



**Joint Protocol for working
with 16- and 17-year-old
Children presenting as
homeless or at risk of
homelessness**

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1. Introduction

The purpose of this protocol is to ensure that no child is homeless or faces homelessness unsupported, and to facilitate a fast, effective, joined up response to meet the needs of homeless 16 & 17 year olds (and those who may be at risk of homelessness) through an integrated partnership approach.

The protocol outlines the agreed practices, responsibilities and roles within a framework of services for children who are identified as being homeless or threatened with homelessness and has been developed with due regard to statutory guidance on operational joint working in the context of homeless 16- & 17-year olds. It has been designed to support both managers and front-line officers to deliver services lawfully and in the best interests of children who are homeless and considers actions that can be taken when a child is identified as at risk of homelessness.

Swindon Borough Council are committed to achieving the best possible outcomes for children who turn to us for assistance. This joint protocol is important for improving our response to children who need housing – it is particularly important because it focuses on the first approach a child makes to us, when a prompt, well-informed and seamless response is most necessary.

This joint protocol covers the service provision to children aged 16 and 17 years and who are homeless or at risk of homelessness. The protocol provides a series of definitions and procedures to be followed to ensure the responsibilities for homeless 16 & 17 year olds under the Children Act 1989 (as amended by Sections 17(6) and 22(1)), the Children Act 2004, the Children (Leaving Care) Act 2000 and the Housing Act 1996 and as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017) are appropriately fulfilled.

The basis of this Protocol is to:

- Establish the basis of partnership working to improve the services provided for children in Swindon
- Prevent 16 and 17 year old becoming homeless
- Support 16 and 17 years old returning home is safe to do so, and/or remaining within their family network
- Clarify respective responsibilities;
- Provide detailed guidance to ensure a focus on children;
- Ensure direct communication between frontline workers and/or their managers to resolve differences at the earliest stage;
- Make sure that children are not sent from one service to the other without prior direct communication.
- Ensure interventions with children support to develop pro-social identity

2. Key Principles

We share a number of principles and beliefs about children and their transition to independent adulthood:

- **Homelessness Prevention** is our priority. The experience of homelessness is damaging to children and to their life chances: the statutory joint guidance states that **"it is in the best interests of most children aged 16 or 17 to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends network"**;
- Bed and breakfast accommodation is not suitable for use by children's services or housing authorities to accommodate 16 and 17 year old children on a temporary basis: this principle is re-emphasised by the statutory joint guidance;
- Children should be given every opportunity to have a realistic understanding of the options available to them, and to make informed choices about their future. Where considered appropriate and required, they can be provided with an independent advocate;
- Parents of, or those with parental responsibility for, 16 and 17 year olds are responsible for their children's welfare. A key commitment is to keep families together in their homes wherever possible because this is best for the child in most instances

We are also **committed** to a number of principles in putting this protocol into practice:

- A child in crisis should receive a practical and immediate response from whichever agency they first approach;
- All agencies should be open and straightforward with children and their parents and carers, both about the service which they can offer, and what other agencies' role and capabilities are;
- Agencies will share information about a child and their family, subject to the proper consent of the child and their family;
- Housing Options and Social Care teams should collaborate during the assessment process;
- The availability or otherwise of suitable accommodation or support must not influence the determination of statutory duties under the Children Act 1989;
- Once potential duties are determined, Social Care and housing options teams should work together, in consultation with the child to agree the way forward.

