



Knowsley Council

**Joint Homeless Prevention Protocol for
Children aged 16 and 17**

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Version	Author	Date	
1.	E. Hindley	22/10/2018	
2.	E. Hindley	27/12/2018	
3.	A. Broadbent	29/01/2019	
4.	E Hindley	19/07/2019	

1. FREQUENTLY USED ACRONYMS

CA 1989	Children Act 1989
CA 2004	Children Act 2004
CIN	Child in Need
CSC	Children Social Care
HA 1996	Housing Act 1996
HRA 2017	Homelessness Reduction Act 2017
KHOS	Knowsley Housing Options Service (delivered by Jigsaw)
KMBC	Knowsley Metropolitan Borough Council
MASH	Multi-agency Strategy Hub
MARF	Multi-agency Referral Form
MHCLG	Ministry of Housing, Communities and Local Government
YOS	Youth Offending Service
S17	Section 17 of the Children Act 1989
S20	Section 20 of the Children Act 1989

2. CONTACT DETAILS

CSC	knowslemash@knowsley.gcsx.gov.uk 0151 443 2600
Duty to Refer	https://knowsleyhousingoptions.org/duty-to-refer/
MARF	https://marf.knowsley.gov.uk/Home
KHOS <u>(send emails to both accounts, marked as urgent)</u>	0800 694 0280 Maureen.ashcroft@knowsleyhousingoptions.org.uk.cjasm.net info@knowsleyhousingoptions.org.uk.cjasm.net NOTE: Emails with personal information need to be sent using the above secure email. However, a separate email, containing no personal information, needs to be sent to the non-secure email below to alert the team to the secure email as they do not receive these direct into their inbox. Maureen.ashcroft@knowsleyhousingoptions.org.uk info@knowsleyhousingoptions.org.uk Up to date details of the drop-in surgeries can be found on the KHOS website at https://knowsleyhousingoptions.org/contact-us/ . At the time of publication the surgeries are as follows (all times are 9am – 3pm):- Monday - Kirkby One Stop Shop Tuesday – Huyton One Stop Shop Thursday – Huyton One Stop Shop Friday - Kirkby One Stop Shop

3. ACCOMMODATION OPTIONS FOR HOMELESS CHILDREN AGED 16 AND 17

SHORT TERM ACCOMMODATION	
Crash bed accommodation	Emergency access bed space within a family home. Maximum of 10 working days.
Shelagh Delaney	Young person's (age 16 -21) short term accommodation with support whilst accommodated. Breakfast and evening meal provided each day. Staff on site from the hours of 08:00 – 17:00. From 17:00 – 08:00 there is a security guard on site. Service charge applies ~ max twelve week stay.

SETTLED ACCOMMODATION	
Knowsley Supported Lodgings (KSL) provided by Local Solutions	Child is accommodated within a family home. Child is allocated a support worker. Placement can be up to two years and can be the same home as the initial crash bed (where the child has been originally placed via this route) if all parties agree. Suitable for ages 16 to 19.
Octavia Court	Young Persons supported hostel. Accessed via a supported accommodation application form. Own unfurnished flat with staff on site. Service charge applies. Placements are up to nine months and residents are supported to achieve independent move on. Not suitable for any child less than nine months away from their 18 th birthday (due to under 18 year olds requiring a guarantor and the guide max length of stay in the accommodation is 9 months).

- 3.1 At every stage the child and their families will be consulted about the child returning home. It is accepted that the home environment is usually the best for a child and so, wherever possible, efforts will be made to reach an agreement to facilitate the child to return home.
- 3.2 A child would not be expected to have a placement in each of the above options. However, the options are designed to illustrate the available housing options. Supported Lodgings and Octavia Court are the principal longer term housing options which provide accommodation and support and act as a stepping stone for a child to make the transition to independent living much easier.

- 3.3 Only in rare cases would general needs, independent living be considered suitable for a 16 or 17 year old child. Where a child is facilitated access to such accommodation it will be essential that additional floating support is provided to maximise the opportunity for sustainability.

