



*Knowsley Council*

# **Joint Housing Protocol for Care Leavers 2024**

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Version	Author	Date	Notes
1.	E.Abbott and T.Tomlinson	15/07/2024	
2.	E.Abbott and T.Tomlinson	12/08/2024	Clarified comments provided by A. Broadbent within initial draft.
3.	E.Abbott and T.Tomlinson	13/09/2024	Document updated following feedback for AM Lucas and D Lamb. Also updated information received from ForHousing and Livv Housing Group.
4.	E.Abbott and Toni Tomlinson	25/09/2024	Document reviewed and edited following confirmation from ForHousing and final review.

## 1. **Introduction**

1.1 The process of leaving care and making the transition to independent adult life can be both challenging and confusing for care experienced people. Working closely together, Knowsley's Children's Social Care and Strategic Housing services aim to facilitate this transition in a way that benefits our care experienced people and enables them to access local accommodation which will be sustainable in the long term and will provide them with a strong foundation to succeed in the future. This joint working protocol sets out the local authority's commitments as corporate parents and how they will be delivered in practice whilst also detailing the accommodation options available to care experienced people within the borough. By adopting this joint protocol, Knowsley Council aims to:

- Enhance joint working through understanding between the respective services and facilitate early and timely intervention with care experienced children.
- Address the diverse needs of care experienced people to ensure that each care experienced person is provided with support to achieve a successful transition into their desired accommodation outcome.
- Ensure that care experienced people are able to secure accommodation that is suitable and affordable.
- Safeguard the wellbeing of care experienced people and prevent them from being made homeless and entering the homelessness system.
- Provide fair and clear guidelines on the dispute resolution procedure for managing problematic tenancies, and the circumstances in which an intentionally homeless decision can be made.

1.2 This protocol takes account of the guidance issued in May 2024 to local authorities by the Ministry of Housing, Communities & Local Government (previously Department for Levelling Up, Housing and Communities ) and the Department of Education <sup>1</sup>. The protocol has been produced in consultation with registered providers of social housing within Knowsley. The views of Knowsley's care experienced persons have also been taken into account through in person consultation which has shaped the development of this protocol.

1.3 This protocol will be reviewed on an annual basis by Strategic Housing to ensure it adapts as necessary to ensure that it remains fit for purpose and responsive to the needs of care experienced individuals and to enable partners to reaffirm their shared responsibilities as corporate parents. Strategic Housing will monitor:

- The number of care experienced people presenting as homeless.
- The outcome of any homelessness presentation, particularly regarding duties owed and accommodation outcomes.
- The number of care experienced people requiring temporary accommodation and the duration of this provision.
- The number of care experienced people who have had a negative intentionality decision overturned and given an additional chance.
- The number of care experienced people offered a social housing tenancy via the local authority's sub-regional allocations scheme.

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<sup>1</sup> [Joint housing protocols for care leavers: good practice advice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/joint-housing-protocols-for-care-leavers-good-practice-advice)

- The feedback received from care experienced people after being accommodated for 12 months.

Key contacts and services that are responsible for the delivery of this protocol and subsequent renewal are contained within Appendix A.

## **2. Legislative Framework and Definitions**

2.1 This protocol refers to the following legislation:

- Children (Leaving Care) Act 2000
- Children Act 1989
- Children and Social Work Act 2017 – Sections 1, 2 and 3
- Homelessness (Priority Need for Accommodation) (England) Order 2002
- Housing Act 1996 – Part 6 (Allocations) and Part 7 (Homelessness), as amended by the Homeless Reduction Act 2017
- Care Act 2014

This protocol also makes reference to the following statutory guidance:

- Homelessness Code of Guidance
- Children Act 1989: care planning, placement and case review
- Children Act 1989: transition to adulthood for care leavers
- Extending Personal Adviser support for all care leavers to age 25
- Applying corporate parenting principles to looked-after children and care leavers
- Local offer guidance

### **2.2 Children and Social Work Act 2017**

The Children and Social Work Act 2017 strengthened the role of local authorities as corporate parents and applies to all local authorities as set out in section 1(3) of the Act. Local authorities should do the most they can for looked after children and care leavers, to give them the same opportunities as other children and promote the best possible outcomes. The Act sets out corporate parenting principles to be applied when supporting children in care and care leavers. In carrying out their functions, the local authority must have regard to the following needs:

- to act in the best interests, and promote the physical and mental health and well-being, of those children and care leavers;
- to encourage those children and care leavers to express their views, wishes and feelings;
- to take into account the views, wishes and feelings of those children and care leavers.
- to help those children and care leavers gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- to promote high aspirations, and seek to secure the best outcomes, for those children and care leavers;
- for those children and care leavers to be safe, and for stability in their home lives, relationships and education or work;

- to prepare those children and care leavers for adulthood and independent living.

The Children and Social Work Act also extends the provision of Personal Adviser support to care leavers up to the age of 25, whether or not they are in education or training, which the care leaver can choose to take up. Local authorities have a duty to provide care leavers with Personal Adviser support and a pathway plan up to their 21st birthday. For care leavers aged 21 or over, the duty to assess needs, and develop and keep under review a pathway plan apply only where the young person requests support. It is therefore important that joint housing protocols cover the support available from a local authority area to care leavers up to the age of 25.