3. Statutory Context

Legislation and statutory guidance are clear that:

- The primary responsibility for a child in need who requires accommodation, including a 16 and 17 year old who is homeless lies with the relevant children's services authority.
- The duty under Section 20 of the 1989 Children Act takes precedence over duties in the 1996 Act in providing for children in need who require accommodation
- Section 20 of the 1989 Children Act takes precedence over the general duty owed under
- Section 17 of the same Act to children in need and their families where a child needs to be accommodated.
- As a result of being accommodated by children's services for a continuous period of more than 24 hours the child will become looked after if they consent.
- Whilst accommodated under section 20 the child is not eligible for welfare benefits, including housing benefits or housing costs under universal credit

In May 2009, the House of Lords Judgement on the case R(G) v Southwark ruled that local authorities should presume that any lone, homeless child should be provided with accommodation under Section 20(3) of the Children Act 1989 to accommodate any child in need aged 16 and 17 whose welfare is likely to be seriously prejudiced without the provision of accommodation. At the same time, local housing authorities are required under the Housing Act 1996 (as amended by the Homelessness Act 2002) to secure accommodation for people who are unintentionally homeless, eligible for assistance and in priority need.

Children in need are defined in Section 17(10) of the Children Act 1989 as: those who are unlikely to achieve or maintain a reasonable standard of health and development, unless the local authority (that is Children Social Care) provides services; those whose health and development is likely to be significantly impaired, unless the local authority provides services.

Under Section 20 of the Children Act 1989, councils must treat 16 or 17-year-olds as looked-after if they have no one to take parental responsibility for them and they believe their welfare would otherwise be "likely to be seriously prejudiced". The authority must therefore provide suitable accommodation and support to the child. Legislation and guidance emphasises the need for those with responsibility for Children and Families Services and Housing to work closely together to prevent and manage homelessness in relation to children.

The only exceptions under Section 20 are:

- a. If the child is not in the local authority's judgement (based on an initial screening assessment) a child assessed to be "in need" as under Section 17 or Section 20. In nearly all cases a child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant

challenges to the child's welfare, that the child will be a child-in-need. This may be because they had been living independently for some time prior to their homelessness;

or

- b. Those who explicitly did not want to be accommodated under Section 20. Children must be judged to be competent to make such a decision and have had the benefit of advice about the consequences of making such a decision.

Section 20 (1) requires that every local authority shall provide 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;
- b. Being lost or having been abandoned;
- c. The person who is caring for the child being prevented from providing the child with suitable accommodation or care.

If a child is accommodated under section 20 they become a 'looked after child' and they are afforded further protection and rights with a range of support and services, including a named social worker and a care plan.

It must be noted that, whilst a local authority can offer services and support to a child under section 17 of the Act, if a section 20 duty is owing, they cannot substitute the section 20 duty with section 17 powers (see 1.2 Ministry of Housing, Communities and Local Government 2018).

In the case of a 16/17 year old, even if a parent objects, if the child wishes to be a Child Looked After, they can be if they are deemed competent to make that decision.

The allocation of a social worker and a plan are still requirements where a child remains child in need. The plan must address accommodation and support with named contacts, timescales for action and review dates.

Children who are 'looked after' beyond the age of 16 will also be entitled to support as they leave care. The type of support and legal entitlements depends on how long they have been looked after. However, if they have been looked after for 13 weeks or more at any point after their 14th birthday, are still looked after on or after their 16th birthday, they may qualify for leaving care support up to the age of 25, however this is discretionary.

4. Partnership Working

Children who become homeless generally have many other issues that affect them. Therefore, it is important that agencies work in partnership to ensure the child's needs are met.

The aim of the Housing Options Team and Children's Social Care, in line with government guidelines, is to:

- Ensure that children are adequately supported;
- Help maintain their tenancy;
- Prevent homelessness.
-

Particular responsibilities lie with:

- Housing (There is a dedicated Childs Housing Options Officer)
- Children's Social Care teams;
- Youth Justice Service (YJS)

5. Preventing Homelessness and supporting families to stay together.

Swindon believe that it will be in the best interests of most children 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 services responses should explicitly recognise this and work pro-actively with children and their families to identify and resolve the issues which have led to the homelessness crisis.

If an approach is made to Housing, The Child's Housing Options Officer will contact the person making the 16 or 17 year old homeless (if it is safe to do so) and establish what Swindon Borough Council can do to prevent the child from becoming homeless.

