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**SURREY JOINT  
HOMELESS PROTOCOL  
FOR YOUNG PEOPLE  
AGED 16 - 21 YEARS**

**September 2015**

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**ACRONYMS USED WITHIN THE DOCUMENT**

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Children's Services	-	CS
Child in Need	-	CIN
Children Act 1989	-	CA89
Children Act 1989 s17	-	s17
Children Act 1989 s20	-	s20
Children (Leaving Care) Act 2000	-	CLCA
Common Assessment Framework	-	CAF
Housing Act 1996		HA 96
Homelessness Act 2002	-	HA02
Homelessness Prevention Panel		HPP
Housing Officer	-	HO
Housing Manager	-	HM
Local Housing Authority	-	LHA
Looked after child(ren)	-	LAC
Surrey County Council	-	SCC
Youth Support Service	-	YSS
Youth Support Services Officer	-	YSO

## SURREY JOINT HOMELESS PROTOCOL FOR YOUNG PEOPLE AGED 16 - 21 YEARS

Between:

Surrey Housing Authorities (Borough and District Councils) and Surrey County Council Children, Schools and Families Directorate.

### 1. INTRODUCTION

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This protocol is agreed between the 11 District and Borough Councils in Surrey, and Surrey County Council's Children, Schools and Families Directorate (The Partner Agencies) in the light of the House of Lords' Judgment in G v London Borough of Southwark. This protocol is divided into two clear sections; Section 1 outlines the process for meeting the accommodation needs of children leaving care and Section 2 outlines the process for dealing with homeless young 16 and 17 year olds not currently 'looked after' by Social Services presenting as homeless or threatened with homelessness.

#### 1.1 WHO IS COVERED BY THE PROTOCOL?

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The protocol outlines the process for dealing with the following groups of young people presenting as homeless or leaving care:

- Single people aged 16 and 17 years;
- Single people aged 18 to 21 years who were previously in need (Children Act 1989) or vulnerable (Housing Act 2002) or are entitled to after care services under the Children (Leaving Care) Act 2000;
- Young people who are in Priority Need and subject to housing and homelessness legislation (Housing Act 1996 as amended by the Homelessness Act 2002);
- Couples where one or both partners are aged 16 or 17 years OR are aged 18 to 21 years AND are entitled to after care services under the Children (Leaving Care) Act 2000;
- Pregnant 16 and 17 year olds
- Couples where one partner is 16 or 17
- Pregnant 18 to 21 year olds entitled to aftercare services
- Young offenders aged 16 to 18 years;
- Young parents aged 16 to 18 years, or up to 21 if entitled to after care services under the Children (Leaving Care) Act 2000;

#### 1.2 APPENDICES

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A number of appendices are attached to the document. These are detailed below;

- |            |   |                                       |
|------------|---|---------------------------------------|
| Appendix 1 | - | Children Act Definitions              |
| Appendix 2 | - | Local connection matrix               |
| Appendix 3 | - | Contact and Outcome Form              |
| Appendix 4 | - | How to access emergency accommodation |
| Appendix 5 | - | Flow charts of the protocol           |
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### 1.3 PURPOSE AND PRINCIPLES OF THE PROTOCOL

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#### Purpose of the Protocol

- To clarify the statutory duties and agreed responsibilities of partner agencies.
- To establish a system that ensures a seamless service to vulnerable young people, irrespective of which agency they present to first or which district in Surrey they live in.
- To promote co-operation and joint working between the partner agencies.
- To ensure that reconciliation between young people and their families/carers is achieved wherever possible via appropriate intervention including the offer of mediation services.

#### Principles of the Protocol

- Young people are predominantly best placed living with their immediate families. Every effort will therefore always be made to assist young people remain in the family home through negotiating with both the young person and the parents. This is not applicable where the young person would be unsafe in the family home.
- Where immediate families are either unable or unwilling to accommodate the young person, or the placement is inappropriate for other reasons (such as domestic abuse), attempts will be made to secure accommodation with the wider family or with friends.
- Where a young person is assessed as homeless and is unable to return home, CS is the lead agency and the paramount legislation is the Children Act 1989(CA89). The duties of CS under this protocol will normally be carried out by YSS unless there is a s20 CA89<sup>1</sup> duty or any child protection responsibilities in which case this will be carried out by CS.
- Following the Supreme Court judgment in *G v London Borough of Southwark*, all homeless teenagers are likely to be assessed as Children in Need and once identified as CIN must be assessed as to whether they are eligible to be accommodated under s20 CA89.
- This protocol acknowledges the need for a joint approach between LHAs and YSS and joint working underpins the effectiveness of the agreed procedures.
- Where possible agencies will strive to jointly commission services and share resources so that the interests of the young person are paramount.
- The housing needs of care leavers will be addressed before they leave care and arrangements made for a joint assessment between LHAs, YSS and CS as part of the Pathway Assessment on which an individual after-care plan or Pathway Plan will be based. Housing is a key element within the Pathway Plan.
- Local authorities will develop a strategy in partnership with housing providers to provide a range of accommodation to meet the assessed needs of relevant children and other care leavers. The protocol will ensure that each partner agency plays a full role in providing support to these young people. Because of the diverse needs of care leavers and the way in which these will change over time, local authorities are likely to require a range of accommodation options.

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<sup>1</sup> CS duty to accommodate a child in need. See appendix 1 Children Act Definitions

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- The principles of the protocol will apply to all relevant young people regardless of their religious views, sexual orientation, race or gender including those with learning disabilities, physical disabilities; mental health issues and those young people in secure settings.