### 2.3 Definition of a Care Leaver

A care leaver is someone who has been in care on or after their sixteenth birthday. There are four categories which dictate the rights and entitlements of a care leaver:

- Eligibility – Young people aged 16 and 17 who are children looked after and have been looked after for a period of thirteen weeks from their fourteenth birthday.
- Relevancy – Young people aged 16 and 17 who are no longer looked after but have been a child looked after for thirteen weeks or more from their fourteenth birthday, with at least twenty-four hours of that thirteen weeks taking place on or after their sixteenth birthday.
- Former Relevancy – An adult between 18 and 25 who was either Eligible or Relevant upon their eighteenth birthday.
- Qualifying – A young person between the ages of 16 and 25 who has spent at least one day in care from their 16<sup>th</sup> birthday. The following categories will also be considered as Qualifying:
  - A previously eligible young person who has been discharged from care, into the care of someone with parental responsibility for a period exceeding six months prior to their 18th birthday.
  - A young person who has been made subject to a Special Guardianship Order at any point in their life, immediately following a period in care,
  - Any child who was subject to a private fostering arrangement until the age of 16.
- Unaccompanied Asylum-Seeking Young People – A young person who has been granted refugee status in Knowsley, or those who have been given leave to remain up to the age of 21 years.

### 2.4 The Local Offer

All local authorities are required under section 2 of the Children and Social Work Act 2017 to publish a local offer which sets out the services and the support available for care leavers. It should also include information on how care leavers are supported to access suitable accommodation, including support from housing.

Knowsley's Local Offer to Care Experienced People<sup>2</sup> was revised in 2023 and provides information on the service that care experienced people will receive and

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<sup>2</sup> [Knowsley's Local Offer to Care Experienced People \(knowsleycareleavers.co.uk\)](https://www.knowsleycareleavers.co.uk)

what support can be provided in addition to helping them access and sustain accommodation, such as:

- Advice for managing money and claiming benefits;
- Building independence skills and understanding your rights as a Care Experienced person;
- Accessing education, training and employment;
- Accessing physical and mental health services;
- Balancing independent living with a healthy social life.

## 2.5 The Homeless Reduction Act 2017

The Homelessness Reduction Act (HRA) 2017 amended the Housing Act 1996, introducing new duties for local housing authorities and partners. Particularly relevant for care leavers are:

- a duty to provide advice and information on homelessness free of charge to all residents, including advice and assistance to meet the needs of care leavers.
- duties to help prevent and relieve homelessness for those who are eligible irrespective of priority need or intentional homelessness. Provision of a Personalised Housing Plan to applicants threatened with homelessness or actually homeless, which sets out the steps the local authority and applicant will take to prevent or relieve homelessness
- changes in local connection requirements for care leavers which provide more choice to those who have lived out of the placing authority area, or who are looked after by a county council within two-tier areas
- a duty to refer placed on specified public bodies, including children's services, where their service users are homeless or threatened with homelessness

This joint protocol aims to bring together staff from across Council services in order to promote shared responsibility for supporting care experienced people to achieve a successful transition to adulthood and independent living.

For the purposes of this protocol, care leavers are referenced throughout the document as care experienced persons.

## **3. Preparation for independence and joint planning**

3.1 It is the responsibility of Children's Social Care to ensure all care experienced persons in their care are adequately prepared by developing the necessary skills to live independently. It will need to be evidenced that a care experienced person has the ability to manage a tenancy and that the necessary support has been identified in order to ensure accommodation and housing providers are satisfied that the individual is able to live independently.

### 3.2 Pathway Planning

Pathway Planning is provided to all care experienced people from the age of 16. The Pathway Plan is a needs led assessment that details the support the young person can expect to enable their successful transition to independent adult life. The

local authority will prepare the Pathway Plan in consultation with the young person, setting out their needs, views and aspirations for the future. Further taking into account the views of the important people in their life and detailing the support, advice and guidance available from the local authority and our multi-agencies partners including Education, Employment and Training support providers, Health and Strategic Housing services. All Pathway Plans continue to be reviewed either every six months or within 28 days if there has been a significant change to the young person's lived experience.

Key areas that should be considered when preparing a care experienced person for independence include:

- Being registered for social housing at age of 16 years and three months.
- Being supported to develop independent living and life skills.
- Children's Social Care and partners to explore peer support options.
- Clear outline of minimum levels of support required from personal advisor at the point of moving in and the duration of that level of support.
- Being supported to become financially independent.

### 3.3 Quarterly Planning Meetings

Planning meetings will commence at the care experienced person's 16<sup>th</sup> birthday, or if entry into care follows the 16<sup>th</sup> birthday, each child in the local authority's care will be discussed at multi-agency quarterly planning meetings held between Children Looked After and Strategic Housing teams. These meetings will be held every three months with the purpose of discussing the desired accommodation outcomes for each care experienced person known to the service(s) or in the care of the local authority. The meeting focuses on long-term planning to achieve a sustainable housing solution which will be settled, suitable and affordable, and advice will be given by Strategic Housing on the most appropriate and available options for securing accommodation that is preferred by the care experienced person.

