



NOTTINGHAMSHIRE CHILDREN’S TRUST BOARD MEETING

10 June 2010

agenda item number 4

Title of item Joint Agency Protocol – Young People Leaving Care and Homeless 16 and 17 Year Olds.

Purpose of item

1. To inform the Children’s Trust Board of the protocol which provides a clear framework about how the District and Borough Councils, the County Council and Voluntary Sector work together with homeless 16/17 year olds.

Information and advice

Background

2. The 1989 Children Act (S.20) placed a duty on local authorities to provide communication to children the assessed as in need of it. The approach to services for 16 to 17 year olds within this provision has become however a legal and practice grey area, particularly as there was overlap between this provision and Housing legislation which also placed a duty in Housing authorities to house homeless 16 and 17 year olds. In reality due to resource constraints this evolved into a practice (both locally and nationally) whereby only the most vulnerable 16/17 year olds were considered for S.20 accommodation and most were re-directed to Housing authorities.
3. The House of Lords Ruling May 2009 has made very clear that the prime duty to accommodate homeless 16 and 17 year olds rests with local authorities under S.20 1989 Children Act. This translates into a duty carried out through Children’s Social Care to carry out a child in need assessment on anyone under 18 presenting as homeless. If that assessment establishes a young person is homeless (as opposed for example to being able but not wanting to live at home) then there is a duty to arrange accommodation and the young person thus becomes looked after. Housing authorities can be requested to assist in carrying out this duty but not in a way that simply “passes the buck”

Suggested approach or way forward

4. The protocol has been developed to ensure that practice in Nottinghamshire is legally compliant and places the need of the young person at the heart of our approach.

RECOMMENDATION

5. That the Nottinghamshire Children's Trust Board approves and adapts the protocol.

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Nottinghamshire County Council**

**Nottinghamshire County Council and Borough and District
Councils and Housing Support and Voluntary Agencies:
Joint protocol**

**Young people leaving care and
homeless 16 and 17 year olds**

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1. INTRODUCTION

- 1.1 This protocol is intended to be a practical manual for use by front line workers and managers. It outlines the agreed working arrangements between the named agencies. It is recognised that it is difficult to develop detailed procedures that cover every situation and all individual circumstances.
- 1.2 No single agency has full responsibility towards homeless young people. Children’s Services Departments, Housing Departments and other agencies have duties towards these vulnerable client groups. Without clear agreement as to the respective roles and responsibilities, young people are often passed between agencies and do not receive the most appropriate or most timely services.

- 1.3 The purpose of this protocol is to outline the agreed practices, responsibilities and roles within the multi-agency framework of services for young people within Nottinghamshire identified as vulnerable or having complex needs, who are homeless or are threatened with homelessness. Section 10 of the Children Act 2004 establishes a duty on county level and unitary authorities to make arrangements to promote co-operation between the authority, relevant partners (including district authorities) and other persons or bodies engaged in activities in relation to children, to improve the well being of children and young people in the authority's area. Relevant partners are required to co-operate with the authority.
- 1.4 Borough and Councils are responsible for providing a homelessness service to persons aged 16 and 17 (who are not otherwise the responsibility of Children's Services), to care leavers aged 18 – 21 and to care leavers aged 21+ who are considered to be vulnerable as a result of being looked after, and who are homeless or likely to become homeless. The Councils are to provide advice, assistance and support to clients and to fulfil their statutory obligations in accordance with the Housing Act 1996 (as amended by the Homelessness Act 2002) and the associated Code of Guidance. The Councils are also responsible for providing assistance (on request) to Nottinghamshire County Council Social Care and Health to enable it to perform its statutory obligations. The Councils' priority is to prevent homelessness wherever possible, thereby enabling a potentially homeless young person to remain in their present home. In order to prevent young people from becoming homeless, the Councils will need to be made aware at the earliest opportunity that a young person has or may have a housing need.
- 1.5 Nottinghamshire County Council Social Care and Health ('NCC SCH') are responsible for providing help and support to any child or young person whose health and welfare may be at risk and for caring for children who cannot live with their families. They are primarily responsible for providing accommodation for any 16/17 year old assessed to be a "Child In Need". NCC SCH will provide a range of services to children and young people in need and their families, dependant upon their individual situations, and will fulfil their statutory obligations in accordance with the Children Act 1989, the Care Leavers Act 2004 and the guidance issued by the Secretary of State in accordance with Section 7 of the Social Services Act 1970. In order to fulfil their obligations, NCC SCH will need to be made aware, at the earliest opportunity, of any child whose health and welfare may be at risk or in respect of whom they may be obliged to provide accommodation.
- 1.6 The Borough and District Councils and NCC SCH, in conjunction with other statutory and voluntary agencies, are committed to working in partnership to support children, young people, care leavers and their families to reduce the risk of homelessness by identifying housing and support needs at an early stage and planning and arranging services to meet those needs.
- 1.7 All the signatory organisations to this protocol agree that:
- (a) Homelessness can be prevented through active intervention. All agencies should work to prevent homelessness where they can.
 - (b) Young people are best accommodated in their family home.

