****

**JOINT WORKING PROTOCOL FOR YOUNG PEOPLE**

**Principle 2:**

We will work together to make sure the Young Person is supported in making the decisions they need to make, giving them all of the facts and options and access to an advocate, where required

**Principle 1:**

We will work together to support the Young Person to return home, where safe to do so

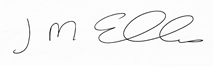
**Principle 4:**

We will work together to support those young people leaving care providing all of the options, advantages and disadvantages so they can make informed decisions

**Principle 3:**

We will work together to find accommodation, if they cannot get this from their family home, without using Bed and Breakfast. We will identify any additional support the Young Person may need

*We value the privacy of the Young Person. To know how personal data is used between statutory organisations, please refer to the Privacy Statement content within this protocol document, and those available on each of the participating organisations websites.*

Agreed by:-

Jo Ellis, Chair of Kent Housing Group

Caroline Smith, Assistant Director of Corporate Parenting | Integrated Children’s Services

Parties to the agreement are:

|  |  |  |
| --- | --- | --- |
| [www.ashford.gov.uk](http://www.ashford.gov.uk) | [www.canterbury.gov.uk](http://www.canterbury.gov.uk) | [www.dartford.gov.uk](http://www.dartford.gov.uk) |
| [www.dover.gov.uk](http://www.dover.gov.uk) | [www.folkestoneandhythe.gov.uk](http://www.folkestoneandhythe.gov.uk) | [www.gravesham.gov.uk](http://www.gravesham.gov.uk) |
| [www.maidstone.gov.uk](http://www.maidstone.gov.uk) | [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) | [www.swale.gov.uk](http://www.swale.gov.uk) |
| [www.thanet.gov.uk](http://www.thanet.gov.uk) | [www.tmbc.gov.uk](http://www.tmbc.gov.uk) | [www.tunbridgewells.gov.uk](http://www.tunbridgewells.gov.uk) |
| [www.kent.gov.uk](http://www.kent.gov.uk) | [www.khg.org.uk](http://www.khg.org.uk) |  |

Protocol effective from: November 2020

**Contents Page**

1. **Introduction and Purpose of the Protocol** 4

1.1 Legislative Background 4

1.2 Legislative Framework 4

1.3 The Kent Model 5

1.4 Aims of the Protocol 6

1.5 Eligibility 6

2. **Roles and Responsibilities** 6

2.1 First Contact with Children’s Social Work Services 6

2.2 Young Person 16-17-year-old in Custody and at Risk of Homelessness 8

2.3 Care Leavers Leaving Custody 8

2.4 First Contact with Housing Services 9

2.5 First Contact with Front Door Service 10

2.6 16 and 17 year olds from one local authority area who seek 10

Assistance from Children’s Social Work Services in another Local Authority area

2.7 Contact / Support (Same Day) 10

2.8 Home Visits (Same Day) 11

2.9 Return Home and Wrap around Support to Prevent Repeat Homelessness 11

2.10 Non-Return Home 11

2.11 If the Young Person Refuses to Engage with Children’s Social Work Services 11

2.12 Outcome of Statutory Assessment 12

3. **The Joint Assessment** 13

3.1 Timescales 13

3.2 Independent Advocacy 13

3.3 Mental Capacity Concerns 13

3.4 Addressing Safeguarding Concerns 13

3.5 Joint Assessment Interview 13

3.6 Outcome of Joint Assessment 14

3.7 Further Referrals to Children’s Social Work Services 14

4. **Prevention Help and Support** 15

4.1 Children in Care Charter 15

4.2 KCC Local Offer for Care Leavers 15

4.3 Prevention of Homelessness for Care Leavers 16

4.4 Care Leavers living outside the Children’s Social Work Services Authority Area 16

4.5 Accommodation Options for 21 – 25 year old Care Leavers 16

4.6 Move on Accommodation 17

5. **Intentional Homelessness** 18

6. **Protocol Governance** 19

6.1 Resolutions of Disputes and Professional Escalation Process 19

6.2 Governance Arrangements and Monitoring 19

6.3 Information Sharing Governance 20

6.4 Data Sharing 20

6.5 Privacy Notices 20

6.6 Glossary 21

**Appendices**

1. Children’s Social Work Services Legislation 23
2. Homelessness Legislation 26
3. Joint Assessment Template Form 31
4. Protocol for Joint Working between Children Social Worker Services & Early 34

Help and Preventative Services

1. Care Leaver Accommodation Types & Referral Routes 35
2. Young Lives Foundation Referral Form 38
3. Young Person’s Pathway when they have nowhere to live (16/17-year-old)

(**Separate Appendix Document)**

1. Young Person’s Pathway 18+ Leaving Care (**Separate Appendix Document)**
2. Young Person’s Information Leaflet – (**Separate Appendix Document**)

**1. Introduction and Purpose of the Protocol**

The Joint Working Protocol for Young People has been developed in partnership by Kent County Council (KCC) and the twelve District and Borough Councils across Kent, reflecting the changes in legislation and commissioned services by the County Council, as well as combining two former protocols; Provision of Accommodation for Care Leavers and Addressing the Needs of Homeless Young People aged 16 and 17 in Kent. In addition it has been developed with due regard to the joint guidance published by the MHCLG and Department for Education, ‘Prevention of homelessness and provision of accommodation for 16 and 17-year-old young people who may be homeless and/or require accommodation’[[1]](#footnote-1).

This is a protocol for professionals, with a commitment to develop clear guidance for young people through the production of an information leaflet and has been developed with support from young people that have experienced a joint approach in addressing accommodation needs.

*“Strategic planning approaches will need to be reflected at an operational level through protocols. These should identify the timing and mechanisms by which key professionals come together with young people to help to identify their needs and to plan individualised support packages.”[[2]](#footnote-2)*

The purpose of this protocol is to guide each relevant organisation on the approach to supporting young people aged 16 and 17 and care leavers (18+) in an agreed and transparent way, this includes promoting the responsibility of all professionals to ensure that the young people who are being assisted can have access to inclusive independent advice, that will enable them to make informed decisions and choices across all elements of their life.

**1.1 Legislative Background**

Case law has clarified the relationship between the duty under Section 20 of the Children Act 1989 (‘the 1989 Act’) and duties under Part 7 of the Housing Act 1996 (‘the 1996 Act’) in the case of 16 or 17 year olds who require accommodation.

The House of Lords case R (G) v Southwark [2009] UKHL 26 held that, where a 16 or 17 year old is owed duties under section 20 of the 1989 Act, this takes precedence over the duties in the 1996 Act in providing for children in need who require accommodation. Where the specific duty is owed under Section 20 of the 1989 Act, a 16 or 17 year old should be accommodated under that provision rather than looking to the general duty owed to children in need and their families under Section 17 of the 1989 Act.

All 16 and 17 year olds who are homeless or threatened with homelessness are likely to be vulnerable and will often be at risk of harm in the absence of intervention. Safeguarding and promoting their welfare should be central to service provision. If there is any concern that a child may be suffering, or likely to suffer, significant harm then local safeguarding procedures must be followed. The statutory guidance 'Working together to Safeguard Children’[[3]](#footnote-3) sets out what is expected of organisations to safeguard and promote the welfare of children.

**1.2 Legislative Framework**

KCC is governed in statute by the Children Act 1989. The relevant Sections for 16 and 17 year olds are sections 17 and 20.

* A Section 17 Child is one who is a “Child in Need” (CIN)
* A Section 20 Child is one who is “Looked After”

Full definitions are detailed at Appendix One.

For care leavers and as set out under volume 3 of the Children Act 1989, there is a strengthened emphasis that leaving care is a transitional period, therefore at any time up to their 25th birthday, if they so wish and are eligible, a care leaver may ask for support or assistance. This new provision within the Children Act 1989 places a responsibility upon local authorities to make the offer of a Personal Advisor (PA) to all care leavers up to the age of 25 years, whether or not they are in education or training. This offer of a PA should be made at least once a year to care leavers and will involve the PA carrying out a needs assessment and to prepare a pathway plan for the care leaver.[[4]](#footnote-4)

There is a clear legal framework for co-operation between KCC and the District and Borough Councils to meet the needs of children and young people. Section 27 of the Children Act 1989 empowers Local Authorities to ask other authorities for “help in the exercise of any of their functions” under Part 3; the requested authority must provide that help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of any of their own functions.

Further, Section 213 of the Housing Act 1996 empowers co-operation between relevant housing authorities and bodies, including Social Services authorities, in the discharge of the functions to which the request relates as is reasonable in the circumstances

District and Borough Councils are governed in statute by Part 7 of The Housing Act 1996, as amended by the Homelessness Act 2002 and the Homeless Reduction Act 2017. Full definitions are detailed at Appendix One.

This protocol demonstrates how KCC and the District and Borough Councils will work together to determine the best outcomes for a young person, with the young person, their representative or advocate, central to those discussions and decisions.

**1.3 The Kent Model**

The Kent model seeks to ensure that we deliver the requirements of the joint MHCLG and Department of Education guidance 2018, which include the following:

Paragraph 1.3 - *Whilst the section 20 Children Act 1989 duty takes precedence, housing services also have duties towards young people who are homeless or threatened with homelessness. Duties owed by each service will depend on a range of factors, including which service they initially seek help from; the outcomes of any assessments and enquiries; and the wishes and feelings of the young person and their family. It is therefore essential that children’s social work services and housing services work together to plan and provide services that are centred on young people and their families and prevent young people from being passed back and forth between services.*

Paragraph 2.1 - *It will be 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 friends’ network. When a 16 or 17 year old is seeking support because they are homeless or threatened with homelessness, housing services and children’s social work services responses should explicitly recognise this and work proactively with young people and their families to identify and resolve the issues which have led to the homelessness crisis. This could involve family support such as family mediation or family group conferences.*

Paragraph 2.2 - *It may be possible to prevent a 16 or 17year old from having to leave home at all, or it may take much longer to work through significant family tensions and problems. It is therefore important that services are designed to enable this family focus to begin on day one and continue throughout the processes of assessment and, where necessary, the provision of accommodation. Joint working between housing and children’s social work services will support this process.*

This protocol will aim to build on the previous work developed between Kent County Council services and the twelve Local Housing Authorities with a view of addressing recommendations within an Ofsted inspection in 2017:

*‘Ensure that homeless young people aged 16 and 17 years are aware of their right to become looked after assessments of risk are completed and there is adequate accommodation to meet their needs.’*

The Kent model also aims to ensure that homeless 16 or 17 years old child in need, or care leavers, have equal access to the KCC commissioned young person accommodation and floating support service, regardless as to whether they have approached Children’s Social Work Services or the Local Housing Authority for assistance.

