



**Joint Protocol
for working with
16 or 17 year olds
who are threatened
with homelessness**

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Foreword

We are committed to promoting and continuing the essential joint working between Children’s Services and the Housing Solutions Team in Middlesbrough. We strive to ensure the effective management of housing crises for 16 and 17 year olds. We know how important suitable accommodation is for children as they approach the transition into adulthood and we understand that good housing underpins success in all other areas of life. As leaders we are committed to working together in partnership, and also in engaging and partnering with all other corporate and community partners who can help us to support young people to succeed and prosper.

Annabel Bates, Corporate Director of Children's Services



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Louise Grabham, Corporate Director of Adult Social Care and Health.



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The purpose of this joint protocol

Whilst they are often referred to as ‘young people’, all 16 and 17 year olds are legally children until they reach the age of 18. Because of this, Children’s Services and Local Housing Authorities have different statutory duties to 16 /17 year old children who are homeless or threatened with homelessness.

Children’s Services and the Housing Solutions Team will work together to prevent homelessness amongst young people aged 16 and 17. This protocol outlines how we will respond to young people aged 16/17 years and aspires to achieve a set of co-ordinated services which set out a ‘Positive Pathway’ in Middlesbrough for this group of young people.

Understanding the legal duties to 16/17 year olds who are or may be homeless, as well as being alert to the breadth of safeguarding issues relating to teenagers, are critical aspects of our work in Middlesbrough with young people.

The purpose of this joint protocol is to ensure that young people are not ‘passed around’, being sent between Children’s Services and the Housing Solutions Team, but that they and their parents (or those with parental responsibility) get from Middlesbrough Council a timely and helpful response, which focusses on the well-being and safety of the young person and supports them to remain with family wherever it is safe to do so.

This protocol is developed in line with (R (G) v Southwark LBC (2009) which clarified the legal position, in terms of where responsibilities lay between Children’s Services and Housing Authorities in the case of a homeless 16/17 year old. It also clarified the interplay between Section 20 and Section 17 of the Children Act 1989. (see appendix 1)

Partners to the joint protocol

This protocol has been jointly written and been agreed by the Children’s Services and the Housing Solutions Team.

There are other partners we work with which play a key role in supporting young people aged 16/17 and their families. These agencies include:

- South Tees Youth Justice Service;
- Health (primary, secondary care and the ICB)
- Education
- Police
- Commissioned Services
- Housing Providers

Shared principles underpinning this joint protocol

Homelessness results in poor life chances for young people as they make the transition to adulthood. We are committed to preventing homelessness and together we will work with young people and their families to achieve this where it is possible and safe to do so.

- The safety and welfare of the young person is paramount.
- All young people aged 16 or 17 will be able to access services, regardless of which service they approach
- We will minimise the number of times young people have to ‘tell their story’ through a joint assessment process and will not send young people from ‘pillar to post’ to meet with different professionals from Children’s Services and the Housing Solutions Team.
- Statutory guidance will be followed when completing joint assessments for young people who present as potentially homeless and in need of accommodation and support services.
- Front line staff will take into account the wishes and feelings of the young people with whom they are working, and provide young people with:
 - Clear and accurate information
 - Understanding and sensitivity to their needs

- Access to independent advocacy
- Earliest intervention will ensure that where it is possible young people will return home or are enabled to live with their immediate family, extended family or another responsible adult in the young person's network.
- Practitioners will have a good understanding of each other's duties and requirement for information sharing and a shared goal to support the young person.
- Practitioners will ensure strong communication regarding the outcomes of joint assessments, and between front line officers. The levels of help a young person receives will be clearly confirmed to all involved.
- The young person will be kept informed of, and involved with, all progress and decisions made.
- Where accommodation is needed, this will be provided based on the assessed needs of the young person and in accordance with the relevant statutory duties of the service which is placing the young person.
- Hotel/B&B is not suitable for homeless 16 /17 year olds and will not be used.

Aims and objectives of the joint protocol

The overarching aim of this protocol is to support positive outcomes for 16/17 year olds threatened with homelessness.

We will achieve this by:

- Preventing homelessness occurring wherever possible through early identification and a timely response.
- Establishing collaborative working between practitioners through shared understanding of the respective legal duties, local shared processes, clarity of procedures and timescales, effective information sharing and timely interventions for young people.
- Making best use of Early Help, mediation services and family group conferencing to reunite families wherever possible
- Devising together easy to access information for young people and their families about preventing homelessness; realistic accommodation options that are available; myth-busting around social housing tenancies for under 18 year olds; the rights of young people who are homeless or threatened with homelessness; other help that is available and how to access that help.
- Undertaking accurate and timely joint statutory assessments which meet both the requirements of Section 17 of the Children Act 1989 and the Housing Act 1996 as amended by the Homelessness Reduction Act 2017
- Assisting young people to make informed decisions by giving them clear information about the outcomes of their assessments and options or resources available and the offer of an independent advocate.
- Ensuring young people have access to suitable short stay/emergency accommodation if required, with continued work with families as appropriate to re-unite young people with parents/extended family or stay with another responsible adult in the young person's network

- Developing a 'Positive Pathway' of accommodation and support for young people who are not able to stay within the family network
- Establishing joint monitoring arrangements in order that information gathered can improve our understanding of any trends, inform service development and commissioning .
- Holding a Young People's Accommodation Panel alongside our accommodation providers to broaden collaborative working and achieve greater consistency with regard to support plans and access to services (see appendix 3)
- Facilitating joint training opportunities to ensure continued understanding of roles and responsibilities and promote collaborative working.
- Reviewing the operational application of the joint protocol on a regular basis in order that there is learning from any disputes or difficulties with cases, as well as those cases where joint working has successfully taken place.

Information Sharing

The success of this joint protocol is dependent on the efficient and effective sharing of information between organisations.

Children's Services and the Housing Solutions Team should be aware that consent is not the lawful basis that we would rely on for information sharing.

Information sharing will follow the Council's policies and procedures [Data protection and privacy | Middlesbrough Council](#)

Practitioners will follow the General Data Protection Regulation (GDPR):

- Lawfulness, fairness, and transparency;
- Purpose limitation
- Data minimisation;
- Accuracy
- Storage limitation
- Integrity and confidentiality
- Accountability

Both Children's Services and the Housing Solutions Team will provide privacy notices to young people [Privacy notices | Middlesbrough Council](#)

Young people can object to certain information being shared, after having been informed via privacy notices. This objection should be carefully considered by practitioners.

Practitioners should consider the following factors when sharing information:

- Is the sharing for a clear operational reason?
- Is the sharing allowed or required by law
- Is there a privacy notice supporting this specific sharing
- Would the person reasonably expect this data sharing
- What is the minimum data sharing required for the purpose of joint working?

- Will the benefits of sharing outweigh the risks?
- Have you recorded your decision to share? – including what was shared, who with, why and when. Did you justify why it was necessary and proportionate?

Choice:

The young person will exercise choice to exercise about whether to accept or receive a service from either Children’s Services or the Housing Solutions Team.

Joint working arrangements in Middlesbrough

This part of the joint protocol is set out to reflect what happens when young people present or are referred to either Children’s Services or the Housing Solutions Team, the joint assessment process, the legal duties which might be owed and local processes.

There are some groups of young people aged 16/17 whose circumstances mean that joint additional considerations need to be taken into account if they are homeless or threatened with homelessness. These include:

Young parents

All 16 and 17 year olds are children until they are 18, including young people who already have children of their own. The statutory duties and the joint assessment process will therefore apply young parents aged 16/ 17.

If a 16/17 year old young woman who is pregnant or has a child or children of her own, Children’s Services would undertake an assessment of the needs of the young person and the unborn child.

16 /17 year olds in custody

Where a young person aged 16/17 is in custody, is not already looked after or a ‘relevant child’ and may be homeless on release because they have no accommodation to return to, they will require a child in need assessment before they leave custody. Youth Justice Services would inform the Local Authority of any young person who enters custody on the day they enter and then work in partnership with the Local Authority in respect of planning their release. This is a joint working agreement between Youth Justice Services, Middlesbrough and Redcar Local Authority . The young person’s Youth Justice Service case officer will need to ensure that a referral is made to Children’s Services for a child in need assessment and be involved in the assessment process, as well as any family members and other services.

