



North Tyneside Council

**North Tyneside
Joint Protocol
for Homeless 16 and 17 year olds**

Guidance Notes for Partners

Implemented:

Review:

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Contents

1. Introduction	Page	4. Stage Two: support	Page
1.1. Purpose of the guide	3	4.1. Lead responsibility	16
1.2. What is the Joint Protocol?	3	4.2. Ongoing temporary accommodation	16
1.3. Why have the Joint Protocol	3	4.3. If a 'Child in Need'	16
1.4. The benefits of having the Joint Protocol	3	4.3.1. Section 17 provision	16
1.5. Who does the joint protocol cover	4	4.3.2. Section 20 accommodation	17
1.6. What happens to care leavers?	4	4.4. Found not to be statutorily homeless?	17
1.7. What happens to under 16's?	4	4.5. Found to be intentionally homeless?	18
2. An Overview		5. Stage Three: review	
2.1. The legislative context	5	5.1. Case Review	18
2.1.1 The Homelessness Code of Guidance	5	5.2. Reviewing after cases are closed	18
2.1.2. Housing Act 1996	6	6. Monitoring of the protocol	18
2.1.3. Homelessness Act 2002	6	7. Concerns	
2.1.4. Children Act 1989	6	7.1. Inter-agency Concerns	18
2.1.5. Children Act 2004	7	7.2. Young People's Concerns	19
2.1.6. R v Southwark LBC	7	8. Information sharing	19
2.2. A brief overview of the process	8	9. What is the role of partner agencies?	
2.3. Flowchart	19	9.1. Preventative & Safeguarding Services	19
2.4. The joint protocol partners	10	9.2. Housing Advice Team	19
2.5. How are referrals made?	10	9.3. Connexions	20
3. Stage One: The JP Assessment	11	9.4. Youth Offending Team	20
3.1. Referral and assessment	12	9.5. The voluntary sector support provider	20
3.2. Make contact with the family	12	10. Agreed working definitions.	
3.3. Arrange emergency accommodation	12	10.1. Initial response	21
3.4. Get an income for the young person	13	10.2. Active referral	21
3.5. Arrange support for the young person	13	10.3. Child in Need	21
3.6. Call a panel meeting	13	10.4. Child requiring Accommodation	21
3.7. Responding out of hours	14	10.5. Homeless	21
3.8. Panel meeting guidance	14	10.6. Priority need	22
3.8.1. Scope of panel meetings	14	10.7. Intentionally Homeless	22
3.8.2. Arranging the panel meeting?	14	11. Other agreements	
3.8.3. When should the meeting happen?	14	11.1. B&B costs.	23
3.8.4. Who should be present?	14	12. List of documentation	23
3.8.5. What happens in advance?	14	13. Useful contacts	23
3.8.6. What will happen at the meeting?	14		
3.8.7. What happens the panel meeting?	15		
3.8.8. Section 17 Assessments	15		

1. Introduction

1.1. Purpose of the guide

This document is intended to be a practical guide to the joint protocol for working with 16 and 17 year olds who reside in North Tyneside and are homeless and/or in need of accommodation. The guide is intended for use by front line workers and service managers in organisations who are signed up to the protocol. It outlines the agreed joint working arrangements between agencies.

1.2. What is the Joint Protocol?

The joint protocol is an agreement that establishes the roles and responsibilities of different agencies towards homeless 16 and 17 year olds. It outlines the respective statutory responsibilities of the North Tyneside Councils Preventative and Safeguarding Services and North Tyneside Homes.

In addition, it details the practical joint working arrangements between Preventative and Safeguarding Services, the North Tyneside Homes and other agencies that can assist with the housing and support of homeless 16 and 17 year olds in the borough.

1.3. Why have the Joint Protocol?

No single department of North Tyneside Council has full responsibility for homeless 16 and 17 year olds. Both Preventative and Safeguarding Services and the North Tyneside Homes have statutory duties towards this vulnerable client group. See section on the legislative context for more details.

Alongside this, other statutory and voluntary agencies also provide a range of services to these young people. Without clear understanding and agreement on respective roles and responsibilities, young people are often passed between agencies and do not receive appropriate or timely services.

1.4. What are the benefits of having the Joint Protocol?

The joint protocol will lead to:

- clearer understanding of roles and responsibilities for workers, wider agencies and young people
- a reduced risk of young people falling through the net
- Improved and proactive working relationships between agencies
- young people accessing the most appropriate accommodation in a timely way and therefore preventing future homelessness
- best use of limited resources and time.

1.5. Who does the joint protocol cover?

This joint protocol covers 16 and 17 year olds who are homeless and/or in need of accommodation. It does not cover young people leaving local authority care. There are already systems in place for these young people?

Young people are defined as homeless or threatened with homelessness if:

- they have nowhere to live
- they are living in temporary accommodation such as a hostel, bed and breakfast, other short term housing or squat
- they cannot stay in their home because of violence or the threat of violence
- they are staying temporarily with friends or relatives who are unable or unwilling to accommodate them in the future
- they have somewhere to live but it is not reasonable to expect them to stay there.

Young people can also be classed as homeless if they are likely to become homeless within 28 days

1.6. What happens to care leavers?

Responsibility for assisting care leavers rests with the Leaving Care Service. All care leavers are allocated a young person's advisor within this team who works with them to find suitable accommodation and offers support to them once they have found this. A separate policy, the Joint Housing Protocol for Care Leavers, covers the accommodation needs of care leavers and workers should refer to this if the young person they are working with a care leaver. Under point 1.6 of that protocol Care Leavers receive priority status with Homefinder.