This can involve:

- A listening ear for parents or caregivers.
- A referral to Children's Services for more support
- Working with the family network to find solutions to the housing situation

Edge of Care

The EOC team (Edge of Care) is a service that works with families to prevent children and young people from entering local authority Care and will also support their return home. Access to this service is via an allocated social worker following assessment of needs.

Early Help

Targeted Support and Services will be offered to all young people, to prevent family crisis and to intervene at the earliest of stages to prevent family difficulties escalating in complexity. Targeted Support and Services will be co-ordinated via an Early Help Assessment and the allocation of a lead professional whose role it is to coordinate services to young people with additional needs.

The SFP supports targeted interventions for families experiencing multiple problems including domestic abuse, crime and antisocial behaviour, poor school attendance, unemployment, mental and physical health and children in need of help and protection. The Supporting Families Programme is central to and fully integrated with Herefordshire's Early Help Offer.

Early Help workers can provide support with:

- parenting
- managing money and debt (working together with our Supporting Families Employment Adviser)
- housing needs (such as rent arrears, repayment plans, ensuring that the family is registered on the Housing Register Home-point and support to bid for properties)
- addressing anti-social behaviour caused either by children or adults and signposting to Early Help Police Prevention Officers to avoid evictions
- managing parental conflict in the home
- managing the impact of domestic abuse
- keeping children living in the family home (preventing family breakdown and youth homelessness through parenting strategies and mediation, ensuring young people remain in education, employment or training)
- If a child returns home after previously been evicted by their parent(s) they support the whole family to ensure any identified issues that could lead to a breakdown again will be addressed

6. Housing Service Responsibilities

In respect of vulnerable children, the Housing Department will carry out the following duties:

- Housing will work with anyone over the age of 16 not defined as being looked after by social care.
- Homelessness Prevention
- Housing will assist children to have a planned move into suitable accommodation.

The first point of contact for children is the Child's Housing Options Officer.

The Housing Options Officer will:

- Explore all housing options and remedies to prevent homelessness
- Arrange a joint assessment with CSC if homelessness cannot be prevented
- Fulfil the duty of the Local Authority where children meet the criteria of the Housing Act 1996 part VII, as amended by the Homelessness Act 2002 by ensuring the child has appropriate housing available to them.

7. Joint Working Procedures

The Housing Protocol sets out a number of key elements to our joint working between Housing Services and Children's Social care within Swindon.

- It sets out explicitly the principle of the approach where a decision-making process flows through from First contact with the child to successful conclusion with absolute clarity of where responsibility sits at each step of the process;
- It recognises that for some children there will be a simple route through into supported housing. For others, there will be a more complex route of assessment, support and temporary accommodation through to suitable accommodation which may include the child becoming looked after;
- It recognises that the significant advantage that can be gained in more successful outcomes for all parties and resource use by more closely aligning Housing Pathways for children used by Children's Social Care and Housing.

Assessment of children's needs and determination of duties under the Children Act, undertaken by Swindon Borough Council's Children's Social care is at the heart of the process for responding to children aged 16 or 17 who present themselves as homeless.

Agencies will share information about a child and their family, subject to their consent.

A child in crisis should receive a consistent, practical and immediate response, which focuses on preventing homelessness in the first place, from whichever agency they first approach. This response should be underpinned by joint working between Children's Social Care and Housing Services.

