

Housing advice for people aged 16 and 17

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Housing & Children Services Protocol

Housing Options & Homelessness
Young Persons Homeless Service

2016

This protocol is between Housing and Children Services. It provides guidance to staff and outlines the steps they should take when a person aged 16 or 17 comes to the Council for help because they are homeless or threatened with homelessness.

We believe it is in the best interests of most young people to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family. Mediation to resolve conflict and find solutions so young people can remain living at home will be our first response to the needs of homeless young people.

Bath and North East Somerset Council
PO Box 3343, Bath, BA1 2ZH
Phone: 01225 396118
Fax: 01225 477839
Minicom: 01225 477815
www.bathnes.gov.uk
Twitter@bathnes



Introduction

- 1.1 Housing and Children Services will provide a seamless and child-centred response to the needs of homeless young people. We will be proactive to prevent a young person becoming homeless and providing advice on their housing options.
- 1.2 The main cause of homelessness among young people in Bath and North East Somerset is being excluded from their family home. We understand homeless can happen as a result of overcrowding, a new adult joining the household, tensions between step parents or young person perceived as not contributing to the household. Alcohol, drugs, mental health and offending behaviour are issues which cause family tension and division which can lead to homelessness. When tensions are high, people can often react to a situation impulsively. People may need time to reflect and visiting the family after a 'cooling down' period may prevent a young person becoming homelessness.
- 1.3 We will review this protocol annually and in the unlikely event of a disagreement between the services we will seek the views of the Council's Legal Department. We will share relevant information and keep accurate records about our involvement with the young person.

The Law

- 2.1 This protocol has had regard to relevant legislation and case law which includes the Children Act 1989, the Housing Act 1996 Part 7, the Homelessness Act 2002 and Localism Act 2010¹.
- 2.2 The legal framework for co-operation between Children's Services and Housing Services is covered in section 27 of the Children Act 1989 and section 213 of the Housing Act 1996.
- 2.3 The Supreme Court made a number of significant judgements concerning homeless young people. These judgements are concerned with the interrelationship between the duty under section 17, section 20 of the Children Act and Part 7 of the Housing Act. The judgements are:

R (G) v Southwark
[2009]

R (M) v
Hammersmith and
Fulham [2008]

R (on the
application of AH) v
Cornwall Council
[2010]

R (on the
application of
Liverpool CC) v
London Borough of
Hillingdon & Anor
[2009]

¹ Legislation is available in view on www.legislation.gov.uk

- 2.4 The Southwark judgement was concerned with the relationship between the Housing Department and Children’s Department when responding to homelessness from young people, aged 16 or 17. The judgement restated and clarified the legal position as to whether a young person should be assisted under section 20 or Part 7. The judgement confirmed that section 20 should take precedence over Part 7 in providing for children in need who may be homeless. The judgement also confirmed the duty under section 20 takes precedence over the duty under section 17.



- 2.5 The judgement gave an example of the circumstances when a young person who presents as in need of accommodation may not be assessed as owed a section 20 duty and would fall within Part 7. The example is:

A young person may have been living independently for some time, with a job and somewhere to live, and without anyone caring for him at all; he/she may then lose his/her accommodation and become homeless.

Statutory Guidance

- 2.6 The Secretary of States for Children, Schools and Families and Communities and Local Government gave guidance to local authorities about homeless young people. The guidance which was issued in April 2010 was called Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation.
- 2.7 Section 7 of the 1970 Act requires local authorities to act under the Secretary of State’s general guidance and comply with the guidance unless there are

exceptional reasons in individual cases. Section 182 of the 1996 Act also requires housing and social services authorities to have regard to the guidance of the Secretary of State. The 2010 guidance considers that:

"Bed and breakfast accommodation is not considered suitable for 16 and 17 year olds even on an emergency accommodation basis"

Statutory Guidance 2010 (para. 2.16)

Assessment of need and homeless prevention

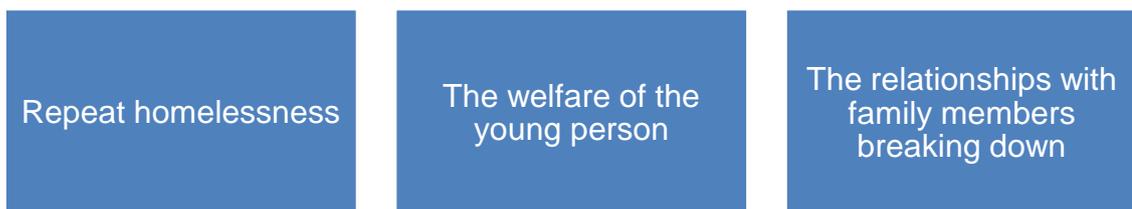
- 3.1 Children Services is the contact point for young people at risk of homelessness.