1.7. What happens to those under 16?

Homeless young people under the age of 16 are automatically the responsibility of Preventative and Safeguarding Services. Therefore any young person under 16 years should be referred to them as a priority. In the event of out of hours contact should be made with the Emergency Duty Team. Contact details for all services can be found on the back page of this guide.

2. An Overview

2.1. The legislative context

Young people in housing crisis require statutory services and other relevant agencies to work together if they are to receive appropriate and timely services. This need for co-operation is recognised in legislation and accompanying guidance which highlights an expectation from government that Children Services and local housing authorities forge proactive links with each other to ensure they can comply fully with the inter-relating pieces of legislation and prevent failures in responsibilities and standards of care.

In 2008 the Department for Communities and Local Government and the Department for Children Schools and Families published joint guidance '**Joint working between Housing and Children's Services**' which recommended that Housing Authorities and Children's Services should have joint protocols in place to ensure that each play a full role in providing support to vulnerable young people.

In April 2010, responding to the House of Lords judgement in R (on the application of G) v Southwark LBC (see section 2.1.6), the department for Communities and Local Government and the Department for Children Schools and Families jointly published '**Provision of Accommodation for 16 & 17 year old young people who may be homeless and/or require accommodation**', which provides clarification to Children's Services and Housing Authorities about their respective 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

2.1.1 The Homelessness Code of Guidance for Local Authorities (2006)

The guidance confirms that the Secretary of State considers that housing authorities should take steps to prevent homelessness wherever possible, offering a broad range of advice and assistance for those in housing need. Preventing homelessness means providing people with the ways and means to meet their housing, and related support needs, in order to avoid experiencing homelessness. Effective prevention enables a person to remain in his/her current home where appropriate, it can delay the need to move out of current accommodation so that a move into alternative accommodation can be planned in a timely way and can assist with finding alternative accommodation or sustaining independent living.

This protocol plays an important role in assisting the local authority and other agencies to achieve their prevention objectives and targets. In line with the Code of Guidance, a core principle of the protocol is that it will generally be in the best interests of 16 and 17 year olds to live in the family home, unless it would be unsafe or unsuitable for them to do so. It is not unusual for 16 and 17 year olds to have a turbulent relationship with their families, and this can lead to temporary disagreements and even temporary estrangement. Where such disagreements look likely to lead to actual or threatened homelessness the local

authority should consider the possibility of reconciliation with the applicant's immediate family, where appropriate, or the possibility of him or her residing with another member of the wider family.

2.1.2. Housing Act 1996

Parts VI and VII set out the legal framework for assisting homeless people and allocating housing.

Section 175: A person is homeless if they have no accommodation available in the UK or elsewhere, or if they cannot secure entry to it, or it is not reasonable for them to occupy it.

Section 189: A person is in priority need if they or their partner are pregnant, have dependent children, are vulnerable due to old age, mental illness or handicap or physical disability or other special reason, or are homeless as the result of an emergency. (Amended by Homeless Act 2002 – see below).

Section 191: A person becomes homeless intentionally if they deliberately do, or fail to do, something that causes them to lose their accommodation.

Section 185: A person is not eligible for assistance if they are a person from abroad who is ineligible for housing assistance, or they are subject to immigration control.

Section 193: Local authorities have a duty to secure accommodation for two years (amended by Homelessness Act 2002) if the person is found to be eligible for assistance, in priority need and unintentionally homeless.

2.1.3. Homelessness Act 2002

Amended Parts VI and VII of the Housing Act 1996. The main changes which impact upon young people are:

- a duty on all local housing authorities to develop a strategic approach to tackling homelessness
- a new duty to provide long term accommodation for unintentionally homeless people in priority need
- the extension of the priority needs groups to include:
 - 16 and 17 year olds, whose support networks have broken down irrevocably and who are not owed a duty by social services
 - 18 to 21 year olds who are leaving care and who are not students
 - people who are vulnerable as a result of violence, being in the armed forces or in prison

2.1.4. Children Act 1989

Section 17 places a general duty on Children Services to safeguard and promote the welfare of children within their area who are in need, by providing a range and level of services appropriate to those children's needs.

A *child in need* is defined as someone who is aged under 18 and:

- is unlikely to achieve or maintain a reasonable standard of health or development without the provision of appropriate services by a local authority, or
- whose health or development is likely to be significantly impaired or further impaired without the provision of appropriate services by a local authority, or
- who is disabled

Section 17(5) allows Children Services to call upon other agencies (particularly voluntary and community organisations) to provide services on their behalf.

Section 20(1) states that every local authority shall provide accommodation for any child in need within their area who requires accommodation as a result of:

- there being no person who has parental responsibility for him/her
- being lost or having been abandoned
- the person who has been caring for him/her being prevented from providing suitable accommodation or care

Section 20(3) states that accommodation shall be provided for any child in need who has reached the age of 16 and whose welfare the authority considers is likely to be seriously prejudiced if they do not provide her or him with accommodation.

Section 27 allows Children's Services to ask a housing authority to help in delivering services for children in need. The housing authority must comply with such a request to the extent that it is compatible with their statutory duties and other obligations.

