

SHROPSHIRE COUNCIL

**JOINT PROTOCOL  
FOR THE ASSESSMENT OF AND RESPONSE TO  
HOUSING AND SUPPORT NEEDS  
OF 16/17 YEAR OLDS & THOSE LEAVING CARE  
WITH A HOUSING ADVICE NEED,  
WHO ARE UNDER THE THREAT OF HOMELESSNESS,  
OR WHO ARE HOMELESS**

CARE & WELL-BEING and SAFEGUARDING

**Implemented: June 2012**

	<b>Section</b>	<b>Page Number</b>
<b>1</b>	<b>Partner Agencies</b>	
<b>2</b>	<b>Background</b>	
<b>3</b>	<b>Purpose</b>	
<b>4</b>	<b>Desired Outcomes</b>	
<b>5</b>	<b>Principles</b>	
<b>6</b>	<b>Risks</b>	
<b>7</b>	<b>Legal Framework</b>	
<b>8</b>	<b>Local Policy Framework</b>	
<b>9</b>	<b>Multi-agency Responsibilities</b>	
<b>10</b>	<b>Joint Assessment</b>	
<b>12</b>	<b>Procedure for Queries or Disputes</b>	
<b>13</b>	<b>Implementation Support</b>	

**This joint protocol is an agreement that establishes the roles and responsibilities of different agencies towards 16 and 17 year olds and those leaving care, with a housing advice need, are under threat of homelessness, or, who are homeless.**

**This joint protocol outlines the respective statutory responsibilities of Shropshire Council's Care & Well-Being and Safeguarding Services, and how they will work together to complete a strategic joint assessment to assist with the housing and support of homeless 16 and 17 year olds and those leaving care.**

**For the purpose of this document, the joint assessment takes place in a strategic management meeting. This is where specific assessments can be requested and where outcomes are considered from:**

- Any result, assessment and/or concern from those with statutory responsibilities (Shropshire Council's Housing Options Team and Safeguarding Support Service)  
i.e Homelessness Application, CAF, Initial Assessment**
- Any specialist assessment that can be made available to the strategic meeting**

**Alongside this, other statutory and voluntary agencies provide a valuable range of services to young people, so this joint protocol sets out the clear agreement on respective roles and responsibilities across Shropshire.**

## 1 PARTNER AGENCIES

### Partner agencies

- Shropshire Council Housing Options Team
- Shropshire Council Safeguarding Support Service
- Shropshire Council 16 Plus Team
- Shropshire Council Community Substance Misuse Team (Young People)
- Shropshire, Telford & Wrekin Youth Offending Service

### Accommodation partners that support the above

- Bromford Housing Group
- Shropshire Housing Group
- Stonham
- SHA (Shropshire Housing Alliance)

## 2 BACKGROUND

- a) There have been a number of significant policy developments in the last decade to address youth homelessness. This reflects the clear recognition nationally of the disproportionately high numbers of young people becoming homeless, and the reduced life chances and poor health and well-being that ensue for too many 16 and 17 year olds and young care leavers.
- b) For young people who are at risk of homelessness to receive the support they need, it is critical there are no gaps between the various statutory services in place to protect them, and they can gain quick access to the services they need regardless of which service they initially contact.
- c) It is essential that all local authorities have in place a clear and open framework for assessing the housing, care and support needs for vulnerable young people.
- d) This framework needs to be clearly understood and adhered to by all relevant staff across statutory services and partner agencies.
- e) Two recent House of Lords judgements (R (M) v LBC Hammersmith & Fulham (2008), R (G) v LB Southwark (2009)) have had a direct effect on how local authorities provide accommodation and support for homeless 16 and 17 year olds. These judgements have highlighted the primacy of the Children Act in responding to young single homelessness – this means that the majority of 16 and 17 year olds presenting as homeless should be deemed ‘children in need’.
- f) In Shropshire, these judgements have heralded a critical re-examination of policy, practice and existing protocol to ensure clarity of process, effective governance, and the best possible outcomes for homeless or at risk of homelessness 16 and 17 year olds.

### 3 PURPOSE

- a) The purpose of refreshing this protocol is to outline the roles and responsibilities within the multi-agency framework of services for young people identified as vulnerable or as having complex needs that are **homeless** or **at risk of homelessness**. It details the practical joint working arrangements between the different partner agencies
- b) The refreshed protocol will ensure that there will be an appropriate *joint* assessment of the holistic needs of these vulnerable young people in Shropshire, and the delivery of services to meet these needs. The procedure deals specifically with homeless prevention and joint assessment of 16/17 year olds who are homeless or threatened with homelessness and care leavers.
- c) This protocol is specifically designed to prevent vulnerable young people being passed between agencies and to ensure vulnerable young people are able to access support effectively and quickly
- d) Of paramount importance is the welfare of young people who seek advice and assistance from statutory and voluntary agencies.
- e) The refreshed protocol will be reviewed in line with the Homelessness Strategy for Shropshire.

