
HAMPSHIRE JOINT WORKING HOUSING PROTOCOL

Hampshire joint working protocol between Housing & Children's Services for 16- & 17-year olds in housing need.

Owner: Hampshire County Council Children's Services

First Issued: April 2015
Second Issue: April 2019

This issue: May 2019

Approved by: The Hampshire Partnership

1. PURPOSE

- 1.1 The purpose of this protocol is to ensure that no young person 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.
- 1.2 The protocol outlines the agreed practices, responsibilities and roles within a framework of services for young people 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 young people who are homeless and considers actions that can be taken when a young person is identified as at risk of homelessness.
- 1.3 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 [Housing Act 1996](#) and as amended by the [Homelessness Act 2002](#) and the [Homelessness Reduction Act 2017](#) are appropriately fulfilled.

2. PRINCIPLES

- 2.1 Hampshire and the Isle of Wight Children's Services Department will be the lead authority for dealing with accommodation and support for 16 and 17-year-old homeless young people. In most cases, where a young person is homeless, a duty under s20 Children Act 1989 will apply. In cases where a young person requires immediate assistance, this can be provided while further assessment of need is undertaken.
- 2.2 Hampshire and the Isle of Wight Children's Services and District Housing Authorities will provide a seamless and child centred response to the needs of homeless young people. They will be proactive in trying to prevent young people becoming homeless through the provision of advice, assistance and support. However, where homelessness cannot be prevented, a young person will be provided with appropriate accommodation and support.
- 2.3 The Hampshire Joint Housing Protocol emphasises the complementary roles of Children's Services and District Housing Authorities in implementing their separate statutory roles. A fundamental principle of the Hampshire Joint Working Housing Protocol is that all 16 and 17 year olds who approach either the local Housing or Children's Services Department, and where there is a reason to believe they may be homeless, should be assessed by Children's Services under the Children Act 1989 to determine whether they are a child in need and, if so, whether a duty exists to offer accommodation under s20 of that Act.
- 2.4 Hampshire and the Isle of Wight Children's Services Department and the District Housing Authorities will work together to:

- provide clear process and guidance for the identification and assessment of a young person's housing and support needs;
- ensure that homeless young people receive a seamless service from the first approach;
- ensure staff and other agencies have a clear understanding of the procedures to follow, and the steps to take, when a young person approaches as homeless or threatened with homelessness;
- ensure effective case recording and reporting where required.

2.5 Children's Services is the lead agency regarding assessing and meeting the needs of 16/17 year olds who seek help because of homelessness. Although the Children Act 1989 is the primary legislation over the Housing Act 1996, Part 7 (as amended), both services are responsible for meeting the needs of these young people.

2.6 The young person's right to choose which statutory agency leads in terms of statutory functions applies. All agencies shall provide locally agreed, clear and accurate information to help them make an informed choice for example see [16+ Supported Accommodation Young Persons Information Pack](#)

- Homelessness can be prevented through active intervention;
- We will always endeavour to support children remaining with their families;
- Young people who are homeless or at risk of homelessness are entitled to have their needs assessed;
- A home visit should be undertaken in every case of a potentially homeless 16/17-year-old;
- Homelessness should be prevented whenever it can;
- Preventing homelessness is the responsibility of all agencies working with young people.

3. PREVENTION

3.1 This protocol recognises that homelessness is damaging to young people's personal, social and economic development and well-being. Where possible, homelessness should be prevented, and young people supported to remain at home (where it is safe to do so) or leave in a planned and supported manner.

3.2 In this context, the primary objective of agencies is to respond to all young people's enquiries with the aim of preventing homelessness and supporting the young person to remain in the parental home, where it is safe and reasonable to do so.