Family mediation

- 3.2 It is in the best interests of most young people to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friend network. Mediation can allow young people to remain at home and therefore a referral will be made unless there is a good reason not to. Mediation cannot always be successful, so a young person may need to be provided with a place to live, whether during the mediation process or longer term. Children Services will talk to the young person's family and make a referral for Time to Talk for family mediation. If mediation is unsuccessful a housing options assessment will be arranged.

Support following reconciliation with family

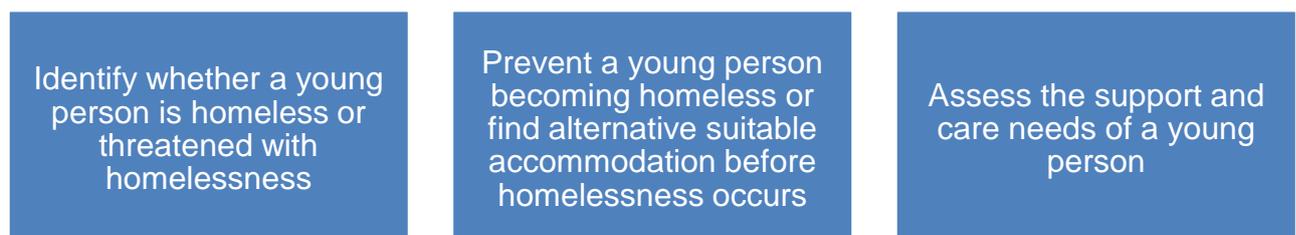
- 3.3 We will provide a young person with support on return to their family home. This will apply where there are concerns about:



- 3.4 We will look at the support needs of a young person and if necessary provide support through Children Services or a partner agency.

Housing option assessment 'a joint housing assessment'

- 3.5 Housing and Children Services will interview a young person on the same day if they have nowhere to live or nowhere where it is reasonable to live. If a young person has somewhere to stay but is at risk of homelessness they will be interviewed within 5 working days. Parents, family members, friends or advocates may be present at the interview. The purpose of the interview is to:



- 3.7 Housing Services will provide a young person with written advice about their

housing options.

- 3.8 We will not refuse to accept a referral or make inquiries on the basis of local connection. We will tell a young person their option to approach another local authority in which a local connection exists so they can make an informed choice.

Making inquiries into the cause of homelessness

- 3.9 We will investigate the circumstances in order to establish whether a young person is homeless or threatened with homelessness which will include interviewing a young person's parents and visiting the family home and talking to professionals involved with a young person.
- 3.10 Making inquiries with people working or known to the young person will provide a better picture of the events leading up to a young person becoming homeless and help assess the young person's future housing and support needs. Professionals such as, a teacher, support worker, doctor or a police officer would be possible avenues of inquiry.

Allegations of violence or abuse

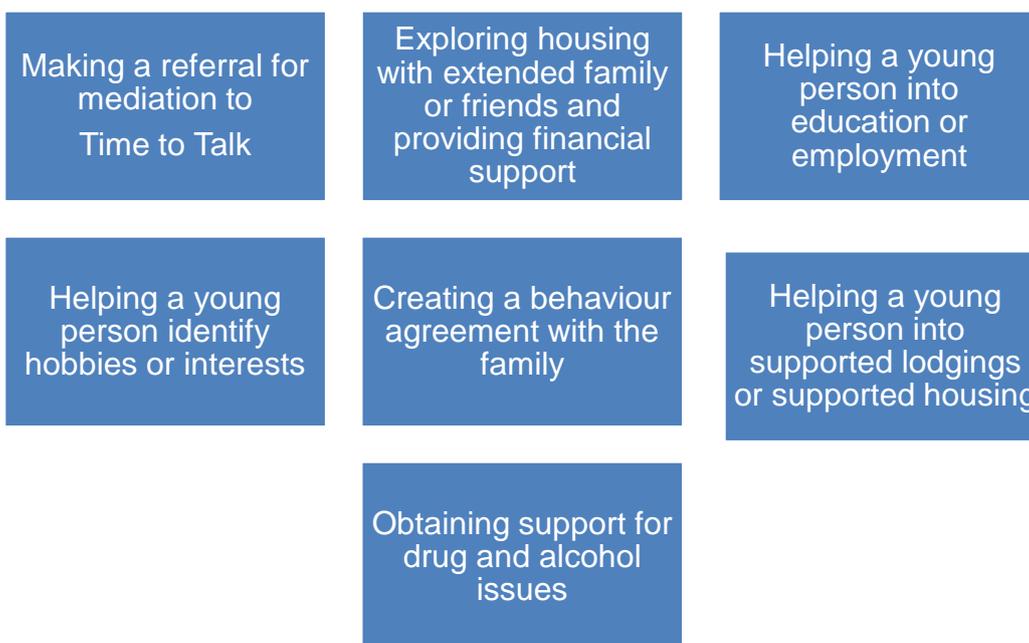
- 3.11 Allegations of violence and abuse will be taken seriously and the Children's Services Safeguarding Procedures followed before any contact is made with the alleged perpetrator. The police will be involved to enable an action plan to be put in place to follow up the concerns and Children Services Duty Team will be notified if a young person returns home.

