

NORTH YORKSHIRE CHILDREN'S TRUST

21ST SEPTEMBER 2009

The Prevention of Homelessness of young people

1.0 Purpose of the Report

- 1.1 To inform the Trust of the review of the Homelessness Strategy
- 1.2 To seek support of the measures outlined in this report in response to the recent Law Lord's Judgement on responsibilities towards homeless 16 and 17 year olds.

2.0 Recommendations

- That the Children's Trust supports the continued use of Supporting People (SP) funding allocated to Young People whether receiving services as a result of section 17 or section 20 duties (Children's Act 1989), see annex 1 for detail.
- That the Children's Trust supports an approach to Department of Work and Pensions (DWP) in respect of housing benefits for 16 & 17 year old young people, who are taken into care as a result of being made homeless (and therefore lose benefit).
- That all partners confirm their commitment to funding prevention services funded through CLG grant to District Councils, or in the event that this is included within the Area Grant then this funding continues to be allocated to homelessness prevention services for young people.
- That partners commit to release their staff for Homelessness Prevention training (covering application of the new protocols)
- That the Children's Trust receives a further report on options for the consistent and equitable provision of homelessness prevention services county-wide.
- That the Chair of the SP Commissioning Group be invited to a future meeting of the Children's Trust to report on the review of SP funded services and the likely impact of this – in particular in regard to commissioning services for young people.

3.0 Background

- 3.1 The review of the Homelessness Prevention Strategy has identified:
 - There has been a significant reduction in homelessness acceptances for 16 and 17 year olds. In 2007-08 there were 78 acceptances (35% up on the previous year), in 2008-09 there were 28 acceptances reported. This is a significant achievement given the current recession which has put many individuals and families under additional stress
 - There has been a significant increase in the level of preventions. 1877 preventions were completed in 2008-09 from a baseline of 989 in 2007-08.
 - The procurement process for the provision of Supported Lodgings funded by Supporting People, for 16 and 17 year olds, has now commenced.

- The percentage rate of Care Leavers reporting that they are satisfied with their accommodation has fallen (93.8% in 2006-07, 89.7% 2008-09 and 85.2% in 2008-09). Absolute numbers are low (4 care leavers in 2008-09) but it is accepted that all care leavers can expect to be offered suitable accommodation.

3.2 Prevention services have been highly effective but are at risk because they are reliant on either short-term funding sources, or the CLG prevention grant. It is anticipated that the CLG grant will either cease or be incorporated in the Area Grant. The Homelessness Group will be making recommendations on level of prevention service required and possible sources of funding.

3.3 There has been a significant judgement by the Law Lords in regard to 16 and 17 year olds who are homeless¹. Annex 1 provides the detail. In summary there has been a shift in responsibility from Housing Authorities to Children's Services. The existing North Yorkshire Protocol for Prevention of Homelessness of 16 and 17 year olds had anticipated these judgements by acknowledging that all young people presenting as homeless are Children in Need. The changes required within the protocols themselves are consequently limited. The potential impact of the judgements is however significant. Annex 1 sets out the detail of this, in summary:

3.4 The Southwark judgement reminds Housing Authorities and Children and Young People's Services that they both have duties to prevent homelessness, support young people at risk of homelessness and should be working closely together to prevent this. The significance of the latest judgement, is that in most cases young people (16 and 17 years old) should be offered an assessment of their needs under section 20 (CA 89) by Children's Social Care. Potentially this can place young people in care. Whilst this might secure benefit to the young person in the short term, evidence both nationally and locally points to best outcomes being secured within families, through kinships, or living with close friends. Our focus should remain on supporting young people within these relationships, through our integrated workforce and in particular by developing further support available through Integrated Youth Support.

3.5 Where young people enter care then there is a loss of housing benefit and consequential increase in costs to Children's Services in providing accommodation. There is a need to raise this issue with DWP.

3.6 Homelessness prevention funding currently goes to the District Councils via CLG. There are indications that this funding will cease and may be incorporated within the Area Grant. In this case there is a need to ensure that these funds are ring-fenced for young people.

¹ Opinions of the Lords of Appeal for Judgement in the case of R v London Borough of Southwark 25-26 March 2009-09-04

Without this funding it will no longer be possible to fund the front-line homelessness prevention services.

3.7 The national guidance for Supporting People funding, is that it should not be used to support young people in care. As an SP Trailblazer, North Yorkshire receives the grant through its Area Grant. Consequently we have greater freedoms, including the use of these funds to support those in care. There may however be other pressures on the SP funding and whilst allocations to young people are currently low (less than 7%), we cannot assume that either the percentage figure or total amount available will continue to be available.

3.8 The Homelessness Group are responding to these challenges by:

- Completing a revision of the protocol for homelessness prevention 16 & 17 year olds, that takes account of the recent Law Lord's Judgements (annexe 2)
- Delivering training for CSC staff (specific impact on social workers of the Judgements)
- Delivering joint agency training on the revised protocols.
- Seeking support of the Children's Trust to secure funding at risk

3.9 The fall in percentage of care leavers satisfied with their accommodation is based on very small numbers (4 individuals in the last year). Although this is a very small number we must recognise this is still an important issue – we don't wish any care leavers to be housed in unsuitable accommodation. The provision of supported lodgings will make a significant difference and the continued development of prevention services (and consequent reduction in demand) should bring about the changes young people wish to see.

3.10 The current difficulties must be placed in the wider context of a growing demand for accommodation in North Yorkshire, caused by a growth in population and the impact of the recession. The recession has a direct impact on families. This can be seen in the increase in rent and mortgage payment defaults and through the greater risk of family breakdowns. Partner agencies are addressing these issues directly through the provision of information, guidance and support – including specialist services provided by CAB and HARP for those in arrears and the county court desk schemes.

David Walker
Education Officer (Social Inclusion)

NORTH YORKSHIRE COUNTY COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICE

PREVENTING THE INCIDENCE OF HOMELESSNESS FOR 16 & 17 YEAR OLD
YOUNG PEOPLE AND PLANNING FOR YOUNG PEOPLE LEAVING LOCAL
AUTHORITY CARE TO LIVE IN SUITABLE ACCOMMODATION

SEPTEMBER 2009

1. PURPOSE OF THE REPORT

- 1.1 To set out the incidence and arrangements within North Yorkshire to respond to homelessness for 16 & 17 year old young people within the context of the House of Lords judgement handed down on 20th May 2009 concerning G versus Southwark.
- 1.2 To outline the strategic and operational arrangements required to ensure suitable accommodation is provided to young people who are owed duties under the Children (Leaving Care) Act 2000 as amended by the Children & Young Person's Act 2008.

2. BACKGROUND

- 2.1 Regardless of the construct that the House of Lords drew from the intention of the Homeless (Priority Need) Order 2002, it is a fact that since July 2002 Housing Authorities throughout England had, up until the G v Southwark judgement, assumed greater responsibility for preventing homelessness for young people of 16 or 17 years of age. Nationally, also in 2002, the Supporting People programme was launched. In the main, utilising the SP programme and generally led by the district Housing Authorities of North Yorkshire, there has been excellent work to develop a range of services to prevent and support young people who present and are accepted as homeless. In partnership with primarily Foundation Housing, Night Stop and the YMCAs, homeless prevention services have developed. Year on year the incidence of 16 & 17 year old young people accepted as homeless has reduced. In 2008-09 there were 50 young people accepted as homeless in North Yorkshire. In addition to SP funds, Housing Authorities have drawn in other grants including some from CYPS and the CLG. The long term funding of the CLG grants are under threat and the assumption that these will in future be routed into Area Based grants uncertain.
- 2.2 The C(LC)A 2000 placed a duty upon the responsible authority to provide suitable accommodation to relevant young people*¹. Former relevant young people*² who are homeless are regarded as being in priority need under the Homelessness Order 2002. The CYP A 2008 places a requirement upon a Looked After Child's Independent Reviewing Officer to be satisfied that on moving from foster or residential care that the other accommodation arrangements are suitable and creates the application of a residual category of remaining looked after in unregulated accommodation if such an action is deemed necessary to safeguard the child. The Council's performance in relation to care leavers is judged according to whether they are living in suitable accommodation and whether they are engaged in education, training or employment on their 19th birthday. Children who leave foster or residential care at 16 or 17 years of age are generally more vulnerable and not just as a consequence of their youth, than those who remain up until adulthood. Often

these children on their journey into adulthood will live in accommodation which isn't decent and in which they feel unsafe. The link between achieving economic wellbeing and living in accommodation with appropriate support is both inextricable and virtuous. Public Service Agreement 16 identifies adult care leavers as being a vulnerable group who should be targeted for settled accommodation. The concept of good corporate parenting began with the Quality Protects programme of the 90's and extends to young people leaving local authority care. The Council should aspire to want the same life chances for LAC as they would want if these children were their own