#### **1.4 THE LAW, GUIDELINES AND CASE LAW**

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The protocol has regard to the following legislation, orders and case law:

- Children Act 1989 (CA89) and 2004
- Children (Leaving Care) Act 2000 (CLCA)
- Housing Act 1996 as amended by the Homelessness Act 2002
- The Homelessness (Priority Need for Accommodation) (England) Order 2002
- CLG Guidance to children's services authorities and local housing authorities about their 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. April 2002
- CLG Homelessness Code of Guidance for Local Authorities July 2006
- R (on the application of G) v London Borough of Southwark [2009] UKHL 26.
- DCSF / CLG Guidance April 2010 ' Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation'
- The Local Government investigation into complaint no 09 017 510 about Kent County Council and complaint no 09 017 512 about Dover District Council.

Relevant definitions used in the CA89 and CLCA are set out in Appendix 1.

## SECTION 1 CHILDREN LEAVING CARE

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### 2.1 DEFINITION OF CARE

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The following Order defines 'Care'

#### **The Homelessness (Priority Need for Accommodation) (England) Order 2002**

The Order defines "Care" for these purposes as "having been looked after, accommodated or fostered" within the meaning given to those terms by section 4 of the CLCA and is as follows:

"looked after, accommodated or fostered" means —

- a) looked after by a local authority
- b) accommodated by or on behalf of a voluntary organisation
- c) accommodated in a private children's home
- d) accommodated for a consecutive period of at least three months —
  - i. by NHS England, or any Clinical Commissioning Group<sup>2</sup> or Local Education Authority, or
  - ii. in any care home or independent hospital or in any accommodation provided by a National Health Service Trust, or
- e) privately fostered.

Responsibility for providing suitable accommodation for "relevant" 16 and 17-year olds who have been in long-term care and Children in Need owed a duty under s20 of the CA89, remains with Surrey Children's Services until they are 18.

### 2.2 'RELEVANT CHILD' & 'FORMER RELEVANT CHILD'

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2.2.1 A 'Relevant Child' is defined as follows:

A child aged 16 or 17 who has been looked after by a local authority for at least 13 weeks since the age of 14 and has been looked after at some time while 16 or 17 and who is not currently being looked after.

A child may be a 'relevant child' if s/he would have qualified but for the fact that on his/her 16th birthday s/he was detained through the criminal justice system, or in hospital, or if s/he has returned home on family placement and that has broken down.

2.2.2 A 'Former Relevant Child' is defined as follows:

A young person who is not yet 21 years old but who was at any time between the ages of 16 and 18 looked after, accommodated or fostered but is not any longer. A former relevant child will automatically be deemed to be in priority need unless they are a care leaver under Section 24B (5) of the CA89 currently in full-time Further or Higher Education and whose term-time accommodation is not available during the vacation.

This very specific exclusion means that Surrey Children's Services retains responsibility for accommodating these students ('relevant student').

Persons aged 21 or over who have become 'vulnerable as a result of having been looked after, accommodated or fostered' also have Priority Need.

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<sup>2</sup> Or successor agencies.

## 2.3 PATHWAY PLANS & HOUSING OPTIONS ADVICE

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The CLCA requires Children's Services to have "Pathway Plans" to plan how to cover education, training, career plans and support needs to run until the age of 21.

The Act also requires Children's Services to allocate a Personal Adviser to keep in touch with the young person and make sure the Pathway Plan is implemented and is meeting the educational and support (including financial assistance) needs of young people up to the age of 21.

This plan is reviewed every six months. All relevant information will be shared with agencies bound by this protocol and with other relevant agencies when appropriate with the consent of the young person.

### 2.3.1 Sharing Information

The young person will be asked to sign an Information Sharing Agreement. Agencies identified to be relevant to meeting the identified accommodation and support needs of the young person will be party to the Information Sharing Agreement. The young person will be asked to give his/her consent on the Information Sharing Agreement for information to be passed between agencies on a need to know basis.

Whilst respecting each agency's confidentiality policy it must be understood that it is in the young person's best interest for all agencies to share information that will reduce the possibility of problems occurring, allowing for intervention at the earliest possible stage and enabling agencies to respond appropriately to the young person's needs.

### 2.3.2 Housing and Local Connection

The Pathway Assessment will include future accommodation needs of the young person.

At the Pathway Assessment stage, a young person will already have an allocated Social Worker at the age of 16. The Social Worker will identify where the young person's Local Connection lies by using the Local Connection Matrix set out in Appendix 2. The Social Worker should then liaise with the relevant housing authority to ensure input to the planning process. It is in the young person's interest to be included on the appropriate housing register as soon as possible after they reach the age of 16.

### 2.3.3 Initial Pathway Planning Meeting

A member of the relevant LHA Housing Needs Team will normally be invited to attend the first Pathway Planning meeting. This will enable the young person to be given information regarding housing and options that may be available in the future.

Where it is decided prior to the first pathway planning meeting, that the young person is **not** yet ready to discuss future housing options, a Housing Officer (HO) will not be invited to attend the initial meeting. Housing will be guided by the young person's Social Worker and only discuss housing options once it is felt the young person is ready. The Social Worker will inform the LHA that an initial pathway planning meeting is to take place but that accommodation needs will not be addressed at this time and give reasons for this decision.

Where, in exceptional circumstances, a HO is unable to attend the initial pathway planning meeting when requested, arrangements will be made for the young person to meet with a HO to explore all housing options as soon as possible after the initial pathway planning meeting. The young person will normally have a housing options meeting within 16 weeks of this meeting.

Where appropriate, a Housing Registration form will be completed by the young person (before the meeting if possible) and all supporting evidence/information will be available e.g. birth certificate,

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passport, pay slips. Any Housing Register correspondence will be copied to the young person's Social Worker.

Regardless of whether a HO attends the initial pathway planning meeting or not, a HO will be invited to attend the young person's first statutory Looked After Review following their 17th birthday with a view to updating the accommodation section of the Pathway Plan.

