

## Protocol for assessing and supporting homeless 16 and 17 year olds in Oxfordshire

The protocol, set out in the following pages, was developed through the Joint Housing Team Steering Group.

The parties signed up to this protocol are:

Oxfordshire County Council, Children, Education and Families Service (CEF)  
Oxfordshire County Council, Youth Offending Service (YOS)  
Oxfordshire County Council, Early Intervention Service (EIS)  
Cherwell District Council Housing Department (CDC)  
Oxford City Council Housing Department (OCC)  
South Oxfordshire District Council Housing Department (SODC)  
Vale of White Horse District Council Housing Department (VWHDC)  
West Oxfordshire District Council Housing Department (WODC)

This protocol is valid from 1 April 2015.

### 1.0 Introduction and Scope

1.1 This protocol has been introduced in response to the House of Lords judgement of May 2009 in the case of *G v LB Southwark*. This judgement clarified the legal responsibilities of Children and Young People's Services towards homeless 16 and 17 year olds and the interrelationship between duties under the Children Act 1989 and the homelessness legislation.

1.2 This protocol replaces all earlier versions and sets out the roles and responsibilities of CEF and the five district housing departments following the House of Lords judgement.

1.3 The protocol is in 6 sections:

Stage 1	-	Initial Contact
Stage 2	-	Pre-assessment
Stage 3	-	Child and Family Assessment
Stage 4	-	Status Assessment and Decision
Stage 5	-	Referral and Access to Pathway
Stage 6	-	Progression and Exit from Pathway

1.4 In addition to the abbreviations listed above, the following are also used:

Children, Education and Families Service	-	CEF
Children's Social Care (CEF)	-	CSC
Children and Families Assessment Team (CEF-CSC)	-	CAFAT
Family Support Team (CEF-CSC)	-	FS
Early Intervention Service (CEF)	-	EIS
Children Act 1989 Section 20	-	s20
Children Act 1989 Section 17	-	s17
Common Assessment Framework	-	CAF
Communities and Local Government	-	CLG
Department of Children, Schools and Families	-	DCSF
Multi-Agency Safeguarding Hub	-	MASH
Child and Family Assessment	-	CFA
Looked After Child	-	LAC

Local Housing Authority	-	LHA
Young Person's Housing Assessment	-	YPHA
Multi-Agency Risk Assessment and Management Plan	-	MARAMP

### 1.5 **This protocol sets out the process as it relates to young people aged 16 and 17 presenting newly to services for reasons of homelessness.**

Where the young person is already open to CEF services - EIS, FS, CAFAT, Kingfisher YOS - and subject to the assessment and support frameworks relevant to those services - CAF/TAC/TAF, CIN, CP, ASSET - a different route will be followed. This process is set out elsewhere and is not relevant for this protocol.

Where the young person is aged 18 to 24 a different route will be followed. This process is set out elsewhere and is not relevant for this protocol.

## 2.0 **Principles**

2.1 Unless there is clear evidence to the contrary, the starting point should be that all children and young people are best off with their immediate families. Every effort should be made therefore to mediate between young people and their families to negotiate a return home.

2.2 Where young people are unable or it is unsafe to return to their immediate families, young people should be supported to explore wider family members and community options where their needs can be met.

2.3 Consideration should be given to the completion of a CAF assessment to support the return home of a young person or to develop a support package with wider family members/friends. A CAF provides a structure in which the needs of young people can be assessed and support plans developed for young people who do not require a service from CSC.

2.4 Where a young person is assessed as homeless and is unable to return home, the judgement makes it clear that CEF are the lead agency in such cases and the primary legislation is the Children Act 1989. However, the judgement also makes it clear that the homelessness legislation is still relevant and it is therefore essential that CEF and the five district housing departments work closely and collaboratively.

2.5 Oxfordshire has recently commissioned a Pathway of Services (see appendix 2) for homeless young people. This Pathway provides a range of supported housing services, and where a young person is assessed as homeless and is unable to return home, be supported within their wider family and friends' network or organise private rented housing, the expectation is that they are provided with supported accommodation from within this Pathway.

