



*Knowsley Council*

**Knowsley Metropolitan Borough Council**

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

<b>Version</b>	<b>Author</b>	<b>Date</b>	
<b>1.</b>	<b>A.Broadbent</b>	<b>09.05.2017</b>	<b>Due to be approved by board</b>
<b>2.</b>	<b>A.Broadbent</b>	<b>10.05.2017</b>	<b>Amends following board on the 09.05.2017 to change wording of young person to child and HOS to Housing Options as necessary</b>

## Contents

GLOSSARY.....	3
INTRODUCTION.....	5
Background.....	5
Principles underpinning the protocol.....	5
Accommodation pathway and process for children.....	7
Initial Contact Out of Hours.....	8
Decision and pathway.....	11
Appendix 2.....	16
Appendix 3.....	19
Appendix 4.....	21
Appendix 5.....	22
Appendix 6.....	27
Appendix 7 – Contact Details.....	0
Appendix 8 EDT Form.....	30

## GLOSSARY

Acronym/abbreviation	Full Expression	Explanation
CA1989	The Children Act 1989	The Act imposes a general duty on local authorities (for the purpose of this protocol “the local authority” refers to Knowsley Council) to provide a range of services to “children in need” in their area if those services will keep a child safe and well.
CIN	Child assessed as “in need” under Section 17 of the Children Act 1989	A child whom children’s services owe a duty under Section 17, CA, i.e. children who will not meet their development milestones without extra help. A child in need plan sets out actions agreed with the child and where appropriate, parents.
Crash Bed		24 hour emergency access temporary accommodation for children (this is primarily in a householder supported lodging style supported environment)
CSCC	Children’s Social Care	Social Care services for children and young people.
Interim Accommodation	Support in the form of emergency accommodation provision during the period a children’s circumstances are assessed/investigated	Whilst a single assessment is being undertaken where it is necessary to support the child through the provision of accommodation this is done under the Children’s Act 1989. Where a child has been determined not to be owed a duty under S.20 of the Children’s Act 1989 or has refused then they will be provided with accommodation under the pending the outcome of their homelessness investigation.
MASH	Multi Agency Safeguarding Hub	The MASH is the first point of contact for referrals to CSC.
HA1996	Housing Act 1996 Part VII	Part VII of the Housing Act sets out the responsibilities under which the Local Authorities have a duty to provide temporary or permanent accommodation.

Housing Options Service		Team who are responsible for giving advice and assistance to people enquiring about help with housing and for dealing with formal applications for assistance under the HA from people who are homeless or at risk of homelessness.
Intentionally Homeless		The circumstances under which Housing Options Service might determine that a person has lost their accommodation due to their own behaviour or actions. As a consequence this renders the person as being ineligible for assistance under HA.
CLA	Child Looked After	A child who is accommodated under S20 of the CA, subject to a care order under s31 of the CA or who is remanded to the care of the Local Authority. Known as a Looked After Child (LAC) in the act but CLA in Knowsley.
S17, CA1989	Section 17, Children Act 1989	Section 17 of the CA sets out the responsibilities of the Local Authority to provide services for children/young people in need and their families. S.17 (10) of the CA defines a child in need. <b>(see Appendix 1)</b>
S20 CA1989	Section 20 Children Act 1989	Section 20 of the CA requires the Local Authority to provide accommodation for a child/young person in need. <b>(See Appendix 1)</b>
Statutory joint guidance	Title: Provision of Accommodation for 16 and 17 year old young people who may be homeless and or require accommodation	The government publication published in April 2010 in response to the Southwark Judgement May 2009. Local Authorities and Children's Services departments are required to have due regard to the guidance in carrying out their duties.
YOS	Youth Offending Service	Team who work with young offenders and young people at risk of offending.
Child or Children		For purpose of this protocol a Child/children refers to those aged 16 and 17 year of age.

## INTRODUCTION

The purpose of the protocol is to ensure that Knowsley Council services (CSC, YOS and Strategic Housing) working with children as well as partners continue to work effectively together to provide a consistent and coordinated response to children who present as homeless or at risk of homelessness and may be in need of accommodation. In doing so we will ensure that **Children in Knowsley are safeguarded and protected from harm, including abuse, neglect and exploitation**

This protocol sets out how Knowsley Council will meet these responsibilities in the assessment of the needs of children who present as homeless.

The primary objective of the protocol is to prevent homelessness and safeguard the well-being of the child through joint working to ensure the best outcome for homeless/potentially homeless children.

## Background

In the majority of cases where children approach the Council as a result of housing crisis they are ultimately prevented from becoming homeless. This is principally achieved through advice and support which enables a child to return home to their family or in other cases to assist them to access alternative accommodation. The protocol aims to build upon this good practice and will:

- ensure that children receive a speedy and efficient service to respond to their needs
- ensure efficient use of resources to best assist the child
- improve how children are referred to and access homeless accommodation/support services,
- enable children to make informed decisions by giving them, information about their entitlements and offering them independent advice (Advocate),
- achieve greater consistency in access to services and decisions,
- ensure greater cooperation and communication between services, and
- standardise processes and procedures.

## Principles underpinning the protocol

- The safety and welfare of the child is paramount.
- Unless there is clear evidence to the contrary, the starting point will be all children are best off with their immediate families. Every effort should be made therefore to mediate between a child and their families to negotiate a return home (where safe to do so) or to facilitate a move in a planned and supported manner.

- Children's needs are best met in the family home unless the circumstances in which they live may mean they should be considered to be statutorily homeless and/or may be so unsuitable that it is not possible to adequately meet their welfare needs in such a setting
- Where a child is unable or unwilling to return to their immediate families, they should be supported to explore wider family members and community options where their needs can be met.
- Children should have clear access to support and should not be "bounced" between services. A consistent referral and assessment process will be provided to children threatened with homelessness. The demands placed on relevant services by children mean that services must work together in a flexible manner to best meet the needs of the child whilst also ensuring the Council discharges its statutory responsibilities.
- Children are engaged throughout the process. This will be done by ensuring the process and the implications of the child's possible decisions are fully explained, and that their views are recorded and demonstrated to have been considered.
- Agencies will work together to assess and meet the needs of children. They will share information appropriately with a view of achieving the best outcome for the child.
- Children approaching the Council as homeless and who require accommodation on the same day will be offered emergency temporary accommodation under s188 of the HA1989 (interim duty) pending referral. Once the referral to the CSC (primary service) has been received then any support required pending the outcome of the single assessment will be made under the CA 1989. If a child is homeless then suitable alternative accommodation ordinarily will be sought with family or friends provided it is considered that such accommodation best meets the child's needs. Alternatively temporary accommodation will be provided through the Councils emergency accommodation arrangements. In exceptional circumstances a child may be accommodated, out of borough for a short period of time when in borough accommodation is unavailable or deemed unsuitable. In these situations the Housing Options Service will request, via MASH, that CSC provide a named support worker to coordinate services and act as a single point of contact whilst the child's circumstances are under assessment.