#### 2.3.4 Housing Options Advice

At the pathway planning meeting or at a separate housing options interview, all options will be explored including:

- Enabling young people to remain in the accommodation in which they lived whilst being looked after e.g. foster placement conversion to continuing care placement
- Supported lodgings
- Other transitional accommodation with varying degrees of support such as trainer flats or hostels
- Specialist accommodation such as self-contained accommodation with personal assistance support – for young people with particular support needs such as disabled young people, pregnant young women or single parents
- Foyers and other supported accommodation which combines accommodation with opportunities for education, training and employment
- Self-contained accommodation with floating support
- Independent tenancies.

Young people with multiple or complex needs will be linked with other relevant agencies via the Pathway Plan.

#### 2.3.5 Prevention of Homelessness

In the event of a placement breakdown, Surrey Children's Service retains housing responsibility for the young person until the age of 18.

However, in the event of a young person becoming homeless in an emergency any time after his/her 18th birthday, a *Joint Assessment of Housing and Support Needs* will be required to identify suitable emergency accommodation and support needs. This will be carried out by the HO in conjunction with the Personal Advisor in CS and the case should be referred to the next prevention panel meeting.

#### 2.3.6 Reviewing Processes

##### **Pathway Plan Review**

A Review of the Pathway Plan will take place every six months. Housing and support needs will be kept under review and suitable accommodation should be identified before the young person's 18th birthday. It may not be necessary for a HO to attend every meeting but notes pertaining to the accommodation needs of the young person will be shared with the LHA.

All 16/17 year olds in and leaving care, held by CS will have an Individual Needs Assessment, Pathway Plan and Social Worker.

At 18 years of age, all care leavers known to CS Teams with a Local/Surrey connection will be transferred to the Surrey Leaving Care Service

All young people will have had at least one housing options interview before their 18th birthday.

(See 2.3.3)

## Housing Options Review

A housing options review will be arranged as part of the assessment process for LAC review with a view to including relevant actions in their pathway plan.

Before arranging the housing options interview, the local connection matrix and information sharing form should be completed and where requested a copy sent to the LHA prior to the interview.

The pathway plan should confirm the date that the LAC applied to join the appropriate housing register and any future actions and dates in respect to renewing or updating the application.

It is important that LAC remain identified as needing housing in the local authority area where they have an appropriate connection. Some Surrey Boroughs and Districts are changing their allocation policies and some may cease to hold a housing register. All housing authorities will continue to accept LAC as being in housing need on leaving care and will ensure that active records are maintained following the Housing Options Review and when the pathway plan is agreed.

Where LHAs hold housing registers and have renewal arrangements for housing applicants, no LAC housing application will be cancelled where the LAC fails to renew their application. Where a young person fails to renew or update their application as required, the LHA will inform the LAC Officer who will contact the young person and ensure that the necessary renewal or updating is completed. The LHA will not suspend or withdraw the housing application without agreement by the LAC officer.

Where this occurs this will be raised at the next quarterly liaison meeting (see 2.3.7 below). Once the YP has left care where their housing needs are not yet met, joint agreement to close or withdraw an application will still be required.

### 2.3.7 Monitoring

There will be quarterly liaison meetings between the LHA HM or nominee, the LAC senior officer; a representative from the care leaver service and from the YSS to monitor progress of care leavers, LAC over 16, and any young person identified by the YSS's, Homelessness Prevention Service as needing move on accommodation post 18. The liaison arrangements may also include a representative from the Transition Team if LHA housing input is likely to be required for any of the young people managed by that Team.

#### Purpose and objectives of the liaison meetings

- To ensure that all Looked After Children are registered for housing where it is established that they have a local connection at the age of 16 years
- To ensure that the Pathway Plan for all Care Leavers records the accommodation plan to enable them to secure housing in preparation for independence at 18 years.
- To monitor and track the accommodation history for all 16 year old LAC prior to transfer to Care Leaving Service to ensure that their support needs are identified and taken into account in their accommodation plan and any changes made to reflect their needs.
- To ensure that all 16/17 year olds (CIN) who present as homeless to the HPS are registered for housing where it is established that they have a local connection.
- To ensure that all 16/17 year old CIN who do not return home have an accommodation plan that reflects their support need.
- To ensure that all rising 18 year old young people CIN/Care Leavers attend a Housing Options Meeting prior to their 18<sup>th</sup> birthday to ensure that they clearly understand their options with regard to independent/supported housing post 18.

- To identify any young person (LAC/Care Leaver or CIN) to be referred to the Homelessness Prevention Panel to assist with identifying a suitable accommodation plan for them.

The detailed terms of reference for these meetings are available on request.

The Homelessness Prevention Service Steering Group will review the effectiveness of these liaison and monitoring arrangements at least annually.

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## SECTION 2 HOMELESS YOUNG 16 AND 17 YEAR OLDS NOT CURRENTLY 'LOOKED AFTER' BY SOCIAL SERVICES

A young homeless person may approach a number of organisations in the first instance for advice and assistance in securing suitable accommodation. The process for dealing with an initial approach from a 16/17 year old for advice and assistance to access accommodation is the same regardless of who the approach is made to.

The partner agencies have agreed that the YSS Homelessness Prevention service will initially deal with all young persons that may be homeless or at risk of homelessness under this protocol therefore CS or the LHA may refer the young person to that service.

A first approach is considered to have been made to CS/YSS if any of the following agencies have been advised in the first instance of a young person's homelessness (or threatened homelessness within 28 days):

- Youth Support Service
- Education Authority
- Any other arm of Surrey County Council services

A first approach is considered to have been made to LHA if the young person approaches any of the 11 Surrey District or Borough council offices or has been referred from an outside agency (other than those outlined above) to a LHA.

