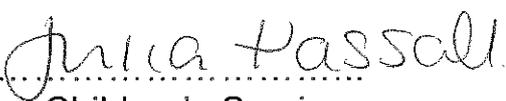


**Wirral Council Joint Protocol between
Regeneration, Housing and Planning and
Children and Young People's Department
Homeless 16 & 17 year olds**

Agreed by

Julia Hassall 
Acting Director Children's Services

Ian Platt



Head of Housing

Date: 30 October 2012

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Contact Officer:	Simon Garner
Author:	Simon Garner
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Introduction

This protocol has been introduced in response to the House of Lords judgement of May 2009 in the case of G v LB Southwark and the subsequent statutory guidance issued by the department for Children, Schools and Families, and Communities and Local Government department in April 2010.

These clarified the legal responsibilities of Children and Young People's Services towards homeless 16 and 17 year olds and the interrelationship between duties under the Children Act 1989 and homelessness legislation.

This protocol sets out Wirral Council's responsibilities in the identification, assessment and management of the needs of young people ages 16 to 17 who present as homeless.

The aim of the protocol is to enable joint working to ensure the best outcome for the homeless young person and to ensure that homeless young people are identified and provided with appropriate support.

Principles

Unless there is clear safeguarding evidence, it is recognised that it is in the best interests of most young people aged 16-17 to live in the family home or with responsible adults within their wider family network. Therefore the initial response should be to work proactively with a young person and their family, provide advice and guidance and to identify and resolve the issues which have led to their homelessness or threatened homelessness crisis.

16/17 year olds should have clear access to support and should not be 'bounced' between services. A consistent referral and assessment service will be provided to young people threatened with homelessness. The demands placed on relevant services by young people require that services work together in a flexible way to ensure the best interests of the young person are met alongside statutory responsibilities.

16/17 year olds should not remain in their family home if this places them at risk of violence or other harm. Young people will not be left in a situation which may place them at serious risk of harm, for example, sexual or physical abuse.

Young people aged 16 or 17 who are being provided with somewhere to sleep for the night on a temporary basis will require an initial assessment in relation to their risk of homelessness.

Young people should be kept informed of progress and decisions made and be engaged in their assessment and planning.

A young person in crisis will receive practical and immediate response from whichever agency they first approach.

All agencies should be open and transparent with young people and their parents and carers, both about the service which they can offer and what other agencies roles and capabilities are.

Agencies will share information about a young person and their family subject to proper consent. (Wirral information sharing protocol applies, see [Guide to Integrated Working](#)).

The availability or otherwise of suitable accommodation and support must not influence the determination of statutory duties under the Children Act 1989.

In consultation with the young person a way forward is agreed which:

- stands the best chance of being sustainable by the young person
- offers the best achievable basis for them moving on to independent adulthood
- makes best use of accommodation and support.
- acknowledges bed & breakfast accommodation is not suitable for use by children's services or housing authority to accommodate 16 – 17 yrs .

The parties agree to work closely together and share all relevant information in a timely manner to ensure the housing and support needs of the young person are adequately met. This includes the parties alerting each other, at the earliest opportunity, to any difficulties in implementing the protocol.

Initial contact

A young person may make contact with a number of different agencies or settings e.g.

- One Stop Shop
- Housing providers
- Connexions
- Self referral to accommodation providers
- Central Advice and Duty Team (CADT)

Where a young person is presenting to a service in Wirral as being homeless or threatened homelessness (e.g. staying temporarily in accommodation or with friends and family) homeless, and their age is 16 -17 yrs, they should be referred to Response who will act as a single point of contact and will take responsibility for completing an initial interview, unless there are safeguarding concerns when a referral should also be made to CADT (or EDT out of hours). A referral should take place whether or not the young person is from Wirral.

Note - Please note that Response is not an emergency service if a young person presents outside of office hours please see section below [Request for support out of hours 16 & 17 year olds](#)

If the young person is considered to be at risk of significant harm [Wirral Safeguarding Procedures](#) should be followed.

