



JOINT HOUSING PROTOCOL FOR CARE LEAVERS

Partnership working between Swindon Borough Council Housing and
Children's Services

November 2017

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INTRODUCTION

Transition to adulthood is often a turbulent time: Young people can become adult in one area of their lives, but not in others. For many young adults, their transition to adulthood can be extended and delayed until they are emotionally and financially ready and they have the qualifications they need and aspire to, so that they have the opportunity to achieve their economic potential.

Care leavers should expect the same level of care and support that others would expect from a reasonable parent. The local authority responsible for their care should make sure that they are provided with the opportunities they need, as well as understand and accept that they are likely to make mistakes as they grapple with the responsibilities of adulthood.

Young people leaving care need somewhere safe and suitable to live to help them make a positive transition into adulthood. Good housing underpins success in other areas of life.

Secure, safe and stable accommodation is an essential building block for success and achievement in education, training and employment, and has a direct impact on emotional health and wellbeing. It is particularly vital for looked after young people and care leavers who have in many cases experienced instability, transience and uncertainty in their lives. Leaving care too early presents looked after young people with significant challenges which will impact on their life chances.

Young people leaving care have a wide variety of needs which will have been influenced by their childhood experiences of living with their family and also living in care. The range of young people's pre-care and in-care experiences will mean that there is no 'one size' fits all approach to supporting care leavers.

Research has identified that the following support helps care leavers to make a positive transition (Stein, 2010):

- Housing and Children's Services need to identify problems with accommodation early on, have clear contingency arrangements – including sufficient emergency accommodation to prevent homelessness – and specialist accommodation for young people with higher support needs.
- Care leavers want and benefit from support services matched to their needs, including leaving care services, out-of-hours support, mentoring and positive family and kinship contact. Care leavers also need practical support with moving and setting up in accommodation.

Stein M (with data annexe by Morris M) (2010) C4EO Knowledge Review 3: *Increasing the number of care leavers in 'settled, safe accommodation'* (September 2010).

AIM OF THE PROTOCOL

To ensure that the corporate responsibilities for meeting the diverse accommodation needs of young people who have been Looked After by Swindon Borough Council and are leaving care are met.

The Protocol ensures compliance with the corporate parenting responsibilities of the Council. In broad terms, the principle of Corporate Parenting is quite simple: that as the corporate parent of looked after children; a local authority has a legal and moral duty to provide the kind of loyal support that any good parents would provide for their own children. Corporate Parenting involves members and officers of the whole Council and its partner organisations acting as a good parent and working together to improve the lives of all children and young people in care and those who have left its care. The key question for all is:-

Would this be good enough for my child?

The protocol will avoid using the homelessness route, which is inappropriate when assessing and meeting the needs of this group of young people.

The homelessness legislation provides a safety net for people in housing crisis. It should **not** be used as a mechanism for meeting housing needs that can be anticipated and planned for. There should be no expectation that care leavers will be treated as “homeless” when their care placement comes to an end. This will be achieved by the ongoing improvement of partnership working both within the Council and with external partners and the provision of early and effective pathway planning preparation and support to young people leaving care.

This protocol is intended to provide clarity of the roles and responsibilities of Housing and Social Care Departments within Swindon Borough Council towards young people leaving its care. It will ensure that Swindon Borough Council housing and children’s services each play a full role in providing the required resources and support to care leavers.

The C(LC)A 2000 Regulations and Guidance also detail how the local authority strategy for care leavers should take into account:

- The diverse accommodation and support needs of care leavers;
- The capacity to offer young people a degree of choice of accommodation;
- Existing and planned provision of safe affordable accommodation;
- Gaps in provision;
- Priority setting;
- The need for contingency arrangements.