2.6 In exceptional circumstances homeless young people may be provided with accommodation and support that sits outside the Pathway ie nightly charge accommodation, but this will be on a short-term basis and subject to risk management processes until a vacancy arises within the Pathway.

## 3.0 **Relevant legislation and guidance**

- Children Act 1989
- Children (Leaving Care) Act 2000
- Children and Young Persons Act 2008
- Housing Act 1996

- Homelessness Act 2002
- “Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation”. Guidance issued jointly by CLG and DCSF in April 2010
- Localism Act 2011
- Education Act 2011 (Raising the Participation Age)
- Welfare Reform Act 2012

#### **4.0. Stage 1: Initial Contact**

- 4.1 A young person who is homeless, or having problems in their current housing, may make contact with a number of different agencies, for example the Early Intervention Service, YOS, the voluntary sector, CAFAT or the LHA. Each of these agencies has a responsibility to talk to the young person about their current situation and explore whether there is support their agency, or others, can put in place to prevent the young person becoming homeless.
- 4.2 Where discussion with the young person leads the agency to believe that they are homeless, or likely to become homeless, the agency will refer the young person to the MASH to undertake Stage 2: the Pre-Assessment.

#### **5.0 Stage 2: Pre-Assessment**

- 5.1 When the MASH receives a referral for a homeless 16 and 17 year old, they will contact the young person and relevant family members to discuss the situation. The purpose of this discussion will be to seek immediate reconciliation between the young person and their family, and if necessary identify what support the family will need to maintain this situation.
- 5.2 Where a young person is not able to return home, they will explore wider family and friends as options for the young person. Where this is available, the MASH will refer to other services to facilitate and support this. For example, EIS might complete a CAF to ensure support is in place to maintain the situation.
- 5.3 Where the pre-assessment establishes that the young person cannot remain at home, or be supported in the wider network of family and friends, the MASH will make a referral to the local CAFAT and a CFA will be initiated.
- 5.4 Where the pre-assessment establishes that the young person has nowhere to stay prior to the CFA being completed, CEF will be responsible for the funding of any placement for all 16 and 17 year olds until the decision has been made as to the status of the young person as either section 17 or section 20 as determined by the Status Assessment (stage 4).

#### **6.0 Stage 3: Child and Family Assessment**

- 6.1 A CFA is a statutory assessment that is completed for all children and young people that are referred to CAFAT. It should be completed within thirty-five days of the referral to CAFAT and gathers information from the young person, their parents, family or friends and other professionals they are in contact with and will cover the following areas:
- The current situation – i.e. the reasons the young person is presenting as homeless
  - Young person’s developmental needs – health, education, self-care skills etc
  - Parent’s/carers capacities to respond appropriately to the young person’s needs
  - Support networks – what family members there are, extended family, friends that can offer support
  - Family and environmental factors – history, accommodation history, employment etc

- 6.2 In addition to completing a CFA with the young person, CAFAT will also undertake an assessment of risk detailing any risks the young person poses to themselves or others or is vulnerable to from others. As part of the pre-assessment undertaken by the MASH, the referral will be accompanied by information from the partnership agencies including police, health and education. Where risk is identified, CAFAT will complete a Risk Assessment using the MARAMP form.
- 6.3 The information from the CFA and Risk Assessment will be used to make a decision about whether the young person is homeless, and whether they are a child in need under the Children Act.
- 6.4 Where the young person is not homeless, either because they can return to their parents, can live with someone from their wider family and friends' network or can move into private rented housing, they may be offered limited support by CEF to ensure the situation is stable. Agencies able to offer support to stabilise these arrangements will be identified as part of this process eg Early Intervention, Edge of Care Services, Floating Support, Thriving Families, Voluntary Sector services.

