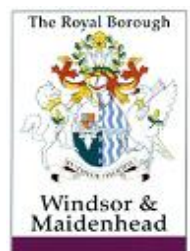


Royal Borough Windsor and Maidenhead
Children's Services
Joint Housing Protocol
July 2015



“The Royal Borough of Windsor & Maidenhead is a great place to live, work, play and do business supported by a modern, dynamic and successful Council”

Our vision is underpinned by four principles:

Putting residents first

Delivering value for money

Delivering together with our partners

Equipping ourselves for the future

In Children’s Services, our highly skilled workforce is committed to meeting residents needs as quickly and early as possible. We know that the more children, young people and families we help early, the more successful citizens they become.

Achieving our ambition of supporting all residents to be successful is dependent on us working together with a wide range of partners.



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Frequently used acronyms

CiC	Children in Care*
RBWM	The Royal Borough of Windsor and Maidenhead

** Children in care refers to children who are voluntarily accommodated as well as those on a Care Order.*

Related plans and strategies

- Council Annual Plan
- Children's Services Business Plan 2015-2016
- Strategy for Children in Care and young people moving into adulthood
- Corporate Parenting Strategy for children in care and those leaving care, 2015-2016

1. INTRODUCTION

- 1.1 The purpose of this protocol is to outline the agreed practices, responsibilities and roles of RBWM Children's Services and Housing in relation to young people aged 16/17 approaching the council as homeless or threatened with homelessness. This will ensure the appropriate assessment and delivery of services in order to meet the needs of young people.
- 1.2 Underpinning this protocol is the understanding that in the majority of cases, 16 and 17 year olds can be best accommodated in their family home, and that a departure from this is best dealt with as part of a planned transition, not an emergency.
- 1.3 This protocol takes account of the statutory guidance issued on 1 April 2010 to local authorities jointly by the Secretary of State for Children, Schools and Families and the Secretary of State for Communities and Local Government.
- 1.4 This guidance is aimed at clarifying the roles and responsibilities for children's services and local housing authorities about their respective duties under Part 3 of the Children's Act 1996 in securing and providing accommodation to homeless 16 and 17 year old children, following the judgement of the House of Lords in the case of R (G)-v-London Borough of Southwark.

2 PRINCIPLES

2.1 Children's Services and Housing Services agree that:

- Homelessness can be prevented through active intervention.
- 16 and 17 year olds are best accommodated in their family home, or where this is not safe or appropriate, with responsible adults in the wider family and friends network.
- 16 and 17 year olds should not remain in the family home if this places them at risk of violence or other harm.
- 16 and 17 year olds who are homeless may be vulnerable and in need of support.
- The appropriateness of mediation and family group conferences should be assessed in every case.
- All agencies should prevent homelessness where they can.

2.2 This protocol:

- Ensures compliance with the statutory guidance issued by the Department for Children, Schools and Families in April 2010.
- Provides an efficient and timely response to young people aged 16 and 17 who present to the authority as homeless or at risk of homelessness.
- Prevents young people from being passed between departments, or having to repeat their story multiple times.
- Enhances joint working and a joint approach through better understanding and communication between Children's Services and Housing Services.
- Delivers a child centred response to the needs of 16 and 17 year olds who are homeless or threatened with homelessness.

- Gives families and 16 and 17 year olds clarity about the assessment process and the support available.

2.3 In order to meet statutory requirements, the Joint Protocol applies to:

- Young people of 16 or 17 years who are already 'Children Looked After'.
- Homeless relevant young people aged 16 or 17 and homeless former relevant.
- Homeless young people aged 16 or 17 years old and those at risk of homelessness and 18-21 year old care leavers, 24 if in higher education.
- Intentionally homeless 16 and 17 year olds.
- Homeless couples where a partner is 16 or 17 years old.
- Care leavers aged 16 or 17 years – access to move on to independent accommodation.
- Young people aged 16 or 17 released from custody.

3 LEGAL FRAMEWORK

3.1 There is a wide legislative framework and statutory guidance which is the context for the work undertaken through this protocol, see box 1.

