
By: Andrew Hickmott, Head of Children's Services, West Kent
To: Children's Champion Board
Subject: Housing for Care Leavers
Classification: Unrestricted

Summary: Report setting out protocols, accommodation strategy, response by Districts

1. Introduction

1.1 Following publication of the Southwark Judgement (see below) work has been in hand to update the joint protocols for homeless young people in Kent. A working party of KCC and Housing Authority representatives (Policy & Performance team CFE, a CFE District manager, Supporting People, Connexions, Youth Offending Service, Catch 22 16plus) was established to revise the joint protocols in light of the judgement. Consultation has taken place with Children & Families Districts, Local Children's Services Partnerships, and local Housing Authorities. The Head of Children's services for West Kent attended the Joint Policy & Planning Board (Housing) (JPBB) in March, and subsequently re-convened a further meeting of the working party. The re-drafted protocols will be presented to the Joint Policy & Planning Board (Housing) on the 6 May, and it is intended to take forward for sign off to the respective senior managers groups after that date. Information leaflets for young people and practice guidance for District social workers and housing officers is being produced jointly between KCC and housing authorities.

2. Background

2.1 The Southwark Judgement (re 'G': 2009) concluded that any homeless 16 or 17 year old who requests assistance to find somewhere to live, will, in the majority of cases, be requiring more support than provision of accommodation only. An assessment of their circumstances must be carried out by a social worker according to the procedures set out in 'Assessment of children in Need and their Families' (DH2000). If mediation with their family fails, or if it is considered unsafe for them to return home, then they will be considered looked after under Section 20 of the Children Act 1989. Where a young person is excluded from home, is sofa surfing among friends, or is sleeping in a car, it is extremely likely that they will be a child in need. Similarly, where a 16 or 17 year old teenage parent is homeless, they are also likely to have significant needs. This means that they will require both accommodation and support. Whilst the local housing authority may be asked to assist in provision of accommodation, the young person will remain the responsibility of the children's social services department, and subsequently become an 'eligible child' under the Children (Leaving Care) Act 2000. Only in a minority of cases, for example, where the young person has already been living independently for some time and has now become homeless, or where the young person is assessed to be competent to make a decision, and having been given full information, declined looked after

child status, will the responsibility fall to the housing authority to house under the provisions of the 1996 Homelessness legislation.

- 2.2 Following the judgement a letter was issued by Department for Children, Schools and Families to Directors of Children's Services, and by Communities & Local Government to Directors of Housing authorities setting out the above requirements. At the beginning of April 2010 statutory guidance was issued jointly by the Secretary of State for Children, Schools and Families and the Secretary of State for Communities and Local Government under section 7 of the Local Authority Social Services Act 1970 and section 182 of the Housing Act 1996
- 2.3 Since the Southwark Judgement, relationships between Housing Officers and Duty Social Workers, have developed well in some parts of the county, but differential practice remains in others. Examples of best practice have occurred when a young person who initially approached the housing department, and who could not be rehabilitated home, has been found accommodation by the Housing Officer and a referral was made to the Duty Social Work team, who in turn completed the initial assessment of the case within the statutory 10 working days, and worked jointly (with Housing) to find a solution.
- 2.4 Difficulties have arisen where the young person refuses looked after child status having had the implications explained. Some Housing Officers have interpreted this as 'intentional homelessness' and refused to assist with accommodation. Both the judgement and the recent statutory guidance are clear however that looked after child status cannot be a 'coercive intervention', and that the provisions of the Homelessness legislation should be followed if the young person, having been deemed competent, and fully informed, declines such status.
- 2.5 There has been a lack of clarity locally and nationally about how the judgement should be interpreted in cases such as that outlined in paragraph 2.4 above, and also regarding the status of young couples and young parents. Following the issuing of the recent DCSF/CLG guidance these issues can be clarified by KCC legal services with children's services.

3. Policy Framework

- 3.1 Performance regarding provision of suitable housing for care leavers is assessed through National Indicator 147 which measures accommodation outcomes for young adults formerly in care. The indicator is intended to increase the proportion of former care leavers who are in suitable accommodation. The purpose of the indicator is to minimise the risk of care leavers being in unsuitable housing or becoming homeless (DCSF).
- 3.2 (2) The indicator requires the percentage of former care leavers aged 19 who were looked after in the following accommodation categories:
 - With parents or relatives
 - Community home or other residential care such as an NHS establishment
 - Semi-independent e.g. supported hostel, trainer flats, self-contained accommodation with specialist personal assistance support (e.g. for young people with disabilities, pregnant young women and single parents); self-contained accommodation with floating support

- Lodgings without formal support (e.g. young people lodging with former foster carers)
 - Foyers and similar supported accommodation combining the accommodation with opportunities for education, training or employment
 - Independent living e.g. tenancy of flat, house or bedsit, including local authority or housing association, or university/college provision of accommodation. Flat sharing is included.
- 3.3 Other types of accommodation (including night shelters or bed & breakfast) would generally be considered unsuitable for care leavers.
- 3.4 The issue of suitability is reinforced in “Journeys to Home: Care leavers’ successful transition to independent accommodation” (National Care Advisory Service 2009); and the Statutory Guidance on Securing Sufficient Accommodation for looked after children (DCSF 2010).
- 3.5 Suitability is covered in the statutory guidance “Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation” (DCSF/CLG 2010) which states that bed and breakfast accommodation is not suitable for 16 or 17 year olds, even on an emergency basis. As well as the above, the use of foster care, properties with visiting support tailored to the young person’s needs and other types of supported accommodation are acceptable options. It is identified as particularly important that teenage parents are provided with accommodation which meets their needs for support around parenting and independent living skills, health and well-being, access to education and training.

