



Ministry of Housing,
Communities &
Local Government



Department
for Education

Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation

Guidance to children's services authorities and local housing authorities about their duties under Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young people.



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Definitions

For the purposes of this guidance:

- a. 'Homeless' in relation to housing services refers to section 175 of the Housing Act 1996.
- b. 'Requiring accommodation' in relation to children's services refers to section 20 of the Children Act 1989.
- c. 'Main accommodation duty' refers to section 193 of the Housing Act 1996.
- d. 'Threatened with homelessness' means likely to become homeless within 56 days.
- e. 'Young people' refers to 16 and 17 year olds, including those who are pregnant or have children of their own.
- f. 'Housing services' means local housing authority.
- g. 'Children's services' means Local Authority Children's Social Care.
- h. 'The 1989 Act' refers to the Children Act 1989.
- i. 'The 1996 Act' refers to the Housing Act 1996.
- j. An 'Eligible Child' is a child who is aged 16-17 and who has been looked after by a local authority for at least 13 weeks since they were 14, and who continues to be looked after.
- k. A 'Relevant Child' is a child aged 16-17 who is no longer looked after by a local authority, but who was before they ceased to be looked after an eligible child [looked after for at least 13 weeks after the age of 14 and has been looked after for some time while they were aged 16/17].
- l. A 'Qualifying Child' is a child aged 16+ who has been looked after for a period of time amounting to less than 13 weeks since their 14th birthday, and was looked after on or after their 16th birthday.

Chapter 1: Introduction

1.1 This joint guidance was first published in April 2010 following a number of judgements handed down by the House of Lords in cases concerning the interrelationship between the duty under section 20 of the Children Act 1989 ('the 1989 Act') and duties under Part 7 of the Housing Act 1996 ('the 1996 Act') where young people aged 16 or 17 require accommodation. The guidance has been amended to reflect new duties introduced through the Homelessness Reduction Act 2017 ('the 2017 Act'), and to incorporate other relevant updates.

1.2 Case law has clarified the relationship between the duty under section 20 of the Children Act 1989 ('the 1989 Act') and duties under Part 7 of the Housing Act 1996 ('the 1996 Act') in the case of 16 or 17 year olds who require accommodation. The House of Lords case *R (G) v Southwark [2009] UKHL 26* held that, where a 16 or 17 year old is owed duties under section 20 of the 1989 Act, this takes precedence over the duties in the 1996 Act in providing for children in need who require accommodation. Where the specific duty is owed under section 20 of the 1989 Act, a 16 or 17 year old should be accommodated under that provision rather than looking to the general duty owed to children in need and their families under section 17 of the 1989 Act.

1.3 Whilst the section 20 Children Act 1989 duty takes precedence, housing services also have duties towards young people who are homeless or threatened with homelessness. Duties owed by each service will depend on a range of factors, including which service they initially seek help from; the outcomes of any assessments and enquiries; and the wishes and feelings of the young person and their family. **It is therefore essential that children's services and housing services work together to plan and provide services that are centred on young people and their families, and prevent young people from being passed back and forth between services.** For more information on joint working between children's services and housing services see chapter 6.

1.4 16 and 17 year olds who are homeless or threatened with homelessness are likely to be vulnerable and will often be at risk of harm in the absence of intervention. Safeguarding and promoting their welfare should be central to service provision. If there is any concern that a child may be suffering, or likely to suffer, significant harm then local safeguarding procedures must be followed. The statutory guidance '[Working together to Safeguard Children](#)' sets out what is expected of organisations to safeguard and promote the welfare of children.

1.5 This guidance does not address the wider responsibilities of local authority children's services and their partners to identify and support families where children and young

people may be at risk of negative outcomes, including homelessness in the future, by delivering integrated and targeted services in their area. This guidance is solely concerned with the functions of children's services and housing services when young people seek help from, or are referred to, local authorities because of homelessness or being threatened with homelessness.