- (c) Young people should not remain in their family home if this places them at risk of violence or other significant harm.
 - (d) The appropriateness of mediation should be assessed in every case.
 - (e) Where homelessness is unavoidable clear procedures must be in place to assess the needs of the young person and to provide suitable accommodation and support.
- 1.8. Homeless young people under the age of 16 are automatically the responsibility of NCC SCH and, therefore, any young person under the age of 16 years should be referred to NCC SCH as a matter of priority.
- 1.9 Whilst the primary responsibility for accommodating any 16/17 year old classed as a “Child in Need” belongs to NCC SCH, the responsibility for assessing the housing needs of all other 16/17 year olds and of care leavers over the age of 18 belongs to the Borough and District Councils. It is, therefore, essential that a joint approach is adopted and that this protocol is in place to ensure that all organisations are aware of their roles and that services are provided to support these. In this protocol “child” is used as a reference to 16/17 year old young people.
- 1.10 A child can be classed as homeless if:
- (a) He or she has nowhere to live.
 - (b) He or she is based in temporary accommodation such as a, bed and breakfast accommodation, a hotel or a squat.
 - (c) He or she cannot stay in his or her home because of violence or sexual abuse, the threat of violence or sexual abuse or some other serious risk to his or her welfare.
 - (d) He or she is staying temporarily with friends or relatives who are unable or unwilling to accommodate them in the future
 - (e) He or she is about to leave an institution (e.g. a penal establishment) and has no home with family or friends to return to.
- 1.11 The risks identified for homeless 16 and 17 year olds are:
- (a) Increased emotional distress and mental health problems.
 - (b) Estrangement or isolation from family and friends leading to reduced emotional support.
 - (c) Substance misuse, including smoking and alcohol.
 - (d) Poor diet due to living outside the family on a low income.
 - (e) Increased sexual activity bringing the risk of pregnancy and of infections.
 - (f) Being drawn into prostitution and sexual exploitation.
 - (g) Involvement in anti-social behaviour or offending.
 - (h) Being targeted for recruitment into gangs.
 - (i) Dropping out of, or being less likely to take up, education, training or employment.
 - (j) No longer participating in pastimes such as sporting and creative activities.
 - (k) Financial stress and poverty.
 - (l) Long term poverty and social exclusion when education, training or employment is disrupted.
- 1.12 The main outcomes of joint working to prevent and tackle homelessness should be:

- (a) Young people remaining in or returning to the family home unless it would be unsafe or inappropriate for them to do so.
- (b) Improved relationships with their families, whether or not they can live at home.
- (c) Access to safe, secure and appropriate emergency accommodation.
- (d) Access to clear and flexible longer term accommodation and support pathways towards independent living for those who need them,
- (e) A personalised support package for every young person, where needed, based on a full assessment of their needs across all five Every Child Matters outcome areas, and involving all appropriate agencies, to help them achieve their aspirations and make a positive transition to adulthood. This should include support to maintain or return to their learning or work.

1.13 The benefits of having this joint protocol are that it will lead to:

- (a) A clearer understanding of roles and responsibilities for workers, wider agencies and clients;
- (b) A reduced risk of young people 'falling through the net';
- (c) Better working relationships between agencies.
- (d) Young people accessing the most appropriate accommodation.
- (e) The prevention of future homelessness.
- (f) The best use of limited resources and time.

1.14 Young people should be involved in discussions and plans for their future. At each stage of implementation of this protocol the young person should be consulted and informed of progress with resolving his or her homelessness issue.

2. LIST OF AGENCIES SIGNING THIS DOCUMENT

1. Nottinghamshire County Council Social Care and Health
2. Gedling Borough Council
3. Rushcliffe Borough Council
4. Broxtowe Borough Council
5. Mansfield District Council
6. Ashfield District Council
7. Newark and Sherwood District Council
8. Bassetlaw District Council
9. Nottinghamshire County Council Youth Offending Service

3. SOURCES

- 3.1 Children Act 1989
- 3.2 Housing Act 1996
- 3.3. Homelessness Act 2002
- 3.4 Local Authority Circular (2003) 13
- 3.5 Homelessness Code of Guidance for Local Authorities. Department for

- 3.6 Joint Working between Housing and Children's Services: Preventing homelessness and tackling its effects on children and young people. Department for Children, Schools and Families, May 2008
- 3.7 R (on the Application of M) v Hammersmith and Fulham LBC [2008] UKHL 14
- 3.8 R (on the Application of G) v London Borough of Southwark [2009] UKHL 26

4. AGREED STATEMENT

The signatories to this protocol agree to work together to support young people who are homeless or at risk of homelessness. All agencies will work with young people who present to them and, so far as possible, resolve the immediate issues before referring appropriately for ongoing assessments, provision of resources and support.

The agencies will work to reduce the risk of care leavers becoming homeless by identifying housing and support needs in advance of their planned transition from care to independent living.

The agencies will provide safe, stable housing for young people with support where necessary. They will endeavour to maintain their community links through housing them in local areas where possible.

The agencies wish to achieve better communication, increased and more effective joint working, a sharing of resources and better outcomes for young people.

5. AIMS OF THE PROTOCOL

- 5.1 The aims of the protocol are:
- To prevent homelessness amongst young people.
 - To ensure that young people access appropriate and suitable accommodation where necessary.
 - To ensure that young people have their housing needs assessed and met fairly and quickly without being passed between agencies.
 - To provide a framework for agencies to work together to meet the needs of young people.
 - To clarify the respective roles and responsibilities of the Borough and District Council's , NCC SCH, NCC Youth Offending Service and other agencies.
 - To identify the legal framework underpinning working with children and young people to safeguard their health and well being.
 - To provide a framework for reviewing and improving services.

6. REVIEW AND EVALUATION

- 6.1 This is the first countywide protocol and has been established in accordance with the Codes of Guidance and the House of Lords cases of R(M) v Hammersmith and Fulham and R(G) v Southwark. It will be reviewed in

twelve months. During that time feedback will be sought from the partner agencies and from front line staff and management as to how well the protocol is working.

