

FOI Status: Public	CHILDREN AND YOUNGER ADULTS DEPARTMENT	Version: 2.0 Review Due: June 2012
--------------------	---	---------------------------------------



JOINT PROTOCOL ON YOUNG PEOPLE AGED 16/17 PRESENTING WITH ACCOMMODATION NEEDS

1. Approval and Authorisation

Completion of the following section signifies the review and approval of this process:-

Name	Job Title	Date
Mick Upsall	Service Improvement Manager	October 2010
Ian Johnson	Assistant Director (Safeguarding and Specialist Services)	October 2010
Ian Johnson	Assistant Director (Safeguarding and Specialist Services)	October 2010

2. Change History

Version	Date	Reason	Name
Version 1.0	October 2010	New Policy	Mick Upsall
Version 2.0	March 2012	Major re-write	Mick Upsall

3. Summary and Contents

This protocol is based on the Children Act Regulations and Guidance governing the joint working arrangements between Multi-agency Teams, Social Care and District/Borough Councils.

FOI Status: Public	Joint Protocol on Young People Aged 16/17 Presenting with Accommodation Needs	Version: Version 2.0 Review Due: June 2012
--------------------	--	---

1. Introduction

- 1.1 There is a general duty under the Children Act 1989 to promote the upbringing of children by their parents so long as this does not place them at any risk of harm or neglect. This duty exists in relation to all children and young people under the age of 18 years. It is in the best interests of most children therefore, to be brought up by their parents or where this is not possible, within their wider network of extended family members or friends.
- Young people usually leave home in a planned way retaining strong links with their parents or carers together with continuing emotional and financial support.
 - They also know they have a home to return to if necessary.
 - It is part of a managed transition to adulthood/independence that takes places over a period of time not as a single event.
- 1.2 Young people under the age of 18 who leave home are likely to do so because of problems at home, feel unhappy or unwelcome, following an argument or in the mistaken belief that there are agencies that exist to accommodate and support them. Those who present as actually or potentially homeless are likely to be amongst the least prepared to live independently and may be vulnerable in many ways. Seldom does homelessness arise in isolation from other needs - generally it is just one dimension of a young person's overall vulnerability to significantly impaired life chances. Other dimensions may include:
- moderate learning disabilities;
 - mental health problems;
 - risk of drug and alcohol misuse, economic and sexual exploitation, and offending behaviours;
 - likelihood of poor health;
 - likelihood of non-engagement in employment, education or training;
 - risk of teenage parenthood.
- 1.3 No one agency has, nor should have, sole responsibility for young people aged 16/17 who are actually or potentially homeless. Each has a statutory duty to co-operate with the other, which means a shared sense of purpose, a commitment to shared assessments and collaborative arrangements - preconditions of working together in the best interests of young people at risk of homelessness. The main outcomes of joint working to prevent and tackle homelessness should be:
- Young people remaining in or returning to the family home unless it would be unsafe or inappropriate for them to do so.
 - Improved relationships with their families, whether or not they can live at home.

FOI Status: Public	Joint Protocol on Young People Aged 16/17 Presenting with Accommodation Needs	Version: Version 2.0 Review Due: June 2012
--------------------	--	---

- Access to safe, secure and appropriate temporary/emergency accommodation.
- Access to clear and flexible longer term accommodation and support pathways towards independent living for those who need them.
- A personalised support package for every young person, where needed, based on a full assessment of their needs across all five Every Child Matters outcome areas, and involving all appropriate agencies, to help them achieve their aspirations and make a positive transition to adulthood. This should include support to maintain or return to their learning or work.
- A clearer understanding of roles and responsibilities for workers, wider agencies and clients.
- Reduced risk of young people falling through the net.
- Better working relationships between agencies.
- Young people accessing the most appropriate accommodation.
- The prevention of future homelessness.
- The best use of limited resources and time.

1.4 Terminology used:

- *Multi-agency Teams (MAT's)* are local authority targeted services for children, young people and their families.
- *Children's Social Care* is the local authority statutory service under the Children Act 1989.
- *Children's Services* is used to describe both the above together.
- *CAF and Pre-CAF* refer to the *Common Assessment Framework*
- *TAC* refers to a *Team around the Child Meeting* as part of the *CAF* process.

2 Statutory Duties and Guidance

2.1 The primary legislation for such young people is the Children Act 1989 and the associated guidance "Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation - Guidance to Children's Services Authorities and Local Housing Authorities about their duties under Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young people. Issued: April 2010" which can be found at:

<http://www.communities.gov.uk/publications/housing/homelessseventeen>

This protocol is based upon that guidance which should be used for further clarification as necessary.

