



Joint Protocol between Achieving for Children and Community Housing and Landlord Services of the Royal Borough of Kingston

Applies to:	Achieving for Children Operational Area 1 (Kingston) and Kingston Community Housing Services and Landlord Services
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Signed off by:	Alison Twynam, Director, Children's Social Care
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Reviewing Arrangements:	This policy will be reviewed every two years to judge its effectiveness, or updated sooner in accordance with changes in legislation.
Relating policies and procedures:	AfC Safeguarding Children Policy

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1. Aim of the Protocol

This protocol represents a formal agreement between Community Housing Services and Landlord Services and Achieving for Children (AFC). It provides staff with guidance on the legislation, policy and practice underpinning collaborative working to safeguard children and young people. It sets out the main processes and arrangements for joint working cases and situations where there is a need to provide support and/or accommodation to families. Staff in both departments are expected to understand and comply with both the spirit and the letter of this joint protocol.

2. Legislation and Code of Guidance

[‘Working Together to Safeguard Children’](#), A guide to inter-agency working to safeguard and promote the welfare of children’ sets out how individuals and organisations should work together to safeguard and promote the welfare of children. The guidance is aimed at practitioners and front line managers who have shared responsibility for safeguarding and promoting the welfare of children.

[The Homeless Code of Guidance for Local Authorities](#) provides guidance to housing authorities on working in partnership with other agencies to deliver co-ordinated and effective services to tackle homelessness and sets out the statutory provisions that require co-operation between services. This code also provides guidance on the duty on housing authorities and children’s services to co-operate in certain cases involving children.

The [‘Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation’](#) provides guidance to children’s services authorities and housing authorities on their duties under Part 3 of the [Children Act 1989](#) and Part 7 of the [Housing Act 1996](#) (as amended) and the [Homelessness Reduction Act 2017](#) to secure or provide accommodation for homeless 16 and 17 year old people. This guidance followed the ‘Southwark Judgement’ case law requiring children’s services authorities to provide accommodation and support to homeless 16 and 17 year olds.

3. Information Sharing

AFC Information Governance Policy sets out the principles of sharing information. These are:

- *Justify the purpose for needing the information.*
- *Do not use person identifiable information unless it is absolutely necessary.*
- *Access to person identifiable information should be on a strict need to know basis.*
- *Everyone should be aware of their responsibilities.*
- *Everyone should understand and comply with the law.*

The [Data Protection Act 1998](#) & [General Data Protection Regulation](#) (GDPR) (EU) 2016/679 provides guidance for the protection for personal data and subject rights of access. Personal information shall be:

- *processed fairly and lawfully*
- *processed for limited purposes*
- *adequate, relevant and not excessive;*
- *accurate;*
- *processed in accordance with the data subject's rights*

There is a breach of AFC Information Governance Policy and Data Protection Act principles when information is shared on all families and children that approach Community Housing and Landlord Services. Information should be shared on a needs to know basis on vulnerable families. Sharing information regarding child protection concerns does not always require consent.

Consent

Consent will be obtained by Community Housing and Landlord Services from parent/carers in order to request information from AFC. Written consent will be gained from families will be shared with AFC for each information request.

If and when Community Housing and Landlord Services professionals make a safeguarding referral to AFC they will inform the parent/carer of the child of their action and why unless it places the child at further risk.

4. Roles and Responsibilities

Community Housing and Landlord Services

Community Housing and Landlord Services staff will undertake safeguarding training to ensure that they understand and can fulfil their duty to safeguard and promote the welfare of children. If they have safeguarding concerns they should consult Single Point of Access (SPA).

If the following risk factors are identified Community Housing and Landlord Services staff must consult with SPA and specifically when combined with eviction, mutual exchange or temporary accommodation:

- Domestic abuse
- Alcohol and/or substance misuse problems
- Parental mental health problems
- Immediate concerns about the safety of a child including neglect, abuse and children at home alone
- Homelessness and/or risk of homelessness
- Any indication that a child may be trafficked or sexually exploited
- Known sex offenders
- Significant debt, which could lead to eviction
- Neglect of the home environment or animals within the home
- 16/17 year olds presenting homeless

Context

Community Housing & Landlord Services are committed to working with AFC where there may be a need to manage and resolve accommodation issues that will result in greater protection of a child, provided there are significant needs or risks over and above those of housing need. Other issues will be addressed via the normal operation of the Council's Housing Allocation scheme, housing management or homelessness procedures as applicable.