Box 1: Legislative context

- Homelessness Act 2002
- Homelessness Code of Guidance for Local Authorities
- Children Act 1989
- Children Act 2004
- Children (Leaving Care) Act 2000
- Human Rights Act 1998
- Immigration and Asylum Act 1999
- Criminal Justice Act 1991
- Youth Justice Board National Standards
- United Nations Convention on the Rights of the Child
- National Health Service and Community Care Act 1990
- Data Protection Act 1998
- Sex Discrimination Act 1975, 1979 and 1986
- Race Relations Act 1976 and Amendment Act 2000
- Disability Discrimination Act 1995 and 2005
- Equalities Act 2006

3.2 Specifically, there is a wealth of legislation which emphasises the need for joint working between housing authorities, social services and other statutory, voluntary and private sector partners in tackling homelessness more effectively, see box 2.

Box 2: Specific legislation

- S213, S213a and S170 of the Housing Act 1996;
- S1 of the Homelessness Act 2002;
- Homelessness Code of Guidance for local Authorities;
- S2 of the Local Government Act 2000;
- S27 of the Children Act 1989;
- S10, S11 and S13 of the Children Act 2004;
- Children (Leaving Care) Act 2000;
- S47 of the National Health Service and Community Care Act 1990;
- S27 and S31 of the Health Act 1999;
- Case Law, including M vs LB Hammersmith and Fulham 2008 and G v Southwark 2009;
- Children in Care Custody Bill 2009;
- Draft Guidance and Regulation Planning Transitions to Adulthood – DCSF 2010;
- Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation – DCSF/CLG, issued April 2010.

4 PROCESS AND ASSESSMENT

- 4.1 Children's Services and Housing Services have an agreed process for assessing young people presenting as homeless, see Appendix 1 for the detailed flowchart.
- 4.2 Children's Services will undertake an assessment of the needs of any young person presenting as homeless using the criteria developed following the Southwark Judgement. If, on the completion of the assessment, it is judged that a section 17 or 20 duty applies, Housing Services will be notified if they have been providing interim accommodation. This will enable the transfer of responsibility from Housing Services to Children's Services. If Children's Services has been providing accommodation under section 20 already, the outcome of the assessment will inform appropriate ongoing accommodation and support requirements.
- 4.3 The Housing Options Team will not provide interim accommodation to any 16/17 year old young person. Where a 16/17 year old approaches the Housing Options Team direct, they will be referred immediately to Children's Services.

Young person's wishes and feelings

- 4.4 S20(6) Children Act 1989 requires the assessment to seek the young person's wishes and feelings before providing them with accommodation under S20. This will also include an assessment of the young person's emotional and behavioural development and their capacity to make use of wider resources for independent living. A young person's wishes and feelings is not the deciding factor in determining whether they should be provided with accommodation under S20 or S17 but is one of a range of factors which must be considered in the assessment. The young person should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages of being accommodated under S17 or S20.

- 4.5 The social worker must be assured that the young person has been fully consulted about, and understands the implications of, being accommodated by Children's Services and being a child in care.
- 4.6 The Housing Officer must be assured that:
- The young person receives accurate information about the assistance which may be available to them, including from Housing Services under Part 7 of the Housing Act, if they are not accommodated under S20.
 - The young person understands how the entitlement under Part 7 of the Housing Act will be determined.
 - The young person understands the implications of being made homeless under S20 or Part 7 of the Housing Act and how this could affect future housing applications.
- 4.7 If there is any doubt that the young person is not able to judge what is in their best interests, a discussion should take place between the young person, their family, the housing officer and the social worker in order to agree the way forward.

Decision that S20 accommodation should be provided

- 4.8 If the outcome of the assessment is that the young person has complex needs which require S20 accommodation, this accommodation will be sourced by Children's Services. The identification of suitable accommodation will depend on the outcome of the assessment. Where required, the Housing Service will endeavour to assist in the procurement of appropriate accommodation.
- 4.9 Types of accommodation could include:
- Placement with a family member under S17 or S20.
 - Foster care.
 - Semi independent accommodation.
 - Supported lodgings.
 - Emergency accommodation.
 - Such other arrangements as are considered appropriate.
- 4.10 The local authority may decide that another type of specialist placement is appropriate in view of the young person's assessed needs. This will enable the social worker to tailor the provision of accommodation to the needs of the young person for whom a foster placement or children's home would not be an appropriate placement.
- 4.11 If the social worker decides that other arrangements are necessary, a placement plan must be agreed and prepared with the young person and the person responsible for supporting the young person in the accommodation.

