

**Doncaster Children’s Social Care**

**Homeless Young People Protocol**

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**Contents**

[1. Aims of the Protocol 3](#_Toc26369390)

[2.](#_Toc26369391) Purpose of the Protocol ………………………………………………………………..3

[3. Young People covered by the Protocol 3](#_Toc26369392)

[4. Legislative Framework 4](#_Toc26369393)

[5. Context 5](#_Toc26369395)

[6. Scope 6](#_Toc26369396)

[7. Children’s Social Care’s responsibilities towards homeless young people 6](#_Toc26369397)

[8. St Leger’s responsibilities towards young people 8](#_Toc26369398)

[9. The Duty to Refer 9](#_Toc26369399)

[10. Process for Young People aged 16/17 years 10](#_Toc26369400)

[11. Interim accommodation 13](#_Toc26369401)

[12. Move-on accommodation 14](#_Toc26369402)

[13. Care Leavers Who Become Homeless - aged 16 & 17 years 15](#_Toc26369403)

[14. Teenage parents 15](#_Toc26369404)

[15. Homeless Young People aged under 16 years 15](#_Toc26369405)

[16. Out of Hours 15](#_Toc26369406)

[17. Care Leavers and Corporate Parenting Responsibilities 15](#_Toc26369407)

[18. Children Leaving Care 16](#_Toc26369408)

[19. Care Leavers who become homeless aged over 18 years 16](#_Toc26369409)

[20. Local Connection 18](#_Toc26369410)

[21. Young people known to the Youth Offending Service 18](#_Toc26369411)

[22. Young People entering custody 19](#_Toc26369412)

[23. Services for Unaccompanied Asylum-Seeking Children 19](#_Toc26369413)

[24. Voluntary Sector: roles and responsibilities 19](#_Toc26369425)

[25. Housing and support providers: roles and responsibilities 20](#_Toc26369429)

[26. Information Sharing 20](#_Toc26369431)

[27. Review and Monitoring 21](#_Toc26369432)

[28. Dispute Resolution 21](#_Toc26369433)

[29. Training 21](#_Toc26369434)

30. Wishes, Feelings and Consent……………………………………………………..…...21

31. Children presenting to a local authority other than the one in which they normally reside……………………………………………………………………………………….22

# **Aims of the Protocol**

To clarify the statutory duties and agreed responsibilities of the partner agencies.

To establish a system that ensures a seamless service to vulnerable young people, irrespective of which agency they present to first.

To promote best practice, co-operation and joint working between partner agencies.

To ensure that all services seek to ensure that mediation and reconciliation between young people and their families or carers are achieved wherever possible.

To provide a practical guide to joint working for homeless 16 and 17 year olds, and vulnerable young people under the age of 25 in Doncaster (including Children Looked After and Care Leavers).

# **Purpose of the Protocol**

The purpose of this procedure is to ensure that:

* Children’s Social Care are aware of their responsibilities to young people who are homeless or threatened with homelessness
* St Leger staff are aware of their responsibilities to young people who are homeless or threatened with homelessness
* The City of Doncaster Council is compliant with the relevant legislation, and the statutory guidance on the provision of accommodation for homeless 16 and 17 year-olds jointly issued by the Department for Levelling Up, Housing and Communities and the Department for Education (DfE)
* All staff understand the spirit of this joint approach so that young people who are homeless or threatened with homelessness receive a service that meets their needs and, wherever it is possible, safe and appropriate, enabling them to remain at home or return there, or to be cared for by responsible adults in their family and friends network

Staff in Children’s Social Care have a leading role in this protocol, although a multi-agency approach is crucial to its success. The statutory guidance updated in April 2018 makes clear that the needs of young people aged 16 or 17 should be considered first and foremost under the Children Act 1989, and recognises that young people of this age who are homeless are “extremely likely” to be children in need under the terms of the Act. Decisions made only about their need for accommodation, under the Housing Acts, are unlikely to prove an adequate response and should be made after children’s services have considered the young person’s need for assistance under their legal frameworks.

# **Young People covered by the Protocol**

This protocol covers the following groups of young people:

* Young people aged 16 and 17 years
* Young people aged 18-25 years who are vulnerable and entitled to Leaving Care support under the Children (Leaving Care) Act 2000, Children Act 2008

Other young people with support needs can be supported via the Young People’s Pathway.

# **Legislative Framework**

* 1. **Overview**

There are a number of pieces of legislation that outline the duties of local authorities to young people who are homeless or at risk of homelessness.

Children’s Social Care has a duty under section 20(3) of the Children Act 1989 to accommodate any Child in Need aged 16 or 17 years whose welfare is likely to be seriously prejudiced without the provision of accommodation. A further range of duties, including Personal Advisor support, are then owed to young people who have left the care of the local authority under the Children Act 1989 and more recently the Children & Social Work Act 2017.

At the same time local housing authorities are required under the Housing Act 1996 (as amended by the Homelessness Act 2002) to secure accommodation for people who are eligible for assistance, homeless and in priority need – the latter of which includes:

* A person aged 16 or 17 who is not a ‘relevant child’ or a Child in Need to whom a local authority owes a duty under [section 20 of the Children Act 1989](https://www.legislation.gov.uk/ukpga/1989/41/section/20)
* A person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18 (except a person who is a ‘relevant student’)
* A person aged 21 or more who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is a ‘relevant student’)

More recently, the Homelessness Reduction Act 2017 has also placed a duty on local authorities to take reasonable steps to both prevent and relieve homelessness for eligible households who are threatened with or experiencing homelessness.