Community Housing and Landlord Services staff will discuss with SPA and make a referral at an early stage in respect of the potential eviction of families with children under 18 years or vulnerable teenagers 16-17 years, where they are likely to be found intentionally homeless or otherwise ineligible for housing assistance or where one or more of the risk factors outlined above are present. Where appropriate, a Child and Family Assessment will be undertaken by AFC or a referral may be made to the Youth Resilience Team.

Community Housing and Landlord Services will respond to MASH requests in the following timescales:

RED - 2.5 hours

AMBER - 5 hours

GREEN - 18 hours

5. Joint Working

General

Whilst the Council's overriding duty is to safeguard children, problems can sometimes arise between services because the criteria for access to services are different for housing and social services. This protocol acknowledges the importance of:

- All staff and frontline managers recognising the legal, policy and resource constraints under which each of the services is operating.

- The need for AFC staff to help their clients to understand and work within those constraints and to provide Community Housing and Landlord Services with sufficient information. This is to enable staff to make the most appropriate assessment of the extent of any housing duty or power and/or to make an appropriate offer of accommodation within the resources available.
- The need for AFC staff to encourage service users to an early acceptance of any suitable accommodation offer made, which enables the child or young person to move to more appropriate accommodation at the most appropriate time and maximises the use of housing resources.
- The need for both departments to work together to prevent the eviction of families by addressing the circumstances leading to the possession proceedings, where the child(ren) have been or would be likely to be assessed as being in need, particularly where a child of the family is subject to a child protection plan.
- Promoting the principle that vulnerable families with whom both services are working with and who are at risk of homelessness should (if possible) be supported to remain within the Borough. This will involve close joint liaison to prevent placement either temporarily or permanently outside the Borough. It must be recognised however, that this may not always be possible and is dependent upon the availability of suitable accommodation.
- The need for effective information sharing particularly of any changes in circumstances and/or availability or resources in order to progress individual cases.
- Recognising the need for staff in both departments to respond in a timely manner to any requests for either client or service related information or requests to attend meetings. Community Housing and Landlord Services and AFC will seek information from other partner agencies. Effective information around adults that pose risk to children will be gained from:
 - MAPPA - the Multi-Agency Public Protection Arrangements which provide a national framework for the assessment and management of risks posed by serious and violent offenders.
 - MARAC - Multi-Agency Risk Assessment Conference will provide information around adult perpetrators of domestic violence and abuse.

6. Suitability of Accommodation

Community Housing has to have due regard to suitability of accommodation under relevant legislation. Where concerns are raised by any party Community Housing will review suitability in conjunction with the professional network and provide agreed action where accommodation is deemed unsuitable or requires remedial action.

7. Expectations

AFC and staff within Community Housing & Landlord Services are expected to work together effectively through mutual understanding or respective roles and responsibilities and a commitment to provide services in line with the Council's policies and procedures. There is a strong expectation on all staff to achieve an agreed view about when and how to meet the housing and support needs of children and families. Managers should encourage and support staff to:

- Share information appropriately in relation to both individual cases and service provision
- Communicate effectively and respond in a timely manner to requests for information
- Attend professional network meetings, child protection conferences, Child in Need (CIN) meetings and Team Around the Child (TAC) meetings as requested
- Whichever party starts their interview process they will invite the other party to attend at the earliest possible time eg walk ins - Housing will invite SPA to attend for a joint assessment of needs.
- Visit families jointly in all cases where appropriate
- Consider joint supervision on complex cases
- Attend multi-agency safeguarding training

8. Timescales

The following timescales for actions have been agreed (all target timescales are based on working days):

