

Sandwell MBC
&
Sandwell Children's Trust
Care Leavers Housing Protocol

Forward

In order to help children in care make a successful transition to independence we need to ensure they are supported to develop the necessary practical skills to live independently. To achieve this the Council and the Children’s Trust must work together to meet their statutory duties and corporate parenting responsibilities and provide a safe and supportive pathway to independent living.

It is important to remember that there is no one appropriate pathway for young people to move to independent living. Care leavers, like all young people, will make mistakes and require support to learn from their experiences.

This protocol seeks to clarify the legal framework within which the Children’s Trust, Children’s Services, Adult Social Care and Neighbourhoods Directorates operate; and how, as partner agencies, we translate our statutory duties towards care leavers into procedure and practice. It seeks to prevent failures of responsibly, and ensure appropriate standards are met.

Signed:

Sandwell Children’s Trust

Signed:

Director of Children’s Services

Signed:

Adult Social Care and Wellbeing

Signed:

Neighbourhoods

1. Who does this protocol apply to?

This protocol applies to young people who are care leavers and includes young people who have ceased to be looked after (referred to in the legislation as "Relevant" and "Former Relevant" Children). This Protocol also covers young people who have achieved 'Eligible' Status in accordance with the Leaving Care Act 2000. In summary, the protocol therefore includes:

- Care leavers aged 16 to 25, who have left care, or who are due to leave the care of the Local Authority. Such care could be in foster care, residential care (mainly children's homes), or other arrangements outside the immediate or extended family
- Unaccompanied Asylum Seekers who qualify for a leaving care service and have been granted refugee status and will have been granted leave to remain up to the age of 20 or an extension beyond the age of 18 for a minimum of one year

Throughout this protocol the persons described above shall be referred to as Care Leavers.

2. Agreed purpose and outcomes for this protocol:

This protocol sets out the legal framework within which the Children's Trust (SCT), Adult Social Care (Vulnerable Persons Housing Service) and Neighbourhoods (Housing Solutions) Directorates will operate to help, support and enable care leavers to make successful transitions into living independently. It sets out how, as partner agencies, we translate our statutory duties towards care leavers into procedure and practice. Our stated aim is to ensure care leavers achieve a successful transition into independent sustainable living through individual tailored support identified in individual Pathway Plans. To achieve this, we will ensure the following:

- 1) That care leavers are actively involved in their housing pathway by promoting their participation in the decision-making process under the requirements of *The Voice of the Child* (Children and Social Work Act 2017). SCT are responsible for this.
- 2) That through accurate and up to date Pathway Plans, care leavers are fully aware of their accommodation options; are acquitted with the skills to be 'tenancy ready' to enable planned transitions toward independence. SCT are responsible for both the Pathway Plans and determining if a care leaver is 'tenancy ready'.
- 3) That care leavers achieve their housing goals by the provision of suitable accommodation once 'tenancy ready'. Housing Solutions (Allocations Team) will be responsible for sourcing general needs accommodation. The Vulnerable Persons Housing Service (VPHS) are responsible for sourcing supported housing (excluding training flats)

and ensuring the SCT are aware of the support provided by the respective scheme.

- 4) That at the point that independent living is achieved, care leavers become responsible and successful tenants. SCT will be responsible for identifying the specific training, knowledge and tenancy support needed by the individual to enable the person to sustain the tenancy and to maintain independent living.
- 5) That a fair, transparent and robust approach is provided to resolving difficult tenancy issues, including contingency arrangements. The wider Council and the SCT are responsible for this.
- 6) That care leavers are safeguarded against homelessness and thereby avoiding the need to enter the homeless system. The wider Council and the SCT are responsible for this.
- 7) That gaps in service provision for young care leavers and failures of responsibility are identified to ensure appropriate standards are met. This includes where necessary, to address the gaps and to feed into other relevant strategies or policies. The wider Council and the SCT are responsible for this.
- 8) It is implicit in all of the above that any children's service in any local authority area will adhere to the same standard when care leavers are seeking accommodation in Sandwell.