The protocol will work at a number of levels:

- Monitoring and reviewing the accommodation needs of care leavers

- Undertaking joint housing and support assessments of individual housing need
- Developing a joint commissioning strategy to meet housing need
- Recognising that Housing services have a role as a resource provider, releasing accommodation for use by care leavers, including secure tenancies where appropriate.
- Joint work to ensure that young people are accommodated in safe environments which meet health and safety requirements

Key Principles

The protocol is based on some key principles which also underpin the Corporate parenting role. Young people leaving care are:

- the shared responsibility of their corporate parent
- given as much choice, information and control as possible
- able to make mistakes and given a second chance
- helped to succeed by being offered supportive and unconditional relationships
- given flexible and personalised support to meet their needs

The Care Leavers accommodation and Support Framework

Swindon Borough Council is informed by the care leaver's accommodation and support framework which was produced in 2015 by Barnardo's and St Basil's. It is based on the Positive Youth Accommodation Pathway that was developed in 2012 by St Basil's for the Department for Communities and Local Government (DCLG) to support the housing needs of homeless young people.

There are 5 stages in the framework that reflect the young person's journey as they leave care.

1. Preparing for the reality of housing options

Young people still in care are given the opportunity to consider their housing options, including information about the housing market in their area. They are supported to gain the skills for increasing independence, including around managing a household, finance and budgeting.

2. Planning young people's accommodation and support options with them

When young people are ready to leave care, they are supported to choose the accommodation that will best suit them, given the constraints on local provision. They are given as much notice as possible for their move out of care, including those in different settings such as residential care, those in custody and those with on-going mental or physical health issues. The young person's **Pathway Plan** should clearly detail their accommodation and support needs prior to leaving care. It should also detail the financial arrangements for the cost of the accommodation.

3. Reducing housing crisis

Some young people will experience problems with their housing and need emergency or short-term alternatives. They need to be accommodated in safe and appropriate housing options and receive support to help them resolve the cause of the crisis. All attempts should be made by housing authorities to avoid the impact of intentionally homeless decisions in relation to care leavers aged 18 – 25 years

4. Accessing housing and support as needed

Young people in different situations will need different types of housing and support, ranging from Staying Put or Staying Close, 24/7 supported housing through to their own independent flat with floating support. Some young people will want to stay in a family environment like supported lodgings. As their needs and circumstances change, young people should be supported to find accommodation that best suits them.

5. Accessing and successfully managing longer-term move on and support options

As they become ready, young people will need support to access longer term housing, such as their own tenancy, a shared flat or long-terms supported housing. They will need help to understand their options and know where to go if they need extra support in the future

6. Process

In terms of those where social housing may be an appropriate option:

- The Leaving Care Team, via the Team Manager, will notify the Housing Manager of any forthcoming applications of children preparing to leave care. The Leaving Care Team will ensure the application form is completed and submitted, with a support letter confirming the details of the young person's CLA history, their status under the Children (Leaving Care) Act 2000
- At this stage the young person's name will, under usual circumstances, be registered on the waiting list – Housing Options meeting. This process can be completed prior to a young person's eighteenth birthday. In the event of a property being identified it can be offered on a 'licence' basis, and the full tenancy then be offered at 18.
- Any allocations will be discussed by the workers involved with the young person, and copies of all correspondence to the young person copied to the Leaving Care Team PA for the young person and a copy to the ATM & TM
- In the event of a property being allocated, support arrangements will be discussed and agreed by all those involved. This will be done via a 3 way 'sign up' meeting between the young person, the local Housing Officer, and the Leaving Care Team Personal Advisor.

- Arrangements for tenancy support will be confirmed at this meeting and, if required, an additional support plan drawn up.
- In the event of no property being allocated within a six month period a review meeting will be called.
- The Leaving Care Team will ensure that they provide support to the young person to notify Housing of any change of address through completion of the Change of Circumstances form.
- **In the event of imminent or actual homelessness** then the young person will be assisted to make a homelessness application, but this should be the exception and not the usual route into housing.
- Where it is determined by Housing that the applicant is intentionally homeless there is provision within the protocol for representations and discussions between the relevant Housing and Leaving Care Team Managers.
- If a young person has already been assisted under the terms of this housing protocol as described above, and they then subsequently re-present at a later date they will be given further opportunity to engage with the support and services available through the Housing Options Service and will retain their status as a care leaver. This extends to the age of 25 under the new legislation.
- Intentionally homelessness decisions will only be made when all other options have been exhausted.
- Any difference of opinion over areas of responsibility, proposed actions or exceptions to the above should initially be dealt with by the caseworker in each directorate. If the issue cannot be resolved at this level, the matter should be referred jointly to the Housing Manager and the Leaving Care Team Manager for a decision.
- Disagreements over policy and procedures should be referred to the Housing Manager and the Service Manager (leaving care) for joint resolution.

