPENDICES

- Appendix 1: The Initial Contact guide**
- Appendix 2: Flowchart: How It Works**
- Appendix 3: Legal Framework, Case Law and Key Guidance**
- Appendix 4: The Initial Screening Joint Assessment Form**
- Appendix 5: Range of services for support and guidance**
- Appendix 6: Definitions**

Appendix 1: The Initial Contact Guide for all agencies

Explain to the young person that you are here to listen to them and might need to ask some

These questions are the minimum we would expect to be asked of a young person when they present as homeless. The purpose of this is to ensure a consistent response and experience, regardless of whose front door the young person presents to and regardless of where they present. These questions should be revisited and explored further with the young person in any subsequent assessments. **Remember young people are best living at home or within wider family and friends' networks (where it is safe to do so) rather than in their own accommodation or in care.**

questions to understand their story. Explain that you will need to ask some personal questions so that you can work out how best to help and you will have to make some notes. Check that they understand, and that they are happy to continue. It will be helpful, as they tell you what has happened and why they are homeless or threatened with homelessness, to reflect back to them what they have told you and how you have recorded it often through the conversation.

Some helpful questions to establish next steps

- Can you tell me your name, DOB and current address?

Context

The first thing we need to do is to establish where you have been living and why you can't live there anymore:

- Can you tell me where you have been and what has been going on?
- Do you feel safe at home (where you have been staying)?
- Can you tell me a bit more about why/why not?
- What is going on at home (where you have been staying) that means you can't go back?
- **If there are no safeguarding concerns:** What could we do to help you to resolve the difficulties, you are having at home?
- Do you know what the Housing are for young people?
- If we phoned your parents and asked them if you could go back home, what do you think they would say?

Other supplementary questions may be asked dependent upon the conversation. What we need to establish is why the young person believes they are no longer able to live at home and if it is possible to "hold" the position at home and prevent homelessness. If they are not at home, how long is it since they left home, how long have they been in an interim arrangement and why has that ended?

Support Needs and Risk

It is important to establish who is already working with the young person, so that they can be engaged in any assessment process, plan and support.

Helpful questions and script

The next thing we need to establish is whether you are getting any help from anyone right now and that will help us work out if you need any extra support and who best can do that.

We can offer you help to sort things out with your parent(s). Lots of young people fall out with their parents and it can take a bit of time, but it's much better to be at home or with your family and then plan your move out if that's what you need or want to do.

- Are there any other agencies you are involved with or any other people you see who help you or give you support?
- How are you feeling in yourself?

If you are concerned about a young person's responses:

- Can you tell me more about what is making you feel like that?
- Is there anything that makes it better, is there anything that makes it worse?
- Are you getting any support from any other professionals i.e. your GP or a therapist?
- Do you have any concerns about alcohol or substance use?
- Can you identify any support that you are not receiving now that you think would be helpful?

Before we can look at what happens next, we just need to build up as clear a picture as possible of you and identify anything that might help you or anything that might make things go wrong.

- Are there any offences you can tell me about or is there anything you are waiting to hear about?

If yes, ask about involvement with YOT, sentence, timing, get more detail.

Immediate accommodation options

- Can you go home tonight whilst we try to support you and your family to resolve your difficulties? **NB: Only if there are no safeguarding concerns**
- Have you somewhere to stay tonight? Would you feel safe there?
- What about any friends or family members, is there anyone you could stay with where you would feel safe? Can I help you sort that?

Identify what the local, emergency offer is. Dependent on the young person's circumstances, ask about food and benefits as part of this conversation.

In line with the principles of the protocol emergency accommodation will be arranged by Housing wherever possible. If a presentation is made out of hours the Emergency Duty Team will apply the usual out of hours procedure for providing accommodation.

Action & Next Steps

- What I would like to do now is talk you through what happens next, where this information goes and what happens to it but before I do that, I would like to hear about what you would like to see happen?

We are looking for the young person to expand beyond "I need somewhere to live" to understand their desired outcome: is about a tenancy and support to manage, is it about support to return home, is it about living in supported accommodation etc...?

So, I said at the beginning that I was going to take some notes and fill in a form; I'd like us to go through briefly what I have written on the form to make sure that you agree this is a fair record of what we have discussed.

With your permission, I will now share this information with Children's Services/the Housing Team (dependant on who is completing the first contact) so that we can do a joint assessment of what your needs are and we can start to work out how best to help you.

- Are you happy for me to share this information?

If you are allocated a social worker in a Social Work Team, then they will contact you within 24 hours.