There is a duty under Section 213B of the Housing Act on the Youth Justice Service to make a Duty to Refer referral, to the housing authority of the young person’s choice. This referral should be made with as much notice as possible.

The joint assessment should explore all possibilities of returning the young person to their family home, their extended family network or to a responsible adult in the young person’s network.

There is a local agreement in place that details the joint working practices between the Youth Justice Service and Children's Services, including the need for appropriate accommodation for young people 16+ who are leaving custody. This should be considered alongside this protocol. The Remand Concordat also sets out how partners should work together to effectively support children going through the remand process, this includes finding accommodation for those at risk of being remanded to Local Authority accommodation and stresses the importance of early collaboration to prevent a child being remanded unnecessarily because of a lack of available accommodation.

Young people from other local authority areas

Where a young person from another local authority area approaches The Housing Solutions Team as homeless, the Housing Act duty to assess the young person's housing needs will be held by Middlesbrough Council. Contact with Middlesbrough Multi-Agency Children's Hub (MACH) will take place to ensure that discussions between the two local authority Children's Services take place. This will establish if it is possible for the young person to return to the area they have come from and which Children's service will be responsible for undertaking the joint assessment.

The welfare of the child is paramount and this should be at the heart of decisions to assist young people from other areas with any immediate and future accommodation needs and wishes if they are homeless. Any negotiation or resolution of dispute concerning which Local Authority is responsible should not override the need to assist the young person with their immediate situation.

Initial Approach to Children's Services

This applies in all instances where a young person who may be homeless or at risk of homelessness makes their first contact with Children's Services, or they are already receiving services. This includes 16/17s who:

- already a child in need with a allocated Social Worker
- or have been referred by another organisation or a Service within the Council e.g. Youth Justice Service
- or have approached Children's Services directly themselves, via the Middlesbrough Multi-Agency Children's Hub) (MACH)

At this point MACH will take some basic information regarding the young person and their circumstances. If the young person has an active Social Worker, this information will be shared with them.

If the young person does not have a Social Worker, screening will take place by a Social Worker within MACH on the same day of receipt of the referral/contact.

If it is the case that the young person is or could be homeless or at risk of homelessness within 56 days (as identified in the Homeless Reduction Act), a referral should be made to the Housing

Solutions Services under the 'Duty to Refer' to enable proactive work to be undertaken. This will inform the Housing Solutions Team there is a 16/17 year old who may be homeless or threatened with homelessness. Note that this will not in any way diminish the responsibilities held by Children's Services, but will formally notify the Housing Solutions Team.

The child will progress to the Assessment team, and the Social Worker will communicate with the Housing Solutions Officer to agree what the next steps will be in terms of undertaking a joint assessment together and any prevention work which could run alongside or in conjunction with this process. The Social Worker will make contact with the child to establish the immediate need for accommodation and the joint assessment will be completed within 72 hours. It will be the responsibility of both the Housing Solutions Officer and the Allocated Social Worker to secure immediate interim accommodation needs in the event the child is homeless prior to the joint assessment taking place.

Initial Approach and provision of emergency accommodation:

Initial approach to Children's Social Care

Where a young person has approached or been referred to Children's Social Care on the basis of being homeless, and if they require short stay or emergency accommodation, in the first instance Children's Social Care will determine if there is someone with parental responsibility who is willing to offer or arrange accommodation for the young person.

If this not possible or appropriate then suitable accommodation will be found, offered and funded under Section 20 of the Children Act 1989 until the outcome of the joint assessment is known.

Accommodation needs of 16/17 year olds will be discussed at the young person's panel and appropriate placements made. Emergency accommodation will be provided in one of the crash pads within our supported housing schemes if there is a vacancy.

Where a young person is placed for more than 24 hours under Section 20 they will become a 'looked after child' which entails further duties and responsibilities placed on the Local Authority for that young person.

It must be noted that emergency placements should not be made under Section 17 for a 16/17 year old who is or may be homeless and is not with his or her parent/family. Any placement, even for a short time, would be as a Section 20 placement.

Initial approach to the Housing Solutions Team

If the Housing Solutions Team conducts an initial interview with the young person first and is satisfied there is reason to believe they may be eligible, homeless or threatened with homelessness within 56 days, this triggers the commencement of Section 184 homelessness duty to make enquiries.

An immediate referral will be made to Children's Social Care at this point, requesting joint assessment, comprising of the child in need assessment and the statutory homelessness assessment is carried out.

Where a young person has approached the Housing Solutions Services on the basis of being homeless, and if they require short stay or emergency accommodation, in the first instance the Housing Solutions Service will determine if there is someone with parental responsibility who is willing to offer or arrange accommodation for the young person.

If this not possible or appropriate suitable interim accommodation will be found, offered and funded under Section 188 of the Housing Act 1996 until the outcome of the joint assessment is known. This will never be bed and breakfast or hotel accommodation. A claim for housing benefit can be made at this point.

If they are already known to us, Children's Services will explore placement of the young person into suitable short stay or emergency accommodation.

The Housing Solutions Team will not owe a duty to a 16/17 year old if it is established that the young person is:

- Already a Looked After Child (under Section 20 or Section 31 of the Children Act 1989)
- A 'relevant' child, who is aged 16/17 and has already left care, there will be no further statutory duty owing
- Is not eligible in terms of immigration control
- Is not homeless or threatened with homelessness, because they have somewhere that is available to them and it is reasonable for them to occupy

In these instances a referral must be made to Children's Social Care. Issues regarding the welfare of the young person and safeguarding should be shared.

The Housing Solutions Team will seek to co-operate with Children's Social Care in these instances if necessary, as set out in Section 27 of the Children Act 1989, as long as in so doing it does not prejudice the discharge of their own functions.

When the initial approach is outside usual office hours

Where 16 or 17 year old young people present or are referred as homeless outside of office hours the emergency Social Work duty team will be responsible. The Emergency Duty Team (EDT) operate from 5pm Monday to Thursday, from 4.30pm on Fridays and over weekends and bank holidays.

Children's Services will work with the Youth Justice Service to communicate with agencies including the Police regarding the importance of contacting the Out of Hours Service where there is any 16/17 year old with no accommodation available to them out of usual working hours.

The Joint Assessment process

When a young person is not currently active to Children's Services; a SAFER referral to the MACH will be made. A contact will then be created by MACH for screening. This will be undertaken by a Children's Social Worker within a maximum of 24 hours, who as part of screening will liaise directly with the Housing Solutions Team. It will also include liaison with the young person and the Duty Assessment Team Manager/Social Worker and any other professionals involved with the young person.

The joint assessment will commence immediately following screening. The allocated Social Worker will have a maximum of 24 hours to make contact with the young person and commence assessment, including liaison with Housing Solutions Team. In emergency circumstances, screening and visiting will be completed that day.

Children's Social Care will lead the joint assessment process from the beginning, reflecting the legal position that in the case of children in need of accommodation, the Children Act 1989 has primacy over the Housing Act 1996 in providing for 16 and 17 year olds who are not with their parents or anyone with parental responsibility for them.

All officers are reminded that there are very few exceptions to a 16/17 year old who is homeless not being assessed as a 'child in need of accommodation'.

It is critical that throughout the assessment process, that opportunities to prevent or relieve homelessness are taken jointly.

The joint assessment will involve:

- the young person
- their family
- any other significant family friends
- other agencies or services which work with the young person or the family

The joint assessment will aim to determine the following:

For Children's Services:

- Are they are child in need, as set out in Section 17 of the Children Act?
- Does the need arise because they are homeless and require accommodation?
- Is that need the result of Section 20 (1 (a-c)) or Section 20 (3) or Section 20 (4)
- Do they usually live in Middlesbrough?
- What are their wishes and feelings regarding the provision of accommodation
- What considerations (having regard to the young person's age and understanding) is to be given to their wishes and feelings?
- The reasoning for them presenting as homeless
- Considering impact on any siblings they may have
- Considering to the risk they pose to themselves or others
- Considering if a care versus support assessment been completed/triggered

For the Housing Solutions Service:

- Is the young person eligible in terms of immigration control or other reasons regarding their status in the UK?
- Is the young person homeless or threatened with homelessness within 56 days?
- Does the young person have a priority need for accommodation?
- What are the circumstances that have led to their current situation of homelessness?
- What are their accommodation needs?
- What are the relevant support needs to be addressed and who will assist them, in order that they can manage in their accommodation (whether this is to stay with family/friends or move into alternative accommodation)

Decisions regarding the ongoing responsibility to provide any accommodation needed will be dependent on the outcome and recommendations following completion of the joint assessment.