1.6 This guidance is issued jointly by the Secretary of State for Education and the Secretary of State for Housing, Communities and Local Government under section 7 of the Local Authority Social Services 1970 and section 182 of the Housing Act 1996. 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.

Chapter 2: Supporting families to stay together

Young people living with their families

- 2.1** The Secretary of State for Housing, Communities and Local Government and the Secretary of State for Education consider that, generally, it will be in the best interests of most young people to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends' network. When a 16 or 17 year old is seeking support because they are homeless or threatened with homelessness, housing services and children's services responses should explicitly recognise this and work pro-actively with young people and their families to identify and resolve the issues which have led to the homelessness crisis. This could involve family support such as family mediation or family group conferences.
- 2.2** It may be possible to prevent a 16 or 17 year old from having to leave home at all, or it may take much longer to work through significant family tensions and problems. It is therefore important that services are designed to enable this family focus to begin on day one and continue throughout the processes of assessment and, where necessary, the provision of accommodation. Joint working between housing and children's services will support this process.
- 2.3** Work undertaken by children's services and housing services to prevent a 16 or 17 year old from becoming homeless may be undertaken under both section 17 of the 1989 Act and section 195 of the 1996 Act. Any preventative work should be undertaken alongside the assessment processes outlined in this guidance, and should not delay the provision of accommodation or performance of other statutory duties where these are owed.
- 2.4** If key issues affecting the young person's welfare and/or the sustainability of their living at home remain unresolved, but they are able to remain or return there, support should be provided to the family through children's services. The needs of the young person should be assessed and, if following assessment determined to be a child in need, set out in their child in need plan.

16 and 17 year olds who may require accommodation with children and/or partners

- 2.5** By the age of 16 or 17 many young people are forming relationships and a few may themselves be pregnant or have children. Assessment, support and accommodation

services should take into account young peoples' relationships as well as any dependent children and, where appropriate, support them to build a positive family life.

2.6 The needs of 16 and 17 year olds' for accommodation should be assessed in the context of their relationship with any 'partner'. In some cases it may be appropriate for a 16 or 17 year old to be accommodated in a situation where they can live with their partner. This must not prevent local authorities from accommodating a 16 or 17 year old under section 20 where the young person is owed a duty under this section. Specific consideration should be given to placement options for young people accommodated under section 20 whilst living with a partner. For example, placement in an alternative arrangement such as a self-contained property with visiting support may be appropriate. It will also be important to have contingency plans in place in case relationships break down.

2.7 Where young parents are provided with accommodation by children's services and become looked after, it does not follow that their child will also be looked after. This is an issue for an entirely separate assessment based on the needs of the child.

Chapter 3: Children's services duties towards 16 and 17 year olds who seek help because of homelessness, or being threatened with homelessness

Duties owed to young people who may require accommodation

3.1 Where a 16 or 17 year old seeks help from local authority children's services, or is referred to children's services by some other person or agency as appearing to be homeless or threatened with homelessness, children's services must carry out an assessment of what duties, if any, are owed to them. This applies to all young people, including 17 year olds who are approaching their 18th birthday, and young people who are pregnant or have children in their care. Where the duty in section 20 of the 1989 Act is triggered the local authority are under a duty to accommodate the child.

3.2 If the young person is at risk of becoming homeless in the future, for example because of conflict within the family home, it will be for children's services to determine what support is required depending on the circumstances and the needs of the young person and their family. Where there is no immediate threat of homelessness intervention may be more appropriately led by early help services, whereas if there is an imminent threat of homelessness or if the young person is actually homeless, a child in need assessment must be carried out and the child accommodated under section 20.

3.3 Homeless young people who are unaccompanied asylum seekers without a parent or guardian with responsibility for their care, and other non UK nationals who are not 'eligible' for assistance under homelessness legislation must also be provided with accommodation and support by children's services, but will not require referral to a local housing authority.

