



JOINT HOUSING PROTOCOL FOR CARE LEAVERS

1. Corporate parenting duties

Local authorities have duties and powers to assist young people who are leaving and have left local authority care. As a corporate parent to all children in care and care leavers all parts of a local authority, including a housing authority, must have regard to the need:

- (a) to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
- (b) to encourage those children and young people to express their views, wishes and feelings;
- (c) to take into account the views, wishes and feelings of those children and young people;
- (d) to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- (e) to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- (f) for those children and young people to be safe, and for stability in their home lives, relationships and education or work;
- (g) to prepare those children and young people for adulthood and independent living.

2. Legislative Framework

The Children (Leaving Care) Act 2000 (CLCA 2000), supplementary guidance in 2008 Guidance and Regulations Vol 3, Children and Social Work Act 2017 (Part 1(1(a-g))), the Homelessness Act 2002 (HA 2002) and the Homelessness code of guidance for local authorities 2018 Chapter 22 are designed to ensure that local authority children's services and housing departments work together to ensure that the accommodation needs of care leavers are met and have priority need status.

2.2 The HA 2002 states that a young person has a priority need for accommodation if he or she is:

- A person under 21 who was (but is no longer) Looked After by the local authority between the ages of 16 and 18 (except relevant care leavers).
- A person aged 21 or more who is vulnerable as a result of having been Looked After by the local authority.

2.3 The C(LC)A 2000 Regulations and Guidance also detail how the local authority strategy for care leavers should take into account:

- the diverse accommodation and support needs of care leavers
- the capacity to offer young people a degree of choice of accommodation
- existing and planned provision of safe affordable accommodation
- gaps in provision
- priority setting
- the need for contingency arrangements

3. Children and Social Work Act 2017 (Part 1, (1(a-g)))

There is a duty on children's services authorities to appoint a Personal Adviser to provide support to care leavers until they reach their 25th birthday (except where the young person no longer wants a Personal Adviser) (Part 1(3), Children and Social Work Act 2017). The support provided by Personal Advisers should be based on the needs of the young person as set out in their statutory pathway plan. This may include support from a housing authority.

Any joint working arrangements between a children's services authority and a housing authority for care leavers' transition to independent living should include ensuring the delivery of effective preparation for independence with planned, sustainable moves into supported or independent accommodation. Local processes and/or practices should not involve care leavers routinely being treated as homeless when care placements come to an end in order to place the housing authority under an obligation to secure accommodation under Part 7 of the 1996 Act.

3.1 The Homelessness code of Guidance 2018 - Advice and information

Advisory services provided by housing authorities' under section 179 must be designed to meet the needs of care leavers in their district (section 179(2)(b)). For further guidance on the provision of advice and information on homelessness see Chapter 3 of the Homelessness code of guidance 2018. Housing authorities should work with children's services authorities and consult with care leavers themselves to ensure the advice and information is:

- (a) designed and delivered in an appropriate format for the age of the client group;
- (b) available through communication channels which care leavers are most likely to access;
- (c) understood by children's services authority staff.

It is recommended that housing options advice be made available to young people preparing to leave care to help them to make informed choices and avoid becoming homeless. Housing authorities may wish to provide training and information to social workers, Personal Advisers and others who have responsibility to support looked after young people, to ensure that the most up to date and accurate information on housing options is available to them.

3.2 Prevention and relief of homelessness

There is a duty on specified public bodies to refer to a housing authority (with consent) any household which is threatened with homelessness or is homeless within 56 days to a housing authority with the service user's consent (section 213B). The following services are among those subject to the duty to refer:

- (a) social service authorities; and,
- (b) custodial institutions, youth offending teams and probation services.

For further guidance on duty to refer see Chapter 4 of the Homelessness code of guidance 2018. Specific referral arrangements should be made for care leavers and set out in the joint protocol or procedures.

When a young person aged between 18 and 24 approaches directly or is referred to a housing authority, if it is known that they are a care leaver or the young person says they are a care leaver, then the children's services authority which has responsibility for them should be informed as soon as possible, with consent from the young person.