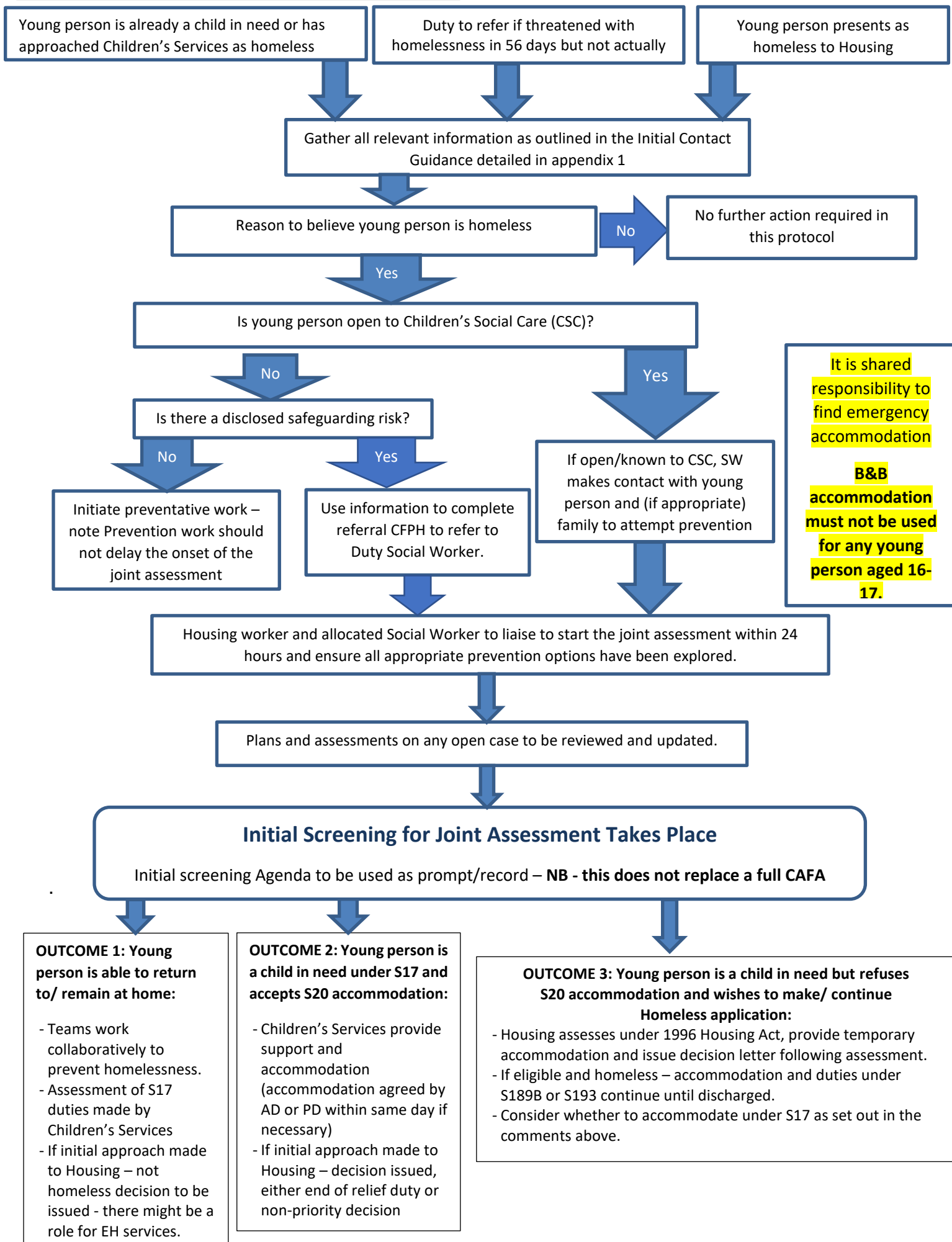
I will copy the form so that I have a copy and you have a copy as well as the one I will send to Children's Social Care. Is there anyone you would like an extra copy of this information for, so someone you would like to be invited to meetings alongside you to help make sure that your voice is heard? We call this person an advocate.

Young person gets action sheet/ personal housing plan to take away. This should include who will do what, by when and contact details.
--

If you haven't got someone you would like to come along, I can refer you to an independent person (Advocate) who can work with you to do this and who can make sure that your views are heard in any meetings or that you understand what is going on. Would you like me to do this?

Our initial discussion is now complete. I will now contact Children's Social Care/Housing, and we will carry out a joint assessment of your needs. Given you are homeless and have nowhere suitable to stay; we will now find suitable, temporary accommodation for you whilst this assessment is undertaken, and we will continue to look at your longer-term needs.

Appendix 2 - The Way it Works – Flowchart



Appendix 3 – Legal Framework, Case Law and Key Guidance

Homelessness for young people aged 16/17 is a complex issue that is covered by the Children Act 1989; The Housing Act 1996, the Homelessness Act 2002, and the Homelessness Reduction Act 2017. The Children Act 1989 is primary law, alongside other regulations, and guidance. The legal powers and duties within legislation have been challenged in court and in many cases, this has helped to clarify the law - for example, the 2009 G v Southwark Judgement. In addition, Ombudsman reports and Serious Case Reviews further add to understanding through commenting on and making recommendations in relation to legal compliance and good practice. In 2010, the Department for Communities and Local Government (DCLG) and the Department for Children, Schools, and Families (DCFS) published guidance on Joint Working between housing and children's services.