**1.4 Aims of the Protocol**

This is a joint protocol that sets out arrangements for ensuring planned and supportive transitions to independent living between KCC and the twelve District/Borough Councils. Its purpose is to provide clarity on roles and to engage more effectively in joint working, leading to increased transparency and better outcomes for Young People.

The signatories of this protocol have agreed the following four key principles:

1. We will work together to support the Young Person to return home where safe to do so.
2. We will work together to make sure the Young Person is supported in making the decisions they need to make, giving them all of the facts and options and access to an advocate, where required.
3. We will work together to find accommodation, if they cannot get this from their family home, without using Bed and Breakfast. We will identify any additional support the Young Person may need.
4. We will work together to support those young people leaving care providing all of the options, advantages and disadvantages so they can make informed decisions.

# 1.5 Eligibility

To be eligible for support in accordance with this protocol, as a young person aged 16 or 17, the person presenting will need to be:

* Eligible for assistance in accordance with housing legislation and regulations that set out which classes of person from abroad are eligible and ineligible for housing assistance.
* Homeless or at threat of homelessness, including where it is considered unsafe for the young person to remain at home.

Homeless young people who are Unaccompanied Asylum Seekers without a parent or guardian with responsibility for their care, and other non-UK nationals who are not ‘eligible’ for assistance under homelessness legislation must also be provided with accommodation and support by Children’s Social Work Services, but will not require referral to a local housing authority.

To be eligible for support as a young person leaving care, the person presenting will be:

* Aged 18 to 25 years who have housing, or support needs and who have left or are due to leave the care of the KCC.
* An Unaccompanied Asylum Seeker who qualifies for a Leaving Care service from KCC, and who have been granted refugee status. Also, those who qualify and are given leave to remain up to the age of 20, or who have an extension beyond the age of 18 for a minimum of one year.
* A care leaver who is the responsibility of another Local Authority but who reside in the Kent area, and can show a local connection with their local housing authority district.

**2. Roles and Responsibilities**

***At any stage of the process outlined below all practitioners should consider the vulnerability of and the risks the young person presents, ensuring their actions seek to minimise them. It should be noted that the risk of sexual and other types of exploitation of young people who are ‘staying with friends’ or ‘sofa surfing’ is potentially high.***

**2.1 First Contact with Children’s Social Work Services**

Where a 16 or 17 year old seeks help from local authority Children’s Social Work Services, or is referred to Children’s Social Work Services by another person or agency as appearing to be homeless or threatened with homelessness, Children’s Social Work Services must carry out a preliminary assessment of the young person and of what duties, if any, are owed to the young person in the first instance. The purpose of the preliminary assessment is to ensure that the immediate needs of the young person are met by the responsible authority. The primary focus is to work towards the young person remaining at, or returning home, where it is safe and appropriate to do so.

All attempts should be made to immediately mediate for the young person to return home unless there are safeguarding issues, which cause concern for the professionals involved and the risks require alternative provision to be in place. A conversation with the parent or carer will be held to facilitate the young person’s return. Further follow up with the family through either telephone conversations or home visiting will be considered where necessary to ensure that the home situation is sustained and to reduce repeat homelessness presentations.

Under the Children Act 1989 the Local Authority has a maximum of 45 days to carry out a full assessment. This applies to all young people, including 17 year olds who are approaching their 18th birthday, and young people who are pregnant or have children in their care. Where the duty in Section 20 of the 1989 Act is triggered the Local Authority are under a duty to accommodate the child. **There will not be a need to refer a young person to the Local Housing Authority, or to carry out a Joint Assessment, where there is a duty to accommodate a young person under Section 20 and the young person has agreed to becoming a looked after child.**

If the young person is at risk of becoming homeless in the future, for example because of conflict within the family home, it will be for Children’s Social Work Services to determine what support is required, depending on the identified circumstances and the needs of the young person and their family. Where there is no immediate threat of homelessness within 56 days, intervention may be more appropriately led by Early Help and Preventative Services. However, if there is an immediate threat of homelessness or if the young person is actually homeless, a child in need assessment must be carried out and the child to be accommodated under Section 20, where there are no other suitable arrangements for the young person to stay with family members or other appropriate adults.

A referral under the Duty to Refer must also be made to the Local Housing Authority in England, which the young person would like the notification to be made to, providing they have agreed to both the referral and for their contract details to be supplied to the housing authority. The referral will share the young person’s name and contact details and the agreed reason for referral. The referral should also request that a Joint Assessment be carried out to assess the young person’s need for continuing accommodation and support.

The young person should be provided with the ‘Young Persons Leaflet’ (Appendix 5). A referral must also be made to the Young Lives Foundation for the young person to receive independent advocacy advice and support, which may also include being supported in person during the Joint Assessment (Tel: 01622 693459). However, the referral and provision (or delay in provision) of an advocate should not delay or hold up the Joint Assessment being carried out. The primary need must be to work towards the young person, where appropriate and safe to do so returning home, or consideration about whether they can live with wider family members. However, should this not be possible, the primary need is to also agree that that the young person is homeless and whether the young person wishes to become a child in care.

If the young person is accommodated for a continuous period of more than 24 hours the young person will become ‘looked after’.

Whilst accommodated under Section 20 the young person will not be eligible for welfare benefits, including housing benefits or housing costs under Universal Credit. Children’s Social Work Services will have a duty to maintain them, including meeting the cost of accommodation.

There are only two circumstances in which a Local Authority might find that a homeless young person should not be accommodated under Section 20 and may instead be owed duties under Housing Act 1996. These are where the young person is:

1. Not a child in need;
2. A 16 or 17 year old child in need who, having been properly and fully advised of the implications and having the capacity to reach a decision, has decided that they do not want to be accommodated under Section 20

**2.2 Young Person (16-17 years old) in Custody and at Risk of Homelessness**

In cases where it is known in advance that a young person who is serving a custodial sentence is likely to be homeless on release, it is agreed that Children Social Work Services and a Local Housing Authority representative will conduct a Joint Assessment at the custodial facility. The need for this should have ideally been identified at the Looked After Children / Detention and Training Review and the Joint Assessment completed 56 days before release, as the young person should know where they are going to be living by the final sentence planning meeting, which is ten working days prior to release. See Appendix 4 - Protocol for Joint Working between Children Social Worker Service’s and Early Help and Preventative Services (EHPS) - Joint working around and responsibilities towards young people in the criminal justice system.

The same process as outlined above will take place with the added significant difference of both agencies ensuring that they identify and secure suitable housing prior to the young person being released. The support which is going to be offered to the young person should also be highlighted at this time.

As soon as possible, and at least by the time of the final sentence planning meeting ten working days before release, the young person must be told the content of both the Care Plan and the Notice of Supervision or Licence so that s/he is aware of:

* Who is collecting him/her
* Where s/he will be living

**2.3 Care Leavers Leaving Custody**

At the point of entry into custody, the Personal Advisor will assist the care leaver with ensuring that the Universal Credit Rent Element continues to be paid, provided the sentence (custodial) is under 6 months, to ensure easy return upon release.

Twelve weeks prior to release, there will be a meeting called, chaired by the Resettlement Team, to discuss the care leavers release, including discussion of accommodation and it would be expected that the Personal Advisor attends this, alongside other key partners.

If the care leaver is a high-risk MAPPA offender, they will be able to be referred for, though not guaranteed access to upon release, Approved Premises, to enhance the efficacy of their Risk Management Plan. This will be completed at least three months prior to release, by their Offender Manager.

Fifty six days prior to release, the Prison Offender Manager or Resettlement Team responsible for the care leaver whilst in custody, will complete a referral to the Local Housing Authority on behalf of the care leaver.

Throughout the final period of three months, the Personal Advisor can explore all the usual options, for example advice, guidance and offers of suitable accommodation, where appropriate, as for any other young person supported by the KCC 18+ Service.

**2.4 First Contact with Housing Services**

Where a 16 or 17 year old approaches a Local Authority Housing service for accommodation, or help with obtaining accommodation, housing services should treat this as an application for assistance under Part 7 of the 1996 Act. Under Section 184, if housing services have reason to believe the young person may be homeless, or threatened with homelessness, they must make enquiries to determine what duties, if any, are owed to them, and make a request to have a Joint Assessment.

The Local Housing Authority should also make enquiries with Children’s Social Work Services to establish whether or not the young person is a ‘relevant child’ and owed an accommodation duty under the 1989 Act. If a young person is found to be a ‘relevant child’ immediate arrangements must be made for the young person to receive assistance from Children’s Social Work Services.

* During office hours (8.30am – 5.00pm) **-** Call [03000 41 11 11](tel:%2003000411111), or email [social.services@kent.gov.uk](mailto:social.services@kent.gov.uk)
* Out of Hours - call [03000 41 91 91](tel:%2003000419191).

The Local Housing Authority should make enquiries to establish the reason why the young person maybe homeless or threatened with homelessness, including contacting any excluder, where it is appropriate to do so. Attempts should also be taken to negotiate for the young person to remain at home, or to stay with another family member or other appropriate adults, until a referral to Children’s Social Work Services and the Joint Assessment takes place their needs, where the young person’s need for continuing accommodation and support, will be further assessed.

To make a referral to Children’s Social Work Services for a Joint Assessment the Local Housing Authority should complete the Request for Support form on the Kent Integrated Children’s Social Work Services Portal <https://kccchildrens.kent.gov.uk/web/portal/pages/home>

The Local Housing Authority should determine whether a Prevention Duty (S.195) or Relief Duty (S.189B) is at this point owed to the young person.

If the young person is eligible for assistance and it has not been possible to negotiate for the young person to remain at home and there is no other family member or appropriate adult the young person can stay with, by virtue of being 16 or 17 years old the young person may have a priority need, and the Local Housing Authority will have an immediate duty to secure interim accommodation (Section 188(1) of the 1996 Act).

In considering the suitability of accommodation Local Housing Authorities should bear in mind that 16 and 17 year olds who are homeless and are estranged from their family may be particularly vulnerable and in need of support and **should not** be placed within bed and breakfast style accommodation.

If the outcome of the initial housing authority assessment is a finding that a young person is homeless but not eligible for housing assistance, arrangements must be made for the young person to receive assistance from Children’s Social Work Services.

Approaches from Care Leavers

Where the young person has made an approach directly to housing and is stating that they are a care leaver, the housing service should seek to establish and confirm with the Kent 18 + Care Leaver Service who is the Personal Advisor for the care leaver.