## **Accommodation pathway and process for children**

### **Initial Contact with Services other than CSC**

#### **Stage 1:**

A child may make contact through a range of different agencies/services/contact points:

- Self referral to accommodation providers
- Connexions
- Statutory or voluntary agencies e.g. YOS,
- Council One-Stop-Shop's

Where a child is presenting as being homeless to any agency they should be immediately referred to the Housing Options Service who will take responsibility for completing an initial triage interview and if necessary will offer/place them in interim temporary accommodation.

#### **Stage 2:**

The Housing Options Service will complete the triage interview and if there is a "reason to believe" the child is homeless or threatened with homelessness within 28 days, the Housing Options Service will request a CIN single assessment from CSC (by email or phone to the MASH) for the purpose of assessing if statutory duties are owed under S17 and S20 of the CA1989 (see Appendix 1). For the avoidance of doubt CSC are the lead service and as such their assessment takes primacy over the assessment undertaken by the Housing Options Service under the Housing Act 1996.

The Housing Options Service will undertake an assessment to assist CSC with their single assessment. This will be a structured interview working with the child and will also include, where possible, a home visit to the parent or guardian who has excluded the child from their home (although initial contact may be made by phone). All children will be offered mediation and other appropriate agencies as required (see Appendix 2).

### **Initial Contact at CSC**

#### **Stage 1:**

Where a child is presenting as being homeless to CSC, contact will be made with the Housing Options Service to coordinate a joint interview. CSC will take responsibility for completing an initial interview and if required will place them in accommodation under S20 of the CA1989.

#### **Stage 2:**

CSC will complete a single assessment within **TEN DAYS** to determine what duties may be owed under S20 CA1989. If no duties are owed they will inform the Housing Options Service who then complete their homelessness investigation. CSC will establish if any duties are owed under S17 CA1989. A hard copy of the assessment **SHALL BE** provided to the Housing Options Service within **ONE WORKING DAY** following completion of the assessment.

### **Initial Contact Out of Hours**

Where a child presents as homeless outside office hours (9am – 5pm Monday to Friday ~ excluding Bank Holidays) the primary concern must be the safety and wellbeing of the child. The referrals will be dealt with by the Housing Options Service who manage the out of hour's homeless service. If emergency accommodation is required, the Housing Options Service will arrange interim temporary accommodation. The Housing Options Service will contact out of hours CSC to inform them and request a CIN single assessment. On the next working day the Housing Options Service will complete their initial interview and make a referral in accordance with Stage 2. If the child contacts CSC first, CSC will seek to secure alternative accommodation for the child. Only after considering all options and having found accommodation options to be either unsuitable or unavailable will CSC place the child in accommodation under S20 CA1989. CSC may contact the Housing Options Service to for assistance with arranging a placement.

In exceptional cases the YOS will refer directly to CSC Emergency Duty Team rather than the Housing Options Service. This will happen where YOS become aware at a late stage in usual office hours that a child open to them is going to require accommodation after normal office hours and they have concerns that the child is vulnerable or presents a risk to themselves or others e.g. the child has been arrested and requires a bail address and parents/family are refusing to allow them to return home or an existing arrangement is at significant risk of breaking down at a weekend. YOS will share relevant vulnerability and risk information with CSC and will where possible have explored how they can support the child to access the Housing Options Service accommodation.

If YOS assess that it is not possible for them to manage the risk/vulnerability issues and that the child or others they might come in contact would be put at risk/made vulnerable then a referral will be made via the CSC Emergency Duty Team with regard to accommodation.

### **Stage 3. Undertaking Homelessness Prevention and Statutory Assessment**

The information gathered by the Housing Options Service during the interview will be analysed and evaluated to inform their initial decision.

Where appropriate to do so, the Housing Options Service will seek immediate reconciliation with the parent or guardian who has excluded the child from their home so that the child can return home. As a minimum this will include telephone contact

with the parent of guardian to ascertain and seek to negotiate to a return home where appropriate for the child.

Where appropriate and where the child is able to return home the Housing Options Service will support this, by offering mediation. The Housing Options Service will also inform CSC of the outcome. If the family need further intervention or support CSC may make a referral to Stronger Families who may, where appropriate, be able to provide early intervention support services. Where a young person returns home a “not homeless” decision will be made and the case will be closed by the Housing Options Service.

Where a child is unable to return home the Housing Options Service will explore if extended family and friends can accommodate the child. Where this option is available the Housing Options Service will facilitate and support this, however before a decision is made to place the child with extended family or friends the Housing Options Service will confirm this with CSC. If the child is open to other statutory services including YOS, the Housing Options Service will consult with them to identify if the accommodation is suitable and will safeguard the child’s wellbeing and meet their needs. In these cases CSC may offer financial assistance if required under S17 of the CA1989.

If a child wishes to live with extended family or friends the Housing Options Service must ascertain whether the child will have a designated bed in a bedroom. Where the child would be required to sleep on a temporary bed or sofa in a living room, this would not be considered appropriate. In such cases the child must be offered interim temporary accommodation; if the accommodation is refused, the Housing Options Service must inform CSC via MASH as the child remains homeless. If a child is accommodated temporarily with family or friends, the Housing Options Service will notify CSC via MASH. CSC will be responsible for checking the suitability of the placement and they must inform the Housing Options Service the same day if the placement is not considered suitable. In exceptional circumstances CSC or YOS may make a decision to support a child to remain in a temporary arrangement with family or friends where the child would not have a designated bed in a bedroom. These circumstances may reflect the fact that the child’s best interest are safeguarded by this arrangement on a temporary basis e.g. where there are significant concerns regarding the child’s mental health, ability to cope in alternative interim temporary accommodation or such an arrangement would make it more difficult to meet the child’s needs and ensure they are safeguarded.

In these exceptional circumstances this decision must be agreed and the reasons why recorded by a CSC or YOS manager with a review period agreed and HOS (Head of Service) informed. It must be viewed as part of a short term arrangement with a plan in place to secure more appropriate accommodation arrangements.