All care experienced persons will be supported by their personal advisor to complete their Property Pool Plus housing application to join the local authority's social housing register, regardless of their desired accommodation outcome, the purpose of which is to support a contingency option should their initial plan change. Attendance from colleagues in Strategic Housing at these regular meetings will ensure that the needs of care experienced persons are being considered in housing plans and housing allocations.

The aim of these meetings is to ensure that both the Children Looked After and Strategic Housing teams have regular oversight of every care experienced person looking to transition to independent or semi-independent accommodation. Through a planned and joined up approach, it is hoped that it will reduce the likelihood of urgent homeless applications and unplanned moves. Tracking a care experienced person's journey as they progress to adulthood ensures that the decisions made by the care experienced person and personal advisor are conducive with the goal of them achieving a sustainable accommodation outcome which provides them with the best opportunity transitioning to independence successfully.

## **4. Accommodation and Support Options**

In Knowsley, there are several accommodation options available for care experienced people depending on their needs and requirements. These are discussed as part of the Pathway Planning between a care experienced person and their personal advisor. It is acknowledged that a care experienced person's accommodation plan may change over time as they progress towards adulthood, and this will be reviewed within the Pathway Plan. All services involved in this joint protocol will work together to identify the most appropriate accommodation for the care experienced person based on their individual circumstances.

### **4.1 Staying Put**

When a cared for child is residing in foster care, their Pathway Plan review will discuss the option of 'staying put' with their foster carer beyond the age of 18, offering a continuation of accommodation and support up to the age of 21 with agreed funding from the local authority.

The Children and Families Act 2014 introduced the duty on local authorities in England to advise, assist and support fostered young people to stay with their foster families when they reach 18, if both parties agree. A staying put written agreement is completed with the foster carer and young person prior to their 18<sup>th</sup> birthday. This details the support, including financial arrangements the foster carer and young person can expect. This agreement will continue to be reviewed within the young person's pathway plan for the duration of their placement.

Following a young person's 18<sup>th</sup> birthday, the legal basis on which they occupy the property changes and they become an 'excluded licensee' who is affectively lodging in the "Staying Put" carer/s home. Whilst the term 'excluded licensee' is a legal one, it should not denote that the young person will be treated differently than they were as a fostered child. In addition, the carer may also become, and be deemed the young person's landlord. The associated change from foster child to adult member of the household

Where no foster children are living in the Staying Put arrangement; legislation relating to fostering no longer applies (if there are no foster children remaining in the household the foster carer approval will end). However, key standards should continue to govern the expectations of the Staying Put arrangement and carer/s when a child/young person reaches the age of 18. This includes:

- If a foster child remains in the placement as well as a Staying Put young person. The frequency of visits will continue from the fostering supervising social worker which will include supervision and support.
- In circumstances where the Staying Put carer will not be fostering any further children, it is deemed appropriate to terminate their approval as a foster carer. Where a foster carer's approval is terminated local authorities will need to ensure the Staying Put arrangement continues to meet appropriate standards.
- If the fostering service is no longer involved the Staying Put arrangement will be monitored by the young person's personal advisor, ensuring that the Staying Put arrangement complies with local authority expectations. Including safeguarding, health and safety requirements and risk assessment checks on



household members and in certain circumstances regular visitors. Local authorities will need to assess individual circumstances and consider the appropriateness of all these checks, where the Staying Put young person is the only person living with their carer/s and it is not envisaged that further foster children will be placed.

Ongoing review of the Pathway Plan will discuss next steps including the option to remain under a private arrangement over the age of 21 or to ensure suitable move on accommodation has been identified.

#### 4.2 Staying Close

A number of Staying Close schemes are currently operating around England with support from the Department of Education's Innovation Programme, helping care experienced persons moving on from residential care to continue receiving support from their residential home after they have left care.

Cared for children who have resided in residential or semi-independent supported accommodation have an option of continued support from their previous carers dependent upon their wishes and feelings as they approach 18. Agreement for a continuation of support under the Staying Close scheme requires the agreement of their carers. A Staying Close agreement will be agreed in line with the wishes of the young person and to ensure support is targeted in line with their assessed needs and as identified in their Pathway Plan.

The Staying Close pilot is currently funded until March 2025.

#### 4.3 Semi-Independent Living

When leaving care, some care experienced people will not be ready to live independently and therefore a transition into semi-independent living can help by allowing them to continue accessing support to enable them to further develop the necessary skills to live on their own.

Knowsley Children's Social Care can access a range of semi-independent accommodation options for cared for children aged 16 and 17. Semi-independent accommodation can bridge the gap between being cared for in a foster placement or residential children's home and can support the young person's preparation to transition to independent, adult life from the age of 18.