3. SUPPORTING PEOPLE

- 3.1 The SP programme required Councils to establish a prescribed administering body, consisting of representatives from Housing Authorities, the then Social Services Department and the Probation Service, to commission services that provided housing related support services to vulnerable groups. The grant allocation from ODPM and now CLG to commission these services was determined through an aggregation of spend made previously via Transitional Housing Benefit. Since the 'golden cut' on 31st March 2002 many services that had previously supported vulnerable groups to live independently continued to enjoy 'legacy' funding. One consequence of this legacy funding is that the SP grant has not been adequately re-allocated on the basis of need.
- 3.2 The purpose of the SP programme was not to fund services to vulnerable groups to whom a statutory duty of service provision was owed, hence the ineligibility of relevant care* leavers to receive SP funded services. Since 2002, a significant challenge for SP staff, employed within ACS, has been to review the eligibility criteria of services funded by SP. Within North Yorkshire there is a vexed view, held largely, although not exclusively, amongst the Housing Authorities, that SP funds continue to support services, primarily for adults with a learning disability, which should be regarded as ineligible. The removal of ring fencing criteria for SP expenditure offers both opportunity and risk to future SP spend.
- 3.3 In May 2007, and as a consequence of a review of the eligibility criteria for SP funded services, the Youth Justice Manager and Placement Planning Manager met with the SP Service Manager and agreed to commission a Supported Lodgings scheme for 16 & 17 year old young people at risk. At that time £160 K SP funds was identified to support the SL scheme. The SP Programme in North Yorkshire is subject to a financial recovery plan. Mid 2008, as part of the FRP, the SP Commissioning Body considered whether to proceed with the SL scheme. Following representation from CYPS, the SPCB agreed to proceed with the commission but on the basis of a reduction of the annual funding to £140 K. Late 2008, the SPCB considered whether CYPS would be allowed to bid to run the SL scheme and agreed that CYPS should be allowed to bid with an endorsement of encouragement. To date, the SL scheme has yet to be commissioned. For 09 -10 the SP income is £14.7 million of which £1.32 million is allocated for homeless prevention services for young people. Appendix 1 sets out the forecasted SP spend on homeless young people until 2013.

3.4 The SP programme provides an annual grant of £30 K toward Staying Put, which is a DCSF pilot to enable former relevant young people who are fostered to remain with their carers after reaching adulthood and until reaching 21.

4. G versus SOUTHWARK

4.1 This judgement has significant implications for CYPS and in particular for CSC. The judgement shifts the trend of responsibility since 2002 for homeless 16 & 17 year old young people from Housing Authorities and to Children's Services. The judgement determined that homeless 16 & 17 year old young people 'needed more than a roof over their heads' and that Children's Services could not avoid the duties that they owed to these children under section 17 Children Act by referring them to Housing for accommodation under the Homeless (Priority Need) Order 2002. Furthermore the judgement stated that Children's Services could not provide section 17 services as an alternative to section 20 CA 89, if the criteria for section 20 were met, simply because it didn't like the 'paraphernalia' that section 20 involves. In determining whether to provide section 20 services account should be taken of the child's wishes and feelings, their competency to express these and the primacy of their welfare over their wishes and feelings. The judgement refers to the judicial review concerning *R (Liverpool City Council) v Hillingdon London Borough Council [2009]* in which it is established 'that a child over the age of 16 years often doesn't know what is in his best interest'. Helpfully, the Southwark judgement clarified that under section 27 of the CA 89, Children's Services could request that Housing provide an amount of unregulated accommodation through which it could discharge its section 20 duties.

4.2 The practical implications for social workers are that they will experience an increased demand to complete section 17 assessments for 16 & 17 year old young people who cannot be prevented from becoming homeless. For the children who become looked after under section 20 they will require a core assessment and a LAC health assessment to be undertaken and this is at a time when, as a consequence of the implementation of the Integrated Children's Services system, social workers are increasingly spending their time administering ICS. Some of the children who become LAC will not be able to access unregulated accommodation particularly those whose behaviour and maturity would previously have resulted in an 'intentionally homeless' determination. These young people will place greater demand on what are already stretched adolescent foster and residential placements. Accommodation under section 20 regardless of whether it is unregulated will mean that the cost of that accommodation and maintaining the young person cannot be sourced through the Department of Work and Pensions and the cost will fall upon Children's Services. Whether LAC in unregulated accommodation can enjoy the support of SP funded services is uncertain, although the new freedoms around SP spend should if at all possible be exploited. All LAC require the appointment of an IRO and those that are looked after for more than 13 weeks will gain entitlement to services under the C(LC)A 2000 until at least 21. The judgement cautions local authorities to be slow in re-assessing LAC in order to avoid providing leaving care services.

- 4.3 The volume of increased section 17 and 20 demand is very difficult to predict. As previously indicated during 2008-09 50 young people were accepted as being homeless. Demand for section 20 services will peak toward mid - 2011 and then plateau. The financial cost of one LAC in unregulated accommodation excluding SP funded support costs will be circa £18 K per annum.
- 4.4 Housing authorities continue to have a duty to prevent homelessness and their response to working in partnership with CYPS with respect to this judgement is encouraging. However it is a reality that Housing will perceive that they have a decreasing role in picking up the consequences of not preventing homelessness. The recession will challenge the resilience of some families to care for their teenage children and contribute to an increase in homeless presentations. A small working group has been established and is mapping the incidence of homelessness and homeless prevention services across the county with a view to informing future commissioning intentions. The group has also agreed a mechanism for resolving disputes to avoid the heavy hand of legal challenge.

5. CARE LEAVERS

- 5.1 Preparation for the transition to adulthood and in particular emotional readiness is key to helping care leavers achieve economic wellbeing. National minimum standards for foster and residential care require young people to be prepared for adult life. Preparing young people to cope with transition and developing their individual resilience should not be deferred until their 16th birthday. IRO's should ensure that high quality Pathway Plans with good contingency arrangements are completed in a timely fashion. Accommodation-needs data should be harvested and aggregated to allow LAC managers to engage with local partners in strategic planning. The capacity to participate in education, training or employment should be the standard by which young people's readiness to live independently is assessed. Young people who are clearly unable to live independently should not be expected to do so; the consequences of being determined to have made themselves intentionally homeless can be long lasting. Housing partners should not discharge their duties to adult care leavers by offering accommodation on housing estates where young people have no connection and will be isolated.
- 5.2 The use of bed and breakfast accommodation in anything but a crisis is prohibited by C(LC)A guidance. Notification to the LAC portfolio holder of care leavers who are placed in B&B beyond 28 days should be made by the responsible LAC manager. When it is necessary to use B&B accommodation the Council should satisfy itself as to the good character of the Landlord. Some local authorities have provided training to Landlords of B&B that has allowed them to be re-categorised as Supported Lodgings. Local LAC managers should undertake a quarterly stock take of outcomes for care leavers applying the definition of suitability of accommodation as defined under section 23B(10) of the C(LC)A 2000.