3.3 A secondary objective for agencies is to support the young person to achieve a planned move to suitable accommodation with appropriate support to meet the young person's assessed need. (See [Joint Working Housing Protocol Flow Chart](#))

- 3.4 The partnership aspires to ensure that a non-statutory front line service (a Gateway Service) operates in every district to offer information and advice to young people aged 16/17 years and assessed as being at level 3 requiring Targeted Early Help and in housing need. For further guidance about thresholds see [Hampshire Safeguarding Children Board and Children's Trust Thresholds Chart](#)
- 3.5 The front-line service has the following purpose:
- To undertake non-statutory assessment (Early Help Assessments) of the young person's accommodation and welfare needs, which must include local authority checks to assess any risk issues;
 - To provide direct support, or ensure the provision of support by others, to the young person;
 - To be directly responsible, or ensure that another agency is holding responsibility, for the young person's move-on plan and any referral and representation at the appropriate local Housing Panel;
 - To provide independent information and advice for the young person to enable them to make informed choices [16+ Supported Accommodation Young Persons Information Pack](#) ;
 - Where prevention is not achievable (level 4 [Hampshire Safeguarding Children Board and Children's Trust Thresholds Chart](#)) or it is appropriate, to refer the young person to a statutory agency for assessment and assistance, including emergency accommodation.

4. LEGAL FRAMEWORK

- 4.1 In developing this protocol consideration has been given to relevant legislation and case law. This includes the [Children Act 1989](#), the [Children \(Leaving Care\) Act 2000](#) the [Children and Social Work Act 2017](#) and the [Housing Act 1996](#) (as amended including by the [Homelessness Act 2002](#) and the [Homelessness Reduction Act 2017](#)).
- 4.2 The Children and Social Work Act 2017 sets out corporate parenting principles that apply to all local authorities in England. In two tier areas like Hampshire, this includes both the County Council and the district and borough councils. Whilst associated statutory guidance notes that local authorities will need to determine the extent to which corporate parenting principles apply to specific service areas or functions, it actively encourages close working arrangements between the 2 tiers of local government, in the interests of supporting young people. This protocol supports such arrangements in Hampshire for young people affected by, or at risk of, homelessness, and has been developed with these corporate parenting principles in mind.

A local authority in England must, in carrying out functions in relation to the children and young people must have regard to the need;

- (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 consider 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) or 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.

4.2 The Homelessness Reduction Act 2017 has made significant changes to Part 7 of the Housing Act 1996. Its main effect is to place increased duties on local authorities to assess an applicant's needs and to prevent and relieve homelessness.

4.3 The judgement in the House of Lords case, *G v Southwark*, clarified the responsibility of Children's Services for accommodating homeless young people aged 16 /17 years of age under the Children Act 1989. It made clear that Children's Services should:

- Presume that any lone, homeless child should be provided with accommodation under S.20 unless (based on an initial assessment) the child is not a 'child in need.'
- 'The Children Act has primacy over the Housing Act in providing for children in need'

The Southwark Judgement

4.4 The 'Southwark judgment' clearly affirms the responsibility of Children's Social Care to assess young people who present themselves as being homeless or at risk of homelessness. The ruling highlights that the needs of these young people are likely to be so complex that, as a rule, the outcome of the assessment should be that these young people should be looked after. The assessment itself is holistic, considering the totality of the child's needs and not focusing alone on housing issues. The Southwark judgment made clear that where the criteria are met under section 20 it is unlawful for Children's Social Care to provide accommodation under section 17 or make a referral to the housing department.

4.5 The court ruled that young people aged 18 plus who as children under the age of 18 years were not accommodated under section 20 where a finding is made that a young person should have been accommodated as a child, that decision has retrospective status from the date the child first presented as homeless.

4.6 The Guidance to children's services authorities and local housing authorities about their duties under Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young

people Joint Statutory Guidance was subsequently issued in 2010 and updated in 2018, [Provision of accommodation for 16 and 17 year olds who may be homeless and/or require accommodation](#) highlighting the need for joint work amongst the different Departments within a Local Authority (mainly the Housing Department and Children's Services) to provide suitable accommodation to children and support.

4.7 The Guidance clearly stresses the responsibility of Children's Social Care - and not the Housing Department - to assess needs of children who are homeless or at risk of homelessness. It highlights the importance of a child-centred approach to assessment in which children are encouraged to fully participate, to enable them to make informed choices about the support they need. Local Authorities are required to provide or secure the provision of free services to give people in their area information and advice on:

- preventing homelessness,
- securing accommodation if homeless,
- the rights of people who are homeless or threatened with homelessness, and
- any help that is available for people who are homeless or likely to become homeless as well as how to access that help.

This requires those conducting the assessment to give children and young people full and realistic information about their rights and what they can expect as a looked after child and as a subsequent care leaver at 18.