ROLES AND RESPONSIBILITIES OF CHILDREN'S SERVICES FOR CARE LEAVERS

The legal responsibilities are contained within:-

- The Children Leaving Care Act 2000 and
- The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care leavers and The Care Leavers (England) Regulations Revised 2015.
- Children and Social Work Act 2017.

See Legal Framework Appendix 1

In summary the local authority should ensure that every young person leaving care:-

- Has a Pathway Plan based on an assessment of their needs in place by the age of 16 years old to prepare and support them into adulthood and independent living?

- The Plan should detail the accommodation and support needs of the young person.
- The Plan should include all financial arrangements to support the young person.

If a young person chooses to leave care aged 16 or 17 years old thus becoming a **relevant** young person a statutory review should be held prior to them leaving care to ensure the appropriate support arrangements and suitable accommodation are in place. It is the responsibility of Children's Services to provide a personal allowance and accommodation costs as they are not entitled to benefits.

ROLES AND RESPONSIBILITIES OF HOUSING SERVICES FOR CARE LEAVERS

The legal responsibilities are contained within

- The Housing Act 1996
- the Homelessness Act 2002
- The Homelessness Reduction Act 2017
- MHCLG Homelessness Code of Guidance for Local Authorities 2018

See Legal Framework Appendix 1

Care leavers are identified as a priority need group for housing if they are:-

- Aged 18, 19, or 20 years old who have been in care at some point after their 16th birthday. care leavers aged 21 years old or older and are vulnerable as a result of having been looked after, accommodated or fostered,

When a young person reaches the age of 18 years old they are entitled to claim Housing Benefit to pay for their rent.

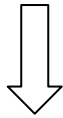
It is the joint responsibility and duty of both Housing and Children's Services to work together in order to support young people in care to make a successful transition to independent living whilst recognising the young person's journey could be difficult at times.

Both the Children Leaving Care Act 2000 and the Homelessness Act 2002 identify the need for Social Care and Housing Departments/Providers to develop a strategy in partnership to provide a range of accommodation options to meet the assessed needs of young people leaving care.

The Housing Pathway below details the key tasks and timeframe for workers.

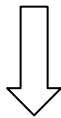
HOUSING PATHWAY

YOUNG PERSON REACHES **16 years old**



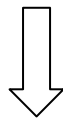
SOCIAL WORKER COMPLETES PATHWAY PLAN including an assessment of the young person's future accommodation /support needs.

If Staying Put arrangement



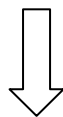
See Staying Put Procedure

PERSONAL ADVISER ALLOCATED FROM CARE LEAVERS TEAM



YOUNG PERSON REACHES **17 years old**

THE YOUNG PERSON MAKES A REFERRAL TO IDENTIFIED SUPPORTED HOUSING OPTIONS SUPPORTED BY SW/PA



YOUNG PERSON SUPPORTED BY SW/PA TO VISIT ACCOMMODATION OPTIONS NO Later than 6 months before the young person reaches 18 years old

ACCOMMODATION AGREED AT STATUTORY REVIEW PRIOR TO 18th Birthday
If in **EXCEPTIONAL** circumstances none of the supported housing options are suitable for the young person the social worker/PA should consult with the homelessness department and the Commissioner Supported Housing to discuss future accommodation options.

Supported Housing

Supported Housing is semi-independent housing for young people who are not yet ready for full independence. These services provide housing to people aged between 16 and 29 and provide housing-related support to help prepare young people for independent living. These services employ Support Workers to help deliver these outcomes as well as link in with other specialist services to provide support around mental health, drug and alcohol support.