Wishes, Feelings and Advocacy

The joint assessment will also consider the young person's wishes and determine the most appropriate pathway for the young person, taking into account the legislative context, the statutory guidance and the importance of, where safe and possible, preventing homelessness and reuniting young people with their families, and supporting them in resolving family tensions and practical challenges.

Independent advocacy plays a key role in supporting the young person. The National Youth Advocacy Services (NYAS) offer an extensive range of support services for children, young people and adults in vulnerable situations across England and Wales [Who We Are | NYAS](#). Both Children's care and Housing Solutions will make young people aware of this service and encourage the role of formal advocacy.

It is important that all workers emphasise the long term positive benefits to remaining in, or returning to, the family home/network and maintaining family relationships where this is safe and appropriate to do so, and that these are focused on.

Children's Services and the Housing Solutions Team will work together to conclude the determination of duties under the Children Act 1989 and Housing Act 1996 and where there are duties to assist put in place a suitable package of assistance which reflects the young person's wishes and feelings, is realistic and will best assist the young person in moving on to independence, including retaining supportive social and family networks, plans for education, training and work.

Becoming a Looked after Child

If a young person cannot stay within the family home or extended family or friends network, there will need to be discussions regarding becoming looked after by the Local Authority. Decisions on becoming looked after should be based on full and impartial information about

the practicalities and support offered if a young person is in care, being a care leaver and what would happen if they did not become looked after but decided to be accommodated under Housing Act duties. This work should be supported by an independent advocate appointed by Children's Services.

The child must be provided with impartial, balanced and realistic information about the support that they can expect as a Looked After Child including details of the care plan, where they might live and with whom, regular reviews and social worker visits and subsequently, if the criteria are met, entitlements as a care leaver.

Children's Services and the Housing Solutions Team must ensure that a young person who is homeless is informed of their entitlements and receives accurate information about what assistance may be available to them if they do not become looked after, and how any entitlement for assistance will be determined. In particular, young people will need to understand the ways in which a homelessness duty can be ended and the implications of this, for example, where someone is homeless but turns down a 'suitable offer' of accommodation, or the possible risk of being assessed as intentionally homeless.

Working with families

As part of their enquiries, Children's Services and/or the Housing Solutions Team will want to make contact with the young person's parents or carers and conduct a home visit. They may also work with other agencies as appropriate, to gather relevant information and to explore whether or not it is possible and safe for the young person to return home. Of note, it should also be considering any siblings linked to the young person presenting as homeless in terms of any impact upon them.

In some circumstances (where forced marriage, trafficking or sexual abuse, are suspected, for example), it will not be appropriate to contact the young person's parents or carers as this may put the young person at risk. Where there is any concern of a risk to the young person or disclosure of abuse, information must be shared between Children's Services and the Housing Solutions Team.

Housing Solutions Officers who are concerned that making contact with parents or carers may place the young person at risk for any reason, must seek guidance from Children's Services before making that contact.

However, in most instances, the use of prevention work, such as home visits, negotiation, mediation and family group conferencing, can assist young people and their families to stay together. This can take place alongside the statutory assessment activity.

Where it is not possible or safe for the young person to return home, other options will be explored by Children's Services and/or the Housing Solutions Team, including the placement of the young person with members of their extended family or friends.

Actions following the outcome of the Joint Assessment

Following the joint assessment, Children’s Services and the Housing Solutions Team will be in a position to determining whether:

1. The young person is a child in need of services under Section 17 of the Children Act 1989 or a child in need of protection under Section 47 of the Children Act 1989
2. Children’s Social Care should offer accommodation under Section 20 of the Children Act 1989
3. There are any Early Help Services , or other services which could be provided to meet identified needs
4. Any duties are owed under Part 7 of the Housing Act 1996

The outcome of the joint assessment will be communicated on completion, to the young person, and if appropriate, their parents or people with parental responsibility.

In many instances, the child in need assessment will determine that the young person is in need under Section 17 of the Children Act 1989, but does not require housing, because he/she can stay at home, or with their extended family or friends. It will also inform the package of support to facilitate and maintain the return home, and prevent future homelessness.

The following tables outline the roles and responsibilities of each service:

If a duty is owed under Section 17 and Section 20 applies
Children’s Social Care will:
<ul style="list-style-type: none"> • Discuss the assessment outcomes and options for the future with the young person ensuring that they can make a fully informed decision, with advocacy support, on whether to accept the offer of assistance under Section 20. • Consider the suitability of foster or residential care options, subject to the necessary approval.

If the young person does not accept the offer of assistance under Section 20	
Children’s Social Care will:	Housing Solutions Team will:
<ul style="list-style-type: none"> • Assess the capacity of the young person to make this decision. • Inform the Housing Solutions Team by email of the reasons why the young person refused assistance. • Develop a Child in Need plan for the young person, based on their other assessed support needs. • Inform the providers of the short stay/emergency accommodation if the young person has been placed in emergency accommodation of the date Children’s Services will cease payment. 	<ul style="list-style-type: none"> • Determine which duties are owed under Part 7 of the Housing Act 1996. • If the young person is found to be homeless, accept the relief duty, draw up a Personal Housing Plan and place the young person into suitable interim temporary accommodation under Section 188 and arrange for young person to claim housing benefit. • Liaise with Children’s Social Care about meeting the support needs of the young person and the development of a Child in Need plan.

If the young person accepts the offer of assistance under Section 20	
<p>Children’s Social Care will:</p> <ul style="list-style-type: none"> • Inform the Housing Solutions Team and any other referring agency. • Arrange a placement under Section 20 in suitable accommodation taking over financial responsibility for the young person’s accommodation if they have previously been placed by the Housing Solutions Team • Put in place a care plan in accordance with looked after children procedures. 	<p>Housing Solutions Team will:</p> <ul style="list-style-type: none"> • Issue a decision to end the relief duty if the young person is still within the relief duty and has accepted Section 20, due to them having accommodation available. If the decision on Section 20 is reached whilst the main housing duty is being assessed, a non-priority decision letter will be issued due to them being a looked after child. • Assist Children’s Social Care in finding suitable Section 20 placement options, if requested to do so. • If the young person has previously been placed in emergency accommodation by the Housing Solutions Team, notify the Housing Benefit team that housing benefit entitlement has ceased, and the provider of accommodation that invoices should be directed to Children’s Social Care from this point on.

If the young person is not owed any duty by the Housing Solutions Team but does not accept the offer of assistance under Section 20 of the Children Act
<p>Children’s Social Care will:</p> <ul style="list-style-type: none"> • Undertake further work on their wishes and feelings about becoming looked after and the implications of refusing this when there is no housing duty owed to them • Consider accommodation under Section 17 if they again do not consent to accommodation under Section 20 and ensure this is signed off by senior managers • Draw up a Child in Need plan which reflects the need for both accommodation and other support and how this will be provided

If the young person is homeless but no duty is owed under Section 17 of the Children Act 1989
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The Housing Solutions Team will:

- Call a case meeting to discuss the decision with Children's Social Care, formulate a plan of support/actions based on the limited set of exceptions to this decision in the case of a homeless 16/17 year old
- Determine which duties are owed under Part 7 of the Housing Act 1996
- If they are (or may be) homeless, place the young person into suitable interim temporary accommodation under Section 188 and arrange for young person to claim housing benefit.
- Draw up a Personal Housing Plan setting out how their housing and support needs will be met.

If a duty is owed under Section 17 but Section 20 does not apply because the young person is not homeless

The Housing Solutions Team will:

- Determine if a prevention duty is owed under Part 7 of the Housing Act 1996 and if so, draw up a Personal Housing Plan.
- Liaise with Children's Social Care about meeting the support needs of the young person and the development of a Child in Need plan.
- If there is a change in circumstances and the young person subsequently becomes homeless, re-refer to Children's Social Care for a further assessment.