4.8 The Joint Statutory Guidance also highlights the importance of giving information about independent advocacy support at the start of the assessment process and facilitating access to such support to help children make informed decisions for further information see [Hampshire Advocacy](#) . It is acknowledged that while these children should not be asked to decide about their legal status, equally they cannot become a looked after child against their will.

4.9 Where Children's Services assess that they must provide accommodation under s 20 Children Act 1989, and have notified the District Housing Authority, Children's Services will arrange suitable accommodation. The young person will no longer be considered as homeless or threatened with homelessness for the purposes of the Housing Act 1996 and no further housing duty will be owed. At this stage, Children's Services will take over responsibility for the accommodation placement and associated costs.

4.10 The determining factors in making a decision with regard to accommodation of young people are laid out in the legislation under [Section 20 of the Children Act 1989](#)

4.11 The definition of Section 20 of The Children's Act 1989 is as follows:
Every local authority shall provide accommodation for any child in need in their area who appears to them to require accommodation because 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 permanently, and for whatever reason) from providing him with suitable accommodation or care.

4.12 If the criteria in section 20(1) does not apply, section 20 (3) requires that:

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

4.13 In addition, section 20(4), provides that

‘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’.

4.14 The only exception to these criteria should be if a young person refuses to become ‘looked after’ by Children’s Services after having been given appropriate advice and information about the impact of refusing the provision of accommodation under s.20 Children Act 1989.

4.10 The definition of a child in need under Section 17 [Children Act 1989](#) is as follows:

- a) He is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining a reasonable standard of health or development without the provision for him of services by a local authority under this part;
- b) His health or development is likely to be significantly impaired or further impaired without the provision for him of such services; or
- c) He is disabled.

4.11 Under Section 17, children and young people are entitled to an assessment as a child in need. Any services may be provided by or facilitated through the local authority Children’s Services Department.

5. HOUSING LEGISLATION

5.1 The Homelessness Act 2002 specifies that local housing authorities must carry out a homelessness review for their district and formulate and publish a homelessness strategy based on the results of that review within a maximum timeframe of not more than every 5 years. The Act prescribes that the social services authority shall give assistance as may reasonably be required in the review of homelessness and in both the formulation *and delivery* of the local homelessness strategy. This duty includes the social services authority considering the homelessness strategy in the exercise of its functions.

5.2 The [Homelessness Reduction Act 2017](#) specifies that:

Everyone in a local housing authority's district should be able to access free information and advice on:

- preventing homelessness,
- securing accommodation when homeless,
- the rights of people who are homeless or threatened with homelessness, and the duties of the authority to help people in those circumstances,
- the help that is available from the authority or any other relevant agencies in the district,
- How to access that help.

5.3 The advice and information must be designed to meet the needs of particular groups in the authority's district, for example care leavers, people being released from prison or youth detention centre, former members of the armed forces, victims of domestic abuse, people leaving hospital, people suffering with a mental illness or impairment and groups identified by the local housing authority as being at particular risk of homelessness.

5.4 A person is 'threatened with homelessness' if they are likely to become homeless within 56 days. A person is also threatened with homelessness if a valid notice under section 21 of the [Housing Act 1988](#) has been issued in respect of the only accommodation available for their occupation, and the notice will expire within 56 days. Where applicants are threatened with homelessness and eligible for assistance, housing authorities must take reasonable steps to help prevent their homelessness.

5.5 Support to prevent homelessness will be made available to everyone regardless of local connection.

5.6 Local Housing Authorities are also under a duty to relieve homelessness which lasts up to a further 56 days (although this can be extended with agreement from the applicant). *The duty to relieve homelessness does not include a duty to provide accommodation for any person who is not in priority need.* All young people aged 16/17 years will be a priority need.

5.7 All young people found to be homeless and in priority need must be provided with interim accommodation under the duty to relieve homelessness; and a duty to provide temporary accommodation continues for those ultimately owed the main housing duty who remain homeless at the end of the relief duty.

5.8 In determining who is in priority need, housing authorities will need to be aware that 'an applicant may be considered vulnerable because of a combination of factors which taken alone may not necessarily lead to a decision that they are vulnerable (e.g. drug and alcohol problems, common mental health problems, a history of sleeping rough, no previous experience of managing a tenancy).

5.9 In the context of young people aged 16/17 years old, they must be in priority need, *unless* they are a relevant child or a child in need who is owed the accommodation duty under section 20 of the Children Act 1989.