In all cases where a return home or placement in extended family or friends is not possible, interim temporary accommodation will be provided by the Housing Options

Service under either S188 of the HA1996 or S20 of the CA1989 as appropriate. Where the child is placed by the Housing Options Service they will inform CSC via MASH of this. If interim temporary accommodation is refused, Housing Options Service will investigate the reason for this. If the offer of interim temporary accommodation is considered reasonable by the Housing Options Service they will discharge, in consultation with CSC, their duty to provide interim temporary accommodation (where it is offered under S188 of the HA1996). The Housing Options Service will then notify CSC via MASH of this outcome as the child remains homeless.

Subject to availability the principal interim accommodation will be the Council's commissioned crash bed service. During their stay at the crash bed, the child will receive breakfast and evening meals and any other assistance under S17 CA1989 (provided by CSC).

If a child is at risk of losing their interim accommodation or has already lost their interim accommodation CSC via MASH will be notified. In these situations CSC will be responsible for securing accommodation for the child.

#### **Stage 4. CSC Assessment**

Monday to Friday 9am – 5pm following receipt of a referral from the Housing Options Service, CSC will undertake a same day joint assessment of the child and will complete the single assessment in no more than **TEN DAYS**. Where further assessment is required beyond the **TEN DAYS** this must be authorised by a CSC manager and communicated by email to the Housing Options Service.

**NOTE:** If the child is accommodated via the emergency accommodation arrangements or other short term/temporary accommodation such as Sheila Delaney (see Appendix 3) the child should be considered as being homeless for the purpose of the assessment, any support provided whilst the child is accommodated in such accommodation is only housing related and as a consequence this support may not meet all their needs. It is acknowledged that almost all children, with few exceptions, will be a CIN and therefore will need a CIN plan. Cases must not be closed as no further action with the assumption that the temporary housing provider is meeting all their needs.

On completion of the CIN single assessment the CSC officer must provide an electronic copy of the assessment and decision to the Housing Options Service on the **same day the decision is made**. This should be sent to the Housing Options Service case officer via secure email (see list of email addresses in Appendix 4).

Note: In completing the single assessment the CSC Social Worker must take into consideration the child's resilience and vulnerability before recommending temporary accommodation – if the child is vulnerable then S20 of the CA1989 may be the only reasonable response if the child cannot return home or live with family and friends.

## **Decision and pathway**

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

### **A duty is owed under S20 CA1989 or S17 CA1989**

#### **S20 CA1989**

CSC will discuss the options with the child ensuring they have the opportunity to make a fully informed decision on whether to accept the offer of assistance under S20 CA1989 this should include consideration of S17 CA1989 support.

If the child accepts the offer of assistance CSC will be responsible for securing accommodation for the child, CSC will also treat the child as "looked after". Where appropriate, CSC in meeting their responsibility may request assistance from the Housing Options Service. However, should the Housing Options Service be unable to assist then CSC must pursue alternative routes to obtain accommodation for the child.

#### **Where a S20 CA1989 duty does not apply**

Where S20 CA1989 is not appropriate, a decision needs to be made as to whether the child meets the criteria for S17 CA1989 as a CIN, this decision will need to be made taking into account the homelessness position.

#### **If a duty is owed under S17 CA1989 but S20 CA1989 does NOT apply**

If the child is found to be a CIN and owed a duty under S17 CA1989, CSC will formulate a CIN support plan to meet the needs of the child. Part of the support plan may include a referral to the Housing Options Service to obtain suitable accommodation. The Housing Options Service must then complete their homelessness investigation and make a decision as to whether the child is homeless and owed a duty under HA1996.

#### **Homelessness decision - if no duty is found under S20 CA1989 or S17 CA1989**

Upon being notified by CSC that the child is not owed a duty under either S17 or S20 of the CA1989, the Housing Options Service will complete their investigation of the child's homelessness.

On completion of their investigation the Housing Options Service will make a decision in terms of whether the Council owes the child a duty under S184 of the HA 1996:

- Where a **full duty is owed** under S184 of the HA1996 the Housing Options Service will continue to provide temporary accommodation until an offer of suitable settled accommodation is secured.
- Where a child is found to be intentionally homeless the Housing Options Services will make a decision that **no duty is owed** under S184 of the HA1996. The Housing Options Service will notify CSC of their decision by secure email via MASH. The Housing Options Service will also request that a new single assessment is undertaken by CSC taking into consideration their homelessness decision. Whilst this assessment is undertaken CSC **MUST** provide the child with temporary accommodation under S20 CA1989. CSC can request that the Housing Options Service place the child in the emergency accommodation pending completion of the new single assessment provided there remains one emergency access bed space available. In such circumstance the child can remain in this accommodation for a maximum of 10 days after which CSC must secure alternative move on accommodation in fulfilment of their duties pending completion of the new single assessment.

### **Children with complex needs**

Where a child is assessed as S20 or S17 under the CA1989, has multiple/complex needs and is provided with accommodation, partners signed up to this protocol must ensure that the child is appropriately supported in a way which fully meets the needs of the child with a view to maximising the sustainability of the accommodation.

### **Exceptional Circumstances**

This section of the protocol concerns cases where there are particular circumstances including teenage parents, children involved with YOS, and a child's refusal to engage.

#### **Child's refusal to engage**

In the event that a child refuses to interact or engage with the Housing Options Service, CSC or YOS in the provision of suitable accommodation or the provision of extra services that will meet assessed needs and there are concerns a meeting should be called involving all services and the child. The meeting should clearly identify all areas of concern, address barriers to engagement and identify the best course of action that will meet the child's needs. This may lead to their case being closed by CSC and the Housing Options Service, following a risk assessment by CSC and involving partner agencies. If CSC closes the case they will also notify YOS.

#### **Teenage parents**

Where a child is a parent and presents as homeless, this protocol will be followed in relation to the parent child. Whilst the needs of the parent child's child will need to be taken into account as part of the assessment and planning process, it is a legal duty that is owed to the parent child that is key to the provision of accommodation. Although the parent child may become "child looked after" (CLA) under this protocol, this would not be the case for their child unless there are other presenting issues. Any child protection issues/concerns regarding any children of a child being assessed under this protocol must be referred to CSC.

### **Children known to YOS**

In circumstances where a child is in the Youth Court and is ordered not to return home or there is a risk that the child could be remanded to custody if they do not have an address to be bailed too, given the time pressures YOS will immediately inform CSC and take responsibility for exploring possible accommodation options with the child, for example, family and friends. If no other options can be identified YOS will refer directly to CSC for an assessment and to identify a suitable accommodation address. Where a child is remanded to custody pending hearing they automatically become a CLA.