- 6.2 Thereafter it is intended that the protocol will be reviewed every three years to take account of new legislation and best practice guidance. If there are changes in case law, or legislation or if new ways of practice are highlighted or dictate a better way of working, review and adjustments will take place sooner. NCC SCH are responsible for triggering any review.
- 6.3 Where appropriate NCC SCH will attend local Homelessness Forums and will use this as a mechanism for drawing attention to new guidance. NCC SCH will also have a link manager in each Borough and District Council area.
- 6.4 The success of the protocol will be measured on the numbers of young people prevented from becoming homeless, the successful sustainment of tenancies of young people who have been through the protocol and the development of better working practices and sharing of resources between the signatory agencies.

7. PROCEDURES FOR 16/17 YEAR OLDS

- 7.1 This section sets out the procedures to be followed by the signatory agencies in relation to this age group.
- 7.2 All 16 and 17 year old homeless applicants have a priority need for accommodation except those who are:
 - a) A relevant child or
 - b) A child in need who is owed a duty under s.20 CA 1989.
- 7.3 It should be straightforward for an agency who first comes into contact with the child to establish from information provided by the child, his family or NCC SCH whether the child is 'a relevant child'. This is a child who:
 - (a) Is aged 16 or 17; and
 - (b) Has been 'looked after' by NCC SCH (or another Local Authority) for at least 13 weeks since the age of 14 and has been 'looked after' at some time whilst 16 or 17; and
 - (c) Is not currently 'looked after'.In addition a child is a 'relevant child' if he or she would have qualified but for the fact that on his or her 16th birthday he or she was detained through the criminal justice system or was in hospital or if he or she had returned home on a family placement and that had broken down.
- 7.4 Whether the child is a child in need who is owed a duty under s.20 CA 1989 is a more difficult question and needs to be considered carefully. The signatory agencies recognise that NCC SCH is likely to be in the best position to determine whether it owes a s.20 duty to a particular child.
- 7.5 It is important to consider the role of homelessness prevention. The Homelessness Code of Guidance 2006 states (at paragraph 2.4) that the Secretary of State considers that housing authorities should take steps to

prevent homelessness wherever possible, offering a broad range of advice and assistance to those in housing need. In order for homelessness prevention to be effective all signatory agencies will be responsible for taking immediate steps to prevent homelessness if they are approached by a child aged 16/17 who appears to be threatened with homelessness

- 7.6 Negotiation and support for the family may be required and it will be the responsibility of the agency first contacted to advise and assist to access the appropriate services. Any other signatory agency will respond to any request for information or assistance without the need for a formal referral.
- 7.7 Immediate provision of alternative accommodation can adversely affect the chances of subsequent reconciliation and resettlement with family members. This may be because the family believes an agency has taken responsibility for the young person or because they believe that the young person has been housed and can manage independently. The guidance from Central Government has stressed that reconciliation with family members offers the best outcomes for young people and the chance of a planned move to independence. At paragraph 12.7 of the 2006 Code of Guidance it is stated that:

“The Secretary of State considers that, generally, it will be in the best interests of 16 and 17 year olds to live in the family home, unless it would be unsafe or unsuitable for them to do so because they would be at risk of violence or abuse. It is not unusual for 16 and 17 year olds to have a turbulent relationship with their family and this can lead to temporary disagreements and even temporary estrangement”

- 7.8 The 2006 Code of Guidance recognises that some parents and children may seek to take advantage of the fact that 16 and 17 year old applicants have a priority need for accommodation (paragraph 12.11). Equally they may seek to take advantage of any perceived benefits to ‘looked after’ status. The signatory agencies will need to be alive to the possibility of collusion when assessing applications and consider whether there is a genuine basis for the child to claim that he or she is homeless.
- 7.9 Where a 16/17 year old presents as homeless or threatened with homelessness to the housing department of a Borough or District Council, the housing team will ascertain the reason and need for accommodation, establishing whether mediation and/or support is likely to be effective to keep the young person living with his or her family members or whether suitable alternative housing provision may be available with another family member or a friend.
- 7.10 If it is clear that the child is in need of accommodation, that mediation and support is not likely to be appropriate or effective and that no suitable alternative housing provision with another family member is likely to be available, the housing team will secure interim accommodation pending a decision as to whether any substantive duty is owed under part 7 of the 1996 Act. If the young person may be homeless or may be likely to become homeless within 28 days, housing services should make an immediate referral to Children Services for an assessment. This applies to all 16 and 17

year old without exception, including those who are pregnant and/or a parent. Housing services should continue to provide the accommodation until the young person is notified whether any duty is owed by Housing under part 7 of the 1996 act or by Children Services under S20 CA 1989

- 7.11 In cases of uncertainty, i.e. where mediation and support may be effective or where alternative housing provision with family or friends might be available and, therefore, a referral to NCC SCH may not be required, an assessment in accordance with the Common Assessment Framework ('CAF') shall be undertaken by the housing department worker. The worker will consider, in the course of that assessment whether there is violence or sexual abuse, the threat of violence or sexual abuse or some other serious risk to his or her welfare which impacts upon whether it is safe for the young person to remain in their existing home. The purpose of that assessment will be to enable the worker to decide what steps to take to assist and support the child and whether a referral to NCC SCH is appropriate.
- 7.12 The Housing worker should establish from the young person whether he or she has had any prior involvement or has any current involvement with NCC SCH. If he has the worker will seek the child's consent in the first instance to enable the worker to obtain information from NCC SCH to inform any decision as to whether to make a referral to NCC SCH.
- 7.13 Any worker from the housing team who comes into contact with the child and decides to refer that child to NCC SCH will act in accordance with the referral procedure at section 12 below. If an assessment has been completed then a copy will be provided at the time of the referral subject to consideration of issues of confidentiality and consent as set out in Section 14 below.
- 7.14 On referral from another agency, NCC SCH will undertake an initial assessment (in accordance with the Framework for the Assessment of Children in Need and their Families) within a maximum of 10 working days from the referral. In many cases it will be possible to make a decision within the first interview as to what further actions are required but any decision whether to provide accommodation for the child under s.20 CA 1989 must be based on the series of judgements outlined in paragraph 7.20 below. During this period of assessment NCC SCH will be responsible for providing the child with accommodation.
- 7.15 NCC SCH may, at any stage, request the assistance of the relevant Borough or District Council's housing department under s.27 Children Act 1989 which empowers the children authorities to ask other authorities, including housing authorities for "help in the exercise of any of their functions". Under s.27(2) an authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions.
- 7.16 All supporting people funded services for young people must prioritise the needs of 16/17 year old, care leavers and young offenders working with the Youth Offending Service