- 5.10 Housing authorities will conduct an assessment with all eligible applicants who are homeless or threatened with homelessness and develop with them a personalised housing plan. The assessment should include:
- the circumstances that caused the applicant to become homeless or threatened with homelessness,
 - what housing the applicant needs, and what accommodation would be suitable, and
 - whether the applicant needs support to obtain and keep accommodation.
- 5.11 The Act specifies public bodies in England, including Children’s Services, who are under a duty to refer any person including a young person (with consent) to a housing authority for further guidance regarding referrals see [Flow Chart](#). The person may decide which local housing authority they wish to be referred to, but when discussing the referral, it is important that the person is made aware that local housing authorities owe more duties to people with a local connection to their area. Should they ask to be referred to an area with which they have no connection, the local housing authority might subsequently refer them to an area where they do have a local connection.
- 5.12 Hampshire have a [Sufficiency Duty Strategy](#) that sets out a common approach across the 11 district housing authorities.
- 5.13 For further guidance on Part 7 of the Housing Act 1996 (as amended) see [Guidance on how local authorities should exercise their homelessness functions in accordance with the Homelessness Reduction Act 2017](#) .
- 5.14 Where a district housing authority accommodates a young person, or the young person requests an Assessment of Need under Section 17 Children’s Act 1989, the district housing authority shall continue to accommodate pending that statutory determination.
- 5.15 Where Children’s Services accommodate a young person, or the young person chooses to progress under homelessness provisions rather than be accommodated under Section 20 Children Act 1989, Children’s Services shall refer the young person to the district housing authority but accommodate and fund the placement for five working days after referral has been made. However, it should be noted that a referral to the Housing Department must be made at the earliest opportunity. The joint handover process will ensure that information is shared with the consent of the young person. The joint handover process will also explore how ongoing support will continue to address the young person’s needs.

6. STATUTORY INTERVENTIONS

- 6.1 Where the Children’s Service becomes aware of a young person or their dependent who is under 18 years of age who may be at risk of homelessness, they will refer the individual or household to the relevant local housing authority using the Hampshire Duty to Refer Protocol.
- 6.2 Where the young person requires emergency accommodation (Tier 4) the statutory agency receiving the approach shall accommodate pending any statutory determination of duties owed.

- 6.3 If the initial contact is with Hampshire Children's Services Department, the duty rests with Hampshire Children's Services Department to provide accommodation. Hampshire Children's Services Department may request support from the local housing authority in sourcing and securing accommodation, but the rendering of such assistance by the district or borough council does not transfer any statutory duty.
- 6.4 Joint assessments are required by statutory guidance and in the interests of best practice. Wherever practicably possible, the expectation is that the Child and Family assessment will be completed jointly and will inform the Personal Housing Plan for further guidance [Homelessness code of guidance for local authorities](#) Chapter 11: Assessments and Personalised Plans.
- 6.5 Where information is held by either Children's Services or the Local Housing Authority relating to other assessments that may have taken place, information sharing may be appropriate with the consent of the young person or where to do so is in the interests of safeguarding the young person.
- 6.6 In the exceptional circumstance that a joint assessment has not been possible:
- The Child and Family assessment that has been completed will accompany all referrals.
 - In all cases where accommodation is secured a Child and Family Assessment under [Section 17 of the Children Act 1989](#) will be completed and shared with the involved partner agencies.
- 6.7 Referrals from district housing authorities to Children's Services should be made through the Children's Referral Team (CRT). The Family Support Service will provide information, advice and case management to young people aged 16/17 years old who are at risk of homelessness (those identified at level 3 requiring Targeted Early Help. For further guidance see the [Hampshire Safeguarding Children Board and Children's Trust Thresholds Chart](#)).
- 6.8 Young people 16 years of age should not be in statutory education at the time when housing gateway is being sought.
- 6.9 The Family Support Service will
- complete an early help assessment, if appropriate, to determine their needs and to ascertain a move on plan if necessary,
 - provide mediation to those who can remain at home,
 - signpost onto agencies for additional needs if required,
 - Complete referrals to alternative accommodation if deemed necessary.

7. CONTACT / REFERRAL INFORMATION

- 7.1 Access to the Gateway agency will be made via Children's Reception Team (CRT) Phone 0300 555 1384. Professionals should complete the [Inter-Agency Referral Form \(IARF\)](#) . The referral will be processed to the Family Support Service (FSS) if identified as level 3 or will be processed to a CAST Team for the area that the young person would normally live within Children's Services if identified as level 4

(those who are homeless) to ensure an emergency placement is found and a Child and Family Assessment can be completed.