Initial interview by Response

Response will complete an initial structured interview by use of a CAF ([Common Assessment Framework](#)) with the young person. This will begin the information gathering and help towards the initial assessment process.

Areas which will be covered in the interview will include:

- **the current situation** – i.e. why is the young person presenting as homeless or risk of homelessness?
- **welfare** e.g. money, food, shelter, ID, medicines ,clothes etc
- **background history** – family make up, accommodation history and whether, previously known to CYPD or another local authority.
- **support networks** – what family members are there, extended family, friends that can offer support?
- **vulnerability** – to determine if there any immediate concerns re vulnerability of the young person – e.g. learning disabilities, mental health issues, child protection / safeguarding concerns.
- **the young person's views** – what is the young person saying about the need for accommodation? Where are they most likely to stay if interim accommodation is required?
- **views of those with parental responsibility** – what are those with parental responsibility saying? Can the young person return home? What can be put in place to help improve the situation?
- **communication needs** e.g. interpreter needs?

Response will explore all possible areas of support required for the young person in an effort to prevent him / her from homelessness and their situation ending in crisis. Parental involvement will be encouraged at the earliest opportunity and a TAC (Team Around the Child) and or referrals to other support services will be initiated.

Joint assessments under s188 of Housing Act and s20 and s17 of Children Act 1989

Where the interview at Response determines that the young person can not return home, the needs of the young person will be jointly assessed under S188 of the Housing Act and S17and S20 of the Children Act 1989.

In all circumstances where a young person cannot return home, including where emergency accommodation is provided, a referral for an initial assessment will always be made. Response will contact Children's CADT to request that the work is launched to the designated Social Worker (or to the district social work team if a S47 inquiry is to be undertaken) to undertake an initial assessment. Response will supply all information gathered from the young person, their parents, extended family members, referrer etc in order to assist the Social Worker with their assessment. Response will also liaise with Housing Options to consider a homelessness application.

Almost all 16 & 17 year olds who have nowhere to live will be classed as a 'child in need' and consideration will be given to whether the young person needs to be accommodated under S 20.

In most situations emergency accommodation would be provided under S188 whilst initial assessment is completed.

Disabled young people

If a young person is disabled and are homeless or likely to become homeless they should automatically accepted as a child in need.

The young person may need emergency / interim accommodation whilst the assessment is being undertaken. This accommodation will be provided from Housing Options under s188 of the Housing Act for a period of up to ten working days whilst the assessment is being undertaken. In all cases this accommodation must be considered safe and appropriate. All emergency / interim accommodation that Housing Options use will have been risk assessed for suitability before the young person is accommodated. During this period a homelessness investigation is not required.

Interim Support It is crucial during this period of interim accommodation that the next steps and careful planning regarding any further arrangements are discussed with all concerned e.g. Young Person ,Housing Options, Social Worker so to avoid the interim accommodation arrangements continuing beyond the scope of s188 ten day period. Response / STOP Gap will provide support to those placed in emergency / interim accommodation whilst the assessment is being carried out. Financial support will be made available through s17 Child in Need during this period if required and in some circumstances a decision may be made by Children's Social Care that a child should be accommodated under s20 of the Children Act 1989.

Some young people require an initial assessment but may not need emergency / interim accommodation e.g. staying with a friend or family member / sofa surfing.

Response will continue to support the young person during this period. If the situation changes for the young person whilst an assessment is being undertaken a request for s188 interim accommodation will be made.

Financial support will be made available through s17 Child in Need during this period if required.

Social worker assessment

Following the request for an initial assessment, the social worker, with information gathered from Response, will determine whether the young person's circumstances meet the criteria for s20 of the Children's Act 1989.

Response / STOP GAP will continue to provide support to the young person whilst the assessment is being carried out.

Decision and pathway

Following the completion of the initial assessment, where it is determined that:

The young person's circumstances do meet the criteria under s20

The Social Worker with assistance from Response/ STOP GAP will discuss the assessment outcomes and options with the young person, ensuring that they have the opportunity to make a fully- informed decision on whether to accept the offer of assistance under s20. Accommodation will then be provided using LAC procedures.