## **7.0 Stage 4: Status Assessment and Decision**

- 7.1 Where the CFA determines that a young person is homeless because they have nowhere else to live, a Status Assessment will be completed by CAFAT with the young person.
- 7.2 The Status Assessment has been created in response to G v Southwark and its purpose is to document the decision making process following the CFA and Risk Assessment, and determine whether the young person is owed a duty under the Children Act. The following criteria will be used:
- i) Is the young person a 'child in need'?
  - ii) Does the young person need accommodation?
  - iii) Is the need for accommodation the result of one of the criterion in S20(1) (a) – (c):
    - (a) There being no person who has parental responsibility for the child
    - (b) The child is lost or abandoned
    - (c) The person who has been caring for the child being prevented (whether permanently and for whatever reason) from providing the child with suitable accommodation or care
  - iv) What are the child's wishes and feelings regarding the provision of accommodation?
  - v) What consideration (having regard to age and understanding) is to be given to those wishes and feelings?
- 7.3 During the completion of the Status Assessment, the options available to the young person will be explored fully, including the support and accommodation available to them under s17 and s20. Financial support under s17 can only be given in exceptional circumstances and for a limited period of time.
- 7.4 The CFA, Risk Assessment and Status Assessment will be completed by CAFAT and the information shared with the relevant LHA via the YPHA (stage 5). This information sharing prevents young people having to re-tell their situation to lots of different professionals and enables both sets of professionals to reach a consensus around planning for the young person following the outcome of the assessments.

- 7.5 Following the completion of the CFA, Risk Assessment and Status Assessment, a decision will be made as to whether a duty is owed to the young person under S20. This decision will be based on all the available information.
- 7.6 Where the S20 criteria is met, or where further assessment is required to determine whether the criteria is met, CEF will be responsible for the funding and provision of accommodation, although CEF can request assistance from the relevant housing department in identifying appropriate accommodation.
- 7.7 Where the 20 criteria are not met, a decision will need to be made as to whether the young person meets the criteria for S17 as a Child In Need or would meet Child Protection criteria. This decision will need to be made irrespective of whether the young person needs accommodation.

## **8.0 Stage 5: Referral and Access to the Pathway**

- 8.1 Responsibility for the provision of accommodation and/or support for a young person is dependent on the decision made at Stage 4 of this protocol. Support and accommodation can be provided under s20, under s17 or under the Homeless legislation, although the agency responsible for providing the accommodation and/or support will vary depending on the legislation under which the young person is being supported.
- 8.2 Where s20 criteria are met, CEF will provide and fund accommodation and will treat the young person as LAC. Provision of accommodation is CEF responsibility, but assistance can be requested from the LHA.
- 8.3 Where further assessment is required before a decision can be made as to whether s20 criteria is met, CEF are responsible for providing and funding accommodation whilst this assessment is being completed.
- 8.4 Where s17 criteria are met and the young person requires accommodation, CAFAT can refer to the LHA to provide and fund this accommodation. However, in order to avoid the need for further assessment and to ensure a seamless transition for the young person, CEF will provide and fund accommodation in these cases. Assistance can be requested from the LHA.
- 8.5 Where s17 criteria are met but the young person does not require accommodation, CAFAT staff will develop a support plan to address the young person's assessed needs. For example, where the young person has returned home/gone to stay with friends and on-going support under S17 is required.
- 8.6 In all cases, requests for access to the Pathway will be submitted via a YPHA completed by the referring agency. Where the YPHA indicates a risk issue, a full Risk Assessment will accompany the YPHA.
- 8.7 The YPHA will be completed either jointly with the LHA or in discussion with the LHA. The purpose of this discussion is to agree the likely exit options for the young person and the timeframe within which exit will be achieved.

## **9.0 Stage 6: Progression and Exit from the Pathway**

- 9.1 The LHA will track progress against agreed exit routes and timeframes as agreed at completion of the YPHA as in 8.7. The LHA will track progress against expected timeframes via the Accommodation Panel. The LHA will work alongside services, informed

by the planning and tracking identified within the YPHA and Accommodation Panel, to develop exit opportunities and to facilitate exit for young people from the Pathway both operationally and strategically.

## **10.0 Exceptional Circumstances**

This section of the protocol concerns cases where there are particular circumstances, including Out of Hours referrals; teenage parents; and young people who are ordinarily resident outside of the County boundaries.

### **10.1 Out of hours presentations**

Where young people present as homeless outside of office hours, the priority must be the safety and well-being of the young person and, where needed, accommodation will be provided until the next working day. CEF will be responsible for the funding of this accommodation which will be agreed through the EDT Service. The young person will then be referred to the MASH the next working day for a pre-assessment under Stage 2 of this protocol.