- 5.3 Just as with G v Southwark, improving accommodation outcomes for young people leaving local authority care is far more than providing a roof over a head. In fact it is not possible to separate the bricks and mortar of accommodation from the holistic support that is needed to sustain independent living. It is hardly surprising that many of the children who have just reached 16 years of age and who leave care struggle to manage with living on their own and will often seek out unhealthy relationships to avoid loneliness. The DCSF initiative *theright2bcared4* is still under pilot. Participating local authorities guarantee young people, who wish to do so, the opportunity to remain in care until adulthood. Since 2005 the percentage of children remaining in the care of North Yorkshire until adulthood has increased year on year from 41% to 69% in 2008, which reflects a welcome change in the culture of expectation both amongst our LAC and their carers. Nonetheless it should be made easier for those 16 and 17 year old care leavers who strike out into independent living to return to the cloak of comfort that care can provide should they wish to do so.
- 5.4 On average 43 young people aged 16 years or older leave the care of North Yorkshire each year. On average 21 young people remain with their foster carers until reaching 18 years of age. North Yorkshire is a pilot authority for Staying Put. As the first year of the pilot concludes, there are 14 young people who have remained into adulthood with their former foster carers. Part of the role of the Staying Put coordinator is to ensure that the move on accommodation is arranged for these young people. Extending the opportunity to remain in care, or to return to care, has an impact upon the availability of placements resources.
- 5.5 Historically, it is the children who are placed outside of the local authority who fare worst on leaving care. Through more effective commissioning of placements, with the exception of children with very complex needs, North Yorkshire has reduced the number of children placed out side of the county.
- 5.6 Through the SP programme, and at an annual cost of £ 27 K, LAC services commission 3 places for relevant young people with Foundation Housing in Scarborough, Harrogate and Selby. In collaboration with SP, the management of this commission needs greater investment at a local level. In Northallerton, Broadacres Housing Association provides a flat for relevant care leavers. During 2008-09 LAC services spent £184 K procuring accommodation for 12 relevant care leavers. In Scarborough, where this spend was the greatest, consideration of letting a tender to supply decent accommodation on the basis of 5 year contract should be made. If this level of spend is considered over the long term there should be efficiencies in increasing the stock of Council owned properties.
- 5.7 North Yorkshire is in an advanced stage of growing Supported Lodgings for 16 & 17 year old care leavers and it will increase its current stock of 5 units to 13 by the end of the financial year. The refurbishment of 65 Dean Road into a 'halfway house' for 2 young people primarily leaving care of Stepney Road Children Centre will be completed in 2010. The development of a similar facility in Harrogate to provide move on accommodation to young people at Forest Lane Children's Home will create additional capacity in our residential service and reduce the need to procure high cost residential places from the independent sector.

- 5.8 The provision of out of hours support through targeted youth services to the most vulnerable care leavers should be re-established. LAC and therefore care leavers are likely to experience poor emotional wellbeing. CAMHS and other health services should be more accessible to care leavers. Some local authorities leaving care services include CAMHS working on an outreach basis with care leavers whose chaotic lifestyles prohibits access to more traditionally delivered 'by appointment only' services.
- 5.9 Support and accommodation to care leavers who are young parents should be of an extraordinarily high standard to give them the best chance of being good parents. Such an investment will provide dividends in the future by reducing the necessity of intervening to safeguard their children.

6. RECOMMENDATIONS

- 6.1 That the report be considered.

*1 *Relevant young people: Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14, and have been looked after at some time while 16 or 17, and who have left care.*

*2 *Former relevant young people: Young people aged 18-21 who have been either eligible or relevant children, or both. If at the age of 21 the young person is still being helped by the responsible authority with education or training, he or she remains a former relevant child to the end of the agreed programme of education or training even if that takes him or her past the age of 21.*

Howard Smith
Placement Planning Manager
14th August 2009

**NORTH YORKSHIRE CHILDREN AND YOUNG PEOPLE'S SERVICE (SOCIAL CARE)
known as (C&YPS)
NORTH YORKSHIRE HOUSING AUTHORITIES
NORTH YORKSHIRE YOUTH OFFENDING TEAM**

**JOINT PROCEDURE FOR THE ASSESSMENT OF HOUSING AND SUPPORT NEEDS OF
LONE HOMELESS 16/17 YEAR OLDS**

1. NAME OF PROCEDURE

Joint Procedure for the Assessment of Lone Housing and Support Needs of Homeless 16 and 17 Year Olds, under the requirements of the Children Act 1989, the Children Act 2004, the Housing act 1996 (as amended by the Homelessness Act 2002) and the appeal in relation to R (on the application of G) (FC) (Appellant) v London Borough of Southwark (Respondents) 20th May 2009.

2. WHO IS IT AIMED AT?

This document is designed to be an easy to use procedure for front line staff.

The North Yorkshire Children and Young People's Plan 2008-2011 requires that children and young people will be living in decent, secure affordable homes and have appropriate support.

The procedure deals with homeless prevention and joint assessment of 16/17 year olds who are homeless or threatened with homelessness.

3. WHICH STAFF OR AGENCIES ARE RESPONSIBLE FOR DELIVERING THE PROCEDURE?

Housing Officers – Local Authority Housing Departments
C&YPS Staff – North Yorkshire County Council
Youth Offending Officers – North Yorkshire Youth Justice Service

4. EQUALITY AND DIVERSITY

The equality and diversity policies of C&YPS including Youth Justice Service and Housing and those of other agencies and organisations providing the services covered within this procedure must underpin the way in which these services are provided.

Housing and C&YPS value diversity and are committed to equality of opportunity and access to suitable accommodation for all young people, regardless of age, ethnicity, gender, sexuality, culture, faith or disability.

Housing and C&YPS services seek to promote the participation of children, families and care leavers in the decision making process.

5. WHAT ARE THE AIMS OF THE PROCEDURE?

The procedure forms a series of definitions and actions to be followed by the North Yorkshire Housing Authorities, the North Yorkshire County Council C&YPS Social Care Directorate, and North Yorkshire Youth Justice Service.

The aims are:

- **To prevent homelessness through active intervention**
- **To assist 16 and 17 year olds to remain in their family home where possible**
- **To ensure a home visit is undertaken in every case of a potentially homeless 16/17 (unless there is a compelling reason not to visit/or the home visit is refused by the householder)**
- **To ensure that the option of using mediation is considered in every case**
- **To ensure that all agencies act to prevent homelessness where they can.**
- **That C&YPS and Housing authorities will jointly assess each homeless 16/17 year old's housing and support needs and ensure they are met**
- **That C&YPS will provide services under Section 20, Children Act 1989 in line with the Southwark Judgement.**

6. WHAT IS A JOINT ASSESSMENT?

The joint assessment **determines housing and support needs** – the form may be completed alongside a homeless investigation, but this is not its primary purpose.

All 16/ 17 year olds who are owed a full statutory homelessness duty by a Housing Authority and/or Section 20 duty by C&YPS will have a support and accommodation package drawn up following the joint assessment. Other homeless 16/17 year olds who are not owed a full duty will be offered specific support to resolve their housing issue.

Where a 16 or 17 year old is part of a family who are deemed to be intentionally homeless refer to the 'Joint Procedure For Families With Children Who Are Intentionally Homeless Or Ineligible For Assistance' (Date to be agreed), under the requirements of the Children Act 1989 and the Housing Act 1996 (as Amended by the Homelessness Act 2002).

6. HOW WILL HOMELESSNESS BE PREVENTED IN INDIVIDUAL CASES?

Scenario 1

Homelessness is threatened: the relationship between the child and the householder has broken down

- 16/17 year olds should be assisted to remain in the family home if it is safe.
- Officers should be competent to make an informed judgement about this risk, if necessary in consultation with C&YPS.