* 1. **Judgements relating to 16 and 17 year olds**

# Case law judgements made during 2008 (M vs Hammersmith & Fulham LBC) & 2009 (G vs Southwark) make it clear that the Children Act 1989 takes precedence over standard housing legislation for homeless people and that 16 and 17 year-olds who become homeless will often have a range of complex needs that are more extensive than just needing somewhere to sleep. Due to their circumstances, homeless children may not have an adult to oversee and address their holistic needs. These needs will include but may not be limited to their health, education, training and employment needs as well as any involvement with the youth justice system and even support managing family contact.

The judgements stated that children’s services authorities may ask housing authorities for assistance ‘in the exercise of any of their functions’. Although it is important to note that now the UK Supreme Court) specified that this does not mean that children’s services could avoid their responsibilities but they could ask the housing authority to assist them, for instance, by making a certain amount of accommodation available to them to use in carrying out their duties.

 The judgements also make it clear that it is the local authority as a whole that is responsible for meeting the needs of homeless young people, so it is essential that staff within Social Care and St Leger work collaboratively and closely together.

# **Context**

Agencies in this protocol share a number of principles and beliefs about young people and their transition to independent adulthood:

* Preventing homelessness is the first priority for all services involved, and a range of options to do so will be made available;
* 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’. Doncaster’s initial response to 16 and 17 year olds seeking help because of homelessness should explicitly recognise this and work pro-actively with young people and their families to identify and resolve the issues which have led to the homelessness crisis. This could involve family support such as family mediation to support the family to keep the young person at home;
* 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;
* Young people will make their own choice about which service they prefer to present to. All partners will support the young person with their choice and take responsibility in the first instance, to engage young people and ensure that the process and implications of their decisions are fully explained;
* Young people should be given every opportunity to have a realistic understanding of the options available to them, and to make informed choices about their future;
* Agencies will work together to assess and meet the needs of young people. They will share information appropriately with a view to achieving the best outcome for the young person.

It is also agreed that all 16/17 year-olds presenting as homeless will have:

* A Children and Family Assessment of need under Section 17 of the Children Act 1989;
* A prevention-focused St Leger interview which will also have regard to Part 7 of the Housing Act 1996, if appropriate;
* A written copy of their assessment, irrespective of who undertook this;
* A written plan stating how their needs will be me

Where a young person has been assessed as not being a Child in Need or the local authority do not have a duty under Section 20 of the Children Act 1989, reasons for this decision will be given and accepted by St Leger unless they become aware of information that was not taken into account at the time of the assessment and upon receipt of written information setting out the basis of that assessment.

Where a young person has been assessed by St Leger as not being owed a homelessness duty under Part 7 of the Housing Act 1996, reasons for this decision will be given and accepted by Children’s Social Care unless they become aware of information that was not taken into account at the time of the assessment and upon receipt of written information setting out the basis of that assessment.

# **Scope**

This procedure applies to all staff involved in:

* Assessing need under Section 17 of the Children Act 1989
* Assessing homeless status and duties owed under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002 and Homelessness Reduction Act 2017)
* Working with young people as detailed above who may present as being homeless or threatened with homelessness

These staff will normally be based and work out of one of the following teams or services:

* Children’s Assessment Team (CAT)
* Early Help
* St Leger
* Independent Reviewing Officers
* Locality Social Work Teams
* Multi-Agency Safeguarding Hub (MASH)
* Schools and colleges
* Supported housing providers
* Youth Offending Service

# **Children’s Social Care’s responsibilities towards homeless young people**

Children’s Social Care responsibilities vary depending on whether the child has met certain criteria. The Southwark judgement and other cases state that local authorities should ask a series of questions in order to determine whether a homeless child should become Looked After. These are:

1) Is the person a child?

2) Is the person a child in need?

3) Is the child within the local authority’s area?

4) Does he/she appear to the local authority to require accommodation?

5) Is that need the result of:

 a) there being no person who has parental responsibility for him;

 b) his being lost of having been abandoned; or

 c) the person who has been caring for them is prevented (whether or not

 permanently, and for whatever reason) from providing them with suitable

 accommodation or care

6) What are the child’s wishes and feelings regarding the provision of accommodation

 for him?

7) What consideration (having regard to his age and understanding) is duly to be

 given to those wishes and feelings?

The House of Lords (now the UK Supreme Court) states that if an initial assessment of a child identifies that the child is both in need and in need of accommodation for one of the reasons stated above. Social Care ***must*** carry out their duties under Section 20 of the Children Act 1989 and cannot bypass this by providing support to the child under Section 17 of the Children Act 1989.

If a child is accommodated by children’s services for a continuous period of more than 24 hours the child will become looked after, and the local authority will owe them the duties that are owed to all Children Looked After, and once they cease to be looked after, the duties that are owed to Care Leavers under that Act.

Children in Need are defined in section 17(10) of the Children Act 1989 as:

* Those who are unlikely to achieve or maintain a reasonable standard of health and development, unless the local authority (that is social care services) provides services
* Those whose health and development is likely to be significantly impaired, unless the local authority (i.e. Social Care) provides services
* Disabled children

To reiterate:

Section 20(1) requires that:

* every local authority shall provide accommodation for any Child in Need within their area who appears to them to require accommodation as a result of:
1. There being no person who has parental responsibility for them
2. Their being lost or having been abandoned
3. The person who has been caring for them is prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care

In addition, even if the criteria in Section 20(1) do not apply, Section 20(3) requires that:

* 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 them with accommodation;

The April 2018 joint guidance sets out that there are only two instances in which a Local Authority might find that a homeless child does not meet the criteria to be accommodated under Section 20 and may instead be owed duties under the Housing Act 1996.