Home Visit

- 3.12 It is expected that the home visit will take place which will help to identify the problems within the household and allow an open discussion between a young person and their parents. We can help the family find solutions for these problems to prevent the young person becoming homeless.
- 3.13 We will be alert to the possibility of collusion where family or friends agree to revoke a licence to occupy accommodation as part of an arrangement whose purpose is to enable the young person to be entitled to assistance. In some cases the young person may be unable to stay in his or her accommodation and in others there may be scope for preventing or postponing homelessness and providing the young person with an opportunity to plan their future accommodation. We will tell a young person the consequences of making a false statement which is set out in section 214 of the Housing Act.

Housing options and advice

- 4.1 Homelessness can be prevented through offering a young person and their family housing options and advice. Mediation with the family will have already taken place and the young person may have returned home, if not they may reconsider mediation or look at other solution which can include:



- 4.2 Leaving home is the last option, young people will be given a honest account of the practicalities of leaving home and getting their own place, such as rent, bills and doing their own washing and cleaning. We will ensure that when there is no choice but to leave home, where mediation has failed, we will be make a referral to supported housing through the Housing Support Gateway.

Employment, education and training

- 4.3 Young people not in employment, training or education will be signposted to Youth Connect.

Drug and alcohol support

- 4.4 We will make a referral to Project 28 for young people who are identified as having a substance misuse issue.

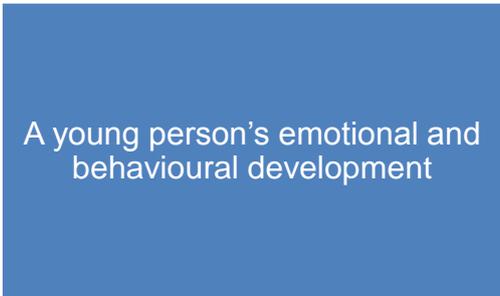
Our duty

Children Act 1989 single assessment

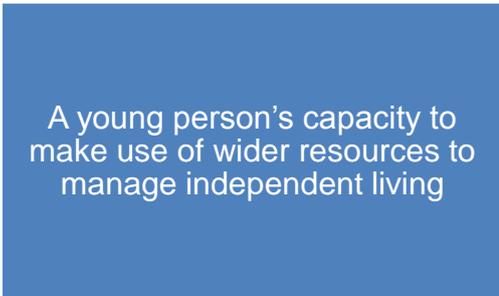
- 5.1 Children Services will make a decision to carry out a single assessment of a young person within one working day of the referral being received. They will explain the process and the possible outcomes to the young person. The assessment will be completed within a maximum of 45 working days of the referral date.
- 5.2 The decision to carry out a single assessment will be made by a Team Manager. The decision to accept a section 20 duty will be made by a Children Services Manager.
- 5.3 Children Services will consider the young person's wishes and feelings toward becoming a looked after child.