- 7.2 The Family Support Service will also process referrals of young people aged 18 to 21 years of age via the district team inbox, regarding transition between supported lodgings and other contracted accommodation options.
- 7.3 All referrals shall be screened at CRT, referred to the Multi Agency Safeguarding Hub (MASH) where the case will be triaged and referred onto the local Children's Services CAST TEAM for a Child & Family Assessment (Section 17 Children Act 1989).
- 7.4 The Placement Commissioning Team can be contacted on 01489 587047, e-mail sw.family.placement.team@hants.gov.uk .

8. TARGETS

- 8.1 The agreed timescales are as follows:
- Children's Services Child and Family assessment = 15 working days.
 - Children's Services decision regarding meeting the criteria under s 20 Children Act 1989 = 15 working days.
 - Housing Authority/ Children's Services interim accommodation duty = the same day as required.
- 8.2 The transfer of a young person from Children's Services to housing accommodation under the Local or District Housing Authority will take place within 5 working days from the completion of the Child and Family Assessment , where it is the young person's decision to progress under the homelessness route or where it is clear that no duties under section 20 or section 17 Children Act 1989 apply this must be clearly recorded. Evidence of what information and advice has been provided to the young person to support them in understanding their situation and the options that are open to them must be recorded. For further guidance on service criteria please see [Hampshire Safeguarding Children Board and Children's Trust Thresholds Chart](#) . The transfer process should ensure that a full discussion and information sharing (with the young person's consent) takes place between agencies. There must be a clear record of how the young person's needs will continue to be met and what ongoing support will be required.

9. CARE LEAVERS

- 9.1 **Eligible:** Aged 16/17 years who have been looked after for at least 13 weeks since the age of 14 years and is still looked after.

Relevant: Aged 16/17 years who have been in care at least 13 weeks since the age of 14 years and who has left care.

Former Relevant: Aged 18 to 25 who were eligible or relevant.

Qualifying: A "person qualifying for advice and assistance" is a young person who:

- Is aged at least 16 and under the age of 21 and who was Looked After immediately prior to the making of a Special Guardianship Order.
- Was subject to a private fostering arrangement until their 16th birthday.
- Was successfully returned home for 6 months or more (aged 16/17) and was previously eligible or relevant.
- Looked After for less than 13 weeks between the ages of 14 to 18 but including at least 24 hours aged 16 or 17.
- Is aged 16, and under 21 who was Looked After in a series of pre-planned short breaks.

Category	Profile	Entitled to
Eligible Child Schedule 2, Paragraph 19B CA 1989	Aged 16 or 17 Looked after by children's services for a period of 13 weeks since the age of 14 Currently looked after	A Personal Advisor A Needs Assessment A Pathway Plan Receive all the care and support they normally receive until they leave care
Relevant Child Section 23A CA 1989 Section 23B CA 1989	Aged 16 or 17 Looked after by children's services for a period of 13 weeks since the age of 14 Looked after for a period after their 16th birthday No longer looked after	A Personal Advisor A Needs Assessment A Pathway Plan Accommodation and maintenance financial support to meet education, training and employment needs
Former Relevant Child Section 23C CA 1989 Section 23CZA CA 1989 Section 23CA CA 1989	Aged between 18 and 21 OR between 18 and 25 if still in full-time education Previously an eligible child and/or a relevant child	A Personal Advisor A Pathway Plan kept under regular review Assistance with employment, education and training Assistance with accommodation Help with living costs
Qualifying Care Leaver Section 24 CA 1989	Young people who are accommodated under Section 20 Children Act 1989 by Children's Services for any period whilst aged 16 or 17 years old will become a qualifying care leaver.	A Qualifying care leaver will be entitled to a limited range of leaving care services. Qualifying young people will revert to their local housing department at 18 years. The duty to provide accommodation under section 20 Children Act 1989 ceases upon the young person's 18 th birthday and they can refer themselves to the local housing department under priority need category.