First contact with child

First contact with Children's Social Care

The MASH will:

1. Check with the housing options team whether the child has already contacted them and if so the status of their request for assistance under the Housing Act.
2. Undertake a desktop assessment which includes:
 - Discussion with the child and their family including extended family;
 - Contacting relevant agencies involved;
 - Exploring if with support a child can remain at home.
3. If the threshold is met for a statutory assessment the child will be referred to the ACP for statutory assessment;
4. The Housing Options team will be notified by ACP and a joint assessment appointment will be arranged-need to agree timescale currently 48 hours.
5. If the child has nowhere safe to stay in the immediate future and this has been assessed by CSC, CSC will place the child in appropriate emergency accommodation after contacting the housing options team to discuss availability and suitability of emergency temporary accommodation for the child and how this can be booked for them. CSC will tell the child what will happen next and make an appointment for them to meet a social worker from ACP and the Housing Options officer to start the process of a **Joint Assessment**.

First contact with housing services

If a child first presents themselves for assistance to Housing Services they will be directed immediately to the child's housing options officer, who will:

- Ascertain the child's circumstances and immediate needs
- Contact the MASH to ascertain whether the child is already known to children's services and whether there is further information about the child's circumstances which would affect a decision about the safety of a return home
- If appropriate, contact the child's parents and/or others with whom the child has been staying to ascertain the reasons for them leaving and being unable to return and to try to first prevent their homelessness or extend their stay for the immediate future while their application for assistance is determined;

If this is not possible:

- Arrange emergency temporary accommodation for the child;
- Assist the child to claim any benefits they may be entitled to;

- Make a referral to MASH to arrange a joint assessment with ACP of the child's needs using the rf1 (referral form);
- If the child has no funds for their immediate needs, and can get no other immediate help, contact MASH/ACP to discuss assistance under Section 17;
- Tell the child what will happen next (referral to FCP/MASH for determination of children act duties) and the process/timescale for this, ask whether there is anyone who they wish to support them during this process and in making decisions about the future, and give them a copy of the Swindon borough council complaints process leaflet;
- If there is concern that the child may be at risk of harm, make a verbal referral to MASH advising that this is the primary referral issue, following this up with a completed referral form.

First contact with other agencies and local authority teams

Other agencies and teams, including Early Help services, educational and voluntary agencies and others, may become aware of a child aged 16 or 17 who is facing, or already in, a housing crisis, or who has nowhere settled to stay (for instance, sofa-surfing). They should:

- Refer the child to children's services by completing form RF1 and sending it to the MASH by email;

If there is concern that the child may be at risk of harm, enter this as the primary issue on the referral form in order to ensure priority processing and in cases of urgency, telephone MASH to make a verbal referral, following this up within 24 hours with a completed referral form

8. Joint Housing Assessment

The joint assessment should be carried out **within 3 working days** of the young person making contact with Children and Families Directorate/Housing or any other agency/department. A young person who has no accommodation (or accommodation which is unreasonable for them to occupy) and where contact cannot be made with the family, will be given a joint interview on the same day that they make contact, where possible or within **24 working hours**. This assessment will include:

- Undertaking a Joint Home Visit, by a Social Worker and Housing Officer
- mediation to the child and their parent/person with parental responsibility will be offered
- Considering evidence of homelessness, (reminding all that if there are no safeguarding issues and a parent will provide accommodation they are NOT homeless).

- Contacting family members and connected persons so they can remain within their family network
- Managing expectations and informing children, parents, carers and professionals of the realities of leaving the family home at a young age and what the likely housing options will be.
- Explaining consequences for any warnings, breaches of accommodation, Acceptable Behaviour Contracts or Notice to Quit/Eviction.

The information gathered as part of the Joint Housing Assessment process will inform Children's Social Care's Single Assessment and Housing Options Needs Assessment. Timescale for the Single Assessment to be completed will be **10 working days**. The assessment should be child-centred and holistic in approach, addressing the child's wider needs, as well as that for accommodation. The Joint Housing Assessment is not limited to one meeting with Children's Social Care and Housing, it is an on-going process and Housing and Children's Social Care should continue to liaise with one another throughout the process.

"Intentionally" Homeless

It is highly unlikely that Swindon Borough Council will find a 16/17 year old to have become homeless intentionally.