### **10.2 Teenage parents**

Where a 16/17 year old parent presents as homeless, this protocol will be followed in relation to the young person. Whilst the needs of the young person's child will need to be taken into account as part of the assessment and planning process, it is the legal duty that is owed to the young person that is key to the provision of accommodation. If the young person becomes LAC under this protocol, this would not be the case for their child unless there are other presenting issues. Any child protection concerns should be referred to the MASH.

### **10.4 Ordinary Residence**

Where young people who are ordinarily resident elsewhere present as homeless in Oxfordshire, the priority will be to return these young people to their home area where the home Local Authority will take responsibility for completing the assessment processes outlined in this protocol. Where needed, travel warrants or bus fares can be provided following agreement by a Manager.

In circumstances where a young person is normally resident elsewhere but has a local connection to the area, they will be dealt with as if they were normally resident in the area.

Should there be a dispute as to where a child comes from, CAFAT will ensure that the young person is provided with accommodation whilst discussions continue with another LA.

## **11.0 Dispute Resolution**

Where a dispute arises over any aspect of the processes outlined above the initial attempt at resolution should be between the relevant District Council Young Person Lead and CAFAT Joint Housing Team Assessment Social Worker.

Where the above fails to resolve any issues the matter should in the first instance be reported to the Housing Development manager or designated representative.

### **Contact Details**

Eleanor Stone - Housing Development Manager  
Email [eleanor.stone@oxfordshire.gov.uk](mailto:eleanor.stone@oxfordshire.gov.uk)  
Telephone 01865 323183

Should the dispute remain unresolved at this point the Joint Housing Team steering Group will act as the final arbiter according to the Joint Housing Partnering Agreement.

**12.0 Review of protocol**

This agreement will cover a 12 month period from commencement. This protocol will be reviewed by the Joint Housing Steering Group on a quarterly basis. During the fourth quarterly review, it will be decided whether the agreement will be extended for a further 12 months.

**13.0 Signatories to the protocol**

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Oxfordshire County Council, Children and Families Service (C&F)

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Oxfordshire County Council, Youth Offending Service (YOS)

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Oxfordshire County Council, Early Intervention Service (EIS)

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Cherwell District Council Housing Department (CDC)

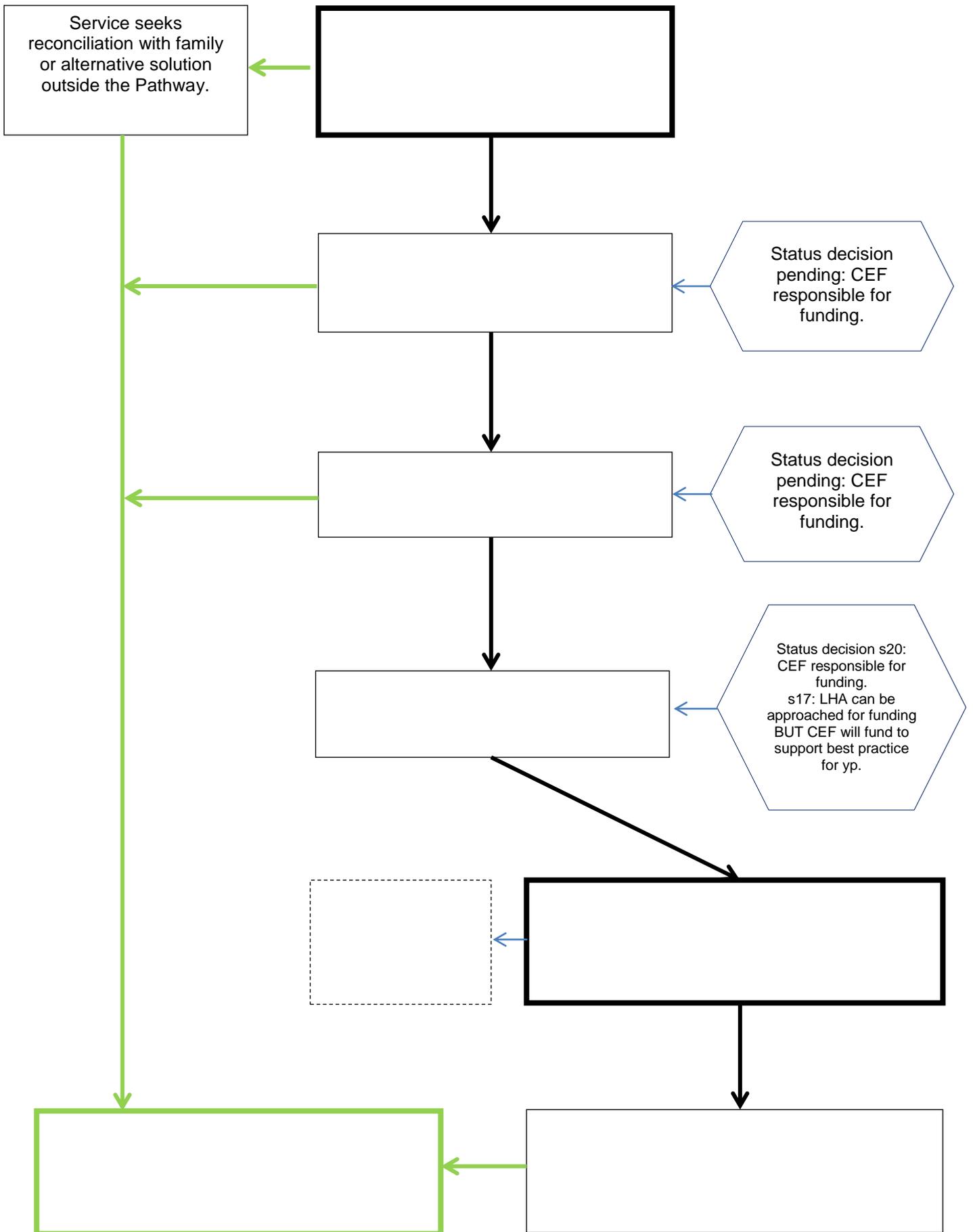
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# Appendix 1: Protocol for assessing and supporting homeless 16 and 17 year olds in Oxfordshire flowchart