**If at any stage in the process any officer becomes aware of child protection or safeguarding issues, Surrey Children's Services must be notified urgently within one working day.**

**Local authority safeguarding procedures also apply.**

### 3.1 Initial approach procedure

Where initial contact is made to a LHA an immediate referral will be made to YSS and arrangements made for a YSO to interview the young person the same day. In the interim, the HO will complete the Contact and Outcome form in appendix 3. A copy of the form will be given to YSS and one copy retained by the LHA.

Where initial contact is made to CS, an immediate referral will be made to YSS and arrangements made for a YSO to interview the young person the same day.

The YSO unilaterally or in a joint assessment with a HO will establish whether the young person:

- may be homeless or threatened with homelessness with 28 days
- may be roofless that night
- meets the agreed protocol criteria (see 1.1)

#### 3.1.1 Young person found not to be homeless or threatened with homelessness within 28 days

If it is established that the young person is **not** homeless or threatened with homelessness within 28 days but has a current or potential housing need, the YSS will contact the relevant LHA<sup>3</sup>. They will:

- complete the contact and outcome form in appendix 3 setting out their reasons for their decision
- complete the local connection matrix<sup>4</sup>

<sup>3</sup> To establish the relevant housing authority reference will be made to the matrix in Appendix 2

- help the young person to complete the information sharing form
- arrange a housing options interview appointment for the young person so they can complete a housing register application and discuss their housing options.
- Send the documents to the LHA before the appointment and in accordance with agreed timescales. (See flow charts in Appendix 5)

### 3.1.2 Young person found to be homeless or threatened with homelessness within 28 days

Where it is established that the young person is threatened with homelessness, or is homeless on the day of approach, the YSO will seek to mediate and reconcile them with their family.

Where agreed with the young person, they will refer him/her to a mediation service or arrange a home visit unless it is unsafe for them to return, (e.g. in cases involving violence or abuse as per the Homelessness Code of Guidance 2006).

If no accommodation is available for the young person, they are homeless on the day of contact and attempts to enable them to return home or stay with other friends or family have proved unsuccessful, the YSS will ensure that accommodation is made available on an emergency basis to the young person pending further investigations.

The young person will be accommodated in the first instance in emergency accommodation where this is appropriate until suitable supported housing is secured in partnership with the appropriate LHA.

The YSS have commissioned a number of emergency and assessment beds for use in emergencies. The use of bed and breakfast (B&B) will only be used as a last resort when these beds are unavailable.

Details of how to access these accommodation options are in Appendix 4.

### 3.1.3 Young Person found to be homeless or at risk of homelessness without a Surrey local connection

From time to time, a young person may move to Surrey and subsequently become homeless or likely to become homeless in the near future. In such instances, a referral should be made to the YSS to carry out the assessment as in other cases. This should take into account their local connection with Surrey.

Where it is clear they have no Surrey connection, the YSS (with the support of CS) should take steps to reconnect the young person to the area where they have a local connection.

## 4. THE ASSESSMENT

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As part of the initial assessment YSS will:

- check whether the young person is entitled to services under the CLCA or is currently being supported by the department under the CA89 and if not
- assess whether the young person is a CIN using the established s17<sup>5</sup> assessment process

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<sup>4</sup> As above

<sup>5</sup> See Appendix 1 for definition.

YSS will also undertake to mediate with the family to attempt a return home where it is safe to do so, or identify other family members where the young person can live. If appropriate, a referral for a Family Group Conference will be made.

During the assessment the YSO will continue to explore the possibility of the young person returning home, if safe, and how this can be supported.

At the earliest opportunity YSS will refer the young person to an appropriate agency for additional support and/or independent advice.

#### 4.1 S20 Assessment

If it is established that the young person is a CIN and accommodation is identified as a need, the YSO will assess whether the young person is eligible for accommodation under s20 CA89.

To identify whether the young person is eligible to be accommodated under s20 CA89, the following questions will be considered:

1. Is the young person a child?
2. Is the young person a child in need?
3. Is he (she) within the local authority's area?
4. Does he (she) appear to the local authority to require accommodation?
5. Is that need the result of:
  - a) there being no person who has parental responsibility for him; for example, where his parents were unmarried, his father does not have parental responsibility, and his mother had died without appointing a guardian for him;
  - b) his being lost or having been abandoned; or
  - c) the person who has been caring for him being prevented from providing him with suitable accommodation or care.
6. What are the child's wishes and feelings about the provision of accommodation?
7. What weight should be given to the wishes and feelings of the young person regarding the provision of accommodation taking into account the ability of the young person to sustain independent living?

The YSO will discuss with the young person the meaning of s17 and s20 as well as the homelessness legislation. They will also discuss all accommodation options with the young person so that the young person is fully aware of the possible options available to them.

Where a young person is eligible for accommodation under s20 CA89 but is reluctant to accept it, advice should be provided to ensure that the young person is aware of the implications of their decision.

The young person will be advised of their right to seek independent advice and supported to do so should they choose to before making a decision to refuse accommodation under s20.

#### 4.2 Refusal of s20 accommodation

Where a young person has refused an offer of accommodation under s20, and YSS or CS consider that there are no grounds to overturn the wishes and feelings of the young person, the YSS will refer them to the relevant LHA. They will:

- complete the contact and outcome form<sup>6</sup> setting out the reasons for the young person's decision
- complete the local connection matrix<sup>7</sup>
- help the young person to complete the information sharing form
- help the young person complete a housing register application
- send the above documents to the LHA in accordance with agreed timescales<sup>8</sup>.
- arrange a housing options interview for the young person.

The YSS will inform the young person of the necessity to update their housing application where there is a change of circumstances and to renew the application on an annual basis. Any cases that have been closed by the YSS or LHA will be considered at the next quarterly meeting referred to in paragraph 2.3.7 to identify if any follow up or further action is required.