- Knowsley Supported Lodgings provided by Local Solutions – provides supported accommodation for young people aged 16-19 who are either care experienced or potentially at risk of becoming homeless. The service offers family-style placements for up to two years with the young person provided with their own bedroom within the home which is located in the local community. Local Solutions also operate the Knowsley Crash Bed which provides emergency accommodation for homeless 16 and 17 year olds. Access to this provision can be arranged via the Housing Solutions service or Children's Social Care.
- Ofsted regulated semi-independent accommodation via dynamic framework - Children's Social Care can commission Ofsted regulated, semi-independent

accommodation via referral to the North-West local authorities dynamic framework for cared for children over 16 years age who have completed their year eleven academic studies. The framework offers two types of semi-independent options:

- Multi-occupancy - these properties usually accommodate between two and four young people and have support staff on site around the clock. The higher staffing in these provisions can provide for more intense support, enabling engagement with services and appointments as well as supporting the ongoing development of independence skills and occasional assistance with transport to maintain key appointments.
- Supported (solo) tenancies – these are provided with an agreed level of floating support in line with the young person’s assessed needs and risk assessment.
- Octavia Court - this is a supported hostel for young persons aged 16 to 24 who are provided with their own flat but benefit from staff being on site during the day, and security staff in place overnight. Placements are ideally up to nine months and aim to support the young person to achieve independent move on. Access to this provision can be arranged via the Housing Solutions service or Children’s Social Care.

#### 4.4 Social Housing

All children under the local authority’s care who reach the age of 16 should be supported to join the council’s housing register when it is identified that they are ready for independent living. The responsibility for undertaking this task rests with the personal advisor or the most appropriate person identified in the care experienced person’s pathway plan. The housing application will enable the care experienced young person to access social housing via Property Pool Plus and will allow them to place bids on properties they wish to be considered for.

Care experienced persons who satisfy the eligibility and qualification criteria for Property Pool Plus<sup>3</sup> and are owed a duty under the Children Act 1989, Section 23C by the local authority but leaving care of the local authority for the first time will be awarded a Band A (Additional Priority) for the scheme. Care experienced persons receive further enhanced priority through the Allocations Scheme by having their date of entry into this Band A being backdated to their 16<sup>th</sup> birthday.

Once the care experienced person has been awarded the appropriate housing priority, they or a nominated person on their behalf, will be able to place weekly bids on available properties advertised via the website<sup>4</sup>. Properties are advertised every Tuesday, Wednesday and Thursday and applicants are able to place up to three bids per week on advertised properties until the following Sunday when the advertising cycle closes at midnight 00:00 hours.

The personal advisor will ensure that the care experienced person’s Property Pool Plus registration remains active through pathway plan reviews. If the application is not reviewed as required after twelve months, the care experienced person’s application may be subsequently closed, and the personal advisor should contact

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<sup>3</sup><https://www.propertypoolplus.org.uk/Data/Pub/PublicWebsite/ImageLibrary/PPP%20HousingAllocationScheme%20-%20Implemented%208th%20January%202024.pdf>

<sup>4</sup> [www.propertypoolplus.org.uk](http://www.propertypoolplus.org.uk)

Knowsley's Property Pool Plus team to reactivate their application. An alert can be placed on the person's Property Pool Plus application to prevent their application being automatically closed however this will still be reviewed by the Property Pool Plus team to ensure there have been no changes within the last twelve months that need to be reflected on their housing application.

Whereby a care experienced person needs to be rehoused again following their initial move to independent living, a Band A priority may be awarded in certain circumstances, as detailed in the Property Pool Plus Allocations Scheme<sup>5</sup>, however a backdate to the care experienced person's 16<sup>th</sup> birthday will not be applied for a second time.

#### 4.5 Tripartite agreements

For care experienced persons who are under the age of 18 and are therefore not legally able to enter into a tenancy agreement with registered providers of social housing, there may be circumstances when they care experienced person is able to enter into a tripartite agreement between themselves, the registered housing providers and a third party. This offer is only available to young people leaving care who are approaching their 18<sup>th</sup> birthday and is a discretionary function based on the young person's independence skill, cooperation with support services and risk. This agreement should be reached in consultation with the Registered Provider of Social Housing who owns the property in question.

Knowsley's two largest Registered Providers are committed to supporting our care experienced persons into tenancies that are sustainable and provide a foundation from which to build their adult lives. Their individuals offers are set out below:

##### Livv Housing Group

Livv Housing Group are passionate in their support of Knowsley's care experienced persons and are committed to developing an offer that provides care experienced people with the same chances as their other tenants to live happy, healthy and fulfilled lives. Livv have committed to providing the following:

- A dedicated housing officer/ employee who will be recognised as the organisation's 'Care Experienced Person's Champion'. This person will be able to act as a dedicated single point of contact for new tenants who will look to offer informal practical support for a range of common challenges that a care experienced person may first in their first tenancy. They will also provide support to existing Livv tenants to help them maintain their tenancy.
- The champion will also act a voice within the organisation to ensure that their views are considered in any policy or organisational changes and that care experienced tenants are not adversely affected by such changes.
- Provide information through use of materials, workshops and engagement session to care experienced persons and their personal advisors which covers a range of topics such as; welfare, money advice and benefits, tenancy agreements, rights and responsibilities of a tenant and anti-social

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<sup>5</sup> Section 4.2.3,

[www.propertypoolplus.org.uk/Data/Pub/PublicWebsite/ImageLibrary/PPP%20HousingAllocationScheme%20-%20Implemented%208th%20January%202024](http://www.propertypoolplus.org.uk/Data/Pub/PublicWebsite/ImageLibrary/PPP%20HousingAllocationScheme%20-%20Implemented%208th%20January%202024)

behaviour, different types of accommodation and tenures, identifying hazards and actions to take in an emergency.