- 7.17 The child will be provided with emergency accommodation until the level of need is determined by NCC SCH. The initial assessment will determine whether the young person is in need of accommodation under s.20 CA 1989 in accordance with the checklist set out in paragraph 7.20 below.
- 7.18 It should be remembered that although s.17 CA 1989 contains a power to provide accommodation, this will almost always concern children needing to be accommodated with their families.
- 7.19 The initial assessment will also inform the decision whether the child is a 'Child in Need' pursuant to s.17 CA 1989, in which case a more detailed Core Assessment pursuant to the Framework will be required, and whether enquiries under s.47 CA 1989 should be initiated.
- 7.20 S.20 (1) CA 1989 requires a series of judgements to be made by NCC SCH:
- **Is the Applicant a child?**
Is he or she under 18?
 - **Is the Applicant a Child In Need?**
This will require careful assessment. A 16 or 17 year old who is homeless is likely to be a 'Child in Need'. However, it is possible to envisage circumstances in which a 16 or 17 year old who is temporarily without accommodation will not be a 'Child in Need' within the meaning of s.17 (10), for example a child whose home has been temporarily damaged by fire or flood who can well afford hotel accommodation while it is repaired.
 - **Is the Child within the Local Authority's area?**
Local authorities have to look after children in their area irrespective of where they are habitually resident. They may then pass a child on to the area he is ordinarily resident in under s.20(2) or recoup the cost of providing for him under s.29(7). There should be no passing of the child from pillar to post while the authorities argue about where he comes from.
 - **Does the Child appear to require accommodation?**
In most cases the answer to this is quite obvious but there may be cases where a child does have a home to go to, whether on his own or with family or friends, but needs help in getting there, or getting into it, or in having it made habitable or safe. This is the line between needing 'help with accommodation' and needing 'accommodation'
 - **If yes is this a result of:**
 - (a) **There being no person who has parental responsibility for him/her; or**
 - (b) **His being lost or having been abandoned; or**
 - (c) **The person who has been caring for him/her being prevented from providing suitable accommodation or care.**
- (c) is to be given a wide construction if children are not to suffer from the shortcomings of their parents or carers. This covers a child who has been excluded from home even though this is the deliberate decision of the parent.

It is possible to envisage circumstances in which a 16 or 17 year old requires accommodation for reasons which do not come under any of these headings. For example, he may have been living independently for some time, with a job and somewhere to live, and without anyone caring for him at all. He may then lose his accommodation and become homeless. Such a child would not fall within s.20(1) and would, instead, fall within the Homelessness (Priority need for Accommodation) (England) Order 2002 and would be a priority need under the Homelessness Act 1996

- **What are the Child's wishes and feelings regarding the provision of accommodation?**

This is a reference to the requirements in s.20(6) of the Children Act 1989, amended by section 53(2) Children Act 2004:

“Before providing accommodation under this section, a local authority shall, so far as is reasonable 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 his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.”

There is nothing under s.20 which allows the local authority to force a service upon older competent children who do not want them. A homeless 16 or 17 year old who does not want to be accommodated under section 20 is another example of a young person in priority need under the 2002 order.

However it should be made clear to the young person that whilst they cannot be forced to accept accommodation under s.20 C.A 1989 this may limit options available to them

- **What consideration (having regard to his age and understanding) is duly to be given to those wishes and feelings?**

Children are often not good judges of what is in their best interests. The advantages of accommodation under s.20 should be made clear to the child, particularly where, for example, he needs help to get back into education and/or to get his life on track towards responsible adult independence or where the child may have become eligible for the range of support under After Care duties and services.

7.21 No 16 or 17 year old should be placed in Bed and Breakfast accommodation by the Housing Departments or NCC SCH except in an emergency where such accommodation is the only available alternative to rooflessness. In such cases, this accommodation should be used for the shortest time possible and support must be offered to the child during his stay.

7.22 The choice of accommodation may be limited (particularly on an emergency basis) and this needs to be understood in discussions with the child and when trying to meet that child's needs. The most appropriate package of accommodation and support will be provided from the resources available.

Any request by the child as to the location and type of accommodation will be considered but the decision as to the appropriate package of accommodation and support is likely to depend upon what is available and considered most likely to meet the child's needs.