### 4 DESIRED OUTCOMES

- a) The desired outcomes from the effective implementation of this protocol are to reduce the number of young people presenting as homeless and in need of emergency accommodation and/or coming into the care of the Local Authority. This will be achieved by;
  - Early identification of those at risk of homelessness and provision of early intervention services to address this
  - Increasing the numbers of young people remaining, or returning to live, in their family home where it is safe and appropriate to do so
  - Improving relationships between young people and their families, whether or not the young people are able to live at home
  - Flexibility in the range of accommodation and support pathways that are available to work towards independent living for young people
  - Agreeing clear and planned support packages for all young people in need

## **5 PRINCIPLES**

- a) This protocol recognises that homelessness is damaging to young people's personal, social and economic development and well-being. Where possible, homelessness should be prevented and young people supported to remain at home (where safe to do so) or leave in a planned and supported manner.
- b) Informal mediation and advocacy support for the young person's family may be required, each of the signatory agencies will promote the benefits of mediation and advocacy at all opportunities and signpost accordingly
- c) All signatory organisations agree the following principles:
  - Homelessness can be prevented through active intervention and all agencies should prevent homelessness where they can
  - 16 and 17 year olds are best accommodated in their family home unless this places them or others, at risk or violence or other harm.
  - The appropriateness of mediation should be assessed in every case

## **6 RISKS TO HOMELESS 16 AND 17 YEAR OLDS (AND CARE LEAVERS)**

- a) Any breakdown in relationships with family and communities can lead to young people becoming increasingly vulnerable.

Communities and Local Government and Department for Children, School and Families' publication, 2008, states risks identified for homeless 16 and 17 year olds are:

### Risk to Health

- increased emotional distress and mental health problems
- estrangement or isolation from family and friends leading to reduced emotional support
- substance misuse, including smoking and alcohol
- poor diet due to living outside the family on a low income
- increased sexual activity bringing the risk of pregnancy and of infections

### Risk to Safety

- inappropriate accommodation such as B&B
- being drawn into prostitution and sexual exploitation
- involvement in anti-social behaviour or offending
- failed accommodation placements or tenancies leading to 'intentional homelessness' decisions and exclusion by supported accommodation providers and landlords
- there is emerging anecdotal evidence of increased risk to young people in temporary accommodation, especially B&B, of being targeted for recruitment into gangs in areas where they are active.

### Risks to enjoyment and achievement

- dropping out of, or being less likely to take up, education, training or employment
- no longer participating in pastimes such as sporting and creative activities
- losing touch with friends and social networks

### Risks to economic well being

- financial stress and poverty
- long term poverty and social exclusion when education, training or employment is disrupted

## **7 LEGAL FRAMEWORK**

## Housing Legislation

- a) Part 7 of the **Housing Act 1996** as amended by the **Priority Needs Order 2001** and the **Homelessness Order 2002** sets out the homelessness legislation.
- b) Housing authorities have a duty to ensure that interim accommodation is made available to people who are likely to be:
  - Eligible for assistance
  - Homeless or threatened with homelessness
  - In priority need

A young person aged 16 or 17 who is not a relevant child or Child in Need to whom the Local Authority owes a duty under Section 20 of the Children Act 1989 will be a priority need.

NB: Once a homeless duty is accepted after an investigation, it becomes a temporary accommodation.

- b) When assessing applications for housing assistance from young people under the age of 25, who do not fall within these specific categories of priority need, housing authorities should give careful consideration to the possibility of vulnerability. This applies to an applicant, who, when homeless, is less able to fend for themselves than an ordinary homeless person; and is likely to suffer detriment in circumstances where a less vulnerable person would be able to cope without harmful affects.

## The Children Act 1989

- c) **Section 17** of this Act requires authorities to provide appropriate services to a “child in need”. Children in Need are defined as:
  - Children who unless the services are provided, are unlikely to achieve or maintain or have the opportunity of achieving or maintaining a reasonable standard of health (physical and mental) or development (physical, intellectual, emotional, social or behavioural)
  - Children whose health or development is likely to be significantly impaired or further impaired without the provision of such services
  - Children who are disabled

Services may be provided by or facilitated through Social Care.

**Section 17 (5)** allows Social Services Departments to call upon other agencies (particularly voluntary and community organisations) to provide services on their behalf.

“In practice, the threshold for a child in need is that there is a risk that the child will experience significant impairment should additional services not be provided.