Supported Housing does not provide emergency accommodation but can be accessed by completing an application form the relevant provider. A list of the available services can be obtained from [My Care My Support](#) with a list of the current services below. These are subject to change and the My Care My Support website should be checked.

Young Parents:

[The Circle](#)

[Beaumaris Road](#)

Single Young People:

[Wiltshire House](#)

[Radnor Lodge](#)

[The Foyer](#)

[Milton Road and Ellis House](#)

Floating Support:

[Young Person Floating Support](#)

You can contact the Commissioner Supported Housing on 01793 466709 for further information or if you have any questions about the suitability of services.

Annex 1: The Legal Framework

Leaving Care legislation

The statutory obligations on local authorities for leaving care services are set out in:-

- The Children (Leaving Care) Act 2000
- The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care leavers and The Care Leavers (England) Regulations Revised 2015.

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. They are intended to ensure that young people leave care when they are ready and equipped to do so.

Young people leaving care must be provided with a leaving care maintenance allowance equivalent to the current Income Support/Jobseekers Allowance benefit. Once a young care leaver turns 18, they will be expected to be financially responsible for themselves, either through benefits or employment. Some financial assistance may be available in emergencies.

Children's Social Care must:

- ensure that a pathway plan is in place by the young person's 16th birthday
- complete an 'assessment of needs' for the care leaver prior to their 16th birthday
- provide financial support to the young person
- appoint a personal adviser to advise and support the young person, liaise with other relevant agencies, and implement and monitor the pathway plan
- ensure suitable accommodation is provided.

This should consider the young person's need for support and assistance and how best to meet these needs until the age of 21 (or 25 if the young person is in further or higher education).

The pathway plan should cover:

- accommodation
- practical life skills including money management
- education and training
- employment
- financial support
- specific support needs
- contingency plans for support if independent living breaks down.

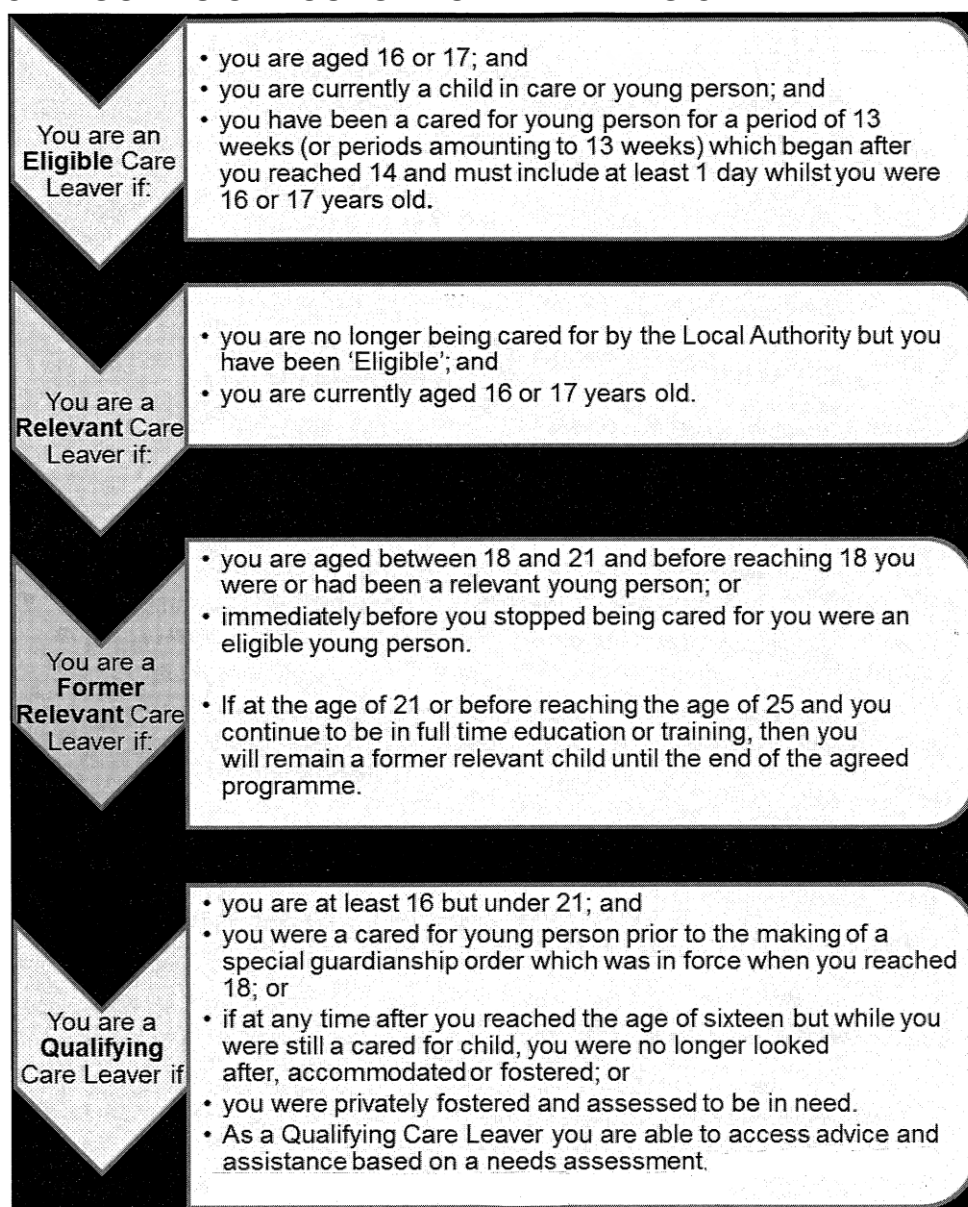
The Pathway Plan should consider the young person's need for support and assistance and how best to meet these needs until the age of 21 (or 25 if the young person is in further or higher education).