4. INTRODUCTION

- 4.1 The purpose of this protocol is to outline the agreed practices, responsibilities and roles of CSC and KHOS in relation to children aged 16 and 17 approaching the council as homeless or threatened with homelessness. This will ensure that both services work together to provide effective assessment and support in order to meet the needs of children.
- 4.2 Underpinning this protocol is the understanding that in the majority of cases, 16 and 17 year olds are best accommodated in their family home, and that a departure from this is best dealt with as part of a planned transition.
- 4.3 This protocol takes account of the guidance issued in April 2018 to local authorities by MHCLG.¹
- 4.4 The guidance sets out the respective roles and responsibilities of the Council's CSC and Strategic Housing Services under the CA 1989 and the HA 1996 in securing and providing accommodation to homeless 16 and 17 year old children.

5. FOUNDATIONS

- 5.1 CSC and Strategic Housing agree that:
- Homelessness can be prevented through active intervention.
 - All agencies should seek to prevent homelessness where they can.
 - 16 and 17 year olds are best accommodated in their family home, or where this is not safe or appropriate, with responsible adults in their wider family and friend network.
 - 16 and 17 year olds should not remain in the family home if this places them at risk of violence or other harm.
 - 16 and 17 year olds who are homeless are vulnerable and in need of support.
 - The appropriateness of mediation and family group conferences should be assessed by CSC in every case.
- 5.2 This protocol:
- Ensures compliance with the legislation and supplementary guidance issued by MCHLG.
 - Prioritises the safety and welfare of the child.
 - Provides an efficient and timely response to children aged 16 and 17 who present to the authority as homeless or threatened with homelessness.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year_olds_who_may_be_homeless.pdf

- Prevents children from being passed between departments, or having to repeat their story multiple times.
- Enhances joint working through better understanding and communication between CSC and KHOS.
- Delivers a child centred response to the needs of 16 and 17 year olds who are homeless or threatened with homelessness enabling them to make informed decisions about their future.
- Gives families and 16 and 17 year old children clarity about the homeless assessment process, the accommodation options and the support available.

6. LEGAL FRAMEWORK AND MAIN PRINCIPLES

6.1 There is a legislative framework and statutory guidance which is referred to in this protocol. For more information please see the supplementary documents.

Relevant legislation, case law and statutory guidance:

- Children Act 1989;
- Children Act 2004;
- R (G) – v – London Borough of Southwark 2009
- Housing Act 1996;
- Homelessness Act 2002;
- Homelessness Code of Guidance for Local Authorities;
- Homelessness Reduction Act 2017;
- Prevention of homelessness and provision of accommodation for 16 and 17 year old people who may be homeless and/or require accommodation

6.2 Where circumstances give rise to duties under competing legislation, **the CA 1989 takes precedence.**

6.3 At each stage the child's wishes and feelings will be taken into account and the process explained to them so they are able to make informed decisions throughout the process. The child will be directed to specific websites and KMBC produced leaflets that explain the assessment process, the requirements of S17 and S20 of the CA 1989, the responsibilities of KHOS to produce a Personalised Housing Plan and the associated responsibilities placed on the child, and the accommodation options open to them.

6.4 An independent advocacy service will be offered to all 16 and 17 year old children who approach KMBC as homeless. The child can use this to help make informed decisions about the options available to them.

6.5 At both homeless prevention and relief stages KHOS will produce, in conjunction with the child, a Personalised Housing Plan setting out the reasonable steps which KHOS and the child will take to resolve the situation.

7. FIRST POINT OF CONTACT

CSC and Strategic Housing have agreed to adopt a one front door approach which aims to ensure that there is a consistent approach to all 16 and 17 year old children

who seek help from the Council because they have nowhere safe to stay. This means that all children will be referred into the MASH who will take responsibility for referring the child to CSC. CSC will then initiate the assessment process detailed below in section 8.

In the event that the child presents directly to KHOS either by telephone or in person at one of the drop in surgeries then KHOS will refer the case to the MASH.