- A home visit will be necessary. In all cases a check should be made with the consent of the young person, by Housing staff to C&YPS.
- Mediation should be used as appropriate. This usually requires both parties to engage.
- Mediation services need to act as soon as possible.

Scenario 2

Homelessness is threatened: mediation will not work, but the home is currently available and safe

- negotiate with parents to allow more time for options to be developed
- assess availability of, and suitability for, supported housing
- help to find private rented with floating support
- undertake a homeless assessment under Part VII if there is reason to believe they will be homeless within 28 days – continue prevention activities
- once you are satisfied that they are homeless or will be homeless within 28 days, undertake a **Joint Assessment**, with C&YPS – continue to appraise other options eg. supported housing, relatives, private sector

Scenario 3

The 16/17 year old is threatened with homelessness and at risk in the home or is actually homeless

- place in temporary accommodation and investigate a homeless application
- undertake a **Joint Assessment** with C&YPS.

16/17 year olds are not routinely placed in temporary accommodation awaiting a decision on whether they can return home, except in cases where there are concerns about violence in the home.

7. WHICH AGENCIES OTHER THAN THOSE ABOVE ARE INVOLVED?

Housing Providers
Support Services (Housing and specialist)

8. IS THERE A FORM TO COMPLETE?

A Joint Assessment form is to be completed with the young person if homeless prevention is not successful.

9. HOW IS A REFERRAL MADE?

A referral to C&YPS or to Housing Authorities can be made by any relevant agency. Referral is made either by telephone, letter or fax. See 2 below for the arrangements for obtaining the consent of the young person to share information.

10. WHO/WHAT IS THE FIRST POINT OF CONTACT?

The initial point of contact can be the Customer Services Centre (Specialist Officers), the Youth Justice Service or the Housing Department of the local authority.

11. HOW WILL IT BE ROLLED OUT?

Refer to Implementation Plan Below.

12. PROCEDURE FOR QUERIES OR DISPUTES

If either the Housing Authority, C&YPS/Youth Justice Service is unable to agree in respect of any referral, assessment, support package or accommodation provision, then the case is to be referred to the Senior Manager responsible for homelessness/ accommodation in the case of the Housing Authority, and the Service Manager or Deputy Service Manager in respect of C&YPS, and Practice Manager or Service Manager for the Youth Justice Service for resolution.

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

13. LOCAL AREA ISSUES

If the Housing Authority is a Large-scale Voluntary Transfer Authority (where housing stock has been transferred to a Housing Association) such as Ryedale, Hambleton, Craven or Scarborough, arrangements will need to be put in place with Registered Social Landlords (RSL) in the area. Earlier involvement with the RSLs will ensure appropriate accommodation is allocated to homeless 16/17 year olds.

14. IMPLEMENTATION PLAN

There will be joint C&YPS/Housing Authority/Youth Justice Service training on the information sharing protocol and the Common Assessment Framework

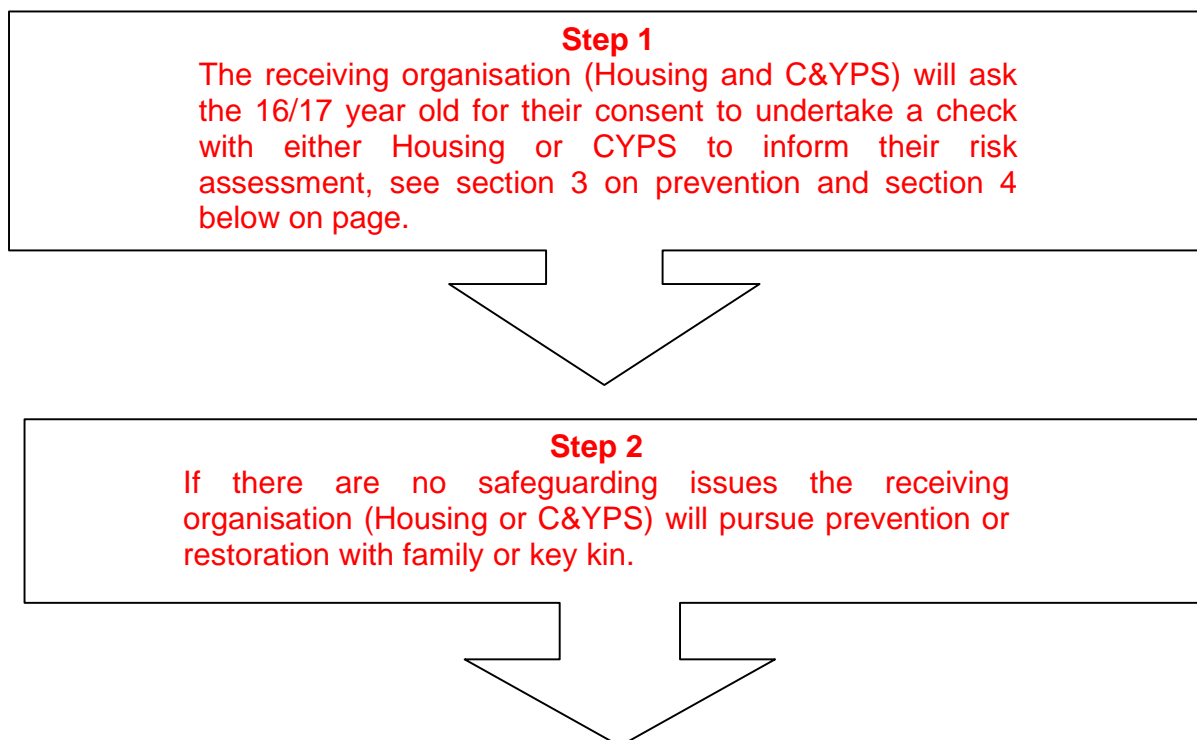
**NORTH YORKSHIRE C&YPS
NORTH YORKSHIRE HOUSING AUTHORITIES
NORTH YORKSHIRE YOUTH OFFENDING TEAM**

Joint Procedure for the Assessment of Housing and Support Needs of Homeless 16 and 17 Year Olds

1.0 GENERAL PRINCIPLES

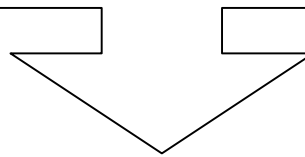
- 1.1 This procedure provides a series of definitions and procedures to be followed by the North Yorkshire Housing Authorities, the North Yorkshire County Council C&YPS and the North Yorkshire Youth Justice Service concerning responsibility for lone homeless 16 and 17 year olds under the **Housing Act 1996** (as amended by the Homelessness Act 2002) the **Children Act 1989** (as amended by Sections 17(6) and 22(1)), the **Children Act 2004**, the **Children (Leaving Care) Act 2000** and the appeal in relation to R (on the application of G) (FC) (Appellant) v London Borough of Southwark (Respondents) 20th May 2009.
- 1.2 It is accepted that for all young people’s welfare to be safeguarded, appropriate accommodation and support is necessary.
- 1.3 Young people should be involved in discussions and plans for their future. The young person should be consulted and informed of progress with his/her homeless application.
- 1.4 In assessing the needs of young people for accommodation and support, those involved in that process must take account of the special needs and cultural background of the young person.