Where a child is currently in custody and will be, or is likely to be homeless on release, YOS staff should refer the child directly to CSC who should undertake an assessment of need at least four weeks prior to their release date or as soon as practicably possible. If after suitability checks have been carried out by CSC in relation to the child's safety and wellbeing no suitable accommodation has been found, this would necessitate an emergency arrangement, CSC should consult with and request, if necessary assistance from the Housing Options Service in identifying suitable accommodation. CSC should notify the YOS of the confirmed address in time for the Detention and Training Order (DTO) Planning Meeting and no less than ten days prior to the release date. Failure to do so will impact on setting the Licence conditions and management of risk and could result in a delay in the children being released from custody.

Where a child is sentenced to custody whilst a S20 CA1989 provision of accommodation is active it should be noted that a 'looked after' children's review should be convened prior to their release date for the purpose of agreeing a planned move into accommodation and support services.

### **Resolution meeting**

In circumstances where the Housing Options Service or YOS disagree with the outcome of a CIN single assessment, a resolution meeting will be convened. Each party involved must arrange designated representatives. This should include the officer whose decision is being disputed. A resolution meeting must take place within **five working days** of the meeting being called. The meeting shall be chaired by

CSC and a written record will be made and circulated within five working days by CSC.

The purpose of the meeting will be to review the decision in question and to seek a resolution which is in the best interests of the child.

### **Escalation Process**

The escalation process can be instigated by either party if they are not satisfied with the outcome of the resolution meeting

Please see Appendix 5 for the Knowsley Safeguarding Children Board escalation process

### **Challenging a Homeless Decision**

If the child has been found intentionally homeless they can request a review of the decision within 21 days of receiving it. YOS/CSC or any other agency can assist them with this.

### **Protocol Review**

The working practises set out within the protocol will be monitored on a quarterly basis through a partnership meeting chaired by Strategic Housing and attended by CSC, YOS and the Housing Options Service. The protocol will be reviewed annually or in line with any significant changes in legislation to ensure its' effectiveness and continuing relevance. The Strategic Housing service will be the lead for coordinating the review process.

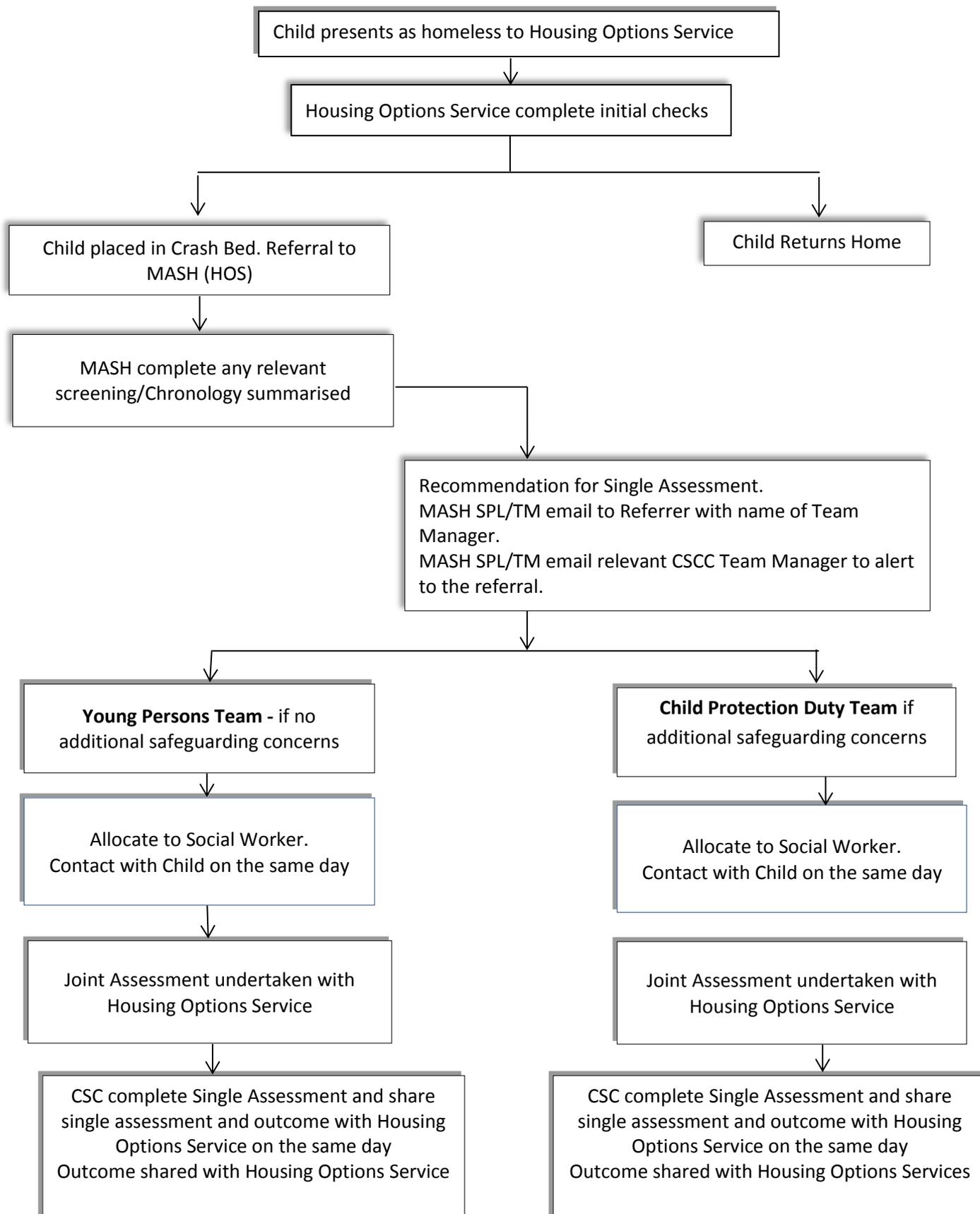
Upon approval the protocol will be issued by the relevant senior managers of CSC, YOS and Strategic Housing to their service areas and they will be responsible for providing appropriate training and adherence to the protocol. The protocol will also be made available on Triax.

### **Compliance with the Protocol**

The protocol should be adhered to for all cases of children approaching the Council, where a child has an accommodation need. It is the responsibility of the individual Team Managers to ensure that staff within their service areas receive appropriate training and guidance to ensure they comply with the protocol. Breaches of the protocol shall be reported at the quarterly Homeless Prevention Protocol for Children aged 16 and 17 year meeting with the appropriate Team Manager providing an update response on actions that they have taken to resolve the issues which led to protocol breaches. Where there are continued protocol breaches these should be reported to the appropriate Head of Service. In circumstances where continued breaches occur these will be reported to the both the Assistant Executive Director's of Children's Services and of Regeneration and Housing.