If the young person has been closed to the Kent 18 + Care Leavers Service but is still eligible for support as a care leaver under Sections 23 and 24 of the Children’s Act 1989, the young person will be allocated with a Personal Advisor.

If it is determined that the young person is eligible for assistance and is either homeless or threatened with homelessness, they shall be owed the relevant duties under Part 7 of the Housing Act 1996 (as amended).

The housing officer and the Personal Advisor should work collaboratively to best support the young person

**2.5 First Contact with Front Door Service**

Where the Front Door service receives a referral from the Local Housing Authority, or referral from another source, for a 16 or 17 year old, where the young person is homeless or at risk of homelessness, the Front Door service will check whether the young person is already open to Children’s Social Work Services and has an allocated social worker.

Where the young person is already open to Children’s Social Work Services and is a ‘relevant child’, the Front Door Service will notify the young person’s social worker. If the referral has been made by the Local Housing Authority, the Front Door will inform referrer of the young person’s relevant child status.

If the young person is not already open to Children’s Social Work Services the Front Door will allocate the referral to the Adolescent Support Team (AST) to start the process of completing a C&F assessment and will arrange to meet with the young person as a priority (same day response). AST will also contact the Children, Young People and Education service to support the assessment process with a view that the Children, Young People and Education service help may well be able to support the young person returning safely home through ongoing CIN / Early Help and Preventative Services support.

Where it is clear following this initial meeting and through the assessment process that the young person is homeless and unable to return home the social worker will notify the Local Housing Authority and request a Joint Assessment, and for this assessment to be completed within three working days of the request.

**2.6 16 and 17 year olds from one local authority area who seek assistance from Children’s Social Work Services in another local authority area**

When a 16 or 17 year old who is living in one local authority area moves to another local authority area and seeks assistance from Children’s Social Work Services in that local authority, the duty to assess falls on the authority area in which the young person is. The authority cannot refuse to consider the young person’s immediate needs and expect them to return to the authority in the area presumed to be their ‘home’ district.

An initial interview, perhaps combined with enquiries in the area where the young person came from, should be enough to establish their connection with the area where they have sought help and their reasons for seeking help there rather than in their ‘home’ district. These enquiries may be able to establish whether it may be possible for the young person to return to the ‘home’ district. For example it might be possible for the authority where the young person seeks help to negotiate with their ‘home’ authority to take over the assessment of the young person’s needs, this would ensure that the young person is assessed in a familiar setting close to their family and friends.

It is essential that disputes about responsibility for the young person in the medium term should not get in the way of the authority that received the young person’s request for assistance responding to the young person’s immediate needs. The young person concerned must not be passed between Local Authorities and services whilst a decision is reached about which authority is responsible for assisting them.

**2.7 Contact / Support (Same Day)**

When a referral has been received by the AST they will endeavour to meet with the young person to gain information relating to their homeless presentation on the same day. All attempts should be made to immediately mediate for the young person to return home, unless there are safeguarding issues which cause concern for the professionals involved and the risks require alternative provision to be in place. A conversation with the parent or carer will be held to facilitate the young person’s return. Further follow up with the family through either telephone conversations or home visiting will be considered where necessary to ensure that the home situation is sustained and to reduce repeat homelessness presentations. The local area AST team will also contact the relevant Early Help and Preventative Services District team and request a Joint Children and Families Assessment.

**2.8 Home Visit (Same Day)**

If a verbal agreement between the young person and the parent or carer for an immediate safe return home cannot be achieved, a home visit will then be arranged by the AST to take place on the same day. This will enable a further evaluation of the situation and mediation to return home. The intended outcome from this contact is for the young person to be returned home. The only reasons for the young person not returning home are:

* It is considered unsafe for the young person to return home immediately
* There is no home for the young person to return to (i.e. the parents have abandoned the young person)
* The young person refuses to return
* The parents or carer refuses to allow the young person to return

A family arrangement should be explored with the young person and their family members if the young person is unable or unwilling to return to their immediate family i.e. staying with extended family members / friends. If at this stage it is clear that the young person is genuinely homeless and no alternative arrangements can be found then the Children, Young People and Education service may provide emergency accommodation (Section 20), whilst also contacting the Local Housing Authority to request a Joint Assessment. This assessment will then be completed within three working days.

**2.9 Return Home and Wrap around Support to Prevent Repeat Homelessness**

If the young person returns home the Children, Young People and Education service will assess through the Children and Family Assessment process whether any further support is needed for the young person or the family to prevent a repeat homelessness presentation and will make arrangements to put the support in place promptly. Discussions with the young person and their family about further support as a CIN (including referral to Family Group conference service, where appropriate) or support through Early Help and Preventatives Services will be held.

**2.10 Non-Return Home**

If the young person can go home but refuses to do so and no alternative family arrangement is available the Children, Young People and Education service will discuss with the young person the need for a Joint Assessment by the Children, Young People and Education service and the Local Housing Authority which will be undertaken within three working days

**2.11 If the Young Person Refuses to Engage with Children’s Social Work Services**

Section 20(6) of the Children Act 1989 states:

(6) Before providing accommodation under this section, a Local Authority shall, as far as is reasonably practicable and consistent with the child’s welfare;

(a) Ascertain the child’s wishes and feelings regarding the provision of accommodation; and

(b) Give due consideration (having regard to the age and understanding of the young person) to such wishes and feelings of the child as they have been able to ascertain.

A young person cannot be compelled to engage with the Children, Young People and Education service. If they refuse to engage and remain homeless then the homelessness legislation stands alone. A young person should be offered support through Section t17 and understand that they can have support to meet their needs without being accommodated under Section 20. The young person making a decision not to engage with the Children, Young People and Education service would therefore have no Section 20 duty owed but may still meet the priority need category under Homeless legislation. A Section 20 refusal by a young person is also not grounds for an intentionally homeless decision.

If a young person subsequently refuses a Section 20 duty, the Children, Young People and Education service must inform the Local Housing Authority formally. The young person should also be advised to contact the Local Housing Authority and assisted to do so, and also be advised of independent advice provided by agencies such as CAB, Shelter and Action for Children. The young person can revisit this decision at a later date if they continue to be vulnerable.

However it should be noted that if a return home has been assessed as safe to do so for the young person but they refuse to return, this could be interpreted as making themselves intentionally homeless and therefore the Local Housing Authority no longer owes them a housing duty.

In terms of best practice, it is important to ensure that every effort is made to ensure the young person understands their options and the consequences of the decision they are taking.

A young person should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages and coming to a balanced decision.

Where there is any doubt about a 16 or 17 year olds capacity to judge what may be in his or her best interests, e.g. whether they should become looked after or seek alternative assistance, there must be a further discussion involving the Children, Young People and Education service, the Local Housing Authority, the young person concerned and their family, to reach agreement on the way forward.

If, in the course of their homelessness investigation the Local Housing Authority become aware of any possible safeguarding concerns they will obviously need to refer to the Children, Young People and Education service even if the young person does not want them to, explaining what they are doing and why.

**2.12 Outcome of Statutory Assessment**

If the young person refuses an assessment or assessed status to become ‘looked after’ or a ‘child in need’, they will be referred to the relevant Local Housing Authority for alternative suitable accommodation as available. Wrap around support from the Children, Young People and Education Service can be provided where a young person is refusing Section 20 accommodation; services can be provided alongside the Local Housing Authority under Section 17 of the Children Act 1989.

During any part of the Children and Families Assessment the relevant member of the Children, Young People and Education service staff may contact the relevant housing representatives and arrange a joint interview with the young person in order to establish a joint view of their circumstances and feelings.

In some cases, it may not be necessary for the young person to be accommodated by the Local Housing Authority, if the young person can stay safely in the short term with friends or another family member or some other temporary arrangement.

Any other referring agency or partner organisation involved with the young person will also be contacted, as will the young person’s parents or those with parental responsibility for the young person, if it is safe to do so and the young person consents. Consideration for a Family Group conference will also be considered to help establish if there is any extended family support that can be provided to support the young person.

At the earliest opportunity the Children, Young People and Education service will inform:

* Housing, Early Help and Preventative Services and any other referring agencies of their decision.
* The young person and where relevant their parent or carer and inform them of their right to complain if they are unhappy with the decision.

**3. The Joint Assessment**

**3.1 Timescales**

Where a request for a Joint Assessment has been made, this should be completed within three working days of the request. The written outcome should be shared with the Local Housing Authority within five working days of the Joint Assessment taking place.

**3.2 Independent Advocacy**

Prior to the Joint Assessment taking place the young person should have been referred for advocacy advice and/or support through The Young Lives Foundation, including support in person during the Joint Assessment.

It should be noted in the record of discussion outcome (Appendix Four) whether the young person received any advice and/or advocacy support prior to, or during the Joint Assessment.

**3.3 Mental Capacity Concerns**

It is essential that the young person at the point of the Joint Assessment have all options explained to them and the implications of their choices are explained to them, so that they can make clear informed decisions. If there are concerns at this stage about the young person’s capacity to make informed choices, through mental illness / drug / alcohol misuse then consideration will be given to the Mental Capacity Act 2005.

**3.4 Addressing Safeguarding Concerns**

If, at any time during this process, it is identified that it is unsafe for the young person to return home, a formal statutory Social Work Assessment will be completed by the AST team and where there is suspected abuse a social worker will contact the Police for a strategy discussion and consideration to Section 47 investigation. The Children, Young People and Education service will ensure that the statutory guidance regarding homeless 16 and 17 year olds is followed:

[https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/826 0/Provision\_20of\_20accommodation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/826%200/Provision_20of_20accommodation.pdf)

**3.5 Joint Assessment Interview**

It is the responsibility of Children’s Social Work Services to take the lead on the Joint Assessment This should be conducted by a qualified social worker and not a social worker assistant. The role of the Local Housing Authority Housing service, within the Joint Assessment is to support the social worker with assessing the needs of the young person and to advise the young person of the assistance available to them should they decline Section 20 accommodation.

It is essential that the young person receives accurate information about what assistance may be available to them. The social worker leading the assessment must provide realistic and full information about the package of support that the young person can expect as a looked after child and, subsequently, as a ‘former relevant’ care leaver (as defined in section 23C (1) of 1989 Act). If they are not looked after for the prescribed period, the young person leaving care would be a ‘person qualifying for advice and assistance’ as set out in section 24 of the 1989 Act. The Local Housing Authority housing representative should provide accurate information about what assistance would be available to the young person if they declined Section 20 accommodation under Part 7 of the 1996 Act.