DoH Guidance on the Act recommends that close liaison between Children's Services and housing is necessary and may be best achieved through the establishment of formal arrangements.

2.1.5. Children Act 2004

In autumn 2003 the Government published the Every Child Matters Green Paper. This led to the Children Act 2004. The emphasis in the Act is on the increasing need for agencies to work together and establish procedures to enable the sharing of information about children and young people at risk. This means that joint protocols between agencies will play an increasingly important part in formalising processes between agencies.

2.1.6. R (on the application of G) v Southwark LBC

The Judgment in the case of R (on the application of G) v Southwark London Borough Council was given by the House of Lords on the 20th May 2009. The issue was "if a child of 16 or 17 who had been thrown out of the family home presents himself to a local Children's Services authority and asks to be accommodated by them under section 20 of the Children Act 1989, is it open to the authority instead to arrange for him to be accommodated by the local housing authority under the homelessness provisions of Part 7 of the Housing Act 1996?"

The Judgement confirmed that Children's Service authorities should presume that any lone, homeless child should be provided with accommodation under section 20(1) of the Children

Act 1989, unless the child is not in the Local Authority's judgement (based on an initial assessment under section 17, Children Act 1989), a child "in need". In summary, the Judgement suggests that:

- any child of 16 or 17 who is homeless is very likely to be a child in need
- the local Housing Authority can provide immediate temporary accommodation under Part 7 of the Housing Act (1996) if they have reason to believe that the child is likely to be in priority need
- once immediate temporary accommodation is found, Children's Service should then assess the child under section 17 of the Children Act (1989) unless they can be reconciled back in to the family home very quickly.

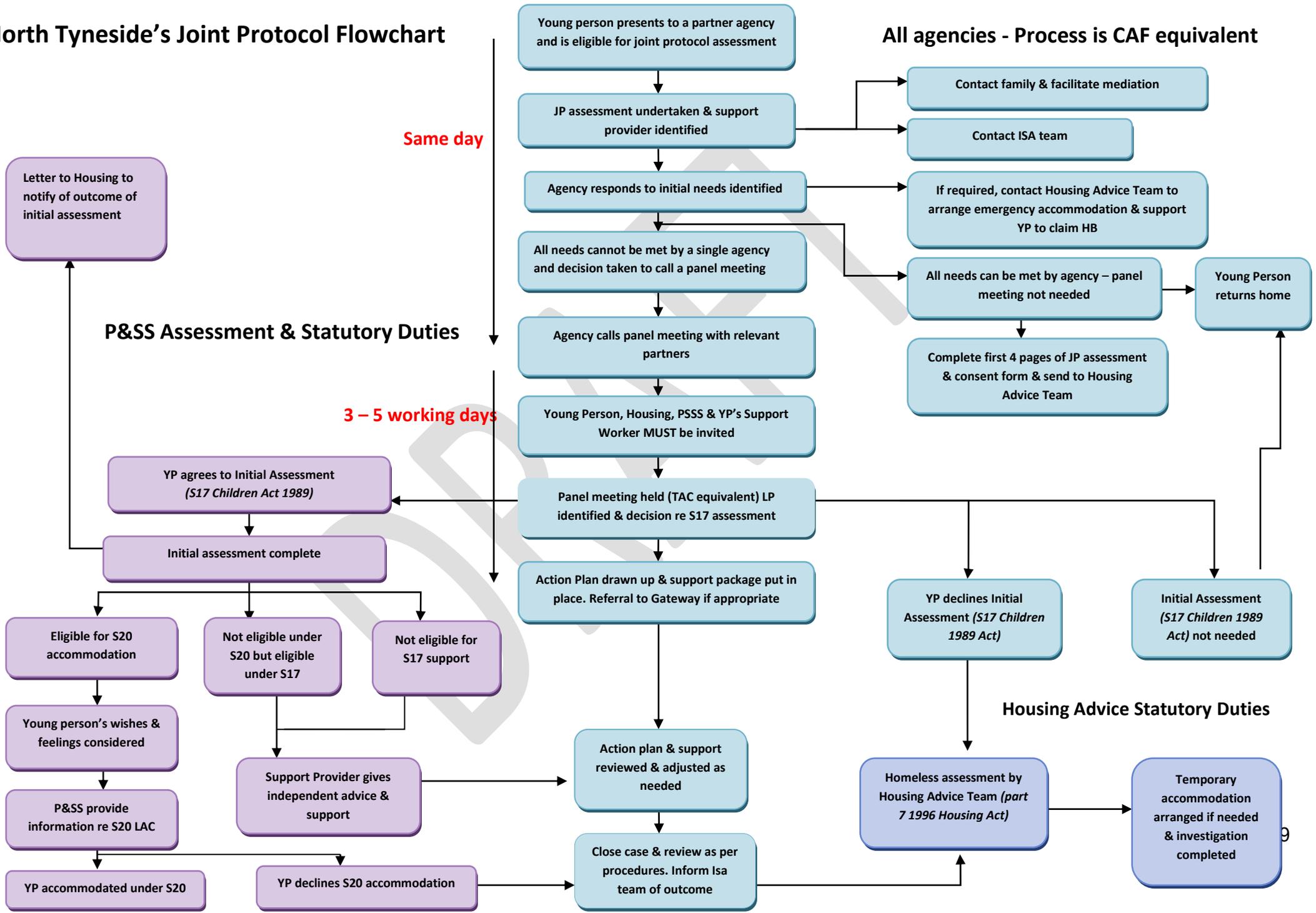
2.2. A brief overview of the process

The protocol process involves several stages as detailed in the diagram on the next page.