Assessing the wishes and feelings

- 5.4 Children Services will carry out a competency assessment if accommodation is refused. The assessment will decide whether the person has the capacity to make a decision. The following factors will be relevant:



A young person's emotional and behavioural development



A young person's capacity to make use of wider resources to manage independent living

- 5.5 Children Services will consider the welfare needs of the person and the accommodation which will best meet those needs, those needs may be at odds with the young person's wishes. We cannot force a young person into accommodation but neither can a repeated refusal give rise to a duty under the Housing Act.
- 5.6 We will make a referral to Off the Record for advocacy and independent advice.
- 5.7 Children Services will consider favourably, accepting a duty if the young person changes their mind and the assessment of the young person's circumstances has not significantly changed.

Housing Act 1996 homeless application

6.1 Housing Service will establish whether a young person is owed a duty under the Housing Act. Inquiries will be made to decide whether they are:



6.2 Housing Services will write to the young person explaining the outcome of the homelessness assessment.

6.3 We will provide accommodation for people who we owe a duty.



Intentionally homeless

6.4 Housing Services will have no duty to accommodate a person beyond a reasonable period if they became homeless through their own fault. Within 7 days we will arrange a formal meeting with Children Services if:

- they refuses to become a looked after child and
- they are intentionally homeless.

We will provide the young person with temporary accommodation until the meeting takes place.

Short term emergency accommodation

- 7.1 We aim to place a young person with a family in supported lodgings whilst mediation takes place. The placement provides short terms respite for up to 4 weeks to help reunite a young person with their family.
- 7.2 The placement is for homeless young people under the age of 25 and single parents with a dependent child under the age of 4. If a placement is not available or is not suitable we will consider either providing accommodation in temporary accommodation or foster care.
- 7.3 The decision to accommodate a young person will be made by the Children's Service manager or a senior officer in Housing Services.
- 7.4 We will help the young person make a claim for housing benefit if they are eligible.

Accommodation for families

- 7.5 We will consider a young person who has a partner and/or child for family accommodation. This can include private rented accommodation, supported lodging or commissioned temporary accommodation. If there is violence or abuse or suspicion of either, this option may not be appropriate.
- 7.6 The family will receive ongoing visiting support from Children Services around aspects such as, parenting, independent living skills, education and health and wellbeing.

Table of authorities

Statutes

Social Services Act 1970
Children Act 1989
Housing Act 1996
Human Rights Act 1998
Homelessness Act 2002
Localism Act 2010

Guidance

Homeless Code of Guidance for local authorities [2006]
Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation [2010]

Case law

R (M) v Hammersmith and Fulham [2008]
R (G) v Southwark [2009]
R (on the application of Liverpool City Council) v London Borough of Hillingdon & Anor [2009]
R (on the application of AH) v Cornwall Council [2010]

Local Government Ombudsman

No place like home: Council's use of unsuitable bed and breakfast accommodation for homeless families and young person [2013]
Lancashire County Council [2015] (reference 13 020 158)

Publications

DCLG Making Every Contact Count – A Joint Approach to Preventing Homelessness [2012]
Homelink Young and Homeless [2014]
St Basils Developing Positive Pathways to Adulthood [2015]

Glossary of terms

Advocacy is support provided to a people to have their voice heard, defend and safeguard their rights and have their views and wishes considered when decision are being made about their lives. Locally this is delivered by Off the Record.

Children Act 1989 section 17 is a general duty to children in need and their families to safe guard and promote the welfare and promote the upbringing of children that can include the provision of financial support.

Children Act 1989 section 20 is a duty to provide accommodation for children in need who are in needs of accommodation as a result of a prescribed reason.

Child in need is legal terms which is defined by section 17 (10) of the Children Act 1989 and provides that a child can be in need for reasons of health, development or disability.

Curo Supporting Living Projects are two accommodation schemes, Bath Foyer which is available for young people aged 18 to 25 and Pathways for young people aged 16 to 18.

Curo Time to Talk is a local scheme which helps young people aged 16 to 25 to remain living with their family by talking and listening to them and their family and finding solutions to their problems.

Full housing duty is owed to people who are eligible for assistance, homeless, in priority need and not intentionally homeless. Those people will be provided with temporary accommodation.

Housing Act 1996 part 7 is the homeless legislation which provides local authorities with powers and duty to help those who are homeless or threatened with homeless.

Housing benefit is payable for people accommodated under the Housing Act. Housing benefits and other welfare benefits are not payable for young person accommodated under a section 20 duty. Exceptions apply for lone parents and disabled young people who may have established entitlement to non-means tested benefits.