2. FLOWCHART ON THE SOUTHWARK DECISION



Step 3

If mediation and restoration with key kin is not successful or not possible interim accommodation should be provided by Housing or if appropriate by C&YPS where the young person consents to this and where C&YPS have assessed that the young person meets the threshold for section 20 of the Children’s Act. A joint assessment will commence and Housing and C&YPS will also complete their own statutory assessment. This will entail C&YPS staff undertaking an initial assessment. Step 4, 1-6 should be considered by CYPs in the initial assessment

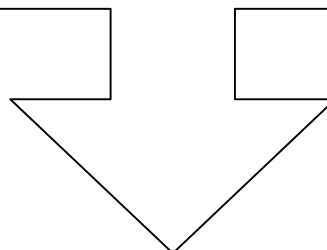


Step 4

Consider: (the flowchart is followed by guidance on 1 to 6)

1. Is the person a child?
2. Is the 16/17 year old a child in need as defined by section 17 Children Act 89 and the Southwark decision?
3. Does the 16/17 year old require accommodation to be provided?
4. Is the 16/17 year old from the North Yorkshire area? If no then continue assessment and then liaise with the other local authority if necessary.
5. Does the 16/17 year old require accommodation as a result of the tests laid down in Section 20 Children Act 89?
6. Does the 16/17 year old wish to be assisted under the Children Act 89?

If the answer is no at stages 1,2,3,5 or 6 assessment should be conducted under the Housing Act 1996 Part 7 and led by the local housing authority.



2.1 Is the person a child?

Establish if the person presenting as homeless or threatened with homelessness is a child.

2.2 Is the 16/17 year old a child in need as defined by section 17 and the Southwark decision?

C&YPS have previously agreed that all 16/17 year olds that are homeless will be a child in need under Section 17. See “Child in Need” under “DEFINITIONS, LEGISLATIONS AND GUIDANCE” on page 22. There may however, be some circumstances where they would not be deemed to be a child in need. An example of this in the Southwark judgement is someone whose home has been temporarily damaged by fire or flood who can well afford hotel accommodation while it is repaired. This person would fall under the Housing Act 1996 part 7.

Whereas a young person who has been ‘sofa surfing’, sleeping in cars and snatching showers is a child in need where the lack of permanent housing will have a long term impact upon his/her educational attainment and other areas of their life.

A ‘child in need’ is defined in Section 17 (10) of the Children Act 1989:

‘For the purposes of this Part a child shall be taken to be in need if –

- (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this part;
- (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- (c) he is disabled.

2.3 Is the person within the local authority’s area?

“Local authorities have to look after the children in their area irrespective of where they are habitually resident. They may then pass a child into the area where he is ordinarily resident under Section 20 (2) or recoup the cost of providing for him under Section 29 (7).” (Southwark Judgement).

2.4 Does the 16/17 year old require accommodation to be provided?

It may be very obvious that a sofa surfing child requires accommodation. However there may be cases where the person does have a home to go to, whether on his own or with family or friends, but needs help in getting there, or getting into it, or in having it made habitable or safe.

2.5 Does the 16/17 year old require accommodation as a result of the tests laid down in Section 20 Children Act 1989?

Are the needs at 2.4 the result of: Section 20 (1))

- (a) there being no person who has parental responsibility for him;
- (b) his being lost or abandoned; or
- (c) the person who has been caring for him being prevented from providing him with suitable accommodation or care.

The Southwark Judgement suggest that (c) has to be given a wide constriction, if children are not to suffer for the shortcomings of their parents or carers. This covers a child who has been excluded from home even though this is the deliberate decision of the parent.

An example given in the Southwark Judgement of where a 16/17 year old does not fall under Section 20 (1) but would fall under the Housing Act 1996 Part 7 is where he/she may have been living independently for some time, with a job and somewhere to live and without anyone caring for her/him at all who may then lose their accommodation and become homeless.

Where a 16/17 year old does require accommodation under Section 20, C&YPS can ask housing authorities to make a certain amount of suitable accommodation available to them to use in discharging their responsibility to accommodate children under section 20.

A local authority can not avoid providing Section 20 services by providing some other service under some other section of the Children Act 1989 for example, section 17.

2.6 Does the 16/17 year old wish to be assisted under Section 20 Children’s Act 1989?

The child’s wishes and feelings have to be considered under Section 20(6) of the Children Act 1989, as amended by section 53 (2) of the Children Act 2004 - “Before providing accommodation under this section, a local authority shall, so far as is reasonably practicable and consistent with the child’s welfare:

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

The provision of accommodation under this section “is a service not a coercive intervention” (Southwark Judgement). A homeless 16/17 year old who is competent to make the decision and does not wish to be accommodated under Section 20 would be in priority need under the Housing Act 1996 Part 7. Where a 16/17 year old is being assessed by C&YPS who are undertaking an initial assessment, the young person should be supported under section 20 of the Children Act 1989.

Staff should also consider whether the 16/17 year old is making this decision in his/her own best interests and he/she should be provided with full information about what Section 20 entails and advised of the implications of their decision.

3 Prevention:

- In all cases when a young person is 16 or 17 years of age and suspected to be homeless or threatened with homelessness, Housing and C&YPS will first establish whether there is homelessness. If the young person is not homeless but is in danger of becoming homeless in the near future, prevention activities will be necessary. Where the young person first presents to Housing, staff must ensure they ask the young person for their consent to contact C&YPS. See 4 below,

Enclosure 4 –Annexe 2

- In order for homelessness prevention to be effective all agencies involved in the procedure will be responsible for taking immediate steps to prevent homelessness if they are approached by a young person aged 16/17 who appears to be threatened with homelessness. A minimum response would be referral to the local dedicated service providing support and family mediation to 16/17 year olds (eg. Safe Moves). In the absence of such a service locally, referral should be made to the Housing Authority.
- If the 16/17 year old appears to be actually homeless referral should be made immediately to the Housing Authority.
- The Housing Authority may not consider that temporary accommodation is necessary because they consider the young person is still able to live at home. In these cases the Housing Authority should be able to demonstrate that they have carried out an assessment of the risk to the young person if they remain at home. In all cases Housing staff must ask the young person for their consent to contact C&YPS. See 4 below. C&YPS should cooperate in the provision of information to inform this risk assessment. This does not mean that a formal referral to C&YPS is necessary (see 2 for arrangements to obtain the consent of the young person to share information). It is expected that C&YPS will respond to any request for assistance or information from the housing authority as soon as possible, and vice versa.
- Mediation and support for the family may be required and the Housing Authority will need to ensure these services are provided. Local arrangements should ensure that a service exists to provide family mediation/ support to 16/17 year olds at risk of leaving home/ being excluded from home. If no such dedicated service exists C&YPS including Youth Justice Service should provide this service as far as they are able given local priorities.
- The Housing Authority may provide temporary accommodation to allow time for family mediation to repair the breakdown in the relationship. If temporary accommodation is provided, intensive mediation with family members should begin immediately. However, immediate provision of temporary accommodation to a young person can adversely affect their chances of subsequent reconciliation and resettlement with family members. This may be because the family believes the local authority has taken responsibility for the young person or because they believe the young person has been found housing and can manage independently. Housing authorities consider that in most cases reconciliation with family members offers the best outcome for young people and the chance of a planned move to independence. Most 16/17 year olds do not manage well in tenancies without intensive support- this support may not be readily available.
 - When a 16/17 year old is placed in temporary accommodation prevention activities should commence by the next working day.

4. ARRANGEMENTS FOR OBTAINING THE CONSENT OF THE YOUNG PERSON TO SHARE INFORMATION

How should staff seek the young person's consent to share their information?

- 4.1 Housing staff should establish from the young person prior to contacting C&YPS whether they have had any prior involvement or current involvement with C&YPS. Where the young person has had prior involvement with C&YPS and can recall the name of the Social Worker, Housing staff should ask the young person for their written and signed consent to contact that Social Worker for information about them. Where the young person gives their written and signed consent, Housing staff should ask them to sign the release of information form on page 18 in this procedure and fax a copy of the young person's written and signed consent on the release of information form to C&YPS. C&YPS require this fax before they can release any information. Where the young person cannot recall the name of the Social Worker, Housing staff should ask the young person's written and signed consent to contact the Customer Services Centre (Specialist Officers) to obtain the Social Worker's name and contact details.

What information needs to be shared?