8. ASSESSMENTS

- 8.1 CSC will initiate the 'Single Assessment'. The purpose of this assessment is to determine whether the child is owed duties under S17 or S20 of the CA 1989.
- 8.2 To avoid the child having to repeat themselves it is paramount that the initial interview is conducted jointly. The allocated Social Worker will contact KHOS (under the duty to refer arrangements with the consent of the child) and request a same day joint interview. KHOS are committed to achieving the performance target of same day joint initial interviews. The allocated Social Worker should arrange to either attend the KHOS drop in surgery (see p3) or if outside of the surgery operating times arrange a suitable time and location for the interview to be conducted.
- 8.3 Following the initial joint interview a decision will be made as to whether it may be possible to facilitate the child to return home on the same day, or arrangements made as to whether alternative suitable accommodation options are available with the child's wider family. Where the child has nowhere safe to stay then emergency accommodation should be secured (see section 11 Accommodation). Even where the child is provided accommodation whilst CSC complete the single assessment CSC, with the help of KHOS if required, will seek to facilitate the child to return home/explore potential alternative accommodation solutions.
- 8.4 If the child is able to return home CSC will continue with the Single Assessment and make a decision as to the ongoing support provision for the child and the family. This may be via level three services e.g. Early Help.
- 8.5 The timeframe for completing the Single Assessment is ten working days. The decision should be communicated to KHOS immediately and a copy of the Single Assessment **MUST** be sent to KHOS no later than one working day following its completion. The Single Assessment will provide one of the following outcome decisions:
1. Child in need – S17 of the CA 1989
 2. Child requires accommodating – S20 of the CA 1989
 3. No further action.
- 8.6 Child in need – S17 of the CA 1989
- If the child is found to be 'in need' (S17) then CSC will consider whether there are any additional requirements and will complete a CIN plan. KHOS will comply with their homelessness duties under HA 1996 as amended by the Homelessness Reduction Act 2017 (prevention and relief) and CSC and KHOS will use an integrated approach to resolve the situation. **NOTE** - If the child is found to be a CIN (S17) who is homeless and wants to be accommodated, then S20, the duty for CSC to accommodate, will be met (see Section 11 Accommodation).
- 8.7 Where a child is not owed S20 KHOS will work with the child to secure a suitable housing option to relieve their homelessness and secure them somewhere safe to stay. If the child still cannot return home or move in with a family member (that is supported by CSC) then KHOS will make an offer of accommodation to end the relief duty. **This will in most cases be to a supported housing solution.**
- 8.8 Where the offer of accommodation is refused then KHOS will advise the child that the offer is a final offer and that refusal will end the Council's relief duty owed to the child

and that their case will be referred back to CSC. Should the child still refuse the offer of accommodation then KHOS will refer the case back to the original Social Worker. The Social Worker will then review the Single Assessment and seek to implement accommodation and support via S17.

8.9 If KHOS are unable to secure an offer of accommodation within 56 days of the child being owed the relief duty then they will have to consider whether the child became homeless intentionally and make a main duty decision. There are two outcomes from this:

- The child became homeless unintentionally in which case they are owed the main homeless duty and KHOS will continue to seek a suitable offer of accommodation. The duty, as with the relief duty, can be ended with acceptance of the offer of accommodation or refusal. Refusal will result in referral back to the original Social Worker as outlined above in 8.8
- The child became homeless intentionally in which case they will not be owed the main homeless duty and will be referred back to the original Social Worker as outlined above in 8.8.

8.10 Child requires accommodating – S20 of the CA 1989

If the child is found to be a CIN (S17) who is homeless and wants to be accommodated, then S20, the duty for CSC to accommodate, will be met (see Section 11 Accommodation).

8.11 No further action

Where a child is found not to be 'in need' (S17) and no longer requires accommodating CSC should look to refer to Early Help Services where appropriate to prevent repeat presentation. The case should only be closed when both parties are satisfied that the child is suitably accommodated and has access to appropriate support outside of the Council provision. This would mainly be a situation where the child has been accommodated with friends or family who have been assessed as suitable by CSC and are happy to provide ongoing accommodation and care.

For ways in which homeless prevention and relief duties can be ended please see the supplementary documents.

For a step-by-step guide to the assessment process use the flow chart.

9. HOMELESSNESS PREVENTION

9.1 In some circumstances a child may approach the Council before they find themselves in a situation where they have nowhere safe to stay. KHOS have specific duties under the HRA 2017 to work with anyone who presents as threatened with homelessness within the next 56 days. If a child presents as threatened with homelessness, to any agency, a referral must be made to KHOS via the duty to refer form (see contact details table) who will also refer to CSC via the MARF process (where the referral to them has not come from MASH/CSC).