All homeless 16 and 17 year olds will be given a Joint Protocol assessment to identify their housing and support needs. This can be carried out by any of the named agencies partner to the protocol.

Where more than one agency is required to work together to meet the needs of a young person, a panel meeting will be called and a support package put in place. Under the protocol most homeless 16/17 year olds will not be directed for a homelessness assessment. Only where this is the best option for the young person will this be carried out. The outcomes for young people will be reviewed after an agreed length of time.

North Tyneside's Joint Protocol Flowchart



2.4. The joint protocol partners

Below is a list of the key agencies involved with the joint protocol process:

- Preventative and Safeguarding Services
- North Tyneside Homes
- Connexions/targeted youth support
- Youth Offending Services
- Depaul UK
- Barnardos

2.5. How are referrals made?

All homeless 16 and 17 year olds will be referred to, or present to, one of the agencies listed above to instigate the joint protocol process.

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3. Stage One: The Joint Protocol Assessment

The aim of the Joint Protocol (JP) Assessment is to identify and meet the immediate needs of the young person whilst ensuring he/she is engaged in the assessment process. It will enable his/her needs to be assessed and appropriate mechanisms put in place for support and accommodation.

The JP Assessment incorporates an assessment of the young person's situation and past history. It will highlight any additional needs the young person may have other than their accommodation needs. The past history, support needs and accommodation needs of a young person all act as indicators of the support services which may need to be involved. The assessment will be carried out by the agency to which the young person presents. This initial agency will retain lead responsibility for the young person during this first stage.

All partner agencies will use the JP Assessment tool which has been developed as part of the protocol. The JP Assessment is equivalent to a Common Assessment Framework (CAF) and should be registered as such. The table below details the key elements of the JP Assessment Process and the roles of each partner agencies.

	P & S S	Housing	YOT	Connexions	A C Ts	Vol orgs	N2L
1. Take referral and complete JP Assessment form	√	√	√	√	√	√	√
2. Make contact with family to explore return home options	√	√	√	√	√	√	√
3 Contact ISA team & check if a CAF is in place, if not register a JP Assessment	√	√	√	√	√	√	√
4. Arrange emergency accommodation	√	√	Liaise with HAT	Liaise with HAT	Liaise with HAT	Liaise with Housing	Liaise with HAT
5 Arrange support for the young person	√	√	√	√	√	√	√
6. Help to claim benefits	√	√	√	√	√	√	√
7. Secure Living expenses for immediate use if no other sources of income available	√	Liaise with P & S S	Liaise with P & S S	Liaise with P & S S	√	Liaise with P & S S	√
8. Call panel meeting with agencies needed	√	√	√	√	√	√	√
9. IF homelessness is resolved, send pages 1-4 of the JP form & consent form to HAT	√	√	√	√	√	√	√

In order for the protocol to work effectively **it is imperative** that responsibility should not be passed between agencies unless specified above.

3.1. Take a referral and assess the needs of a young person

When a 16 or 17 year old presents to you as homeless, you should contact the ISA Team to identify whether a Common Assessment Framework (CAF) has been previously registered and gain information from them about current and/or past involvement with the young person. This will assist in the next stage of completion of the JP Assessment form.

The assessment helps establish the young person's housing situation and will also highlight any other issues that may affect the young person e.g. offending history/ care leaver/ support needs. It will indicate which agencies need to be involved with the young person.

When the assessment form is complete and whatever the outcome, a copy of the first 4 pages should be taken and sent to the Housing Advice Team for monitoring purposes.

3.2. Make contact with the family

This needs to happen to explore the options for a return home, even if it is just a temporary return with a planned exit to follow. Research shows that 16/17 year olds are better off at home unless they are at risk of harm. At this stage of the process, if appropriate, a referral to mediation and/or Family Support services should be made, even where a return home is not an immediate option.

3.3. Arrange emergency accommodation

This involves exploring options for temporary accommodation for the same night. In the first instance agencies need to explore options for a temporary return home or a stay with other family or friends if appropriate. Only if arrangements between family and friends cannot be made should emergency accommodation be arranged.

To arrange emergency accommodation:

- Ensure the young person is happy to be placed in emergency accommodation
- Contact Depaul's Nightstop or Barnardo's Crash Pad schemes to check if there is any availability
- If there are not places available, contact the Housing Advice Team to arrange alternative emergency accommodation
- If there is no accommodation available a referral should be made to First Call to see if an Emergency Supported Lodgings Placement is available.
- Once a placement is identified, you should contact a **First Call Duty Manager AND a Housing Advice Team manager** to seek agreement for the placement (This ensures any shortfall between benefits and charges are met)
- The young person may need assistance to get to the emergency accommodation. It is expected that the agency to which the young person presents to should assist with transport etc.
- Assist the young person to complete a housing benefit form to ensure the payment of rent is covered.
- If appropriate contact the Support Provider to arrange support in the accommodation until the Panel Meeting occurs.