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

Legal Framework

For the purposes of this protocol:

‘Homeless’ in relation to Housing Services refers to Section 175 of the Housing Act 1996. Part VII of the Housing Act 1996 outlines the legal responsibilities of a District or Borough Council in terms of assisting people who approach the housing authority as homeless.

16-17-year-old homeless applicants have a priority need for accommodation, except those who are:

- A relevant child
- A child in need who is owed a duty under Section 20 of the Children Act 1989.

“The primary responsibility for a child in need who requires accommodation, including a 16-17-year-old who is homeless lies with the relevant Children’s Services authority. The Children Act 1989 (Section 20) places a duty on Children’s Services authorities to accommodate a child in need, and in almost all circumstances a homeless 16–17-year-old would be a child in need.

However, there remain circumstances when the housing authority will have duties towards a homeless 16-17-year-olds, including when the young person, having been fully informed of the implications, and being judged to have capacity to make that decision, declines to become looked after under the Children Act and instead applies for assistance under homelessness legislation.”
(Homeless Code of Guidance 2018)

b. ‘Requiring accommodation’ in relation to Children’s Services refers to Section 20 of the Children Act 1989.

Key extracts are:

- (1) 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/her.
 - 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.

(3) 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.

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

(6) Before providing accommodation under this Section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare

- a) ascertain the child's wishes and feelings regarding the provision of accommodation; and
- b) give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.

(7) A local authority may not provide accommodation under this Section for any child if any person who

- b) has parental responsibility for him; and
- c) is willing and able to:
 - i. provide accommodation for him; or
 - ii. arrange for accommodation to be provided for him,
 - iii. objects.²

If a young person is accommodated under Section 20, they become a 'Child in Care' and they are afforded further protection and rights with a range of support and services, including a named social worker and a care plan. The plan must address accommodation and support with named contacts, timescales for action and review dates. Some young people who are 'looked after' will also then qualify for leaving care support and services up to the age of 21 or in some cases, up to the age of 24.³

While a local authority can offer services and support to a young person under Section 17 of the Act, they cannot substitute the Section 20 duty with Section 17 powers.

Joint guidance was first published by the Government in April 2010 following a number of judgements handed down by the House of Lords in cases concerning the interrelationship between the duty under Section 20 of the Children Act 1989 ('the 1989 Act') and duties under Part 7 of the Housing Act 1996 ('the 1996 Act') where young people aged 16 or 17 require accommodation - *Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*. The guidance was amended in 2018 to reflect new duties introduced through the Homelessness Reduction Act 2017 ('the 2017 Act'), and to incorporate other relevant updates.

Case law has clarified the relationship between the duty under Section 20 of the Children Act 1989 ('the 1989 Act') and duties under Part 7 of the Housing Act 1996 ('the 1996 Act') in the case of 16-17-year-olds who require accommodation. The House of Lords case *R (G) v Southwark* [2009] UKHL 26 held that, where a 16-17-year-old is owed duties under Section 20 of the 1989 Act, **this takes precedence over the duties in the 1996 Act in providing for children in need who require**

² In the case of a 16/17-year-old and even if a parent objects, if the young person wishes to be a Child Looked After, they can be if they are deemed competent to make that decision.

³ For those young people who are looked after for 13 weeks or more after their 14th birthday and are still a Child Looked After on or after their 16th birthday, the Children (Leaving Care) Act 2000 applies. For those "qualifying" young people who do not meet the 13-week threshold for the above, Section 24 of the Children's Act 1989 applies.

accommodation. Where the specific duty is owed under Section 20 of the 1989 Act, a 16-17-year-old should be accommodated under that provision rather than looking to the general duty owed to children in need and their families under Section 17 of the 1989 Act.

Housing Act 1996 <http://www.legislation.gov.uk/ukpga/1996/52/part/VII>

- S183 - Reason to believe homeless or threatened with homelessness within 28 days
- S184 – if reason to believe, then duty to investigate 4 statutory tests: Eligible, homeless, priority need, intentionally homeless and 1 other test - not statutory - local connection
- S188 – interim suitable accommodation
- S193 – homeless decision – ‘accepting’ the main homelessness duty

The joint statutory guidance gives clear direction on the complementary roles of Children’s Services authorities and local housing authorities in implementing their separate statutory roles. The *G v Southwark* judgment clarified that in the case of a homeless 16-17-year-olds, children’s law takes precedence over housing law. In light of this clarification, a fundamental principle of the joint statutory guidance is that all 16–17-year-olds who are homeless should be assessed by Children’s Services under the Children Act 1989 to determine whether they are a child in need, as set out in Section 17 of the Act and, if so, whether a duty exists to offer accommodation under Section 20 of the Children Act 1989.

Case Law:

R (on the application of G) v London Borough of Southwark

The House of Lords judgment in the case of *R (on the application of G) v London Borough of Southwark* was handed down on 20 May 2009. The principal legal issue in this case was: what do the criteria in Section 20(1) of the *Children Act 1989* mean and how, if at all, is their application affected by the other duties of children’s authorities in particular Section 17 of the 1989 Act and by the duties of Housing Authorities under Part 7 of the *Housing Act 1996*?