FOI Status: Public	Joint Protocol on Young People Aged 16/17 Presenting with Accommodation Needs	Version: Version 2.0 Review Due: June 2012
--------------------	--	---

- 2.2 The primary responsibility for assessing the needs of young people who may be (at risk of becoming) homeless is with Local Authority Children's Services except where they have a need for help with accommodation only.
- 2.3 Children's Services have a duty to provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare "is likely to be seriously prejudiced if they do not provide him/her with accommodation".
- The duty is engaged whenever any Children's Services Authority has determined that the young person is in fact **in need and requires accommodation**.
 - As a result of being accommodated the young person becomes **looked after**.
 - He or she will be owed the duties that are owed to all care leavers.

Judgments handed down by the House of Lords have restated and clarified the established legal position that the duty under Section 20 of the 1989 Act takes precedence over the duties in the 1996 Act in providing for children in need who require accommodation, and that the specific duty owed under section 20 of the 1989 Act takes precedence over the general duty owed to children in need and their families under Section 17 of the 1989 Act.

- 2.4 The most crucial issue to be determined through the assessment process under this procedure is whether the young person is actually homeless and therefore requires accommodation. It should also be holistic and not focus narrowly on accommodation.

3 Presentations to all Agencies including Housing Homeless Services

- 3.1 The amended Pre-CAF is to be used by **all agencies/workers in respect of for all young people presenting as homeless** to ensure the young person is safeguarded, advised, directed or supported to return to, or access, appropriate accommodation.
- An open, enquiring and supportive approach to interviewing a young person who may be homeless and who will be anxious following a dispute with their parents or carer will assist in reducing the anxiety.
 - Time taken at this early stage to try to repair a fractured relationship in many cases will be repaid in reduced staff time and additional costs in the future when the split has become more embedded.
 - The main initial focus is to attempt to return the young person to their family/ carer, where this is suitable and appropriate.

FOI Status: Public	Joint Protocol on Young People Aged 16/17 Presenting with Accommodation Needs	Version: Version 2.0 Review Due: June 2012
--------------------	--	---

3.2 Key questions to be asked include:

- Can you please explain what the situation is like at home.
- Can you tell about any problems with your parents or carers that have caused you to (want to) leave
- What has caused you to leave home (today)?
- I really need to contact your parents/carers to check this out with them. Do you have a problem with that?
- If so, can we talk about it?
- If not, why not?
- If you cannot return home, is there anyone else you can stay with temporarily? Grandparents/other relatives/friends etc.
- Is that suitable? What is the address?
- Do you think you may have been reported missing to the police?

3.3 Key issues to be alert to include:

- Family breakdown.
- Offending History (victim/offender).
- Domestic abuse.
- Bullying/harassment/abuse – sexual, racial.
- Sexual exploitation.
- Is the young person missing from home?

3.4 The young person must be advised that wider enquiries will need to be undertaken in order to provide them with proper help and support.

- This will include making enquiries to find out whether or not the young person is already known to any agency service and whether or not a CAF or other assessment (e.g. Children in Need, Asset (Youth Offending Service).
- Determining whether or not the young person can safely return home or stay with extended family or friends.

3.5 If there is a need for further involvement there should be a request for assistance made to a MAT.

- This should be made using the Request for Assistance Pro-forma with the Pre-CAF attached.
- The details will be contained in the local pathway arrangements.

3.6 Where no request for assistance is to be made, a copy of the Pre-CAF should be sent to the MAT for information and data collection.

3.7 Where the presentation is made to Social Care in respect of a young person (other than in care) who is an open case, responsibility will be retained by the Social Care Worker but a request for assistance should be made to the MAT.

FOI Status: Public	Joint Protocol on Young People Aged 16/17 Presenting with Accommodation Needs	Version: Version 2.0 Review Due: June 2012
--------------------	--	---

3.8 On receipt of a referral or a presentation:

- The MAT should liaise with Social Care.
- It should make an initial decision as to whether or not to proceed to complete a CAF and notify the referrer of their decision.
- It may be possible to quickly determine that a young person **is not** in need of accommodation – determining that a young person **is** homeless will take longer.
- If the young person has been referred by another agency, they should be informed of the outcome of the initial decision.

3.9 Where emergency accommodation is not needed but follow up action/ intervention is necessary, this will need to be communicated to the relevant MAT Manager immediately.

- In order to reassure the young person and/or the parents that there will be follow up and to avoid a re-presentation, a first follow up contact should be made the same day/within 24 hours.