Where there is a duty to assess a care leaver's housing and other support needs and develop a personalised housing plan, arrangements will be put in place to enable the Personal Adviser to be involved in the assessment process with the young person's consent. For further guidance on assessments and personalised housing plans see Chapter 11 of the Homelessness code of guidance

2018. Where there is no agreed local working arrangement, or where the young person has been looked after by a children's services authority which is not part of local joint protocol arrangements, the housing authority must continue without delay with the duties owed to the young person under Part 7 of the 1996 Act.

Where a care leaver has a personalised housing plan, this will be informed by their Pathway Plan (section 23C(3)(b) of the Children Act 1989). The Secretary of State for the Ministry of Housing, Communities and Local Government considers it appropriate for housing authorities to involve a young person's Personal Adviser in assessing their needs and circumstances and developing a personalised housing plan that is appropriate to them. The young person's consent must be obtained, and it would be advisable to seek their consent for the Personal Adviser to continue to be informed and involved in efforts to prevent or relieve homelessness. The Personal Adviser may also be requested to take actions to deliver the personalised housing plan.

There are specific legal requirements in relation to local connection for care leavers (section 199(8) to (11)).

Subject to arrangements for consent, where a housing authority is concerned that a care leaver may not be co-operating with the required steps set out in the personalised housing plan this should be shared as soon as possible with the Personal Adviser to enable joint early action to remind the young person of the actions to be taken and the consequences of not doing so. For further guidance on deliberate and unreasonable refusal to co-operate see Chapter 14 of the Homelessness code of guidance 2018. Joint working to understand mitigating factors and resolve issues should continue throughout any action related to deliberate and unreasonable refusal to co-operate.

The Secretary of State for the Ministry of Housing, Communities and Local Government considers that all attempts should be made by housing authorities to avoid the impact of intentionally homeless decisions in relation to care leavers aged 18 – 25. For further guidance on intentional homelessness see Chapter 9. It will be a matter for the housing authority to determine whether or not a care leaver has become homeless intentionally, taking into account all relevant facts. To inform this assessment, housing authorities should consult with the relevant children's services authority and obtain advice and information as to the young person's emotional and mental well-being, maturity and general ability to understand the impact of their actions.

The personalised housing plan should be reviewed and, the housing authority and Personal Adviser or other officer should work together with the young person to try and resolve the issues.

Children's services authorities have a duty to 'former relevant' care leavers in terms of accommodation if there are no other options available and the welfare of the care leaver requires it (section 23C(4c) of the Children Act 1989)

3.3 Assessing priority need

Section 193 of the 1996 Act requires housing authorities to secure accommodation for applicants who have a priority need, and whose homelessness has not been prevented or relieved.

Categories and definitions of people who have priority need are set out in Chapter 8, and include young people under 21 who were looked after between the ages of 16 and 18; and people aged 21 or more who are vulnerable as a result of having been looked after, accommodated or fostered. Both of these categories exclude 'relevant students', who are owed particular accommodation and support duties under the Children (Leaving Care) Act. It should be noted that a young person who was looked after when aged 16 or 17 will be in priority need when they are 18, 19 or 20 years old, whether or not they qualify for care leaving services from a children's services authority.

Guidance on priority need and vulnerability is contained in Chapter 8 of the Homelessness code of guidance 2018, and should be taken into account when assessing whether a person aged 21 or over

is vulnerable as a result of having been looked after, accommodated or fostered. Factors that a housing authority may wish to consider include:

- (a) the length of time that the applicant was looked after, accommodated or fostered;
- (b) the reasons why they were looked after, accommodated or fostered;
- (c) the length of time since the applicant left care, and whether they have been able to obtain and maintain accommodation during any of that period;
- (d) whether the applicant has any existing support networks, particularly including family, friends or a mentor.

Housing authorities should take particular care in assessing whether a care leaver aged 21 or over is vulnerable, and should take into account whether, if homeless, they would be at particular risk of exploitation, abuse or involvement in offending behaviour as a result of having been looked after, accommodated or fostered.

3.4 Suitable accommodation for care leavers

Housing and children's services in Walsall will adopt a shared strategic approach to the provision of suitable accommodation for care leavers.

In considering suitability, both services will bear in mind that care leavers who are homeless will be particularly vulnerable and in need of support. They may lack skills in managing their affairs and require help with managing their own accommodation and operating a household budget. Many care leavers are likely to lack the advice and support normally available to other young people from family, friends and a mentor.