## 5. THE OUTCOME OF THE CHILD IN NEED ASSESSMENT

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The YSS will share the outcome of any relevant information from the assessment with the relevant LHA within one working day after completion, by e-mail to the relevant Housing Officer/Team using the contact and outcome form at Appendix 3. This will confirm reasons why the person is / is not considered a CIN and whether duties are owed under s20.

The outcome of this Assessment by YSS will be either that:-

- The young person is not a Child in Need or
- The young person is a Child in Need, but
  - does not meet the criteria to be accommodated under s20 CA89 or
  - refuses to engage with YSS or
  - refuses to become a 'looked after child' or
  - the young person is a Child in Need and has a range of complex needs requiring ongoing long term support from Children's Services<sup>9</sup>.

### 5.1 Assessment identifies that the young person is a child in need

Where the assessment identifies that the young person is a child in need and is engaging with YSS, or CS, where necessary, the responsible service will refer the young person to the Homelessness Prevention Panel. Where a young person is found to be a CIN, and takes up the emergency accommodation or assessment beds offered by the YSS this means they are not in 'priority need' under homelessness legislation<sup>10</sup>.

If the LHA had provided emergency accommodation prior to the take up of YSS accommodation pending the outcome of the assessment the YSS or CS will commit to funding the cost of accommodation that was provided during the assessment process. Thereafter, depending upon the outcome of the assessment, funding may continue to be the responsibility of YSS or CS.

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<sup>6</sup> Appendix 3

<sup>7</sup> Appendix 2

<sup>8</sup> See Flow charts in Appendix 5

<sup>9</sup> This includes those where there are child protection issues.

<sup>10</sup> Priority need order SI 2002/2051

## 5.2 Assessment identifies that the young person is not a child in need

If the young person is found not to be a CIN, the young person will then be in Priority Need for housing under the homelessness legislation. If the young person wishes to make a homeless application, YSS will refer the young person back to the appropriate LHA who will process the application.

The homeless decision will be made as soon as possible and normally within 33 working days. However, where extensive inquiries are necessary this may take longer. The decision under s184 of the Housing Act 1996 will be notified in writing to the young person.

Once the decision has been made on the young person's homelessness application the LHA will notify the YSS locality manager of the decision by e-mail, fax or letter within two working days.

## 5.3 Young Person refuses to engage with YSS or accept accommodation offered under s20

YSS holds the primary responsibility for accommodating homeless 16 and 17 year olds. However, there will be occasions where a young homeless 16 or 17 year old refuses to engage with YSS or objects to becoming a 'looked after child' or refuses the accommodation offered under s20.

YSS will then have to decide whether there are grounds for overriding a young person's objections.

s20(6) CA89 states:

'Before providing accommodation under this section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare:

- a) ascertain the child's wishes and feeling regarding the provision of accommodation; and
- b) give due consideration (having regard to his age and understanding) to such wishes and feelings as they have been able to ascertain;'

YSS will need to decide the weight they give to the young person's wishes, particularly where the young person is involved with the criminal justice system.

If the young person refuses accommodation offered under s20 then the YSS and CS must be satisfied that his or her decision has been reached after having been provided with all relevant information and that he or she is competent to make that decision. In such circumstances, if the young person has no other accommodation he or she will be homeless within the definition of the HA96.

The process will then follow the same course as outlined in 5.2 above.

The YSS are able to offer ongoing support to a homeless young person where they have been identified as a child in need, but not eligible to be accommodated under s20.

The YSS will meet the young person's identified needs in collaboration with the relevant LHA by providing relevant services under s17 CA89. This may include for example:

- referring the young person back to the LHA for housing advice
- offering support in making a housing or homeless application
- assistance with finding private sector accommodation
- offering support to sustain or manage a tenancy or other accommodation.

## 5.4 Intentional Homelessness

If the young person is found to be Intentionally Homeless, YSS will be informed within one working day of the decision.

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Where the young person deemed Intentionally Homeless has been in interim accommodation provided by the LHA pending the decision, the accommodation will continue to be made available to him/her for a “reasonable period” to give them a chance to secure his/her own accommodation. This will normally be for a minimum of seven days and a maximum of 28 days. The LHA can extend this period at their discretion.

Where the young person has not taken up, has left or been evicted from any interim accommodation provided by the LHA, there is no further duty to provide accommodation for a reasonable period.

If a young person has previously declined an offer of s20 accommodation, it should be noted that the young person cannot be found to be intentionally homeless if they did so. Nor can they be found intentionally homeless from any accommodation that they have not physically occupied.

The YSS may also continue to offer support to a young person found intentionally homeless by providing relevant services under s17 CA 89.

## 6. APPEALING DECISIONS

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Young persons are entitled to appeal against decisions made about them by YSS, CS or LHAs

These appeals processes have a statutory framework and timetable. Notwithstanding the rights of the young person to appeal a decision through such mechanisms, this protocol provides for reviews to be requested by a LHA, the YSS or CS on behalf of the young person. Where this applies every effort will be made by all parties to expedite the process in the best interests of the young person.

Where the YSS make a decision that the young person is not a CIN or that no further action is required by YSS, this can be challenged by the LHA Housing Manager (or other nominated officer). They may appeal to the Housing Development Manager in the YS Homelessness Prevention Service within seven working days.

Where the CS or YSS make a decision that the young person is a CIN but does not meet the criteria for an offer of s20 accommodation, or that no further action is required by either CS or YSS, this can be challenged by the LHA Housing Manager (or other nominated officer). They may appeal to the Children’s Services Assessment Team Manager or YSS Team Manager within seven working days.

Where an appeal has been made by the LHA the relevant manager will review the decision made and advise the Housing Manager (or other nominated manager) of the outcome of the review within seven working days of the appeal being lodged.