4 Where Emergency Accommodations is Needed

4.1 Where a 16 or 17 year old seeks help or is referred, and it appears he or she has nowhere safe to stay that night, then children's services must secure suitable emergency accommodation for them.

- This will mean that the young person will become looked after (under section 20 (1) whilst their needs, including their need for continuing accommodation and support, are further assessed. Bed and breakfast accommodation is not considered suitable for 16 and 17 year olds even on an emergency accommodation basis.
- Where the young person is accommodated under Section 20 they will not be eligible for welfare benefits, including housing benefit¹ and Children's Services will have a duty to maintain them (including meeting the cost of accommodation).

4.2 Placing a young person in emergency accommodation does not mean accepting or confirming that he or she is homeless – it only means they have nowhere safe to stay that night. Although they are accommodated under Children Act Section 20:

- they may not have agreed to this;
- a subsequent CAF assessment may identify that they do have somewhere safe to stay and are not homeless and the need for accommodation no longer exists.

¹ There are exceptions for lone parents and for disabled young people who may have established entitlement to non-means tested benefits.

FOI Status: Public	Joint Protocol on Young People Aged 16/17 Presenting with Accommodation Needs	Version: Version 2.0 Review Due: June 2012
--------------------	--	---

4.3 The Children’s Rapid Response Team acts out of hours on behalf of both Children’s Services and District/Borough Councils.

- Where a young person has nowhere safe to sleep and is placed in emergency accommodation, it is probable that this will be under Children Act Section 20.

5 A Decision to Complete a CAF

5.1 Where a young person has been placed in emergency accommodation or where the Pre-CAF indicates the need for full CAF Completion, this should be the process for pulling together a basic assessment of the young person’s circumstances and needs. Although there is no statutory timescale within which a CAF must be completed, the circumstances will usually require a timely response.

- If a young person has been placed in emergency accommodation, the aim should be to meet within 5 working days, sooner if possible.
- In other circumstances it should within 10 working days.
- The information gathered should be taken to a Team around the Child meeting – see also [Appendix One](#).

6 The Team Around the Child (TAC) Meeting

6.1 The meeting will be held within 5 working days of the initial presentation/referral and chaired by a designated MAT Manager within each district.

6.2 The following should be invited to participate in the meeting:

- the young person;
- his or her parent(s)/carers;
- other workers involved with the young person including the person/agency who made the request for assistance;
- a representative from Children’s Social Care - Service Manager or experienced Social Worker;
- a representative from relevant housing Homeless Service.

6.3 The TAC will consider the information that has been gathered to date and this, together with the discussion and actions agreed this will complete the CAF in most circumstances.

- The meeting will determine whether or not the young person needs both accommodation and other services and ongoing assistance with accessing both.
- If so, a duty under Children Act section 20 may be owed
- It will also need to be satisfied that the young person been given information about their circumstances and understands what options and entitlements exist in their particular case, including the

FOI Status: Public	Joint Protocol on Young People Aged 16/17 Presenting with Accommodation Needs	Version: Version 2.0 Review Due: June 2012
--------------------	--	---

implications of choosing to be or not to be accommodated where a duty may be owed?

- Legal advice will be sought as necessary.

6.4 If the meeting considers that:

- **a duty under Section 20 is owed**, a *recommendation* to accommodate will be made and the District Manager or a designated Service Manager will need to endorse this;
Or:
- **no duty under Section 20** is owed, a *recommendation* will be made to the District Council to consider whether or they have a duty to assist with accommodation;
- Social Care will continue to be responsible for the cost of emergency accommodation until a decision has been taken by the District/Borough Council – this should be taken as quickly as possible and usually within 5 working days.

6.5 If the meeting concludes that the young person **is not in need of accommodation**:

- there will be no duty to accommodate but the young person may be eligible for other services;
- The CAF/TAC process should continue to consider any need to provide services under Section 17 of the Children Act 1989, which could include financial support under section 17(6)) to sustain any plan for the young person to live with members of their family;
- the Housing/Homeless Service will be asked to determine whether or not the young person is in priority need for accommodation under Section 188(1) of the Housing Act 1996 – where Children’s Services are ceasing to be responsible for provision or payment of accommodation, this will need to happen quickly;
- The MAT will put in place a plan to meet the young person’s wider needs including a strategy to prevent future homelessness.

6.6 If the meeting concludes that the young person **is in need of accommodation and has other needs** that require more than access to universal services, he or she will be owed a duty under Section 20 and a social worker should be allocated to fulfil statutory duties.