## Appendix 1

### CSC Single Assessment Process Flowchart



Referrals are made to the:

- Young Persons Team (YPT) when it is a **single issue** which relates to a children being homeless
- Child Protection Team (CP Team) when alongside the children being homeless, there are other safeguarding concerns which need further assessment

## **APPENDIX 2**

### **Statutory Guidance and Case Law**

#### **Children in Need**

##### **Section 17 Children Act 1989**

Section 17 of the Children Act 1989 sets out the responsibilities of local authorities to provide services for children in need and their families.

Under this section there is a general duty upon every Local Authority to;

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

Section 17 (10) of Children Act 1989 defines that a child shall be in “in need” if;

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

##### **Section 20 Children Act 1989 - Duty to offer accommodation to children in need**

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

- There being no person who has parental responsibility for him/her
- Him/her being lost or having been abandoned
- The person who has been caring for him/her being prevented from providing him/her with suitable accommodation or care
- The child is aged 16 or 17 and in the authorities opinion their welfare is likely to be seriously prejudiced if accommodation is not provided

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

The authority is required to take into account the views and feelings of the child as to the services which he or she wishes to accept, including accommodation.

## **Housing**

### **Homelessness / Housing Act 1996**

People who are homeless or who are likely to become homeless in 28 days may apply for homeless assistance. Local Authorities duties to offer assistance are governed by the Housing Act 1996 and subsequent amendments. Duties exist if the Local Authority believes that a person is

- Eligible for assistance ;
- Is threatened with homelessness ;
- Is in priority need (including if they are aged 16-17 or they are a care leaver aged 18-20) ;
- Is unintentionally homeless ;
- Has a local connection.

Section 188 of the Housing Act 1996 provides that;

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

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

- Child aged 16 or 17 who is not a "relevant child" or, owed a "Section 20 duty and ;

18,19, or 20 year old (other than a relevant student), who is a "former relevant child" Statutory Guidance: Provision of Accommodation for 16 and 17 year old children who may be homeless and / or require accommodation. This guidance was issued to Children's Services Authorities and Local Authorities to clarify their duties under Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless children.

## **Case Law**

G v LB Southwark (House of Lords Judgement May 2009)

Where a child is assessed as homeless and is unable to return home, the judgement makes it clear that Children's Social Care (CSC) are the lead agency in such cases and the primary legislation is the Children Act 1989, and were a child fulfils all the elements required by the Children's Act 1989 s.20 (1), the Local Authority is under a duty to provide him/her with accommodation under that section. However the judgement also makes it clear that it is the Local Authority as a whole that is responsible for meeting the needs of these children and it is therefore essential that CSC and Homelessness Services work closely and collaboratively, involving a range of partner agencies where appropriate in holistic assessment of and planning the for the child's needs and whose duties are set out in Sections 10 and 11 of the Children Act 2004 and Section 27 of the Children Act 1989.

## Appendix 3

### Investigation Housing Options Service

To form the initial and homelessness assessment, HOS will begin with information gathering and assessment process to determine whether a homeless duty is owed to the child and / or whether the child can return home.

The five statutory investigation tests;

- Eligible for assistance
- Homeless or threatened with homelessness in 28 days
- Priority need
- Intentionally homeless
- Local connection

The homeless decision will not be made by HOS until the outcome of the CSC assessment is known. Areas covered in the interview will include;

- The current situation – why is the child presenting as homeless?
- Background history – family make up, accommodation history, whether they are previously known to CSC?
- Support networks – what family members are there, immediate/extended family or close friends that can offer support?
- Vulnerability – are there any immediate identified concerns re vulnerability of the child – for example substance/alcohol misuse, learning disabilities, mental health issues or child protection / safeguarding concerns (involvement with gangs or organised crime groups) ?
- Risks factors – to themselves, others to staff
- Welfare – money, food, ID, medication, clothes
- The child views regarding staying with family or friends on a temporary basis and do they feel they will be able to meet their needs?
- Making contact with those with parental responsibility – (where there is no risk to the child) taking their views and opinions of the situation / can the child return home etcetera.
- Gathering outside agency as necessary to obtain intelligence
- Is the child a parent?
- Communication needs – e.g. does child need an interpreter?

## Investigation CSC

The single assessment will identify if the child is in need and whether a duty is owed under S20 of the CA1989 and if not whether they meet criteria for S17 of the CA1989.

The investigation undertaken by CSC will address the following key questions;

1. Is the applicant a child?
2. Is the child within the Local Authorities area and originally resident?
3. Does the child appear to the Local Authority to require accommodation?
4. Is the need to accommodate the result of one of the following criteria in s.20
  - a. There being no person who has parental responsibility for the child;
  - b. The child is lost or abandoned;
  - c. The person who has been caring for the child being prevented (whether permanently and for whatever reason) from providing the child with suitable accommodation or care.
5. What are the child's wishes and feeling regarding the provision of accommodation?
6. What consideration (having regard to age and understanding) is to be given to those wishes and feelings?
7. Does any person with parental responsibility who is willing to provide accommodation for the child object to the Local Authorities intervention?
8. Even if there is objection does the child agree to being accommodated?
9. Are there any safeguarding or child protection issues which prevent the child from returning to family members? If so S47 enquiries will also be made.

CSC will continue to explore the possibility of the child returning to family, wider family or to friends and where this is an option, support this.

## **Appendix 4**

### **Interim and Temporary Accommodation**

#### **The Emergency Accommodation**

This is a placement into a household in a supported lodgings environment. The Service is managed by Knowsley Supported Lodgings. The placement will last for a **maximum of ten days**.

This is to allow CSC to carry out the Single Assessment. At the placement the child will be provided with housing related support. They do not have to pay for this service; it is funded by CSC and Strategic Housing. Housing Options Service will aim to move the child on to Sheila Delaney. A placement into the crash bed is always classed as interim accommodation.

#### **Sheila Delaney**

This is a five bed short stay accommodation for a maximum of 8 weeks. It is staffed from 9-5 and Security is on site after hours. The child will have their own flat and will be provided with breakfast and evening meal. They will be assisted to make a claim for Housing Benefits and relevant income benefits. They have to pay a personal contribution charge of £29.33, to cover the cost of food and utilities. Their income benefits usually amount to £56.50 per week. They will be provided with housing related support to manage their property/licence.

#### **Losing Interim accommodation**

When a child is placed in temporary accommodation by Housing Options Service, this is classed as interim accommodation. Housing Options Service cannot make a homelessness decision until the outcome of the CIN (single assessment) is known. If a child refuses or loses the interim accommodation that Housing Options Service have offered/provided then the Housing Options Service will not ordinarily offer or provide any further interim accommodation. If a child still requires accommodation CSC will need to place them. Reasons why children have previously lost interim accommodation include none payment of service charges.