This offer is to be reviewed by Livv and will be updated in March 2025.

### ForHousing

ForHousing have pledged their commitment to support care experienced persons to ensure they are successful in their own independent tenancy. As part of their pledge to Knowsley, they are committed to providing the care experienced person with a variety of support including the following:

- A dedicated housing officer when the care experienced person first starts a tenancy. This housing officer will have understanding of the difficulties and barriers that a care leaver may have to overcome to be able to live independently. They will support the care experienced person to settle into the tenancy and will stay as long as they are required.
- An offer of a variety of housing types and locations, which meet the needs and desires of the young person.
- Tailored tenancy sign up procedure to ensure that young people fully understand them.
- Provide access to the tenancy skills programme for pre tenancy skills and learning.
- Offer support with provisions such as furniture, soft furnishings and white goods.
- Offer support for young people to learn how to manage their finances and increase their income, contributing to sustaining a successful tenancy.

## 4.6 Private Rented Sector

Care experienced persons may also wish to seek alternative housing that is available within Knowsley's private rented sector. Knowsley's Private Rented Sector Guarantor Scheme is available to assist care experienced people living in Knowsley to access private rented accommodation more easily. Where suitable and affordable private rented sector accommodation has been identified as a potential housing option for a care experienced person, and where eligibility criteria is met, they can benefit from the Private Rented Sector Guarantor Scheme, whereby the Council will enter into a tri-partisan contract between the landlord and the care experienced person.

Where the Personal Advisor or Housing Solutions case officer for the care experienced person has identified a potentially suitable private rented property, this will be referred through to the Strategic Housing team via their inbox<sup>6</sup>. Upon receipt it will be triaged by the relevant officer to determine whether the property is a viable option. Pursuant to a positive affordability assessment, the Council can assist with the payment of funds to secure the private tenancy, be that through a tenancy deposit (equivalent to one month rent), first month's rent in advance, and acting as guarantor. The maximum value of support is up to £2,500. However, this may be

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<sup>6</sup> [housing@knowsley.gov.uk](mailto:housing@knowsley.gov.uk)

increased subject to agreement with the Children Looked After team whereby additional top up funding is provided.

#### 4.7 Tenancy Support Management

ForHousing are commissioned by the council to deliver the Tenants Extra Support Service which is a free service that aims to support Knowsley residents including care experienced people who may be struggling with rent arrears, debt, or any other circumstances which may lead to an eviction from their current accommodation. Care experienced persons who are referred to the service will work alongside a Tenancy Support and Sustainment Officer who will work with them to make managing their home easier. Referrals can be made directly via telephone on 0300 123 5522 or via email to [tessknowsley@forhousing.co.uk](mailto:tessknowsley@forhousing.co.uk).

#### 4.8 Discretionary Housing Payment

A Discretionary Housing Payment may be available to care experienced persons who have an ongoing claim for the housing element of Universal Credit, or housing benefit, and have no other means of covering a housing cost. They can be a one-off payment, or a regular rental top up for the defined period. Such payments are intended as short-term help only, to give the customer the chance to sort out their debts, negotiate a lower rent with landlord or to find cheaper suitable alternative accommodation.

The local authority will also signpost care experienced persons to further help and support that may help the situation, such as debt advice to reduce their outgoings to concentrate on priority debt or support to seek employment.

#### 4.9 Training Flat

The Local Authority has a two-bedroom training flat available for Cared for Children to experience supported independent living. Young people are also invited to receive training on practical independent living skills, understanding tenancy expectations and agreements, and are encouraged to utilise community based facilities.

### 5. **Care experienced persons leaving custody/ known to the Youth Offending Service**

The protocol recognises that young people leaving custody will need additional support to secure suitable accommodation upon their release.

Under Section 213B of the Homeless Reduction Act 2017, public authorities specified in the Homeless (Review Procedure etc) Regulation 2018 are required to notify the Local Housing Authority of service users they consider may be homeless or threatened with homelessness within 56 days via a duty to refer.

The list of Public Authorities specified by the Homeless (Review Procedure etc) Regulations 2018 who are subject to the duty to refer include:

- Police, Prisons and Youth Offender Institutions.
- Probation Services

- Jobcentre Plus
- Social Services
- Hospitals, Accident and Emergency Departments, and Urgent Treatment Centres
- Local Housing Providers.