- 4.2 Where the young person has current involvement with C&YPS and a Social Worker, Housing staff should ask the young person for their written consent to contact that Social Worker for information about them. Housing should tell the young person about the information they will be requesting from C&YPS. The information Housing staff require about a young person for their housing needs assessment and a risk assessment is:-

- (i) When was the case opened?
- (ii) What are the basic issues in relation to C&YPS involvement with the young person?
- (iii) Does the young person pose a known risk to themselves or others?
- (iv) Are there any issues concerning adults in the household that we should be aware of?
- (v) Has the young person ever been in care?
- (vi) Has a Common Assessment been completed?
- (vii) What involvement from C&YPS and support is the family receiving?
- (viii) Are any other agencies known to be involved with the child?
- (ix) Are there any other family members who may be able to provide a period of accommodation?

- 4.3 When first contacted by Housing staff, C&YPS staff should check they have an up to date written and signed consent form to share information on the young person's case file. If there isn't a written and signed consent form, this should not stop the Social Worker, their manager or other member of staff in the team providing the information to Housing staff, provided Housing staff have obtained the written and signed consent of the young person to ask C&YPS for this information and have faxed the young person's written and signed consent on the release of information form to C&YPS. C&YPS require this fax before they can release any information.

C&YPS staff should ensure they arrange to obtain written and signed consent from the young person they are currently involved with where there isn't a current up to date signed consent form on their case file. C&YPS need to use the consent form in the leaflet, 'About Social Care Records' and the requirements for obtaining consent to share information in the 'Confidentiality' procedure in section 1.9 of the C&YPS social care procedures.

4.4 Where the young person is not currently involved with C&YPS but has had previous involvement, Housing staff should ask the young person for their written and signed consent to contact C&YPS for information about them. Housing will fax the young person's written and signed consent on the release of information form to C&YPS. C&YPS require this fax before they can release any information. Housing staff will request the following information and inform the young person of this:

- (i) Broadly, what did C&YPS prior involvement with the young person consist of?
- (ii) Has the young person ever been in care?
- (iii) When was the case closed?
- (iv) Why was the case closed?
- (v) Name and contact details of previous worker.

5. SUITABILITY OF ACCOMMODATION

The provision of bed and breakfast accommodation to homeless 16 and 17 year olds is considered to be inappropriate for all but emergency placements. In the absence of suitable temporary accommodation (eg hostel, night stop, temporary housing) the Housing Authority will undertake to provide suitable accommodation as soon as an appropriate vacancy arises.

6. PROCEDURE FOR JOINT ASSESSMENT

- Where prevention has failed, Housing or C&YPS will make a referral for joint assessment.
- Referral will be made in writing on the referral form
- A joint assessment will take place within 7 working days
- The joint assessment will consist of an officer from housing and from C&YPS, the young person and any other appropriate adult requested by the young person.

7. Preparation prior to joint assessment

C&YPS and housing should each gather information relating to the young person from their own database. If other agencies are known to be involved with the young person a request should be made by either housing or C&YPS for information regarding support needs.

8. Procedure

- 8.1 A joint assessment form should be completed. **Note:** this form should not be used as a checklist. Open questions need to be asked to determine the full circumstances and additional notes will be necessary. The statutory assessments that Housing and C&YPS are required to make (under the relevant legislation- see Appendix 1) should be completed during this assessment interview. For C&YPS, this should include what responsibilities, if any, they will have towards the young person should they be found to be intentionally homeless by the housing authority. The housing authority will notify C&YPS immediately by contacting the person who carried out the joint assessment with them, (or other suitable person) when the homeless decision is made.
- 8.2 In addition to their statutory assessments, both agencies should consider what other services can be provided to the young person eg. tenancy support. C&YPS will consider in their initial assessment step 4, 1-6 of the flow chart and guidance at 2 above.
- 8.3 If it is likely the young person may be found intentionally homeless, agreement should be reached about what accommodation and assistance can be made available jointly by C&YPS and Housing.
- 8.4 Housing will also decide whether the young person has a connection to the local authority area.
- 8.5 A young person will receive written confirmation of the s184 decision, which will include details of the support plan.
- 8.6 A decision about the appropriate type of housing needed will be made jointly on the basis of the specific housing needs of the young person. The housing and support need will be recorded on file. However, Housing has a limited choice of accommodation and this needs to be understood when trying to meet the young person's needs.
- 8.7 If there is suitable housing, managed by a landlord/ provider (eg. RSLs) other than the housing authority, available to the young person it is important that relevant information relating to the young person is passed to the provider as soon as possible.
- 8.8 Where a joint assessment involves 16/17 year old lone parents who cannot live with their parents or partner, they should be offered accommodation with support. The Government's Teenage Pregnancy Strategy requires Housing and C&YPS, the local teenage pregnancy co-ordinator and relevant voluntary organisations in their area to ensure the provision of suitable accommodation with support.

9. Support

- 9.1 All 16/17 year olds will receive support to sustain both temporary and permanent accommodation. This support will be provided either by C&YPS or a local agency. This will be determined jointly by the assessment panel members at the joint assessment. Relevant information will be provided to the support provider as soon as possible.
- 9.2 Prior to the case being closed by C&YPS contact should be made with Housing and the provider to ensure the housing and support needs of the young person have been met.

9.3 If the housing and support needs are not being met, the panel will reconvene with the young person to reassess needs.

9.4 If the case has been closed and the young person is likely to be evicted from temporary or permanent accommodation a new referral to C&YPS will need to take place.

10. Where there is Involvement with Youth Justice Service

10.1 It has been agreed that the Youth Justice Service will provide information and assistance to housing authorities undertaking homeless assessments where the young person has current involvement with the Youth Justice Service but not with C&YPS (for young people open to the Youth Justice Service through a current Court Order which is supervised by the Youth Justice Service).

10.2 The member of staff in the Youth Justice Service, who is supervising the young person and therefore knows the young person best, will be the point of liaison for the housing authority. If the Housing Authority is unable to prevent the homelessness then a joint assessment will take place.

10.3 Where there is deemed to be a need for some financial assistance, the Youth Justice Service will liaise with the relevant Deputy Service Manager to ascertain if the required financial assistance can be provided. Where it becomes apparent that the welfare of the young person could be effected by the requirements of the Southwark Judgement, see the flow chart and guidance at 2 above; and it appears that C&YPS child placement resources may be required, then the relevant C&YPS manager or duty officer will be contacted by Youth Justice Service as part of the joint assessment process.

10.4 The Youth Justice Service will continue to supervise the young person for the duration of any statutory order. Where the young person appears to have continuing needs Youth Justice Service will liaise with local partner agencies in order to refer the young person to the relevant agency/s.

11. DISPUTE/FAILURE TO AGREE PROCEDURES

11.1 If either the Housing Authority or C&YPS is unable to agree in respect of any referral, assessment, support package or accommodation provision then the case is to be referred to the Senior Manager responsible for homelessness/accommodation provision in the case of the Housing Authority and the Service Manager in respect of C&YPS for resolution. Where the disagreement cannot be resolved at this level the case will be referred to a Senior Manager level (or other appropriate position) for resolution.

11.2 In addition to these procedures any young person who is dissatisfied with the manner or outcome of the joint assessment procedure also has the right to complain and/or appeal via existing complaints and appeals procedures.

12 MONITORING

12.1 Regular statistics will be compiled and a regular liaison meeting convened by the parties to this procedure to monitor their effectiveness in practice.

Date of Procedure: 10.9.07.

Revised draft procedure: 20/08/2009

Enclosure 4 –Annexe 2

Housing Authorities Ref. No.....

YJS No:.....
ICS No:

JOINT ASSESSMENT FORM FOR ASSESSMENT OF A YOUNG PERSON'S ACCOMMODATION AND SUPPORT NEEDS

Name of Worker: Housing Department: _____

Children and Young People's Service: _____

Youth Justice Service: _____

Location: _____

Date: _____

The purpose of this form is to assist a professional assessment whose purpose is to:

- (a) identify the housing and support needs of the young person; and
- (b) identify the nature of the need in order to be able to develop a plan for the young person.