The considerations a young person needs to be made aware of, should they decide on being assisted by the Local Housing Authority are:

* Duties on housing services to undertake an assessment, develop a Personalised Housing Plan and to take steps to help the applicant retain or secure accommodation (Sections 195 and section 189B of the 1996 Act),
* The requirement on the applicant to cooperate and for applicants to take steps themselves as set out in a Personalised Housing Plan (Section 193B and section 193C of the 1996 Act),
* The ‘accommodation offer’ under the relief duty – suitable accommodation which may include supported accommodation, which has a reasonable prospect of being available for occupation for at least 6 months (Section 189B and Section 195 of the 1996 Act),
* The implications of turning down offers of accommodation that are suitable (Section 193A of the Housing Act 1996),
* The possible risk of being found or becoming intentionally homeless in the future (Section 191 of the 1996 Act),
* Their right to request a review of decisions (Section 202 of the 1996 Act).

It is important to stress and reiterate the message that all professionals who are working with the young person have a responsibility to ensure the access to inclusive independent advice, which will enable all young people who find themselves at risk of being homeless or are homeless, to make informed decisions and choices across all elements of their life.

The fact that a young person may be reluctant to engage with the Children Act Assessment process is not in itself a basis for assuming that the young person has rejected any Children’s Social Work Services’ intervention to provide them with accommodation. Lack of co-operation is not a reason for the Local Authority to not attempt to carry out its duties under the 1989 Act. In these circumstances, the assessment will need to involve careful recording of how the authority has attempted to engage with the young person to assess their needs in order to determine and provide appropriate services. Ultimately, it is not possible to force services on young people who persistently continue to refuse them.

The assessment of the young person during the Joint Assessment and outcomes should be recorded on the Joint Assessment form (Appendix Three), so that there is an accurate record of the assessment. This should be signed by all parties attending the Joint Assessment, including the young person, their advocate (if applicable), and social worker and housing representative.

**3.6 Outcome of Joint Assessment**

Where Children’s Social Work Services have decided that a Section 20 duty is not owed, or the young person does not wish to be accommodated, housing services duties under Part 7 of the 1996 Act will continue, and where possible with access to supported housing available within the authorities area. This will also include taking over any duty to provide interim accommodation to the young person, where Children’s Service’s may have been providing emergency accommodation under Section 20.

The Children’s Social Work Services social worker conducting the Joint Assessment should refer the young person into the Young Persons Supported Accommodation and Floating Support Service (YPSAFSS) both consideration for any suitable supported accommodation and for floating support.

In any case, where a Local Housing Authority provides accommodation for a child in need, including where the young person has declined to be accommodated under Section 20, Children’s Social Work Services will need to consider the provision of services under Section 17 of the 1989 Act, set out in a child in need plan, and continue to work with housing services to ensure the young person’s needs are met.

Where any safeguarding concerns emerge during their work undertaken with a 16 or 17 year old, the Local Housing Authority must make a referral to Children’s Social Work Services according to local safeguarding procedures.

**3.7 Further Referral to Children’s Social Work Services**

There may also be circumstances in which a further referral is needed to Children’s Social Work Services, even after a young person has declined to be accommodated under Section 20. This includes where the young person who has declined to become looked after and has been assisted by the Local Housing Authority under homelessness legislation, but subsequently loses accommodation or are no longer owed a duty by housing services, such as having been found to be intentionally homeless, or having refused a final accommodation offer or final offer of Part 6 accommodation.

Where a further referral has been made to Children’s Social Work Services a further Children and Families Assessment will need to be undertaken and an offer of accommodation under Section 20. If a young person again declines to be accommodated under Section 20, accommodation can be provided to the young person under Section 17.

**4. Prevention Help and Support**

**4.1 Children in Care Charter**

The Charter for Care Leavers[[5]](#footnote-5) was published by the Department for Education and subsequently launched by the Children's Minister during National Care Leavers’ Week in 2012. The Charter is a statement setting out the values and principles that should underpin the actions and decisions of all professionals who have a remit to work with care leavers. It also sets out through over-arching principles how the experiences of care leavers can be improved, including the stages of preparation and transition into their adult life. The principles embedded in the Charter are fully embedded in the new Care Leavers' Covenant, which was announced by the Children’s Minister in 2016.

**4.2 Kent County Council Local Offer for Care Leavers**

Kent County Council have produced their local offer document ‘Our Local Offer, 2018-2022’ for care leavers, a single document which clearly sets out the objectives of how to inform care leavers about what they are entitled to and what KCC can expect from them <https://www.kent.gov.uk/about-the-council/strategies-and-policies/childrens-social-work-and-families-policies/care-leavers-local-offer>.

The aim of this single document is to enable and assist care leavers in making the most of the services that are available to them in Kent and to make the most of their independence (see Appendix Five – Care Leaver Accommodation Types and Referral Routes). The Kent local offer is available to all eligible care leavers and the local offer and subsequent document was consulted upon with the Young Adult Council who advised of their views and opinions on the content.

This offer is open to:-

* Eligible young people aged 16 or 17 who have been looked after for a period or periods of time, start care after the age of 14, or are still in care
* Relevant young people aged 16 or 17 who are no longer looked after, having previously been in a category of an eligible young person
* Former relevant young people aged 18 to 25 who have left care having previously either been eligible, relevant or both.

Within the above Care Leaver Local Offer document, is detail on various forms of financial support available to eligible care leavers, as defined above, in respect of supporting them to access suitable accommodation. This includes:

* One time offer of payment of rent in advance to access a suitable, affordable property to prevent or address homelessness and support a transition towards independence.
* One time offer of a deposit to support with access to a property as above, for use in typical situations re: security deposits for rented properties. If any part of this payment is returned either to the care leaver or to the Care Leavers Service, this can be reutilised by the care leaver in another address.

Separate to this Local Offer, the KCC 18+ Care Leavers Service now also offers, as part of a pilot scheme and on a case-by-case basis, a Corporate Guarantor, whereby if a young person qualifies by virtue of being in legal, contracted, paid employment for a minimum of 8 hours per week, they can have KCC stand as guarantor for their rent only for a period of up to 12 months. This will be granted or refused based on an affordability and suitability assessment conducted by the Personal Adviser for the care leaver and authorised by the Head of Service, where accepted. As this is currently a pilot scheme, it is subject to ongoing review, amendment and possibly cessation.

* 1. **Prevention of Homelessness of Care Leavers**

Where it can be identified that a care leaver is at risk of homelessness, either due to the scheduled end of a placement of supported or other accommodation provision provided by the KCC 18+ Care Leavers service, or by some action or inaction on the part of the care leaver or other party, the KCC 18+ Personal Adviser will have a responsibility to inform the relevant Local Housing Authority as soon as possible, up to six months in advance of this date by completing a Duty to Refer.

Following the completion of the Duty To Refer the Local Housing Authority in receipt of the aforementioned should liaise with the care leaver and their Personal Adviser to ensure the offer of a Joint Assessment to discuss and consider all available accommodation options which the care leaver may be able to access is made, and to provide the care leaver with the required information to enable them to make an informed decision on how best to avoid future homelessness, as well as to understand any duties which may be owed in respect of homelessness prevention. At this meeting, the Joint Assessment (Appendix 3) should be completed and shared between all parties for the purpose of uniformity of information and understanding. If the Personal Adviser and care leaver then decide to make a KCC 18+ Care Leavers Personal Housing Plan based on the information and decisions contained therein, this should be shared with all parties for the above purpose.

**4.4 Care Leavers living Outside the Children’s Social Work Services Authority Area**

Where it is identified by a Personal Adviser for a care leaver that the care leaver is homeless and residing outside of Kent, every effort will be made to support that care leaver to understand the potential benefits of returning to Kent, where they exist, to engage more effectively with support which might also be more available due to local connection, but also to engage with those services and agencies local to their chosen area of residence, including the Local Housing Authority, if this is where they state they wish to remain. The Personal Advisor should make every reasonable effort to support a care leaver to remain in the area they have identified as ‘home’, provided this is does not present significant concerns for their safety and/or wellbeing and respecting identified ‘duties’ as they are determined.

Engaging with other Local Housing Authorities may require negotiation on the part of both the KCC 18+ Service via the Personal Advisor, but also the Kent Local Housing Authority, in respect of identifying whether it is possible and reasonable to attempt to facilitate a reciprocal housing agreement between the Kent Local Housing Authority and other Local Housing Authorities, to support the Kent care leaver to remain in the area.

**4.5 Accommodation Options for 21-25 year old Care Leavers**

Once a care leaver reaches 21 years old, the support provided differs to that provided prior to them being 21 years old, in so far as they become fewer. A care leaver over the age of 21 will lose access to:

* KCC shared accommodation. This is a ‘time-limited’ accommodation which is only accessible to care leavers for up to two years, or until the age of 20 ½ years.
* Young Persons Supported Accommodation and Floating Support Service (unless engaged in employment, Education, or training).
* Staying Put / SLODs (unless in higher education).

Upon the age of 25, with all support from the service coming to an end, all accommodation options and support to access these are withdrawn by the KCC 18+ Service.

**4.6 Move-On Accommodation**

Social Housing

Access to social housing is determined by individual Local Housing Authority’s Allocation Schemes and by Part 6 of the Housing Act 1996 (as amended).

Local Housing Authorities should ensure that care leavers are suitability prioritised under their Allocations Scheme to support with the move-on of care leavers and to prevent them from becoming homeless and that there is adequate consideration given to:

* Commitment and access to Floating Support for care leavers moving into independence.
* The process followed between Children’s Social Work Services and the housing authority to support care leavers to apply for social housing.
* How allocation scheme residency criteria are applied to care leavers (see below).
* The age when care leavers in care can join the housing register and any specific arrangements that are in place. For example, care leavers may be able to register for social housing before they turn 18 years old, with the option that their applications are not made until they are ready to live independently.
* The level of priority care leavers are awarded in the allocations scheme in order to effectively manage their move into settled housing in a timely manner.
* How the care leavers’ readiness to manage a tenancy is assessed and agreed, including reference to any local tenancy readiness programmes.
* How care leavers are supported to bid for properties (where choice-based lettings applies), and to take up their tenancy once a property is offered to them.
* Access to additional floating support services where available. Care leavers are more likely to need support to set up and manage their new home, particularly in the first months.
* How the Local Housing Authority allocates social housing to care leavers who have moved away e.g. to attend university but wish to return to their home authority.
* Reciprocal housing arrangements between authorities to share ‘demand’ across county.