Housing duties the four duties housing authorities have towards homeless people depending on their circumstances. (a) To ensure that accommodation is available for the person (b) To take reasonable steps to secure that accommodation does not cease to be available for the person (c) To secure accommodation is available for the person for such period as will give him a reasonable opportunity of securing accommodation for his occupation or (d) to provide the person with advice and assistance in any attempt he makes to secure accommodation becomes available for his occupation.

Housing Support Gateway is a web-based single access point to apply for a wide range of support services to avoid homelessness.

Intentionally homeless means that a person has caused themselves to become homeless and their homelessness is their own fault. If they had not behaved in that way it would have been reasonable to continue to live in their home. We will provide accommodation for a reasonable period, around 1 month for those who have a priority need.

Interim accommodation is provided to people whilst their homeless application is assessed, it is only provided to those who are eligible to assistance, homeless and Housing Services believe may have a priority need.

Looked after has the meaning given in section 22 and 23 of the Children Act 1989 and includes a review after 20 working days by an Independent Reviewing Officer.

Priority need is defined in section 189 of the Housing Act and SI 2002/2051 and refers to classes of people who the local authority considers have a priority for housing it includes a person (other than a person to whom a local authority owe a duty to provide accommodation under section 20) aged sixteen or seventeen who is not a relevant child for the purposes of section 23A of the Children Act 1989.

Project 28 provides a holistic package of care to young people in the B&NES with problematic substance misuse support needs.

Single assessment (replaced the initial and core assessment) is a statutory assessment of a young persons and their family's needs which should be completed within 45 days. The single assessment establishes whether a young person is a 'child in need' and if there is a duty for the Council to provide accommodation for them.

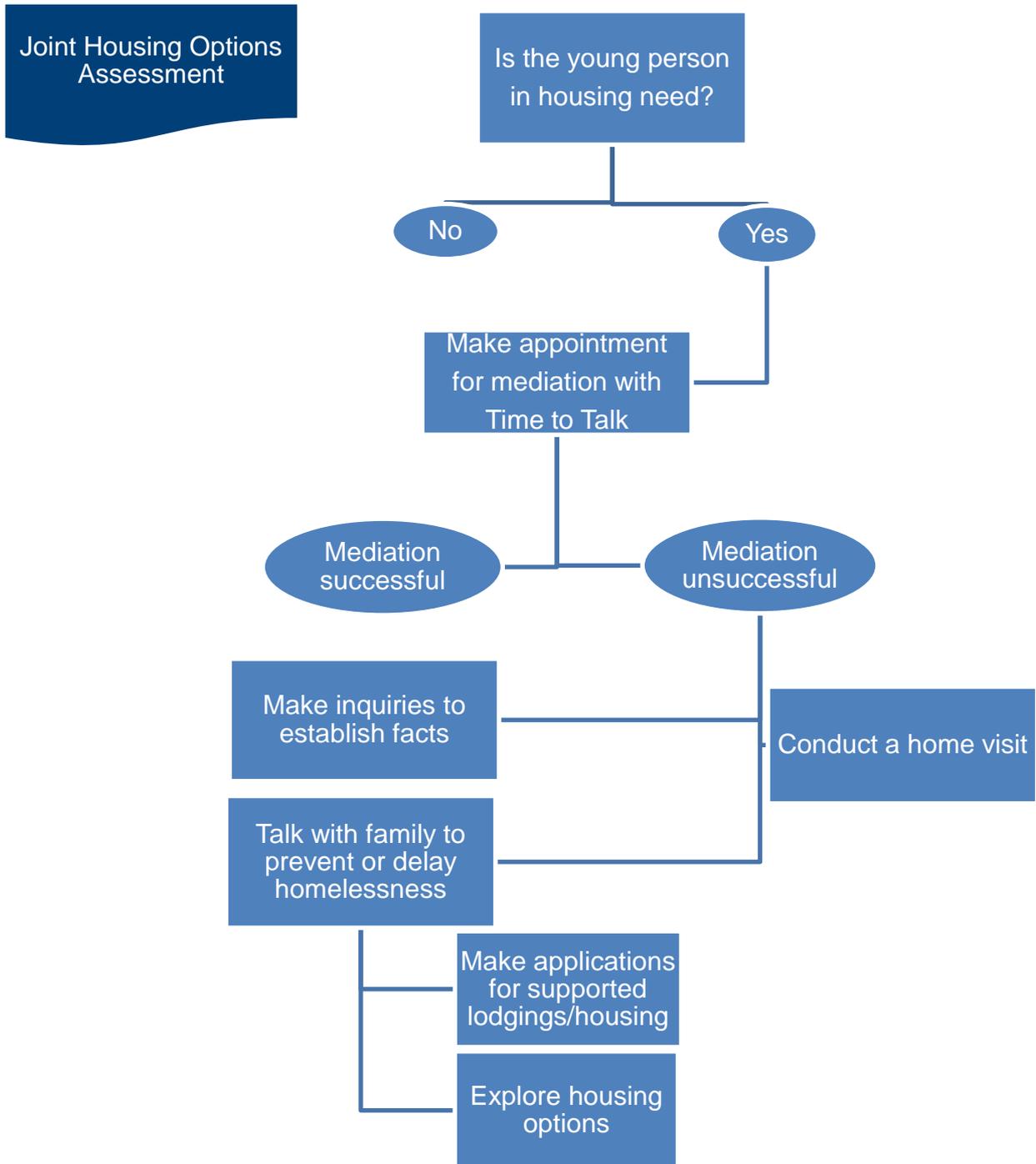
Supporting Lodgings Team work within Housing Services and provides supported accommodation for young people with a family.