There will be no blanket presumption that at 18 a young person who has left care will be ready for their own tenancy; this will be a matter of individual assessment. Options will be based on their individual preferences, needs, circumstances and the local provision available and might include, for example, supported lodgings, supported accommodation or independent accommodation with visiting support.

Bed and breakfast accommodation, including hotels and nightly let accommodation with shared facilities, is not considered suitable for care leavers aged under 25 and will only be used in exceptional circumstances and for short periods.

The specific needs and circumstances of care leavers will be taken into account in determining suitability of accommodation in relation to its location. For example, in the absence of strong family support networks they may wish to live as near as possible to another significant adult such as a friend or ex-foster carer; or need to avoid certain locations due to childhood experiences or associations.

Housing staff will involve Personal Advisers in decisions about the suitability of accommodation and inform them prior to making an offer of accommodation, with the young person's consent. For further guidance on suitability of accommodation see Chapter 17 of the Homelessness code of guidance 2018.

While the primary responsibility for securing accommodation for care leavers rests with housing services, it is essential that a corporate and multi-agency approach is adopted. The housing needs of care leavers must be addressed before they leave care via pathway planning and joint assessment. This protocol will ensure that the housing department and children's services of Walsall Council each play a full role in providing the required resources and support to care leavers.

4. Aims of the Protocol

4.1 To ensure the effective discharge of corporate responsibilities between Walsall's housing and children's services by jointly addressing the diverse accommodation needs of young people leaving care.

4.2 To prevent care leavers becoming homeless, thereby avoiding the need for care leavers to enter the homelessness system.

4.3 To support young people to become responsible and successful tenants.

4.4 The aims and objectives will be implemented and monitored operationally via monthly meetings between housing and leaving care team managers.

5. Objectives

5.1 To jointly assess and meet the diverse housing and support needs of young people leaving care.

5.2 To work closely together to establish a common database of housing resources and service provision for young people.

5.3 To ensure care leavers achieve a successful transition into independent living through support, preparation and provision of suitable accommodation.

5.4 To ensure young people are awarded care leaver priority status to prevent the need to go through the homeless route.

5.5 To identify gaps in service provision for young people and to work together with other agencies to address these gaps, feeding information into the relevant strategies.

5.6 To ensure that young people's priority need status is addressed within the allocation policy, so that care leavers are placed in the same banding as priority need homeless.

5.7 To jointly ensure that all staff are aware of the housing needs of young people leaving care and the obligations of each agency to address these needs. Strategies currently include ongoing joint training, a robust induction process and shadowing.

5.8 To provide clear guidelines on the management of difficult tenancies which will include contingency arrangements, with the option for young people to move into more supported accommodation in the event that they have difficulties managing a tenancy. This is in addition to offering a second chance when things go wrong, the aim is to avoid eviction in the first instance.

5.9 To ensure that Registered Social Landlords (RSL's) fulfil their statutory duty to assist the local authority to provide suitable accommodation for care leavers via the fair allocation of properties using the joint housing register.

5.10 To ensure that the accommodation needs of young people entering and discharged from custody are adequately planned for.

6. Equality and Diversity

6.1 The equality and diversity policies of Walsall Council must underpin the way agencies address the needs of care leavers.

6.2 Housing and children's services value diversity and are committed to equality of opportunity and access to suitable accommodation for all young people, regardless of marital status, age, ethnicity, gender, sexuality, culture, faith or disability.

6.3 Housing and children's services seek to promote the participation of young people in the decision making process.

7. Eligibility

7.1 Young people aged 16 to 25, who have housing, or support needs and who have left or are due to leave the care of the local authority.

7.2 Following the Hillingdon Judgement this protocol will apply to Unaccompanied Asylum Seekers who qualify for a leaving care service and have been granted refugee status. Also those who qualify and given a fixed term of leave to remain up to the age of 20 or an extension beyond the age of 18 for a minimum of one year.

7.3 Care leavers who are the responsibility of another Local Authority but who reside in the Walsall area, and can show a local connection with the area, will fall within the remit of this protocol.

8. Service Outcomes

8.1 Housing and children's services will support each other, through the protocol, to meet national key performance indicators in respect of leaving care and the housing department as defined by Central Government.