In very rare circumstances young people may be deemed to have become homeless 'intentionally' if their homelessness is the consequence of a deliberate act or omission by them, unless this was made in good faith and in ignorance of a relevant fact. Every young person's situation will be assessed individually and the circumstances surrounding them will be investigated.

All the signatories to this protocol agree that young people are likely to make mistakes and hence any finding of intentional homelessness will be provisional, pending review, and where the young person's behaviour is deemed to be so severe to warrant an 'intentional homelessness' decision. Any young person with this finding will have the right to request a review of the decision and can challenge the decision through the courts.

Should an intentional homelessness decision be reached the Council will work with partners to provide the young person with appropriate advice, help and support. This might include, for example, a request for a review of the decision.

Advocacy Support

Every 16 & 17 year old child that presents as Homeless will be offered **Independent Advocacy** support from an external agency commissioned by Swindon Borough Council unless they 'opt out'. SBC believes that it is important that every young person should have the opportunity to be supported by an independent advocate who can ensure that the young person knows their rights, helps them have their voice heard in decision making processes, and receives the right support and accommodation from the Council.

At the joint assessment interview, the young person will be provided with information about the Independent Advocacy Service including a Helpline number. If it is felt that the young person requires urgent support, the young person will be supported to call the helpline. Advocacy support will be provided over the phone in the first instance, with the potential for an advocate to meet the young person later if more support is required or issues are ongoing.

In cases where the need for advocacy support is not urgent, unless the young person specifically says they do not want their details passed on to the advocacy service, the Social Worker or Housing Officer will submit a referral form to the Independent Advocacy Service as part of the Joint Housing Assessment, making it clear that the referral is for an 'introductory call' for a 16 or 17 year old who has presented as homeless. The Advocacy Service will then make contact with the young person to arrange a time to meet (virtually or in person, as appropriate) to talk about advocacy, the role of independent advocate, and how a young person can self-advocate with access to the right information and resources.

The young person has the right to 'opt out' from receiving advocacy support at any time. If they do, this will be recorded on their case notes, however the young person will be reminded of their right to advocacy on at least an annual basis during the time that they are in care or being supported by an SBC social worker as a 'child in need'.

9. Process to Determine Duties

On receipt of a referral regarding a child being or becoming homeless Children's Social Care will determine by completing a statutory assessment whether:

- The child is a child in need;
- Accommodation under Section 20 should be offered to the child

If a 16 or 17 year old child is pregnant or has a child/children of her own, Children's Services' duties will be determined towards each of them individually. The Children's Safeguarding Partnership pre-birth protocol should be followed if relevant. Similarly, if a child is in a partnership with an adult, only duties towards the 16 or 17 year old will be considered.

Once a determination is made on whether children's services have a duty under Section 17, and whether Section 20 applies, the Social Care Team or MASH will contact the housing options team to discuss the options to be considered with the child.

Potential assistance to the child

Children's Social Care teams and the Housing Options team will work together to conclude the determination of duties under the Children Act 1989 and Housing Act 1996 and, where there are duties to assist, to put in place a suitable package of assistance which reflects:

- The child's wishes and feelings;
- Professionals' concern to put in place a package which is realistic and will best assist the child in moving on to independence, including retaining supportive social/family networks and plans for education, training and work.

Actions following Children's Social Care determination of duties

Social Care actions following the determination of duties are summarised below:

If a duty is owed under Section 17 AND Section 20 applies

- Discuss assessment outcomes and options for the future with the child, ensuring that they have the opportunity to make a fully-informed decision on whether to accept the offer of assistance under Section 20;

If the child accepts the offer of assistance under Section 20:

- Inform the housing options team and any other referring agency;
- Arrange a placement in suitable accommodation, taking over financial responsibility for the child's accommodation if they have previously been placed by the housing options team;
- Put in place a care plan and allocate a social worker for the child under Children looked after procedures.