Such a threshold is more specific than worry for a child and should be evidenced to differentiate fact from anxiety. This means, in practice, that the referrer should identify specific areas of the child's health, development or welfare where the risk of significant impairment can be evidenced. "Significant" means beyond norms of variation. The referrer must also address what role additional services might play, acknowledging the roles and responsibilities of each agency."

g) **Section 20** states that:

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

- there being no person who has parental responsibility for him
- being lost or having been abandoned
- the person who has been caring for him being prevented (whether or not permanently and for whatever reason) from providing him with suitable accommodation or care

**Section 20 (3)** states that accommodation shall be provided for any child in need within their area who has reached the age of 16 years and whose welfare the authority considers is likely to be *seriously prejudiced* if they do not provide him/her with accommodation

Accommodation in the context of **Section 20** refers to a young person entering public care. However, it is possible for social care to contribute to a package of services, where the housing authority has secured accommodation without the young person being "taken into care".

h) Under **Section 27** a social services authority can ask for a housing authority to help in delivering services for Children in Need. The housing authority must comply with such a request to the extent that it is compatible with its own statutory duties and other organisations.

Department of Health guidance recommends that close liaison between social services and housing departments is necessary and may be best achieved through the establishment of formal arrangements.

i) **Children Act 2004**

The emphasis in this Act is on the increasing need for agencies to work together and establish procedures to enable the sharing of information about children and young people at risk. This means that joint protocols between agencies will play an increasingly important part in formalising processes between agencies.

j) **Children (Leaving Care Act 2000)**

## Definitions and Duties

**Eligible children** are children aged between 16 and 17 years who have been looked after for at least thirteen weeks since the age of 14 years and who are still looked after. This includes unaccompanied asylum children who will be deemed eligible. It does not include young people who have had a series of planned short-term placements (respite care), no longer than four weeks and after each one, returning to their parents or to someone with parental responsibility; nor does it include young people who return home to a parent or someone with parental responsibility for a period of six months or more. Until the young person has been living at home for six months they will remain an eligible or relevant children; if they are under a Care Order they will remain an eligible child until the Court discharges the Care Order or they attain the age of 18 years. Children's Services is responsible to provide accommodation to eligible young people until their 18<sup>th</sup> birthday.

**Relevant children (Children aged 16 or 17 years)** are children who were looked after on or after their 16<sup>th</sup> birthday and who have left care. This includes young people who on reaching 16 years are detained in a remand centre, young offender institution or any other institution ordered by the court or in hospital and immediately prior to being detained or in hospital have been looked after for thirteen weeks since the age of 14 years. Children's Services is responsible to provide accommodation to "relevant" young people who were previously "Eligible" until their 18<sup>th</sup> birthday.

**Former relevant children** are young people aged between 18 and 21 years (in some cases 24 years) who have either been **eligible** or **relevant children** or **both**. If the young person is still being helped by his **responsible authority** with education or training, he remains a **former relevant child** to the end of the agreed programme of education or training even if that takes him past the age of 21. These young people can now access universal benefits and Local Authorities will no longer be primarily responsible for their financial support and maintenance. This includes access and support with housing costs

**The responsible authority** is the local authority which last looked after the child or young person. The Children (Leaving Care) Act applies to children and young people as defined above whether they were in care because of a care order or were voluntary accommodated under Section 20 of the Children Act.

It applies regardless of any other special status they may have e.g. unaccompanied asylum-seeking children who are looked after under S20 CA (1989) and Children who are remanded into local authority accommodation.



b) As part of this Protocol, all 16 and 17 year olds who do not meet the threshold under Children's Services, or who do not meet any other statutory duty under the Housing Act, will still benefit from a multi-agency response and prevention work will be undertaken to prevent homelessness from occurring.

## 10 DECISION MAKING PROCESS

a) If at any stage a partner agency believes that there is a child protection concern (a young person is **at risk of significant harm**) then the agency must follow their child protection procedures.

### **Young person is currently homeless or under the threat of homelessness**

b) If a young person is **currently homeless or under the threat of homelessness**, the partner agency will make an immediate referral to the Housing Service.

c) The Housing Service will carry out an initial homelessness interview/provide advice and assistance, and provide interim accommodation if necessary.

d) At any time throughout the process the young person will be encouraged to seek independent advice (eg advocacy support)

### **Joint assessment**

e) **All** joint assessment recommendations will be heard at the next available meeting of the Strategic Joint Assessment meeting. This panel will be held fortnightly and jointly chaired by the Housing Options Manager and Safeguarding Group, and attended by managers from across both Children's and Housing services, together with partners from Community Substance Misuse Team and the Youth Offending Service.

f) The Strategic Joint Assessment Meeting will decide

- The response to the young persons level of need
- The lead professional/lead agency

g) The Joint Assessment Strategic Meeting will also:

- Review any relevant assessments
- Monitor all placements into 'Crisis Beds'