The Children (Leaving Care) Act 2000 sets out the duties that local authorities have towards young people in and leaving care, including those relating to accommodation.

The duties differ depending on care leaver status (i.e. eligible, qualifying, relevant or former relevant child)

The care leaver status of a young person is defined in the chart below.

CATEGORIES OF YOUNG PEOPLE LEAVING CARE



The legislation place duties on local authorities who should:

- ensure that young people live in suitable accommodation when they leave care
- plan with young people and involve them in decisions
- avoid moving young people who are settled

- assess young people's needs and prepare them for any move
- ensure that the accommodation meets any needs relating to impairment
- consider education, training and employment needs
- where practicable, offer a choice of accommodation
- set up a package of support to go with the accommodation
- have a clear financial plan for the accommodation and a contingency plan.

The young person's **pathway plan** should detail what action and support is needed for the young person to make a successful transition to adulthood and meet the above requirements. A young person should not leave care without a statutory review to ensure that the appropriate support package is in place and the accommodation has been assessed as suitable.

The definition of Suitable Accommodation

Regulation 9(2) of the Care Leavers Regulations 2010 defines what is meant by '**Suitable accommodation**'. It is accommodation:

- Which, so far as reasonably practicable, is suitable for the child in light of his needs, including his health needs;
- In respect of which the responsible authority has satisfied itself as to the character and suitability of the landlord or other provider;
- Complies with health and safety requirements related to rented accommodation; and
- In respect of which the responsible authority has, so far as reasonably practicable, taken into account the child's
- wishes and feelings; and
- education, training or employment needs.

The regulations and Guidance also states that "Children's Services will need to work with housing strategy, housing options, housing related support functions and other partners to secure a range of suitable housing and support options for young people leaving care" (pa and that "Housing Services and Children's Services should adopt a shared strategic approach to the provision of emergency accommodation and housing and support pathways for young people in order to avoid the use of B&B accommodation"

In January 2015, the guidance was revised to clarify that Bed & Breakfast accommodation was unsuitable accommodation for care leavers, and should be used for no more than two working days in an emergency.