An application should be made to join a Local Housing Authorities housing register by applying online at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk)

Private Rented Sector

Prior to a care leaver moving into Private Rented Sector accommodation, a Personal Advisor should make every reasonable attempt to visit, either physically or virtually, the accommodation to assess suitability. Where concerns are present, the Personal Advisor should communicate these to the care leaver and to their manager, as it may be necessary to decline payments required for the care leaver to access said property, if unsuitable.

Whether the Private Rented Sector accommodation has been sourced by and paid for entirely by the care leaver, or they have had some support, they will remain eligible for a provision of Floating Support via the YPSA/FS contract as previously outlined. This will be for a short period of up to three months upon first moving in, to overcome the numerous challenges present for many at the first point of independent living.

Once a care leaver has accessed independent accommodation within the Private Rented Sector, their PA will offer them support and guidance with respect of sustaining their tenancy. The care leaver will also be able to continue to access the support of the Specialist Housing Workers within the KCC 18+ service, for additional support and planning as required. The Personal Advisor will liaise with their landlord where required to ensure that oversight on their progress in meeting their responsibilities as a tenant, but also to provide support to any challenges which might be being faced by the care leaver, due to actions or inactions on the part of their landlord or agent. The Personal Advisor will act as a single point of contact for dispute resolution where required.

Alternative Payment Arrangements (APAs) should be considered for all care leavers to enable the housing costs component of Universal Credit to be paid direct to the landlord where appropriate, though it may be decided that it is in the best interests for the development of the care leaver that these are not put into place.

Budgeting plans to assist with day to day budgeting or where a care leaver is struggling to manage rent or other costs will remain available from workers, within both the Local Housing Authority and the KCC 18+ service, whenever these are required by a care leaver.

As the care leaver may have a limited income, it is vital that they be aware of the possible impact of a reduction in the amount of housing cost payments they receive via the Local Housing Allowance. The Shared Accommodation Rate (SAR) limits the level of housing costs available to care leavers through housing benefit or Universal Credit to the cost of a room in a shared house. Care leavers are exempt from SAR until they reach the age of 22. From October 2023 the SAR exemption for care leavers will be extended to 25 years old, as announced in the Budget of February 2020.

Should it be identified by any party supporting the care leaver with maintaining their accommodation, that the care leaver is likely to be adversely affected by this change it could have a negative impact on their ability to remain housed in their current accommodation, an application for a Discretionary Housing Payment should be made at the earliest point, for an appropriate amount/period required to support the care leaver to address their income needs and avoid homelessness.

To ensure that the necessary payments are sustained and homelessness avoided, it will be an expectation of all partners that landlords and agents notify all relevant parties when a care leaver maybe facing difficulty in sustaining their tenancy, via non-payment, behaviours, or other factors at the earliest possible opportunity.

As well as this advice and support from the Personal Advisor and additional practical support from the Housing Specialists within the KCC 18+ Service, there are many resources for independent learning available through the KCC 18 + service which the care leaver can request at any time to support their development in this area.

Suitability of Accommodation

The suitability of accommodation for care leavers is provided in the Children Act 1989: Care Planning guidance – volume 2 (pages 74 – 80) and volume 3 (7.12 – 7.18). Where the care leaver is homeless, a Local Housing Authority must have regard to suitability of accommodation provided for them as set out in the Homelessness Code of Guidance – chapter 17 and in sections 22.24 to 22.29.

**5. Intentional Homelessness**

Intentionally Homeless defined by [Section 191(1)](https://www.legislation.gov.uk/ukpga/1996/52/section/191) of the Housing Act 1996. It provides that a person becomes homeless intentionally if **ALL** of the following apply:

(a) They deliberately do or fail to do anything in consequence of which they cease to occupy accommodation; and,

(b) The accommodation is available for their occupation; and,

(c) It would have been reasonable for them to continue to occupy the accommodation.

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

A person must be treated as homeless intentionally if:

(a) The person enters into an arrangement under which they are required to cease to occupy accommodation which it would have been reasonable for the person to continue to occupy; and,

(b) The purpose of the arrangement is to enable the person to become entitled to assistance under Part 7; and,

(c) There is no other good reason why the person is homeless.

When considering intentionally homelessness Local Housing Authorities should take particular care when assessing whether 16-17 year olds are to be considered intentionally homeless from their family home or from accommodation provided for them. For an applicant to be intentionally homeless the actions or omissions that led to their becoming homeless must have been deliberate. Housing authorities will need to be mindful that a homeless 16 -17 year-old might not have the ability to understand the full consequences of their actions and choices that would be expected of an adult.

The Homelessness Code of Guidance (section 22.17) states that Local Authorities should do all they can to avoid the impact of intentionally homeless decisions on care leavers; and through joint working between housing and Children’s Social Work Services consider the needs and vulnerabilities of the young person. This would include considering the young person’s emotional and mental well-being, maturity, and general ability to understand the impact of their actions.

Before reaching an intentionally homeless decision for a 16 -17 year old or care leaver, the Local Housing Authority should ensure enquiries are made with the Children Social Work Team and/or KCC 18 + Care Leavers service and have regard to any Adverse Childhood Experiences (ACE’s) that the young person may have suffered that may have led to their deliberate act.

**6. Protocol Governance**

**6.1 Resolution of Disputes and Professional Escalation Policy**

This protocol is intended to minimise disputes and encourage open and respectful dialogue as well as promoting collaborative work and opportunities for joint work between Local Authorities and Kent County Council.

Differences in opinion over the responsibility and proposed actions undertaken should be dealt with by the caseworker in each team/service. If the issue cannot be resolved at this level the matter should be referred jointly to the respective team managers for resolution. All dispute resolution and resulting decisions will be taken in the spirit of this protocol and recognising the need for effective interagency working.

Should the matter remain unresolved, then the matter will be referred to Heads of Service for each service involved and if appropriate legal advice may be taken.

The Kent Safeguarding Children Board ‘Kent - Resolving Professional Disagreements and the Escalation of Professional Concerns’ should be followed - <https://www.proceduresonline.com/kentandmedway/chapters/p_resolution.html>

**6.2 Governance Arrangements and Monitoring**

The protocol will be subject to an operational review end of September 2021 and evaluation process which will be overseen by the Kent Housing Options Group, subgroup of the Kent Housing Group. The impact of the protocol will be regularly monitored by Children’s Social Work Services and the responsibility sits with the Corporate Parenting, Assistant Director who will ensure collaboration across internal Children’s Social Work Services Departments. Updates on the protocol will be agreed through:

* Kent Housing Group
* Kent Housing Options Group
* Joint Kent and Medway Chief Executives Group
* Appropriate management groups within partner organisations

Lead responsibility for quarterly monitoring and reporting on the implementation of the Protocol will be the Kent Housing Group and Kent County Council Children’s Social Work Services; the following will also be accountable for contributing to the **annual review**:

* Assistant Director for Corporate Parenting including as necessary information from Assistant Director responsible for the Central Referral Unit, KCC
* Kent Housing Options Group
* KCC Management Information Unit
* Commissioners of Children’s Social Work Services, KCC

In response to the Covid-19 pandemic and any future instances when providing face to face support and processes is not possible, a supplementary health and safety advisory sheet/guide will be developed to aid all processes, including the joint assessments to be undertaken ‘digitally’.

**6.3 Information Sharing Governance**

All parties will adhere to the Government guidance ‘Information Sharing, Advice for practitioners providing safeguarding services to children, young people, parents and carers’. This guidance was updated since the 2015 publication to reflect the General Data Protection Regulation (GDPR) and Data Protection Act 2018, which can be viewed using the following link:

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf>

**6.4 Data Sharing**

In line with the General Data Protection Regulation GDPR and the Data Protection Act 2018 all partners will only share personal information where, there is an explicit, legitimate reasons to share and use personal information, and only share that information relevant to and adequate to that purposes; individuals have been informed why and how their information will be share, including identifying the lawful basis for sharing the information; personal information will only be held for the minimum time necessary for the purposes for which the information was obtained; appropriate technical and organisational measures are taken to prevent loss of or damage to the personal information; and good governance and record keeping procedures concerning the processing of personal information is in place.

**6.5 Privacy Notices**

Kent County Council (KCC) have a detailed Privacy Notice which is found on their website[[6]](#footnote-6) and this notice explains what personal data (information) is held by KCC about the young person, how it is collected, how it is used by KCC and how they may share information about the young person. KCC are required to give young people this information under the Data Protection law.

Each Local Authority will have their own Privacy Notices that are published on their individual websites, these notices, as with the afore mentioned set out what personal data is held and collected by the Local Authority and how it is used and shared to enable the administration of housing services, both landlord and tenant services.