These are:

1. The child is ***not*** a Child in Need
2. The Child in Need is a 16 or 17-year-old who, having been properly and fully advised of the implications and having the capacity to reach a decision, has decided that they do not want to be accommodated under Section 20

If an initial assessment of a young person identifies that the young person is both in need and at risk of significant harm Social Care will carry out their duties under Section 20 of the Children Act 1989.

Section 20(1) requires that:

* every local authority shall provide accommodation for any Child in Need within their area who appears to them to require accommodation as a result of:
1. There being no person who has parental responsibility for them
2. Their being lost or having been abandoned
3. The person who has been caring for them is prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care

In addition, even if the criteria in Section 20(1) do not apply, Section 20(3) requires that:

* 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 them with accommodation;

Where a young person in need requires accommodation as a result of one of the factors set out in 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 become looked after, and the local authority will owe them the duties that are owed to all Children Looked After, and once they cease to be looked after, the duties that are owed to Care Leavers under that Act.

The April 2018 joint guidance states that there are only two circumstances in which a local authority might find that a homeless young person should not be accommodated under Section 20 and may instead be owed duties under the Housing Act 1996. These are where the young person is:

1. Not a Child in Need
2. A 16 or 17-year-old Child in Need who, having been properly and fully advised of the implications and having the capacity to reach a decision, has decided that they do not want to be accommodated under Section 20

# **St Leger’s responsibilities towards young people**

New duties towards people that are homeless or threatened with homelessness were incorporated within Part 7 of the Housing Act 1996 by the Homelessness Reduction Act 2017. These include duties to:

1. Undertake assessments
2. Develop personalised housing plans
3. Take reasonable steps to prevent homelessness (for applicants who are threatened with homelessness) or relieve homelessness (for applicants who are already homeless)

Young people who are eligible and homeless, or threatened with homelessness, must have an assessment of their needs. This must include:

1. The circumstances that have caused them to be homeless or threatened with homelessness;
2. Their housing needs, and what accommodation would be suitable for them, their household and anybody who might reasonably be expected to live with them; and,
3. The support that would be necessary for them, and anybody who will be living with them, to have and sustain suitable accommodation.

An interim duty to accommodate exists if the LHA has reason to believe that the young person may be eligible, homeless and in priority need. The authority may carry out initial enquiries to satisfy themselves there is a reason to believe the applicant is homeless, before an interim duty arises.

The April 2018 joint guidance states that LHAs 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 accordance with relevant statutory timescales (maximum 45 working days for Children’s Act) but as soon as possible acknowledging the impact of uncertainty upon young people experiencing homelessness. Where children’s services have decided that a Section 20 duty is not owed, or the young person does not wish to be accommodated, housing services duties under Part 7 of the 1996 Act will continue.

# **The Duty to Refer**

It is likely that some homeless children may have had extensive contact with different departments within a local authority including but not limited to social care, housing, youth justice etc. Children do not necessarily know where to seek support if they are homeless, and there is no reason why they should. They are children and it is the responsibility of adults to make sure that they are safe and protected. Therefore, from October 2018, local authority children’s services, and other partners in this protocol including youth offending 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. Before making a referral, a public authority must:

1. Have consent to the referral from the individual
2. Allow the individual to identify the housing authority in England which they would like the notification to be made to
3. Have consent from the individual that their contact details can be supplied so the housing authority can contact them regarding the referral

This duty applies where the service user is aged 16 or 17, as well as to other households such as Care Leavers, who are also covered by this protocol. This consent should be obtained through an informed conversation with the young person through which they are able to understand the duties owed by children’s services and what they should expect to be the outcome of a referral to housing services. Children’s services should consider the use of advocacy services as appropriate to ensure the young person fully understands the information: [https://Doncasterchildrensrightsandadvocacy.co.uk/](https://oldhamchildrensrightsandadvocacy.co.uk/) or AdvocacyService@doncaster.gov.uk

If a referral is made to a housing authority the person making the referral should include a summary of any initial assessment and provision of support to the young person and what assistance, if any, housing services might provide. When the housing authority receives a referral from children’s services the two services should work together to ensure that the needs of the young person are met. This will take the form of a joint housing assessment.

Referrals can be made by:

* Emailing details to: housingoptionsteam@doncaster.gov.uk

# **Process for Young People aged 16/17 years**

As we have previously ascertained the main duty towards homeless children falls within the remit of children’s social care. This department is best equipped to assess and address the complex needs of children. Where a young person aged 16/17 who may be homeless and/or require accommodation approaches services there are two assessment processes which may be followed and may well be running in parallel:

* A Child in Need assessment being carried out by children’s social care
* A homelessness assessment being carried out by the housing department

These assessment processes are governed by separate legislation and both require specialist knowledge, and will need to be effectively coordinated. Children’s services should in any case, inform the housing department of the outcome of their assessment.

* 1. **Approaches to Social Care and MASH**

This protocol acknowledges that young people may present as homeless through a variety of channels, including different departments across the council, its partners and dedicated youth provision. In each of these cases the agency involved should make a referral to the MASH in the first instance, who will perform initial screening and preventative work.

Following receipt of a referral, the MASH will check Mosaic to see if the young person is already known to services. If they are, for example as a Child in Need, the referral will be routed to their existing worker to make contact.

If this check reveals that the young person is a Child Looked After or Care Leaver and the responsibility of Children’s Social Care, then the allocated worker will deal with the situation where possible. Where the allocated worker is not available, the Duty Officer will assume the responsibility for carrying out any actions and/or interventions.