9.2 Early Help services and KHOS will work with the child and their carer with the primary aim of stabilising the situation and preventing homelessness. Both agencies

will ensure all alternative accommodation options with extended family and friends are explored if it is not possible for the child to remain at home.

10. OUT OF HOURS

Contact out of hours may result in initial contact being made with either CSC or KHOS. The immediate priority will be to ensure that the child has somewhere safe to stay (see Section 11). Once office hours have resumed the MASH should be notified and the assessment process above should be initiated.

11. ACCOMMODATION

Initial temporary accommodation provision

- 11.1 The process for providing this accommodation is set out to best meet the child's needs in the context of the accommodation options that are available to the Council. Emergency housing duties will always be met. Very often where a child seeks help from the Council in situations where they have no place safe to stay then they will have a need of emergency housing.
- 11.2 The overarching principal under this joint protocol is that the duty to secure accommodation is dependent on which Council Service was approached first:
- Child is referred to MASH and allocated to CSC or the child contacts CSC out of hours – the child is accommodated under the CA 1989 until the outcome of the Single Assessment is concluded. If the child refuses or is not deemed to be S20 then the CA 1989 accommodation duty ends and from that point if they continue to be accommodated they are accommodated under the HA 1996 duty to provide temporary accommodation.
 - The child presents directly to KHOS or is referred directly to them under the duty to refer with no prior contact to CSC. Following a referral to MASH the child will be accommodated under the provisions of the HA 1996 until either it is confirmed that they are S20, at which point the CA 1989 duty takes precedence, or the relief or subsequent main homeless duty is brought to an end.
 - If the HA 1996 duty to provide temporary accommodation ends and the child remains homeless then the child will be accommodated under the CA 1989 duties.
- Note:** The shift between accommodation duties is a matter of legal fact and is not discretionary. However, despite duties changing this will not necessarily mean that the child will have to move accommodation. Every effort will be made to minimise the disturbance to the child during this period of housing and support crisis.
- 11.3 CSC and Strategic Housing have jointly commissioned the emergency access crash bed (see Section 3). Access to the crash bed can be arranged through KHOS (note: despite KHOS arranging access this does not affect the duties to secure accommodation as set out above). The crash bed should typically be only used whilst a child is under assessment.
- 11.4 If the crash bed is full or the child is refused on the basis that they are too high risk for that accommodation then the responsibility for arranging accommodation lies with the service whose duty it is to provide the accommodation. However, it is reasonable

for both CSC and KHOS to seek mutual aid to identify suitable options where they are experiencing difficulty in securing accommodation. **Any disputes regarding the provision of accommodation and the duty under which it should be provided should be put in writing to the CSC, HOS and the Group Manager of Housing who will urgently seek to find a resolution.**

12. 16 OR 17 YEAR OLD CHILDREN KNOWN TO YOUTH OFFENDING SERVICE

For the following section please read in conjunction with the YOS CSC Protocol 2018.

- 12.1 When a 16 or 17 year old child is approaching release from custody CSC 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. YOS should ensure that both CSC and KHOS are aware of impending releases so that a joint approach can be taken to providing support for the child alongside family mediation or other family support.
- 12.2 Any child who is not able to return to a family home on release will require accommodation under S20 of the CA 1989. CSC will need to confirm suitable accommodation in time for the Planning Release Meeting and no less than 10 days prior to the planned release date. If the child refuses to be accommodated under S20 CSC should notify KHOS and complete a Single Assessment.
- 12.3 CSC 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.
- 12.4 In circumstances where a child is in the Youth Court and is unable to return to their family home, YOS will immediately inform CSC. If the child is open to CSC this will occur via the allocated social worker. Where the case is not open to CSC this will occur via MASH confirming that an urgent response is required. CSC will explore all other accommodation options including another appropriate adult known to the family or supported lodgings (CSC may request assistance from KHOS if required). CSC must take account of the risk to and from the child in all possible placements.
- 12.5 There may be exceptional circumstances where YOS 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. YOS will share relevant information with CSC and request support from KHOS in accessing temporary accommodation.