- The CAF will provide the basis of an initial assessment which should be completed within 10 days of the initial referral to the MAT.
- The MAT will put in place a plan to meet the young person’s wider needs including a strategy to prevent future homelessness.

FOI Status: Public	Joint Protocol on Young People Aged 16/17 Presenting with Accommodation Needs	Version: Version 2.0 Review Due: June 2012
--------------------	--	---

7 Recording the Outcome of the TAC

- 7.1 The minutes of the meeting must clearly record its decision and the discussion that informed it.
- The CAF, plus the minutes of the meeting will constitute an initial assessment which informs these decisions.
- 7.2 In order to evidence compliance with the statutory guidance, a template for recording discussion and decisions is attached as [Appendix Two](#).
- The representative of Social Care will have a key part to play in advising whether or not the a duty under the Children Act 1989 Section 20 exists.
 - There should be a planned meetings within a further 3 weeks, a further 2 months and then a further 3 months (maximum intervals from the date of the original TAC meeting).
 - Where the plan is not proceeding as envisaged any agency may ask for the TAC meeting to be re-convened.

8 Where a Duty Under the Children Act 1989 Section 20 Exists

- 8.1 Where a duty appears to exist, the information gathered thus far under CAF processes will form the basis of the initial assessment.
- Where additional information is required this should be completed within 10 days of the original request for assistance in order to be compliant with timescales.
 - The initial assessment will need to be signed off by Social Care. The CAF, the minutes from TAC meetings and the views of the Social Care representative at that meeting will usually fulfill this requirement.
- 8.2 A care and placement plan will need to be initiated in line with The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review which can be found at:

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00185-2010>

- The placement plan must be explicit about the respective roles and responsibilities of the placement provider and the young person's social worker, their Independent Reviewing Officer and of other staff employed or commissioned by the Authority to contribute to the plan for the young person's care.
- Many of the workers engaged in the CAF process will continue to have a role as part of the plan for the young person.

FOI Status: Public	Joint Protocol on Young People Aged 16/17 Presenting with Accommodation Needs	Version: Version 2.0 Review Due: June 2012
--------------------	--	---

8.3 The young person must be fully informed, and supported so they fully understand the nature of the circumstances they are in and the options available to them.

- This should include written information.
- They should have access to independent advocates as necessary.
- Their views and wishes should be evidenced and recorded – they are likely to change and this, too, needs to be recognised.
- Their families and others should also be included.

8.4 Children’s Services must only provide supported accommodation which is suitable and of high quality. A range of different types of accommodation may provide suitable accommodation for 16 and 17 year olds who cannot live with their families, carers or guardians. These include:

- foster care;
- children’s homes;
- supported lodgings;
- foyers;
- properties with floating support tailored to the young person’s needs;
- other types of supported accommodation that meet the assessed needs of the individual young person?

Bed and breakfast accommodation must not be seen as a suitable option for 16 and 17 year olds.

9 Where a Young Person in Need Declines to be Accommodated

9.1 Some 16 and 17 year olds may decide that they do not wish to be supported as a looked after child – in these circumstances, the minutes of the TAC Meeting will need to record how this decision has been taken after careful consideration.

- This does not necessarily mean that the young person has rejected any Children’s Services’ intervention to provide them with accommodation.
- Lack of co-operation should not prevent Children’s Services attempting to carry out its duties under the Children Act 1989– a limited assessment can still be undertaken but ultimately it is not possible to force services on young people who continue to refuse them.

9.2 The Children Act 1989 Section 20 does not confer coercive powers upon the Local Authority. Its duties can only be exercised with a young person’s agreement.

- This agreement is more likely to be achieved if they receive full information about their status and options.

FOI Status: Public	Joint Protocol on Young People Aged 16/17 Presenting with Accommodation Needs	Version: Version 2.0 Review Due: June 2012
--------------------	--	---

- Working with non-compliant behaviour is typical of work with some young people – more often than not, it evidences their vulnerability rather than their resilience.
- They are likely to change their mind and return or present elsewhere.
- Withholding their agreement does not negate the need for an assessment – they remain “in need”, perhaps even more so.
- There needs to be a record of the information that has been provided, the reasons given to the young person explaining why they are “in need”.
- A young person is more likely to recognise the advantages of accommodation where workers clearly demonstrate that this is in their best interests.
- Their agreement should be presumed unless it is explicitly withheld.