The assessment should be completed with the young person who should agree the content. The young person should be informed of his/her rights and be made aware that although they may refuse to provide some of the information required, this will make meeting the person=s needs more difficult.

The assessors should:

- (a) give the young person space and time to tell his/her story; and
- (b) use cues from the story to extract further information.

Personal Information

Name: _____

Current Address: _____

Post Code: _____

Contact Number: _____

Type of accommodation/ arrangement (eg. Tenancy, friend, family, etc)

Date required to leave: _____

Why does the young person have to leave? _____

Can we contact the person the young person is living with? Yes/No

Comments: _____

Previous Address: _____

Date moved in: _____ Date left: _____

Why did the young person leave? _____

N.I. _____ Date of Birth: _____ Age: _____

Gender: _____ Ethnicity: _____

Is the Young Person pregnant? Yes/No
Copy of proof of pregnancy

Name and address of parent/guardian/carer:: _____

Has the young person recently contacted their parents? Yes/No

What was the outcome? _____

Can we contact their parents? Yes/No Telephone no: _____

What is the best time to contact them? _____

If the young person has had a difficult relationship with parents, offer mediation or support for the family. Inform the young person that contact will be made to confirm situation (unless child protection issue).

Does the young person have any family or friends who could offer accommodation? (please go through all family members and if necessary/ appropriate contact them) Yes/No

Name: _____ Tel.no: _____

Address: _____

Can we contact them to try and arrange accommodation? Yes\No

Does the young person have friends/significant others who need to be available to provide support?

_____ Yes\No

Has the young person previously had independent accommodation? Yes/No

Address: _____

Landlord: _____

Why did they lose this accommodation? _____

Involvement with other agencies

Has the young person had any contact with other agencies previously?

Children and Young People’s Service Yes\No Name of worker:

Youth Justice Service Yes\No Name of worker: _____

Voluntary Organisation Yes\No Name of worker: _____

Have you ever been:

On a care order Yes/No In trouble with the Police: Yes\No

Accommodated by Children and Young People’s Service Yes\No

If yes to any of the above, give details and lengths of time in care, and dates of convictions and offences committed

Does the young person have any health problems? Yes/No

If yes, explain: _____

Name and address of G.P. _____ (If young person is not registered with GP ensure advice is given on registering)

What (if any) medication does the young person take regularly? _____

Education

Where did the young person receive their education over the past 5 years?

School\College	Dates from and to
_____	_____
_____	_____
_____	_____

Has the young person a statement of educational needs? Yes\No

If yes, please give details: _____

Does the young person need any help with the following:

Reading	Yes\No	Claiming Benefits	Yes\No
Writing	Yes\No	Managing money	Yes\No
Household skills	Yes\No	Filling in forms	Yes\No

Employment\Training

Give details: _____

What is the young person's financial situation

(Does the young person need welfare benefits advice?)

Dependency Problems and Misuse

Does the young person have a drug/alcohol dependency? Yes\No

If yes, give details: _____

(Has the young person got specialist support?)

Does the young person take drugs/drink heavily? Yes/No

If yes, give details: _____

Physical or emotional abuse

Has the young person suffered any form of abuse? Yes/ No

If yes, give details: _____

Accommodation

What type of accommodation does the young person require?

What are the young person’s skills and abilities for independent living?

Does the young person have all the basic items needed to move into independent accommodation? ie pots, pans and bedding.

List the items needed: _____

Is the young person a risk to themselves? Yes/No

If the young person is to be placed in temporary accommodation, is there a risk to others? Yes/No

Is there any other information to be taken into account?

Signed: _____ Date _____

ACTION PLAN			
		Action Taken	Date Referral Made
Does the young person have health issues?	Yes/No		
Educational need?	Yes/No		
Income need?	Yes/No		
Has the young person applied for benefits?	Yes/No		
Is the young person in any form of debt?	Yes/No		

ACTION PLAN

Details of family history relevant to assessment

Agencies contacted during initial assessment

Accommodation need
(can they remain at home with support)

Support programme

Young person's accommodation and support needs will be monitored and reassessed by Children and Young People's Service, Youth Justice Service and the Housing Department within three months of the initial date and not later than:

Partner of Local Authority Release of Information

In order to make enquiries into your homelessness under the provisions of the Housing Act 1996 Part VII and the Children Act 1989, the Council or Children and Young People's Service may need to contact other persons or agencies on your behalf. If there is anyone we may not contact, please give details below.

Name: Address:

I give my permission that any relevant person or agency may be contacted in the process of gathering further information to support my application.

Signed Date:
.....
(Applicant)

DECLARATION

Your application will be considered under the Housing Act 1996 Part VII. If you have approached Children and Young People's Service or the Youth Justice Service and are in need of accommodation, these details may be sent to the local Housing Department for consideration. If you make false statements or deliberately withhold information relevant to your application, the Council may take action against you which could result in a criminal conviction carrying a fine or conviction of up to £5,000.

I can confirm that all the information I have given is, to the best of my knowledge, correct and complete. I understand that I must tell the Council/Children and Young People's Service if any of my circumstances change.

Signed: Date:
(Applicant)

I have read and explained the declaration to the applicant.

Signed: Date:
(Housing Officer)

Signed: Date:
(Social Worker/Youth Justice Service Worker)

DEFINITIONS, LEGISLATION AND GUIDANCE

MEDIATION

Mediation for young people and their families aims to resolve conflict between vulnerable young people and those they consider to be part of their family or social support network. Through mediation, a young person can be supported to rebuild a relationship with family members. The young person may decide to take up a tenancy outside the family home with this support. Agencies need to have access to mediation services to assist homelessness prevention.

PREVENTION ACTIVITIES

These include mediation between the young person, parents, relatives, friends and landlords. It can include support to maintain existing accommodation as well as help to find and move to new accommodation.

The appeal in relation to R (on the application of G) (FC) (Appellant) v London Borough of Southwark (Respondents) 20th May 2009. See flowchart and guidance at 2 above, page 5.

The CHILDREN ACT 1989

The Children Act 1989 Section 20 places a duty on Local Authorities to provide accommodation for young people in need under the following criteria:-

Section 20(1) 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:-

- a. There being no person who has parental responsibility for him;
- b. His being lost or abandoned;
- 1) 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) continues:-

‘Every Local Authority shall provide accommodation for any child in need in their area who has reached the age of 16 and whose welfare that Authority considers is likely to be seriously prejudiced if they do not provide accommodation’.

Section 17(10) defines a “**child in need**” as follows:-

- a. He is unlikely to achieve and maintain, or to have the opportunity of achieving and maintaining, a reasonable standard of health or development without the provision for him of services by a Local Authority under this part;
- b. His health or development is likely to be significantly impaired, or further impaired without the provision for him of such services; or

- c. He is disabled.

Section 27

Section 27(10) of the Act allows Local Authorities to request the help of various agencies and people to assist in discharging these duties. Those identified in the Act who could be requested to help are:-

- a. Any Local Authority;
- b. Any Local Education Authority;
- c. Any Housing Authority;
- d. Any Health Authority;
- e. Any person authorised by the Secretary of State for the purposes of this section.

Any Authority requested to help is required to comply with the request provided that request is compatible with its own statutory or other duties and obligations and does not “*unduly prejudice*” the discharge of any of its own functions.

Whether a Section 27 referral is accepted or not the statutory duty for the provision of appropriate advice and assistance in order to safeguard and promote the welfare of the young person remains with C&YPS.

CHILD IN NEED

C&YPS have agreed that all 16 and 17 year olds that are homeless will be a “***child in need***” under Section 17. The full assessment will need to determine whether C&YPS have a specific duty to provide accommodation under Section 20. In determining whether a young persons welfare is likely to be seriously prejudiced, consideration will be given to whether the young persons health or development has been significantly impaired or she/he has suffered or is likely to suffer significant harm and whether by virtue of this or any disability, the young person is not able to cope and manage in the community, notwithstanding the provision of services to her/him.