When a 16 or 17 year old child is approaching release from custody, Children's Social Care will complete an assessment of need at least four weeks prior to their release date. Ideally, when a 16 or 17 year old child is released from custody, they should live with parents, guardians or another appropriate adult. The Youth Offending Service should ensure that colleagues in both Children's Social Care and Housing Solutions are aware of impending releases as soon as this is known, via the completion of a duty to refer form<sup>7</sup>, so that there is a joined approach aimed at providing support for the child alongside family mediation or other family support.

Any child who is not able to return to a family home on release will require accommodation under Section 20 of the Children Act 1989. In such instances Children's Social Care will be expected to confirm suitable accommodation in time for the Planning Release Meeting and no less than ten days prior to the planned release date. If the child refuses to be accommodated under Section 20 then Children's Social Care must notify Housing Solutions and commence a Single Assessment. Children's Social Care have a duty to accommodate on release a child who was looked after or was a relevant child when they entered custody or have become a relevant child by virtue of being remanded to local authority care.

In circumstances where a child is in the Youth Court and is unable to return to their family home, the Youth Offending Service will immediately inform Children's Social Care. If the child is open to Children's Social Care this will occur via the allocated social worker or if they are not open then this will occur via the Multi Agency Safeguarding Hub confirming that an urgent response is required. Children's Social Care will explore all other accommodation options taking account of any risk to and from the child of such placements. Options include:

- Another appropriate adult known to the family, or to supported lodgings.
- Supported accommodation.
- Temporary accommodation.
- Private Rented Sector accommodation.

There may be exceptional circumstances where the Youth Offending Service are aware that a child open to them will require accommodation outside of normal office hours and they have concerns about the risk to or from the child. In such instances they will share relevant information with Children's Social Care who may request support from Housing Solutions to access temporary accommodation.

## **6. Care experienced persons placed outside the borough**

In some instances, there will be care experienced persons who are owed a duty by the local authority but are placed outside the local authority area.

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<sup>7</sup> Link to DTR form online.

If the care experienced person resides in a different local authority area to Knowsley, they will not be required to satisfy the local connection criteria in order to access the council's housing register and to be considered for an allocation of social housing.

Where the young person lives in another area, if the pathway planning work identifies that the care experienced person chooses to settle in another area, Knowsley's leaving care service as the responsible local authority may contact that local authority, with the consent of the young person, to advocate on their behalf and to assist them in seeking accommodation in that area. This can help with joint planning for future accommodation needs of the young person in particular whereby they wish to remain in the area where they are currently residing or if they need support from adult social care or mental health services.

## **7. Statutory Homeless Assessments**

While this protocol aims to safeguard the wellbeing of care experienced people and prevent them from becoming homeless, it recognises that there are circumstances in which care experienced people will become at risk of homelessness. Homelessness can happen in any form of accommodation and therefore it is important that action is taken quickly to prevent a care experienced person becoming homeless.

If a care experienced person in Knowsley is at risk of homelessness, the personal advisor should complete a duty to refer form as soon as possible via the Knowsley Council's website<sup>8</sup>. This will be received by the Housing Solutions service and consent will be sought to share the care experienced person's Pathway Plan with the team. Alternatively, the care experienced person, with the Personal Advisor's support can complete an online homeless presentation<sup>9</sup> which is accessed via the Council's website. If the care experienced person needs support to complete the Housing Solutions online form they can contact the Council's contact centre by phoning 0151 443 2333. Assistance will be provided over the telephone to support the completion of the form. In keeping with the joint working and collaborative approach of this protocol, regardless of which service the care experienced person approaches because they are at risk of/or have become homeless, it will be the responsibility of that service to consult with all relevant services to establish the extent of their involvement with the care experienced person and provide a joint response.

Once the homelessness application or duty to refer notification is received, an assessment will be completed to determine whether a duty is owed under Part 7 of the Housing Act 1996. Knowsley's Housing Solutions service will actively engage with the care experienced person's personal advisor in completing their assessment. A care experienced person who is aged 18 to 21 will automatically be assessed as being in priority need if they were in care when they were 16 or 17 years old and will therefore be owed a duty to resolve their homelessness or secure suitable accommodation if the Housing Solutions service are satisfied that the person is homeless.

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<sup>8</sup> <https://www.knowsley.gov.uk/housing/homelessness/knowsley-housing-solutions-team/duty-refer>

<sup>9</sup> <https://www.knowsley.gov.uk/housing/homelessness/knowsley-housing-solutions-team/homelessness-and-homelessness-prevention>

A care experienced person over the age of 21 will be considered to have a priority need where they are assessed as being vulnerable. The care experienced person will be owed a duty to resolve their homeless or secure suitable accommodation, if the outcome of the homeless assessment satisfies the Housing Solutions service that they are homeless. The care experienced person will be provided with a Personal Housing Plan which is an assessment of the person's housing circumstances, housing need and support needs. The plan will set out the reasonable steps that the local authority will take to assist the care experienced person to retain or secure accommodation alongside what reasonable steps the care experienced person will be expected to take. Where the service is required to assess a care leaver's housing and other support needs and develop a plan, the Personal Adviser will be contacted to ensure that a copy of the pathway plan is shared, with the care experienced person's consent, to inform the Personal Housing Plan.