Where a relevant manager in CS or the YSS disagrees with the s184<sup>11</sup> decision of a HO then they shall make an appeal to the Housing Manager (or other nominated officer) normally within seven working days. (The request for a review must be within 21 days unless the authority agrees to a longer period.)

The Housing Manager or a senior officer not previously involved with the case will review the s184 decision in line with homelessness legislation. They will provide a decision on the review within seven working days of the appeal being made.

Contact details of the relevant managers and other key contacts are available on request.

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<sup>11</sup> s184 HA 1996

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## 7. INDEPENDENT LEGAL ADVICE

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The young person will be advised of independent advice agencies that they can contact (e.g. Shelter; Surrey Law Centre, CAB) if they wish to have further advice, guidance or advocacy on their housing rights, their legal status and their housing options.

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## 8. ACCOMMODATION AND SUPPORT/CARE PLAN

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In the event that a young person accepts accommodation under s20 of the CA89. In these circumstances the young person will be deemed to be a Looked After Child and their care would transfer to CS.

The YSS and CS can request assistance with accommodation from the LHA through a s27 referral, although the ongoing cost of the accommodation is the responsibility of SCC and the ongoing duty remains with SCC.

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## 9. TENANCY/LICENCE GUARANTEES FOR YOUNG PEOPLE

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On occasions, LHAs will ask SCC to act as guarantor for a young person in order to secure accommodation for them.

SCC will agree to do so, for all young people that have been discharged from Local Authority Care and remain eligible for a Leaving Care Service. In exceptional circumstances CS or the YSS will offer to act as guarantor in cases where young people do not meet these criteria.

Where a 16/17 yr is considered to be a CIN and is in need of accommodation and wishes to live independently, YSS, in consultation with the relevant LHA will consider whether the young person is able to sustain a tenancy. Where it is considered that the person can sustain a tenancy, the relevant manager in YSS or CS will decide within three working days whether SCC will be the guarantor for the young person should they choose to go into accommodation that requires a guarantor due to their age.

The decision will be notified to the HO within the same three working days. It will then be the responsibility of the LHA to help secure a property and liaise with any prospective landlord.

The extent of SCC liability for rent guarantee will be pre-determined by agreement with the LHA.

Any failure to adhere to tenancy or licence agreements by a young person will be notified to the relevant manager or nominated officer in CS or YSS within one working day of the LHA being made aware of the problem.

The LHA will broker an agreement with any landlord requesting a guarantor requiring them to notify CS/YSS (and/or the LHA) within five working days of any problems.

The agreement would indicate that any failure to pass on relevant information within 4 weeks would not (normally) be covered by the guarantee.

It will be a stipulation of any guarantor arrangement that the young person will agree to engage with the YSS to help sustain the tenancy.

Where the young person refuses to accept or engage with YSS no guarantee will be given by YSS or CS. Where any non-engagement occurs after the tenancy has begun the landlord will be advised of this

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although YSS or CS will not be able to revoke the guarantor status until the end of the fixed term of the tenancy.

Each LHA will monitor referrals made and the results of aforementioned referrals. They will also monitor the tenancies that these guarantees cover.

Examples of cases where YSS or CS may offer to be a guarantor are:

- teenage parents
- pregnant 16 and 17 year olds
- care leavers
- young people with safeguarding issues
- couples where one partner is under 18 and there are safeguarding concerns re the young person
- young offenders.

## **10. HOMELESSNESS PREVENTION PANELS**

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The Homelessness Prevention Panel(s) are responsible for promoting joint working partnerships to prevent homelessness. They meet every six weeks.

The membership of the panel(s) consists of representatives of YSS, SCS, LHAs and housing providers as per the panel terms of reference.

### **Purpose and Objectives of the Panels**

The Panels will promote joint working partnerships to prevent homelessness and to ensure the best possible outcomes for young people. Their purpose is to work together to:

- prevent homelessness
- agree plans for young people and identify those at risk of homelessness, including those leaving custody and care leavers
- review plans made at the previous panel and to monitor their implementation and stay of the placements
- prevent evictions from supported accommodation and to consider move on plans for young people when they are 18 years old
- ensure where appropriate and safe to do so young people can return home
- monitor and share information about vacancies by using the common referral form and panel process to cut down on time and duplication of paperwork and ensuring the shared goal of good practice and training

The detailed terms of reference for the Panels is available on request.

## **11. TRAINING**

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All staff will be fully briefed in the operation of the protocol in order to ensure good working practice.

Regular ongoing training on housing and children's services legislation will occur in each of the Children's Services areas with the relevant housing authorities.

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## **12. STRATEGIC SUPPORT OF PROTOCOL:**

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This protocol will be supported by the following:

- Surrey County Council's Preventative Strategy
- Joint Management of families with children in short-term accommodation
- SCC's Early Help strategy and the LHA's integration in this
- Supporting vulnerable adults in accommodation
- Alignment of all existing strategies and provision
- The Surrey Children's Alliance
- Surrey Family Support Programme

## **13. STATEMENT OF COMMITMENT**

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All signatories to this document commit to:

- Upholding the principles and procedures outlined in the Protocol,
- Working together in constructive dialogue with other partners, and to seek the best possible outcomes for young people with accommodation and support needs
- Working professionally, openly and flexibly to achieve the aims and purpose of this Protocol.
- Respecting the professional position of our partners, even where it conflicts with our own, and will work to resolve such conflicts quickly and appropriately within the terms of this Protocol.
- Attending at relevant meetings when requested
- Responding to requests for information in a timely and appropriate manner (where data protection requirements have been met and permission has been obtained).
- Participating in, facilitating multi-agency training and awareness programmes relevant to this Protocol, in order to raise awareness, and understanding of its terms and the role that different organisations and agencies have in delivering its aims.
- Ensuring that their staff and officers are aware of and understand the terms of the Protocol, including its purpose and principles and will ensure that proper timely training is given to new staff to ensure its effective operation.
- Understanding that young people and / or their advocates may not get the outcome they would ideally wish.