Decision that S20 accommodation is not required

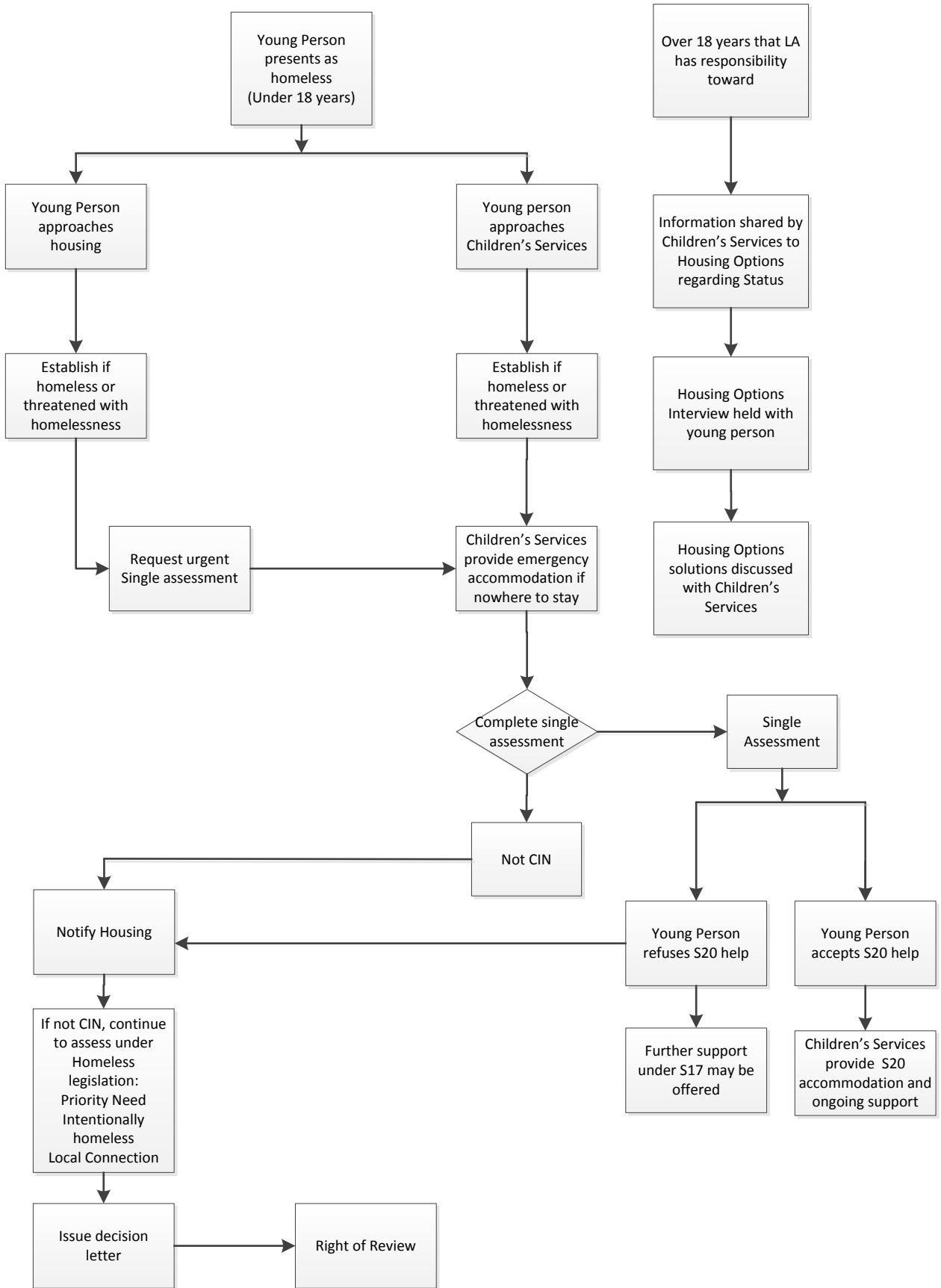
- 4.12 If it is determined that the young person does not require accommodation, Children's Services should consider whether services should be provided under S17 in order to assist the young person. Housing Services will continue the homelessness assessment, if it has not yet been concluded, to ascertain whether they owe any duty to the young person.
- 4.13 As part of the ongoing support, Children's Services will also consider a strategy to avoid the young person being threatened with homelessness in the future.

5 Appendices

Appendix 1: Flow chart – protocol for homeless young people

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Flow Chart – Protocol
Homeless 16/17 Year Olds



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