Financial support for the young person

Provision of financial support is a critical part of the Child in Need plan. Depending on their circumstances, the young person may be able to claim Severe Hardship or Income Support/Universal Credit. However, in order to do this, they will need to satisfy the DWP / Jobcentre Plus that they are estranged from their family.

If a young person is unable to secure crisis benefits, Children's Social Care will need to provide the young person with reasonable living expenses, as a last resort, in accordance with its duties under Section 17 of the Children Act 1989.

If financial support is requested by the Housing Solutions Team, Children's Social Care will contact the young person to discuss their financial situation. In the event that a request for financial support is declined, Children's Social Care must provide the young person and the Housing Solutions Team (if it made the request) with written confirmation of the reasons for the decision and the process that the young person needs to follow to appeal against the decision or make a complaint.

Escalation process

If any point in the practical working of this joint protocol, or associated procedure, there is disagreement between Children's Services and the Housing Solutions Team, then either or

both parties should escalate this to their direct line manager, or where this is not possible, to the next management tier as appropriate.

Disagreements could arise in a number of areas but are most likely to arise around:

- Thresholds for services
- Roles and responsibilities
- The need for action and completion of assessments
- Communication

Problem resolution is an integral part of professional co-operation and joint working to safeguard and promote the well-being of children and young people. While often a positive sign of developing thinking within a dynamic process this can be reflected in the immediate term as a lack of clarity in procedures or approaches. Professional disagreement is only dysfunctional if not resolved in a constructive and timely fashion.

Attempts at problem resolution may leave one worker or agency believing that the child remains at risk of significant harm. This person or agency has responsibility for communicating such concerns through agreed channels.

It is the responsibility of every professional to “problem solve”. The aim must be to resolve professional disagreement at the earliest opportunity and as swiftly as possible always keeping in mind that the child and young person’s safety and welfare is the paramount consideration.

If a professional disagreement arises and the issue cannot be resolved between practitioners, the matter must be referred to the line manager who will discuss with their opposite number in the other agency in the hope that the issue can be resolved.

Failure to resolve disagreements between line managers must be further escalated to the Head of Service within the respective organisations. If there continues to be no resolution, then the matter should be escalated to the Corporate Director of Children’s Services for consideration.

A clear record of decision making should be recorded against the child’s file and the appropriate case management system in other agencies.

Implementation of the joint protocol

Briefings in relation to the protocol will take place across the council and will be provided to key Stakeholders throughout 2025/2026. The protocol will be accessible on the Middlesbrough Council website.

Training

Joint training will be delivered to Children’s Services and Housing Solutions teams. This will be scheduled to take place in January 2026 and regular refresher sessions will be delivered following this.

New starters will meet with colleagues across the two services as part of their induction to make sure they are familiar with the protocol in addition to offering shadowing opportunities.

Reviewing this joint protocol

This protocol will be reviewed quarterly from January 2026 to January 2027

Thereafter it will be reviewed annually or sooner if required due to changes in legislation and/or government guidance.

Operational reviews will be held between managers of Children's Services and the Housing Solutions Team.

Monitoring

Children's Services will monitor:

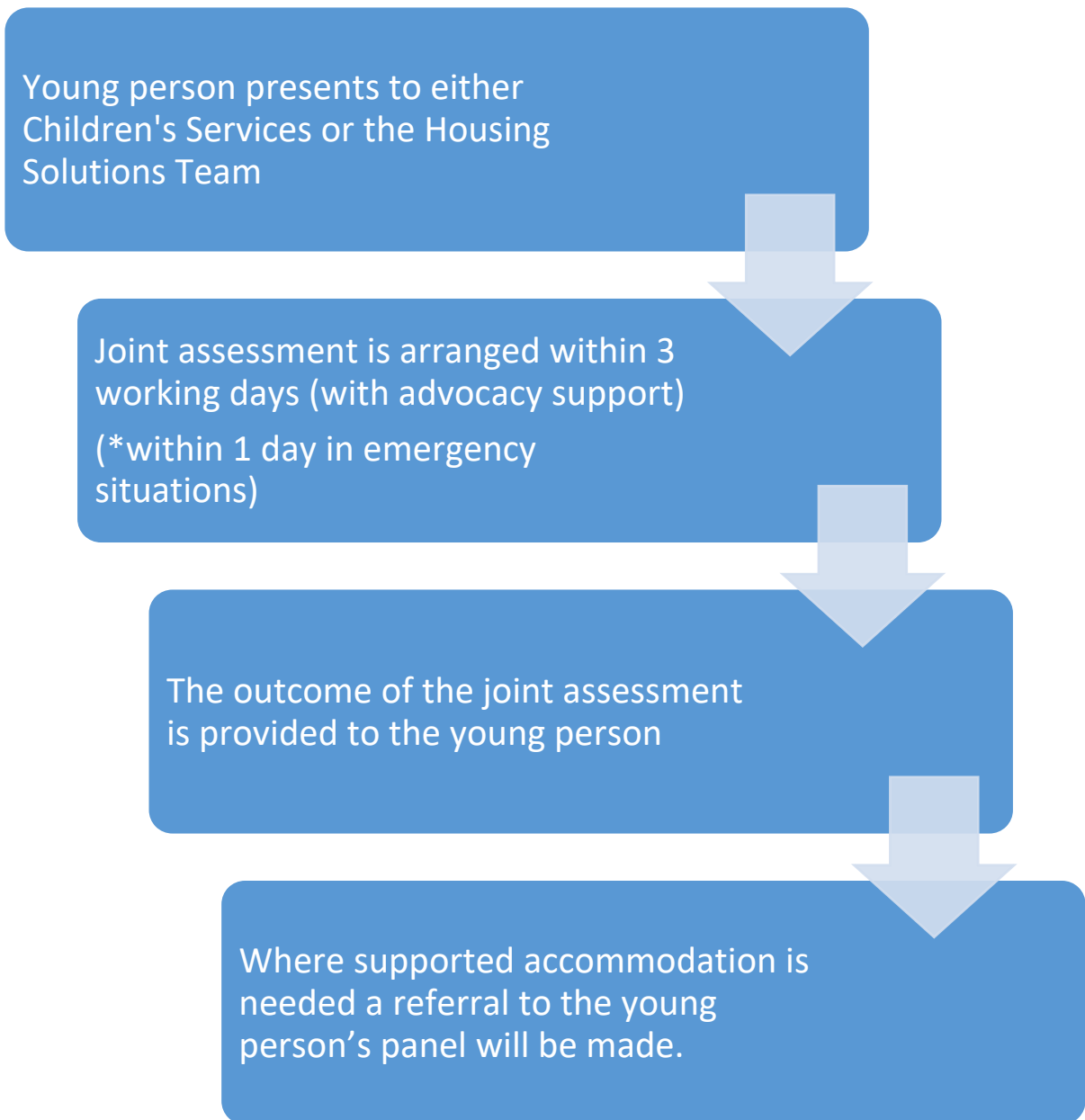
- The number of young people presenting as homeless or referred as homeless to Children's Services. In terms of referrals to the MACH, this will be monitored within the monthly score card.
- The number of young people and timescales for Child in Need assessments carried out by Children's Services of 16 and 17 year olds who have presented as homeless.
- The outcomes for those not owed a section 17 duty.
- The number of young people offered/accepted advocacy
- The number and percentage of young people who become looked after due to being homeless.
- The number of young people who have a Child In Need Plan
- The number of young people who were prevented/return home sustained

The Housing Solutions Team will monitor:

- The number of homeless applications to the Housing Solutions Team.
- The number of Duty to Refer forms received.
- The number of young people accommodated via the young person's panel and outcomes of their placements.
- The number of young people who needed emergency accommodation and/or moved into supported housing.
- The number of young people who were prevented/return home sustained.
- The number who re-presented within 6 months.

APPENDIX 1

The Joint Assessment Process



APPENDIX 2

Young person's Panel Referral Form

YOUNG PERSONS PANEL REFERRAL FORM

Accommodation and Support for Young People

This form is for Supported Housing and Floating Support Services in Middlesbrough

For young people aged 16 to 24 years.

Date of Referral:

Office use only:

Panel Date:

.....

Time:

.....

WHICH SERVICE DOES THE APPLICANT REQUIRE?

Supported Housing Floating Support Services not sure

Has a homeless assessment has already been carried out?

If yes, please state the date:
arrange an appointment.