3.4. Get an income for the young person

Where possible, benefits need to be claimed on behalf of young people to cover the crisis situation. The agency to whom the young person presented will offer support through this period. They will also help the young person to make longer-term benefit claims. Depending on circumstances, Severe Hardship or Income Support may be claimed by the young person. For payment to be made it may be necessary for Job Centre Plus to prove that the young person is estranged from their family. Further information or assistance is available from either Jobcentre plus or Connexions, however Connexions is **not** responsible for making assessments or payments.

The presenting organisation will actively encourage and support the young person to claim housing benefit to cover the costs of any emergency accommodation. This will include getting proof of income, ID etc and chasing up claims and will help ensure that expenses incurred through the operation of the protocol are kept to a minimum.

If a young person is unable to secure crisis benefits, Preventative and Safeguarding Services (P&SS) may be able to provide living expenses for the young person until benefits are arranged. This should only be used as a last resort. Where it is necessary to access living expenses partners are required to contact First Call stating it is a young person going through the Joint Protocol.

3.5 Arrange support for the young person

Unless the agency to whom the young person has first presented is one which provides ongoing support (eg the Youth Offending Team), it will be necessary at this point to refer the young person to the Support Provider, to ensure that they have access to appropriate support throughout and beyond their immediate accommodation crisis

3.6. Call a panel meeting

If it is deemed necessary from the JP Assessment for several agencies to be involved in a case then you will need to organise a panel meeting. **A representative from the P&SS, Housing Advice and the young person's support provider must be invited to every Panel Meeting organised.** The young person and their carers/parents should also be invited to the meeting.

The practitioner who is working with the young person should contact the ISA team to identify whether a Common Assessment Framework (CAF) and Team Around the Child (TAC) process is current or has been previously registered. If this is the case, the practitioner should endeavour to make contact with the Lead Professional (LP) and gain information from them about current and/or past involvement that will assist in the completion of the JP Assessment. If the LP is still involved with the young person they should be invited to the JP Panel Meeting and should represent the work of the TAC. If there is no CAF, the JP Assessment is the equivalent of the CAF and the panel meeting is the equivalent of the TAC, so the two procedures do not need to be duplicated or run in parallel.

3.7. Responding out of hours

If a homeless 16 or 17 year old presents out of hours contact the Emergency Duty Team at Social Care Direct on 0300 123 0812

3.8. Panel meeting guidance

3.8.1. Scope of panel meetings

A panel meeting should be arranged for all young people with support needs where their needs cannot be met solely by the first agency they present to. The purpose of the meeting is to make a collective decision on the young person's case and agree the most appropriate way forward for the individual based on their situation and needs.

3.8.2. Who should arrange the panel meeting?

Whichever agency the young person presents to and carries out the JP Assessment should arrange the panel meeting.

3.8.3. When should the panel meeting happen?

If the young person presents as homeless and is placed in emergency accommodation or has obvious high support needs, the panel meeting should be convened for the **next working day**. In the event that the young person has short term suitable accommodation, but is still at risk or going to become homeless a panel meeting should be convened within **3 - 5 working days** or less depending upon the circumstances.

3.8.4. Who should be present?

The JP Assessment should identify which key agencies need to be involved with the case and attend the panel meeting. This should include the young person, relevant agencies, CAF Lead Professional, where appropriate, the support provider and anyone else the young person requests to attend. An invitation should also be made to the parents/carers.

P&SS and The Housing Advice Team **must** be present for the panel meeting to take place. This is so the Panel Meeting can decide whether a S17 'Child in Need' Initial Assessment needs to be undertaken.

3.8.5. What should happen in advance of the panel meeting?

The young person should be prepared about what to expect at the panel meeting and options that may arise out of the meeting, including the possible involvement with P&SS. Copies of the JP Assessment form should be circulated to all panel members in advance of the panel meeting.

3.8.6. What will happen at the panel meeting?

The panel meetings should be structured in accordance with the Panel Meeting Checklist. This will ensure that a consistent format is followed. It will allow those involved to establish the key facts about each individual's circumstances and will ensure that the most appropriate response to their

needs is made. Paperwork for panel meetings has been devised and should always be used to record the discussion and decisions made and the young person's views. Where a Common Assessment Framework (CAF) Team around the Child (TAC) exists, then the Initial Meeting will agree who should engage with the TAC to ensure the ongoing support for the young person's accommodation is taken forward within this setting.

If a TAC does not exist, then at the Initial Panel Meeting there should be a discussion and decision about what ongoing help and assistance the young person will require and from which agencies in order to secure good outcomes and meet identified needs. When the Panel, in consultation with the young person, have agreed what assistance would be beneficial, then the Panel will decide who is best suited to undertake the Lead Professional role. The Lead Professional (LP) will then register their JP Assessment with ISA team who will accept this in place of a CAF Assessment. The LP will also record the discussion/decisions of the panel using the authorised paperwork.

The panel meeting must also discuss whether a Section 17 Initial Assessment is needed and plan when this will be carried out and the process for this. The representative from the P&SS will explain what a Section 17 Initial Assessment is.

Finally the panel must agree an Action Plan and Support Package for the young person including the provision of temporary accommodation where required and an outline of the young person's pathway to either a return home or a move to supported accommodation and from there to independent living. If longer term accommodation is required the Action Plan will include a referral to the Gateway service

3.8.7. What happens after the panel meeting?

The actions/timescales listed should be adhered to and progress monitored by the identified lead agency.