Community Housing & Landlord Services

- Applications to the Housing Register will be assessed within **5 working days** once sufficient information has been received by the Housing Options Service within Community Housing. This is also the case for registering nominations made by AFC for social housing through the Housing Panel system.
- The Homelessness Reduction Act 2017, introduced in April 2018, placed new duties on Councils. The act requires the Council to work proactively with anyone who is threatened with homelessness within **56 days**. This new prevention duty is designed to ensure that the barriers people face in resolving their housing duties are removed so that they can stay in their current accommodation or be assisted with finding alternative accommodation.
- Each applicant's needs will be fully assessed and reasonable steps taken by the Council to try and resolve the applicant's housing situation. These steps will be set out in a personalised housing plan.
- If an applicant's homelessness cannot be prevented the Council must take reasonable steps under the Relief Duty to secure accommodation to anyone who is homeless. This is not a guarantee to get an individual accommodation. **56 days** of support are provided and will end when a person gets housed or if all reasonable steps have been taken to secure accommodation.
- The kind of support an applicant will receive will include referrals to housing providers, help with finding private rented accommodation or support to access mediation and or debt advice
- The Relief Duty can end in a number of ways e.g if suitable accommodation has been secured, if an applicant unreasonably and deliberately refuses to co-operate with the personalised housing plan or if an applicant becomes intentionally homeless
- Every effort should be undertaken by Community Housing to ensure that no household with children be accommodated in Bed and Breakfast type emergency placement but where this has been a necessity due to availability of accommodation that any such placement be for no more than six weeks.

- A decision on the outcome of a referral for an interim homelessness duty after all necessary information received is made within **5 working days** where possible.

AFC

- The target time for a decision to be made on referral is 24 hours and for advising the referrer of any action/outcome is 48 hours.
- The target time for the completion of a Child and Family Assessment is up to **45 working days**. The purpose of the assessment is to determine whether a child is in need or in need of protection.