In *R (G) v LB Southwark* the central issue was: where a child of 16 or 17 who has been thrown out of the family home seeks help from the local Children’s Services authority, is found to be homeless and a child “in need”, and wishes to be accommodated by them under Section 20 of the *Children Act 1989*, can the Children’s Services authority instead refer him to the local Housing Authority for accommodation under the homelessness legislation (Part 7 of the *Housing Act 1996*)? The case was heard on appeal from the Court of Appeal, which, by a majority of 2 to 1, had upheld Southwark’s ability to refer the child for assistance under the homelessness legislation even though a duty to provide accommodation had been accepted under Section 20(1) of the *Children Act 1989*.

The House of Lords was unanimous in allowing the appeal. The leading opinion, delivered by Baroness Hale, reaffirmed the House of Lords’ opinions in *R(M) v LB Hammersmith and Fulham* and sets out the approach that Children’s Services authorities should take when performing their statutory duties to 16 and 17-year-olds who are found to be homeless and “in need”. The ruling confirmed the Government’s view that local Children’s Services authorities should presume that any lone, homeless child should be provided with accommodation under Section 20(1) of the Children Act 1989 unless the child is not in the Local Authority’s judgement (based on an initial screening assessment), a child “in need”. In nearly all cases, the impact of a child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the child’s welfare that the child will be a child “in need”.

The House of Lords reiterated that the Children Act has primacy over the Housing Act in providing for children in need. The duties of local Children’s Services authorities to accommodate children in need

cannot be circumvented by referring the child to the Housing Authority, whose duties under Part 7 of the *Housing Act 1996* provide a safety net only for those (very few) homeless children who will not meet the criteria for accommodation under Section 20 of the 1989 Act. Examples of the small number of homeless 16 and 17 year olds who would have priority need under the homelessness legislation (by virtue of article 3 of the *Homelessness (Priority Need for Accommodation) (England) Order 2002*) would include those whose need for accommodation did not fall within the circumstances specified in S20(1) of the 1989 Act - for example, because they had been living independently for some time prior to their homelessness - and those whose need for accommodation fell within S20 but who did not want to be accommodated under S20. Such young people must be judged to be competent to make such a decision and have had the benefit of advice about the consequences of making such a decision.

Lord Neuberger's judgment, which dealt with the interrelationship between the Section 20 duty and the duty under Part 7 of the Housing Act 1996, provides that the purpose of the 2002 Order was to fill the gap whereby there had been no specific duty to secure accommodation for homeless children aged 16 or 17 whose circumstances did not bring them within S20 of the Children Act. The purpose of the 2002 Order was not to enable a Children's Services authority to divert its duty under S20 to the Housing Authority, thereby emasculating the assistance to be afforded to children aged 16 or 17 who "require accommodation".

It will be extremely important that there continues to be close partnership between Children's Services authorities and Housing authorities to support Local Authority responsibilities under the Children Act for meeting the needs of children in their area.

Baroness Hale referred to Section 27 of the Children Act 1989, which empowers a Children's authority to ask other authorities, including *any* Local Housing authority, for "help in the exercise of any of their functions" under Part III of the 1989 Act. The requested authority must provide help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of their own functions. But, she said, this does not mean that the Children's authority can avoid their responsibilities by "passing the buck" to another authority; rather that they can ask another authority to use its powers to help them discharge theirs.

Complaint against Dover City Council and Kent County Council, 31 July 2012

A homeless 16-year-old boy, who had previously been in care and had drug-related issues, had applied to the council as homeless in January and June 2009. The council should have accepted the applications and applied a Joint Protocol agreed with the county council for dealing with homeless children in need. Both councils were found to have acted contrary to their Joint Protocol and/or contrary to law. The Local Government Ombudsman recommended that the councils between them pay £10,000 compensation.

Statutory Guidance

The joint statutory guidance gives clear direction on the complementary roles of Children's Services authorities and Local Housing authorities in implementing their separate statutory roles. The *G v Southwark* judgment clarified that in the case of a homeless 16 or 17-year-olds, children's law takes precedence over housing law. In light of this clarification, a fundamental principle of the joint statutory guidance is that all 16-17-year-olds who are homeless should be assessed by Children's Services under the Children Act 1989 to determine whether they are a child in need, as set out in Section 17 of the Act and, if so, whether a duty exists to offer accommodation under Section 20 of the Children Act 1989.