Dependent on the young person's needs the social worker will discuss with the pathways team the options of placement in foster or residential care or other arrangements deemed suitable such as supported accommodation.

Case law and guidance emphasises that S20 subsection (c) should be given 'a wide construction', but there are exceptions, e.g. where a child has been living independently for some time, with a job, with somewhere to live without anyone caring for them. If such a person loses their accommodation and becomes homeless, he/she would **not** necessarily fall within S20. Neither will all children want to be 'looked after', in which case the social worker will, taking the person's wishes into account, determine whether the application of S.20 is appropriate. The young person will be advised to access independent advocacy services to assist with this decision.

Should a young person not meet the criteria for s20 but meets the criteria for s17

Support should be provided under s17. A child in need plan will be prepared for s17 supported by the Social Worker and other services as required e.g. The Adolescent Support Team .

The reasons why s20 does not apply will be shared with all appropriate parties.

Housing Options will need to be informed including the reasons why s20 does not apply and if required, will proceed to a homelessness investigation.

Young People age 16 & 17yrs Known to YOS or in COURT

Youth court

Where a young person is in the Youth Court and cannot return home as parent/carer refusing or is ordered by the Court not to return home, the YOS Court Team will take responsibility for exploring other accommodation options with the young person, including family and friends. If no other options can be identified YOS will refer **directly** to CADT / Designated Social Worker to prevent a remand to custody.

CADT or Designated Social worker **will** work with the YOS worker to identify suitable accommodation as detailed previously in [Joint assessments under s188 of Housing Act and s20 and s17 of Children Act 1989](#)

For those referrals of 16/17 year olds who would, for the lack of an address, be remanded in custody, CADT or the Designated Social Worker along with the Housing Options Team will endeavour to respond to any request from the YOS to find accommodation under s188.

Custody

If a young person in custody is going to be homeless upon release the YOS accommodation officer will endeavour to arrange accommodation prior to release. However in the event that this is not possible a referral will be made by the YOS directly to CADT / Designated Social Worker for an assessment as detailed in flowchart 3.

Where a young person is sentenced to custody whilst s20 it should be noted that a LAC Review should be convened prior to a release date to plan for accommodation and support services.

Request for support out of hours 16 & 17 year olds

Where young people present as homeless outside of office hours, the priority must be the safety and well-being of the young person, and where needed, accommodation will be provided until the next working day. Housing Options s188 will be responsible for the accommodation of the young person which will be agreed through the Housing Options Out of Hours Service in partnership with EDT. The young person will then be referred to the designated social worker by Housing Options Out of Hours the next working day for an initial interview.

Full details of the situation including all contact details of the young person must be faxed through to the designated social worker at the earliest opportunity and a copy of the MARS must also be faxed to CADT.

Escalation process

Front line staff need to be aware that it is everybody's responsibility, including their own, to work together to implement this protocol for the benefit of the young people concerned. However, it is recognised that from time to time they may not be able to resolve issues between different service elements and may need to escalate problems through the appropriate line management.

In the first instance staff facing difficulty or requiring resolution to an issue should contact the appropriate Manager within their Service Area who will then try and resolve the matter between them:

If the issue cannot be resolved at this level then these managers will escalate to Senior Management.

Equality and Diversity

The Equality and Diversity policies of each organisation signed up to this protocol must underpin the way in which services are provided.

All organisations are expected to value diversity and be committed to equality of opportunity.