9.2 Young people who are accommodated under Section 20 Children Act 1989 by Children's Services for any period whilst aged 16 or 17 years old will become a qualifying care leaver and will be entitled to a limited range of leaving care services from Children's Services. If the young person was looked after for longer than 13 weeks, they will have full care leaver status. Qualifying young people will revert to their local housing department at 18 years. The duty to provide accommodation under section 20 Children Act 1989 ceases upon the young person's 18th birthday and they can refer themselves to the local housing department under priority need category.

- 9.3 For those care leavers who will require housing after they are 18 years old it is essential that partners work together to achieve a planned handover of statutory responsibility prior to the young person's 18th birthday for example via a handover meeting with supporting professionals and the young person. District Housing Authorities and Children's Services shall jointly oversee or ensure another agreed agency shall oversee on their behalf, the move-on for a young person to suitable accommodation as well as ensuring any ongoing welfare needs are addressed. (see [Joint Working Housing Protocol Flow Chart](#))

10. PROVISION OF ACCOMMODATION

- 10.1 Children's Services will provide accommodation for young people that is suitable to meet their needs. The range of options is likely to include foster care, children's homes, supported lodgings or other types of accommodation.
- 10.2 Children's Services will work with Housing Services to provide a range of options. The choice of placement will be dependent upon the outcome of the assessment of the young person's needs. The determination of the kind of accommodation the young person requires will be dependent on a range of factors including the young person's emotional and behavioural needs, availability of the support of peers and/or the family network, the young person's practical capacity to manage their own needs, and the determination as to whether a young person is involved in substance misuse or has mental health difficulties which require normal support.

11. SUITABILITY OF TEMPORARY ACCOMMODATION

- 11.1 The Homelessness (Suitability of Accommodation) (England) Order 2012, set out some generic considerations for local housing authorities associated with the suitability of accommodation offered in discharge of homelessness duties, alongside specific requirements for local housing authorities when seeking to end the main housing duty through compulsory private rented sector offers. In terms of the generic factors requiring consideration in every case:
- Where placements are being made outside the district of the local housing authority making the placement, the distance of that accommodation from the district of the local housing authority.
 - The significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's households.
 - The proximity and accessibility of the accommodation to medical facilities and other support which are currently used by the or provided to the person or members of their household or which are essential to the wellbeing of the person or members of their households,
 - The proximity and accessibility of the accommodation to local services, amenities and transport.
- 11.2 Guidance on the suitability of temporary accommodation is set out in the Local Authorities Homelessness Code of Guidance which was reissued in April 2018 to consider the practical changes to the Housing Act 1996, Part 7 resulting from commencement of the Homelessness Reduction Act 2017. [Homelessness code of guidance for local authorities](#)

- 11.3 Further guidance for both local housing authorities and children’s social care authorities considers suitability in the context of offering accommodation to 16- and 17-year olds who are homeless. [Prevention of homelessness and provision of accommodation for 16 and 17-year-old young people who may be homeless and/or require accommodation](#)
- 11.4 There is no situation in which bed and breakfast accommodation can be considered suitable for 16 and 17-year-old applicants, even on an emergency basis. This is established in statutory guidance issued by the Ministry for Housing, Communities and Local Government and in joint guidance issued by the Ministry for Housing, Communities and Local Government and Department for Education, on the provision of accommodation for 16& 17year olds who may be homeless.
- 11.5 When referencing bed and breakfast, the joint guidance states that “Children’s and housing services are reminded that **bed and breakfast accommodation, including hotels and nightly let accommodation with shared facilities, is not considered suitable for any 16 or 17-year-old.**”
- 11.6 Bed and breakfast accommodation is also unsuitable for any households with dependent children and/or a pregnant household member. This will apply to any young person who has a child themselves or who is expecting a child. The government regulated to make it unlawful to accommodate young people or children in bed and breakfast under the provisions of homelessness legislation who fall into this category, unless in an emergency and then for a period not exceeding 6 weeks. The [Homelessness \(Suitability of Accommodation\) \(England\) Order 2003](#) enshrines these requirements. The detail of the Order effectively makes the placement of anyone who is pregnant or who has dependent children into temporary bed and breakfast accommodation unlawful, although there may be occasions when demand pressure result in the use of B&B. Local housing authorities are required to notify anyone being placed within scope of this Order, about the Order and its meaning (including the 6-week threshold for emergency placements).
- 11.7 The joint guidance issued by Ministry for Housing, Communities and Local Government and Department for Education guidance also advises housing and children’s services to be alert to the risks associated with placing vulnerable young people in mixed age hostel settings with people who are considerably older than they are. Young people should not be placed in all-ages night shelter provision, even in an emergency. It goes on to emphasise that 16 & 17year olds are still children, and it would not usually be appropriate for them to be placed in temporary accommodation without on-site support.
- 11.8 In any case where a young person is placed into temporary accommodation, arrangements should be in place so that the person has the support they need to make a positive transition towards independence.
- 11.9 In accordance with this protocol, in cases where the Children Act 1989 accommodation duty does not apply, the District Housing Authority will undertake to provide suitable accommodation as soon as an appropriate vacancy arises. The children’s services authority will work in partnership with the local housing authority to ensure a planned move into suitable accommodation can be achieved to ensure