#### **Losing Temporary Accommodation**

If a child has been accepted as owed the full homelessness duty, the accommodation is then provided to fulfil the temporary accommodation duty. If the child loses the accommodation due to their conduct then the full homeless duty will also end and the child will be classed as intentionally homeless. In such circumstances the Housing Options Service will not provide any further accommodation and will inform CSC who may need to accommodate the child under S20 of the CA1989.

## **Appendix 5**

### **Guidance for social workers**

#### **Working with Homeless children**

##### Introduction

The guidance specifically addresses the assessment process with regard to 16 – 17 year old children who have presented as homeless.

##### Southwark Judgement

The House of Lords considered a court case R (G) v London Borough of Southwark in May 2009. The original case related to a male child who complained that the Local Authority (Southwark) had placed him in Bed and Breakfast accommodation which he said was unsuitable. The House of Lords stated that the Local Authority must presume that any lone, homeless child should be provided with accommodation under Section 20 Children's Act 1989, unless the child is not in the Local Authority's judgement a 'child in need'. The focus of the guidance related to 16 and 17 year olds, and reinforced the statutory duties already identified within the Children's Act 1989, but which was felt not being used or referenced when considering suitable accommodation for 16 and 17 year olds.

##### Contact / Referral

The majority of contacts will be received from the Housing Options Service who have a responsibility for children under the HA1996.

The Housing Options Service will request that the child signs a consent form, which specifically indicates that the child agrees to information being shared, including the assessment to establish whether they are a child in need of services under S17 or S20 of the CA1989. A copy of the signed consent form should be sent with the Contact, or sent to the allocated social worker.

The Housing Options Service will interview the child when they present as homeless. It is likely that they will request that a joint interview takes place and this should be referred to the Duty Social Worker on the day of the Contact. Where possible a joint interview should take place. It may be unlikely that the Housing Options Service will be able to undertake a further assessment with the allocated social worker at a later date.

##### Assessment

The social worker is deemed the lead practitioner, except in exceptional circumstances where the child refuses CSC involvement, and is therefore responsible for ensuring that all appropriate professionals and significant people to the child are consulted, have the opportunity to contribute and kept informed as to what is happening.

The lead practitioner is also responsible for ensuring that the child is safe and in suitable accommodation. Whilst the Housing Options Service are responsible for the placement in the first ten days, the social worker is responsible for the child's safety and well being and should advocate appropriately on their behalf.

The Housing Options Service should contribute fully to the assessment process.

The focus of the assessment is to ascertain whether the child is a 'child in need' of services under S17 or S20 of the CA1989. A definition of S17 and S20 of the CA1989 is included below.

Where possible, children are best placed with their family or friends. It is therefore important a full detailed family history is obtained and a family tree / genogram is completed. It is important not to take the child's account of the reasons they are homeless and information should be sought from the parent or carer.

All appropriate checks should be undertaken and the assessment should include the views and involvement of all other professionals, family members and the child themselves.

Where the child refuses to engage with the assessment, the guidance states 'where a child's refuses to interact or engage with Housing Options Service, CSC or YOS in the provision of suitable accommodation or the provision of extra services that will meet the child's assessed needs, all individuals involved with the child will identify all avenues of concern and identify alternatives to them to address the child's reluctance to engage and identify with the child's permission the best course of action that will meet their needs.

This does not prevent the assessment being undertaken or completed but will impact on the conclusion of the assessment.

Where the child has special needs including learning or health needs or is vulnerable due to life experiences, e.g. abuse, consideration should be given to whether support services are required whilst the assessment is being undertaken, for example a support worker visiting and supporting the child in addition to the social worker. A capacity assessment may also be required to ascertain whether the child is able to consent to the assessment or to suitable accommodation being provided.

Where the child is placed in temporary accommodation, which the social worker feels is not suitable, they should advocate on behalf of the child. The Housing Options Service may not be able to provide an alternative placement however consideration should be given whether additional support is required whilst the assessment is being undertaken or the child remains in this placement, for example a support worker visiting and supporting the child in addition to the social worker.

The analysis should conclude one of three outcomes

- CIN – S17 of the CA1989

- CIN – S20 of the CA1989
- No further action

The analysis of the assessment should provide a summary of the information obtained and should also make reference to the definition of S17 and S20 of the CA1989 when making a recommendation. Reference should also be made to the Protocol. **NB** It is important that both S17 and S20 of the CA1989 are considered and that a clear explanation is given as to why S17, S20 of the CA1989 or neither is being considered. It is also important that the principle behind the Southwark Judgement and responsibilities under Children Act 1989 are considered and that a homeless child is a CIN and should be placed in suitable accommodation.

As identified, the consent form enables a copy of the assessment to be sent to the Housing Options Service for their records. If the child indicates at any time that they have changed their mind or withdraws consent, the analysis can be used as the basis for an e-mail to the Housing Options Service, to indicate the outcome of the assessment.

Questions for consideration when undertaking an assessment: -

- Where was the child living last?
- Why did this arrangement break down?
- Where has the child lived and who with during their childhood?
- Have there been any other placement breakdowns in the child's childhood?
- Does the child have any identified learning difficulties or other special needs?
- Has the child been involved in offending behaviour or anti social behaviour?
- Does the child have any other difficulties, e.g. substance misuse?
- Is there a full family tree detailing all extended family details?
- Have you explored all of the extended family and friends options?
- Where is the child at this time and how long can they remain there?
- Are the current circumstances likely to impact on the child's likelihood of achieving or maintaining a reasonable standard of health or development without services being provided by the Local Authority
- Has the child's health or development been significantly impacted or would it be further impacted without the provision of services.
- How has the child's health and development been affected and what services would reduce the impact of this?
- Is there anyone exercising parental responsibility for the child?

- Has the child been abandoned?
- Has the person who has been caring for the child been prevented from doing so?
- Why / how has the person who has been caring for the child been prevented from doing so?
- What risk factors have been identified?
- Are there any protective factors in place?
- What is the child requesting?
- Is the child co-operating with the assessment?
- How close is the child to 18 years of age?
- Does the child require support post 18 years?
- What transition arrangements are required?

Where the outcome of the assessment is no further action, this should always consider the step down approach and ensure that the child is referred to the most suitable service to offer ongoing support and advice.

### Transition

Where the child is 17 years of age, consideration should be given to their transition to adulthood.

If the child has special needs or other vulnerabilities, consideration should be given to a referral to Adult Social Care or Adult Support Services to ensure the child is supported post 18 years of age.