If the child does not accept the offer of assistance under Section 20:

Children's Services must be satisfied the child has the capacity to make this decision.

- Inform the housing options team by email, including the reasons for the child's refusal of assistance;
- Prepare a child in need plan for Section 17 support.

If a duty is owed under Section 17 BUT Section 20 does NOT apply

- Inform the housing options team by email, including the reasons why Section 20 does not apply;
- Prepare a child in need plan for Section 17 support.

Housing Options team actions after being informed by the duty team of their determination of duties under the Children Act are summarised below:

If a duty is owed under Section 17 AND Section 20 applies

If the child has accepted the offer of assistance under Section 20:

- Determine duties owed under Housing Act 1996 (no duty owed);
- Assist children's services in finding suitable accommodation options, if requested to do so.

If a duty is owed under Section 17 BUT Section 20 does NOT apply

- Determine duties owed under Housing Act 1996;
- Assist child in completing housing benefit claim form if they have been occupying emergency accommodation as a children's services placement.

If a duty is found to assist under the Housing Act 1996

- Follow local housing authority procedures for interim accommodation and support, and eventual discharge of duty;
- Liaise with the duty team about child's support needs and case review (see Section 6 below).
-

If no duty is found to assist under the Housing Act (for instance, if the child is found to be intentionally homeless)

- Follow local procedures to end emergency accommodation (if any) allowing the child a reasonable time to make alternative arrangements;
- Discuss the decision and the child's future housing circumstances with the duty team and, if necessary, re-refer the child for further assessment, using the RF1 process.

10. Swindon Youth Justice Service Responsibility

The YJS has no provision to access any accommodation directly.

Swindon YJS is a multi-agency team. Its aim is to prevent offending and re-offending by children aged 10-17. As part of its pro-active prevention work (Turnaround and out of court disposals), the YJS will also work with children aged 10-17 who are at risk of offending. The focus of work with child in the YJS is to see children 'as children'; support to 'build pro-social identity'; collaborate with children; and divert from sigma. These tenets of practice are central to our work with children who are at risk of becoming homeless.

Lack of access to stable and suitable accommodation is a known risk factor for offending or inappropriate entry into the criminal justice system. Gaining accommodation can reduce both. Having no accommodation can lead to the inappropriate use of custody/remand. The Youth Justice Board recommend:

- YJS have a named (or nominated) accommodation officer-in Swindon this is the YJS Team Manager;
- All children either subject to a community intervention or on release from secure estate (custody) have satisfactory accommodation to go to.

Under 16 Year Olds

The YJS will communicate closely with Children's Services, social care teams to ensure suitable accommodation is accessed and supported.

16 and 17 Year Olds

Subject to the child's status the YJS will work in partnership with social care teams and/or the Housing Services:

- Social care has statutory responsibility for children who are deemed to be vulnerable and in need under Sections 17 and 20 of the Children Act 1989;
- The local authority has a duty to ensure that accommodation is available for children aged 16-17 who do not meet the above criteria, and who are homeless through no fault of their own;
- It is possible that a child subject to civil injunctions relating to anti-social behaviour can become 'intentionally homeless'. In this case, the local housing authority has no duty to accommodate. The YJS, Housing and Social Care teams will work together to prevent this happening, if possible, and ensure the child receives services to reduce their risk and ensure they are safeguarded.
- **Court Conditions and Remand**

In the cases of children subject to residence conditions in bail or Remanded to Local Authority Accommodation (RLAA) the YJS court officer will refer the child to the relevant social care team who will assess the child's vulnerability. They will then decide on the most appropriate accommodation provision.

Remand to Local Authority Accommodation

Children will be referred to the MASH, Assessment and Child Protection team or the relevant social care team. Under no circumstances is Bed and Breakfast considered appropriate.