(3) The 2010 statutory guidance sets out the immediate response to a homeless young person by:

- a. Housing
- b. Children’s social services

a. Where a homeless young person initially approaches the housing department, there is an immediate duty for the authority to secure suitable interim accommodation (section 188(1) of the 1996 Act) pending a decision whether any substantive duty is owed under Part 7.

Housing authorities should make an immediate referral to children’s services for an assessment. This applies to all 16 and 17 year old applicants without exception, including those who are pregnant and/or a parent.

The question whether any substantive duty is owed under Part 7 of the 1996 Act will depend in part on the outcome of the assessment by children’s services, and whether any duty is owed under section 20 of the 1989 Children Act

Housing services should continue to secure accommodation under section 188 (1) until they have notified the young person whether any substantive duty is owed.

Children’s services should complete an initial assessment as soon as possible and no later than the ten days set out in the Framework for the

Assessment of Children in Need and their families. Where children's services have accepted that they have a duty under section 20 and the 16 or 17 year old has accepted the accommodation, the young person will not be homeless and no further duty will be owed under Part 7 of the 1996 Act. The housing services should be notified by children's services immediately. Where accommodation is to be provided under section 20 arrangements for the move to a new placement should be made as quickly as possible

- b. Where a homeless young person initially approaches children's services or is referred to children's services by some other person or agency, then an assessment must be made to determine whether any duty is owed under section 20 of the Children Act 1989 to provide the young person with accommodation
- 3.6 Where the young person has nowhere safe to stay that night, then children's services must secure suitable emergency accommodation. This will mean that the young person will become looked after whilst their needs, including their need for continuing accommodation and support, are further assessed. A young person accommodated under section 20 will not be eligible for welfare benefits, including housing benefit. ⁽²⁾
- 3.7 A young person who is assessed to require accommodation under the provisions of section 20 will require continuing support and accommodation, and will be owed the duties under the Children (Leaving Care) Act when they cease to be looked after.
- 3.8 In some cases it may not be necessary for the young person to be accommodated because their needs can be met by providing support to go home, or to other responsible adults in the extended family. In such cases consideration must be given to providing support under section 17.

4. Implications

- 4.1 The 2010 statutory guidance states that it is good practice for an assessment of the young person's needs to be conducted jointly by both children's and housing services. Where this is not possible assessment and referral processes are to be supported by appropriate information-sharing so that "young people do not have to repeat their stories each time and navigate between offices which may be some way apart". Children's services will be the lead agency. The Joint protocols to address the needs of homeless young people will emphasise the need for joint assessments.
- 4.2 In addition to lone young people, the statutory guidance addresses young people with their partners who are homeless. Some difficult judgements have to be made by district social work teams regarding placement options for young people who could be accommodated under section 20 whilst living with a partner. In these cases (and in those of single young people who are not willing to co-operate with reasonable parents) it will be important not to undermine those parents, who would otherwise be competent to continue to care for the young person. The guidance proposes that placement in a self contained property with visiting support may be appropriate if the assessment concludes that the young person should become looked after.
- 4.3 There are two streams of work being undertaken in KCC regarding placements for 16 & 17 year old parents: Catch 22 16plus are recruiting supported lodgings providers for care leavers; and a review of the fostering service's parent and

child placement scheme in tandem with the launch of the Parenting Capacity Assessment teams, so that where there are safeguarding concerns regarding care of a vulnerable infant by a young parent, this can take place in a supportive foster home. There is a shortage of suitable accommodation for cases where the young parent is competent and does not wish to be looked after, which is currently leading to some young parents living in bed & breakfast accommodation.