For all other young people aged 16/17 years old, the MASH will:

* Assign the case to an appropriate officer
* Record all relevant information obtained from other agencies about the referral, including any issues of risk
* Contact parents, or other relatives or friends to establish whether, where it is safe and reasonable to do so, accommodation is available to the young person
* Arrange an appointment for an Initial Assessment to be completed by the Assessment Team, if it is established that they are homeless/threatened with homelessness

The Assessment Team will then:

* Contact St Leger to make a referral and arrange a Joint Housing Assessment. Joint Housing Assessments should be completed within two working days, and certainly no later than five working days;
* Arrange interim accommodation as required.

These actions will be completed on the same day.

The responsible officer will confirm the outcome of the initial assessment with St Leger within one day of completion. This will be sent by email to the named Housing Advisor, or housingoptionsteam@doncaster.gov.uk

Children’s Social Care will retain responsibility for any young person, who after assessment by them, is judged to have support needs or where there are child protection concerns. If appropriate, they may request the assistance of St Leger in accessing suitable accommodation for the young person (Sec 27 of the Children Act 1989).

Where the Section 20 criteria are met, Children’s Social Care will be responsible for the funding and provision of accommodation, although they can request assistance from St Leger in identifying suitable accommodation.

Throughout this process the responsible officer will continue to explore the possibility of the young person returning to the family, wider family or to friends, and where this is an option will positively support this.

* 1. **Approaches to St Leger**

When a young person aged 16/17 years old makes an initial approach to St Leger, they will be offered a St Leger housing needs assessment. This will be a structured interview that will begin the information gathering and assessment process to determine whether the young person is homeless or threatened with homelessness within 56 days. It will include an assessment of whether homelessness prevention measures (e.g. family mediation) could delay or prevent the young person becoming homeless and/or assist the young person to return to live with their parents or other suitable guardians, and whether the home environment is safe for the young person.

If there is reason to believe that the young person is threatened with homelessness then St Leger will:

* Record all relevant information obtained from other agencies about the referral, including any issues of risk
* Contact parents, or other relatives or friends to establish whether, where it is safe and reasonable to do so, accommodation is available to the young person
* Start to complete the homelessness assessment and agree a Personal Housing Plan between the young person and the Housing Advisor responsible for their case
* Accept a Prevention Duty to take reasonable steps to prevent the young person’s homelessness
* Seek advice from the MASH if the young person’s current accommodation seems likely to break down before prevention options can be explored to arrange a joint assessment

The Personal Housing Plan will set out timescales for when agreed actions will be completed.

Wherever possible, staff from within St Leger will seek immediate reconciliation between the young person and their family. Except in situations where the young person is at risk, this will include telephone contact with parents/carers to ascertain their views and the support needed to secure a return home.

Where the young person is able to return, the Advisor will support this but will contact the MASH and advise that the young person has presented and the outcome of this. This will be sent by email to MASH.enquiries@doncaster.gov.uk

If the young person is not able to return home then St Leger will:

* Record all relevant information obtained from other agencies about the referral, including any issues of risk
* Contact other relatives or friends to establish whether, where it is safe and reasonable to do so, accommodation is available to the young person on a temporary basis
* Start to complete the homelessness assessment and agree a Personal Housing Plan between the young person and the Housing Advisor
* Contact the MASH to identify if the young person is known to the Children’s Services or was looked after on their sixteenth birthday and to arrange a Joint Housing Assessment. (Joint housing assessments should be completed within two working days, and certainly no later than five working days)
* Arrange interim accommodation as required

These actions will be completed on the same day.

* 1. **Approaches to other services**

This protocol recognises that young people will not always present directly to Social Care services or St Leger for help with their housing issue; they may approach another provider such as college or specific youth services. In these instances a referral should be sent to the MASH to initiate a joint assessment. If the young person requires emergency accommodation, they should be asked about which agency they wish to approach for assistance; the process of joint assessment however will remain the same, and the young person should be advised of this.

* 1. **Outcome of the Joint Assessment**

The April 2018 joint guidance states that LHAs 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.

Where the Section 20 criteria are met, Children’s Social Care will be responsible for the funding and provision of accommodation, although they can request assistance from St Leger in identifying suitable accommodation.

It should be noted that by virtue of their age any young person aged 16 or over can request to be accommodated under Section 20 of the Children Act 1989, and conversely can choose not to be accommodated under this section of the act. In cases where a young person declines support under Section 20 once all their rights have been explained to them in detail, then the case should be passed over to St Leger who will seek to provide temporary accommodation and complete the homelessness investigation. The young person should be clearly advised of any implications of their decision and any safeguarding considerations taken into account by Children’s Social Care. Confirmation should also be given by Children’s Social Care in writing to the young person confirming that they have declined the Section 20 support, the implications of this and any action that they can take if they change their mind.

A decision will also need to be made whether the young person meets the criteria for Section 17 as a Child in Need. This decision will need to be made irrespective of whether the young person needs accommodation. Section 17 help and support can also be provided if the young person declines support under Section 20 – and the young person will be entitled to a Child in Need Plan.

Where the Section 20 criteria are not met, St Leger will take responsibility for the provision of interim accommodation, providing that there are no significant risks and a referral to the MASH is made so that all agencies can work together to identify and meet longer term housing and support needs.

* 1. **Homelessness assessment**

Where a ‘reason to believe’ has been established and the young person has been found to either not meet Section 20 or Section 17 criteria or declines to become looked after, St Leger will either accept or if already accepted continue to owe a Relief Duty to the young person, and will provide interim accommodation if this has not already been provided.

This Relief Duty will continue for 56 days; during this time the reasonable steps agreed in the young person’s Personal Housing Plan will be reviewed and pursued to try and relieve their homelessness.