- High Risk children in relation to housing: such as those who have committed arson offences or those who display Sexually Harmful Behaviour (SHB) can become excluded from housing provision. YJS, Housing and Social care teams will work together to ensure suitable accommodation is available as part of multi-agency public protection arrangements. YJS has duty to cooperate (DTC) partner in MAPPA but are reliant upon Social Care/Housing partners to access and provide suitable accommodation in MAPPA cases.

Children in the secure estate (Youth Detention Accommodation)

The YJS will assess the child's housing needs whilst in custody. Every effort should be made to ensure the child has advanced notice of their accommodation provision prior to release which should be identified, as a minimum, 2 weeks prior to release. The YJS will work with housing and the relevant social care team as required to plan for the child's release into the community, working together to support the placement. The focus of the work will be to address any structural barriers to supporting successful resettlement.

The YJS will inform Housing/relevant Social Care team when a child is due to leave prison to enable a planned move for the child using the following procedure:

1. YJS officer will complete the relevant forms and send to the relevant Caseworker;
2. If required, the YJS to arrange a 3 way meeting, involving the relevant social care team, housing and the custodial establishment to discuss the needs of the child.

Housing will then make a decision regarding child's housing and inform the YJS officer.

Contacting the YJS

In the first instance the relevant Case Manager at the YJS should be contacted.

11. Conflict Resolution

Legislation, Case Law and Government guidance emphasise the importance of joint housing protocols as a means by which statutory services will be held account to homeless and vulnerable children for the services they provide. The most likely place where conflicts will arise is regarding the child's initial assessment of need.

It has been agreed that this Protocol, if needed, will use the Swindon Safeguarding Children's Partnership Escalation Policy for the resolution of disputes between parties.

See [Escalation Policy](#).

12. Accommodation

Accommodation options for 16 and 17 year olds include:

Supported lodgings

Foster placements

Emergency rooms in Supported Housing Schemes

Supported housing schemes

Swindon has a number of providers, who provide supported accommodation for children from the age of 16.

Vulnerable children who come under Children in Need provision are a priority group for these services and can apply to these services for housing and support. In addition, the Housing Options Team have two emergency rooms within the Swindon Foyer and two emergency rooms within Radnor Lodge that can be accessed via the Housing Options Team. These rooms are used in a homeless crisis and are a means of accessing longer-term accommodation.

All Supported Housing providers are asked to notify the Housing Options Team of any likely eviction so that the Housing Options Team can liaise with providers to potentially prevent the eviction or work with them to identify suitable alternatives.

Children will be provided with support by the accommodation provider that will run in parallel with the support provided by Social Workers as well as other statutory and support agencies involved with the child.

13. Review and Monitoring

This protocol will be reviewed in 6 months to assess its impact on the joint working between all partners.

When this protocol is agreed joint training will be provided for Children's Social Care and Housing staff. Any change in legislations will be updated in the protocol as required.

Appendix 1: Legal Framework

Multi-agency working is essential if children in need of housing are to get appropriate services. This need for co-operation is recognised in legislation and accompanying guidance. It highlights an expectation from government that social services and housing departments will forge proactive links with each other, to ensure they can comply fully with the inter-relating pieces of legislation and prevent failures in responsibilities and standards of care.

The main duties to provide accommodation under the statutory homelessness provisions are owed only to those who are actually, or potentially, in 'priority need'. The Homelessness (Priority Need for Accommodation) Order 2002 came into force on 31 July 2002. The new order provides that homeless applicants coming within the new categories of priority will be accepted for the provision of accommodation unless they are not eligible for assistance under Part 7 of the Housing Act 1996 or are homeless intentionally.

Section 189(2) of the Housing Act 1996, Part 7 provides that:

- All 16/17-year-old homeless applicants have a priority need for accommodation except those who are:
 - i. A relevant child;
 - ii. A child in need who is owed a duty under Section 20 of the Children Act 1989.