3. Legislative Framework

Young people leaving care require all relevant agencies to work together to ensure appropriate services are provided. This need for co-operation is recognised in legislation and accompanying guidance that highlights an expectation by central government that Children's Services and Local Housing Authorities forge proactive links with each other to ensure they can comply fully with inter-relating pieces of statute, prevent failures of responsibility, and ensure appropriate standards are met.

The main purpose of S23 of the **Children Act 1989** is to improve the life chances of young people living in and leaving local authority care. Volume 3 (April 2011) of the Children Act 1989 Guidance and Regulations provides guidance, primarily addressed to local authorities about their functions under Part 3 of the Children Act 1989. These regulations and guidance are designed to ensure care leavers are given the same level of care and support that their peers would expect from a reasonable parent and that they are provided with

the opportunities and chances needed to help them move successfully to adulthood.

The **Children (Leaving Care) Act 2000** amends the Children Act 1989 by replacing provisions on the aftercare of children looked after by local authorities as well as creating duties in relation to planning ahead for those whose status as Looked After will be ending. In summary, the act aims:

- To ensure that young people do not leave care until they are ready.
- To ensure that they receive more effective support once they have left

The Act requires the relevant social worker or equivalent to complete a Pathway Plan for all Eligible, Relevant and Former Relevant Young People. The Pathway Plan fulfils the requirements both for assessing the young person's needs and planning services. Local Authority (and the Sandwell Children's Trust) duties to Care Leavers under the Leaving Care Act are set out as follows:

Aged 16-18:

- Duty to ensure pathway plan is in place by 16th birthday
- Duty to make assessment and meet needs
- Duty to provide financial support
- Duty to provide Personal Adviser
- Duty to ensure accommodation

Aged 18-21:

- Duty to maintain contact and to provide support through Personal Adviser
- Duty to assist with costs of education, employment and training for those aged 21 and over

Aged 18 and over:

- Duty to 18-25 year olds continues if still in full time education or training
- Duty to ensure vacation accommodation for higher education
- Duty to Young persons who meet Qualifying Status, i.e. those who qualify for advice and assistance under section 24 of the Children Act 1989

Note: The last Local Authority to look after the young person is the local authority responsible for meeting duties under the Leaving Care Act wherever the young person may be living in England or Wales.

The **Children and Social Work Act 2017** sets out corporate parenting principles for the Council as a whole to be the best parent it can to children in its care. Local authorities are required to publish their support offer to care

leavers. Significantly, the legislation requires local authorities to provide personal advisers to care leavers up to the age of 25. DfE guidance clarifying the levels of service to 21-25 year old care leavers together with the specific role of the Personal Advisor for all care leavers irrespective of age is set out in *Extending Personal Adviser support to all care leavers to age 25 Statutory guidance for local authorities*¹. Further details of the act are set out in Appendix One.

Of note the **Homelessness Statutory Code of Guidance for Homelessness** states that it is imperative that any joint working arrangements for care leavers between a children's services authority and a housing authority should ensure that local processes and/or practices do not involve care leavers routinely being treated as homeless when care placements come to an end in order to place the housing authority under an obligation to secure accommodation under Part 7 of the 1996 Act.

4. Equality and Diversity

The equality and diversity policies of the Council must underpin the way in which the services in relation to this protocol are provided. Both the Council and the Sandwell Children's Trust value diversity and are committed to equality of opportunity and access to suitable accommodation for all young people, regardless of age, ethnicity, gender, sexuality, culture, faith or disability.

5. Procedure

This section of the protocol relates to the flowchart in Appendix Two.

All care leavers will have an assessment of need and a signed Pathway Plan. These are legal documents and a method by which a young person's needs are identified and addressed. The Pathway Plan is reviewed at least every six months and will detail any identified accommodation needs.

Where there is an accommodation need identified in the Pathway Plan a Joint Assessment must be held with all relevant parties (the young person and officers from the SCT as a minimum) and where the SCT feel necessary:

- the VPHS for sourcing supported housing and for additional support issues

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683701/Extending_Personal_Adviser_support_to_all_care_leavers_to_age_25.pdf

- the Housing Solutions Team (Allocations) for sourcing suitable general needs accommodation (including training flats)

The Pathway Plan will always determine the best option of accommodation that will meet the young person's needs and/or the continued support he/she will require to maintain a tenancy. Where possible joint visits should be undertaken with the young person to view the accommodation and to meet, if applicable, other young people who live in similar accommodation to alleviate any concerns. It is the responsibility of the SCT to ensure that the support identified in the young person's pathway plan is in place once the tenancy commences.