### 7.1 Temporary Accommodation

The provision of temporary accommodation is subject to the Housing Solutions service being satisfied that a person is homeless. If the care experienced person is considered to have a priority need as part of the statutory homeless assessment outlined in Section 7, then they will be provided temporary accommodation under the Homeless Relief duty. Under this duty, which lasts for 56 days, no consideration is given as to how the applicant became homeless. The aim is to find suitable accommodation and discharge the duty. Where it is not possible to resolve the applicant's homelessness within 56 days, their homelessness applicant will be assessed under the Main Homelessness duty. If investigation finds that the care experienced person was intentionally homeless, this may affect what duty, if any, is owed to the applicant. This is covered within the protocol further below in Section 7.2. Temporary accommodation will continue to be provided during the assessment and for cases which are assessed as being owed the Main Homelessness duty pending permanent accommodation being secured.

There are a range of temporary accommodation options available within Knowsley. These accommodation options consist of:

- Dispersed housing (including flats).
- A designated hostel for young persons, called Shelagh Delaney. For 18+ year olds, referrals can also be made directly to SHAP who manage the hostel on behalf of the local authority.
- Crash Bed for young persons including care experienced persons who require immediate accommodation. This is delivered by Local Solutions through a supported lodgings model. Referrals for access to the Crash Bed can be made via CSC or the Housing Solutions service.

Households accommodated in the council's dispersed temporary accommodation are managed by the council's Temporary Accommodation service. Dedicated officers carry out regular checks on households housed within the temporary accommodation and are available from Monday to Friday, 09:00 to 17:00 for any issues regarding the accommodation. An out of hours service is available outside of working hours to respond to emergencies only that arise, and which cannot wait until the next working day.



Every effort is made to avoid use of hotel/bed and breakfast style nightly accommodation for care experienced people. This accommodation will only be used in exceptional circumstances as a last resort and for the shortest time possible whilst alternative suitable temporary accommodation is secured.

Whereby hotel/bed and breakfast style nightly accommodation is used, if a placed household has been asked to leave the accommodation due to breaching a term of their behaviour agreement then this will usually result in the duty to provide temporary accommodation being ended. However, in cases involving care experienced persons the Housing Solutions' Service Manger may consider affording them a further offer of accommodation. Where further offers of accommodation are offered, the Children Looked After team will support the care experienced person to address the behaviours which lead to them losing the previous accommodation. In instances where a care experienced person has been afforded two further temporary accommodation placements and there is a further breach of their behaviour agreement, and they are asked to leave the hotel/bed and breakfast accommodation, then the duty to provide temporary accommodation under the Housing Act will end and no further offers of temporary accommodation will be made by the Housing Solutions service. This may also lead to their respective homeless duty ending also.

Whereby the care experienced person is placed in the Council's dispersed temporary accommodation provided by the Housing Solutions service and has breached the licence agreement, the care experienced person may be afforded a further one chance to adhere to the licence agreement. If on the second occasion the care experienced person breaches the license agreement having been issued with multiple behaviour warnings, this may result in them being asked to leave the accommodation and receive a seven day notice to quit, unless the young person poses a risk to themselves or other residents. This may also impact the homeless duty owed to them and Knowsley's Children's services must be notified of this eviction date when the eviction notice is served.

The Housing Solutions service may assess whether their duty to accommodate a care experienced person has ended in the following circumstances:

- Where it is decided in conjunction with Children's Social Care that the care experienced person lacks capacity to live independently.
- Where the care experienced person is not homeless but refuses to return to accommodation wherein it is reasonable and safe to occupy, and the care experienced person has already had two chances of further accommodation.

## 7.2 Intentional Homeless Decisions

The protocol recognises that care experienced people move into independent accommodation a lot sooner than their peers and their childhood experiences may have included trauma and instability which mean that despite available support, they are less equipped to be successful when moving into independent living. As a guiding principle, no care leaver up to the age of 25 should be found intentionally homeless as part of a homelessness assessment. However, the council remains obliged by homelessness legislation to consider the individual facts and circumstances in every case and may have to depart from this principle in the

appropriate instance.

Investigations as to the causation of homelessness within the course of a statutory homeless assessment, may lead to findings that an applicant has made themselves intentionally homeless. The definition of intentional homelessness as set out in Section 191 (1) of the Housing Act 1996 provides that a person becomes homeless intentionally if all of the following apply:

- (a) they deliberately do or fail to do anything in consequence of which they cease to occupy accommodation; and
- (b) the accommodation is available for their occupation; and,
- (c) it would have been reasonable for them to continue to occupy the accommodation.

However, for this purpose, an act or omission made in good faith by someone who was unaware of any relevant fact must not be treated as deliberate.

Section 191(3) provides that a person must be treated as homeless intentionally if:

- (a) the person enters into an arrangement under which they are required to cease to occupy accommodation which it would have been reasonable for the person to continue to occupy; and,
- (b) the purpose of the arrangement is to enable the person to become entitled to assistance under Part 7; and,
- (c) there is no other good reason why the person is homeless.