- 7.23 Where an agency has provided supported accommodation for a child (e.g. on behalf of or at the request of NCC SCH), that agency will alert NCC SCH if the child is likely to lose that accommodation.
- 7.24 Where the 16 or 17 year old child is a lone parent who cannot live with their parents or partner, they should be offered accommodation with an appropriate level of support. The Government's Teenage Pregnancy Strategy requests Housing and Children's Services, the local teenage pregnancy co-ordinator and any relevant voluntary organisations in the area to work together to provide suitable accommodation and support.
- 7.25 Where a child is to be maintained by NCC SCH in a residential school a judgement will need to be made as to whether that child is to be 'looked after' whether under s.20 CA 1989 or s.31 CA 1989. The benefit of being 'looked after' is that it will ensure that the child's progress is regularly reviewed and his welfare is safeguarded. The judgement will need to be made following a thorough assessment of the needs of the child and his family. In particular, the assessment will need to take into account the length of time spent away from the child's family, the degree of contact between the child and his parents, the quality of the child's primary attachments and any particular vulnerabilities of the child.
- 7.26 It may well be appropriate during the course of any assessment, in considering what resources can be made available for a child or in reviewing a child's progress for a multi-agency meeting to be called. This is a rapid response group to address needs and provide services. Any signatory agency may call such a meeting. The plan adopted at that meeting shall be incorporated into any child in need or care plan.
- 7.27 The agencies invited to attend a multi-agency meeting may include
- Education Support Services
 - Youth Service
 - YOS/YISP
 - Connexions
 - Social Care Health
 - The relevant Borough or District Council's Housing Needs team.
 - Supported Housing provider/s
 - Health Services

Other relevant agencies may be asked to attend the meeting depending on the issues likely to be addressed. The child and his or her family members should be invited to the multi-agency where appropriate. Their co-operation and involvement from the outset may be important in resolving the difficulties of these vulnerable young people, including in preventing homelessness.

8. YOUTH OFFENDING SERVICE (16 AND 17 YEAR OLDS)

- 8.1 The Youth Offending Service ('YOS') works with 16 and 17 year old children, some of whom may become in need of accommodation. In some cases this may be directly related to their offending behaviour. It is important to agree working relationships between NCC SCH and YOS in the same way as between NCC SCH and the Borough and District Councils.
- 8.2 Where an accommodation issue arises in relation to a child known to the YOS, the YOS Worker will take the steps set out in section 7 above as if he was a housing worker. A copy of any YOS assessments should be provided to NCC immediately in the event of any referral.
- 8.3 YOS will provide the same assistance to NCC SCH as Borough and District Councils under paragraph 7.15 above. In particular the YOS Accommodation Officer will, on a request from NCC SCH assist, to ensure the child can access suitable accommodation and appropriate services.
- 8.4 In circumstances where a child has been imprisoned and is likely to be in need of accommodation on release, the YOS Worker will invite NCC SCH and the YOS Accommodation Officer to the Initial Planning Meeting to be held within 10 days of the Custodial Sentence being made. This meeting will agree a Sentence Plan based on the Asset. It will also contain SMART objectives, specify review dates and contain actions to address resettlement. If NCC SCH are not able to attend the Initial Planning Meeting, then another meeting should be arranged within 28 days of the Initial Planning Meeting to discuss Accommodation needs and add to the resettlement plan accordingly. YOS will provide NCC SCH with a copy of the Asset when they invite NCC SCH to attend the DTO.
- 8.5 A decision will be made at the meeting as to which agency will be the lead agency taking responsibility for the different components of the resettlement plan. Agencies should provide verbal or written information if not able to attend the meeting. In this instance agencies should liaise after the meeting to ensure all involved agencies are aware of their responsibilities. Where the child is deemed to be a child in need, (NCC SCH to carry out assessment in custody if necessary), NCC SCH will take the lead in the provision of accommodation with Support from the YOS Accommodation Officer. NCC SCH may ask the YOS Accommodation Officer to take the lead in liaising with Accommodation providers to find an appropriate placement. If however no appropriate placement can be secured by the YOS Accommodation Officer by the time of release, then NCC SCH will provide appropriate Emergency Accommodation until the YOS Accommodation Officer is able to find longer term appropriate Accommodation. NCC SCH and the YOS Accommodation Officer will attend the Release Preparation Meeting held 1 month before the release date, and/or the Final Release Meeting held 10 days before release to ensure effective resettlement.

9. CARE LEAVERS AGED 16 AND 17

- 9.1 NCC SCH have a duty to find and pay for accommodation and to provide a weekly living allowance for “relevant” children (as defined in paragraph 7.3 above). NCC SCH should be planning for the young person’s housing needs to include consideration of those needs beyond his or her 18th birthday. This may include an early application to the Housing Register and alerting the applicable District or Borough Council to identified or anticipated housing needs.
- 9.2 Where accommodation is supplied by the relevant District or Borough Council, regular review meetings should be arranged between the NCC SCH After Care Team and the District and Borough Councils to discuss the needs of the relevant children they are supporting. These meetings will ensure accommodation is provided as required and that the District and Borough Councils are aware of any support requirements prior to re-housing.
- 9.3 No 16 or 17 year old should be placed in Bed and Breakfast accommodation by the Housing Departments or NCC SCH except in an emergency where such accommodation is the only available alternative to rooflessness. In such cases, this accommodation should be used for the shortest time possible and support must be offered to the child during his stay.
- 9.4 The District and Borough Councils will assist NCC SCH (under s.27(2) CA 1989) in fulfilling its duties to these children by assisting to identify and supply suitable accommodation, where available, on an enquiry from NCC SCH.
- 9.5 The choice of accommodation may be limited (particularly on an emergency basis) and this needs to be understood in discussions with the child and when trying to meet that child’s needs. The most appropriate package of accommodation and support will be provided from the resources available. Any request by the child as to the location and type of accommodation will be considered but the decision as to the appropriate package of accommodation and support is likely to depend upon what is available and considered most likely to meet the child’s needs.
- 9.6 Where an agency has provided accommodation for a child (e.g. on behalf of or at the request of NCC SCH), that agency will alert NCC SCH if the child is likely to lose that accommodation.