Key Statutory Duties are in the Following Legislation

Local Housing Authority Duties

- [Housing Act 1996 Part VII;](#)
- [Homelessness Act 2002;](#)
- [The Homelessness \(Priority Need for Accommodation\) \(England\) Order 2002;](#)
- [Children Act 1989 Section 27.](#)

Children and Families Services Duties

- [Children Act 1989 Sections 17, 20, 23 and 24;](#)
- [Housing Act 1996 Section 213;](#)
- [Chronically Sick and Disabled Persons Act 1970.](#)

Housing

Housing Act 1996

Parts VI and VII of the Housing Act 1996 set out the legal framework for assisting homeless people and allocating housing.

Section 175: A person is homeless if:

- They have no accommodation available in the UK or elsewhere;
- **or**
- They cannot gain entry to their accommodation;
- **or**
- It is not reasonable for them to occupy their accommodation.

Section 185: A person is not eligible for assistance if they:

- Are a person from abroad who is ineligible for housing assistance;
- **or**
- Are subject to immigration control.

Section 189: A person is in priority need if they:

- Or their partner, are pregnant;
- Have dependent children;
- Are vulnerable due to old age, mental illness or learning or physical disability or other special reason;
- Are homeless as the result of an emergency (amended by Homelessness Act 2002).

Section 191: A person becomes homeless intentionally if they deliberately do, or fail to do, something which causes them to lose their accommodation.

Section 193: Local authorities have a duty to ensure that accommodation is made available to the applicant (amended by Homelessness Act 2002) if the person is found to be:

- Eligible for assistance;
- In priority need;
- Unintentionally homeless.

Homelessness Act 2002

This Act amends Parts VI and VII of the Housing Act 1996. The main changes which impact upon children are:

- A duty on all local housing authorities to develop a strategic approach to tackling homelessness;
- A new duty to provide long-term accommodation for unintentionally homeless people in priority need;
- The extension of the priority needs groups to include:
 - 16 and 17 year olds whose support networks have broken down irrevocably and who are not owed a duty by social services as a relevant child or a child in need;
 - 18 to 21 year olds leaving care who are former relevant children;
 - People aged 21 or over who are vulnerable because they were formerly looked after by the local authority;
 - People who are vulnerable as a result of violence, being in the armed forces or in prison.

Children's Social Care

Children Act 1989

Section 17 places a general duty on social 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.

A child in need is defined as someone who is aged under 18 and:

- Is unlikely to achieve or maintain a reasonable standard of health or development without the provision of appropriate services by a local authority;
- Whose health or development is likely to be significantly impaired or further impaired without the provision of appropriate services by a local authority;
- Who is disabled.

Section 17 (5) allows social services to call upon other agencies (particularly voluntary organisations) to provide services on their behalf.

Section 20 (1) states that every local authority shall provide accommodation for any child in need within their area who requires accommodation as a result of:

- There being no person who has parental responsibility for them;
- Being lost or having been abandoned;
- The person who has been caring for them being prevented from providing suitable accommodation or care.

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 her or him with accommodation.

Section 27 a social services authority can ask a housing authority to help in delivering services for children in need. The housing authority must comply with such a request to the extent that it is compatible with their own statutory duties and other obligations.

DoH Guidance on the Act recommends that close liaison between social services departments and housing is necessary and may be best achieved through the establishment of formal arrangements.

The Secretary of State's Code of Guidance describes an expectation that social services and housing departments work jointly to exercise their duties and agree joint protocols to ensure that the intention of the legislation to provide a safety net for those children who are homeless through no fault of their own is fulfilled.

Appendix 2: Signatories

Signatories

The following have signed up to be part of this protocol:

Swindon Borough Council
Director of Children's Services
Penny Davies

Swindon Borough Council
MASH/ACP Service Manager
Nicki Mark

Youth Offending Service Senior Manager
Michael O'Connor

Swindon Borough Council
Head of Housing Services
Mike Ash

Swindon Borough Council
Homelessness Service Manager
Sarah Banting