As part of a homelessness assessment and during the period of the Relief Duty, St Leger can, in line with homelessness legislation, consider whether the young person has made themselves homeless intentionally. If the young person is found to be intentionally homeless, the young person will not be owed any further housing duties once the 56 days end, other than advice and assistance and a reasonable period before they have to leave temporary accommodation. This decision will always be made in consultation with any support services involved with the young person and taking into account the young person’s emotional and mental well-being, maturity and general ability to understand the impact of their actions. As a result, such decisions will not be common practice.

# **Interim accommodation**

Where a young person requires interim accommodation, this should be arranged during office hours by the agency that the young person presents to.

Accommodation options should be considered including:

1. Extended family and friends, such as a trusted relative
2. Nightstop
3. Emergency bed (Hatfield Water Park when confirmed)
4. Cold weather provision (between November and March) within commissioned supported housing pathways
5. Vacant bed within Doncaster Young People’s services (including IFT provision)
6. Adolescent Support Accommodation
7. Nightly paid accommodation arranged by St Leger
8. Dispersed accommodation managed by St Leger, if available
9. Accommodation available through the White Rose Accommodation Framework

# **Move-on accommodation**

* 1. **Young Person’s Pathway: supported accommodation**

The Young Person’s Accommodation Pathway is accessed via referral from the Social Worker straight into the Project Manager, this can be done for any young person in care who is assessed as ready for supported accommodation services from the age of 16 ½, there is a matching process in place to make sure the accommodation meets the needs of the young person. As the young person develops their independence they can move on to the dispersed properties which they can remain in post 18 until a suitable property becomes available, alleviating their anxiety and risk of homelessness. There is a range of supported accommodation services, available to young people through the Housing & Independence Service which include, 24-hour supported accommodation scheme, and dispersed properties in the community with floating support. Young people are helped to move on from this accommodation into independent living after completing a programme of support & wellbeing. The registered Service Manager oversees all supported accommodation and will also identify potential young people for the service through attendance at the weekly placement forecast meetings.

The referral form can also be completed for the 24 hour supported accommodation by another agency working with the young person if they have a stronger knowledge of their support needs, but this will still need to be submitted via the MASH.

* 1. **Young People’s Pathway: supported lodgings**

Supported lodgings are also accessed via the offer. Support is provided to help people develop their practical skills and gain emotional stability in a secure and stable home environment to prepare them for independent living.

* 1. **Children’s Services**

Supported accommodation provision in line with Lots 1-4 of the new Dfe regulations 2023 are available to accommodate 16 and 17 year olds where a Section 20 duty has been accepted and this provision fits their needs, and Care Leavers who need this type of accommodation. All referrals are through CIC & IFT and move-on is supported by joint working with St Leger to explore suitable options when the young person is ready to live independently.

* 1. **Allocations scheme (social housing)**

All young people who are either Care Leavers or ready to move on from commissioned supported accommodation are awarded a high priority via Doncaster’s allocations scheme. This is intended to help increase the likelihood of them securing a suitable offer of social housing, and also ensuring that supported accommodation becomes available for future young people who need this provision.

Whilst applications to join the housing register can be made at the age of 16 and 17, not all landlords will offer a tenancy to young people of this age. Some tenancies may be offered, but with a guarantor or a requirement that the tenancy be held as a licence by another agency such as IFT until the young person reaches 18.

* 1. **Private landlords**

As with social tenancies, some private landlords will not offer a tenancy to 16 and 17-year olds, or if they do will require a guarantor.

For young people leaving care, they will be able to claim Local Housing Allowance for a one bedroom flat if they are not working and need help to meet rent payments. For most other young people, they will only be able to claim the Shared Room Rate – the equivalent of a room in a shared house. Care Leavers also benefit from a Council Tax exemption up until the age of 25 where they have this liability, regardless of whether they are in private or social rented accommodation.

# **Care Leavers Who Become Homeless - aged 16 & 17 years**

Primary responsibility for responding to the needs of Care Leavers within the 16 to 18-year-old age bracket will be with CIC OR IFT dependent on who is the case holder. They will work in partnership with other agencies to support Care Leavers within this age group to identify suitable long term and sustainable temporary accommodation.

# **Teenage parents**

Where a 16/17-year-old parent, or pregnant young woman, presents as homeless, this procedure will be followed in relation to the young person. Whilst the needs of the young person’s child should be considered as part of the assessment and planning process, it is the legal duty owed to the young person that is key to the provision of accommodation.

Although the young person may well become a Child Looked After under these procedures, this would not be the case for their own child unless there are other presenting issues.

# **Homeless Young People aged under 16 years**

Homeless applications are not accepted for any person under the age of 16. Therefore, any young person under 16 years of age who presents as homeless should immediately be referred to the MASH

# **Out of Hours**

Where a young person aged under 18 years presents as homeless outside of office hours the primary concern must be the safety and wellbeing of the young person. Primarily referrals will be dealt with by Emergency Duty Team (EDT) if they are received through Social Care channels.

Where a young person presents to the out of hours homelessness and advice service, staff on this service will take initial responsibility for ensuring that the young person is safe from harm, including arranging interim accommodation where required. This accommodation will again follow the interim options set out in Section 11 of this protocol.

A joint housing assessment must be arranged through the MASH the following day.

# **Care Leavers and Corporate Parenting Responsibilities**

Corporate Parenting is the term used to describe the legal responsibilities and duties that the council has, to work collectively and in partnership with other agencies to safeguard and promote the needs of Children in Care and Care Leavers. The corporate responsibilities are underpinned by a range of legislation and national guidance including Every Child Matters 2003 and The Children and Young Person’s Act 2008.