10. CARE LEAVERS AGED 18 TO 21

- 10.1 Care leavers will have an agreed Pathway Plan, which includes the plan to meet their housing needs. They will also have a personal advisor who can advise, assist and support the young person. The Housing Team of the relevant Borough or District Council should attempt to agree with the personal advisor what available housing provision is most likely to meet the needs of the care leaver.
- 10.2 As young people mature their support will involve preparing them for greater independence. As they prepare to move on from their final care placement the

pathway planning process should be used to ensure that they move on to suitable accommodation in a planned way, with the support that they need.

- 10.3 NCC SCH will involve the relevant Borough or District Council in the planning process and the Borough or District Council will provide assistance to enable these young people to move towards and manage the challenges of independent living.
- 10.4 Where a care leaver aged 18 to 21 is homeless, the primary responsibility for providing accommodation will lie with the Housing Team of the relevant Borough or District Council. A homeless young person in such a situation must be treated as in priority need under the housing legislation.

11. CARE LEAVER AGED 21 PLUS

- 11.1 Adults who have been 'looked after' as a child may be considered 'vulnerable' and, therefore, as having a priority need for housing. Where such individuals are known by NCC SCH to be homeless they should be encouraged to make an application to the relevant Borough or District Council so that their case may be considered. NCC SCH should provide supporting evidence for any homelessness application in such circumstances.

12. REFERRALS

- 12.1 The government has introduced the Common Assessment Framework for all agencies. Each agency has specific information requirements and will follow its own assessment process.
- 12.2 The effective working of the joint protocol relies on the sharing of information between agencies. There is a commitment to support each other and share information where this is possible. Information sharing should not conflict with agency confidentiality policies. The agencies clearly acknowledge that information relating to a young person may be of a sensitive nature and should be kept confidential. All service users will be asked for their permission to have their details recorded and shared and may withdraw their permission at any time.
- 12.3 Children and young people must be safeguarded and, if they are at risk of significant harm, there must be immediate notification of concerns to NCC SCH.
- 12.4 No child covered by this protocol should simply be sent away to make enquiries with another agency. If, on speaking to the child, it becomes clear that it is appropriate for another agency to take the lead responsibility for the child the first agency will:
- Take brief details from the child;
 - Explain to the child why another agency is better equipped to respond to their needs;
 - Gain consent to pass details to the second agency;
 - Telephone the second agency to make the referral. This call must include

- Details of the presenting issue;
 - What the officer has done so far;
 - What ongoing support and help the officer will be providing / arranging;
 - Confirmation that the second agency will accept the referral;
 - Confirmation of the time and location of the child's interview with that agency;
- Inform the child of the outcome of the referral, provide written details of the appointment arranged for them and explain what will happen at that appointment;
 - Provide the child with their own written contact details;
 - If the child is distressed or vulnerable then officers should consider accompanying the child to the second interview or making arrangements to keep the child safe pending the arrival of an officer from that second agency.
- 12.5 Where possible the interview arranged for the child will be within 24 hours of their initial presentation. It may be appropriate to provide practical help and support for them to attend this second interview (e.g. directions to the offices, details of public transport, offer of a lift).
- 12.6 If officers disagree over who should take lead responsibility for the child then the first agency shall take steps to keep the child safe and, if necessary, provide accommodation until this disagreement has been resolved (see paragraph 16.2 below).
- 12.7 It is important that children asking for help do not get lost to the system. Referral means making contact with the relevant officer and arranging a meeting as above. Directing the young person to another agency is not an adequate referral.

13. OUT OF HOURS

- 13.1 If a child contacts any signatory agency out of normal office hours, the Duty Officer will assess the child's situation including housing need. Efforts will be made to keep the child at their existing accommodation until the next working day, where this is safe and appropriate.
- 13.2 If necessary the out of hours response will include the provision of emergency overnight accommodation. An appointment will be made for the child to meet with the relevant agency on the next working day. The Duty Officer will ensure that all relevant information is passed to the relevant agency for the next working day (by telephone or fax).

14. PATHWAY PLANNING

- 14.1 NCC SCH are required to develop Pathway Plans for each young person in their care as they approach their 16th birthday. These will always include consideration of housing need. Pathway plans are reviewed every six months and maintained until the person is 21.
- 14.2 As part of the Pathway Plan and review process NCC SCH will support the child to make an application to the Housing Department of the relevant Borough or District Council in good time in advance of that child ceasing to be 'looked after' by NCC SCH.

15. EQUAL OPPORTUNITIES

- 15.1 The equality and diversity policies of the signatory agencies must underpin the way in which these services are provided
- 15.2 All signatory agencies value diversity and are committed to equality of opportunity and access to suitable accommodation for all young people, regardless of age, ethnicity, gender, sexuality, culture, faith or disability.
- 15.3 All agencies will seek to promote the participation of young people, families and carers in the decision making process.

16. COMPLAINTS / COMPLIMENTS

- 16.1 All signatory agencies will have their own complaints and compliments procedures in place. This protocol assumes that each agency will work to their own procedures.
- 16.2 If any signatory agency is unable to agree in respect of any referral, assessment, support package or accommodation provision, then the case is to be referred to a nominated senior manager in each agency for resolution.
- 16.3 It is recognised by each such agency that unresolved disagreements are likely to impact adversely on the child concerned. If disagreements remain unresolved at the nominated senior manager level then the matter should be addressed through the agency complaints process and procedures.