that vulnerable young people are not placed into unsuitable accommodation arrangements.

12. PROVISION OF SUPPORT

- 12.1 All 16- & 17-year olds who are accommodated under section 20 Children Act 1989 will have a Needs Assessment undertaken which will feed into a Pathway Plan. The Pathway Plan will be reviewed every 6 months. The Pathway Plan should include details about the kind of support that the young person will receive to achieve the best outcomes. In situations where it is determined the young person is not homeless and does not require accommodation under section 20 Children Act 1989 consideration should still be given as to whether the young person is a Child in Need and whether they require services under Section 17 of the Children Act 1989. The conclusion of the assessment process in this instance should include a Child in Need Plan.
- 12.2 Where emergency accommodation is not required under section 20 of the Children Act 1989, Children's Services will actively consider whether there may be a future housing need arising for the young person and liaise with the District Housing Authority accordingly and with due regard to this protocol. This is in the interests of preventing any future incidences of homelessness that may be sensibly predicted based on the circumstances at that time. Support may include assistance to join the local authority housing register and the provision of bespoke advice and assistance relating to securing accommodation for themselves in future.

13. FUNDING OF TEMPORARY ACCOMMODATION

- 13.1 Where the young person approaches the local housing authority for emergency accommodation pending a joint assessment, housing costs relating to the placement will be the responsibility of the young person pending the decision of the Child and Family Assessment. The local housing authority will provide advice and support to assist the young person to claim relevant housing related benefits but will not be under a duty to cover the housing costs. The local housing authority will be under a duty to ensure any accommodation it offers is suitable, and these considerations include the affordability of the accommodation that is being secured.
- 13.2 Where appropriate, the joint funding of placements can be determined at a local level, on agreement of the District /Service Manager within Children's Services and a manager within the Local Authority Housing Department.
- 13.2 Emergency and Assessment beds are available to 16-21-year olds however, 16-17year olds are prioritised. Access to these beds will be via the Placement Commissioning Team (PCT) within Children's Services.
- 13.3 Emergency and Assessment beds are available in various locations across Hampshire.

14. MONITORING

- 14.1 The Hampshire Joint Working Housing Protocol will be reviewed at least annually to ensure any change in legislative standards and/or training safeguards are fully

incorporated.

- 14.2 The annual review will also seek to identify areas for improvement and examples of best practice in the operational application of the protocol.
- 14.3 Further amendments to the protocol may be agreed by the partnership to take on board the learning from each review, and/or further action taken such as the delivery of workshops to ensure front line staff across children's services and housing services are aware of and understand the protocol and its implications for the way they work together in the interests of 16 and 17 year olds who are homeless or at risk of homelessness.

15. DISPUTE RESOLUTION

- 15.1 In situations where there is a dispute, efforts should be made by managers to resolve this on an informal and local level. Where this is not possible then the dispute resolution pathway should be followed:

1st Stage

The Local or District Housing Authority, Children's Services or the Gateway Agency will write to the other setting out the reason for dispute and what action is requested;

2nd Stage

The Heads of Service for the Local or District Housing Authority, Children's Services or the Gateway Agency will write to the other, setting out the unresolved dispute, why the 1st stage response is not accepted and what action is requested.

3rd Stage

Any party can refer an unresolved 2nd stage dispute to the County Steering Group. The County Steering Group will give written guidance to the parties.

4th Stage

Judicial review is considered the last resort; however, the County Housing Steering group would recommend this as the next course of action if the dispute is not resolved.

Joint Working Protocol 16-17 year olds Flow chart