Circular LAC (2003) 13 (issued by the Department of Health, June 2003) clarifies the situation in relation to unaccompanied asylum seeking children and other children and states that where a child has no parent or guardian in this country, the presumption should be that he/she would fall within the scope of Section 20 and become looked after, unless the needs assessment reveals particular factors which would suggest that an alternative response would be more appropriate. While the needs assessment is being carried out he/she should be cared for under Section 20. C&YPS staff can obtain further advice on unaccompanied asylum-seeking children from the Strategy and Performance Officer at Thirsk on Telephone Number 01609 532851

There have been cases where older asylum seeking children have refused to become looked after, but where because of their immigration status the Children Act provides their only lawful means of support in this country. After taking account of the child’s wishes as required by Section 20(6), it may be judged that the child is competent to look after himself or herself. In such circumstances it is not necessary to assume the whole responsibility for accommodating him or her under Section 20 (and thereby taking him or her into the looked after system). In such cases Section 17 may be used for support, including help with accommodation, without

making the child a looked after child. Please note I need to amend the second half of this paragraph in the light of the Southwark Judgement

Where C&YPS provides help under Section 17 which involves providing or funding accommodation out of their own area, the placing C&YPS does not relinquish responsibility for the Case unless it is specifically and formally transferred to another local authority in writing. In addition, the placing authority should consider whether it is the child's best interests to advise the second authority of the placement, and should do so unless there are strong reasons not to.

The CHILDREN ACT 2004

- Section 10 establishes a duty on Local Authorities to make arrangements to promote cooperation between organisations in order to improve children's well-being, defined by reference to the five outcomes and a duty on key partners to take part in those arrangements. It also provides a new power to allow pooling of resources in support of these arrangements.
- Section 11 creates a duty for the key organisations who work with children to put in place arrangements to make sure that they take account of the need to safeguard and promote the welfare of children when doing their jobs.
- Section 12 allows further secondary legislation and statutory guidance to be made with respect to setting up databases or indexes that contain basic information about children and young people to help professionals in working together to provide early support to children, young people and their families. Case details are specifically ruled out.
- Sections 13-16 require that Local Authorities set up statutory Local Safeguarding Children Boards and that the key partners take part.
- Sections 44-47 put stronger requirements on Local Authorities to manage and monitor the current statutory notification scheme for private fostering arrangements. They also allow for a registration scheme to be set up if the notification arrangements prove to be inadequate.

In response to the above North Yorkshire C&YPS have produced a Children and Young People's Plan. One of the plan's aims is to take action to ensure that young people have access to decent, secure affordable homes and appropriate support so that they have a sound foundation from which to build their economic wellbeing. It is hoped that the impact of this will be a reduction in the numbers of young people staying in Bed and Breakfast and hostel accommodation.

CHILDREN (Leaving Care) ACT 2002:

Relevant Child

A '**relevant child**' is a child aged 16 or 17 who has been looked after (in care) by a Local Authority for at least 13 weeks since the age of 14 and has been looked after at some time while 16 or 17, and who is not currently being looked after. In addition, a child may be relevant if he or she would have qualified but for the fact that on his or her 16th birthday, he or she was detained through the criminal justice system, or in hospital, or if he or she has returned home on family placement and that has broken down.

For Care Leavers refer to the **Joint Working Arrangements to Provide Suitable Accommodation for Young People Leaving Local Authority Care.**

The HOUSING ACT 1996 (amended by the Homelessness Act 2002)

Part 7 of the Housing Act 1996 places a duty on Local Authorities to provide assistance to certain categories of homeless people.

The **Homelessness (priority need for accommodation) (England) Order 2002** included new categories of homeless persons who have a priority need for accommodation and this includes a person aged 16 or 17 who is not a '*relevant child*' or a '*child in need*' to whom a local services authority owes a duty under Section 20 of the Children's Act 1989.

The Homelessness Code of Guidance for Local Authorities (Department for Communities and Local Government July 2006) informs local authorities that they need to consider the possibility of family breakdown and local authorities need to be able to effect reconciliation with the family. It indicates that this should be our first response.

The Homelessness Code of Guidance for Local Authorities also makes Local Authorities aware that some parents and children may seek to take advantage of the fact that 16/17 year old applicants have a priority need for accommodation. Section 191 (3) intentional homeless will apply in cases where there is no genuine basis for homelessness and parents have colluded with a child and fabricated an arrangement. It is envisaged that this is a rare occurrence.

Legislative framework of homelessness

Outline

There is a 5 stage test authorities use when someone applies as homeless.

Is the applicant:

Eligible
Homeless
In Priority Need
Intentionally Homeless?

Do they have a:
Local Connection?

The tests are assessed in order. For instance, if the applicant is not eligible, the LA need not make a judgement about whether they are in priority need.

The five tests in detail

1. The local authority must first decide if the person is **eligible for assistance**. The only persons who are ineligible are some people from abroad or returning from abroad.
2. **Is the person homeless?**

A person is homeless if they have no accommodation anywhere in the world (other than temporary crisis accommodation eg. women's refuge) available for their occupation.

A person is also homeless if they have accommodation but-

- they cannot secure entry to it, or

- it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it, or
- it would not be **reasonable for the person to continue to occupy it**,

Accommodation does not have to be settled or permanent. Other relevant matters to be considered in relation to whether it is **reasonable for a person to continue to occupy** accommodation include:

Location, physical conditions, overcrowding, legal conditions, financial conditions (affordability) and employment.

In addition, **it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence or other violence against him/her or against-**

- a) a person who normally resides with him as a member of his family, or
- b) any other person who might reasonably be expected to reside with him

When is a person **threatened with homelessness?**

A local authority has to undertake the same enquiries for someone who is threatened with homelessness as someone who is actually homeless. Someone is threatened with homelessness when they will be homeless within 28 days, eg. when an order for possession of their property has been made and it expires within 28 days. If the local authority does not think the person will actually be homeless eg. because they believe they can do something to prevent the homelessness (for instance mediate to prevent eviction by relatives), they may not take an application.

3. Is the 16/17 year old in priority need?

All 16/17 year olds are in priority need except:

- those who have been in- but who have now left- local authority care; and
- children in need to whom a duty is owed under CA 1989 s.20 (local C&YPS have responsibility for both these groups see Joint Protocol on Children Leaving Care)

4. When is someone intentionally homeless?

A person becomes homeless intentionally if:

“he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable to continue to occupy.”

There is no requirement that a person deliberately becomes homeless, merely that he deliberately did or failed to do something as a result of which he became homeless.

When does someone have a local connection?

Most authorities consider whether the applicant has a local connection with their area. If the applicant does not have such a connection the LA can refer the client to be housed by another LA where they do have a local connection. If the applicant does not have a local connection elsewhere, the LA to whom they made the application will house them.

A person may have a local connection with the district of a local housing authority based on one of the four grounds:

- a) because he is, or in the past was, normally resident there, and that residence is or was of his own choice;
- b) because he is employed there;
- c) because of family associations, or
- d) because of special circumstances

Family associations do not usually extend beyond parents, adult children and brothers and sisters.

The Local Housing Authority's Duties and Powers

Pending enquiries

If someone is homeless and in priority need they will be housed pending enquiries into the rest of their circumstances

Unintentionally homeless and in Priority Need

duty to secure accommodation

Unintentionally threatened with homelessness and in Priority Need

duty to take reasonable steps to ensure that accommodation does not cease to be available

Intentionally homeless and in Priority Need

duty to provide advice and assistance and secure accommodation for such period as will give applicant a reasonable period to secure accommodation for him/herself

Intentionally threatened with homelessness and in Priority Need

duty to provide advice and assistance