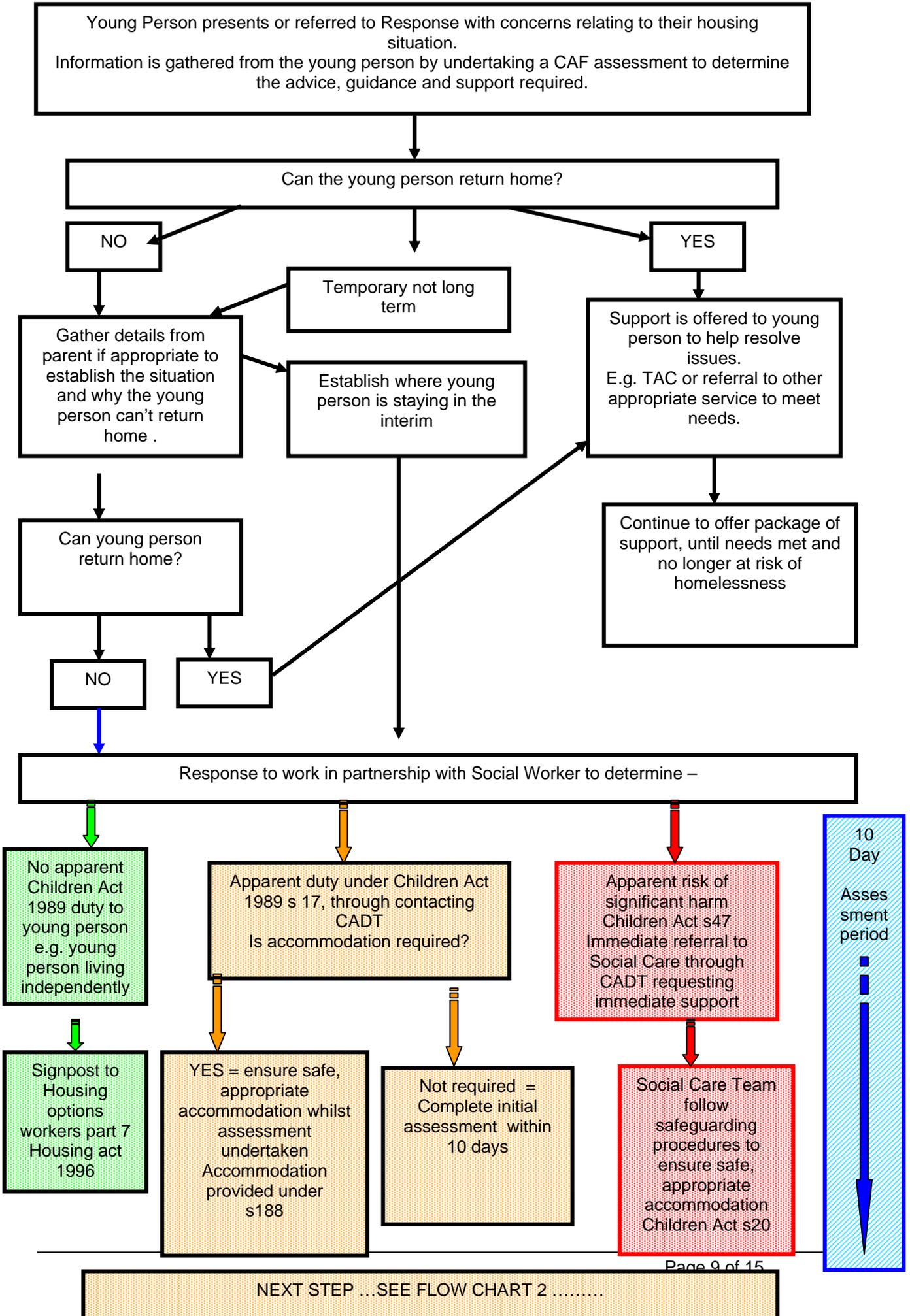
Services should be accessible and where appropriate, additional resources provided, such as interpreters and translation services.

An Initial Equality Impact Assessment has been completed and will be reviewed six months after the introduction of this protocol.

