**SWINDON BOROUGH COUNCIL**

**Joint Protocol for**

**Care Experienced Young People and Housing**



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**1. INTRODUCTION AND OVERVIEW**

* 1. This is a joint Protocol between Childrens Services, Adult Services, Housing and Homelessness Teams and is the agreed response to Swindon Borough Council’s (SBC’s) statutory duties roles and responsibilities in the prevention of homelessness and the ongoing housing and support needs of Care Experienced Young People (CEYP).
	2. The agreement cuts across a number of Teams within Children’s Services and Housing and Homelessness. All professionals in these services are expected to keep up to date with the content of this protocol, current practice and research. In particular, teams responsible for assessing young people’s needs, those in the Youth Justice Service and The Positive Futures Team, must understand their own and other’s duties in regards this client group to ensure needs are responded to appropriately.
	3. The protocol sets out a consistent and coordinated response to this client group and supports a streamlined, concise and clear pathway to navigate CEYP through, in order that they receive timely and appropriate support, access to services and to accommodation that meets their needs.

1.4 Central to the approach is the offer of tailored support, preventative work and fulfilment of statutory duties. The main objective is to achieve sustainable long-term housing solutions for CEYP from the borough of Swindon

1.5 SBC’s Corporate Parenting strategy sets out our commitment to support CEYP in their transition to adulthood. When exercising their functions in relation to children in care and Care Leavers, Swindon Borough Council has regard to the seven Corporate Parenting principles identified in the Children and Social Work Act 2017. These are:

(a) to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;

(b) to encourage those children and young people to express their views, wishes and feelings;

(c) to take into account the views, wishes and feelings of those children and young people;

(d) to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;

(e) to promote high aspirations, and seek to secure the best outcomes, for those children and young people;

(f) for those children and young people to be safe, and for stability in their home lives, relationships and education or work;

(g) to prepare those children and young people for adulthood and independent living.

**2. LEGISLATION AND FRAMEWORK**

2.1 The following legislation and guidance emphasises the need for joint working between SBC’s Housing and Homelessness Services, Adults and Children’s Services, and other statutory, voluntary and private sector partners in tackling homelessness, housing and support needs more effectively:

* Housing Act 1996 – Part 5 & Part 7, as amended by the Homelessness Reduction Act 2017
* S.1 of the Homelessness Act 2002.
* Homelessness Code of Guidance for Local Authorities.
* Children and Social Work Act 2017
* S.2 of the Local Government Act 2000.
* Children Act 1989.
* Children Act 2004.
* Children (Leaving Care) Act 2000
* Joint Housing Protocols for Care Leavers DFE and MHCLC October 2020
* Children and Young Persons Act 2008

**3. BACKGROUND**

3.1 This joint protocol applies to CEYP within SBC. The protocol covers the range of support and accommodation available to CEYP who are transitioning into adulthood, identifying suitable, safe and sustainable accommodation options via a range of services that are able to respond to varying need. In addition, the protocol considers joint working responses between Homelessness and Housing and Children’s Services to prevent and/or relieve homelessness for this vulnerable client group. Whenever possible, young people will be supported through planned pathways to avoid use of Homelessness legislation unless it is absolutely necessary.

3.2 Both Children’s Services and Homelessness and Housing have a responsibility towards the practical application of this Protocol within their relevant services. Both services will regularly review this Protocol to identify positive working practices, changes in legislation and any gaps/challenges identified during its application. Service Leads within Children’s Services and Homelessness and Housing have overall responsibility for its implementation via their Teams and front-line workers.

**4. ELIGIBLITY**

4.1 This Protocol applies to all the groups listed below. For each group there are specific statutory functions that apply, which each agency must abide by:

* CEYP who are aged 16-25 and previously Looked After by the SBC as defined by the Children Act. This includes qualifying, eligible, relevant and former relevant Care Leavers.
* CEYP in custody.
* CEYP from SBC, but residing outside of the SBC area.
* CEYP from outside of Swindon, but living within the Swindon area.
* CEYP who have no recourse to public funds post 18 (financial responsibility remains with Children’s Services)

More information around Care Leaver status can be found under the [Leaving Care Policy](https://swindonchildcare.proceduresonline.com/files/leaving_care_policy.pdf)

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**5. IMPLEMENTATION, DEVELOPMENT & MONITORING**

5.1 The Protocol will be embedded via robust training and information sharing sessions across all services within Children’s Services and Housing and Homelessness. This will include:

* Face to face/virtual training sessions, outlining the key aspects and statutory duties of relevant services across Homelessness and Housing and Children’s Services
* Inclusion in induction training for new members of staff across Children’s Services and Homelessness and Housing
* Drop-in sessions available upon request for workers to ‘shadow’ Teams within both service areas.
* Team meetings

5.2 A joint operational review of the protocol will be completed every 6 months after its implementation, for two years. Following this the protocol will be reviewed annually.

**6. SUITABILITY OF ACCOMMODATION**

6.1 This protocol recognises the need to ensure that CEYP are placed in suitable and safe accommodation, following guidance from the Children Act 1989. Working with commissioners and procurement, as well as local registered providers and the Homeless and Housing Team, SBC has access to a range of suitable housing options across the borough.

6.2 SBC must demonstrate regard in determining suitability of accommodation (under Schedule 2 of the Care Leavers regulations 2010 and schedule 6 of Care Planning, Placement and Case Review Regulations 2010) in respect of:

* + - Accommodation - Facilities and services provided, state of repair, location and financial commitments.
		- CEYP – views about the accommodation, understanding of rights, responsibilities, and funding arrangements for the accommodation.

6.3 Commissioned supported Housing services and spot purchased arrangements for CEYP are monitored by Children’s Services Placements Team to ensure that they meet the needs of CEYP, are safe, have appropriate mechanisms to provide support and are accessible to education/training provisions, primary health care services and transport links to promote transition to independence. Outcomes of monitoring visits to services are shared with relevant Team managers/service leads and social workers/personal advisers. Robust monitoring ensures arrangements are suitable, as well as helping shape services in the future by identifying gaps in provision or trends going forward.

6.4 Where possible, SBC will endeavour to ensure that CEYP will always be placed in commissioned supported housing services and/or in-house arrangements.

6.5 SBC recognises that use of bed and breakfast accommodation is not appropriate for CEYP. SBC has access to a range of emergency accommodation services via both Children’s Services and Housing and Homelessness to avoid use of B&B. These options include emergency supported lodgings and temporary accommodation such as emergency rooms in supported housing schemes. The use and demand for these services is closely monitored in order to identify suffiencey and for any gaps in service to be addressed via commissioning and/spot purchasing arrangements. In the event that B&B accommodation is required, its use will be for brief periods and be time limited and only if an appropriate support plan has been implemented to minimise risk and a robust plan is in place to identify move on to more suitable accommodation. Such arrangements must be agreed by relevant Service Lead within Children’s Services and the decision recorded on the CEYP’s case notes.

**7. TRANSITION PLANNING & NEEDS ASSESSMENTS**

7.1 SBC is committed to ensuring all CEYP are offered safe, stable and suitable accommodation that is able to meet their needs. We recognise that many CEYP will not wish to nor have the necessary skills to live independently by the time they leave care. We also recognise that many young people may no longer wish to reside in residential care or foster care as they grow, and due to this, we are committed to offering a range of accommodation options that can provide appropriate support and accommodation to meet varying needs. This aligns with SBC’s Corporate parenting strategy.

7.2 In our continuing commitment to ensuring robust planning and multi-agency work, alongside listening to the wishes and feelings of the CEYP are heard., SBC will ensure:

* The Young person is allocated a Pathway Adviser (PA) on or around their 16th birthday. The PA will take an active role in care planning and care reviews alongside befriending and relationship building with the young person
* Care reviews, chaired by IROs, will be required to ratify any plan to transition into Leaving Care and agree a plan as appropriate to the needs of the young person
* Use of the Pathway for Post 16s to ensure that needs are clearly identified to help inform identification of appropriate accommodation and support options
* The function of the CEYP Housing Panel to support the process of identifying appropriate housing options for Care Leavers in line with their needs and review progress of the CEYP once in placement to ensure move on into independent accommodation is timely
* Involvement from other key services relating to the needs of the care leaver is applied, such as Adult Services, Youth Justice and Health in the transition planning.
* Out of hours support to CEYP living in supported or independent living arrangements

7.3 To ensure services are available and in preparation for young people leaving care, all young people aged 16 and above and in the care of the SBC will be discussed at the CEYP Housing Panel. The aim here is to offer solutions for housing post 18 and to understand the plans and aspirations the young person has in terms of housing for the future and to help identify what preparation work is required in order the young person can realise their aspirations. This can include targeted work on building independent skills, discussions with the young person and carers to explain housing options via PA and/or Housing Options Officers.

7.4 For CEYP who have or are likely to have ongoing social care needs as they transition into adulthood, SBC has a Policy to help and assist with the transition into Adult Services. This provides guidance on how to ensure robust working between Children’s Services and Adult Services can work together to achieve the best outcomes for CEYP with additional support needs.

7.5 For CEYP, contingency planning is essential to mitigate risk of accommodation breakdowns and to avoid homelessness. This can include looking at additional resources, trigger points, known risks, etc. Consideration of contingency plans will be discussed at The CEYP Housing Panel and ratified as part of the panel discussion. These should be included within the Care Leavers Pathway Plan.

7.6 Future risks of homelessness should be discussed early and mitigated for wherever possible. Good planning includes the IRO service and care review process as well as the internal review processes of the Positive Futures Care Experienced Service (supervision and Pre-18 SW-PA Transition Planning).

7.7 Where acute risks of homelessness do arise an accommodation planning meeting should be held at the nearest opportunity to clarify the risks and agree either a stability or move-on plan with the CEYP.

**8. ACCOMMODATION OPTIONS**

8.1 To meet the varying needs of CEYP, SBC understands the need to offer a range of accommodation and support options. These are via use of in-house and commissioned services, as well as robust relationships with spot purchased arrangements, registered social landlords and private rental landlords. Options available to CEYP in Swindon include:

* Options to convert foster placements into Staying Put provision
* *Staying Close provisions (tbc)*
* Supported accommodation options – both commissioned and spot purchased
* Supported Lodgings arrangements
* Returning to live with family
* Social housing via priority banding
* Access to private rentals (with financial support
* Access to private sector leasing via SBC housing
* Shared Lives Scheme
* University accommodation

**9. ADDITIONAL SUPPORT TO CARE LEAVERS**

9.1 SBC recognises the need to support our CEYP in their aspirations and to achieve in life. SBC offers additional financial support to CEYP who require accommodation whilst completing higher education via our Leaving Care policy. This policy outlines the financial support we provide for CEYP who attend university via assistance with accommodation costs, holiday/non-term time, etc. More info can be found via the aforementioned policy.

**10. REFERRAL PROCESS**

10.1 SBC recognises that careful planning, assessment of need and listening to the CEYP’s voice is essential to effective transition work and avoiding homelessness for CEYP

10.2 The CEYP Housing Panel is made up of key representatives from Children’s Services and Housing and Homelessness.

10.3 The Panel will consider a young person’s needs and suitability for a service based on their needs and wishes.

10.4 If a decision to pursue supported accommodation is agreed at The CEYP Housing Panel, the Young Persons Housing Options Officer and PA will arrange for the CEYP to visit the provider for introductions and to allow the young person to understand their responsibilities in the accommodation. A Placement Plan will also be completed. From this, a move in date can be agreed.

10.5 The Panel will also consider reviews of existing arrangements and explore progress being made, any issues in placement, risks of breakdown and additional support that may be required.

10.6 The Panel considers requests for Care Leavers who are at risk of/are homeless and Care Leavers who are deemed ready for independent living and those in custody due for release.

**11. MOVE ON PROCESS**

11.1 Before a CEYP can be considered as ready for their own tenancy, the lead worker must consider the skills, vulnerabilities and needs of the young person.

11.2 When it is identified that a CEYP is ready for independent living, an *accommodation* meeting will be held with the young person and the lead worker from Housing and any other agencies involved, to discuss housing options for the young person going forward

11.3 The responsibility for processing and securing move on accommodation will be administered by the PA and the lead worker from Housing.

11.4 If panel agrees that a CEYP is ready for independent living, they will be supported to bid for social housing via the Move-On process; consisting of the Green Light Pre-Tenancy course and referral to Band A on the social housing register.

11.5 If a CEYP is ineligible for social housing, support to access private rental accommodation will be offered. SBC may be able to assist with advice and guidance for CEYP around affordable housing as well as support with upfront payments such as rent in advance payments.

**12.** **RESPONDING TO CARE EXPERIENCED YOUNG PEOPLE WHO ARE HOMELESS OR AT RISK OF HOMELESSNESS**

12.1 SBC has a duty under both Homelessness legislation and as a corporate parent to ensure the best interests of the young person are accounted for, encourage the young person to express their wishes and feelings and to promote high aspirations and seek the best outcomes for Care Leavers. Further information can be found in [Chapter 22 of the Homelessness code of guidance](https://www.gov.uk/government/publications/joint-housing-protocols-for-care-leavers/joint-housing-protocols-for-care-leavers-good-practice-advice)

12.2 CEYP have automatic priority need under the homelessness legislation, up to the age of 21. Those over the age of 21 are subject to a vulnerability assessment by the lead housing professional.

12.3 Former relevant CEYP aged between 18 and 25 (defined under the Children’s Act (Leaving Care) who are owed a service by the SBC.

12.4 Prevention work will include collaborative working alongside SBC Services) to help:

* Provide support to sustain tenancies
* Consider use of Discretionary Housing Payments/Children’s Services funding to address rent arrears or use alternative Payment Arrangements to enable UC housing costs to be paid direct to landlords
* Liaise with personal adviser to work with young person, landlord and other agencies to help address concerns
* Consider if appropriate to refer to CEYP Housing Panel.

12.5 Where possible, the panel will consider options of accommodation within SBC’s commissioned services for young people in the first instance, if it is not appropriate for a young person to remain in their accommodation. Considerations will be made following a needs assessment of the CEYP.

12.6 Housing and Homelessness should consider whether there is a duty owed to the CEYP under Part 7 of the 1996 Act to secure accommodation. Housing and Homelessness will consult with Personal Advisors to discuss suitability and vulnerabilities of young people before making an offer of accommodation.

12.7 Where Housing and Homelessness have a duty to Prevent or Relieve homelessness, a Personalised Housing Plan (PHP) for the young person will be co-produced. Housing and Homelessness will consider aligning this with the young person’s Pathway Plan and therefore discussing/sharing information about the Housing Plan with their personal advisor (if consent is given). The Personal adviser will be included in ongoing reviews of the PHP for the young person.

12.8 If Housing and Homelessness place a young person in temporary accommodation in an emergency, the case will be discussed at the CEYP Housing Panel to ensure all additional support services can be considered/actioned. Where possible, use of commissioned services for CEYP should be considered if appropriate.

12.9 Swindon Borough Council is committed to its corporate parenting responsibilities and the priority need of it’s CEYP. With that in mind, Housing and Homelessness Teams will only consider Intentional Homelessness decisions in exceptional circumstances and once all alternative options have been explored. If Housing and Homelessness feel an intentional decision should be made, the Positive Futures Care Experienced Team and the relevant service lead within Children’s Services will be made aware and given opportunity to respond, prior to the decision being made. The young person will be supported to seek further advice if required.

**13. DUTY TO REFER**

13.1 The Homelessness Reduction Act 2017 placed duties on local housing authorities to intervene at earlier stages to prevent homelessness and provide homelessness services to all those who are eligible. The duty to refer will help to ensure that services are working together effectively to prevent homelessness by ensuring that peoples’ housing needs are considered when they come into contact with public authorities. All Duty to Refers are received by SBC’s Homelessness and Housing Team via DutyToRefer@swindon.gov.uk

13.2 When a Care Leaver approaches a service outside of Homelessness or Children’s Services and is at risk of homelessness, the service should ascertain details regarding their circumstances and consider, with appropriate consent, as to whether a Duty to Refer needs to be completed. The service should ensure that the care leaver is fully aware of the purpose of the duty to refer and gives consent to share and submit the required information. Duty to refers will then be sent to the Homelessness and Housing Team.

13.3 Homelessness and Housing should ensure that the young person is made aware of the next step in the process and that an assessment will be carried out by a social worker/personal advisor to verify the next course of action to be taken. This could include prevention work, a referral into the CEYP Housing Panel or further work by Housing to consider whether there is a duty owed to the young person, under Homelessness legislation.

**14. PLANNING FOR CARE EXPERIENCED YOUNG PEOPLE WHO ARE LEAVING CUSTODY**

14.1 Care leavers leaving custody will need additional support to secure suitable accommodation on release. The [Youth Justice Accommodation Pathway](https://stbasils.org.uk/wp-content/uploads/2020/01/Finalframework3_YouthJustice.pdf) published by St Basils sets out some of the particular challenges care leavers with experience of offending might face and options for improving planning and support.

14.2 When a care leaver is identified as due to for release from custody, a planning meeting will be held with all agencies involved; including probation/YJS, Pathway Adviser, Housing Options. This will inform assessing needs and helping to identify appropriate accommodation options upon release.

**15. SWINDON CARE EXPERIENCED YOUNG PEOPLE LIVING IN OTHER LOCAL AUTHORITIES**

15.1 In some instances, it may be beneficial or in line with the wishes and feelings of the care leaver, to remain or move to another local authority area. This may be due to several reasons such as their care placement was out of area, family connections to another LA or moving away to attend education or employment.

15.2 If a care leaver wishes to remain in an area outside of Swindon, appropriate planning is essential to secure appropriate accommodation in relation to needs. Where a young person lives in another area the responsible local authority may wish to contact the authority in which they now reside, with the consent of the young person. This can assist with joint planning for the future accommodation needs of the young person in particular where they may need support from adult social care or mental health services.

15.3 If a care leaver is found to be owed a homeless duty, the Homelessness Team has a statutory duty to notify Swindon on where the care leaver has been placed and engage with the PA to ensure the Pathway plan and PHP are reflective of the wider needs of the care leaver.

**16. CARE EXPERIENCED YOUNG PEOPLE SUPPORTED BY OTHER LOCAL AUTHORITIES BUT LIVING IN SWINDON**

16.1 The Homelessness Reduction Act placed additional duties on local authorities to respond to housing needs of Care Leavers who live outside of the local authority that looked after them (or parent authority). The parent authority will be consulted (with consent of the CEYP) and will owe the care leaver a duty as a former relevant young person and they will retain a local connection to their parent authority until their 21st birthday.

16.2 In addition, a Care Leaver can also have a local connection to the local authority where they were resident for a continuous period of 2 years, provided at least some of that time was when they were under the age of 16.

16.3 If a Care Leaver approached Swindon Borough Council or a Duty to refer is received, and they were not looked after by Swindon, the Housing and Homelessness Team will look to consider if they have a local connection to Swindon, using the above guidance. If a care leaver has been resident in Swindon for longer than 2 years (with at least some of that time being before their 16th birthday) SBC will offer a prevention/relief duty following the usual processes.

16.4 If the Care Leaver is found to not have a local connection to Swindon, the Housing Options and Homelessness Teams will consider how to best support the CEYP, including consideration of short-term temporary accommodation, alongside discussion with the parent authority and relevant personal adviser.

**17. LOCAL OFFER FOR CARE EXPERIENCED YOUNG PEOPLE**

17.1 The Children and Social Work Act 2017 requires Children’s Services to publish a local offer to Care Leavers, outlining services and support available.

17.2 SBC’s Local Offer is available online for CEYP and provides information on housing and support services, accommodation options, planning and agencies to contact in the event of homelessness. This can be accessed via (link to be added).

**18. DISPUTE RESOLUTION**

18.1 All dispute resolution will be managed, monitored and strategically reviewed through the quarterly Joint Youth Homelessness Strategic Leadership Group.

18.2 Conduct and Behaviour

Where disagreements occur about referrals, service provision or the conduct and behaviour of staff from either service, the individual staff element should discuss these in the first instant with their own line manager. The manager will then determine an appropriate course of action in the context of the disagreement, from a range of options:

* Providing effective supervision and support to the staff member to re-establish good working relationships or negotiate a compromise acceptable to both services
* Organising a meeting between line managers to re-establish good working relationships or negotiate a compromise acceptable to both services
* Discussing concerns with senior management to explore strategic solutions or compromise

18.3 Professional Disagreements

In the event that it is not possible for the two agencies to agree responsibility, the matter shall be referred to the responsible Team/Line Manager who will hold discussions and endeavour to agree responsibility within 2 working days of the joint assessment.

18.4 In the event that it is not possible for Line Managers to agree responsibility for the young person, then the matter will be referred up to Service Lead level within Social Care and to the appropriate level of management within Housing. Discussions will be held within a further 2 working days and a decision as to the responsible agency will be made and the young person notified.

**19. INFORMATION SHARING**

19.1 The effective working of the joint Protocol relies on the sharing of information between agencies; it is of paramount importance that those agencies clearly acknowledge that any information relating to a service user is of a sensitive nature and must be kept confidential at all times However, while all service users are asked for their permission to have their details both recorded and shared and may withdraw their permission at any time, in the interest of safeguarding young people, all agencies staff are advised to be familiar with the Local ‘Information Sharing Guidance’.

**20. APPENDICES**

20.1 Housing Panel Terms of Reference



20.2 Independent Living Skills Programme

           

     

**21. DIRECTOR SIGNOFF**

Agreed by Director of Housing

Signed: Date:

 Mike Ash

Agreed by Director of Children’s Social Care

Signed: Date:

 Penny Davies