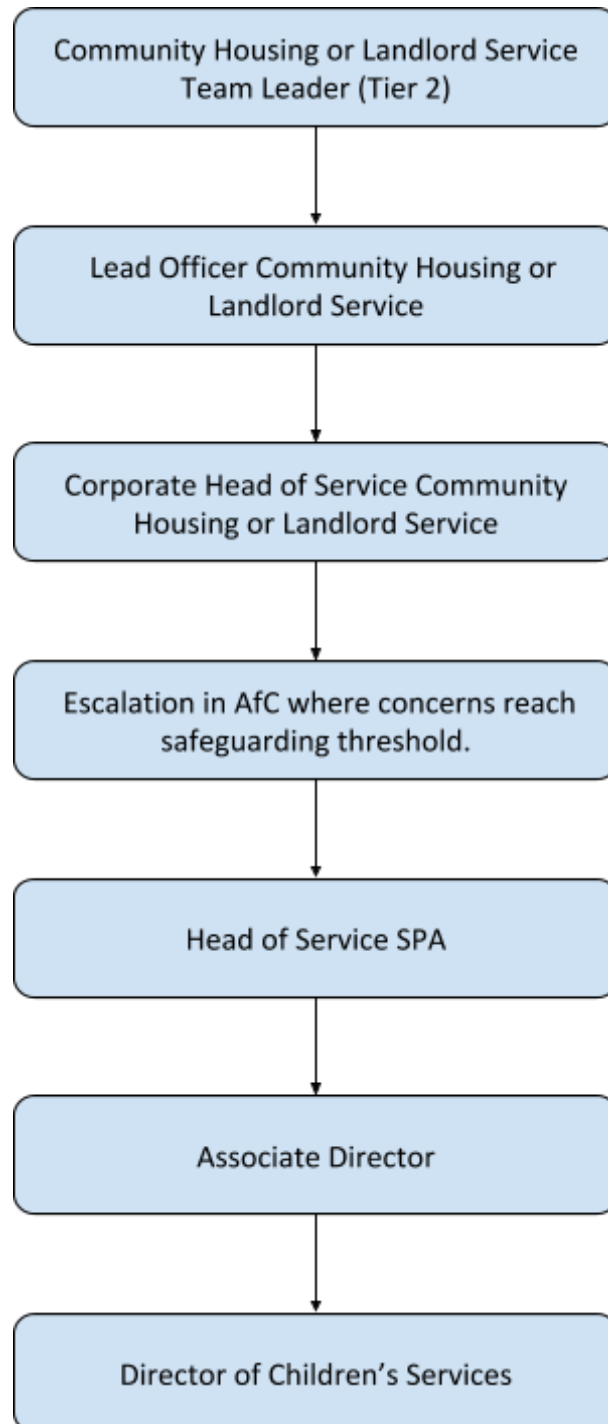
Both Departments

- The time for a response to an urgent request for information is 48 hours.
- The target time for a routine request for information is **10 working days**.
- The notice of attendance at meetings is **5 working days** for an initial child protection conference and the date and time of the review child protection conference is set at the initial conference and included in the minutes. Staff unable to attend any previous meeting and who still form part of the process will be provided with minutes of that meeting as a matter of course. Maximum notice will be given for all other meetings but no less than **10 days** unless an emergency need such as a strategy meeting which may be on the day of request but no more than **3 days**.

9. Resolving Professional Differences

It is inevitable that from time to time professional differences will arise about the best way to meet the support and housing needs of children, young people and their families. These difficulties can arise from different perspectives of need as well as respective duties. The presumption is that a single view on behalf of the council will be arrived at. The process for resolving professional differences is within the escalation Policy. There is a strong expectation that professional differences will be resolved at the lowest possible level and within one working week or a timescale that protects the child from harm (whichever is shortest).

10. Escalation Policy



If escalations cannot be resolved between services, the matter should be referred in a timely manner to the LSCB's Resolution and Escalation Protocol here:

<http://kingstonandrichmondscb.org.uk/news-resources/policies-and-procedures-87/resolution-and-escalation-protocol-151.php>

11. Staff Safety

Both AFC, Community Housing & Landlord Services are committed to sharing information in relation to the behaviour of a service user or a member of their household who may pose a threat to the safety of children, staff or contractors. In all such cases, staff will share the information. The provision of such information will not necessarily prevent a service being provided but will enable staff and managers to take appropriate action to reduce the risk.

12. Professional Network Meetings

There are times when it is necessary to hold multi-disciplinary professional network meetings, to share information and devise an agreed plan to meet the needs of a service user. Staff from both departments will respond in a timely manner to requests for information from other departments. Officers should attempt to give as much notice as possible both in terms of the need for officer attendance at meetings and the information required. All relevant officers involved in a case are expected to attend child protection case conferences/CIN and TAC meetings and provide written information as requested. Managers are expected to participate in Serious Case reviews and learning lessons as and when appropriate.

13. Partnership Meetings

Social Care and Housing Liaison meetings are held regularly to ensure a joint approach to planning and service development.

14. Sharing Information

Information can be shared in a variety of ways, to safeguard and to promote the welfare of children and young people. Staff in both departments may be asked for information about a child to inform the provision of services, prevent harm or to improve contextual information for decision making.

Staff should be aware that when sharing information they should be clear about the information being requested, the purpose of the request and that is a legitimate purpose.

Officers should have due regard for the safe and confidential transfer of information. Written consent will be gained from the customer for any sharing of information between AFC, Community Housing & Landlord Services.

15. Early Help Assessments

Where Community Housing & Landlord Services staff do not have any safeguarding concerns but feel that a family or child may benefit from AFC support, the Community Housing & Landlord Services officer should discuss their concerns with the family and suggest that a referral is made to SPA. The SPA will then be able to signpost or refer to other services as necessary, and may decide that an Early Help Assessment (EHA) or a statutory assessment is required.

16. Safeguarding Referrals

Community Housing & Landlord Services staff are aware that where there are safeguarding concerns about a child, or there are concerns that a child may be suffering or is likely to suffer significant harm, a referral must be made to SPA. This applies to all Community Housing & Landlord Services staff, their contractors or staff working for an agency/organisation discharging functions on behalf of Community Housing & Landlord Services. This expectation includes unborn children.