Monitoring review & developments

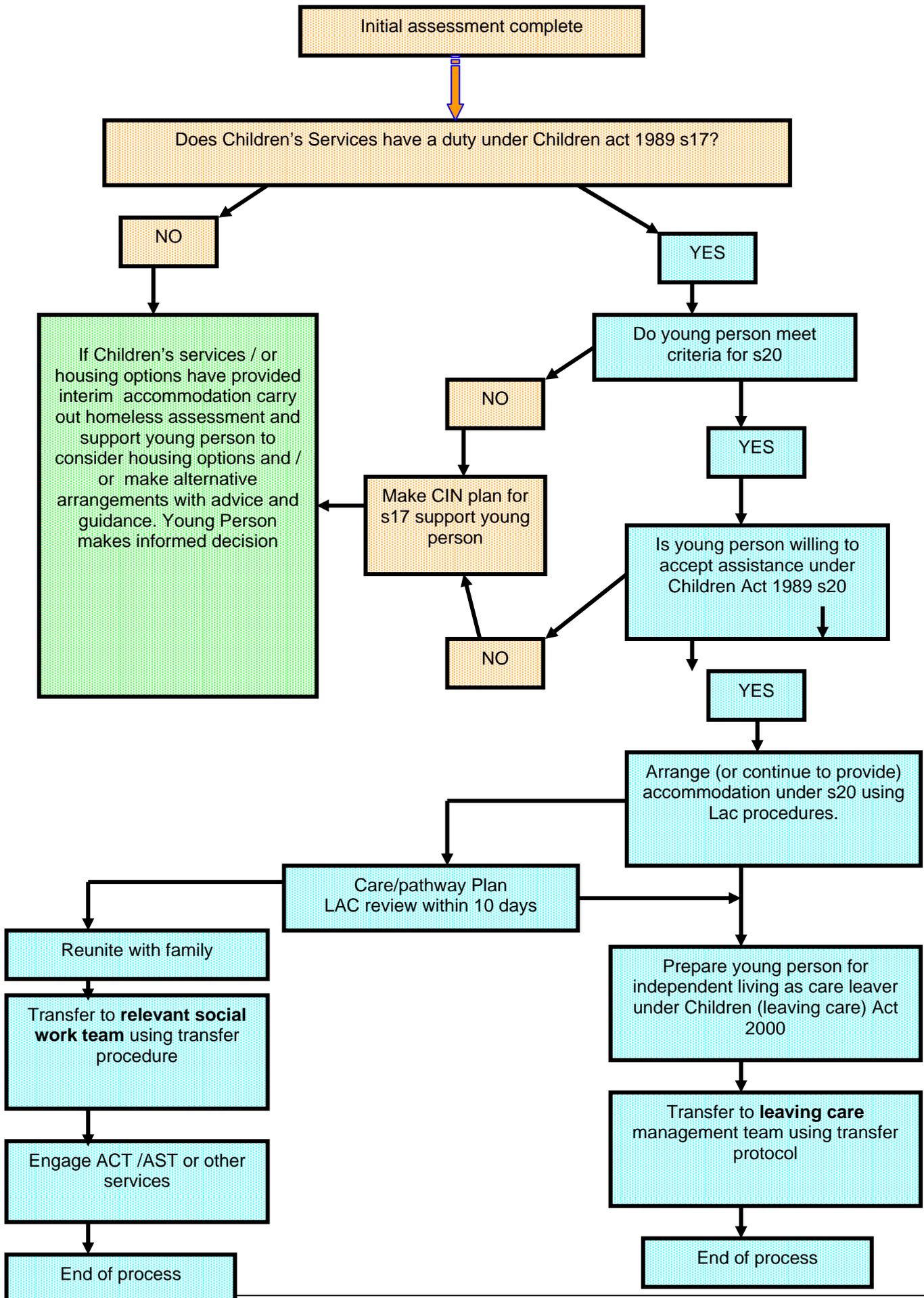
This protocol will be reviewed on quarterly basis by representatives from the steering group. The steering group will recommend any amendments they think necessary.