**6.6 Glossary**

|  |  |
| --- | --- |
| Advocate | An advocate can offer advice and support to a young person. The main purpose of the advocate is to enable the young person to express their wishes and feelings. |
| Care Leaver | A care leaver is a young person aged 16-25 years old who has been 'looked after' at some point since they were 14 years old, and were in care on or after their 16th birthday. |
| Care Pathway Plan | A Care Pathway Plan prepared soon as possible after an assessment by a Social Worker, areas covered in the care plan could include: accommodation, practical life skills, education and training, employment, financial support, specific support needs and contingency plans for support if independent living breaks down. |
| Child in Need | A young person who is unlikely to achieve or maintain or have the opportunity to achieve or maintain a reasonable standard of health or development without provision of services from the Local Authority; their health or development is likely to be significantly impaired, or further impaired, without the provision of services from the Local Authority; they have a disability. |
| Children Act 1989 | The Children Act 1989 manages what local authorities, courts, parents, and other agencies in the UK are doing to ensure that children are safeguarded. |
| Citizens Advice Bureau | Citizens Advice (previously Citizens Advice Bureau) is a network of 316 independent charities throughout the United Kingdom that give free, confidential information and advice to assist people with money, legal, consumer and other problems. |
| Data Protection Act 1998 | The Data Protection Act (DPA) controls how personal information can be used and your rights to ask for information about yourself. |
| Department for Education | The Department for Education is responsible for children’s services and education, including early years, schools, higher and further education policy, apprenticeships and wider skills in England. |
| Duty to Refer | A duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams, effective from the 1st October 2018. |
| Emergency Accommodation (E-Beds) | Emergency housing is short-term accommodation for people who are homeless or in crisis. At an emergency housing facility, you can get basic necessities, such as a place to sleep, shower, do laundry, get clothing, and eat or get money for food. |
| Floating Support Service | This service aims to help people remain independent by offering support at home to people with a range of different needs. |
| Homelessness Reduction Act 2017 | Legislation that sets out the statutory responsibility of local authorities for assisting homeless households. |
| Housing Benefit | Housing Benefit is a means tested social security benefit in the United Kingdom that is intended to help meet housing costs for rented accommodation. |
| KCC Integrated Front Door Service | The new Integrated Front Door is operational from Monday 1 October 2018 to access support for children, young people and families requiring intensive or specialist support at levels 3 and 4. (<https://www.kelsi.org.uk/special-education-needs/integrated-childrens-services/front-door> ) |
| Intentionally Homeless | Being 'intentionally homeless' means that your homelessness, or threatened homelessness, was caused by something that you deliberately did or failed to do. |
| Interim Accommodation | Interim accommodation is another term for emergency accommodation and it should only last for a short time. |
| Joint Assessment | A joint procedure between Housing and Children’s Social Work Services for the Assessment of Housing and Support needs of Homeless or likely to become homeless 16- and 17- year-olds. |
| Local Housing Authority | Authorities with direct responsibility for delivery housing within their areas, in Kent this is the district and boroughs and Medway Unitary Authority. |
| Looked after Child | A looked after child, sometimes also referred to as LAC or Children in Care, are children or young people who have been under the care of the local authority. To be eligible they should have been in care for 13 weeks after the age of 14, with at least one day in care after 16. |
| MCHCLG | MHCLG (Ministry of Communities Housing and Local Government) is a ministerial department, supported by 13 agencies and public bodies. |
| Personal Advisor | As a Personal Advisor, you will provide a direct service to young people preparing to leave local authority care and will ensure continued support is offered to care-leavers in the community. |
| Personal Housing Plan | Local Housing Authorities will conduct an assessment with all eligible applicants who are homeless or threatened with homelessness and develop a personalised housing plan with them. The assessment of an applicant's support needs should be holistic and comprehensive. |
| Prevention Duty | A duty on local housing authorities to work with people who are threatened with homelessness within 56 days to help prevent them from becoming homelessness. |
| Priority Need | Is a test which a homeless person needs to pass for the Council to decide what help with housing that they might be entitled to. |
| Relevant Child | Is a young person who: Left care on or after their 16th birthday; have been in care from the age of 14 for at least 13 weeks (this does not need to be continuous). This means that at one point you were a looked after child for a period of time, but are not looked after anymore. |
| Relief Duty | The relief duty applies when a local housing authority is satisfied that an applicant is homeless and eligible for assistance. |
| Unaccompanied Asylum Seekers | Unaccompanied Asylum Seeking Children (UASC) are children and young people who are seeking asylum in the UK but who have been separated from their parents or carers. |
| Universal Credit | Universal Credit is a payment to help with living costs, it is paid monthly and to be eligible you need to be on a low income or out of work. |

**Appendix One – Children’s Social Work Services Legislation**

Section 17 of the **Children Act 1989** states that every local authority has a duty 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 and their families by providing a range and level of services appropriate to those needs.

Section 17(10) of the Children Act 1989 Act defines a child in need if:

* They are unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without which the provision for them of services by a local authority under this Part; or
* Their health or development is likely to be significantly impaired, or further impaired, without the provision for them of such services; or
* They are disabled.

The duties described in Section 17 apply to all children in need in the area of the Local Authority. A child is any person under the age of 18 (Section105 (1) of the 1989 Act).

Section 20(1) of the **Children Act 1989** states that every Local Authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:

* There being no person who has parental responsibility for them; or
* Being lost or having been abandoned; or
* The person who has been caring for them being prevented (whether permanently, and for whatever reason) from providing suitable accommodation or care.

In addition, even if the criteria in Section 20(1) do not apply,

Section 20(3) requires that every Local Authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority considers is likely to be seriously prejudiced if they do not provide the young person with accommodation.

Section 20(4) provides that a Local Authority may provide accommodation for any child in their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child’s welfare.

Local Authority duties for accommodating young people under this section are not simply a matter for local policy. The duty is engaged whenever a child in need in the Local Authority’s area requires accommodation as a result of one of the factors set out in Section 20(1)(a) to (c) or in Section 20(3).

Where a young person in need requires accommodation as a result of one of the factors set out in Section 20(1) (a) to (c) or Section 20(3) then that young person must be provided with accommodation. As a result of being accommodated by Children’s Social Work Services for a continuous period of more than 24 hours the young person will become looked after, and the local authority (Social Work Services) will owe them the duties that are owed to all looked after children, and once they cease to be looked after, the duties that are owed to care leavers under that Act.

There is a clear legal framework for co-operation between KCC and the District and Borough Council’s to meet the needs of children and young people. Section 27 empowers Local Authorities to ask other authorities, including any Local Housing Authorities for “help in the exercise of any of their functions” under Part 3; the requested authority must provide that help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of any of their own functions.

Section 20(5) a Local Authority may provide accommodation for any person who has reached the age of sixteen but is under twenty-one in any community home which takes children who have reached the age of sixteen if they consider that to do so would safeguard or promote their welfare.

**18+ Care Leavers**

Care Leavers the **Children Act 1989** and its support regulations and statutory guidance place a legal duty on Local Authorities to provide support for care leavers. The Local Authority is the “corporate parent” for children in care and therefore has a responsibility for their wellbeing. The precise level of care required by each care leaver will depend on their assessed needs and on their leaving care “status”, as defined by statute.

The 2010 (and 2011, 2014) regulations set out under Volume 3 of the Children Act 1989 have strengthened an emphasis on leaving care as being a transitional period rather than something that occurs at a point in time. Care leavers are expected to receive support from their responsible authority (the Local Authority that last looked after them) up to their 25th birthday if they so wish and are eligible. All financial support and responsibility previously owed to a care leaver by the KCC 18+ Care Leaver Service ceases on the day of their 21st birthday and the support provided is adjusted to reflect an approach of advice and guidance for the care leaver, to best access support and services from other agencies to assist with ongoing need. There may be exceptional circumstances experienced by a care leaver during which it is judged necessary by the service to continue a provision of support at cost to the KCC 18+ Care Leaver Service, for the wellbeing of the care leaver. The aim of such continuing support is to ensure that care leavers are provided with comprehensive personal support so that they achieve their potential as they make the transition to adulthood.

KCC has developed a new policy for young people leaving care which contains full information on allowances related to accommodation and principles of good practice:[[7]](#footnote-7)

Connection and Belonging corporate parents ensure that provision is appropriate, person-centred with sustained support. Care leavers are supported to develop positive personal and professional support networks and relationships.

Readiness of Care Leavers Care leavers will be prepared towards independent living through their Pathway Plan and the support and advice of their Personal Advisor (PA) as well as other professionals involved in their development.

Any care leaver can also access, via specialist housing support workers within the KCC 18+ Care Leavers Service, a Personal Housing Plan, tailored to the individual needs, understanding and capabilities of the care leaver, to provide them with better understanding of and practical support to affect change to, their housing needs. This can be requested at any time and once created, will be provided to the young person and other supporting professionals where required or requested, along with other bespoke supporting documentation and information, as well as the ‘Moving On, Moving In’ toolkit of information.

Corporate Parenting relates to the local authority duty and responsibility to ensure partnerships forged between relevant agencies in the interests of care leavers and looked after children and the moral obligation to provide the opportunities and supports that any good family would provide including to address the legacy of significant early disadvantage.

Care Leavers’ Views engaging care leavers in decision-making about their own lives, identifying problems and solutions, taking responsibility for success or failure builds self-esteem, confidence and skills.

Information Sharing information may have to be shared among different service providers to provide an effective service to care leavers. A consent form should be signed by the care leaver to enable the sharing of appropriate information amongst agencies/landlords. The accommodation section of the Care Leaver’s Pathway plan must be shared with the local housing authority.

Equality and Diversity support for the care leaver should aim to address the inequalities associated with socio-economic disadvantage and promote equality.

**Appendix Two – Homelessness Legislation - In context of 16- or 17-year olds and 18+ care leavers**

The **Housing Act 1996 Parts VI and VII** set out the legal framework for allocating housing and assisting homeless people. **Part VII of The Housing Act 1996 (as amended)** clearly outlines the duty of the Local Housing Authority to provide a service offering support and advice on preventing homelessness, securing accommodation when homeless and, the rights of those who find themselves homeless, as well as the support available from the local housing authority and other local agencies, to all persons including care leavers and that this support should be free. The service must be designed to meet the needs of persons in the authority’s district including the needs of specific vulnerable groups, of which care leavers are one such group.

The **Homeless Reduction Act 2017** came into force in April 2018 and sees significant amendments to the existing homeless legislation. The Act introduces several new statutory duties to ensure that Local Housing Authorities take steps to prevent or relieve homelessness.

Section 175: A person is homeless if they have no accommodation available in the UK or elsewhere, or if they cannot secure entry to it, or it is not reasonable for them to occupy it.

Section 189: A person is in priority need if they or their partner are pregnant, have dependent children, are aged 16 or 17 years old, are vulnerable due to old age, mental illness or handicap or physical disability or other special reason, or are homeless or threatened with homelessness as the result of an emergency.

The **Homelessness (Priority Need for Accommodation) (England) Order 2002** provides that the following have a priority need for accommodation for the purposes of Part 7 of the 1996 Act:

## Children aged 16 or 17

* A person aged sixteen or seventeen who is not a relevant child for the purposes of section 23A of the Children Act 1989, except for:
* A person to whom a local authority owe a duty to provide accommodation under section 20 of that Act (provision of accommodation for children in need).

## Young people under 21

* A person (other than a relevant student) who

(a) Is under twenty-one; and

(b) At any time after reaching the age of sixteen, but while still under eighteen, was, but is no longer, looked after, accommodated or fostered.

* A person (other than a relevant student) who has reached the age of twenty-one and who is vulnerable as a result of having been looked after, accommodated or fostered.

**Prevention and Relief Duties**

New duties towards people that are homeless or threatened with homelessness were incorporated within Part 7 of the Housing Act 1996 by the Homelessness Reduction Act

2017. These include duties to:

1. Undertake assessments;
2. Develop personalised housing plans; and
3. Take reasonable steps to prevent homelessness (for applicants who are threatened with homelessness) or relieve homelessness (for applicants who are already homeless).

Young people who are eligible and homeless, or threatened with homelessness, must have an assessment of their needs. This must include:

1. The circumstances that have caused them to be homeless or threatened with homelessness;
2. Their housing needs, and what accommodation would be suitable for them, their household and anybody who might reasonably be expected to live with them; and,
3. The support that would be necessary for them, and anybody who will be living with them, to have and sustain suitable accommodation.