- 4.4 Catch 22 16plus are not contracted to take case responsibility for young people in this age range until they meet the criteria for being relevant, eligible or former relevant children under the Leaving Care Act provisions, and therefore would not take on a role with a young person who became looked after due to homelessness until the 13 weeks had passed. However they have, where vacancies allow, been providing supported lodgings in a few cases, to 16/17 year old previously unknown young people.
- 4.5 Catch 22 16plus placed 246 care leavers in supported lodgings in the year 09/10. Monitoring of the expansion of demand for supported lodgings due to the Southwark Judgement will be required.
- 4.6 Kent's performance on N.I. 147 on suitable accommodation for care leavers appears to be slightly below national and statistical neighbours (79.4% in 06/07; 85.8% in 07/08; 82.9% in 08/09). Unaccompanied Asylum seeking young people who go missing due to immigration issues contribute to overall performance negatively. Excluding this group of young people shows performance to be 94.9%.
- 4.7 YOS and 16plus struggle to maintain young people who may have challenging or antisocial behaviour in suitable accommodation.
- 4.8 Before the ruling was made there was variation by housing districts in the number of applications to accommodate homeless young people. Figures for each quarter for the year from June 2008 showed that demand could be generally split into two ranges; those districts receiving a low number of approaches each quarter (between 1 and 5) , which were Sevenoaks, Swale and Thanet; and those receiving a high number (between 5 and 45), which included Gravesham (minimum 19, maximum 45), Ashford (16 to 30), Dover 21 to 27), Shepway (6 to 24), Tonbridge and Malling (12 to 20), Canterbury (10 to 16) and Dartford (5 to 14). Maidstone received between 6 and 8 referrals each quarter, and figures for Tunbridge Wells had not been collected for referrals until June 2009, when 9 young people presented to them as homeless.
- 4.9 Between June 2008 and the end of May 2009, there was a variation between the number of young people who became accommodated by housing in each quarter as follows: Shepway up to 18, Dartford up to 11, Thanet up to 9. Ashford up to 7, Dover up to 6, Maidstone, Sevenoaks, Swale, Tunbridge Wells up to 5, Gravesham up to 4, Canterbury 2 and Tonbridge & Malling 1.
- 4.10 Use of bed and breakfast was higher in some housing districts than others, for example in total for each quarter (including previous 'entrants') Dartford used between 6 and 10 places, Dover between 5 and 10, Ashford up to 6, Canterbury and Shepway up to 5 each, Maidstone 4, Thanet and Tonbridge & Malling 2 each, Swale & Sevenoaks 1 place each, Gravesham and Tunbridge Wells were not using any B & B in the period.
- 4.11 From January 2010 data regarding 'Southwark Judgement' cases has been logged on the Integrated Children's System. Figures for March 2010 show 20 cases across the County where initial assessments were undertaken (January and February figures were lower, but it remains to be seen if this was due to gradual implementation of the new system). Initial assessments undertaken

where there was a stated 'housing' issue totalled 377 over the year commencing April 2009, with an average of 31 per month (range 16 – 44)

4.12 A snapshot is being taken to assess the potential hours spent by duty teams in responding to cases which come under the Southwark ruling. This covers the period 22nd March 2010 to the end of April. Full information is not yet available, but will give a view of the work involved.

4.13 Budgetary pressures are influencing:

a) availability of family group conferences for young people presenting as homeless.

b) the ability of Supporting People, to assist young people in the age range.

5. Consultations

5.1 The revision of the joint housing protocol has been developed in consultation with children's services, Catch 22 16plus, the asylum service, Supporting People, Connexions, YOS, District Housing authorities

6. Conclusion

6.1 Revision of the Joint Protocol to address the needs of homeless young people aged 16 to 21 in Kent is underway following the Southwark Judgement. The recent DCSF/CLG statutory guidance has clarified how the judgement should be interpreted and will be helpful in achieving agreement with the 12 housing districts.

6.2 Priority 4 of the Children & Young Person's Plan addresses the housing needs of young people.

7. Recommendations

7.1 That this report is noted, and that the Board seeks further evaluation regarding meeting the accommodation needs of vulnerable young people.

7.2 That the Board supports the review of the contract with Catch 22 16plus by the Contracts Review Group to establish if the service can be extended to work with homeless young people who become Looked After Children after their 16th birthday, so consideration is given to the expertise of the service being used with this group.

7.3 That the Board supports the consideration of the joint protocols for sign off by the respective management groups, following the Joint Policy and Planning Board in May.

Background Documents:

The Children Act 1989

The Children Act 2004

Framework for Assessment of Children in Need and their Families, DH 2000

Homelessness Code of Guidance for Local Authorities CLG 2006

Homelessness(Priority Need for Accommodation) (England) Order 2002

Joint protocol to address the needs of homeless young people aged 16 to 21 in Kent, KCC/JPPB 2009/10 (revision)

Journeys to Home: Care leavers' successful transition to independent accommodation" NCAS 2009

Provision of Accommodation for 16 & 17 year old young people who may be homeless and/or require accommodation, DCSF, CLG April 2010

R (G) v Southwark (2009) UKHL 26

Statutory Guidance on Securing Sufficient Accommodation for looked after children DCSF 2010.

Other Useful Information:

(1) Section 7 of the 1970 Act requires local authorities in exercising their social services functions to act under the general guidance of the Secretary of State; unless there are exceptional reasons in individual cases authorities are expected to comply with this guidance. Section 182 of the 1996 Act requires housing authorities and social services authorities, in the exercise of their functions relating to homelessness and the prevention of homelessness, to have regard to such guidance as may from time to time be given by the Secretary of State.

(2) There are exceptions for lone parents and disabled young people who may have established entitlement to non-means tested benefits.

(3) Clarification has been requested from housing regarding the figures for Thanet, where accommodations appear to exceed referrals.

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