Referrals should be made by making an online referral to SPA. A safeguarding flag will be added to alert other Community Housing & Landlord Services staff of the concern.

17. AfC Referral Process

Where AFC staff have any concerns regarding the suitability of accommodation occupied by a child or offered to a family by Community Housing AFC officers should contact the relevant office within Community Housing or Landlord Services contained within Housing Staffing structure (updated quarterly). Such concerns may include but not be restricted to; the condition of accommodation, need for repair or improvement to a property, affordability or location. Before making a referral, the AFC officer will discuss the case with their line

manager and secure the consent of the parent/ carer to relevant child in order to make the referral to Community Housing or Landlord Services.

18. Joint Training

The purpose of training is to ensure that staff have the necessary knowledge and skills to carry out their duties in line with Council standards for service delivery. Community Housing or Landlord Services and AFC are committed to providing appropriate training and development for all staff. Where appropriate training courses will be devised and delivered to enable joint training to take place, encouraging staff from both departments to share experiences and to gain an understanding of their respective duties.

19. Review of the Joint Protocol

The joint protocol for working together to safeguard children and young people will be reviewed yearly or when a change in law. Both the Directors of Adult Social Care and Growth responsible for Community Housing and Landlord Services respectively and AFC have delegated authority to senior managers to make amendments to the joint protocol to reflect revisions made to procedures or in accordance with learning from experience and best practice. In all cases both parties should agree any amendments made in the protocol. Staff in both departments will be advised of its content and provided with access to a copy. The protocol will also be accessible on the intranet.

20. Joint Agreement to the Protocol

Community Housing and Landlord Services and AFC agree the contents of this joint working protocol plus appendices and agree to adhere to the working practices and standards set out within it.

Referrals from AFC to Community Housing & Landlord Services

Where AFC staff have any concerns regarding the suitability of accommodation occupied by a child or offered to a family by Community Housing AFC officers should contact the relevant office.

These offices are identified as following:

Housing Allocations, Community Housing:

- offers of accommodation both emergency placement, moves to temporary accommodation under Housing Act 1996 (Part Seven)
- offers of permanent social housing, Council and Housing Association property under Housing Act 1996 (Part Six)
- offers of Private Rented Sector accommodation (PRSO) under Housing Act 1996 (Part Seven)
- request to move from temporary accommodation provided as a consequence of application under Housing Act 1996 (Part Seven) due to the condition of accommodation, need for repair or improvement to a property, affordability or location
- request for repair or improvement to emergency accommodation provided under Housing Act 1996 (Part Seven)
- discharge of housing duty to accommodate as a consequence of eviction from temporary accommodation provided under Housing Act 1996 (Part Seven)

Temporary Accommodation, Community Housing:

- request for repair or improvement to temporary accommodation provided under Housing Act 1996 (Part Seven)
- request for assistance to help households manage personal finances, maximise income for benefits when within temporary accommodation provided as a consequence of application under Housing Act 1996 (Part Seven)

- eviction from temporary accommodation provided under Housing Act 1996 (Part Seven)

Housing Options, Community Housing:

- application to move from current accommodation to permanent social housing via the Housing Register
- request to use nomination for social housing via Housing Panel system
- request to access supported accommodation via Housing Panel

Resettlement & Support, Community Housing –

- request for assistance to help households manage personal finances, maximise income for benefits and/or support a move with practical assistance for households moving into and when within temporary accommodation provided as a consequence of application under Housing Act 1996 (Part Seven)

Landlord Services:

- request for repair or improvement to Council tenancy
- request for assistance to help households manage personal finances, maximise income for benefits
- request for a Mutual Exchange (Homeswap)

Notification

Housing Services have standard practice to notify Single Point of Access (SPA) of families with dependent children who are threatened with/or homeless before placements into any form of accommodation where the following risk factors are identified

- Domestic violence
- Alcohol and/or substance misuse problems
- Parental mental health problems
- Immediate concerns about the safety of a child including neglect, abuse and children at home alone
- Homelessness and/or risk of homelessness
- Any indication that a child may be trafficked or sexually or criminally exploited
- Known sex offenders
- 16/17 year olds presenting homeless

Community Housing and Landlord Services staff must consult with SPA and specifically when combined with eviction, mutual exchange or temporary accommodation.