Key extracts from this statutory guidance are:

- Para 2.1 “... generally, it will be in the best interests of most young people to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends’ network.”
- Para 3.19 “Where a young person seeks help because they are homeless or threatened with homelessness it is good practice for an assessment of the young person’s needs to be conducted jointly by both children’s and Housing Services..... The lead agency will be local authority Children’s Services, given their responsibilities for children in need in their area.”
- Para 3.23 “The most crucial issues to be determined in the first instance will be whether the young person is actually homeless, if the young person is a child in need and/ or is suffering or likely to suffer significant harm and/ or if the young person requires emergency accommodation. If this is the case, Children’s Services must accommodate them immediately. The welfare of the child is paramount and a 16 or 17-year-old must not be placed at risk whilst waiting for the completion of an assessment.”
- Para 3.11 “Local Authority duties for accommodating young people under this Section are not simply a matter for local policy. The duty is engaged whenever a child in need in the Local Authority’s area requires accommodation as a result of one of the factors set out in Section 20(1)(a) to (c) or in Section 20(3) of the Children Act.”
- Para 3.12 “Where a young person in need requires accommodation as a result of one of the factors set out in the Section 20(1) (a) to (c) or Section 20(3) then that young person must be provided with accommodation. As a result of being accommodated by Children’s Services for a continuous period of more than 24 hours the young person will be Looked After” (except if a private fostering arrangement is in place where the parent arranges a foster carer and Children’s Services simply approve the placement).
- Para 3.42 It will be essential that the young person is fully consulted about and understands the implications of being accommodated by Children’s Services and becoming looked after. The Social Worker leading the assessment must provide realistic and full information about the package of support that the young person can expect as a Child in Care....”
- Para 3.43 “Children’s Services should also ensure that the young person receives accurate information about what assistance may be available to them if they do not become looked after, including from Housing Services under Part 7 of the 1996 Housing Act... In particular the considerations a young person needs to be made aware of are:
 - Duties of Housing Services to undertake an assessment, develop a personalised housing plan and to take steps to help the applicant retain or secure accommodation,
 - The requirement on the applicant to cooperate and for applicants to take steps themselves as set out in a personalised plan,
 - The accommodation offer under the relief duty – suitable accommodation which has a reasonable prospect of being available for occupation for at least 6 months,
 - The implications of turning down offers of accommodation that are suitable,
 - The possible homeless or threatened with homelessness intentionally in the future,
 - Their right to request a review of decisions”.

- Para 3.47 “Young people should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages and coming to a balanced decision”.⁴
- Para 3.49 “Where a 16 or 17-year-old child in need wishes to refuse accommodation offered under Section 20 of the 1989 Act, Children’s Services must be satisfied that the young person:
 - has been provided with all relevant information
 - is competent to make such a decision and
 - that they do not need to take additional safeguarding action”
- Para 3.50 “Every 16–17-year-old assessed as being a child in need but who does not wish to be accommodated under Section 20 should have a child in need plan setting out the services that will be provided to meet their needs”.
- Para 3.59 “The powers of local authorities to provide accommodation under Section 17 cannot be used to substitute for their duty to provide accommodation under Section 20(1) of the 1989 Act to homeless 16- and 17-year-olds in need. Children’s Services do not have the option of choosing under which provision they should provide accommodation for homeless 16- and 17-year-olds. Section 20 involves an evaluative judgment on some matters but not a discretion.”⁵
- Paras 3.62 - 3.65 “Local Authority Children’s Services are among the public authorities which are required to notify a Housing Authority of service users they consider may be homeless or threatened with homelessness” ... “The referrals does not diminish Children’s Services’ responsibilities towards young people ... Rather it should be used to help strengthen communication between children’s and Housing Services, it will not be an alternative to carrying out a child in need or early help assessment”. This protocol outlines the lines of communication and how information is shared.
- Para 4.4 “Housing Authorities will be unable to determine whether a 16–17-year-old has priority need under the 1996 Act until a child in need assessment has been completed. It is therefore essential that referrals are made, and assessments completed in a timely manner”. This will include the joint assessment between Housing and Children’s Services.
- Para 4.15 Under the requirements of the Homeless Reduction Act (which has amended the 1996 Housing Act), Housing have a duty to prevent homelessness. Where the applicant is already homeless the Housing Authority has a duty to relieve homelessness. This may be brought to an end in a number of ways including where the applicant has refused an offer, the applicant has become homeless intentionally from accommodation provided or has deliberately and unreasonably refused to cooperate.

⁴ “Children and young people who have received services under the 1989 Act are able to be supported to make complaints and representation with the help of an independent advocate. Children’s services should provide information about access to advocacy services when they explain the assessment process to 16 and 17 year olds seeking help because of homelessness.”

⁵ R (G) v Southwark [2009] UKHL 26 – para. 31

<http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-2.htm>

- Para 4.19 “If the relief duty end..... Children’s Services will be required to carry out further assessment of the young person’s needs”.
- Para 4.28 “Where a young person aged 16 or 17 is homeless and requires accommodation, does not wish to be accommodated under Section 20 of the 1989 Act but is subsequently not owed an accommodation duty by a Housing Authority, for example because they have refused a suitable offer of accommodation or are found to be intentionally homeless, then Children’s Services should, given the change in circumstances, once again ask them their wishes regarding being accommodated under Section 20.”
- Para 4.29 “If the young person still does not wish to be accommodated and is judged to have the capacity to make that decision, if it is necessary to safeguard and promote the welfare of the young person who is in need, they should be offered accommodation under Section 17 of the 1989 Act until they no longer require accommodation or they reach the age of 18. In such cases Children’s Services and Housing Services will need to work together with the young person to ensure that they are not placed at threat of homelessness as they approach age 18.”