## Appendix 2: Young People's Supported Housing Pathway

Prevention	Entry	Assessment, Intervention and Progression		Exit	
<p>All services will attempt reconciliation and/or identify alternative solutions to accommodation issues.</p> <p>Support services should be referred to for stabilising these arrangements eg EIS, FP&amp;SS, Thriving Families, FGC.</p> <p>Alternative solutions will include: return to the family home, arrangements with extended family/friends, private rented sector tenancy, social sector tenancy.</p> <p>Referring agency submits YPHA and Risk Assessment to Single Point of Access.</p> <p>YPHA will indicate likely exit options and timescales for this to be achieved. This will have been agreed in discussion with the Local Housing Authority.</p>	<p>Service Package</p>	Priority		<p>All exit routes should be considered at each review and be monitored for progress against the planning as agreed with the Local Housing Authority and identified in the YPHA. Progress will be tracked via the Accommodation Panel.</p> <p>Exit routes will include: return to the family home, arrangements with extended family/friends, private rented sector tenancy, social sector tenancy.</p>	
		<b>SP1 Families</b>	Primary consideration: planned moves placed according to tolerance of current arrangements and impact of breakdown prior to entry.		
		<b>SP2 a Singles Shared - E-bed</b>	Primary consideration: safeguarding. Priority determined by Risk Assessment indicating immediate risk of significant harm as per YPHA.		
		<b>P2 b Singles Shared - Main</b>	Primary consideration: planned moves placed according to tolerance of current arrangements and impact of breakdown prior to entry.		
		<b>SP2 c Singles Shared - Step-Down</b>	Primary consideration: independence readiness. Priority determined by independent living skills as per Move-On criteria.		
		<b>SP3 Self-Contained Dispersed</b>	Primary consideration: planned moves placed according to tolerance of current arrangements and impact of breakdown prior to entry.		
		<b>SP4 Specialist including UASC new arrivals</b>	Primary consideration: planned moves placed according to tolerance of current arrangements and impact of breakdown prior to entry.		
		<b>SP5 Supported Lodgings (ring-fenced LAC/LC year 1 only)</b>	Primary consideration: planned moves placed according to tolerance of current arrangements and impact of breakdown prior to entry.		