3.8.8. Section 17 Assessments

A Section 17 Assessment determines if a young person is a "Child in Need" within the definition of the Children Act 1989. If a S17 Initial Assessment is necessary, this will be carried out within 7 working days and may lead onto a Core Assessment which will be carried out within 35 working days. This in depth assessment will identify the child's needs and the services required to meet those needs. Accommodation under Section 20 of the Children Act 1989 (see section 2.1.4 above) may be one of those services. If a Section 17 Initial Assessment is not necessary, the Joint Protocol will continue as normal. If further issues arise that mean that the young person's needs need to be reconsidered, a second panel meeting will be called to reassess the need for a section 17 Initial Assessment.

4. Stage Two: Support

4.1. Lead responsibility

After the panel meeting, unless a more appropriate lead is identified, lead responsibility will usually pass to the support provider. The lead agency will work with the young person and other identified agencies to coordinate services and reach a satisfactory outcome for the young person. If longer term accommodation is required they will ensure that young person is referred to the Gateway service

4.2. Ongoing Temporary Accommodation

Until a determination has been made as to the likely duty owed under the Children Act, accommodation will continue to be provided by the Housing Advice Team under section 188 of the Housing Act 1996. (Temporary Accommodation duty). Once a determination is made, if the decision is that there is no child in need duty, this will trigger further enquiries under Part VII of the Housing Act 1996, as to the priority need status under s.189 of the young person. Where a determination is made that the child is in need, this will require further accommodation and support provision by P&SS, unless a request for assistance is made under S27 for the Housing Advice Team to assist in the provision of accommodation for the child. Where accommodation is required any costs for this will be jointly shared between P&SS and Housing Advice

Within the JP assessment a risk assessment will have been completed by the lead partner indicating the young person's suitability for temporary accommodation. The support provider will transport the young person to the accommodation provided. Where further assessment is required this will be completed by the support provider within 24 hours and emergency accommodation will be accessed during this period. The support provider will notify the lead professional of the outcome of the risk assessment. They will also arrange for all benefits to be claimed for the accommodation. If the Young Person is assessed as being owed a duty under S20 Children Act 1989 P&SS will confirm the date at which financial responsibility for the accommodation will transfer to P&SS.

4.3. Where the young person is determined a "Child in Need"

4.3.1. Section 17 provision

Where the young person's needs are to be met through section 17, this means that the young person is identified as a "Child in Need." The Joint Protocol will continue as normal, but the P&SS Children in Need Procedures will also apply. This means that the P&SS would take the lead in these cases and run the Joint Protocol alongside the framework of the Children in Need Procedures. The other partners would continue their involvement as appropriate, including provision of support by the support provider. The Section 17 Initial Assessment and Core Assessment will determine if accommodation should be provided under section 20.

4.3.2. Section 20 accommodation

If the core assessment identifies the need for section 20 accommodation, the provision of such accommodation would need to take account of the young person's views. If the young person does not want to be accommodated under S20, they must be judged competent by the P&SS to make such a decision and have had the benefit of advice about the consequences of taking that decision. This advice will be delivered by the P&SS and information will also be given to the young person, in writing and verbally, by the support provider. Acting as an independent advocate, they will explain the choices and options the young person has in relation to being accommodated under Section 20.

If a child is accommodated under S20, the P&SS Looked after Children procedures would apply as well as the Joint Protocol and as for Section 17, the P&SS would take the lead with other partners assisting as appropriate. Accommodation under section 20, may be provided by placing the young person in foster care, residential care or under the provision of S23(2) (f) i.e. making such other arrangements as seem appropriate to them. This may be a placement in supported temporary accommodation. P&SS is able to work with others in order to discharge their duty re accommodation under section 20, i.e. housing and Supporting People services. For most 16 and 17 year olds in these cases, Supported Accommodation is likely to be an appropriate option.

If the young person refuses section 20 accommodation and is either judged not to be competent to make that decision and/or at serious risk of harm, P&SS will seek legal advice on the next steps. If a young person refuses section 20 accommodation, and is deemed to be competent to make that decision but is still in need of accommodation, the duty to support with accommodation falls to the Housing Authority under the Homelessness legislation and the child would be in Priority Need. If a young person chooses the homelessness route after refusing section 20, but is then found to be Intentionally Homeless (i.e. having caused themselves to be homeless through their own act or omission) under the Housing Act, the Joint Protocol would then need to take that case back to Panel Meeting to revisit the section 20 offer. However in the 2010 Government guidance: **'Provision of Accommodation for 16 & 17 year old young people who may be homeless and/or require accommodation'** housing authorities are reminded that applicants 'cannot be considered to have become homeless intentionally because of failing to take up an offer of accommodation'

4.4. What if the young person is found not to be statutorily homeless?

If a young person is not deemed to be a Child in Need and found not to be statutorily homeless then Housing Advice have very limited duties owed to the young person. Equally, unless there were exceptional circumstances, P&SS also have limited duties owed to the young person. In these circumstances the support provider will work with the young person to explore other housing options available to them. It is envisaged that the most likely reason a young person is to be found not homeless will be that the parents/guardians invite the young person to return home. Clearly, child protection issues must be paramount in these cases and no young person will be expected to return to a potentially abusive situation. If family relationships are not abusive but present a barrier to a return home, mediation will be offered to the young person and their family to try to negotiate a return home.