Appendix 4 – Key areas to cover within initial screening to start a joint assessment

Wigan Joint Protocol for Homeless 16/17-year-olds Initial Screening Form for Joint Assessment (Does not replace CAFA)

Factors to be considered by Children’s Services and partners when assessing 16/17-year-olds who may be homeless children in need.

	Dimension of Need - Issues to consider in assessing child's future needs	Notes
1	Accommodation <ul style="list-style-type: none"> • Does the child have access to stable accommodation? • How far is this suitable to the full range of the child's needs? 	
2	Family and Social Relationships <ul style="list-style-type: none"> • Assessment of the child's relationship with their parents and wider family. • What is the capacity of the child's family and social network to provide stable and secure accommodation and meet the child's practical, emotional and social needs? This should be the preferred option. 	
3	Emotional and Behavioural Development <ul style="list-style-type: none"> • Does the child show self-esteem, resilience and confidence? • Assessment of their attachments and the quality of their relationships. Does the child show self-control and appropriate self-awareness? 	
4	Education, Training and Employment <ul style="list-style-type: none"> • Information about the child's education experience and background. • Assessment as to whether support may be required to enable the child to access education, training or employment 	

5	Financial Capability and Independent Living Skills <ul style="list-style-type: none"> • Assessment of the child's financial competence and how they will secure financial support in future • Information about the support the child might need to develop self-management and independent living skills 	
6	Health and Development <ul style="list-style-type: none"> • Assessment of child's physical, emotional and mental health needs and learning disabilities 	
7	Identity <ul style="list-style-type: none"> • Assessment of the child's needs as a result of their ethnicity, preferred language, cultural background, religion, sexual identity and/or immigration status. 	
8	Safeguarding <ul style="list-style-type: none"> • How safe is it to return home? Use Risk Sensible Model within assessment 	

Outcome	Yes/No	Support offered (i.e. Mediation, S17, referrals, FGC, Early Help etc)
Young person is deemed to <u>be not homeless</u> and has no additional needs		N/A
Young person is deemed to be <u>not homeless</u> – but has additional needs		Support offered:
Young Person is homeless. Has had full explanation of s20 v housing route and has chosen housing route – but has complex needs and requires s.17 support		CAFA required:
Young Person is homeless. Has had full explanation of s20 v housing route and has chosen housing route – does not have complex needs and has refused s.17 support		SW passes case to Housing and considers TYSS support:
Young Person is homeless – has had full explanation of s20 v housing route – and has chosen to be looked after/s20		Section 20 processes apply:

Date and Time of JA	
Social Worker name and signature	
Housing Officer name and signature	
Young person name and signature	

Appendix 5 – Range of Services for Support and Guidance

Wigan Council’s Early Help offer is delivered through our Start Well Service which consists of three Start Well Locality Teams and five Start Well Family Centres. The service offers support to children and families at threshold level three with strengths and needs identified in partnership with the family and any existing agencies through an Early Help Assessment; this was recently updated in line with the Supporting Families Outcome Framework. For children receiving support an Early Help Plan is developed and this is reviewed every 6 weeks.

Early Help is offered to children who present with a range of issues including those at Homeless/Threatened with Homelessness. If presented with Homeless/Threatened with Homelessness the lead professional for the child will speak to the parents to identify the reason for the issues and if required will liaise with Wigan Council Housing Department to see if any support can be offered. This will include exploring where the family are on the housing list if they are seeking a housing move and any changes in circumstances that may place them at an increased need for a move or increase their points.

The lead professional will speak to wider family members and see if any additional support can be agreed within the family to build on strengths and reduce the threat of the child becoming homeless. The lead professional will also explore wider support opportunities with a range of community and voluntary sector organisations to provide additional support which may include engaging them in constructive leisure opportunities, delivering some direct work to support behaviour change, offering mediation, or offering parenting support. There may also be support through some of our commissioned providers.

Earliest Help at threshold level 2 is offered by schools, early years settings and some wider partners utilising the same Early Help Assessment Form used by StartWell. To support partners a weekly Earliest Help, drop-in session of offered and is chaired by the service lead for Start Well and Early Help supported by a range of statutory services, key partners and stakeholders and a small number of community and voluntary sector organisations. Housing regularly attends this meeting with two key members of staff identified to provide consistent support during the meeting. As the meeting does not share any personal or confidential information there are occasions where further meetings are arranged by housing outside the call where more detailed discussions can take place. One of the main benefits of the meeting is promoting wider community opportunities that enable schools and partners to continue support for families where the current approaches are not meeting all the needs.

Housing Options is a service provision for the prevention of homelessness, providing housing options advice and assessment of entitlement to housing for people who are homeless or threatened with homelessness, including general housing advice and information including homeless 16–17-year-olds. For out of hours emergencies phone 01942 828777.