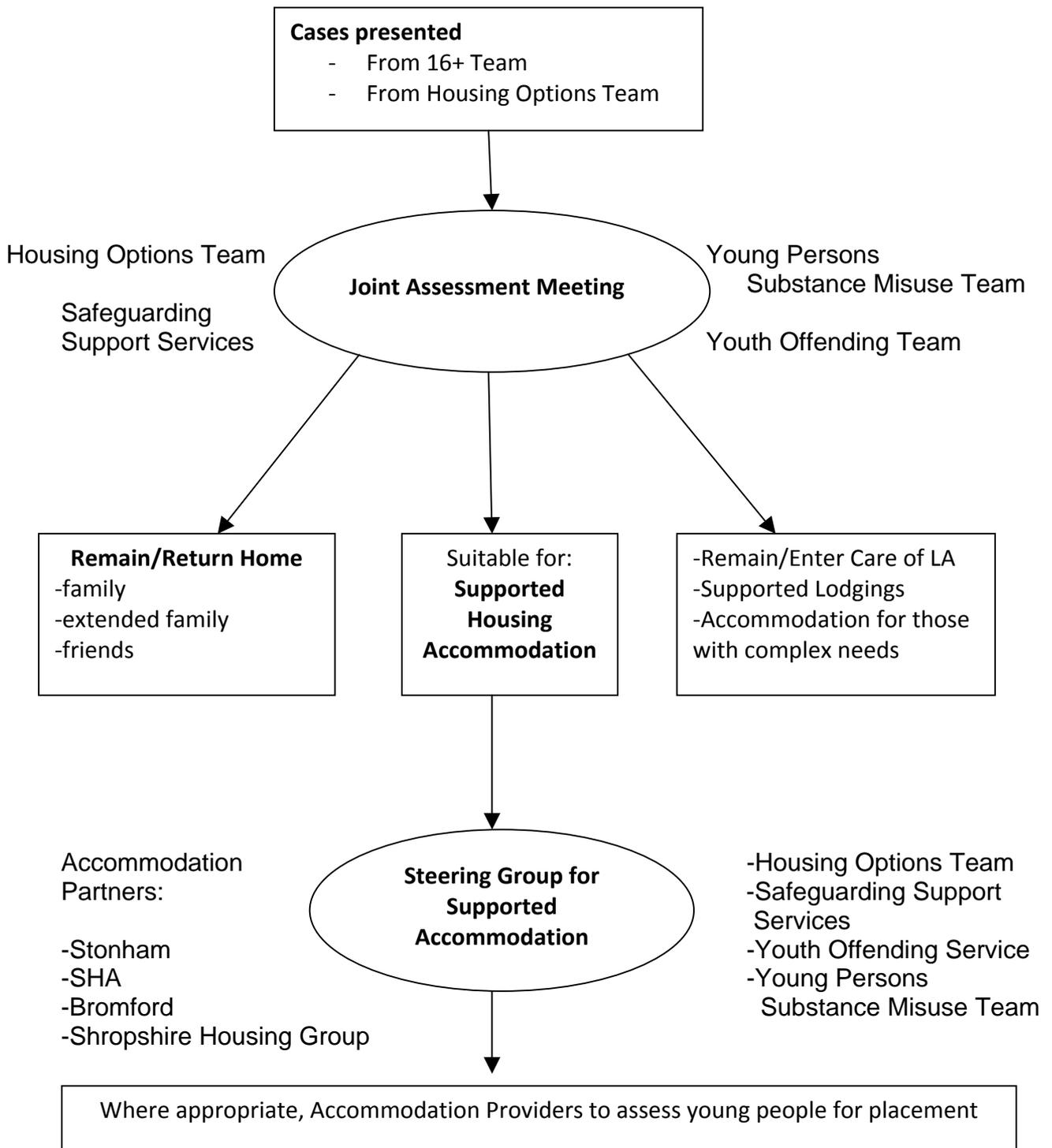
## 11 PROCEDURE FOR QUERIES OR DISPUTES

a)

If either the Housing Service, Children's Services or another organisation signed up to this protocol is unable to agree in respect of any referral, assessment, support package or accommodation provision, then the case will be jointly referred (escalated) to both Group Managers for Care and Well-Being and Safeguarding

b)

If any young person is dissatisfied with the manner or outcome of the Joint Assessment procedure, they have access to independent advice and/or the right to complain/appeal through existing complaints and appeal procedures.



### 16/17 year olds Assessment Pathway

- Referral in to Housing Options Team: enquiry line 0345 678 9005
- Single Referral Scheme Officers gather background information CAF/Care First/Agency checks
- Housing Options Officer assesses presenting level of need: 3 (advice), 2 (at risk of homelessness) or 1 (actual homelessness)