In 2010 the R v Barking and Dagenham judgement clarified the duty on Children's Services to provide accommodation for care leavers aged over 18 years

("former relevant children") in certain circumstances. The judgement concluded that:

...if the former relevant child is unable to access appropriate accommodation through some other means (such as through a combination of a council tenancy and housing benefit), and the provision of accommodation is necessary for that young person's welfare, then social services will be under a duty to provide or arrange suitable accommodation.

Local Definition of suitable and unsuitable accommodation options.

Swindon Borough Council believe that:-

Suitable accommodation options for young people leaving care are:-

- Parents or relatives. In discussion with CTSW TM a statutory assessment would need to be completed to identify if the return home to parents was deemed suitable.
If risks /concerns identified a risk management plan would need to be in place prior to placement with a clear contingency plan recorded within the young person's pathway plan
- Community homes – i.e. adult social care provision for young adults with learning/physical needs
- Semi-permanent transition arrangements – i.e. Key 2, trainer flats
- Supported lodgings
- Staying Put accommodation
- Ordinary lodgings i.e. rental of a room in an owner occupied property with appropriate support
- Accommodation with work - i.e. live in accommodation.

Accommodation options that may be suitable for young people leaving care are:-

- Return to parents depending upon the quality of accommodation and stability of the environment in terms of parenting capacity. Parental mental health, any known drug/alcohol issues need to be considered.
Criteria for decision making regarding a young person returning to live with their parents or relative. When a young person reaches eighteen years the Council are unable to prevent a young person making a decision to return to parents but if there are concerns re suitability a statutory assessment to be completed – informed by previous assessment to determine reduction of risk/concerns. If concerns and risks remain a clear risk management plan to be in place and consideration to adult safeguarding.
- Good quality hostel accommodation commissioned by the local authority
- Independent living options i.e. appropriate accommodation and own room

Accommodation options that are unsuitable for young people leaving care are:-

- Sofa surfing
- Custody
- Bed and Breakfast accommodation
- Homeless hostel

The Social Work Act 2017

From April 2018 the duty on local authorities to provide services to care leavers has been extended to include the provision of a Personal Adviser up until the age of 25 years old.

Housing Legislation

The Housing Act 1996

This Act set out requirements on local authorities to assist people who are homeless. Part 7 requires that local authorities secure suitable accommodation for a person who meets all of the four statutory tests:

- is eligible for assistance (broadly, their immigration status is not restricted);
- is homeless (or threatened with homelessness within 28 days);
- has a priority need for accommodation (specified categories of people); and
- is not intentionally homeless.

In addition, local authorities use their discretion regarding whether a household has a local connection.

The Homelessness Act 2002

This Act amended the Housing Act 1996 .The main changes which impact on young people are:-

- a new duty on all local housing authorities to develop a strategy to tackle 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:
 - a. 16 and 17 year olds whose support networks have broken down irrevocably and who are not owed a duty by Children's social care as a relevant child or a child in need.
 - b. 18-21 year olds leaving care who are former relevant young people.
 - c. people aged 21 years or over who are vulnerable because they were formerly looked after by the local authority.
 - d. People who are vulnerable as a result of violence, being in the armed forces or in prison.

The Homelessness Reduction Act 2017

The Homelessness Reduction Act amends Part 7 of the Housing Act 1996 and the legislation remains Part 7 of the Housing Act 1996, as amended. The main changes that impact on young people will be:

The Duty to Relieve and the Duty to Prevent

The Act significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas.

This includes an enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days and a new duty for those who are already homeless so that housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation. If a care leaver's homelessness cannot be prevented or relieved, an assessment under homelessness legislation will take place.

Local connection for care leavers

The Act ensures that any care leaver who becomes homeless will be able to demonstrate a local connection to either:

- the area of the local authority where they were looked after and owes them leaving care duties, or
- for a care leaver under 21 years old - an area different to that of the authority who owed them the leaving care duties, where they have lived for at least 2 years, including some time before they were 16 years old

The Duty to Refer

From October 2018, there is a duty on specified public bodies to refer to a housing authority (with consent) any household which is threatened with homelessness or is homeless within 56 days to a housing authority with the service user's consent. The following services are among those subject to the duty to refer:

- Social service authorities; and,
- Custodial institutions, youth offending teams and probation services

Specific referral arrangements should be made for care leavers and set out in the joint protocol or procedures.