Where Children's Social Care are funding the child's accommodation, this will cease when the child is 18 years of age, therefore the lead practitioner should liaise with the Housing Options Service and other relevant professionals in preparation for their 18<sup>th</sup> birthday.

### **Definition of S17 of the CA1989 Child In Need**

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.
- 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,

And “family” in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living.

### **Definition of S20 of the CA1989**

Provision of accommodation for children: general

(1) 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 having been abandoned; or
- (c) 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.

CSC is the lead agency in such cases and the primary legislation is the Children Act 1989. However, the judgment also makes it clear that it is the Local Housing Authority as a whole that is responsible for meeting the needs of the child, and it is therefore essential that CSC and the Housing Options Service work closely and collaboratively.

CSC has a responsibility to assess whether the child is deemed a CIN.

As part of the assessment they also have a responsibility to consider whether the child should be supported under S17 or S20 of the CA1989.

Where a child requires the provision of accommodation, and will be supported under S20 of the CA1989 funding for the provision of accommodation will be the responsibility of CSC.

## Appendix 6

### Multi-Agency Escalation Policy

All professionals working with children and families need to know what to do about a case where they are worried that professionals are not working well together and, as a result, a child is not making good enough progress or is at risk.

Effective working together depends on resolving disagreements to the satisfaction of workers and agencies, and a belief in a genuine partnership and joint working to safeguard children.

Problem resolution is an integral part of professional cooperation and joint working to safeguard children. Professional disagreement is only dysfunctional if not resolved in a constructive and timely fashion

Every agency should have their own procedures in place for how to deal with concerns within their own setting. On those occasions where concerns need to be raised with another agency, workers should ensure this happens as soon as possible and that discussions are clearly recorded. If the worker with the worker from the other agency cannot reach resolution, then this will be progressed to line manager.

At no time must professional disagreement detract from ensuring a child is safeguarded. The child's welfare and safety must remain paramount throughout

Disagreements could arise in a number of areas, but are most likely to arise around determining levels of need, roles and responsibilities, and the need for action and communication

For cases involving Social Care, the concerns should be discussed initially with the social worker. If this does not resolve the problem, the Team Manager should be alerted – by telephone or in writing within one working day.

If the issue has arisen in the Multi-Agency Safeguarding Hub (MASH), this should be brought to the attention of the MASH Co-ordinator.

If the comparable line managers cannot achieve resolution and the issue remains unresolved, then an Escalation Notice will be necessary.

When there is recognition that there is a disagreement over a significant issue, which impacts on the safety and welfare of a child, the respective workers must identify explicitly what the problem is and have absolute clarity about the nature of the disagreement and what the respective workers aim to achieve.

It should be recognised that differences in status and/or experience may affect the confidence of some workers to pursue this unsupported.

Where a service is commissioned the contract will determine the reporting arrangements including any issues so commissioners will have a good idea of whether things are going smoothly or if there are any issues so the policy should reflect the commissioner/provider arrangements.

Commissioners would want to be notified before the escalation notice is issued and most likely at the point where the practitioners are raising with their line managers as this could be resolved by the intervention of the commissioner who can refer to contract compliance.

If unresolved, the problem should be referred by each worker to their respective line manager, for school staff this will be the designated person, who in turn is expected to discuss with their opposite number in the other agency.

**The Escalation Notice** will record information and document the issue raised. In particular this must include written confirmation between the parties about the nature of the disagreement(s) and how any outstanding issues will be pursued and this will be forwarded to the Service Manager or agency equivalent **within 5 working days. A copy of this notice will be sent to the Knowsley Safeguarding Children Board Manager (KSCB)**

The Assistant Executive Directors and Service Managers will also be available for discussion on urgent or sensitive cases.

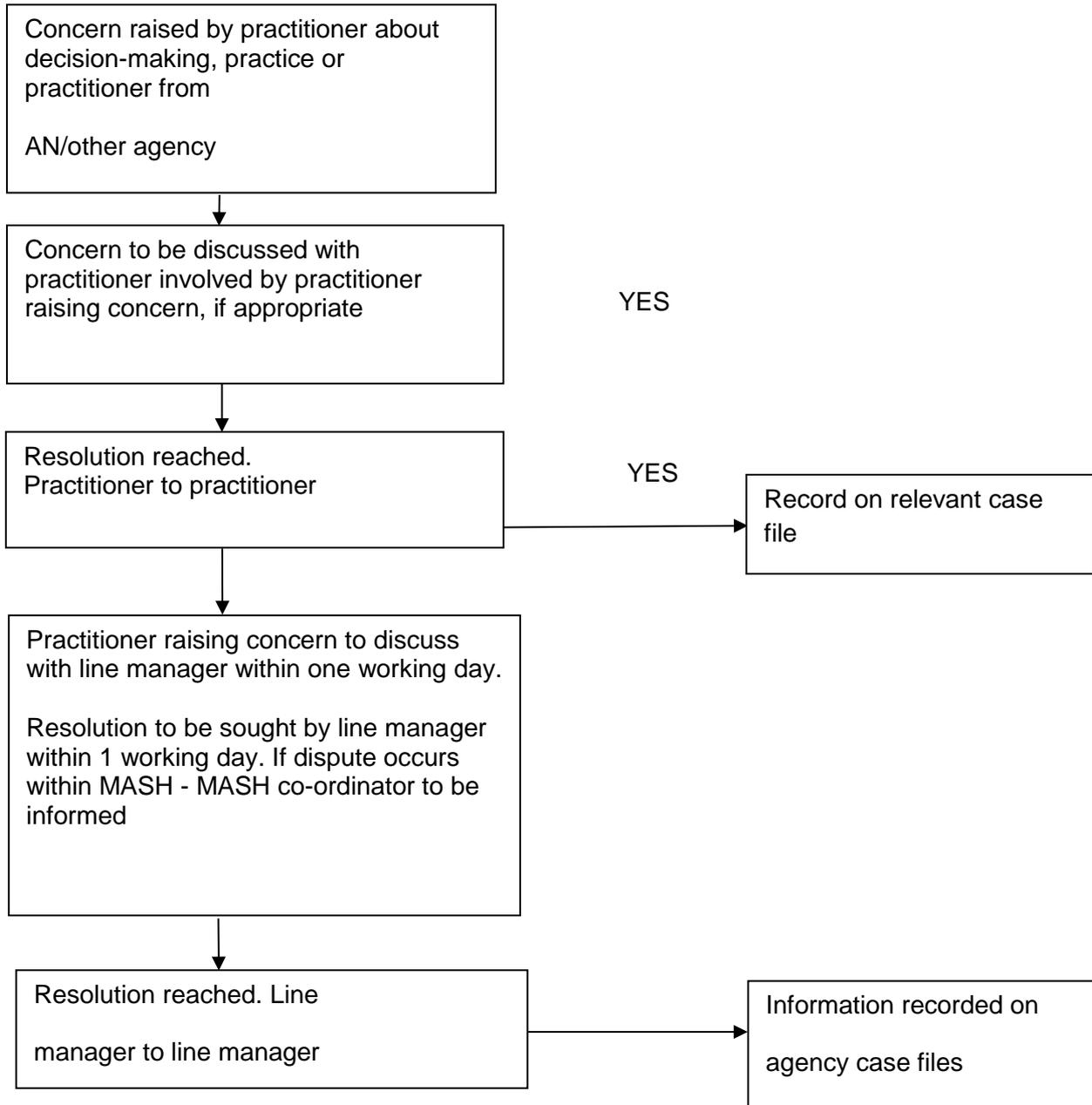
The Quality Assurance Unit will continue to offer consultation and advice on cases and will intervene to help resolve issues if that is appropriate.