If no please contact, the housing solutions team on 01642 726800 to

REFERRAL AGENCY DETAILS

Referral Agency:

Contact Name:

Tel No:

Email:

APPLICANT DETAILS:

Full Name: D.O.B: Age:

Address:

Post code:

Contact No: NI NO:

Gender: Male Female Transgender

AGENCIES INVOLVED WITH THE YOUNG PERSON

Social Worker

Contact Name: Tel No:

Email:

Probation/YOS Worker

Contact Name: Tel No:

Email:

CPN /Psychiatrist

Contact Name: Tel No:

Email:

Health Visitor

Contact Name: Tel No:

Email:

Other

Contact Name: Tel No:

Email:

HOUSING HISTORY (Please give previous addresses up to 6 years)

Address (most recent first)	Tenure/Landlord	Dates to & from	Reasons for leaving

CURRENT HOUSING SITUATION (Please indicate with an x in any boxes required)

Is the applicant pregnant? Yes/No. If yes what is the expected date of delivery?

Please give details of any children who will be included in the application:

Name(s)	D.O.B.	Does the applicant have parental responsibility?
		Y/N
		Y/N
		Y/N

Are any of the children on the Child Protection Register or are there any Child Protection concerns?

If yes please give details

Has a Child in Need assessment been undertaken? Is the young person a Care Leaver or under S17?

If yes please give details

Does the applicant consider himself or herself to have a disability?

If yes please give details

FINANCIAL DETAILS

Is the applicant eligible for Housing Benefit? Yes/No

Does the applicant receive any other benefits? If yes which?

Does the applicant receive any other income? If yes, what income is received?

Does the applicant have a bank account?

SUPPORT NEEDS (Please indicate the areas where support may be needed)

<p><u>Achieve Economic well Being</u></p> <p>Claiming benefits <input type="checkbox"/></p> <p>Reducing debt <input type="checkbox"/></p> <p>Sorting out utilities <input type="checkbox"/></p> <p>Budgeting <input type="checkbox"/></p> <p>Obtaining paid work <input type="checkbox"/></p> <p><u>Be Healthy</u></p> <p>To develop daily living skills <input type="checkbox"/></p> <p>Advice on healthy eating <input type="checkbox"/></p> <p>To manage your physical health <input type="checkbox"/></p> <p>To manage your mental health <input type="checkbox"/></p> <p>Help with substance misuse <input type="checkbox"/></p> <p><u>Make a Positive Contribution</u></p> <p>Develop confidence <input type="checkbox"/></p> <p>Contribute in services and wider community <input type="checkbox"/></p>	<p><u>Enjoy and Achieve</u></p> <p>Participate in training/education <input type="checkbox"/></p> <p>Participate in informal learning activities <input type="checkbox"/></p> <p>Participate in leisure/cultural/faith <input type="checkbox"/></p> <p>Participate in work-like activities <input type="checkbox"/></p> <p>Gain contact with services/family/friends <input type="checkbox"/></p> <p><u>Stay Safe</u></p> <p>Support to maintain a tenancy <input type="checkbox"/></p> <p>Minimise offending behaviour <input type="checkbox"/></p> <p>Prevent causing harm to self <input type="checkbox"/></p> <p>Prevent causing harm to others <input type="checkbox"/></p>
--	--

ANY OTHER INFORMATION

(Use this space to provide any other areas of support required, priorities or any further information on the areas highlighted above).

RISK ASSESSMENT (This section must be completed or the referral will NOT be considered)

Please use the categorisation below to assess the likelihood of the risk occurring:

LOW Isolated or occasional instances of non-significant incidents and/or a low potential of incidents reoccurring.

MEDIUM More frequent/regular incidents and/or a more significant nature

HIGH Likely, severe or significant

Does the applicant have a history/is there a risk of any of the following?

(Risk to self and others)

	L, M or H		L, M or H
Violence & Aggression – this includes physical/sexual assault.		Damage to property/Arson	
Verbal Aggression		Drug misuse	
Anger Management		Alcohol misuse	

Describe below potential triggers and who is at risk:

- 1.
- 2.
- 3.
- 4.

Is there a history of or risk of any of the following?

	L, M or H		L, M or H
Suicide		Self-harm	
Accidental overdose		Misuse of/non compliance with medication	
Abuse from others		Vulnerability	
Mental health issues			

If any identified, please give further information including triggers, details of incidents below:

Is there a history of difficulties regarding previous tenancies?

	L, M or H		L, M or H
Rent arrears/debts		Behaviour of friends	
Neighbour disputes		ASB	
Evictions		Harassment	
Other			

If any identified, please give further details below:

Any Police Involvement

Offence	Date	Caution	Conviction	Spent	No further action

As a professional how long have you know the applicant? Years Months

Is it safe to visit the applicant at home?

If not, is there another safe place?

Is the applicant suitable to share accommodation with other young vulnerable people?
Yes/ No

Has the Applicant ever been refused support? If yes, please state why.

Please provide any other relevant information:

CONSENT

I confirm the information contained in this application is true and includes all relevant information required to assess my referral.

I am aware that if I am applying for supported housing that this referral form will be forwarded to the young person’s panel for consideration.

I give my consent for agencies to obtain further information from all relevant agencies which may include, for example, landlords, police, probation, benefits agencies etc.

I understand that this information will only be made available to providers/organisations that are able to assist me to obtain the correct level of support and enable me to sustain a tenancy.

Signed: (Applicant)..... Date:.....

Signed: (Referral Agency)..... Date:.....

Equal Opportunities Monitoring Form

The Panel Co-ordinator aims to make sure all applicants are treated equally. In order to ensure the effectiveness of our equal opportunities policy it would be appreciated if you would complete your details below.

The information given is entirely confidential and forms no part of any assessment process.

Gender

- Male
- Female

Do you have a disability?

- Yes
- No

Age range

- Up to 25
- 26 -35
- 36 - 45
- 46 -45
- 56 and over

Marital Status

- Single
- Married
- Divorced
- Living with partner
- Separated

If you have a disability please give details:

Sexual Orientation

- Heterosexual (sexually attracted to member of the opposite sex)
- Bisexual (sexually attracted to both men and women)
- Gay
- Lesbian
- Undecided

Economic Status

- Job Seeker
- Govt. training scheme/New Deal
- Not seeking work
- Long term sick/disabled
- Full-time work (24 hours or more per week)
- Part-time work (less than 24 hours per week)
- Full-time student

My Nationality is

My Ethnic Origin is:

White	<input type="checkbox"/> British <input type="checkbox"/> Other	<input type="checkbox"/> Irish
Mixed	<input type="checkbox"/> White & Black Caribbean <input type="checkbox"/> White & Asian	<input type="checkbox"/> White & Black African <input type="checkbox"/> Other
Asian or Asian British	<input type="checkbox"/> Indian <input type="checkbox"/> Bangladeshi	<input type="checkbox"/> Pakistani <input type="checkbox"/> Other
Black or Black British	<input type="checkbox"/> Caribbean <input type="checkbox"/> Other	<input type="checkbox"/> African

Chinese	<input type="checkbox"/> Chinese
English Gypsy/Romany	<input type="checkbox"/>
Irish Traveller or other ethnic group	<input type="checkbox"/> <input type="checkbox"/> Other
Prefer not to answer	<input type="checkbox"/>

Please return with your application.

Thank You

Appendix 3 – Young Persons Panel Terms of Reference

Young Person's Accommodation Panel

Terms of Reference

Version 3 July 2025

1. Purpose

- 1.1 The Young Person Accommodation Panel is a forum to discuss the housing and support options for all Young People aged between 16 and 24.
- 1.2 The Young Person Accommodation Panel will act as gateway for Young People into supported accommodation
- 1.3 To provide a joint approach between Housing Solutions and Children's Services to review in detail and follow the progression of the following groups of young people's with the ultimate aim of them having secure long term accommodation.

2. Aims

- 2.1 In a multi-disciplinary forum, consider the accommodation and support needs of Young People in a person-centred way with an overall aim to prevent future homelessness.
- 2.2 To ensure that referrals for Young People are coordinated in a timely and efficient way and are allocated the most suitable accommodation.

- 2.3 To promote communication and partnership working between service providers, referral agencies, and statutory services.