The central principle of Corporate Parenting is that all elected members, Council employees, service area departments and directorates should consider children in care as if they were their own children and seek to provide only the quality of care which would be considered good enough for their own children. This principle extends to the delivery of leaving care services to children who have left care.

# **Children Leaving Care**

IFT has a duty to plan and prepare children in care for their move to independence. The needs of children in transition are assessed and identified in the young person’s individual Pathway Plan. The Pathway Plan also details the specific plans that will be implemented to:

* Plan for the young person’s transition to independence
* The support the young person will require to live independently
* Provide suitable accommodation

All agencies will work collectively to meet the transitional needs of children leaving care. The proposed contribution of partner agencies will be recorded on the young person’s Pathway Plan.

Care Leavers are given high priority within the Allocations Scheme to support moving on to independence. They are also a priority group for access to generic supported accommodation and will subsequently receive priority within the Allocations Scheme again once they successfully complete a programme of support in this accommodation.

The Registered Service Manager for Supported Accommodation and Housing & Independence Services will attend planning meetings as required and will attend 6 weekly allocations meetings in relation to move-on from IFT’s commissioned supported accommodation both internal & external providers .

# **Care Leavers who become homeless aged over 18 years**

Care Leavers who become homeless or are at risk of becoming homeless who are 18 years to 25 years must be referred to St Leger under the Duty to Refer. Staff from the service will be assisted in making their assessment of the young person’s needs by their Personal Advisor or other staff from within IFT.

In completing the assessment, the following will be considered:

* The Corporate Parenting duties of the Council and its partners
* The particular vulnerability of Care Leavers, who frequently have complex needs and who lack the support network of an extended family

A homelessness assessment will follow a similar process set out in Section 10.5: If there is reason to believe that the young person is threatened with homelessness then St Leger will:

* Complete an assessment of the young person’s circumstances, housing needs and support needs
* Agree a Personal Housing Plan between the young person and the Housing Advisor responsible for their case
* Accept a Prevention Duty to take reasonable steps to relieve the young person’s homelessness
* Seek advice from IFT about the young person’s support needs and invite the Personal Advisor to attend any interviews where possible

If the young person is already homeless, St Leger will:

* Complete an assessment of the young person’s circumstances, housing needs and support needs
* Agree a Personal Housing Plan between the young person and the Housing Advisor responsible for their case
* Establish whether the young person has a local connection with Doncaster. If not, their case may be referred to the local authority to which they do have a connection; the young person will have a right of appeal to this
* If the young person does have a connection to Doncaster, St Leger will accept a Relief Duty to take reasonable steps to relieve the young person’s homelessness and arrange interim accommodation where required
* Seek advice from IFT about the young person’s support needs and arrange a joint assessment with the young person and their Personal Advisor / another appropriate IFT representative involved in their support.

All assessments will consider the need and/or provision of:

* Supported and/or temporary accommodation
* Floating support
* Pre-tenancy training
* Access to general let accommodation

All applicants who attend St Leger for housing assistance will be asked to register with the Council’s Housing Allocations Scheme and will be awarded reasonable preference in accordance with their housing need.

During the Relief Duty, St Leger will make enquiries into whether any further duties are owed to the young person at the end of the 56 day period associated with this. This includes enquiries into priority need and intentionality.

Care Leavers who are aged 18-21 are automatically in priority need, as are those who have dependent children in their household. Others may be priority need, based on whether they are “vulnerable” as a result of being in care, or due to other issues such as medical needs. IFT should seek to provide as much evidence as possible of any vulnerabilities that may affect Care Leavers aged 21 or over. The Homelessness Code of Guidance states that factors a housing authority may wish to consider, and therefore pertinent for IFT to provide details of, include:

* The length of time that the applicant was looked after, accommodated or fostered
* The reasons why they were looked after, accommodated or fostered
* The length of time since the applicant left care, and whether they have been able to obtain and maintain accommodation during any of that period
* Whether the applicant has any existing support networks, particularly including family, friends or a mentor
* Whether, if homeless, they would be at particular risk of exploitation, abuse or involvement in offending behaviour as a result of having been looked after, accommodated or fostered

With regards to intentionality, the Homelessness Code of Guidance states that all attempts should be made by housing authorities to avoid the impact of intentionally homeless decisions in relation to Care Leavers aged 18–25. It will be a matter for the housing authority to determine whether or not a Care Leaver has become homeless intentionally, taking into account all relevant facts. To inform this assessment, housing authorities must consult with the relevant children’s services authority (IFT Leaving Care Team) and obtain advice and information as to the young person’s emotional and mental well-being, maturity and general ability to understand the impact of their actions.

# **Local Connection**

A young person owed leaving care duties will have a local connection to the area of the children services authority that owes them the duties. This means that if Doncaster IFT is responsible for that young person, they will also have a connection to Doncaster under homelessness legislation.

Where a Care Leaver is aged under 21 and normally lives in a different area to that of a local authority that owes them leaving care duties and has done for at least 2 years including some time before they turned 16, the young person will also have a local connection in that area. This could affect young people who were placed in care out of borough, or who moved to pursue educational opportunities elsewhere. If the young person requires assistance in doing this, they should seek advice from their Personal Advisor – who can also consult with St Leger if they require further advice or receive any challenge.

When a young person aged between 18 and 25 approaches directly or is referred to a housing authority, if it is known that they are a Care Leaver, or the young person says they are a Care Leaver, then the children’s services authority which has responsibility for them should be informed as soon as possible, with consent from the young person. If consent is withheld the young person should be provided with information about the benefits of IFT involvement, should they wish to reconsider at a later date. Any safeguarding concerns should be dealt with via existing procedures.