If a young person who applies or is referred to a housing authority is not homeless, but is threatened with homelessness within 56 days, a prevention duty will be owed irrespective of whether the young person is likely to have a priority need.

A referral should be made to Children’s Social Work Services identifying the threat of homelessness, and services should co-operate together in efforts to prevent the young person from becoming homeless.

A Personalised Housing Plan (PHP) must be developed with the young person, setting out the reasonable steps that the housing authority and the young person will take to try and prevent them from becoming homeless. Any steps that the young person is required to take should be proportionate to the age, understanding and assessed capability of the young person to undertake the actions. Other relevant people, for example parents or social workers, may also be requested to take actions as appropriate.

If a young person is already homeless when they seek help, or they become homeless despite efforts to prevent it, housing services must attempt to relieve their homelessness by ensuring that suitable accommodation is made available to them (Section 189B). A PHP must also be produced, or amended to reflect the changes in housing circumstances. While a PHP is prepared, emergency accommodation should be provided where necessary. If a child in need assessment has not already been completed one should be commenced immediately. Children’s Social Work Services must conclude the assessment within a maximum 45 days.

The question of which further duties are owed under Part 7 of the 1996 Act will depend in part on the outcome of the assessment by Children’s Social Work Services, and whether any duty is owed under Section 20 of the 1989 Act.

Housing services should seek to work with Children’s Social Work Services throughout the process of an assessment, planning and attempting to prevent or relieve homelessness so that both the child in need and homelessness assessment, and the resulting plans and actions, are co-ordinated. This will enable a focus on working together to meet the needs of the young person and is more likely to lead to better and more sustainable outcomes for the young person.

**Ending the prevention and relief duties**

The guidance on how the (section 195) prevention and (section 189B) relief duties come to an end is set out in full in chapter 14 of the Homelessness Code of Guidance and include the following:

1. The housing authority is satisfied that the applicant has suitable accommodation available for occupation and a reasonable prospect of suitable accommodation being available for at least 6 months from the date of the notice.

Duties might end in this way if the young person is accommodated under section 20 and/or within a supported housing pathway, and the housing authority is satisfied that suitable accommodation will be available for occupation for at least six months. Where the young person is older than 17 and a half, and Children’s Social Work Services duty to accommodate them is likely to end within six months, it is the responsibility of the Local Housing Authority to satisfy itself that accommodation will be available for at least six months, for example through being confident that arrangements are in place for the young person to remain in the accommodation beyond their 18th birthday or for a planned transition to other suitable accommodation.

1. The Local Housing Authority has complied with the prevention or relief duty and 56 days have passed (regardless of whether the applicant is still threatened with homelessness in the case of the prevention duty or whether they have secured accommodation in the case of the relief duty) (sections 195 (8)(b) and 189B (7)(b)).

If the relief duty ends after 56 days without homelessness having been relieved, the Local Housing Authority will be required to reach a decision on whether the (section 193(2)) housing duty is owed (see Main Duty).

c) The applicant has refused an offer of suitable accommodation and, on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for the minimum prescribed period (sections 195(8) (d) and 189B (7) (c)).

If a young person refuses suitable accommodation, such as placement within a supported housing pathway, the prevention or relief duty may be brought to an end but without any effect on further duties that might be owed. Refusal of suitable accommodation within the relief stage will not disapply the young person from the main (section 193(2)) housing duty except where the offer was a ‘final offer’ of an assured shorthold tenancy or a Part 6 offer.

d) The applicant has become homeless intentionally from any accommodation that has been made available to them as a result of reasonable steps taken by the housing authority during the prevention or relief duty, whichever is relevant (sections 195(8)(e) and 189B(7)(d)).

e) The applicant is no longer eligible for assistance (sections 195(8) (f) and 189B (7)(e)).

f) The applicant has deliberately and unreasonably refused to co-operate (sections 195(10) and 189B (9) (b)).

If the relief duty ends in any of the ways set out in c to f above, Children’s Social Work Services will be required to carry out further assessments of the young person’s needs. Intentional homelessness Housing services should take particular care when assessing whether 16 or 17 year olds are to be considered intentionally homeless from their family home or from accommodation provided for them. For an applicant to be intentionally homeless the actions or omissions that led to their becoming homeless must have been deliberate, this means where a young person’s behaviour or actions continue despite the young person having a full understanding of the consequences. However, Local Housing Authorities and other agencies providing support will need to be mindful that a homeless 16 or 17 year old might not have the ability to understand the full consequences of their actions and choices that would be expected of an adult.

Housing services are reminded that applicants cannot be considered to have become homeless intentionally because of failing to take up an offer of accommodation; homelessness is only capable of being ‘intentional’ where the applicant has ceased to occupy accommodation that it would have been reasonable for them to continue to occupy. For a young person to be considered intentionally homeless from accommodation provided during the prevention or relief stages (see 4.18 above) the accommodation must have been provided under the reasonable steps provisions and not as interim accommodation under Section 188 of the 1996 Act.

If, for whatever reason, a 16 or 17 year old is found to have become homeless intentionally, housing services should inform Children’s Social Work Services immediately. For further guidance about intentional homelessness, authorities should refer to chapter 9 of the Homelessness Code of Guidance[[8]](#footnote-8)

**Deliberate and Unreasonable Refusal to Cooperate**

The prevention and relief duties can be brought to an end under Section 193B and Section 193C respectively if an applicant deliberately and unreasonably refuses to take any of the steps that they agreed to take, or the local housing authority set out for them to take where agreement could not be reached, in their PHP.

In considering whether a young person’s actions were both deliberate and unreasonable, Local Housing Authorities must take into account their age and maturity, as well as the context in which they are making decisions. This would include considering the impact of homelessness on the young person’s mental and emotional health, as well as their ability to understand the consequences of their actions and decisions.

Local Housing authorities must have procedures governing the service of notice on applicants who deliberately and unreasonably refuse to cooperate, and might wish to consider how Children’s Social Work Services can contribute to these arrangements in respect of homeless 16 or 17 year olds. More information on non-cooperation is set out in chapter 14 of the Code of Guidance (14.43 – 14.48). In this instance the local housing authority should follow the processes to make a referral to through the Kent County Council Front Door Service.

**The Main Housing Duty**

Where a young person who is eligible and unintentionally homeless does not have their homelessness prevented or relieved, local housing authorities must assess what further duties (if any) are owed to them. If the young person is not a child in need owed duties under Section 20 of the 1989 Act they will have priority need for accommodation and will be owed the main Section 193(2) housing duty with the following exceptions:

1. The relief duty ended due to the young person’s unreasonable and deliberate refusal to cooperate, in which case the Section 193C (4) duty is owed.
2. The young person refused a final offer made under Section 189B (9) (a) of the 1996 Act, or a Part 6 offer and so excluded from the main housing duty. A final offer must be of an assured shorthold tenancy or another appropriate offer of accommodation, which will be for at least six months duration, and which is suitable for the young person’s needs.

Local Housing Authorities should refer to chapter 14 of the Homelessness Code of Guidance for guidance on the ways in which prevention and relief duties end, and chapter 15 for guidance on discharging accommodation duties.

**Duty to Refer**

The Housing Act 1996 also places a duty on specified public bodies to refer service users that may be homeless or threatened with homelessness to a Local Housing Authority. Under [**Section 213B**](http://www.legislation.gov.uk/ukpga/2017/13/section/10) public authorities specified in regulations are required to notify a housing authority of service users they consider may be homeless or threatened with homelessness (i.e. it is likely they will become homeless within 56 days). These specified public bodies include social services authorities; youth offender institutions; young offending teams; secure training centres and secure colleges among others.

Before making a referral, a public authority must:

(a) Have consent to the referral from the individual;

(b) Allow the individual to identify the housing authority in England which they would like the notification to be made to;

(c) Have consent from the individual that their contact details can be supplied so the housing authority can contact them regarding the referral.

The duty to refer only applies to public authorities in England and individuals can only be referred to housing authorities in England. There is no specified method to for public bodies to make a referral under the Duty to Refer and local arrangements are essential. Within Kent and Medway a Duty to Refer protocol has been developed (<https://www.kenthousinggroup.org.uk/protocols/kent-and-medway-duty-to-refer-protocol/>) and should be used to refer both 16 and 17 year olds and care leavers who are homeless or threatened with homelessness within 56 days.

**Care Leavers Local Connection**

Section 199(8) to (11) of the Housing Act makes specific provisions relating to local connection for care leavers.

A young person owed leaving care duties under Section 23C of the Children Act 1989 will have a local connection to the area of the children services authority that owes them the duties. If the Children Services authority is a county council and not a housing authority, the young person will have a local connection with every housing authority district falling within the area of the Children Services authority.

Where a care leaver is aged under 21 and normally lives in a different area to that of a local authority that owes them leaving care duties, and has done for at least two years including some time before they turned 16, the young person will also have a local connection in that area.

**Appendix Three – Joint Assessment Template**

**Joint Assessment**

This is a record of the discussions held on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Young person:**

**NAME: DOB:**

**Also present:**

|  |  |  |
| --- | --- | --- |
| **Role:** | **Name:** | **Contact Details:** |
| Social Worker |  |  |
| Housing Officer |  |  |
| Advocate |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**Young person’s story** (background to JHA, reasons for homelessness, where is their local connection, why are they presenting in this borough?)

**Family information** (parents, siblings, wider family network, who do they have contact with, what is their view of their family functioning, experiences at home, safety issues in the house? Relationships with family members?)

**Friends / support network** (who do they hang about with and where, who do they speak to, who would they go to in an emergency, family views on friendship network?)

**Health needs** (registered GP, health problems, how does this affect their everyday living, Mobility issues? On medication? Pregnant? Sexually active?)

**Mental Health** (diagnoses, medication, how does this affect their everyday living, what support are they getting, self-harm, strategies to manage their mental health, CAMHS?)

**Education** (what school are they at / college/ training, are they EET? What are their interests, what are their last grades eg GCSEs, learning difficulties? EHCP? Who do they have a good relationship with at school?)

**Criminal history** (current offending / YOT involvement, previous history, gang involvement, offences e.g. robbery / violence?)

**Substance misuse** (amounts, frequency, mixture of substances, where are they getting them from, history of dealing / criminality to get hold of substances? Open to Addaction?)

**Independent living skills / support needs** (can they prepare basic meals, do shopping, handle money, make telephone calls, get the bus etc?)