17. KEY CONTACTS

Notts CC SCH Gedling Office – Main Reception	0115 8546000
Children’s Services Manager- Gedling – Corrinne Barker	0115 8546185
Mansfield & Ashfield Office – Main Reception	01623 433433
Children’s Service Manager Ashfield-Devon Allen	01623 433170
Children Services Manager - Mansfield –Becky Towle	01623 433169
Newark & Sherwood Office - Main Reception	01623 682700
Children’s Services Manager - Newark and Sherwood- Joe Foley	01623 520217
Broxtowe Office – Main Reception	0115 9175800
Children’s Services Manager Rushcliffe and Broxtowe- Simon Hollis	0115 9175826
Bassetlaw Office – Main Reception	01777 716161
Children’s Services Manager-Bassetlaw-Angela Pixsley	01777 716161
After Care Team Manager-South Notts – Michelle Lee	0115 8546304
After Care Social Work Team – Mansfield – Jenny Whiston	01623 433433
After Care Social Work Team – Newark/Bassetlaw -	01636 682700

Wendy Rylands	
Gedling Borough Council -Housing Needs Team	0115 9013679 / 0115 9013681
Bassetlaw District Council	01909 533533
Housing Needs Team - Gedling	0115 9819911
- Rushcliffe	0115 9177777
- Broxtowe	01623 463463
- Mansfield	01623 457260
- Ashfield	01636 655624
- Newark/Sherwood	01909 533455
- Bassetlaw	/533712/533401 /533402
Emergency Out of Hours Call Out (all services)	0115 9013901
Supporting People-Judi Juno	0115 8783510
Sherwood Street – Day Centre	
The Wall – Drop In Centre	01623 480830
HOPE – Day Services	01909 531294
Shelterline – 24 hours/7 days per week	0800 8004444
Centre Place, Abbey Street, Worksop	01909 479191
Notts Community Housing Association - Cobwell Road	01777 869936

Accommodation providers are listed in the **Nottinghamshire Hostels Directory** (updated annually: available from HLG 0115 956 5313)

Appendix 1: Legislative Framework

HOUSING ACT 1996 (AS AMENDED BY THE HOMELESSNESS ACT 2002)

All homelessness applications are considered and determined in accordance with the terms of the Housing Act 1996 (as amended by the Homelessness Act 2002) and the associated Code of Guidance. All clients accepted as homeless and owed a full duty will meet all of the criteria outlined below:

THE HOMELESS ACT 2002

The Council has a duty to advise and assist anyone presenting as homeless.

There is an additional duty to accommodate where the individual is:

- Eligible; and
- Homeless or threatened with homelessness; and
- Not intentionally homeless; and
- In priority need.

SECTION 185 – ELIGIBILITY

The Housing Act includes provisions that deny eligibility for housing assistance to certain groups of people from abroad. The Council will need to satisfy itself that applicants are eligible before providing accommodation

SECTION 191 – INTENTIONALLY HOMELESS

A person is deemed to be Intentionally Homeless if he/she deliberately does or deliberately fails to do anything in consequence of which he/she ceases to occupy accommodation which is available for his/her occupation and which it would have been reasonable for him/her to occupy. An act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate.

SECTION 175 - HOMELESS/THREATENED WITH HOMELESSNESS

A person is homeless if he or she has no accommodation in the UK or anywhere else, which is available for his or her occupation and which that person has a legal right to occupy. A person will be homeless where he or she has accommodation but cannot secure entry to it or where there is a moveable structure such as caravan or boat and no place to put it where it can be lived in. A person is also homeless if it is unreasonable for him or her to continue occupying their present accommodation.

A person is threatened with homelessness if he or she is likely to become homeless within 28 days. However, the Council must not wait until homelessness is imminent to determine whether a person is threatened with homelessness.

Accommodation shall be treated as available for a person's occupation only if it is available for occupation by him or her together with any other person who normally resides with him or her as a member of the family or any other person who might reasonably be expected to reside with him or her.

The Act also created a new duty to develop an inter agency homelessness strategy

Where Borough or District Councils have a duty to accommodate:

- This will be in temporary accommodation (Council property or private renting) and may not be in the district.
- Bed and Breakfast hotels are to be used only as a last resort.
- Homeless households are placed on the housing register to wait for an offer of permanent accommodation in their area of choice.

CHILDREN ACT 1989

Section 17

This places a general duty on Children's Services authorities to safeguard and promote the welfare of children within their area who are in need by providing a range and level of services appropriate to those children's needs.

Section 17(5) allows Children's Services to call upon other agencies (particularly voluntary and community organisations) to provide services on their behalf.

Section 17 – Definition of Child In Need

- (10) For the purposes of this Part a child shall be taken to be in need if:-
- (a) He is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;
 - (b) His health or development is likely to be significantly impaired or further impaired, without the provision for him of such services; or
 - (c) He is disabled.
- (11) For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part –

“development” means physical, intellectual, emotional, social or behavioural development; and “health” means physical or mental health.

Section 20 – Children in need of Accommodation

- (1) Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:-
- (a) There being no person who has parental responsibility for him;
 - (b) His being lost or having been abandoned; or
 - (c) The person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

In addition, Section 20(3) states that accommodation shall be provided for any child in need who has reached the age of 16 and whose welfare the authority considers is likely to be seriously prejudiced if they do not provide him or her with accommodation.

Section 24 – Care Leavers

Young people who are eligible for Aftercare support, but who return home to live with one or both of their parents and remain there for more than 6 months may receive a

lower level of support, depending on their circumstances. Their needs will be assessed on a case-by-case basis.

Children (Leaving Care) Act 2000

Under the Act Children's Services authorities have a duty to assess and meet the needs of children aged 16 and 17 year old who are in care or are care leavers. Wherever, the young person lives the duty will rest with the local authorities to keep in touch with care leavers until they are at least 21.