Temporary accommodation is a general term for accommodation provided to homeless people and locally Housing Service has a hostel, Dartmouth Avenue and some self-contained flats.

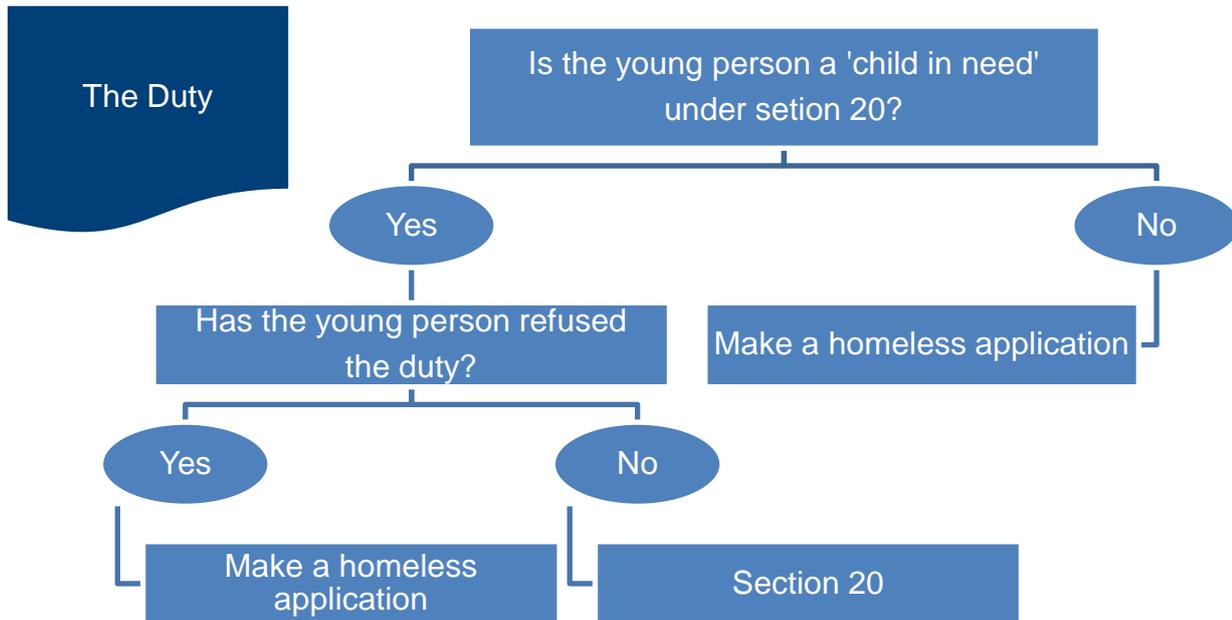
Wishes and feelings has the meaning as defined by section 20 (6) of the Children Act and requires local authorities to ascertain the child's wishes and feelings regarding accommodation and give consideration to them.