Accommodation options available to care leavers in Sandwell are:

- *Supported Accommodation* – there is a range of both supported housing within the borough (including the council's own accommodation) together with a range of supported lodgings. The latter includes supported lodgings administered by the YMCA.
- *Training Flats* - the Council also identifies suitable training flats within the social rented sector – both Council and Housing Association - that care leavers can access to enable them to develop the skills to maintain and sustain a housing tenancy. In this instance tenants are given a Licence to Occupy. Subject to the tenant being 'tenancy ready', the Licence to Occupy can be terminated and a secure tenancy offered to the same property. (If a secure tenancy is offered then a replacement training flat will be provided to maintain numbers).
- *General needs social housing* – subject to assessment by SCT and confirmation from SCT that the care leaver is 'tenancy ready' as set out in the Council's Housing Allocations Policy, care leavers are entitled to access Priority Band One including those moving on from supported accommodation (subject to the move-on requirements as set out in the housing allocations policy). Households can bid for both council homes and housing association homes through this process. All young people leaving care will be supported through the bidding process of the choice based lettings scheme.
- *Private rented sector tenancy* – Sandwell has an expanding private rented sector. If this tenure is considered for any person leaving care, the standards and regulations set out in the Council's *Policy to discharge homelessness duty into the private rented sector (23.04.18)* must be complied with.
- *Crash-pad accommodation*. The Council has a 2 bed 'crash-pad' facility aimed at young people aged 18 years and older.

6. Review

This protocol will be reviewed as and when required or if legislation or relevant policies underpinning it change.

7. Tenancy Support

Where a young person has accessed accommodation, the tenancy will be monitored closely as part of the on-going support provided from SCT (or the respective supported housing scheme) and any difficulties will be dealt with promptly involving the young person or the housing provider. If there is evidence that the tenancy will not be sustained a review of the Pathway Plan will be undertaken which will identify current and future needs along with additional support that can be agreed.

It is the responsibility of SCT to ensure that the young person fully understands what is expected of them to successfully manage and keep a tenancy. The Personal Advisor will attend the 'sign up' meeting with the young person. Organised in conjunction with the young person, the Personal Advisor and the Neighbourhood Team, where possible pre-tenancy training workshops will also be organised.

8. Data Sharing

The prompt sharing of relevant information between agencies is essential in order to support young people and address any tenancy related and support issues. The General Data Protection Regulations requires that young people should give their written consent before information about them can be shared, this should be obtained and explained fully at the 'sign up' interview.

To support and enable cross authority collaboration and data sharing officers will undertake to share contact numbers across all three service areas.

APPENDIX ONE:

Children and Social Work Act 2017

Section 1 of the CSWA 2017 Act introduces corporate parenting principles which comprises of seven needs that local authorities must have regard to whenever they exercise a function in relation to looked after children and care leavers.

These principles will apply to every part of the local authority and not just to children's services in how it carries out its functions to ensure that there is more joined up approach in relation looked after children and care leavers.

The corporate parenting principles set out seven fundamental needs for looked after children and care leavers, as follows:

- to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
- to encourage those children and young people to express their views, wishes and feelings;
- to take into account of the views, wishes and feelings of those children and young people;
- to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- for those children and young people to be safe, and for stability in their home lives, relationships and education or work;
- to prepare those children and young people for adulthood and independent living.

The **CSWA 2017** includes the following key provisions about looked after children and care leavers:

- Introduces corporate parenting principles to which local authorities must have regard;
- Local authorities must publish a Local Offer for care leavers, providing information about services which the local authority offers that may assist care leavers in, or preparing for, adulthood and independent living.