Every child who is 'looked after' for more than 13 weeks after the age of 14 and is 'looked after' when he turns 16 will have, a comprehensive needs assessment and pathway plan mapping out a clear route to independence. Local authorities are to provide all such 16 to 17 year olds with support to meet their objectives identified in their pathway plans.

The Children Act 2004

The Children Act 2004 places a duty on agencies to ensure that every child, whatever their background or circumstances, to have the support they need to:

- be healthy
- stay safe
- enjoy and achieve through learning
- make a positive contribution to society
- achieve economic well-being.

The Children Act 2004 gives particular responsibilities to Local Authorities in ensuring effective co-operation between local partners such as NHS, Police, Schools, District Councils, Youth Offending Teams and Voluntary Sectors. This means that the organisations involved in providing services to children and young people will be teaming up in new ways, sharing information and working together, to protect children and young people from harm and help them achieve what they want in life.

Appendix 2: Definitions

Housing

Duty to accommodate

Interim Duty to accommodate

Where The District and Borough Councils have reason to believe a person is homeless, eligible for assistance and in priority need, they shall secure that interim accommodation is available for occupation whilst homeless enquiries are underway.

Eligible

The individual must be habitually resident in the UK. Those subject to immigration control are usually ineligible.

Homeless

An applicant is homeless if they have no accommodation in the UK or elsewhere which is available for occupation, which they have a legal right to occupy and it is reasonable to expect them to occupy that accommodation. Or if accommodation is not available for occupation by all those who normally live with the applicant as a family member or might reasonably be expected to do so.

Housing Register

This is the list of applicants for Borough and District Council housing.

Local Connection

A link with the council area, either through living in the area, having family in the area, working in the area or other reasons

A narrow interpretation of local connection, which is a term that appears in housing law, has to be applied where the application for housing is made under the terms of the homeless legislation. However this does not necessarily reflect the life experiences of young people leaving care. Given this, the notion of local connection when dealing with this group of people can be more flexible and will include consideration of the following, where the application is not from a homeless person:

The locality responsible for providing social work support;

The location of his or her most recent placement;

The available support networks, including extended family and significant previous carers;

Their place of education or employment.

Please note this is not intended to be an exhaustive list. This is a complex area and can only be resolved through open discussion between all key involved agencies.

Priority Need

Categories of applicant who have a priority need are defined by the Housing Act 1996 as amended by the Homelessness Act 2002. They include:

- Pregnant women;
- Families with dependent children;
- Those who are vulnerable; and
- Those whose homelessness arises from an emergency such as fire or flood.

Also in priority need are:

- 16 / 17 year olds who are not relevant children or children in need (the Homelessness Act 2002 removed the need for these young people to prove vulnerability- they are deemed to be vulnerable due to age)
- Those under 21 who are no longer looked after, but were between age 16 and 18
- Those aged 21 or older and are vulnerable as a result of having been looked after (i.e. they will or are likely to suffer injury or detriment to themselves in circumstances where a less vulnerable person would be able to cope)

Threatened with Homelessness

This means that the person is likely to become homeless within 28 days. Housing authorities must not wait until homelessness is imminent before providing assistance.

Vulnerable

This means that a person is less able to fend for themselves than an ordinary homeless person so that they are likely to suffer injury or detriment, in circumstances where a less vulnerable person would be able to cope.

Children's Services

Eligible children

These are young people, aged 16 and 17, who are still looked after and who have been looked after for at least 13 weeks since the age of 14. In Nottinghamshire these young people will have-

- A Needs Assessment – this is a full assessment of the young person's needs.
- A Pathway Plan – this details goals to be achieved in key areas such as accommodation, finance, education and training etc.
- A Personal Adviser – whose role at this stage is to befriend the young person and help them in preparing for adulthood.
- A Connexions Personal Adviser – who will advise with education and training issues
- A social worker who is responsible for issues of care planning and carrying out the statutory responsibilities of NCC SCH.

Relevant children

These are young people, aged 16 and 17, who have left care but were looked after for at least 13 weeks since the age of 14. They must have been looked after on or after their 16th birthday. These young people will have-

- A named Social Worker from the Aftercare Team.
- A Personal Adviser.
- A Needs Assessment and a Pathway Plan, which is reviewed 6 monthly.
- NCC SCH who are responsible for the cost of their maintenance.


Former relevant children

These are young people who are aged 18 to 21 and who were relevant young people. These young people will have –

- A personal Adviser
 - A Pathway Plan
 - These young people may be entitled to help with education/employment from NCC SCH and in some cases financial help, which may continue until age 24.
-

In Witness whereof this Protocol has been signed by the Parties' authorised signatories

Signed on behalf of Nottinghamshire County Council Social Care and Health:

Signature: 	Date:
Print Name: Mr Anthony May	Status: Corporate Director

Signed on behalf of Gedling Borough Council:

Signature:	Date:
Print Name:	Status:

Signed on behalf of Rushcliffe Borough Council

Signature:	Date:
Print Name:	Status:

Signed on behalf of Broxtowe Borough Council

Signature:	Date:
Print Name:	Status:

Signed on behalf of Mansfield District Council

Signature:	Date:
Print Name:	Status:

Signed on behalf of Ashfield District Council

Signature:	Date:
Print Name:	Status:

Signed on behalf of Newark & Sherwood District Council

Signature:	Date:
Print Name:	Status:

Signed on behalf of Bassetlaw District Council

Signature:	Date:
Print Name:	Status:

Signed on behalf of Supporting People

Signature:	Date:
Print Name:	Status:

Signed on behalf of Youth Offending Services

Signature:	Date:
Print Name:	Status: