



Joint Housing Protocol
Housing And Children's Social Care

Title	Luton Joint Housing Protocol For Young People
Service Area	Housing and Children's Services and Education Directorate
Audience	Housing Needs Service, Housing Service and Children's Social Care Service
Version No.	Version 1.5
Date Issued	18.10.2022
Review Date	18.10.2023
Written By	Sushama Chohan, Housing Solutions Manager
	Colin Moone, Service Director Housing
	 Signature:
Approved By	Damian Elcock Service Director for Quality and Improvement – Children Operational Services
	Signature: 

The policies and procedure database (Tri.X) holds the most recent and approved version of this policy or guidance. Staff must ensure they are using the most recent guidance and any printed copies are only valid at the time of printing.

Summary

This protocol aims to meet the local authority Corporate Parenting duties towards families with children; or young people between the ages of 16-17 years and leaving care; or care-leavers up to the age of 25 years old; who need or no longer require social care services and have a housing issue that leaves them in need of housing.

Equality And Diversity

The **Equality Act 2010** seeks equal opportunities in the workplace and in wider society; and prohibits discrimination on the grounds of any of the following protected characteristics in relation to goods, services and employee protection:

- Age
- Disability
- Gender Reassignment
- Race
- Pregnancy/maternity
- Marriage/civil partnership
- Religion and Belief
- Sexual orientation
- Gender

The Equality Act aims, and in particular its General Duties, applies across the council and to any organisation delivering services on a contractual, commissioned or voluntary basis on behalf of the Council.

Feedback:

Our customers expect first class service and we aim to provide it. We therefore welcome feedback about our policies and procedures. If you have any comments about this document please e-mail: Need email address for author or other as agreed.

1 Parties

This is a Joint Housing Protocol between the following organisations (known collectively as ‘the Parties’):

- a) Housing Needs Service (Housing)
- b) Housing Service (Housing)
- c) Children, Families and Education Directorate (Children’s Services)

2 Related Legislation

- a) Children’s Act 1989 and amendments
- b) Homelessness Reduction Act 2017
- c) Housing Act 1996 Part VII and Amendments
- d) Care Act 2014
- e) Children and Social Work Act 2017

3 Aims

This protocol has been jointly developed by the Parties to support the Council vision of enabling Luton to be collaborative, ambitious, respectful, empowering and supportive. The main aims of this protocol are to:

- Ensure young people are able to secure accommodation suitable for their needs and prevent homelessness
- Ensure young people classed as ‘Care Leavers’ are provided with suitable housing
- Meet the needs of all homeless vulnerable young people as closely as possible within the remit of legislation and the resources available
- Ensuring that Children’s Services and Housing Services intervene timely with young people who are in threat of losing their homes
- Both Housing Services and Housing Needs to refer cases timely for early support from the Family Partnership Service where young people are failing in their tenancies.
- Ensure young people achieve or maintain a reasonable standard of health and development
- Ensure young people are not left “roofless”
- Ensure young people do not become homeless after the age of 18 or when leaving care
- Ensure all Luton Council departments accept their ‘Corporate Parent’ responsibility and work together to protect vulnerable young people, including care leavers
- Improve and promote co-operation and joint working between the Housing Services, Children’s Services and partner agencies
- To ensure young people leaving care are supported up to the age of 25 years jointly to sustain their tenancy/licence agreements
- Ensure that there are adequate procedures in place to refer cases timely into Social Service and vice versa

4 Objectives

In order to meet the aims of this protocol and wider Luton Council vision the following objectives have been jointly set to:

- Clarify the statutory duties and agreed responsibilities under the protocol of Luton Housing and Children Services
- Establish and clarify a single approach agreed by both the Housing Services and Children's Services, which will apply irrespective of the service the homeless young people present to.
- Jointly assess how best to meet the needs of young people (including care leavers) and their families and identify any potential risks to the health or development young people
- Address support needs of young people at the earliest opportunity and enable tenancy sustainment
- Ensure 16 to 17 year old young people are assessed correctly as per the Southwark Judgement and resulting statutory guidance¹
- Ensure a seamless transition of responsibility of households between Housing Services and Children's Services
- Access to information systems for both the Housing Services and Children's Services
- Both services to work collaboratively together to complement each other and ensure that neither service hinder each other's duties or abilities and to deliver a safe service to all they have duties to.

5 Context

5.1 Housing Needs Services

The Housing Needs Services consists of the following Services who manage homeless households:

- Housing Solutions
- Temporary Accommodation Allocation Team
- Housing Register/Housing Allocations Team
- Rough Sleeping Team

5.2 Children's Services

Children's Services are made up of a number of departments including:

- Operations, Statutory Social Work and Family Partnership
- Quality Improvement and Practice Innovation
- Education
- Sensory and Educational Needs Disability

The departments contain the following:

- Multi Agency Safeguarding Hub MASH (front door)
 - Family Partnership Service (Early Help)
 - Children with Disabilities Service
 - Commissioning Service
 - Corporate Parenting Service including:
-

- Fostering teams
- Adoption team
- 0-17 Looked After Children's teams
- 18+ Care Leavers teams including SEND

6. Young People 16 – 24 year olds

Some young people may present as homeless or at risk of homelessness because they have either left home or find it difficult to remain living at home. This is often due to conflict with parents and difficult family circumstances, and sometimes because of abuse and harm.

Safeguarding, Children's Services and Homeless Services have a joint statutory duty to meet the needs of young people aged 16 to 17 years old and 18 to 24 year olds who are/have been in care becoming homeless or at risk of becoming homeless.

Children's services will work in partnership with Housing Solutions Service and Housing providers to safeguarding and promote the welfare of young people who are homeless or at risk of homelessness as part of the implementation of Luton's wider Homelessness and Rough Sleeping reduction strategy.

Young people who present as in need and are homeless or at risk of becoming homeless will benefit from the following network of support from the following partners involved in the implementation of this protocol:

- Children's Safeguarding Service
- Social Workers
- Homeless Services
- Youth Partnership Service
- Personal Advisor (PA)

7. Collaborative Understanding

Young care leavers who have been looked after by the local authority would have experienced neglect, trauma and other forms of abuse so we need to be mindful of the impact of such experiences on them as young adults.

Majority of the young carer leavers have learning needs, some more significant than others and majority will have gaps in their learning and development as a result of the impact on their earlier experiences. These gaps often only become more apparent as they get old and more complex demands are made of them.

Collaborative working is paramount to meeting the needs of young people and safeguarding those who are at high risk. The partners in this protocol agree and undertake to keep under review the following:

- The young person's safety and welfare is paramount.
- The need for a single point of access
- Services will work to support families to stay together where it is consistent with the young person's welfare.
- Where a young person has been provided with emergency accommodation prior to the completion of assessment, Children's Services will continue to work towards a return to the family home.
- Young person's developmental needs will be assessed to ensure they receive appropriate support services to help them achieve good outcomes and provide them with opportunities for success in adult life.

- Housing needs will feature within a clear Pathway Plan. Any accommodation provided will be suitable for the young person with a risk assessment to address any safeguarding concerns.
- Young people need support to help with preparation with life skill and knowledge for independent living from an appropriate age.
- A need to promote multi-agency working practices to ensure integrated services and clear referral pathways so that young people identified needs are met in a timely manner.
- Respect the young person's status as a young adult moving towards independence whilst balancing this against any continued need for safeguarding and support.
- The appropriate options of accommodation to meet the young person's transitional needs into adulthood and abilities.
- Information will be shared in line with good practice and on a "need to know" basis. The young person's privacy and confidentiality will be respected where this is consistent with promoting their welfare and the welfare of others.
- Housing Needs Service and Housing Service will bring to the attention of Children's Service and 18+ Team immediately where a young person is at risk of losing their accommodation and jointly work together to seek resolution prevent or reduce risk of homelessness
- Children's Service and 18+ Team upon receiving such notification will respond with 2 days or the same day for urgent cases and to work together with Housing Service and offer a full 'wrap-a-round support', to prevent the young person from losing their accommodation.
- Children's Service and 18+ Team and Housing Services will continue to work together to monitor progress where intervention was successful through the duration of the tenancy or licence agreement up to the age of 25 yrs.

8. Young people presenting as homeless.

It is recognised that young people in different age groups will require different services and provision of accommodation having regard to the individual's needs, abilities and if they are already known to Social Service. Age groups that have been identified are:

1. 16 – 17 year old
2. 18 – 21 year old
3. 21 – 24 year olds

To ensure that the housing needs of 16-17 year olds and care leavers are met Housing Service have funded a Homeless Persons Officer in Children's Services. The post holder will sit within the Family Partnership Services and will be the first point of contact, along with the duty social worker from the Family Assessment and Support Service who will maintain the portfolio of the young person until the duty under the Children's Act is discharged fully.

The role of the Homeless Persons Officer is to ensure that the housing needs of the young person are assessed, discuss the housing options and find suitable housing to prevent the young person from becoming homeless.

The Homeless Persons Officer will work closely with the Social Workers and PA's to complete joint assessments of young people between the ages of 16 – 24 and be the first response officer for anyone aged 16-17 presenting as homeless.

The Homeless Persons' Officer will have access to all housing case management systems to periodically check on any progress, add relevant notes and be responsible for adding and removing flags that highlight all care leavers.

Regardless of which service the young person presents to the service received will remain consistent and seamless as outlined in the Children's Services Protocol – Process Map below.

Where the young person approached as homeless or at the risk of becoming homeless, the service that the person approaches must establish:

- Age of the young person
- Cause of homelessness
- Risks to the young person
- Check the IT systems for Children's Services
- Check IT system for Housing
- Check if and known check if there has been any referrals from them or any other body
- If known the relevant Housing Service speak to the caseworker/officer. If unsure who to speak with:
 - Homeless Case: Housing Needs Business Support Team on Ext 6630
 - Council tenant: Housing Services Ext 3008
 - MASH
 - The Assessment Service

Whichever department the young person approaches with the prospect of becoming homeless it will be the responsibility of the receiving department to consult with the other departments to establish what their involvement with the young person is and ensure that a joint response is provided.

No young person must be automatically told to approach the other department or left waiting for an unreasonable time for an assessment which presents the risk of losing contact with the young person.

Care leavers between who are homeless or threatened with homelessness to will be assessed jointly by the Housing Solutions Team with the allocated PA in the 18+ Team and within the legal framework of the homeless legislation.

Where a care leaver has approached to Housing Solutions Team as homeless or threatened with homelessness, a joint assessment will be completed with the young persons' PA. Housing Solutions Team will assess which duty is owed to the young person under the homeless legislation and explore all housing options.

The options to explore with a young person cannot be restricted to the following as:

- Accommodation with family and friends
- House share
- Hostel accommodation
- Private rented in Luton
- Private rented outside of Luton
- Luton Council housing waiting list
- Applying as homeless and temporary accommodation

Aspirations of the young person must be taken into account as long as the options the young person wishes to exercise are realistic and achievable.

Where the need for temporary accommodation is necessary suitable accommodation will be provided. Bed and Breakfast is not a suitable option for a care leaver and must be avoided where ever possible.

Accommodation outside of Luton must also be avoided other than for safety needs. Any placements outside the area temporary or permanent must be accompanied by a support package or the transmission of care/support to the authority in which the young person is placed.

Where the young person is assessed and a duty to provide temporary accommodation has not arisen and the young person will remain homeless the final decision must be approved by the Head of Housing Needs before it is issued to the young person.

Managers from both services will agree the best way forward in the interest of the young person having taken into account all facts surrounding the young person.

8.1. Intentionally homeless

Under the homeless legislation, investigations into causation of homelessness may lead to findings that a young person has made him/herself intentionally homeless, which applies to all applicants who have passed the prior test leading to the test of intentionality.

Intentional decision for young people should only be made having exhausted all suitable housing options and support and having been given a final chase to comply with licence agreements. Where the young person is at risk of being made intentionally homeless the case must be escalated to the Head of Housing Needs who will discuss the case with the manager of the appropriate team within Children's Services to agree a way forward.

In cases where the young person is being evicted from temporary accommodation the young person will be given 21 days' notice to vacate their accommodation unless the young person poses a risk to themselves or other residents in which case the accommodation can be terminated immediately. Children Services must be notified of this eviction date.

Where a care leaver has approached the Housing Solutions Service first time as homeless and investigations reveal that they have lost their last settled accommodation as a result of their deliberate act/s, the Housing Solutions Team will not render the young person intentionally homeless.

8.2. Discharging the homeless duty:

Housing can assess their duty to accommodate the young person will end for any of the following reasons:

- Not eligible for public funds due to their immigration status
- Lacks capability of living independently
- Lacks capacity
- Not homeless but refuse to return to accommodation where it is reasonable and safe to return to
- Returned to the Housing Needs Service and a previous negative decision still stands
- Duty has been discharged due to their refusal of an offer of suitable accommodation
- Duty has been discharged due to breaches of their licence agreement in temporary accommodation

Housing and Children's Services will work collaboratively to prevent any care leaver from becoming homeless from their temporary accommodation or any tenancy as a result of them failing to comply with the terms and conditions of their licence or tenancy agreement. Regardless of who the landlord is, Housing will notify the MASH Team immediately where a young person is at threat of becoming homeless and Children's Services will provide

intensive support work with the young person to prevent the loss of accommodation and support the young person into securing more appropriate accommodation.

It is accepted that there will be some young people who will fail in any accommodation that is provided. Both services areas are responsible for keeping accurate records on their case management system of the work undertaken and reasons for all the options failing.

The young person must be advised of any financial assistance that is available to help them secure accommodation including help with clearing debts, rent in advance, deposits to secure accommodation and assistance with removal costs and support with items such as white goods etc.

8.3 Housing Register

Accommodating young people leaving care into social housing is the ideal solution to meeting their accommodation needs. However, due to the limited availability of social housing stock in the area this may not be an option in all cases. Housing needs for a care leaver must be addressed at the 17+ Panel and the pathway plan.

As part of the housing options with the young person the housing register will be explored and young people will be supported with making an application.

Housing will make available a target of 20 properties through the housing register this year to care leavers. This target will be reviewed annually.

The housing register criteria will apply in all cases. Where the young person does not meet the criteria and no other options are available the case will be discussed with the Allocations Manager or the Head of Housing to explore if discretion can be exercised.

8.4 Housing Association and other social housing providers

Luton has a number of social housing providers. In most cases the council has a nomination agreement to allocate property via the housing register. However, there are some which can be accessed directly such as placements into hostel. Housing and Children's Services will jointly work with social housing providers to expand the provision of direct access accommodation provided by social landlords.

8.5 Out of Hours Service:

There will be occasions where a young person approaches as homeless to the Housing Solutions Service after 4.30pm. In such cases the Housing Solutions Team will ensure that accommodation is provided until the next working day. The Housing Solutions Officer will obtain information about the young person's support needs and advise MASH and the Emergency Duty Team (EDT) for Social Services of the placement and for contact to be made to assess the person's support and financial needs.

Contact numbers for the out of hours services are:

Homeless Service – Orbis – 0300 790 0342

Social Services: Emergency Duty Team (EDT) - 0300 300 8123

9. Children's Services including Looked After Children's teams , Children with Disability Team and 18+ Care Leavers Team

Children's service hold the primary responsibility to ensuring that young people are assessed within the legal framework for young people and ensure that their care and support needs are met.

Children's Services will ensure that:

- All young people looked after by the department will have an allocated Personal Advisor (PA) at 15.5 years positioned in the Leaving Care Team in addition to an allocated social worker.
- Before a young person leaves care at the age of 18 years the social worker and the PA will work with partners including foster carers, to support the young person to develop independence.
- Pathway plans is created with the young person and will cover areas of transition such as the management of their accommodation, paying rent etc.
- All social workers and PA's will use the transition booklet to guide their work with the young person, covering areas such as paying of bills and utilities, cooking, consequences of anti-social behaviour on tenancy, budgeting, etc
- Social workers will use the completed transitional booklet as supporting evidence for the young person's application for into housing prior to turning 18.
- Homeless Persons Officer sitting within Family Partnership Team will take the lead to exploring all housing options for the young person and find the appropriate housing solution without the need to present as homeless where possible.
- The young person future housing needs will be addressed at the 17+ Panel at the age of 17.5. Housing will be represented at this panel by the Homeless Persons Officer sitting within Family Partnership Team.
- The 17+ Panel will to provide appropriate advice on the housing options and the social workers and their managers will set this out within the young person's pathway plan how the accommodation needs will be met. The findings of the panel will be shared with the young person when discussing all housing options available
- Allocated PAs post-18 are to work with the Housing to provide ongoing support on maintaining tenancy.
- The PA's will signpost the young person to appropriate services for support including (not exhaustive list) mental health, Luton drugs and Alcohol Service, and Penrose etc
- With consent from the young person, PAs will share the pathway plan with known additional complex needs with the Housing Officers
- Where necessary Social Services will need to act as guarantor and pay any rent deposit for any properties we source in the private sector for care leavers.
- Support the care leaver to manage tenancy.

9.1 Early Intervention/Help

Housing will refer the young person into the MASH, using the **MASH referral form** at the earliest stage, should there be a strong likelihood of the a young person being made intentionally homeless or running the risk of becoming homeless from accommodation provided by the local authority.

Referral will be made in the following circumstances/stage:

At the time of presenting to the Housing Solution Service as homeless or threatened with homelessness.

- At the time of the 'Minded to' decision
- At the formal decision stage.
- Early signs of anti-social behaviour
- Early signs of rent arrears.
- Eviction hearing stage
- Outcome of the court hearing.
- Any other signs where there is a risk of the tenancy/licence agreement failing

In all cases notification will be issued in writing to the young person and a copy forwarded **MASH referral form** to the MASH mailbox mash@luton.gov.uk.

The designated Housing Officers and the PAs will jointly work together to address any rent arrears, anti-social behaviour and other relevant matters that might put care leavers' tenancy at risk of eviction.

The Homeless Persons' Officer will liaise with the relevant Housing Officer or Housing Solutions Officer to prepare all cases at risk of becoming homeless for discussion at the Housing Panel Meeting scheduled fortnightly.

9.2. The Housing Panel consists of:

1. Head of Service from Family Partnership Service
2. Manager or Team Leaders from Housing
3. Managers or Team Leaders from Children's Service
4. Managers or Team Leaders from 18+ Team
5. PA's and designated Housing/Housing Solutions Officers for the care leaver
6. Homeless Persons Officer funded by Housing
7. And any other officer/manager as required

Any decisions where the housing duty has not been accepted or will come to an end will be delivered in person and where possible with a member of the appropriate Children's Services team present. No-one should be asked to leave the service unless there is a clear understanding or assessment as to where a young person will be staying that night.

In cases where the young person is being evicted from temporary accommodation the young person will be given 21 days' notice to vacate their accommodation. Children Services must be notified of this eviction date.

Housing will inform Children's Services when a care leaver is breaching their accommodation so that Children Services have the opportunity to provide additional support to prevent the care leaver from becoming homeless.

Children's Services will give priority to any notifications where there is risk of tenancy or licence failing and offer intensive support until the risk of eviction has been removed.

In exceptional cases where the care leaver's behaviour is such that it causes risk to other residents than Housing will only give one day's notice to leave the accommodation and inform Children Services.

Decisions to evict a young person will be approved by a Head of Housing Needs in conjunction with the appropriate Head of Service from Children's Services having assessed all the fact of the case.

All relevant services, including out of hours service for both service areas must be notified of the decision.

10. Preparation for independent living.

Housing will work with Children's Services and the 18+ team to map all young people approaching the 15.5 years old to prepare them for independent living. The training programme will be designed to meet the different age groups i.e. 15.5 -17 years old and 18 - 24 years old.

The training will be delivered in the form of monthly independent living workshops which will be made compulsory for all in or leaving care. Foster carers and support workers will be invited so that the training can continue in daily activities with individuals.

These workshops will be organised by Children's Services' including Looked After Children's Teams, Children with Disability Team and the 18+ Team and Looked After Team. The

Looked After Children and Children with Disability Teams managers will organise the workshops for the young people in their teams and the 18+ Team will organise the workshops for the over 18 year olds

The training will be delivered by Housing Solutions Team.











Workshops will take place at appropriate locations and also be replicated in schools, colleges and sessions.

Young people leaving care are likely to find it harder to obtain employment and there will need support with find and securing it. An Apprenticeship programme would be a favourable option to helping young people onto a long term employment ladder and the Council will develop a strategy as to who the Council can help with recruitment into apprenticeship options with the organisation. Any employment options for young people must be considered having regard to any impact it may have on retaining their current accommodation as it could present difficulties for the young person ability to afford supported accommodation.

10.1. Independent Living Workshops

Independent living workshops will help prepare young people from an early age regardless as to where their future accommodation needs will be met. It is recognised that the lack of knowledge or understanding of the daily life skills often leads to loss of accommodation as a result of poor decision making/judgement or mismanagement of finances and isolation.

Workshops will incorporate

-  Role of the Housing Solutions Team
-  Local housing profile
-  Housing options (including where to find Accommodation, including the House Hunting pack)
-  License and tenancy obligations
-  Risk to the loss of accommodations and logical thinking (anti-social behaviour, etc.)
-  Security of tenure and landlord and tenant's rights.
-  Welfare benefits
-  Budgeting
-  Where to go when things start to go wrong
-  Employment (incl. apprenticeship programmes)

Housing will attend 'Chilling' sessions organised by the 18+ Team to address any ongoing housing problems for care leavers and post care leaders.

Housing and Children's Services will work together to identify a training flat for anyone that has been identified as needing extra support in preparing for independent living as part of their risk assessment.

10.2. A Fresh Start

Young people sometimes have a history/stigma that follows them into adulthood which prevents them from securing and sustaining independent living. Luton Council Housing and Children's Services will make every effort support young people in breaking that chain and make a fresh start.

Many of the problems that young people face are addressed in Luton Council's 'HAST' action plan.

Some areas address in the plan are:

- Addressing former house rent debt with the council
- Time given to leave temporary accommodation
- Provision of white goods and furnishings
- Training flats
- A range of accommodation to meet different needs

The 'HAST' action plan along with this protocol will be kept under regular review to achieve the best outcomes for young people.

11. Costings And Budgets

Housing Services provide £29,000 to provide a service for all 16 – 17 year olds and care leavers including addressing their housing needs that would normally fall onto Housing under the Homeless Reduction Act 2017. This fund covers a post of a Homeless persons' Officers that sits within the Family Partnership Service.

This post holder will ensure that the housing needs to such age groups are met, track progress and provide regular reports to the Housing Solutions Team Manager.

Where accommodation is provided under Social Services duties to a family or young person the budget code will be provided and funded by the relevant service area

12. Escalation

All services will work together to achieve the right outcome for the young person. Where Officers are unable to reach satisfactory solution to the housing problem and the young person is homeless, likely to lose their home or where there are delays in co-operation from Officers, the Officers will escalate the case to their respective line managers.

Managers will assess the case from a corporate parenting perspective and having regard for the legislative framework the Managers will work together to ensure the young person remains the priority focus.

On the very rare occasions where there is still no agreement the respective Heads of Service will determine the final position. Head of Housing will make the final decision as to how the case will proceed and communicate their decision down to the relevant managers.

13. Monitoring

All parties will maintain a record of all cases referred to either service. The referral, assessment and outcomes will be recorded on their respective systems to allow for monitoring and performance.

The managers of all relevant service areas will collate data on a quarterly basis and monitor the effectiveness of the protocol. Quarterly meetings to discuss cohorts and types of reports to and from Housing Service and Children's Service will be held. A template for reports and monitoring has been agreed.

Children's Services - Monitoring report must include:

1. Number of cases referred to Children's Services from Housing
2. Number of cases referred from Children's Services into Housing
3. Initial outcome of that referral.
4. Final outcome of the referral
5. Breakdown of which teams are making the referral i.e. MASH, Assessment Team, Housing Management, Housing Solutions,
6. Number of cases where Children's Services requested support in the provision of accommodation whilst completing their assessment of their duties
7. Age of young person.
8. Family size (where the young person has a child/ren)
9. Monthly statistic on young people presenting as homeless to Children's Services
10. Number of care leavers presenting to Housing.

14. Performance Targets And Key Performance Indicators

- 100% of intentionally homeless or discharge of duties on other grounds to care leavers to be referred by Housing Services to Children's Services on the same day as the s184 decisions being issued
- 100% of care leavers referred who have agreed to an initial child in need assessment will be contacted by Children's Services or 18 + Team within 5 working days or immediately depending on the seriousness of the case and notice given
- Main causes of homeless
- Repeat homeless and causes
- Deficiencies in services for young people
- Deficiencies in accommodation needs.
- Outcomes from the Housing Panel

15 Legal Framework – Homeless Legislation

The Housing Department has a duty to assist a Young person under the Housing Act 1996, the Homelessness Act 2002, and the Homeless Reduction Act 2017, if the following criteria is met:

- Homelessness or likely to be homeless within 56 days; and
- Eligible for assistance (this is about their immigration status).

Prevention Duty: where a Local Authority (LA) is satisfied that an applicant is threatened with homelessness within 56 days and eligible, it must take reasonable steps to help the applicant secure that accommodation does not cease to be available for the applicant's accommodation.

Relief Duty: where a LA is satisfied that an applicant is homeless and eligible, it must take reasonable steps to help the applicant secure that accommodation becomes available for at least 6 months.

Under both the Prevention and Relief Duty there is some discretion for LA's to decide exactly what the assessment should include, but certain matters must always be considered:

- the circumstances which led to homelessness or threatened homelessness
- the housing needs of the applicant
- what support would be necessary for the applicant and his/her household to have and retain suitable accommodation.

Both the Prevention and Relief Duty will coexist with the duty assess and applicant's need and produce a Personal Housing Plan (PHP), which is kept under review. The PHP should contain the steps to be taken to prevent or relieve the applicant's homelessness, the local authority must try to agree with the applicant:

- any steps the applicant is to be required to take to find and retain accommodation for their household
- the steps the authority will take to assist the applicant in finding and retaining accommodation. The authority may also include steps which it considers would be a 'good idea' for the applicant to take, but which are not required of him/her.

Under Prevention Duty the LA must work with the young person for 56 days to take reasonable steps to prevent the young person becoming homeless. The Prevention Duty will continue to be owed beyond 56 days where the young person has received a valid Section 21 Notice and continues to be at risk of eviction. The LA can use discretion to extend the Prevention Duty beyond 56 days, in non-Section 21 cases, but does not have to.

If a young person becomes homeless during the Prevention Duty they will be owed the Relief Duty. A young person may also already be homeless when an application for housing assistance is first made and owed the Relief Duty from the start. Under the Relief Duty the LA must work with the young person for 56 days to take reasonable steps to relieve the young person of their homelessness. The LA will have a duty to provide interim accommodation where there is reason to believe the young person is eligible, homeless and in priority need.

The Relief Duty can be ended in a number of ways including if the YOUNG PERSON has suitable accommodation where there is a reasonable prospect that this accommodation will remain available for at least 6 months, or where the young person refuses a final offer of Part 6 accommodation (social housing).

Once the 56 days has passed since this duty was owed, the LA will owe the main housing duty on day 57, or within 15 working days thereafter (after should further enquiries be required), if the young person remains eligible for assistance, is in priority need and is unintentionally homeless. This places a duty on the LA to ensure that accommodation is made available to the young person. If the young person is found to be not in priority need, or is in priority need but intentionally homeless, the LA only has a duty to provide advice and assistance.

The LA has the discretion to extend the Relief Duty beyond 56 days where the main housing duty would not be owed.

The main housing duty can be brought to an end if the young person accepts or refuses a final offer of Private Rented Sector Accommodation or final Part 6 offer. It can also be ended if the young person becomes no longer eligible for assistance or found to be intentionally homeless from the temporary accommodation provided to them.

16. Legal Framework – Care Leavers

A number of judgments have been made by the House of Lords in cases concerning the interrelationship between the duty under section 20 of the *Children Act 1989* (“the 1989 Act”) and duties under Part 7 of the *Housing Act 1996* (“the 1996 Act”) in the case of young people aged 16 or 17 who require accommodation.

The most recent of these has been *R (G) v Southwark [2009] UKHL 26*, but these have also included *R (M) v Hammersmith and Fulham [2008] UKHL 14*. These judgments have restated and clarified the established legal position that the duty under section 20 of the 1989 Children Act takes precedence over the duties in the 1996 Housing Act in providing for children in need who require accommodation, and that the specific duty owed under section 20 of the 1989 Act takes precedence over the general duty owed to children in need and their families under section 17 of the 1989 Act.

The Children Act 1989, Chapter 41, Part III, Section 20 Provision of accommodation for children:

16.1 Key extracts:

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.

Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.

A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child’s welfare.

Before providing accommodation under this Section, a local authority shall, so far as is reasonably practicable and consistent with the child’s welfare:

- iv. ascertain the child’s wishes and feelings regarding the provision of accommodation; and
- v. 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.

A local authority may not provide accommodation under this Section for any child if any person who has parental responsibility for him is willing and able to:

- I. provide accommodation for him; or
- II. arrange for accommodation to be provided for him, or
- III. (In the case of a 16 or 17 year old and even if a parent objects, if the young person wishes to be a Child Looked After, they can be if they are deemed competent to make that decision)

If a young person 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. The plan must address accommodation and support with named contacts, timescales for action and review dates. Some young people who are

'looked after' will also then qualify for leaving care support and services up to the age of 21 or in some cases, up to the age of 24.

While a local authority can offer services and support to a young person under Section 17 of the Act, they cannot substitute the Section 20 duty with Section 17 powers.

16.2 Care Leavers Charter

- Extending Personal Adviser Support to All Care Leavers to Age 25: Statutory Guidance for Local Authorities (February 2018)
- Applying Corporate Parenting Principles to Looked-after Children and Care Leavers - Statutory Guidance for Local Authorities (February 2018)
- Joint Housing Protocols for Care Leavers: good practice advice (DfE and MHCLG)
- Development and effective delivery of a joint protocol
- Local Offer Guidance: Guidance for Local Authorities

16.3 Other Websites for Care Leavers Legislation, Guidance and Procedures

Prevention of [homelessness and provision of accommodation for 16 and 17 year old young people](#) who may be homeless and/or require accommodation

[The Housing Act 1996](#)

[The Housing Act 1996 section 20](#)

[Homelessness Reduction Act 2017](#)

[Homelessness Code of Guidance](#)