Appendix 1: Assessment flowcharts

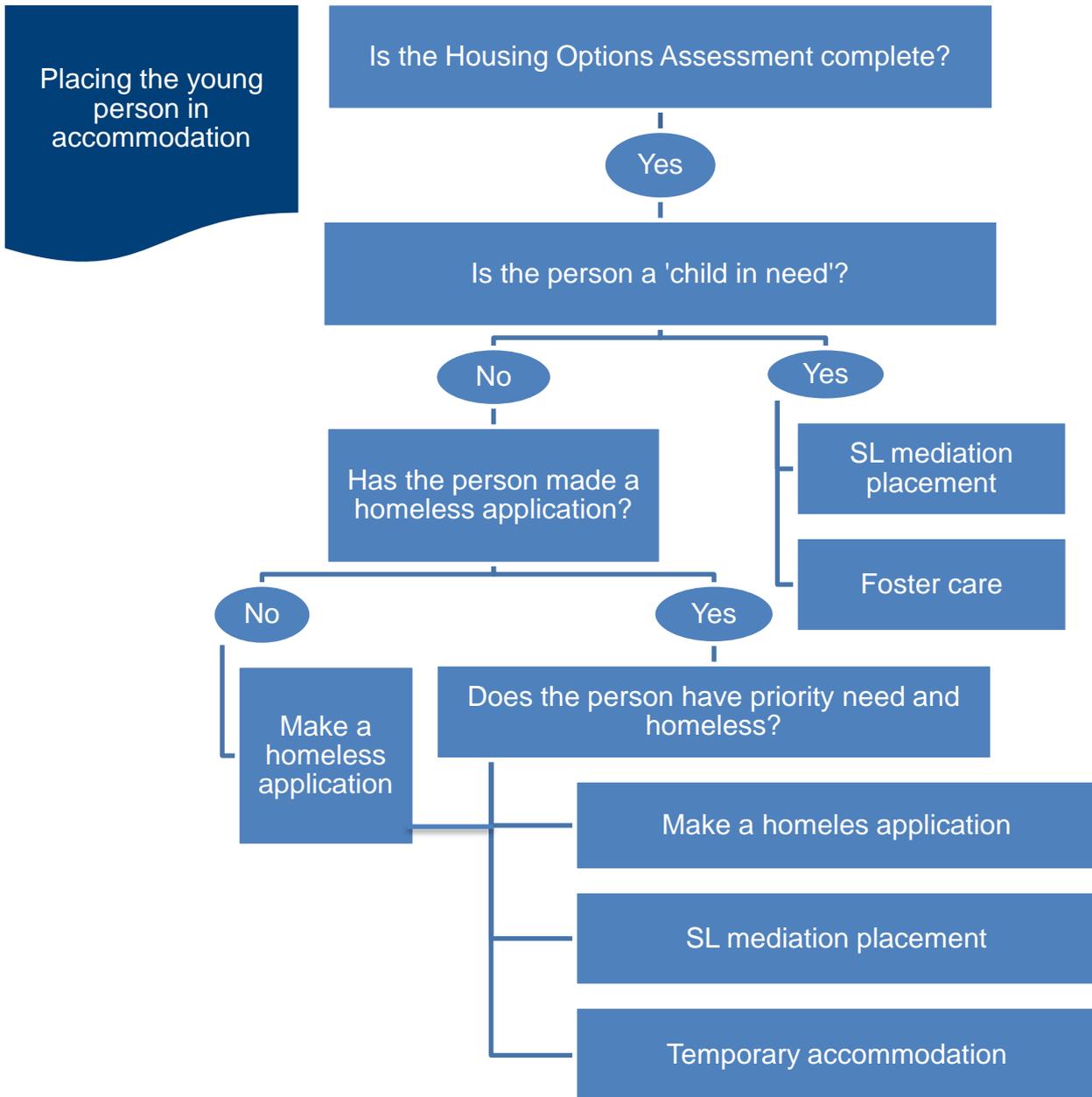
What we do if a young person is homeless



Do we owe a duty to the young person?



Finding suitable accommodation



Useful contacts

Housing Options	01225 396118 Housingoptions_adviceteam@bathnes.gov.uk
Young Persons Homeless Services	01225 396930 / 396346
Supporting Lodgings	01225 477802 Supported_lodgings@bathnes.gov.uk
Curo Time to Talk (Mediation)	07891 319098 (or Foyer project number 01225 405004) Timetotalk@curo-group.co.uk
Off the Record	01225 312481 Office@offtherecord-banes.co.uk
Pathways	01225 339330
Reach Floating Support	01225 422156 / 07917 637846 Info@dhireach.org.uk
Project 28	01225 463344 office@dhiproject28.org.uk
Youth Connect Service	01225 396980 Youthconnect_supportservices@bathnes.gov.uk