Local connection is a complex area, and local authorities also need to take into account whether the young person, or anyone who may reasonably be expected to reside with them, is safe in the area they have approached or are referred to. Most local authorities will ask to see evidence of any threat to the young person if they present to an area where they do not have a local connection. Again, IFT can consult with St Leger if they require further advice or receive any challenge.

# **Young people known to the Youth Offending Service**

Where a young person aged 16 or 17 years old has appeared before a Youth Court and is ordered not to return home as a condition of bail, or there is a risk that the young person could be remanded to custody if they do not have an address, then in these circumstances, given the time pressures, the Youth Offending Service (YOS) will take responsibility for exploring other accommodation options with the young person, including family and friends. The YOS will immediately notify the Children’s Assessment Team while exploring other accommodation options.

If no other options can be identified the YOS will refer directly to the Children’s Assessment Team or Locality Team for a child and family assessment. YOS will need to provide detailed information of their assessments including any risk assessment completed and details of their intervention.

# **Young People entering custody**

Where a young person aged 16 or 17 is currently in custody and will be or is likely to be homeless on release, the YOS should refer the young person directly to the Children’s Assessment Team. They should make the referral as soon as they become aware there may be a housing need, and at least 4 weeks prior to the anticipated release date for an assessment to be undertaken. Where a young person is sentenced to custody whilst under a Section 20 duty it should be noted that a Child Looked After Review should be convened prior to the release date to plan for accommodation and support services.

For all other young people, including Children Looked After aged over 18, a referral should be made within 8 weeks of the young person’s release to the housing authority under the Duty to Refer, so that a joint assessment can be arranged. A decision concerning where they will be accommodated should be available at the pre-release meeting, at least 2 weeks prior to release.

Electronically monitored curfew equipment will need to be considered when determining placement.

# **Services for Unaccompanied Asylum-Seeking Children**

The majority of Unaccompanied Asylum-Seeking Children (UASC) will be provided with services in keeping with those described in previous sections relating to the responsibilities of Children’s Social Care under the Children Act 1989 and Children (Leaving Care) Act 2000. Services are provided by IFT.

The circumstances, eligibility and entitlements of this group of young people are also impacted upon by their asylum and residence status. The legislation and application of asylum rules are subject to ongoing revisions. A notable exception is any young person who is granted ‘indefinite leave to remain’. As a general rule, the rights and entitlements of these former asylum-seeking children are the same as any other looked after, relevant or former relevant young person.

# **Voluntary Sector: roles and responsibilities**

The voluntary sector fulfills a crucial role in the provision of services to young people. Many young people are more likely to initially approach a voluntary sector organisation for advice in dealing with housing related difficulties than their LHA or Children’s Services Department. In these instances, providers are encouraged to refer the young person to the MASH, so preventative work can take place and a joint housing assessment arranged if required.

This protocol recognises the importance of voluntary sector services and seeks to fully involve the providers of these services as part of a holistic approach to delivering seamless services to homeless young people.

In Doncaster, add services here following mapping

# **Housing and support providers: roles and responsibilities**

Within Doncaster, housing providers are being asked to take on a voluntary Duty to Refer, helping to prevent homelessness within the region. To support the young person’s protocol, referrals to the housing authority under this duty should include:

* 16/17-year-old children of tenants where the provider is aware of family breakdown or other issues which may lead to a young person becoming homeless
* Tenants who are Care Leavers aged 18-21 whose tenancy is at risk e.g. due to rent arrears or antisocial behavior

Providers are encouraged to refer the young person to the MASH, so preventative work can take place and a joint housing assessment arranged if required. Upon receipt of a referral, St Leger will work jointly with Children’s Social Care to ensure homelessness is prevented where possible, and the young person receives appropriate support.

# **Information Sharing**

All organisations within the scope of this protocol shall process personal data strictly in accordance with the terms of the Data Protection Act 2018 and General Data Protection Regulations, and shall not carry out any other processing, use or disclosure using such personal data.

Informed consent will always be sought from the young person in order to allow for the sharing of information. This information will, in all instances, be relevant and will assist in reaching a decision about the young person’s status. If consent is withheld the young person should be provided with information about the benefits of IFT involvement, should they wish to reconsider at a later date. Any safeguarding concerns should be dealt with via existing procedures.

There are certain specific legal reasons where information may be shared where no such permission has been given by the young person. These include:

* To protect the vital interests of the individual or another, where vital interest is serious harm or a’ life or death situation’
* When there is an overriding public interest for example to assist in the investigation of crime
* Under specific legal circumstances when there is a duty to pass on certain information, for example, child protection. Where there are child protection concerns, officers should refer to the Doncaster Safeguarding Partnership’s [Child Protection Procedures](https://greatermanchesterscb.proceduresonline.com/chapters/contents.html)
* Where there is a legal requirement by Court Order

# **Review and Monitoring**

The key partners will meet quarterly in order to review the protocol and to ensure that it is working effectively. These agencies will include a named representative from IFT, Strategic Housing, St Leger and YOS. These meetings may also include other agencies who work with young people in Doncaster.

They will also consider any issues with joint working in the preceding quarter.

Staff from within St Leger, MASH and IFT will maintain a record of all young people considered under the working arrangements outlined in this protocol and provide these to the Registered Service Manager for supported accommodation and Housing & Independence Services for monitoring. This will include:

* Name of the young person
* Date that they presented
* Date of birth and age at presentation
* Whether a joint assessment was completed
* Advocacy involvement
* Date of the joint assessment
* Outcome of the joint assessment
* Where the young person was placed in interim or temporary accommodation

The details within the protocol will be reviewed on an annual basis. As part of this a number of relevant case files will be assessed and evaluated. Doncaster Youth Council and young people with relevant experience will also be invited to be part of this review.