However, the Quality Assurance Unit will always follow up cases where there are immediate concerns about a child – they will not be left until a Service Manager or Director is available.

If the comparable Service Managers cannot achieve resolution, then the issue will be referred to the comparable agency directors. If resolution is not achieved, then this will be referred to the Assistant Executive Director of Children's Services who will make the final binding decision N.B. This Escalation Policy does not apply to disputes in respect of the outcome of a Child Protection Conference.

A separate process applies in those circumstances.

# Dispute resolution prior to invoking the Escalation Procedure



# **Knowsley Safeguarding Children Board - Escalation Process**

**[Click Link HERE to view Escalation Process](#)**

## Appendix 7 – Contact Details

Housing Options Service			
Generic	0800 694 0280		
Maureen Ashcroft (Manager)	0161 331 2196	<a href="mailto:Maureen.Ashcroft@newcharter.co.uk">Maureen.Ashcroft@newcharter.co.uk</a>	<a href="mailto:maureen.ashcroft@ncht.cjsm.net">maureen.ashcroft@ncht.cjsm.net</a>
Carys Schofield	0161 331 2616	<a href="mailto:Carys.schofield@newcharter.co.uk">Carys.schofield@newcharter.co.uk</a>	<a href="mailto:Carys.schofield@ncht.cjsm.net">Carys.schofield@ncht.cjsm.net</a>
Debra Harthill	0161 331 2618	<a href="mailto:Debra.harthill@newcharter.co.uk">Debra.harthill@newcharter.co.uk</a>	<a href="mailto:Debra.harthill@ncht.cjsm.net">Debra.harthill@ncht.cjsm.net</a>
Lyndsey Shields		<a href="mailto:Lyndsey.Sheilds@newcharter.co.uk">Lyndsey.Sheilds@newcharter.co.uk</a>	<a href="mailto:Lyndsey.sheilds@ncht.cjsm.net">Lyndsey.sheilds@ncht.cjsm.net</a>
Joanne Evans	0161 331 2632	<a href="mailto:Joanne.Evans@newcharter.co.uk">Joanne.Evans@newcharter.co.uk</a>	<a href="mailto:joanne.evans@ncht.cjsm.net">joanne.evans@ncht.cjsm.net</a>
Hayley Kavanagh	0161 331 2632	<a href="mailto:Hayely.Kavanagh@newcharter.co.uk">Hayely.Kavanagh@newcharter.co.uk</a>	<a href="mailto:hayley.kavanagh@ncht.cjsm.net">hayley.kavanagh@ncht.cjsm.net</a>
Pat Chisnall	0161 331 2632	<a href="mailto:Pat.Chisnall@newcharter.co.uk">Pat.Chisnall@newcharter.co.uk</a>	<a href="mailto:pat.chisnall@ncht.cjsm.net">pat.chisnall@ncht.cjsm.net</a>
Debbie Crehan	0161 331 2632	<a href="mailto:Debbie.Crehan@newcharter.co.uk">Debbie.Crehan@newcharter.co.uk</a>	<a href="mailto:debbie.crehan@ncht.cjsm.net">debbie.crehan@ncht.cjsm.net</a>
CSC			
MASH	0151 443 2600 option 1		<a href="mailto:Knowsley.mash@knowsley.gCSCx.gov.uk">Knowsley.mash@knowsley.gCSCx.gov.uk</a>
MASH Manager	Wendy Mollenny 0151 443 4915	<a href="mailto:wendy.mollenny@knowsley.gov.uk">wendy.mollenny@knowsley.gov.uk</a>	<a href="mailto:wendy.mollenny@knowsley.gCSCx.gov.uk">wendy.mollenny@knowsley.gCSCx.gov.uk</a>
Young Persons Team	Virinder Crawford 0151 443 4597	<a href="mailto:Virinder.crawford@knowsley.gov.uk">Virinder.crawford@knowsley.gov.uk</a>	<a href="mailto:virinder.crawford@knowsley.gCSCx.gov.uk">virinder.crawford@knowsley.gCSCx.gov.uk</a>
Child Protection Team	Tracy Overs 0151 443 4260	<a href="mailto:Tracy.overs@knowsley.gov.uk">Tracy.overs@knowsley.gov.uk</a>	<a href="mailto:tracy.overs@knowsley.gCSCx.gov.uk">tracy.overs@knowsley.gCSCx.gov.uk</a>
YOS			
Reception No	443 3079	Ask to speak to the Duty Officer who will be able to identify the most appropriate staff member or manager to speak to.	<a href="mailto:youthoffendingservice@knowsley.gov.uk.cjsm.net">youthoffendingservice@knowsley.gov.uk.cjsm.net</a>
Operational Manager with responsibility for Protocol	443 5570	Tricia Keane	<a href="mailto:tricia.keane@knowsley.gov.uk.cjsm.net">tricia.keane@knowsley.gov.uk.cjsm.net</a>

## EDT Requesting access to CRASH Bed

<b>Date</b>	
<b>Time of referral</b>	
<b>Name of Co-ordinator:</b>	
<b>Name of children:</b>	
<b>DOB:</b>	
<b>Address:</b>	
<b>Reason for becoming homeless:</b>	
<b>Information from ICSC:</b>	
<b>Any other related information:</b>	
<b>Outcome:</b>	

Lead Officers for Joint Homeless Prevention Protocol for Children aged 16 and 17.

- Alan Broadbent – Strategic Housing 0151 443 2391
- Maureen Ashcroft – Housing Options Service 0161 331 2196
- Tricia Keane – YOS 0151 443 5570
- Gill Grindley – CSC 0151 443 3345