3. Scope of the Panel

- 3.1 The Panel will be split into two sessions limited to considering:

Part 1 - Supported Accommodation Panel

- Referrals that meet the panel eligibility criteria (below)
- Vacancies in Accommodation and Support Services for Young People (below)
- Move-on from Accommodation and Support Services for Young People.

Part 2 – Care Leavers Accommodation Panel

- 16/17-year-olds still in care (regardless of whether they are in the borough or not) to identify and plot the progress of their path to independence.
- 18–24-year-olds in crisis who are former care leavers (such as homeless, in totally inappropriate accommodation or at risk of losing their home)
- Those in staying put arrangements to identify and help progress their path to independence.
- Those in university/educational tied accommodation to identify and help progress path to independence when their course finishes.
- Those in supported accommodation to identify and help progress their path to independence.
- Young People in Young Offenders Institutions to identify and help progress their path to independence.

4. Panel Eligibility Criteria

- 4.1 For consideration at the Young Persons Supported Accommodation Panel, applicants should meet the following criteria:

For Supported Accommodation:

- Aged 16 to 24 years on application
- Be leaving care, homeless, threatened with homelessness, or otherwise at risk for example due to experience of domestic violence.
- Currently live in Middlesbrough, want to live in Middlesbrough and can demonstrate a local connection or are looked after by Middlesbrough Council.
- Have a demonstrable need for a level of housing related support. This will be included on the referral form and discussed at panel by the referring agency representative.
- Have recourse to relevant benefits, grants or private funds to ensure payment for the support service and accommodation in accommodation-based services. Is the young person already claiming Universal Credit?
 - If not, referring agency to make sure I.D. is available prior to placement. If the young person is under 18 and has been referred from children's services/pathways please confirm at panel that Middlesbrough Council will pay the personal allowance

for four weeks until the Universal Credit is in pay, this will help towards service charge, Food and personal care items (This will not exceed £250). This will mean the young person does not start with debt they cannot get out of.

For Dispersed Accommodation with Floating Support:

- Aged 18 to 24 years on application.
- Require support sustain the tenancy.
- Be a resident of Middlesbrough.

N.B. Where an application has been discussed at Panel and Members are unable to allocate an appropriate supported housing placement, floating support maybe then allocated where it is felt that the young person still requires support due to their situation in order to broaden housing options.

For Care Leavers Accommodation Panel:

- Any Young Person aged 16-25 who is or has been Looked after by Middlesbrough Council.
- Any Young Person currently resident in Middlesbrough or who has demonstrable local connection but open to another LA as a Looked After Child or a Care Leave with another Local Authority and their Social Worker wants to explore their accommodation options within the borough.

4.2 Referrals that do not meet the panel eligibility criteria will not be accepted.

4.3 Where an applicant is accepted by the panel and is referred to a particular Service for further consideration, the eligibility criteria specific to that Service will also need to be met. Providers have the right not to accept a referral to a Service even though the person referred may meet the criteria. In this event the Young Person will be referred back to the panel for further discussion.

4.4 Applicants accepted to the panel for consideration may not be guaranteed access to a service, due to service waiting lists. In this event applicants will be placed on a waiting list held by the Service Provider of the service they have been allocated.

4.5 The panel offers a range of housing and support options for Young People and it is the panel's intention to match their housing-related support needs with the type of housing and support available from a service. In the event that two (or more) people are eligible for a service and have similar housing-related support needs, priority will be given according to length of time on the waiting list. The following priorities also apply:

For accommodation-based services priority will be given in this order:

1. 16 / 17 year old applicants who are homeless or leaving care with a demonstrable need for supported housing (for example due to lacking independent living skills, experience of domestic violence or exploitation).
2. 18 – 24-year-olds who are homeless or leaving care and have a demonstrable need for supported housing (for example due to lacking independent living skills or experience of domestic violence).

For floating support services priority will be given in this order:

1. 18 – 21 year old applicants ready to move on from other accommodation based services.
2. 18 – 24 year old applicants who are leaving care.
3. 18 – 25 year old applicants with support needs (for example due to lacking independent living skills or experience of domestic violence).

Services offering accommodation to under 18’s must be Ofstead registered.

5.0 Accommodation and Support Services

5.1 The Accommodation and Support Panel for Young People acts as a gateway to the services listed below. Referrals to Panel will be given priority into these services:

Commissioned Provider	Service Name	Physical Description	Service Description	Length of service
Changing Lives	Erimus House	30 Self Contained units within Erimus House (including 2x Crashpads) 25 Dispersed Accommodation units with Floating Support	24 Hour staffing within Erimus House. Housing related Support	Up to 2 years
Home Group	Single Key	10 self-contained flats with shared communal areas	24 hour housing related support	Up to 2 years
North Star Housing	Rainham House & Hestia	Female Only Service (18+) Rainham -10 Self-contained 2-bedroom units & 1 Crash Pad Hestia – Units of dispersed accommodation with floating support.	24 Hour staffing in Rainham House. Housing related Support	Up to 2 years – Hestia properties converted to tenancies upon being ready for independence.
Riverside	Stages Academy	42 Units of accommodation for single people age 18-65	24 Hours staffing. Housing related Support	Up to 2 years
Middlesbrough Council	Service Name	Physical Description	Service Description	Length of service
	Community Interventions Team	Officers from within ACT Service to carry out homeless prevention and tenancy sustainment work.	Housing related support, floating support for resettlement, ensuring tenancy sustainability moving forward	Flexible depending on level of need.

5.2 Should it be agreed that more than one service can meet the needs of an applicant then the applicant will have the choice to choose which service they would like.

6. Membership of the Panel

6.1.1 **The Supported Accommodation Panel** will consist of representatives from the Service Providers listed at 5.1 and appropriate representatives and referrers from Children's Social Care, Housing Solutions Team, Community Interventions Team, Pathways, and Registered Social Landlords.

The panel will be chaired consistently as below:

Chair: Housing Service Strategic Lead

Vice Chair: Housing Solutions Team Manager

Alternative: ACT Lead Officer

6.1.2 **The Care Leavers Accommodation Panel** will consist of representatives from Children's Services and Housing and will be chaired and attended consistently as below:

Chair - Service Manager of Corporate Parenting

Vice Chair - ACT Lead Officer

Team Managers – Pathways

Housing Solutions Team Manager

Team Managers 0-19 Service

Fostering Service Manager / representative

Strategic Housing Lead

Community Interventions Team Manager

6.1.3 **Business Support:**

Business Support for the Young Persons Supported Accommodation Panel will be provided by ACT Middlesbrough and will support the Chair by:

- Setting Agenda for meeting based on referrals
- Maintain an action log/ tracking of cases.
- Recall cases for review based on timescales set by the chair/vice chair
- Monitoring housing nominations
- Sending out action list following panel meeting

Business Support for the Care Leavers Accommodation Panel will be provided by Children's Services and will support the Chair by:

- Updating tracker of cases
- Maintain an action log/ tracking of cases.
- Recall cases for review based on timescales set by the chair/vice chair
- Monitoring housing nominations
- Sending out action list following panel meeting

Separate agenda's and attendance to ensure information sharing is done on a "need to know" basis. The use of emails for agenda's will be kept to a minimum and will be managed through the use of Share Point Connect with each service providing details of who should have access to the relevant information.

6.2 Provider representatives *must* be authorised by their organisation to accept nominations from the panel for further assessment. Provider representatives should be encouraged to attend panel meetings whether or not there are vacancies in their services, to ensure continuity and clarify queries arising from previous meetings.

6.3 Appendix 1 gives example of an agenda for the overall YP Panel.

- 6.4 Panels will be held weekly on a day mutually agreed by panel members and can be reviewed to support service needs.

7. Referral Routes

- 7.1 Referral's and enquiries related to the Young Persons Accommodation panel should all be sent to YPpanel@Middlesbrough.gov.uk
ACT Services can refer to the panel using the referral form built in to CDP and using referral 3.10 – Young Person's Supported Accommodation Panel and by completing in built referral form.