## **14. MONITORING THE PROTOCOL**

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The Young Persons Strategic Housing Group will provide strategic oversight of the service provision and the joint working arrangements between the borough and district councils and other relevant key stakeholders. This group will review the operation of the Protocol annually.

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**Objectives of the Group**

- To oversee and review all elements of the joint arrangements to prevent homelessness for those aged 16&17, care leavers and other vulnerable young people.
- To build and maintain effective relationships with partners and other agencies
- To monitor the effectiveness of the Joint Working Protocol including
  - The effectiveness of the homelessness prevention panels
  - the quarterly liaison meetings between the borough and districts, SCS and SYSS
  - to monitor quarterly performance management framework data (PMF) submitted by Surrey Supported Accommodation providers
- To provide relevant training opportunities for partners and other agencies
- To work towards continuous improvement of the joint working arrangements addressing any issues that may affect the desired outcomes
- To consider new opportunities for joint working and service development

**Membership of the Group**

The Group will be made up of representatives from SYSS, SCS, Supported Housing Providers, and the 11 Surrey borough and districts. Organisations will send representatives who have a management overview of relevant teams and projects.

The YSS will administer and service the group.

The detailed terms of reference for the Group is available on request.

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## APPENDIX 1 CHILDREN ACT DEFINITIONS

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### CHILDREN ACT 1989

#### **Child in Need s17**

- (10) For the purposes of this Part a child shall be taken to be in need if—
- (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;
  - (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
  - (c) he is disabled, and “family”, in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living.
- (11) For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part—
- “development” means physical, intellectual, emotional, social or behavioural development; and
- “health” means physical or mental health.

#### **Duty to Accommodate s20**

- (1) Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of—
- (a) there being no person who has parental responsibility for him;
  - (b) his being lost or having been abandoned; or
  - (c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.
- (2) Where a local authority provide accommodation under subsection (1) for a child who is ordinarily resident in the area of another local authority, that other local authority may take over the provision of accommodation for the child within—
- (a) three months of being notified in writing that the child is being provided with accommodation; or
  - (b) such other longer period as may be prescribed.
- (3) Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.
- (4) A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child’s welfare.
- (5) A local authority may provide accommodation for any person who has reached the age of sixteen but is under twenty-one in any community home which takes children who
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- have reached the age of sixteen if they consider that to do so would safeguard or promote his welfare.
- (6) Before providing accommodation under this section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare—
- (a) ascertain the child's wishes and feelings regarding the provision of accommodation; and
  - (b) give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.
- (7) A local authority may not provide accommodation under this section for any child if any person who—
- (a) has parental responsibility for him; and
  - (b) is willing and able to—
    - (i) provide accommodation for him; or
    - (ii) arrange for accommodation to be provided for him, objects.

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## **CHILDREN (LEAVING CARE) ACT 2000**

### **Eligible Children**

Young people aged 16 or 17 who have been looked after for at least 13 weeks (need not be consecutive weeks) since age 14 and who are still looked after on or after their 16<sup>th</sup> birthday.

### **Relevant Children**

Young people aged 16 and 17 who have been looked after for at least 13 weeks (need not be consecutive weeks) since age 14 and who have left care

### **Former Relevant Children**

Young people aged 18-21 who have either been eligible or relevant children (or both) . If at the age of 21 s/he is still being supported by the local authority with education or training, they remain a former relevant child during the course.

**If young people are brought into care aged 16 – 17** and remain looked after for at least 13 weeks they will become former relevant children when they turn 18. As former relevant children they are entitled to a full leaving care service. If former relevant young people become homeless between the ages of 18-21 through no fault of their own, then housing departments have a duty to them under the Homelessness Act.

**If young people are brought into care aged 16/17 and are looked after for less than 13 weeks, they will not become former relevant children when they turn 18.** This means that they are not entitled to a full leaving care duty but remain supported by the Leaving Care team under S.24 of the Children Act, meaning that they receive advice and guidance. If these young people become homeless, housing departments do NOT have a duty to them under the Homelessness Act unless it is felt that they are vulnerable within the meaning of the Act.

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## APPENDIX 2 LOCAL CONNECTION MATRIX

	1. Current Residence - have they lived there 6 months out of the last 12	2. Current residence - have they lived there 3 years out of the last 5 years?	3. Are they employed in the area ?	4. Do they have close family living in the areas (1 step removed) who have lived there for over 5 years ?	Are they at risk in the area	Client preference?
Elmbridge						
Epsom and Ewell						
Guildford						
Mole Valley						
Reigate and Banstead						
Runnymede						
Spelthorne						
Surrey Heath						
Tandridge						
Waverley						
Woking						
Other						

### APPENDIX 3 CONTACT AND OUTCOME FORM

This form should be emailed to the relevant LHA within 24 hours of YOUNG PERSON presenting as homeless to CS / YSS.

Date:			
<b>Details of Person providing information</b>			
Name of YSO	Region	Contact Tel No	Email address
<b>Details of YOUNG PERSON presenting as homeless</b>			
First Name	Surname	Date of Birth	Gender
Single or Couple?	If couple, name of partner	Contact email	Pregnant? YES NO If yes, EDD:
Current \ Last known address:			Contact Tel No
Immediate action taken:			
Date of approach to YSS :			
<b>CHILD IN NEED?</b>			
Yes	No	Not Yet Assessed	
Reasons for decision	Reasons for decision	Date assessment due	
<b>YOUNG PERSON IN NEED OF ACCOMMODATION? i.e. cannot return home\ stay with friend \ relative</b>			
Yes	No	Not Yet Assessed	
Reasons for decision	Reasons for decision	Date assessment due	
If Yes is YOUNG PERSON eligible to be accommodated under s20?			
Yes	No	Not Yet Assessed	
Reasons for decision	Reasons for decision	Date assessment due	

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## APPENDIX 4      EMERGENCY ACCOMMODATION CONTACTS

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Surrey YSS has commissioned a range of short-term emergency beds and three month assessment beds across the county, to ensure that young people are provided with safe and secure emergency provision and to avoid placement in bed and breakfast.