4.5. What happens if the young person is found to be intentionally homeless?

If a young person is not deemed to be a Child in Need or they refuse accommodation under Section 20 but are then found to be intentionally homeless, a panel meeting will be reconvened to revisit the Section 20 offer and/or consider the young person's alternative housing options. All young people have a right to a review of the homelessness decision within 21 days of being notified. It may be that as part of the support package delivered to a young person a request for review will be made. In some exceptional circumstances this could also be followed by an appeal against the original decision.

5. Stage Three: review

5.1. Case Review

Responsibility rests with the Lead Professional, which will usually be support provider in non-Children in Need cases and with P&SS in Children in Need cases. Both will review each case every six to eight weeks and where deemed necessary they can call for subsequent panel meetings. This may be when a young person's circumstances have changed and/or their accommodation has broken down. They will also provide feedback to the Joint Protocol Steering group. For this reason it is essential that copies of all JP Assessment forms are forwarded onto the organisation providing ongoing support.

5.2. Reviewing outcomes after cases are closed

In order to assess the effectiveness of the Joint Protocol process, the Housing Advice Team will collect information on exit from the service and follow up each young person six and 12 months after their case has been closed to check their housing situation and other outcomes. These results will be reported to the Steering Group.

6. Monitoring of the protocol

The success of the protocol is measured on the numbers of young people prevented from becoming homeless and the successful sustainment of tenancies of young people who have been through the protocol

7. Concerns

7.1. Inter-agency Concerns

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

- Providing effective supervision and support to the staff member to re-establish good working relationships or negotiate a compromise acceptable to both services.
- Organising a meeting between line managers to re-establish good working relationships or negotiate a compromise acceptable to both services.

- Discussing concerns with senior management to explore strategic solutions or compromise. A record of the disagreement will be forwarded to the Joint Protocol Steering Group.

7.2. Young People's Concerns

Young people going through the Joint Protocol should be made aware of the complaints and comments procedures and appeal processes of each agency that is working with them. Young people should be encouraged and supported to seek advice when either a homeless decision or a decision under the Children Act 1989 has been made about them, which they are unhappy about. All partner agencies have a responsibility to support young people through these processes, however it is expected that the Support Provider will have a key role to play in circumstances where a young person wishes to make a complaint or express a concern. Details of how to do this will be provided to young people at Panel Meeting stage and supported in writing in the young person's leaflet.

8. Information sharing

The effective working of the joint protocol relies on the sharing of information between agencies; it is of paramount importance that those agencies clearly acknowledge that any information relating to a service user is of a sensitive nature and must be kept confidential at all times. All service users are asked for their permission to have their details both recorded and shared (via the consent form) and may withdraw their permission at any time.

9. What is the role of partner agencies?

9.1. Preventative & Safeguarding Services

Services for 16 & 17 year olds classified as "in need" are delivered by P&SS. Homeless 16 and 17 year olds may present directly to P&SS. In these cases the P&SS will provide the initial response and take responsibility to make the necessary contact with the family and other agencies. P&SS will also attend every initial panel meeting and become involved in all cases where:

- a young person directly presents to them
- young people are known to P&SS (and there has not been a significant lapse in time since this involvement)
- the JP panel agrees that an Initial Assessment is required and that assessment finds that the young person is a 'child in need'
- where a young person is found to be intentionally homeless by North Tyneside Homes.

The level of service offered by P&SS will be dependent on the needs of the young person but will be compatible to the duties owed under the Child in Need procedures.

9.2. Housing Advice Team

Homeless 16 and 17 year olds can present directly to North Tyneside Homes. In these cases, the Housing Advice Team will provide the initial response. The Housing Advice Team will become

involved in all cases where 16 and 17 year olds are presenting as homeless and a homelessness assessment is required following the initial panel meeting.

The Housing Advice Team will assist in placing homeless 16 or 17 year olds in emergency accommodation when requested to do so by a partner agency, unless they have already fulfilled their duty to the young person. The Housing Advice Team have a duty to secure suitable accommodation for homeless 16 and 17 year olds where they are not a Child in Need or have refused support from the P&SS, are found to be unintentionally homeless and in priority need and a return home is not an option.

It is not part of this protocol that every young person is automatically given a homelessness assessment. It is recognised that this is not always the best course of action for the young person and does not comply with current Government guidance.

9.3. Connexions

Connexions are a universal service offered to all young people aged between 13 and 19. They are important partners in the joint protocol because of their accessibility for young people. If a homeless 16 or 17 year presents to Connexions, they will provide support to them as detailed in the initial response. They will need to liaise with other agencies for specialist help for emergency accommodation and living expenses. Connexions particular area of expertise is assisting young people with benefit claims and income maximisation. Housing departments and Safeguarding Services will call on Connexions expertise with this if needed.

9.4. Youth Offending Services

The Youth Offending Service (YOS) is a statutory criminal justice agency that works with young people at risk of offending and with young people who have offended. The YOS works usually with young people up to the age of 18 years old but that could be extended through statutory responsible for Youth Court orders until 19 years old. They offer interventions to their service users to access suitable accommodation, education, training and employment and other services. Under the protocol the YOT will provide the initial response to all homeless 16 and 17 year olds who are already an active case working with them on other issues. They may get involved in panel meetings where the young person has had recent involvement. This will be determined on a case by case basis.

9.5. The Support Provider

Under the joint protocol arrangements the role of the support provider is to deliver advice and support to young people going through the protocol process. This service is to complement rather than replace the roles being fulfilled by the other partners.