**Young persons wishes/statement**

**Actions agreed** (personal housing plan to prevent homelessness or what action will be taken following this meeting)

|  |  |  |
| --- | --- | --- |
| **Action to be taken** | **By whom** | **Deadline / date set** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**OUTCOME** (please tick to confirm)

**Young person provided with a copy of the Joint Assessment Leaflet**

**Young person provided with information and advice about becoming a Looked   
 After Child**

**Young person advised of duties owed under a homelessness application**

**Young Person/Advocate satisfied that the young person was provided with all the   
 relevant information required to make an informed decision**

**Where a return to home is not possible, safe or appropriate**

**Young person requires more time to reach a decision**

**Young person has agreed to becoming a Looked After Child**

**Young person has refused to become a Looked After Child and wants to pursue   
 assistance under a homelessness application**

**I agree that this is an accurate record of the joint assessment**

**Young person…………………………………………………………………………………….**

**Housing officer…………………………………………………………………………………**

**Social worker…………………………………………………………………………………….**

**Advocate…………………………………………………………………………………….**

**Appendix Four - Protocol for Joint Working between Children Social Worker Services and Early Help and Preventative Services**



**Appendix Five – Care Leaver Accommodation Types and Referral Routes**

|  |  |  |  |
| --- | --- | --- | --- |
| Accommodation  & Description | Suitable for | Referral Route | Cost |
| Staying Put –  Staying put is where the young person stays in their current foster provision. | All young people who currently reside with foster carers, enjoy, and benefit from the routine and structure found within a typical family home environment and who require some support for developing independent living skills, in preparation for living independent within the next 1 – 3 years. | Young people accessing Staying Put Agreements will already be with their provider and this will form their transition into accommodation at 18. There is, therefore, no potential for referral for any young person not already living with a foster family. | All costs of these provisions are covered by KCC 18 Plus service, except for a small charge each week for utilities, paid by the young person.  If the young person can claim payments from the DWP towards their rent, this will be expected to take place and the young person is expected to undertake this claim and ensure that it is paid to the Staying Put provider.  If the young person works and earns an amount which excludes them from accessing benefits, they will be expected to pay the costs of this accommodation from their earnings. |
| Supported Lodgings / Supported Accommodation in a Family Environment (SAiFE) -  These provisions are used as above to avoid disruption caused by accommodation transitions and build independence but can be accessed at any time before 21 and are not only available to those young people already in foster care at age 18. | Young people who enjoy routine and structure within a family environment. Young people (as above) who do not currently display offending, behavioural or other issues which would prohibit effective functioning of and benefit from a provision within a family home.  Young people who have additional or complex needs and would like to live in a family environment can be referred and access this form of accommodation, but specific providers with the required skills to support them will need to be identified. | Young people assessed as suitable and expressing a desire to enter a SLODs provision, will need direct referral from their Personal Adviser to the SLODs provider. The PA is the only route of access. | Same as above. |
| KCC Shared Accommodation  These are houses which young people will share communal spaces and have their own bedrooms, alongside other Care Leavers. This is ‘Time Limited’ accommodation, which means that a young person will only have a fixed period within this accommodation and is required to move on at the end of the agreed period. This means that young people should be actively planning to move on to another provision of accommodation throughout their occupancy of this provision. | Aged 16- 20 years, 6 months.  Young people who are ready or almost ready to live independently, but who may still require some small level of occasional support around independent living skills.  Young people who do not pose a significant safeguarding risk to others and who do not wish to live in SAiFE provisions, but who are open to live with others, or who have no ability at present, to access private rented accommodation.  Young People who are willing and able to engage in ongoing discussion around securing their own accommodation beyond this provision, as part of their Pathway Plan.  Those Young People who have previously accessed this accommodation, but have been given ‘Notice to Vacate’ for breaches of their occupation agreements, can be re-referred at a later stage, if improvements have been noted, but will have to have their referrals considered by the provider before being accepted or declined. | Young people assessed as suitable to share with others in independent accommodation, but who may not yet be entirely ready for the responsibilities innate within managing private rented accommodation will need direct referral from their Personal Adviser to the Shared Accommodation provider. The PA is the only route of access. | Costs will be covered by KCC 18+ service, but in every instance where the young person is able to claim benefits to access rent payments, this is an expectation and failure to do so can lead to the end of the provision of KCC Shared Accommodation.  In future, it will be an expectation that all YPs living in KCC Shared accommodation will contribute towards their rent costs, including those who work and earn wages, meaning they are excluded from claiming rent element payments via Universal Credit. |
| Private Rented Sector  These are privately rented properties / rooms within properties which the young person agrees to rent privately. The young person is responsible for paying all rent for any private rented accommodation they access but can access the provisions of the Local Offer in support of this. | Young people who have the required level of Independent Living Skills to manage and sustain a tenancy including personal care, maintaining a clean environment, and budgeting.  Young people who engage as required with the benefits and other official processes for necessary financial support.  Young people who are proactive problem-solvers and have a good understanding of what to do in an emergency.  Young people who work and claim benefits, or who work full-time.  Young people who get on well with others (sharing), or who would not prosper within a family setting (i.e. SLODS)  Young people who are not able to access any other form of accommodation and are willing to be supported by their Personal Adviser to learn new skills to sustain a tenancy. | Young people will be encouraged to look for and secure their own PRS accommodation, but can be supported in accessing shared PRS accommodation, via the KCC 18+ PRS Referral Scheme; a small-scale ‘passive access’ scheme, whereby local landlords make offers of properties to the service for acceptance or refusal by young people. This should not be relied upon to find and secure accommodation for a young person, but merely to act as a supporting search for additional chances of success. | The rent, rent in advance and deposit amounts will vary for each property and will need to be understood by conversation with the landlord or agent in advance of moving into the address.  If the young person can access payments towards their rent via benefits provided by the DWP, these can be used to pay their rent.  Financial responsibility is very important in respect of Private Rented Accommodation as the young person is responsible for all costs associated with this property (unless in a house share). This means that sharing a house with others, becomes a much more affordable and lower risk ‘step into’ the Private Rented Sector, for most young people. |
| Young Person Supported Accommodation (YPSA/FS)  YPSA accommodation is that which is provided by a select group of supported accommodation providers within Kent and contracted by 18+ to deliver focussed independence support to young people. These could be flats, rooms in a building with communal areas or other types of accommodation. | Young People aged between 18 and 25  Those young people who require some level of ongoing support to address and improve their Independent Living Skills, above that which they would likely be able to achieve with limited support from their PA in independent accommodation or KCC shared accommodation.  Young people who may currently be less able to evidence their ability to manage independently due to more complex and significant issues which affect them either physically, psychologically, or emotionally and require ongoing support to suitably address these needs.  Young People over 21 – These Young people must have support needs as above, but also be willing to access or sustain a provision of Employment, Education or Training. | A Care Leaver who requires supported accommodation may access this via referral from their PA, provided they meet the criteria as recorded in the previous column.  Once referred, the YPSA/FS Panel is concerned once per month, in each of the four locales to review and assign priority to those referred.  The panel will consider: Local Connection, Imminence of need, Alternative housing options available, young person ‘matching’, support needs ‘matching’ and other key factors for determining suitability and impact on the young person and provision. | 18+ pay the costs of these provisions, but where eligible, young people will be expected to claim rent payments via their benefits application with the DWP to pay towards this cost.  If a Young Person’s provision costs are not covered by Housing Benefit, they will need to pay the remaining cost themselves. Therefore, a provision of Employment, Education or Training is so important, especially for those over 22, for whom the Local Housing Allowance rate is lower.  As soon as a Young Person’s earnings mean they no longer receive housing benefit, the YP will be expected to pick up all costs of this accommodation, including rent and support costs. |
| Social Housing  These can be properties or rooms within a property and the property itself could be a flat or house. These provisions are accessed via the Housing Register via the Kent Home Choice website (inside Kent), but are not always provided by the council, but instead in many instances, provided by a Housing Association; an organisation which provides properties to the council for them to access, but who charge and manage the building/property independently. | Young people who need little to no additional support to maintain a tenancy. Young people who are on a low-income and unable to affect positive change to this, by increasing their working hours.  Young people who are vulnerable due to significant physical, psychological, or emotional difficulties, who require and engage with support and who have limited options available to them to improve their current situation.  Young people with significant needs which mean they are unable to be supported or manage effectively within private rented or KCC Shared accommodation.  Young people with a ‘Local Connection’ to the Housing Authority being approached. Young people can register on Kent Home Choice for Social Housing at any time from 16 years old. They will not be able to bid until they turn 18.  Young people some districts within Kent will need to then be ‘nominated’ by the 18+ service / Local Housing Authority, to access a priority banding. | The predominant route for accessing Social Housing will be via registration with Kent Homechoice Scheme, or, where supporting services have not been successful I supporting a young person to avoid homelessness, via a homeless approach to the LHA, pending assessment for ongoing duty. | Where eligible, young people can claim rent payments via their benefits claim with the DWP. Additional costs may exist on top of any DWP payments and these will be the responsibility of the young person to pay.  These may include, utilities, rent ‘top-ups’ if not met by Local Housing Allowance and other personal costs for goods and/or services utilised by the Young Person whilst in this accommodation. |
| E-Beds  An emergency overnight bed placement offered for one night, or a maximum stay of three nights If accessed on a Friday.  Each provision is within a property managed and overseen by one of the existing unregulated providers under the YPSA/FS contract (supported accommodation) | Those young people who, if not able to access this provision, would be ‘street homeless’ or would otherwise be provided only with unsuitable B&B accommodation. | Referrals are made direct to service via the phone, from any supporting professional (if required) 24 hours a day. | All costs are covered under the YPSA/FS contract in place with KCC. |

**Appendix Six - Young Lives Foundation Referral Form**

Referrals are completed online via the link below:

<https://ylf.org.uk/how-you-can-help/refer-a-young-person/>

1. <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> [↑](#footnote-ref-1)
2. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf> [↑](#footnote-ref-2)
3. <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2> [↑](#footnote-ref-3)
4. <https://www.childrenengland.org.uk/children-and-social-work-act-2017> [↑](#footnote-ref-4)
5. <https://secure.toolkitfiles.co.uk/clients/23786/sitedata/files/CharterforCareLeavers.pdf> [↑](#footnote-ref-5)
6. <https://www.kent.gov.uk/about-the-council/information-and-data/access-to-information/gdpr-privacy-notices/integrated-childrens-services/childrens-social-care-privacy-notice> [↑](#footnote-ref-6)
7. http://kentchildcare.proceduresonline.com/pdfs/leaving\_care\_policy.pdf [↑](#footnote-ref-7)
8. <https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_code_of_guidance.pdf> [↑](#footnote-ref-8)