Flow chart 1: referral to Response housing service 16 -17yrs

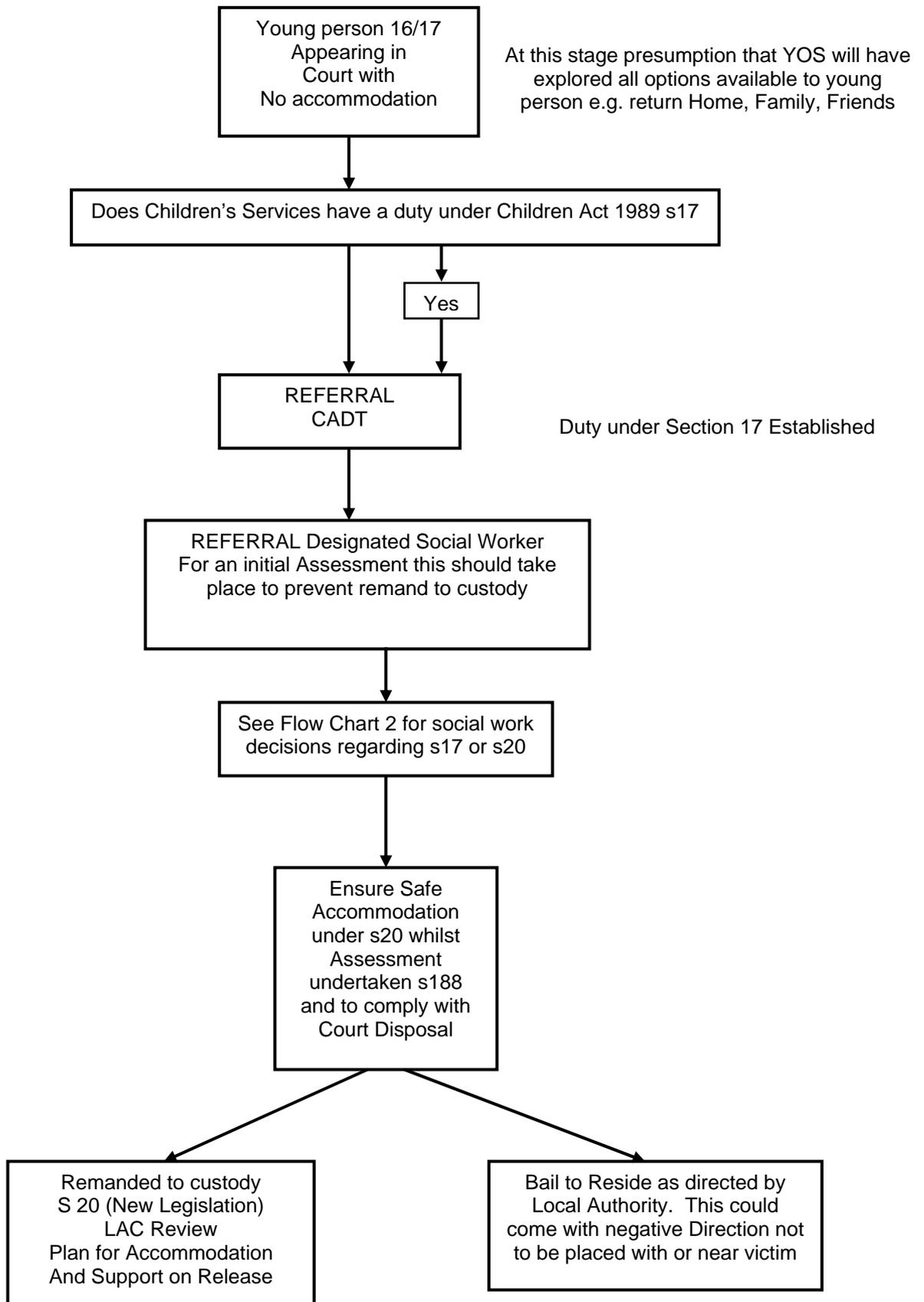


Flow chart 2 :

Social worker



Flow chart 3 : arrangements for young people in the criminal justice system



Appendix 1 – Relevant legislation

Section 20 Children Act 1989

Section 20 of the Children Act 1989 states that every local authority shall provide accommodation for any child in need who appears to them to require accommodation as a result of:

- There being no person who has parental responsibility for him/ her
- Him/ her being lost or having been abandoned
- The person who has been caring for him/ her being prevented from providing him/ her with suitable accommodation or care

Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him/her with accommodation.