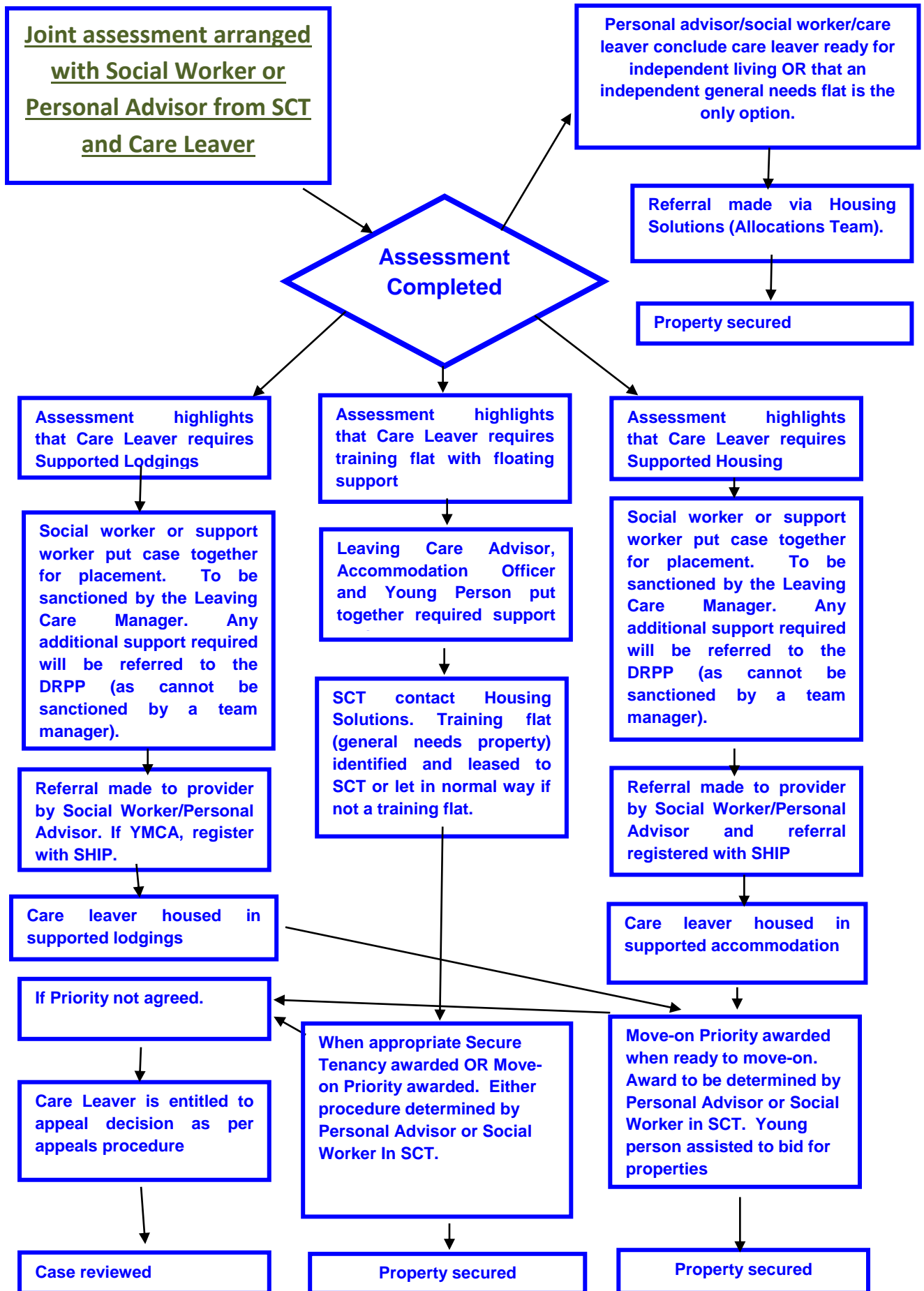
- Extension of local authority support to Care Leavers up to the age of 25, including provision of Personal Advisors.

The Children and Social Work Act 2017 places new duties on all local authorities including publication of a Care Leaver 'Local Offer' by autumn 2018.

Section 2 of the CSWA 2017 requires the council to publish information about the services that Sandwell offers to care leavers including preparing for adulthood and independent living.

This includes services relating to health and well-being, relationships, education and training, employment, and participation in society and preparation of a Pathway Plan.

APPENDIX TWO: CARE LEAVERS HOUSING FLOW CHART



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Note:

DRPP = Directors and Resources Placements Panel

SHIP = Supported Housing Independence Pathway