The beds are to be used as a short-term solution whilst a plan is put together alongside family work with the main aim of a young person returning home where appropriate.

**The emergency and assessment beds may only be accessed via the YSS Homelessness Prevention Service.**

During normal working hours (9am – 5pm Monday – Friday), workers who identify young people in need of beds should contact the Homelessness Prevention Service:

Email: [ysshomesless.prevention@surreycc.gov.uk](mailto:ysshomesless.prevention@surreycc.gov.uk)

Tel: 01483 519198.

Out of normal working hours, workers should contact the Emergency Duty Team:

The Emergency Duty Team provides an emergency social work service for urgent situations which arise out of normal office hours and which cannot be left with an appropriate degree of safety until the next normal working day.

The Emergency Duty Team service is not intended as an alternative means of accessing the usual daily activities of Surrey County Council.

**The team operates outside of normal office hours**

Monday to Thursday 5pm to 9am, Weekends 24 hours a day

The EDT also operates throughout all bank holiday periods

Tel: 01483 517898

SMS text phone: 07968 833626

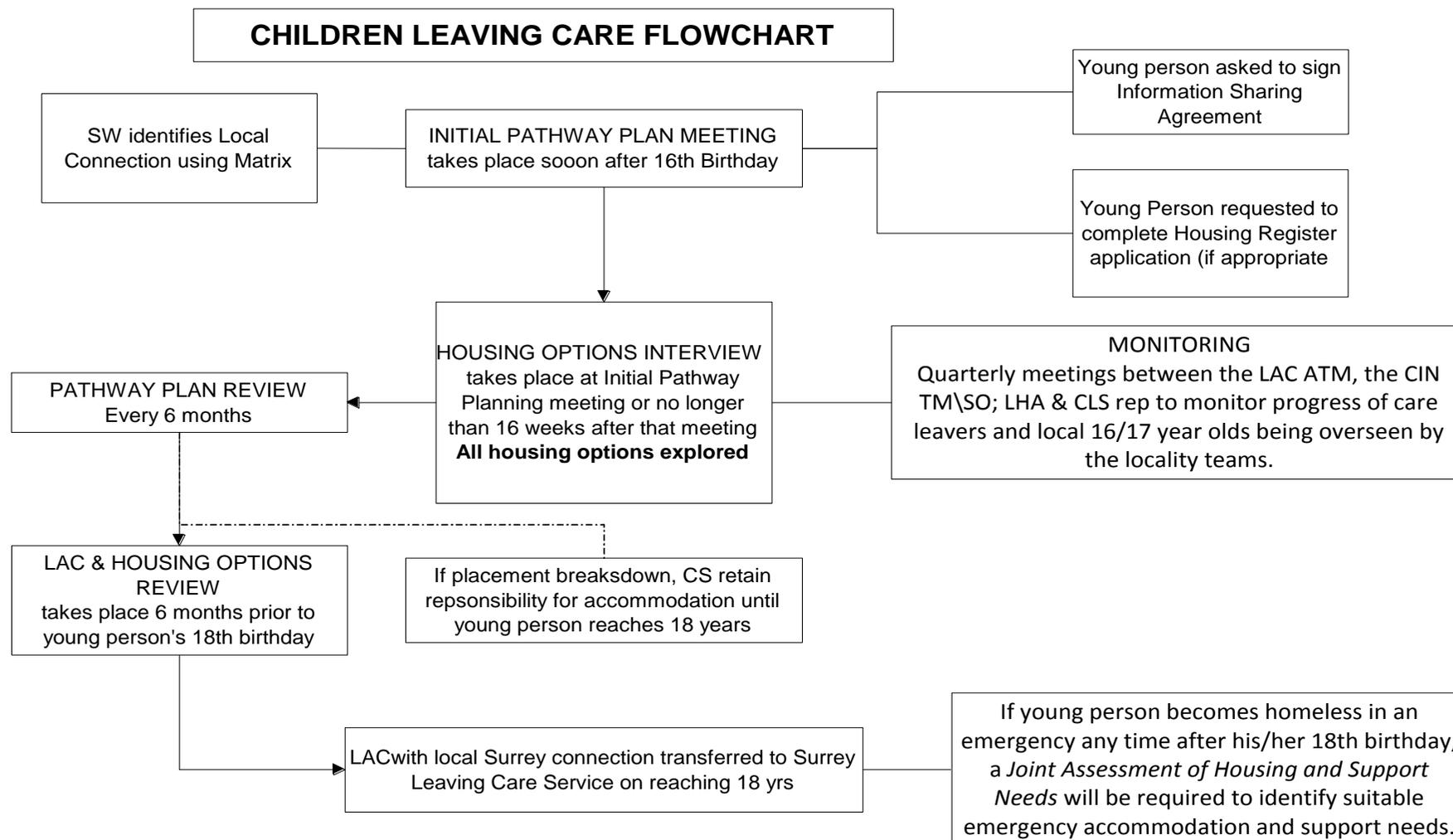
Minicom: 01483 517844

Fax: 01483 517895

Email: [edt.ssd@surreycc.gov.uk](mailto:edt.ssd@surreycc.gov.uk)

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APPENDIX 5 FLOW CHARTS OF PROTOCOL



**Homeless young 16 and 17 year olds not currently 'looked after' by Social Services Flowchart**