Housing-related support is available for practical and personal issues including things like:

<ul style="list-style-type: none"> • mental health problems • setting up and maintaining a home • learning disabilities • developing social and domestic skills • young people at risk • needing more support in later life • escaping domestic violence • budgeting and welfare benefits 	<ul style="list-style-type: none"> • leaving custody and reducing offending • getting involved in community activities • physical or sensory disabilities • personal safety and security • teenage parenthood • finding other accommodation • substance misuse problems • finding employment or training
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Some of these services are provided directly by Wigan Council, but many are provided by ‘third sector’ organisations:

Type of service	What they do
Information, advice & guidance	Local or national organisations who provide impartial advice for a range of issues
Supported housing projects	Accommodation with support; including projects known as ‘hostels’, refuges for women and children at risk of domestic abuse, sheltered accommodation for older people
Floating/visiting support	Visits from a support worker in your own home, or wherever you are living
Community groups	A range of groups including charitable organisations that provide services to the community such as community events, furniture, practical help
Specialist support groups	Local or national organisations who provide expert specialist advice and support for specific issues.

Wigan young people's homeless service is commissioned by Wigan Borough Council, provides 16 units of 24 hours staffed accommodation across three sites in Leigh, Scholes and Orrell to assist young people in meeting their housing and support needs. The service provides emergency accommodation and support to enable young people to live independently and move on to more appropriate accommodation in the broader community.

The units, which are a mix of tenures to meet the varying needs of young people. Tenures range from schemes for 16-18-year-olds, which are staffed 24/7, shared sex/age adult schemes, female-only schemes and several independent, self-contained flats dispersed throughout the borough. For more information, contact jigsawsupport@jigsawhomes.org.uk

The Jigsaw Group have combined the support and partnership services that were formerly part of New Charter Group and Adactus Housing with those of the charity previously known as Threshold Housing Project.

Springboard projects and services are as diverse as the needs of the people we support and range from homelessness and housing advice, domestic abuse support, employment services to agency managed properties and Housing First programmes.

The partnership comprises many housing and support providers -Jigsaw Support, Riverside Housing & Support, and Your Housing Group. Together they utilise shared skills, knowledge, of providing quality supported housing solutions, **putting** residents at the heart of all they do.

Services available for young people and teenage parents:

Provider	What is the service provided?	Who is it for?	Where is the service located?	Contact details
Adactus Housing Group	Young persons’ supported accommodation projects	Young people at risk in the community	Various locations across the borough.	Hindley 01942 608715 www.adactushousing.co.uk

	Bamber Court (supported accommodation)	16-25 Teenage Parents		
Arena Options Ltd	Supported accommodation with work skills support in a Foyer setting	Young people at risk aged 16-25	Coops Foyer, Wigan Brecon Close, Wigan	0845 1114442 option 4 www.arena-housing.com
Catch 22	Floating support service	Young people aged 16 -25	Borough-wide	01942 239871 www.catch-22.org
Gateway 0-19 Service (Wigan Council)	Advice and guidance around a range of issues including housing & homelessness. Access point for Child in Need assessments for homeless under-18s	Children and young people aged up to 19	Borough-wide	01942 489450
Lesbian & Gay Foundation	Advice and support regarding a wide range of issues, including youth support/social groups	Lesbian, gay, bisexual or transgender people including young people who may be questioning their sexuality or facing homophobic/trans-phobic harassment or bullying	Manchester	0161 235 800 0 www.lgf.org.uk

There are a range of services available to support families in continuing to support a young person and remain a key part of their life, who can meet with them regularly to help plan their future and achieve their goals. There are organisations that can help families set these up:

- [Wigan & Leigh Carers Centre](#)
- [My Life](#)
- [Embrace](#)

Appendix 6 – Definitions

For the purposes of this protocol;

- 'Homeless' in relation to housing services refers to section 175 of the Housing Act 1996.
- 'Requiring accommodation' in relation to children's services refers to section 20 of the Children Act 1989.
- 'Main accommodation duty' refers to section 193 of the Housing Act 1996.
- 'Threatened with homelessness' means likely to become homeless within 56 days.
- 'Young people' refers to 16- and 17-year-olds, including those who are pregnant or have children of their own.
- 'Housing services' means local housing authority.
- 'Children's services' means Local Authority Children's Social Care.
- 'The 1989 Act' refers to the Children Act 1989.
- 'The 1996 Act' refers to the Housing Act 1996.
- An 'Eligible Child' is a child who is aged 16-17 and who has been looked after by a local authority for at least 13 weeks since they were 14, and who continues to be looked after.
- A 'Relevant Child' is a child aged 16-17 who is no longer looked after by a local authority, but who was before they ceased to be looked after an eligible child [looked after for at least 13 weeks after the age of 14 and has been looked after for some time while they were aged 16/17].
- A 'Qualifying Child' is a child aged 16+ who has been looked after for a period of time amounting to less than 13 weeks since their 14th birthday, and was looked after on or after their 16th birth

Appendix 6 – Corporate Parenting

The role of the Corporate Parent

The term 'Corporate Parent' refers to our special responsibilities to care experienced children and young people and simply means that we should provide the best possible support and care for children as if they were our own children.