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

A local authority may provide accommodation for any person who has reached the age of sixteen but is under twenty one in any community home which takes children who have reached the age of sixteen if they consider that to do so would safeguard or promote his welfare.

Section 17 Children Act 1989

Section 17 of the Children Act 1989 sets out the responsibilities of local authorities to provide services for children in need and their families. Under this section there is a general duty upon every local authority to:

- Safeguard and promote the welfare of children within their area who are in need; and
- So far as is consistent with that duty' promote the upbringing of such children by their families

Section 17 (10) of Children Act 1989 defines that a child shall be 'in need' if:

- He/she is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/ her of services by a local authority

- His/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services or
- He/ she is disabled
- (G) v Southwark [2009] and (M) v Hammersmith & Fulham [2008] reaffirmed and clarified that the duty under Section 20 of the Children Act 1989 takes precedence over the duties within Part 7 of the Housing Act 1996 in providing accommodation for young people aged 16 to 17 years old. Also that the duty under Section 20 of the Children Act 1989 takes precedence over the general duty owed to children in need and their families under Section 17 of the Children Act 1989.

Housing Act 1996

Section 188 of the Housing Act 1996 provides that:

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

The Homelessness (Priority Need for Accommodation) (England) Order 2001 (SI2002/2051) provides that:

- Child aged 16 or 17 who is not a 'relevant child' or, owed a 'section 20' duty, and;
- 18-, 19- or 20-year old (other than a relevant student'), who is a 'former relevant child';
- has a priority need for accommodation under the Housing Act 1996.

Statutory Guidance: Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation

This Guidance was issued to children's services authorities and local housing authorities to clarify 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. The guidance can be accessed [here](#).

Appendix 2 Glossary of Terms

Response

The Response agency provides confidential information, advice and guidance to young people aged 13-19 years across the borough including counselling, help with drug and alcohol misuse and benefits and housing issues including those young people who present as homeless or at risk of homelessness. Response have housing service also has Intensive housing support which is provided through the Response STOP GAP programme. See below for more details

Response can be contacted on 666 4123 or by visiting the Callister Centre, 19 Argyle Street, Birkenhead, CH41 1AD

STOP GAP

This service is part of Response and offers intensive floating support to young people aged 16 -18 years old who are homeless or at risk of homelessness. This includes both practical and emotional support, including attempts to return the young person back home or supported onto independent living.

The Stop Gap provision currently has access to two assessment /emergency beds (supported lodging type with families), which can be used depending upon availability. The project also has access to two move-on flats, which are 1 bedroom flats through Registered Social Landlords.

CADT

All enquiries to children's social care are taken through a single access point by the Central Advice and Duty Team. Social workers at CADT will make some initial inquiries and where the concerns are confirmed the information is forwarded to a district team for a social worker to carry out an assessment. CADT workers will also provide advice and information to other professionals through consultations.

Tel number: 0151 606 2008 or email cadtchildrensocialcare@wirral.gov.uk

Housing Options

Provides information and advice regarding housing solutions and attempts to prevent homelessness occurring. They investigate and process homelessness applications and provide temporary accommodation.

Tel number: 666 5511 or email housingoptions@wirral.gov.uk

YOS (Youth Offending Service)

Wirral Youth Offending Service is based on a multi agency approach to solving the problem of young people and crime. This means that the Service deals with young people themselves, their families, friends and

carers and all the many agencies involved in the lives of young people, from teachers to magistrates, neighbours to solicitors, voluntary agencies to youth and social workers. All with a common aim, supporting young people and protecting the community, through reducing crime.

Our role is about helping young people directly. We help them make positive life choices rather than offending. We then help them access services they need to make their choice happen. This can range from acceptance into main stream education, to finding a job, from employment training to finding stable accommodation.

We work to help young people be in control of their future. In fulfilling our role we help the entire community of Wirral by preventing crime and anti-social behaviour, protecting young people, especially the vulnerable and protection of the community. Further information regarding the service we provide can be given via the reception at Solar Campus on 0151 637 6300