Where a Housing Solutions Officer is minded to conclude that a care experienced person has become homeless intentionally, they will consider all extenuating circumstances and factors that may have led to the deliberate act or omission which may have led to the care experienced person becoming homeless and afford them extra consideration for mitigation. If the officer is still minded to make an intentionally homeless decision following this, they will consult the Housing Solutions' Service Manager. Where this decision is supported, it will be referred to the Group Manager of Housing and relevant Children Services Manager for notification to advise them that the decision has been made. The purpose of this meeting is to ensure that all relevant considerations had been considered as part of the decision making and to take learning from the case. Following the issue of an intentionally homeless decision, the care experienced person may be owed a further reasonable assistance duty from the Housing Solutions service for a period of time.

Where the decision is endorsed, the care experienced person will retain the right to request a 'review of the decision'. Both the care experienced person and their personal advisor will be informed of the impending decision and allowed them to make representations to the reviewing officer. This will also allow the care experienced person to seek any assistance if needed and respond to any proposed negative decision.

Intentional homelessness decisions for care experienced people will only be made where all reasonable and suitable alternative options have been considered. All reasonable attempts where possible will be made to avoid the impact of intentionally homeless decisions on care experienced persons aged 18 to 25, and the relevant agencies will be involved in the decision making process.

### 7.3 Rough Sleeping

In the circumstance whereby a young person is found to be rough sleeping or at high risk of rough sleeping, this should be reported to Housing Solutions as soon as possible. The local authority will not passively allow care experienced people to rough sleep and every opportunity will be taken to identify a suitable temporary measure for the care experienced person to prevent this from occurring. Support available to them will include:

- Joint working between the children's services, housing authority and local rough sleeping outreach services to ensure that necessary steps are taken to identify care leavers and support them into suitable and sustainable accommodation as soon as possible with the required level of support.
- The housing options available including commissioned supported housing services and support to help them sustain accommodation to avoid recurring homelessness or rough sleeping.
- Opportunities for the young person to access other support, for example, elements of the local offer for care leavers and duty support from the local leaving care service.
- Where a care leaver from another parent authority is identified rough sleeping, arrangements to contact the parent authority should be made with consent of the young person. Where there is a safeguarding concern, consent is not required but contact should be made via the local authority leaving care service to the parent authority.

### 7.4 Single Point of Contact

The council has identified a dedicated Housing Solutions officer who will act as a single point of contact for care experienced persons who present to the service. The dedicated care experienced lead will act as a key contact for the Care Leavers service to support with queries or issues raised relating to homelessness.

## 8. Dispute Resolution/ Complaints

### 8.1 Dispute Resolution

Where a concern is raised about how the guiding principles of this protocol are affecting a care experienced person, the two respective parties (social worker/personal advisor and housing officer) should seek to resolve the issue in the first instance. If either party feels that the issue has not been addressed or resolved, it should be escalated to the respective managers, before being escalated to the respective Senior Manager(s) or lead for housing. Escalation to Senior Managers should only be made once a thorough review has been undertaken of the care experienced person's journey and relevant issues have been highlighted within the person's journey.

If either party feels that the concern has still not been addressed or resolved, it should be escalated to the respective Heads of Service.

### 8.2 Complaints

If a care experienced person disagrees with any aspect of this protocol or how their homeless application or Property Pool Plus application has been dealt with, they can complain through Knowsley Councils Have Your Say Process.

Applicants are able to submit a complaint through a number of channels to the Corporate Complaints team:

- Web form via the Knowsley Council Website<sup>10</sup>
- Email to [haveyoursay@knowsley.gov.uk](mailto:haveyoursay@knowsley.gov.uk)
- Telephone: 0151 443 3231
- By post to:

Customer Liaison Team  
Knowsley Metropolitan Borough Council  
Archway Road  
Huyton  
Knowsley  
L36 9UX

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<sup>10</sup> <https://secured.knowsley.gov.uk/haveyoursayform>

## Appendix A – Contact details

<b>Children’s Social Care</b>	<a href="mailto:knowsleymash@knowsley.gcsx.gov.uk">knowsleymash@knowsley.gcsx.gov.uk</a> 0151 443 2600
<b>Knowsley Leaving Care Service</b>	<a href="mailto:KMBCVMCareLeaversTeamDutyVoicemail@knowsley.gov.uk">KMBCVMCareLeaversTeamDutyVoicemail@knowsley.gov.uk</a>
<b>Strategic Housing</b>	<a href="mailto:housing@knowsley.gov.uk">housing@knowsley.gov.uk</a>
<b>Housing Solutions Service</b>	<a href="mailto:housing.solutions@knowsley.gov.uk">housing.solutions@knowsley.gov.uk</a> 0151 443 2333
<b>Property Pool Plus</b>	<a href="mailto:knowsley.propertypoolplus@knowsley.gov.uk">knowsley.propertypoolplus@knowsley.gov.uk</a>
<b>TESS</b>	<a href="mailto:tessknowsley@forhousing.co.uk">tessknowsley@forhousing.co.uk</a> 0300 123 5522