The main elements of the support provider role are:

- to conduct the JP Assessment where young people present directly to them
- to help with arrangements for emergency accommodation where necessary
- offer support to young people placed in temporary accommodation

- offer advice and support to young people throughout the process (both pre and post assessments)
- to work with P&SS teams to assist young people found to be intentionally homeless
- to work with young people found to be not homeless
- to work with partner agencies in providing a holistic package of support to the young person that meets their individually identified needs for the length of time required

10. Agreed working definitions

10.1. Initial response

This is the JP Assessment carried out by the agency to whom the young person presents. It includes ensuring that emergency accommodation is available for the young person if required, contacting the parents/carers, organising living expenses and taking information about the young person's situation. Before a young person is referred for emergency accommodation all appropriate options for the young person to stay temporarily with family or friends must be explored.

10.2. Active referral

This means ensuring that contact is made with an agency prior to the young person contacting or visiting them. It includes the forwarding of the relevant joint protocol paperwork. Whenever possible, staff should accompany the young person to other agencies for interviews or appointments.

10.3. Child in need

Defining a child in need is essential to identify if the involvement of P&SS is necessary. S17 of The Children Act 1989 defines a *child in need* as someone who is aged under 18 and:

- is unlikely to achieve or maintain a reasonable standard of health or development without the provision of appropriate services by a local authority, or
- whose health or development is likely to be significantly impaired or further impaired without the provision of appropriate services by a local authority, or
- who is disabled

10.4. Child requiring Accommodation

Section 20(1) of the Children Act 1989 states that every local authority shall provide accommodation for any child in need within their area who requires accommodation as a result of:

- there being no person who has parental responsibility for him
- being lost or having been abandoned
- the person who has been caring for him/her being prevented from providing suitable accommodation or care

In addition even if S20(1) does not apply, S20(3) states that accommodation shall be provided for any child in need who has reached the age of 16 and whose welfare the authority considers is likely to be seriously prejudiced if they do not provide her or him with accommodation.

10.5. Homeless

The following criteria are used to establish if a young person is homeless:

- no responsible adult willing to provide suitable accommodation
- young person has been physically or sexually abused within current accommodation or is at risk of abuse
- young person has been evicted or will be evicted within 28 days
- young person is escaping from severe conflict, violence or threat of violence within current accommodation
- young person moves into the borough who is the responsibility of another local authority, but would be at severe risk should they return home
- young person is about to leave an institution (e.g. penal establishment)
- homeless at home - being thrown out within one month, needs to be accepted as homeless

10.6. Priority need

Under the Homelessness Act 2002, all homeless 16 and 17 year olds are in priority need unless they fall within the categories below:

- **Eligible children:** Young people aged 16 and 17 who are looked after by P&SS for at least 13 weeks (need not be consecutive weeks) since the age of 14 and who are still looked after on or after their 16th birthday.
- **Relevant children:** Young people aged 16 and 17 who have been looked after by P&SS for at least 13 weeks (need not be consecutive weeks) since the age of 14 and who have left care.

Responsibility for both eligible and relevant children rests with P&SS.

10.7. Intentionally homeless

People make themselves homeless intentionally where homelessness is the consequence of a deliberate action or omission by them (unless this was made in good faith and in ignorance of a relevant fact). A deliberate act might be a decision to leave their previous accommodation even though it would have been reasonable for them to stay there. A deliberate omission might be the non-payment of rent that led to rent arrears and eviction. Every young person's situation will be assessed individually and the circumstances surrounding them investigated.

It is recognised that some young people who are deemed to be homeless due to their own behaviour will need special consideration by both Safeguarding Services and Housing. Under the joint protocol all partners agree that young people should be allowed to make mistakes and still receive a service. However, some behaviour, which has led to a young person being asked to leave the family home, may be deemed to be serious enough to warrant an intentional decision. Intentionality is subject to a review of the circumstances in each individual case.

No young person should be viewed as intentionally homeless:

- because of failing to take up an offer of accommodation (e.g. S20 accommodation)
- If they been physically or sexually abused within current accommodation or are at risk of abuse
- If they are escaping from severe conflict, violence or threats of violence within current accommodation
- If they have moved into the district and are the responsibility of another local authority but would be at severe risk should they return home
- If they are about to leave an institution (e.g. penal establishment depending on circumstances)

11. Other agreements

11.1. B&B costs

Under the protocol P&SS and the Housing Department have agreed to split the cost of emergency accommodation equally between them. This 50/50 split is on the basis that, where available, housing benefit will be claimed to cover the housing costs of any emergency or temporary accommodation. The shortfall between charges and benefits received will be subject to the 50/50 Agreement

It is for this reason that partners MUST seek permission from BOTH the relevant Team Managers at P&SS AND The Housing Advice Team before placing a young person in temporary or emergency accommodation.

12. List of accompanying documentation

- Quick reference guide
- Joint Protocol Assessment form
- Panel meeting checklist
- Panel meeting record sheet
- Consent Form
- Information for young people
- Information for Parents/carers

13. Useful contacts

North Tyneside Council Children's Services – First Call	0191 643 7979
North Tyneside Council Housing Department – Housing Advice Team	0191 642 2520
Connexions	0191 643 6965
Youth Offending Team	1091 643 8605
De Paul UK	0191 253 6161
Barnardos, The Base	0191 253 2127
Social Care Direct (the out of hours service)	0300 123 0812