8 Responsibilities of Referral Agencies

- 8.1 Referral Agencies have a key role to play in ensuring the smooth administration of the panel. They are particularly responsible for:

- Ensuring that potential applicants meet the panel eligibility criteria.
- Using the panel referral form to make referrals to the panel.
- Ensuring that all sections on the referral form are completed and that any additional risk assessments and other relevant information such as a care plan, psychiatric/psychologist/OT/Care Coordinators reports are made available to the Service Providers within two weeks.
- Ensuring that potential applicants give their informed consent to sharing the information contained within the referral form and relevant needs and risks being discussed with statutory agencies and at the accommodation and support panel and having their information recorded on ACT Middlesbrough recording system CDP
- Consulting with other agencies involved in the applicants support network, particularly the relevant care manager if applicable, to gather relevant information on needs and risks prior to making a referral to the panel.
- Introducing the applicant to the service provider as appropriate
- Notifying the panel coordinator of any change in circumstances affecting an applicant's status on the panel waiting list

- 8.2 Representatives from referral agencies must attend panel meetings to provide information and clarification on specific referrals – ideally this will be the referrer themselves, who should arrange for a colleague or manager take their place if they are unable to attend

9. Responsibilities of Middlesbrough Housing Solutions Team

The Housing Solutions Team are responsible for:

- Carrying out homeless assessments and prevention work where necessary.
- Working with Children's Services/Care Leavers team for young people under the age of 18 adhering to the agreed protocols.

- Representing any applicant at Panel who they have assessed and who does not have a suitable referrer.
- Forwarding all completed supported housing referrals back to the Panel coordinator within 5 days.

10. Responsibilities of ACT Middlesbrough

10.1 The Front Door Team and the Panel chair are responsible for:

- Informing referral agencies of panel dates.
- Collating referral papers and summaries for panel representatives.
- Establishing whether referrals to the panel are existing or previous users of housing and support services.
- Maintaining a list of existing housing and support service users.
- Recording reasons for not accepting referrals and monitoring the ethnicity of these referrals.
- Providing feedback to referrers regarding the outcome of their referral to the Panel and waiting list status if applicable.
- Taking and distributing minutes of Supported Accommodation Panel meetings.

11. Responsibilities of Service Providers

11.1 The service providers are responsible for:

- Informing the ACT Middlesbrough of vacancies and allocations in services as and when they arise and at the panel meeting.
- Carrying out assessments of referrals made to their service against the eligibility criteria for that service.
- Promoting vacancies and panel dates to referral agencies
- Providing feedback to the original referrer and the Panel Coordinator regarding the assessment of referrals to schemes.
- Referring to the panel service users who require move-on from accommodation based services as early as possible, in consultation with other relevant stakeholders.
- Where a service provider is unable to meet the needs of an existing service user the Service Provider should refer back to Panel before notice is served/service ended.

12. Responsibilities of Children's Services

12.1 Children's Services are responsible for:

- Ensuring all the young people open to 0-19 services, Aspire or Pathways are referred into the relevant panel for discussion at the earliest opportunity
- Following the correct processes and protocols in place for 16/17 year olds
- Submitting duty to refer information to Housing Solutions for those 18+
- Identify independence work required to be tenancy ready.
- Ensure the young person has submitted a housing register application.

- Identifying young people for adult social care services.
- Identifying young people who will be 'staying put'.
- Identifying referral to YP Supported Accommodation Panel and ensuring referral forms are completed fully and with the most recent up to date information
- Identifying young people that are entering higher education.
- Reviewing the housing pathway plan and set date for next review.
- Agreeing on bidding for properties

13. Unresolvable issues, potential evictions, escalation and challenge

13.1 In cases where a positive outcome cannot be secured for a young person through the Supported Accommodation Panel or Care Leaver Panel, where there is professional disagreement or where the Young Person is at risk of eviction a referral should be made to the Escalations and Evictions Panel. The panel is chaired by the ACT Lead Officer and offers an opportunity for the case to be presented to a panel of colleagues with strategic authority to assist in the progression of cases outside of standard operating procedure and assisting to address gaps in provision where it is required. The panel also discusses potential evictions from all accommodation with a preventative focus.

14. Review

14.1 The terms of reference will be reviewed in annually.

Appendix 1 – Example Agenda

This document was classified as: OFFICIAL SENSITIVE

Young Persons Accommodation Panel

DATE

TIME (2.5 hrs allocated to meetings)

Microsoft Teams link

A G E N D A

Item	Supporting Documentation	Time Slot	Presented by:
YP Supported Accommodation Panel			
Introductions		13:00	Chair
Actions from previous meeting & updates		13:05	Chair
YP 1		13:15	PA
YP 2		13:25	Social Worker
YP 3		13:35	Housing Officer
YP 4		13:45	Social Worker / PA
Close of Supported Accommodation Panel		14:00	Chair
Time to allow comfort break and change over of attendees			
Care Leavers Panel			
Actions from previous meeting & updates		14:15	Chair
YPs open to Aspire Team & Accommodated		14:25	Aspire Team SW
New cases allocated to Pathways		14:35	Pathways Managers
16 / 17 year olds		14:55	0-19 team
18+		15:20	Pathways
Close		15:30	

End of Document

Appendix 4

A one minute guide to the Joint Protocol - Working with 16 or 17 year olds who are threatened with homelessness

Whilst they are often referred to as 'young people', all 16 and 17 year olds are legally children until they reach the age of 18. Because of this, Children's Services and Local Housing Authorities have different statutory duties to 16 /17 year old children who are homeless or at risk of homelessness.

Children's Services and the Housing Solutions Team will work together to prevent homelessness amongst young people aged 16 and 17. The protocol outlines how we will respond to young people aged 16/17 years old and aspires to achieve a set of co-ordinated services which set out a 'Positive Pathway' in Middlesbrough for this group of young people.

Understanding the legal duties to 16/17 year olds who are or may be homeless, as well as being alert to the breadth of safeguarding issues relating to teenagers, are critical aspects of our work in Middlesbrough with young people.

The Legal Framework

The legal framework for responding to 16/17 years old presenting as homeless is set out in:

- Section 17 and Section 20 of The Children Act 1989
- Part 7 of the Housing Act 1996, as amended by the Homelessness Reduction Act 2017 and the Homelessness (Priority Need for Accommodation) (England Order) 2002

Process

Step 1 – Establish the context around the young person presenting as homeless.

- Is the young person aged 16 or 17?
- Do they usually live in Middlesbrough?
- Are they are child in need, as set out in Section 17 of the Children Act?
- Does the need arise because they are homeless and require accommodation?
- What are their wishes and feelings regarding the provision of accommodation?

Step 2 – Arrange a joint assessment

Step 3 – Children's Services to consider accommodation under S20

Section 20 (1 (a-c)) Provision of accommodation for children: general.

(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.

Section 20 (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.

Section 20 (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.

Children's Social Care will need to consider whether the young person has mental capacity to consent to accommodation under S20.

20 (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.

The young person must understand what S20 accommodation will mean in terms of them becoming Looked After by the Local Authority. Advocacy should be accessed to support the young person.

Step 3 – If not identified as S20, liaise with Housing Solutions Team regarding accommodation.

Where a young person is assessed as being homeless and is a child in need under Section 17 but decides they do not wish to become looked after under Section 20 (and has the capacity to make this decision with support from an advocate) they should have a Child in Need assessment and plan, which would set out the support from Children's Services and other agencies. Accommodation would, in these cases, be provided under Part 7 of the Housing Act 1996, unless there were specific circumstances that meant the Housing Solutions Service had no statutory duty to the young person.

The joint assessment will aim to determine the following:

For Children's Services:

- Are they are child in need, as set out in Section 17 of the Children Act?
- Does the need arise because they are homeless and require accommodation?
- Is that need the result of Section 20 (1 (a-c)) or Section 20 (3) or Section 20 (4)
- Do they usually live in Middlesbrough?
- What are their wishes and feelings regarding the provision of accommodation
- What considerations (having regard to the young person's age and understanding) is to be given to their wishes and feelings?