# **Dispute Resolution**

In the first instance the assigned officers will aim to resolve any issues that arise from implementing this protocol. These officers are those who have been allocated to the young person and will, in most instances be a Housing Pathway Advisor and a Children’s Social Care Worker. An awareness of each other’s roles and responsibilities is essential to achieving this, along with a shared understanding and commitment to support the young person.

Where an agreement cannot be reached, the case will be referred to the St Leger and Support Manager within St Leger or the IFT Team Manager.

On the very rare occasions where there is still no agreement the case will be referred to a senior manager within the respective organisations; advice and support from Legal Services should be sought if required. On such occasions this decision will be final.

# **Training**

E-Learning has been produced on homelessness duties which will be made available to all relevant staff associated with this protocol.

Representatives from IFT, Strategic Housing, St Leger and the Youth Offending Service will ensure that they share appropriate information, offer updates and discuss training/awareness raising of issues on a regular basis.

1. Wishes, Feelings and Consent

Children who are 16 or 17 years old must be consulted and have their wishes taken into account, before they can become Looked After under Section 20 of the Children Act 1989. The child’s decision must be properly informed and therefore the child needs to be included in the process from the outset with their wishes and feelings taken into account throughout (section 20(6)(a) of the Children Act 1989 and Paragraph 3.38 of the 2018 Homeless Guidance) and given due consideration, having regard to their age and understanding.

**“It will be essential that the young person is fully consulted about and understands the implication of being accommodated by children’s services and becoming Looked After”, including the future implications of becoming a Care Leaver and the support that this will bring into adulthood (Paragraph 3.43 of the 2018 Homeless Guidance).**

The legal framework around child homelessness aims to ensure that the child can make truly informed choice and it puts in place a number of safeguards. Firstly, the local authority should be making an assessment of the child’s capacity to make decisions, including their emotional and behavioral development and their ability to access other resources that are not provided by the social care when they are living independently (Paragraph 3.44). Information about becoming Looked After should be given to the child from the outset and it should be provided in a child friendly way and be available for them to take away for full consideration and to help them seek advice (Paragraph 3.44). Furthermore, children should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages before coming to a balanced decision (Paragraph 3.47)

Advocates will support the child so that they fully understand that if they do ***not*** give consent under section 20 to being a Looked After Child, then they will miss out on a number of potentially valuable leaving care entitlements. This could include support with a education, having a Pathway Plan that brings together local authority services including a Personal Advisor.

Advocates will also inform the child about the support options they will have if they refuse to be Looked After, ie: if they are, provided with accommodation under the housing legislation (Paragraph 3.43 of the 2018 Homeless Guidance). Advice will include information about what type and standard of accommodation they can expect from the housing department, their need to cooperate with this department and implications of refusing any accommodation offered to them, and also the possibility of being considered intentionally homeless in the future (Paragraph 3.43 of the 2018 Homeless Guidance).

It is imperative to recognize from the outset that for the purposes of the Children Act 1989, children ***cannot*** be intentionally homeless. Intentional homelessness is a housing legislation concept, which applies only to adults. The 2018 Homeless Guidance strongly rejects intentional homelessness as a final say in accommodating children. If a child refuses to Looked After under Section 20 of the Children Act 1989, that refusal ***cannot*** be considered for housing legislation purposes, to be an act of intentional homelessness (Paragraph 4.21 of the 2018 Homeless Guidance). This means that housing should not be refused on the basis that the child willingly refused the accommodation offered by children’s social care.

The overriding principle of the legal framework is that children should never be homeless and that even if a child had a role in exhausting their accommodation options, no exceptions should be made to this principle.

1. Children presenting to a Local Authority other than the one in which they normally reside

Homeless children are likely to have had quite unsettled lives and may often be mobile between local authority areas. They may have moved away from their own home area for safety reasons and/or may be exploring their own safety networks, which might include extended family members, friends or support services away from where they usually reside.

Children may therefore present in a different area from where they usually reside. It is important to note that legislation is always protective of the child and it is not reasonable to expect that child to know exactly where to present to for support and accommodation. It is common sense that a child in need will be in need wherever they are, and the legal framework reflects this, with the aim of protecting the child at all times. For this reason, there is a duty on local authorities towards any child in need in their area (Section 17(1)(a) of the Children Act 1989). This means that local authorities must undertake an assessment of any child in need who happens to be in their area, irrespective of where they have been living until then (Paragraph 3.51 of the 2018 Homeless Guidance). No other option should be expected, especially because a Child in Need may not have the means to return to their home district and should not be left unprotected because of this.

There may well be circumstances where another local authority has a responsibility to support the homeless child. For example a local authority may conclude after their assessment that the homeless child is a Looked After Child with a different local authority but has run away from care. It would therefore be reasonable that the original local authority who is responsible for the Looked After Child resumes their support. However, “it is essential that disputes about responsibility for the child the medium term should not get in the way of the authority that received the child’s request for assistance responding to the child’s immediate needs (Paragraph 3.53 of the 2018 Homeless Guidance). The key thing to remember is that those “immediate needs” which may well include the provision of emergency accommodation. These will need to be addressed without being delayed by disputes between different local authorities. “The young person concerned must not be passed between local authorities and services whilst a decision is reached about which authority is responsible for assisting them” (Paragraph 3.53 of the 2018 Homeless Guidance). The other needs of the child, those that are not immediate, may well be met by another authority, once any dispute over responsibility is resolved. However, the legal framework is clear in saying that first and foremost the child is immediately protected and only afterwards are the longer term responsibilities towards him or her determined.