8.2 Housing and children's services will jointly agree local service outcomes and outputs that are monitored by designated accountable officers.

8.3 A named officer in each department will take responsibility for the housing applications of care leavers.

8.4 Housing and children's services will share information at the monthly operational meetings to jointly develop a system to predict and meet future housing need and continue to develop partnerships that will be of benefit to young people leaving care.

8.5 The operational meetings will also identify young people whose tenancies may be at risk and any additional support and contingencies that may be required.

9. Allocation Policy

9.1 Under current legislation and guidance, care leavers have the same level of priority need as statutory homeless applications and the allocation of properties reflect this, thereby preventing the need for care leavers to go through the homeless route.

9.2 Prior to allocation, agreement should be reached between leaving care services and housing services regarding complex circumstances / needs, taking into account the need for flexibility depending on the young person's circumstances, abilities and the level of support required.

9.3 The allocation policy will band care leavers in a priority need category and take account of young people's vulnerability. This may require additional systems to be in place to support young people to access the allocation lettings system.

10. Support

10.1 All young people aged 16 to 21 (or up to 25 in some cases) leaving care who are eligible, relevant or former relevant will have an assessment of need and pathway plan. These are legal documents and the method by which their needs are identified and addressed. The pathway plan is reviewed at least every six months, and there is an expectation that housing will make a contribution to this meeting.

10.2 The pathway plan will detail accommodation needs and the type of housing related support that the young person may require in order to successfully maintain a tenancy. All pathway plans must include a contingency plan.

10.3 The housing officer will be included in the support plan put in place on commencement of the tenancy, ensuring joint meetings take place regularly, between housing, leaving care and the young person, at least quarterly within the first year.

10.4 The success of tenancies will be monitored by each service and potential difficulties dealt with promptly involving the young person. If there is evidence that a tenancy is unlikely to be sustained, prompt communication between agencies is essential and a review of the pathway plan will be undertaken identifying current and future need.

10.5 Young people leaving care will have different levels of support needs. This may range from intensive support from a number of agencies, to minimum advice and guidance from a leaving care Personal Adviser and the support offered by good housing management practice.

10.6 Housing services will contribute to the development and review of pathway plans in terms of accommodation and pre-tenancy assessment. Housing services will provide advice and guidance for this part of the pathway plan.

10.7 Both housing and leaving care services must ensure that young people understand fully what is required of them as a tenant, who is to support them, and what they should do in a crisis. A multi-agency agreement may be appropriate in addition to the pathway plan.

10.8 The prompt sharing of information between agencies is essential in order to support young people and address tenancy issues. General Data Protection regulations (2018) requires that young people should give their written consent before any information about them can be shared.

10.9 Consultation should take place between services, and agreement reached, prior to any formal action being taken to end a tenancy.

11. Financial Implications

11.1 Under the C(LC)A 2000, the local authority children's services are responsible for the accommodation costs in full for eligible and relevant (16-17) young people up to their 18th Birthday.

11.2 Young people become responsible for their own rent after their 18th birthday via universal credit or housing benefit and/or discretionary HB payments or direct payment (if in employment and ineligible for housing benefit).

11.3 Young people over 21 who are full time students, will require the completion of a financial assessment by the leaving care services and financial assistance.

11.4 When a young person is sentenced to custody a prompt assessment should take place of their future housing needs and current housing benefit status.

11.5 Under Housing Benefit Regulations [HBR 2(1), 11(3B)] all young people who qualify for leaving care services are exempt from the definition of —young individual “and the attendant —single room rent determination“ restrictions for the purposes of housing benefit. This exemption applies to universal credit.

12. Dispute Resolution

12.1 Any difference of opinion over areas of responsibility and proposed action should initially be dealt with by the caseworker in each department. If the issue cannot be resolved at this level, the matter should be referred jointly to the housing needs manager and the team manager (leaving care) for a decision.

12.2 Disagreements over policy and procedures should be referred to the housing needs manager and the team manager (leaving care) for joint resolution.

13. Review

This protocol will be reviewed annually.

14. Agreement

Executive Director Resources & Transformation Executive Director, Children Services

Date: 21st September 2018

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Signed



Signed:

