

## **SUPPLEMENTARY DOCUMENTS**

To be used in conjunction with Knowsley Council's Joint Homeless Prevention Protocol for Children aged 16 and 17 2019.

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## 1. Frequently Asked Questions

### Who is the lead agency during the assessment process?

CSC are always the lead agency and the Children's Act 1989 takes precedence over the Housing Act 1996. It is the social worker who should take the lead on completing the assessment but KHOS can provide assistance in accessing accommodation such as the crash bed.

### What does S17 mean?

#### Section 17 Children Act 1989

Section 17 of the Children Act 1989 sets out the responsibilities of local authorities to provide services for children in need and their families.

Under this section there is a general duty upon every Local Authority to;

- Safeguard and promote the welfare of children within their area who are in need; and
- So far as is consistent with that duty, promote the upbringing of such children by their families.

Section 17 (10) of Children Act 1989 defines that a child shall be "in need" if;

- They are unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by a Local Authority
- Their health or development is likely to be significantly impaired, or further impaired without the provision of such services
- They are disabled.

### What does S20 mean?

#### Section 20 Children Act 1989 - Duty to offer accommodation to children in need

Section 20 of the Children Act 1989 states that every Local Authority shall provide accommodation for any child in need who appears to them to require accommodation as a result of

- There being no person who has parental responsibility for them
- Their being lost or having been abandoned
- The person who has been caring for them being prevented from providing them with suitable accommodation or care
- The child is aged 16 or 17 and in the authorities opinion their welfare is likely to be seriously prejudiced if accommodation is not provided

The Council may provide accommodation for any child in need within their area (even though a person who has parental responsibility is able to provide them with accommodation) if they consider that to do so would safeguard or promote the child's welfare. Where a child requires the provision of accommodation, and will be supported under

S20 of the CA1989 funding for the provision of accommodation will be the responsibility of CSC.

The authority is required to take into account the views and feelings of the child as to the services which they wish to accept, including accommodation.

### **What ongoing support does the child get if they become S20?**

A child who is accommodated under S20 is defined as being 'looked after'. Due to this status there are additional benefits given to the child. These include:-

- A setting up home allowance (this is at manager's discretion)
- The Knowsley Local Offer (the exact details of this can change but is a partnership primarily set up to address the needs of education, training and employment)
- IRO (Independent Reviewing Officer) will be allocated who ensures that the pathway plan meets the needs of the young person and ensures that all needs such as education/training/accommodation/health are being addressed and met.
- Allocation of social worker and personal assistant until the age of 25 (if the child has been a Child Looked After for 13 weeks or more following their 14<sup>th</sup> birthday).

### **Why do referrals have to go through the MASH process?**

MASH stands for Multi-Agency Safeguarding Hub. All cases entering CSC have to be screened to see which department they should be dealt with. The MASH team assess the information which is sent through on the MARF (multi-agency referral form), undertake investigative work if needed, and then make a decision as to which team should deal with it. This is completed within 24 hours.

### **What are the different CSC teams?**

CSC have a Young Persons Team (YPT) who normally deal with a child who has presented as homeless and has no other issues. If KHOS need a duty social worker it will be someone from the Young Persons Team. If the child has other needs they will be referred to the Child Protection Team and allocated a social worker.

### **Why does the single assessment need to be completed within 10 days?**

The initial placement in Crash Bed is limited to 10 days. Therefore KHOS need to know if the child is S17 or S20 to be able to plan where they may be accommodated and who, if necessary.

### **What are the primary accommodation options for the child?**

In the first instance KHOS will always look to use the Crash Bed for emergency accommodation and Knowsley Supported Lodgings for longer placements. A risk assessment will be carried out as to whether the child is suitable and both KHOS and CSC will need to share information for this purpose. Homeground should only be used in an out of hours emergency situation.

### **If the child has been placed in temporary accommodation (for example in Shelagh Delaney) as part of their homelessness application have their housing needs been met?**

No. Housing should always be given full consideration under the single assessment as if the child has been placed by KHOS this may be temporary accommodation only (provided under the relief duty). The relief duty for homelessness only lasts for 56 days so any housing provided under this duty is not permanent.

### **What other needs might the child have?**

A child who presents as homeless often has other complex needs above and beyond their housing situation. This might include health problems (physical and mental), a difficult upbringing, lack of parental guidance and support, financial problems, under achievements or non-attendance in education or training, domestic abuse, previous engagement with CSC and the care system. Any accommodation and associated support which is provided should take into account all of these needs.

### **Who decides whether the accommodation provided is suitable for the individual child?**

Whilst KHOS may be responsible for the placement prior to the assessment being completed, the social worker is responsible for the child's safety and well-being and should advocate appropriately on their behalf. The social worker should also consider what risk the child may pose to others in the accommodation.

### **What happens if the child behaves badly in the accommodation provided?**

If a referral to accommodation is refused by the provider because of a child's previous behaviour, or they are asked to leave accommodation provided as part of their homelessness application for poor behaviour, KHOS may make the decision that the child is intentionally homeless. An intentionally homeless decision would mean that KHOS can end their relief duties to the child and they would not have to provide further accommodation. KHOS will secure them accommodation for a reasonable amount of time that enables them to secure their own accommodation only.

If there is no duty for KHOS to provide accommodation they will refer the child back to CSC. The child's needs would then need to be assessed under the Children's Act.

### **Can a child get a tenancy with KHT or another Registered Provider?**

A person under 18 is not able to be given a tenancy in their name. In certain circumstances it is possible for them to be given a licence with a guarantor. However, in the case of homeless 16 and 17 year olds it is likely that the only way for them to secure a licence with a guarantor would be for the Council to be the guarantor. This is not something the Council will do unless:-

- there are exceptional circumstances,
- all other avenues have been explored and ruled out,
- only when/if the child is able to manage a tenancy and
- when/if there is a good prospect that they can live independently and afford the property after their 18<sup>th</sup> birthday.

This is not something that should be routinely offered to a child.

### **Can a child get a private tenancy?**

A person under 18 would not be granted a tenancy in the private rented sector without a guarantor. As above the Council will not agree to stand as guarantor unless there are exceptional circumstances and all other avenues have already been explored. Once they turn 18 a person who has not been 'looked after' will only receive approximately £55 per week in housing benefit as a shared room rate. Therefore it is unlikely they would be able to afford to rent a self-contained flat or house on their own.

### **What are the accommodation options available?**

A child's expectations around accommodation should be realistic. The homeless route will not guarantee them their own flat. Ideally, the child will be placed in supported lodgings or supported accommodation such as Shelagh Delaney or Octavia Court. This will lead them through a process of learning how to manage on their own including budgeting and tenancy support. Only after they turn 18 would they be in a position to be given a tenancy of their own. There is high demand on one bedroom accommodation within social housing in

Knowsley so a child will need to be realistic with their expectations on how long this might take and the areas in which they are more likely to succeed (if they restrict themselves to a small geographical area they will wait longer). If they wish to look in the private rented sector they may only receive the shared room rate of housing benefit meaning they will either need to live in a house where they will have a room but will share a kitchen and bathroom with other tenants, or top up their housing benefit each week to meet the rent requirements.

## **2. Legal framework**

**See above for S17 and S20 of the Children's Act 1989**

**Housing Act 1996 (to be read in conjunction with Homelessness Reduction Act 2017 below)**

People who are homeless or who are likely to become homeless in 56 days may apply for homeless assistance. Local Authority's duties to offer assistance are governed by the Housing Act 1996 and subsequent amendments. Duties exist if the Local Authority believes that a person is

- eligible for assistance ;
- threatened with homelessness ;
- in priority need (including if they are aged 16-17 or they are a care leaver aged 18-20);
- unintentionally homeless (although not considered within first 56 days under the relief duty. If the case moves to main duty intentionality is considered at that point);
- has a local connection.

Section 188 of the Housing Act 1996 provides that;

If the Local Housing Authority has reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they shall secure that accommodation is available for occupation pending a decision as the duty (if any) owed to them.

The Homelessness (Priority Need for Accommodation) (England) Order 2001 (SI2002/2051) provides that the following are in priority need;

- Child aged 16 or 17 who is not a "relevant child" or, owed a Section 20 duty and;
- 18,19, or 20 year old (other than a relevant student), who is a "former relevant child"

### **Homelessness Reduction Act 2017**

This legislation amends parts of the Housing Act 1996 and splits the homeless duties into prevention and relief duties.

- Prevention – any person who is threatened with homelessness (including being issued with a valid S21 notice) within the next 56 days may make a homelessness application. The local authority are required to help the applicant by facilitating them to remain in their existing home or by securing alternative accommodation which is guaranteed for at least 6 months.
- Relief – any person who is already homeless may make an application under homeless relief. Their eligibility will be assessed as part of the process. The local

authority is required to work with the applicant to relieve their homelessness for at least 56 days.

See section 3 for ways in which the prevention and relief duties can be ended.

- Main duty – if homelessness has not been relieved in 56 days the applicant will move into the main duty if they have a priority need. At this point KHOS will consider whether the person has made themselves intentionally homeless.

There are several public authorities which have a 'duty to refer' if any person approaches them and they believe them to be, or may be, homeless or at risk of homelessness. Children's Social Care is one of those agencies. The affected person has to give their consent to a referral being made and to share their contact details and can choose which local authority they wish to be referred to.

It is a requirement under prevention and relief for the local authority to produce a Personalised Housing Plan with the applicant. This will set out the steps the applicant and the authority are required to take to help resolve their homelessness situation.

### **Case Law**

G v LB Southwark (House of Lords Judgement May 2009)

Where a child is assessed as homeless and is unable to return home, the judgement makes it clear that Children's Social Care (CSC) are the lead agency in such cases and the primary legislation is the Children Act 1989, and where a child fulfils all the elements required by the Children's Act 1989 s.20 (1), the Local Authority is under a duty to provide them with accommodation under that section. However the judgement also makes it clear that it is the Local Authority as a whole that is responsible for meeting the needs of these children and it is therefore essential that CSC and KHOS work closely and collaboratively, involving a range of partner agencies where appropriate in holistic assessment of and planning for the child's needs.

### **3. Ways in which homeless prevention and relief duties can be ended:-**

- a) *KHOS is satisfied that the child has suitable accommodation and that there is a reasonable prospect that this suitable accommodation will be available for at least six months.*

This may occur when the child has secured accommodation in a supported environment such as Knowsley Supported Lodgings or Octavia Court. Alternatively, it could be that the child has returned home and the parents have agreed that they can remain for at least the next 6 months. If the child is 17 and half or above HOS must be satisfied that the accommodation will still be available after their 18<sup>th</sup> birthday.

- b) *KHOS have complied with their prevention or relief duty and 56 days has passed (regardless of whether homelessness has been prevented or whether secure accommodation has been found)*

If the relief duty ends after 56 days has passed KHOS must make a decision on whether the child is owed the main accommodation duty which will also consider whether the child became intentionally homeless.

- c) *The child has refused an offer of suitable accommodation which was reasonably expected to have been available for at least six months*

If the offer was a 'final offer' of an assured shorthold tenancy under the Housing Act 1996 the child will not be owed any more duty under the Housing Act. In this case no further accommodation would be offered. However, before the offer was withdrawn KHOS would notify CSC and they will have a further discussion with the child about their options.

If the offer of accommodation was not a 'final offer' of an assured shorthold tenancy (for example a licence at Knowsley Supported Lodgings) but the child refuses it the prevention or relief duty can be ended. However, duties will still be owed under the main duty. KHOS can offer the same licence again as temporary accommodation. This provides time for KHOS and CSC to speak to the child again about their accommodation options and for the child to seek independent advice. If the child continues to refuse the offer of temporary accommodation the main duty can be ended. At all times CSC and KHOS must ensure that the child has been given all the relevant information and has the competence to make these decisions in an informed manner.

- d) *the child has become homeless intentionally from any accommodation that was provided to them by KHOS as part of their homeless prevention or relief*

A series of warnings would be issued to any child who whose actions were putting their accommodation under jeopardy. Approval to end the prevention or relief duty in this way would need to be signed off by a senior officer from both CSC and KHOS and would only be done in extreme cases.

- e) *the child is no longer eligible for assistance*

The child may become ineligible if information comes to light regarding their immigration status. [Chapter 7 of the Homelessness Code of Guidance for Local Authorities](#) has more information.

- f) *the child has deliberately and unreasonably refused to co-operate*

A series of warnings would be issued to any child who whose actions were putting their accommodation under jeopardy. Approval to end the prevention or relief duty in this way would need to be discussed by senior officers from both CSC and KHOS.

**If the relief duty ends in any of the ways from c-f CSC would be required to carry out a further assessment of the child's needs.**

#### **4. Initial assessment and S17/ S20 decision making**

The analysis of the assessment should provide a summary of the information obtained and should also make reference to the definition of S17 and S20 of the CA1989 when making a

recommendation. **NB** It is important that both S17 and S20 of the CA1989 are considered and that a clear explanation is given as to why S17, S20 of the CA1989 or neither is being considered. It is also important that the principle clearly set out within the Southwark Judgement and responsibilities under the Children Act 1989 are considered and that a homeless child is a Child In Need and should be placed in suitable accommodation.

Where possible, children are best placed with their family or friends. It is therefore important a full detailed family history is obtained and a family tree / genogram is completed. It is important not to take the child's account of the reasons they are homeless and information should be sought from the parent or carer.

All appropriate checks should be undertaken and the assessment should include the views and involvement of all other professionals, family members and the child themselves.

Where the child has special needs including learning or health needs or is vulnerable due to life experiences, consideration should be given to whether support services are required whilst the assessment is being undertaken, for example a support worker visiting and supporting the child in addition to the social worker. A capacity assessment may also be required to ascertain whether the child is able to consent to the assessment or to suitable accommodation being provided.

Questions for consideration when undertaking an assessment: -

- Where was the child living last?
- Why did this arrangement break down?
- Where has the child lived and who with during their childhood?
- Have there been any other placement breakdowns in the child's childhood?
- Does the child have any identified speech, language or communication difficulties, learning difficulties or other special needs?
- Has the child been involved in offending behaviour or anti-social behaviour?
- Does the child have any other difficulties, e.g. substance misuse?
- Is there a full family tree detailing all extended family details?
- Have you explored all of the extended family and friends options?
- Where is the child at this time and how long can they remain there?
- Are the current circumstances likely to impact on the child's likelihood of achieving or maintaining a reasonable standard of health or development without services being provided by the Local Authority
- Has the child's health or development been significantly impacted or would it be further impacted without the provision of services.
- How has the child's health and development been affected and what services would reduce the impact of this?
- Is there anyone exercising parental responsibility for the child?

- Has the child been abandoned?
- Has the person who has been caring for the child been prevented from doing so?
- Why / how has the person who has been caring for the child been prevented from doing so?
- What risk factors have been identified?
- Are there any protective factors in place?
- What is the child requesting?
- Is the child co-operating with the assessment?
- How close is the child to 18 years of age?
- Does the child require support post 18 years?
- What transition arrangements are required?

Where the outcome of the assessment is no further action, this should always consider the step down approach and ensure that the child is referred to the most suitable service to offer ongoing support and advice.

Decisions relating to S17 and S20 are made by using CSC using the Threshold Guidance at <https://www.knowsleyscb.org.uk/wp-content/uploads/2018/10/Knowsley-Threshold-of-Need-Guidance-2018.pdf>

### Transition

Where the child is 17 years of age, consideration should be given to their transition to adulthood.

If the child has special needs or other vulnerabilities, consideration should be given to a referral to Adult Social Care or Adult Support Services to ensure the child is supported post 18 years of age.

Where CSC are funding the child's accommodation, this will cease when the child is 18 years of age, therefore the lead practitioner should liaise with KHOS and other relevant professionals in preparation for their 18<sup>th</sup> birthday.

## **5. Disputes between staff**

In circumstances where the Housing Options Service or YOS disagree with the outcome of a Child in Need assessment, a resolution meeting will be convened. Each party involved must arrange designated representatives. This should include the officer whose decision is being disputed. A resolution meeting must take place within **five working days** of the meeting being called. The meeting shall be chaired by CSC and a written record will be made and circulated within five working days by CSC.

The purpose of the meeting will be to review the decision in question and to seek a resolution which is in the best interests of the child.

## **6. KHOS and CSC Contact details**

Housing Options Service can be phoned on 0800 694 0280 at any time. Alternatively check their website for details of their drop-in surgeries.

<http://knowsleyhousingoptions.org/contact-us/>

CSC are best contacted through the MASH on 0151 443 2600 or [knowslemash@knowsley.gscx.gov.uk](mailto:knowslemash@knowsley.gscx.gov.uk) unless you know the name of the designated officer in which case their email address will be [firstname.surname@knowsley.gov.uk](mailto:firstname.surname@knowsley.gov.uk).cjsm.net

## **7. Websites with advice for 16-17 year olds**

<https://youngpeople.nyas.net/>

<https://www.runawayhelpline.org.uk/advice/homelessness/>

<http://www.coramvoice.org.uk/young-peoples-zone/always-heard>

<https://www.justforkidslaw.org/what-we-do/advocacy/>

<http://www.themix.org.uk/housing>

[http://www.barnardos.org.uk/what we do.htm](http://www.barnardos.org.uk/what_we_do.htm)

<http://www.lawcentres.org.uk/>

<https://www.citizensadvice.org.uk/housing/>

<https://www.akt.org.uk/> (a charity for youth homelessness among the LGBTQ+ community)

<https://www.thelivewelldirectory.com/?LA=Knowsley>

<http://www.centre63.co.uk/yesproject/the-yes-project.html>

## **8. Monitoring**

The working practises will be monitored on a quarterly basis through a partnership meeting chaired by Strategic Housing and attended by CSC, YOS and KHOS. The protocol as a whole will reviewed annually or in line with significant changes in legislation to ensure it remains effective and relevant.

Senior managers in all the relevant departments are responsible for providing appropriate training and adherence to the protocol.