9.3 Where no agreement is given, the duty under Section 20 falls away:

- The District/Borough Council will be asked to determine whether or not the young person is in priority need for accommodation under Section 188(1) of the Housing Act 1996 - a referral should include evidence of the action that has been taken to carry out duties under Section 20.
- Failure to agree to be accommodated does not equate to a young person having made him/herself “intentionally homeless, even where it may lead to having to leave the accommodation.
- Homelessness is only capable of being ‘intentional’ where the applicant has ceased to occupy accommodation that it would have been reasonable for him or her to continue to occupy”.

9.4 Case Law has determined that where a young person has declined to be accommodated, they may still be eligible for assistance under Section 17 as at [Paragraph 6.5](#) above.

- Children’s Social Care should continue to work with the District/Borough Council to support a young person.

10 Financial Responsibility

10.1 Children’s Social Care is responsible for the costs of a young person’s accommodation where this is provided under Children Act 1989 Section 20.

10.2 District and Borough Councils are responsible for any costs incurred in respect of accommodation provided for young people being assessed under Section 188 of the Housing Act 1996 or who have been accepted as in priority need.

- Where a placement has been made under Section 188 and Children’s Services have been notified, the TAC Meeting with 5 days maximum will determine whether or not a duty under Section 20 is owed.

FOI Status: Public	Joint Protocol on Young People Aged 16/17 Presenting with Accommodation Needs	Version: Version 2.0 Review Due: June 2012
--------------------	--	---

10.3 Where a TAC determines that no duty under Section 20 is owed, Children's Services financial responsibility will come to an end and the District and Borough Councils may determine that they have a duty to assist the young person.

- This may require a change of placement which should be properly planned.
- Likewise, the handing over of financial responsibility should be completed in a planned way.
- Where a young person needs financial assistance pending receipt of Housing Benefit, he or she should be required to repay any monies advanced from the arrears of payment once they are received.

10.4 Where no duty is owed to a young person either by Children's Services or by a District/Borough Council, responsibility ultimately remains with a parent/person with parental responsibility to ensure that the young person has somewhere safe to live.

- They may be eligible for services under Children Act Section 17.

APPENDIX ONE
Factors to be considered by children's services when assessing
16/17 year olds who may be homeless children in need

<i>Dimensions of Need</i>	<i>Issues to consider in assessing young person's future needs.</i>
Accommodation	<ul style="list-style-type: none"> • Does the young person have access to stable accommodation? • How far is this suitable to meet the full range of the young person's needs?
Family and Social Relationships	<ul style="list-style-type: none"> • Assessment of the young person's relationship with their parents and wider family. • What is the capacity of the young person's family and social network to provide stable and secure accommodation and meet the young person's practical, emotional and social needs?
Emotional and Behavioural Development	<ul style="list-style-type: none"> • Does the young person show self esteem, resilience and confidence? • Assessment of their attachments and the quality of their relationships. Does the young person show self control and appropriate self awareness?
Education, Training and Employment	<ul style="list-style-type: none"> • Experience and background. • Assessment as to whether support may be required to enable the young person to access education, training or employment.
Financial Capability and independent living skills	<ul style="list-style-type: none"> • Assessment of the young person's financial competence and how they will secure financial support in future. • Information about the support the young person might need to develop self-management and independent living skills.
Health and Development	<ul style="list-style-type: none"> • Assessment of young person's physical, emotional and mental health needs.
Identity	Assessment of the young person's needs as a result of their ethnicity, preferred language, cultural background, religion or sexual identity.

**APPENDIX TWO
TEMPLATE FOR RECORDING TAC MEETING**

Name of young person	Date of TAC meeting	
Present:		MAT Manager (Chair)
		MAT worker
		() Social Care
		() District/Borough Council
		Young Person
		Parent or carer
Details		
Reports presented		
Issues discussed		
Views of young person		
Views of parent(s)/carer(s)		
Other views presented		

<p>Is the young person in need of accommodation?</p>	
<p>Yes</p>	<p>No</p>
<p>Does the young person have other needs?</p>	
<p>Yes</p>	<p>No</p>
<p>Can the young person access services without planned support</p>	
<p>Yes</p>	<p>No</p>
<p>Is a duty owed under Children Act Section 20?</p>	
<p>Yes</p>	<p>No</p>
<p>If yes, has the young person given informed agreement to be accommodated</p>	
<p>Yes</p>	<p>No</p>
<p>If no, does the District/Borough Council have a duty to assist with accommodation?</p>	
<p>Yes</p>	<p>No</p>

Agreed Actions		By whom	
CAF Review details of further meetings			
Signed		Date	

APPENDIX THREE FLOW DIAGRAM TO SUPPORT LOCAL PATHWAY