We have a **collective responsibility**. That means, elected members, all local authority employees and partner agencies, have a duty to provide the best possible care and safeguarding for the children who are looked after by us.

We want to see our children flourish with good health, to be safe and happy, to do well at school and enjoy good relationships with their peers. To make the most of leisure opportunities, hobbies and interests, and to grow towards adulthood equipped to lead independent lives and make their way as adults in higher education, in good careers and jobs, and to be financially secure.

With Corporate Parenting, we specifically want to focus on permanence, we want all our children to have a sense of belonging and connectedness and a safe space to recover from the trauma they have experienced.

So how does it really connect?

Taking a child into care will have a significant impact on them, so our children in care and care leavers are a vulnerable group of young people. We recognise this and want to develop our support and offer them the same opportunities as other children. Everyone has a responsibility to ensure the children we look after and care leavers are considered as a priority in your service. Service areas where consideration of corporate parenting principles should generally apply include:

- Education
- Social care
- Housing
- Leisure and recreation
- Local taxation collection

We have a duty to ensure that we actively champion our children as well as ensuring any policies and procedures do not present barriers to disadvantage them.

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Prevention of Homelessness and Provision of Accommodation for 16 and 17 year olds who may be Homeless and/or require Accommodation; and Duty to Refer

SCOPE OF THIS CHAPTER

This chapter links to statutory guidance:

- **Prevention of Homelessness and Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation (2018):** This guidance is solely concerned with the functions of children's services and housing services when young people seek help from, or are referred to, local authorities because of homelessness or being threatened with homelessness. It incorporates judgements made in the House of Lords over several years around the duties of local authorities under Section 20 (Children Act 1989) and Part 7 of the Housing Act 1996. The guidance also reflects the duties introduced under the Homelessness Reduction Act (2017);
- **Homelessness - Duty to Refer:** the Homelessness Reduction Act (2017) places a duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams. The guidance provides helpful information and detail on the referral process which is brought out in additional links below.

AMENDMENT

This chapter was updated in July 2021 in line with [Joint Housing Protocols for Care Leavers: Good Practice Advice \(DfE and MHCLG\) 2020](#).

Contents

1. [Prevention of Homelessness and Provision of Accommodation for 16 and 17 Year Old Young People who may be Homeless and/or Require Accommodation](#)
2. [Homelessness: Duty to Refer](#)

3. [Homelessness: Code of Guidance - Referral Process](#)

4. [Housing Protocols for Care Leavers](#)

5. [Further Information](#)

1. Prevention of Homelessness and Provision of Accommodation for 16 and 17 Year Old Young People who may be Homeless and/or Require Accommodation

See: [Provision of Accommodation for 16 and 17 Year Olds who may be Homeless and/or Require Accommodation](#).

Young people may become homeless for a variety of reasons. However, family breakdown, mental health concerns and unemployment are often major contributing factors to this. 16 and 17 year olds who are homeless or threatened with homelessness are likely to be vulnerable and will often be at risk of harm in the absence of intervention. Safeguarding and promoting their welfare should be central to service provision. It is therefore essential that children's services and housing services work together to plan and provide services that are centred on young people and their families, and prevent young people from being passed back and forth between services.

2. Homelessness: Duty to Refer

See: [A guide to the duty to refer](#).

In October 2018, the Homelessness Reduction Act 2017 came into effect and provided new duties on local housing authorities to intervene at an earlier stage in order to reduce the risk of homelessness.

The guide to the duty to refer identifies a person is considered homeless if:

- They do not have any accommodation which is available for them which they have a legal right to occupy; or
- It is not reasonable for the person to occupy their current accommodation, for example, because they would be at risk of domestic abuse.

3. Homelessness: Code of Guidance - Referral Process

See: [Homelessness code of guidance for local authorities](#).

This guidance advises that the service user must:

- a. Consent to the referral being completed in the first place;

- b. Allow the individual to identify the housing authority in England which they would like the notification to be sent to;
- c. Have consent from the individual for their contact details to be supplied so the housing authority can contact them regarding the referral.

Local authorities should make the referral process transparent on their websites and should also make the referral process as simple as possible. See: [Duty to refer: Referral Form](#). The referral should be sent to the following e-mail address: Dutytorefer@wigan.gov.uk.

4. Housing Protocols for Care Leavers

See: [Joint Housing Protocols for Care Leavers: good practice advice \(DfE and MHCLG\)](#).

See also: [Leaving Care and Transition Procedure, Joint Housing Protocols for Care Leavers](#).

5. Further Information

[Guidance for NHS trusts and foundation trusts providing emergency departments, urgent treatment centres and inpatient services](#)

[Local Government Association - Homelessness](#)

[Centre Point – Are you Homeless, Sofa Surfing or At Risk?](#)

[Homeless Link – Young & Homeless](#)

[Care leavers accommodation and support framework, St. Basils](#)

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