For the Housing Solutions Team:

- Is the young person eligible in terms of immigration control or other reasons regarding their status in the UK?
- Is the young person homeless or threatened with homelessness within 56 days?
- Does the young person have a priority need for accommodation?
- What are the circumstances that have led to their current situation of homelessness?
- What are their accommodation needs?
- What are the relevant support needs to be addressed and who will assist them, in order that they can manage in their accommodation (whether this is to stay with family/friends or move into alternative accommodation)

Useful Links:

<https://www.gov.uk/government/publications/working-together-to-safeguard-children-2>

[Children Act 1989 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1989/24)

APPENDIX 5

The Legal Framework

The legal framework for responding to 16/17 years old presenting as homeless is set out in:

- Section 17 and Section 20 of [Children Act 1989](#)
- Housing Act 1996 - [Part 6 \(Allocations\)](#) and [Part 7 \(Homelessness\)](#), as amended by the Homelessness Reduction Act 2017

The key point for all officers to be aware of regarding the legal duties to homeless 16/17 year olds is that Local Authority's duty under Section 20 of the Children Act 1989 **takes precedence** over its duties under the Housing Act 1996 in providing for children in need of accommodation aged 16/17.

Section 20 of the Children Act 1989

In almost all cases of homelessness of a 16/17 year old, if they are homeless they would be assessed as child in need of accommodation and entitled to assessment under Section 17 of the Children Act 1989.

There are only two circumstances in which a Local Authority might find that a homeless young person should not be accommodated under Section 20, and may instead be owed duties under Housing Act 1996. These are where the young person is:

- a. not a child in need (as defined under S17 of the Children Act 1989);*
- b. a 16 or 17 year old child in need who, having been properly and fully advised of the implications and having the capacity to reach a decision, has decided that they do not want to be accommodated under section 20.*

The decision to accommodate a child under Section 20 is one that must be based on legal duties and professional judgment, with the best interests of the child and their welfare driving decision making and with consent.

Middlesbrough Council has a responsibility under Section 20(1 a-c) of the Children Act 1989 to accommodate a child where

- a. There is no one with parental responsibility for them*
- b. The child is lost or abandoned*
- c. The person who did provide the child with accommodation is being prevented from doing so.*

Middlesbrough Council also has a responsibility under Section 20(3) and Section 20 (4) of the Children Act 1989 to accommodate a child, as set out below:

20 (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/her with accommodation.

20 (4) A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him/her is able to provide him/her with accommodation) if they consider that to do so would safeguard or promote the child's welfare.

Where a child is to become looked after under Section 20:

20 (6) Before providing accommodation under this Section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare—

- c) ascertain the child's wishes and feelings regarding the provision of accommodation; and*
- d) 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.*

Section 17 of the Children Act 1989

Section 17 assistance can be used in a preventative way, intended to support children and families to remain together. In this context it is therefore likely to be time limited and targeted support.

In the case of a homeless 16/17 year old, the powers of local authorities to provide accommodation under Section 17 of the Children Act 1989 cannot be used as a substitute for their duty to provide accommodation under Section 20(1) of the Children Act 1989 if they are assessed as being a child in need. Young people in this position should become looked after.

Where a young person is assessed as being homeless and is a child in need under Section 17 but decides they do not wish to become looked after under Section 20 (and has the capacity to make this decision) they should have a Child in Need assessment to formulate a plan, which would set out the support from Children's Services and other agencies (as agreed). The accommodation would, in these cases, be provided under Part 7 of the Housing Act 1996, unless there were specific circumstances that meant the Housing Solutions Service had no statutory duty to the young person. These situations can be found in the joint statutory guidance, '*Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*', in points 3.60 and 3.61 and points 4.28 and 4.29 here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year_olds_who_may_be_homeless.pdf

Part 7 of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017)

The homelessness legislation is set out in Part 7 of the Housing Act 1996. Some of the key duties and powers available to housing authorities which are most relevant to the situation of 16 17 year olds being homeless or threatened with homelessness are:

Section 183: A duty to take a homelessness application for anyone who may be homeless or threatened with homelessness within 56 days

Section 184: A duty to make enquiries to satisfy themselves they are eligible for assistance (in terms of immigration control) and if so, what duties may be owed to them

Section 189A: A duty to assess: What are the circumstances that have caused their homelessness/the threat of homelessness; What are their housing needs?; What, if any, are their other support needs to be addressed to enable them to keep and/or obtain and sustain accommodation?

A duty to provide a Personalised Housing Plan (PHP) which sets out the 'reasonable steps' the authority will take to try and prevent or relieve homelessness. The PHP will also include steps the applicant will take, and can identify the support from other agencies

Section 195: The 'prevention' duty applies where an applicant is not homeless but is threatened with homelessness within 56 days. The authority must take reasonable steps to help the applicant to secure that accommodation does not cease to be available for the applicant's occupation

Section 189B: The 'relief' duty applies where an applicant is homeless. In these cases, the authority has 56 days the authority must take reasonable steps to help the applicant to secure that suitable accommodation becomes available for the applicant's occupation for at least 6 months.

Section 189: Sets out which groups have a 'priority need' for accommodation if homeless. This includes 16- and 17-year-old homeless applicants, who must be accepted as having a priority need except for an applicant who is a relevant child. A relevant child is a child who is aged 16 or 17, who has now left care but has spent at least 13 weeks in care while over the age of 14, at least one day of which must have been when s/he was over the age of 16 OR a child in need to whom a local authority owes a duty to provide accommodation under section 20 of the Children Act 1989.

Section 188: The provision of temporary accommodation. Where a local housing authority have reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they must secure that accommodation is available for the applicant's occupation.

Section 213B: The duty of a specified public body to refer cases to a housing authority if it is considered someone is homeless or threatened with homelessness. This is where a specified public body, which includes Children's Services and Youth Justice Services is required to refer cases where it is considered that a person is homeless or threatened with homelessness.

The referral does not diminish children's services responsibilities towards young people. It should be used to help strengthen communication between children's and housing services, it will not be an alternative to carrying out a child in need or early help assessment. (see point 3.36 in the joint statutory guidance, '*Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*')

The Mental Capacity Act 2005

The Mental Capacity Act (2005) is the law which provides protection and support for people who, even on a temporary basis, cannot make decisions for themselves. It lays out how we

should assess whether someone can make their own decisions and, if not, how decisions should be made for them. Everyone who is caring for or supporting someone who may lack capacity to make their own decisions must comply with Mental Capacity Act and this should also be borne in mind when considering a young person or their parent's decisions about accommodation.

Case law

The most significant of piece of case law is the judgment in the House of Lords, (R (G) v Southwark LBC in May 2009, which did not change the law, but clarified the legal position, in terms of where responsibilities lay between Children's Services and Housing Authorities in the case of a homeless 16/17 year old. It also clarified the inter-play between Section 20 and Section 17 of the Children Act 1989.

<https://publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-1.htm>

This case law is reflected in the MHCLG and Department for Education joint statutory guidance

Statutory guidance

This joint protocol reflects national legislation and guidance with respect to local authorities' duties:

- **The Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation**, published in 2018 jointly by the Ministry of Housing, Communities and Local Government (MHCLG) and the Department for Education. The updated National Guidance for Care Leavers 2024 has also been taken into consideration. This reflects all changes to legislation and case law in relation to 16/17 year olds and how Children's Services and Housing Authorities will work together. It starts with the premise that most young people are best living with their families or kin and requires local authorities to help them to achieve this wherever possible.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year_olds_who_may_be_homeless.pdf

- **Working Together to Safeguard Children**, published in 2018 by the Department for Education. This sets out how agencies will work together to safeguard children and young people and promote their welfare . This guidance promotes a child centred and coordinated approach to safeguarding, expecting compliance by local authorities. This is informed by two key principles:

- safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part; and
- a child-centred approach: for services to be effective they should be based on a clear understanding of the needs and views of children.

<https://www.gov.uk/government/publications/working-together-to-safeguard-children-2>

- **The Children Act 1989 guidance and regulations, Volume 2: care planning, placement and case review** most recently updated in 2015 by the Department for Education. This sets out the legal duties, considerations and guidance for looked after children, including types of and suitability of placements
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children Act Guidance 2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf)
- **The Children Act 1989 guidance and regulations, The Transition to Adulthood for Care Leavers** most recently updated in 2015 by the Department for Education. This sets out the legal duties, considerations and guidance for young people who are care leavers.
<https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers>
- **The Homelessness Code of Guidance** most recently published by the Ministry for Housing, Communications and Local Government (MHCLG) in 2018. This sets out the detailed guidance on how housing authorities should exercise their functions in respect of part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017. Chapter 8 of the Code of Guidance concerns Priority Need for accommodation and this includes 16/17 year olds
<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>