Family Placed Out of Borough

All reasonable efforts should be made to house children who are subject of a child protection plan or to a child protection enquiry within the borough unless a move is part of the child protection plan.

This applies to both temporary and permanent housing provision. In most cases, this will minimize the disruption likely to occur and mean that professional networks can be maintained. The LSCB should oversee the development of a protocol for keeping children within the local area between relevant partner agencies.

In the event that a child and their family have to move out of borough a clear system has to be in place to address their needs.

Families Placed out Of Borough

Families may move for a variety of reasons. Failure to comply with the terms of their tenancy, eviction, homelessness and victimization as a result of involvement in gangs or anti-social behaviour can all be reasons why families move between local authority areas.

Government policy and the pressure on the housing market, especially in inner London, can all lead to the movement of vulnerable children and their families between local authority areas. Increasingly, homeless families are placed for extended periods in other local authority areas; sometimes they may choose to continue to access some universal services within their originating authority (e.g. education).

However, as set out in the London Child Protection Procedures, this does NOT determine responsibilities under the Children Act 1989 for safeguarding and promoting the welfare of the children of such families.

Homelessness legislation require local authority to ensure suitability of accommodation offered to homeless families. Therefore, if a local authority has a duty to secure accommodation, an assessment will be carried out to determine the requirements of the household including the children. The assessment will determine whether the household has:

- Priority to be located in the Royal Borough of Kingston.
- Priority to be located close to the Royal Borough of Kingston.
- No priority to be located either within or close to the Royal Borough of Kingston

The Council will have due regard to matters concerning public safeguarding and protection and will work with all relevant organisations to ensure the suitability of accommodation.

Priority for Accommodation Within the Borough

Priority for available in-borough accommodation will be given to certain households who the Council has assessed as having a particular need to be housed within the Royal Borough of Kingston. Households who satisfy one or more of the following criteria will be considered as having a priority for accommodation within the Royal Borough of Kingston:

- Those who are receiving treatment for a physical or mental health condition from a specialist hospital unit which cannot be transferred to another NHS service or where they are at a critical point in their treatment
- Children subject to a Child Protection Plan in the Royal Borough of Kingston which cannot be transferred to another local authority without causing serious detriment to a child's welfare.
- Children subject to a Statement of Special Educational Needs, now known as an EHCP (Education, Health and Care Plan), in the Royal Borough of Kingston which cannot be transferred to another local authority without causing serious detriment to the child's welfare.
- In accordance with the criteria set out within the Allocation Scheme, those who have a longstanding arrangement to provide essential care to another resident of the Royal Borough of Kingston who is not part of the household.
- Other circumstances which demonstrate an exceptional need which cannot be met outside of the Royal Borough of Kingston.

The only reasons why case responsibility for children subject to a child protection plan should not normally transfer from the originating authority to the receiving authority are:

- If the child is looked after by the originating authority or the subject of a statutory order to the originating authority;
- If the child has been temporarily placed by the originating authority in the area for the purposes of assessment, treatment (psychological or medical) or education, with or without their parents and will be returning to the originating authority;
- If the child has been remanded into custody or received a custodial sentence;
- If the child is temporarily living with relatives or friends in the area but will be returning to the care of a parent in the originating area
- If the child and their family have been placed in temporary accommodation in the receiving authority for a specified period of time, which is less than 4 weeks, after which they will be located elsewhere. Community Housing's ability to meet this objective is determined by the availability of accommodation. Where this is not possible due to supply side factors Community Housing will notify Achieving for Children and arrange a Professionals Meeting where an Action Plan will be formulated in agreement with both services to identify pathway to secure accommodation within borough to address relevant child's need.