Personal Housing Plans

The 2017 Act introduced duties for housing authorities to assess the support needs of all applicants who are homeless or threatened with homelessness, and agree a personalised housing plan which should include reasonable steps required to meet any support needs identified.

Where there is a duty to assess a care leaver's housing and other support needs and develop a personalised housing plan, arrangements should be in place to enable the Personal Adviser to be involved in the assessment process with the young person's consent.

Where a care leaver has a personalised housing plan this should be informed, by their Pathway Plan

Subject to arrangements for consent, where a housing authority is concerned that a care leaver may not be co-operating with the required steps set out in the personalised housing plan this should be shared as soon as possible with the Personal Adviser to enable joint early action to remind the young person of the actions to be taken and the consequences of not doing so.

Intentionally homeless decisions.

The Secretary of State for Ministry of Housing, Communities and Local Government considers that all attempts should be made by housing authorities to avoid the impact of intentionally homeless decisions in relation to care leavers aged 18 – 25.

The Homelessness Code of Guidance 2018

The code states that Local authorities have duties and powers to assist young people who are leaving and have left local authority care. As a corporate parent to all children in care and care leavers all parts of a local authority, including a housing authority, must have regard to the need:

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

The Secretary of State for Ministry of Housing, Communities and Local Government and the Secretary of State for Education consider that all young people leaving care should have safe and appropriate accommodation to meet their needs. By working together, housing authorities and children's services authorities can better ensure that as a corporate parent, the appropriate accommodation and support is available to care leavers.

The Code states that care leavers are among the groups likely to be more at risk of homelessness than others and:

- social services departments' information about numbers of care leavers may assist housing departments in conducting homelessness reviews
- it is important that wherever possible the housing needs of care leavers are addressed before they leave care
- making arrangements for accommodation and ensuring that care leavers are provided with suitable housing support will be an essential aspect of a young person's Pathway Plan
- where necessary, arrangements should be made for joint assessment by social services and housing authorities as a part of a multi-agency assessment to inform the Pathway Plan.

PARTNERSHIP WORKING

The duty to work in partnership effective joint working to safeguard children and young people is detailed in:-

- **Joint Working Guidance Between Housing And Children's Services In The Prevention Of Homelessness 2008**

This guidance identifies that care leavers aged 18-21 years are at particular risk of poor outcomes in the absence of effective joint working between Housing Services, Children's Services and their partners.

- **The Children Act 1989**

Section 27 of the Children Act 1989 states that the local authority can request the help of another statutory authority in complying with its responsibilities including housing authorities. That authority must comply with the request if it is compatible with their own statutory or other duties or obligations.

- **The Children Act 2004**

Section 10 of the Children Act 2004 establishes a duty on and local authorities to make arrangements to promote co-operation between the authority, relevant partners and other persons or bodies engaged in activities in relation to children, to improve the well-being of children and young people in the authority's area. Relevant partners are required to co-operate with the authority

Section 11 of the 2004 Act requires a range of agencies – including county level and unitary authorities and district authorities where there are two tiers of local government – to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children

The Homeless Code of Guidance 2018

The Secretary of State for Ministry of Housing, Communities and Local Government and the Secretary of State for Education consider that all young people leaving care should have safe and appropriate accommodation to meet their needs. By working together, housing authorities and children's services authorities can better ensure

that as a corporate parent, the appropriate accommodation and support is available to care leavers.

Housing authorities, children's services authorities and other relevant departments within local authorities, are advised to develop joint protocols or procedures to ensure that each department plays a full role in providing corporate parenting support to young people leaving care. In two tier areas all housing authorities in the county should be party to these arrangements.

A joint protocol should cover arrangements for achieving planned, supportive transitions to independent living; identifying homelessness risk early and acting to prevent it, and providing a quick, safe, joined up response for care leavers who do become homeless