3.4 Where a 16 or 17 year old seeks help or is referred, and it appears that they have nowhere safe to stay that night, then children's services must secure suitable emergency accommodation for them under section 20 of the 1989 Act, whilst their needs, including their need for continuing accommodation and support, are further assessed. If the young person is accommodated for a continuous period of more than 24 hours the young person will become looked after (further information on section 20 below).

3.5Section 17 of the 1989 Act sets out the responsibilities of local authorities to provide services for children in need and their families. It is the general duty of every local authority;

- a. to safeguard and promote the welfare of children within their area who are in need; and
- b. so far as is consistent with that duty, to promote the upbringing of such children by their families

by providing a range and level of services appropriate to those children's needs.

3.6In addition, under section 47 of the 1989 Act, if a local authority has reasonable cause to suspect that a child living in their area is suffering or likely to suffer significant harm, they are under a duty to investigate. This is to enable them to decide whether they should take any action to safeguard or promote the child's welfare.

3.7Section 17(10) of the 1989 Act defines a child as being in need if;

- a. they are unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for them of services by a local authority under this Part;
- b. their health or development is likely to be significantly impaired, or further impaired, without the provision for them of such services; or
- c. they are disabled

The duties described in section 17 apply to all children in need in the area of the local authority. A child is any person under the age of 18 (see section 105(1) of the 1989 Act).

3.8Section 20(1) requires that:

- a. 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:
- b. there being no person who has parental responsibility for them;
- c. their being lost or having been abandoned; or

- d. the person who has been caring for them is prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care.

3.9In addition, even if the criteria in section 20(1) do not apply, section 20(3) requires that:

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 them with accommodation.

3.10In addition, section 20 (4), provides that:

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

3.11Local authority duties for accommodating young people under this section are not simply a matter for local policy. The duty is engaged whenever a child in need in the local authority's area requires accommodation as a result of one of the factors set out in section 20(1)(a) to (c) or in section 20(3).

3.12Where a young person in need requires accommodation as a result of one of the factors set out in section 20(1) (a) to (c) or section 20(3) then that young person must be provided with accommodation. As a result of being accommodated by children's services for a continuous period of more than 24 hours the young person will become looked after, and the local authority will owe them the duties that are owed to all looked after children, and once they cease to be looked after, the duties that are owed to care leavers under that Act. Whilst accommodated under section 20 the young person will not be eligible for welfare benefits, including housing benefits or housing costs under universal credit. Children's services will have a duty to maintain them, including meeting the cost of accommodation.

3.13 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;

- 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.

Undertaking Assessments

- 3.14** Statutory guidance *Working Together to Safeguard Children* sets out the principles, parameters and protocols for assessing children under the Children Act 1989. This guidance should be complied with unless exceptional circumstances arise.
- 3.15** Identifying the needs of the young person and the best response to these needs will be the function of each assessment. Where this takes place under the 1989 Act, it will be carried out by a social worker who should lead a multi-agency assessment.
- 3.16** Determining who is in need and the extent of any needs requires professional judgment by social workers, informed by consultation with other professionals familiar with the circumstances of the individual young person and their family. However, where a young person is excluded from home and is, for example, staying with various friends, or sleeping in a car, it is extremely likely that they will be a child in need.
- 3.17** Where a 16 and 17 year old parent is homeless they are also likely to have significant needs and require accommodation and support as a child in need. Local authorities must also carry out an assessment of need if the young person is a young carer, or the parent carer of a disabled child, as set out in sections 17ZA-17ZD of the 1989 Act.
- 3.18** A multi-agency assessment should make clear from the outset who is responsible for what actions, within what timescales, and what the possible outcomes of the assessment might be – in line with local protocols for assessment, as required under *Working Together to Safeguard Children*.
- 3.19** Where a young person seeks help because they are homeless or threatened with homelessness it is good practice for an assessment of the young person's needs to be conducted jointly by both children's and housing services. Alternatively, any assessment and referral processes should be underpinned by appropriate information sharing so that young people do not have to repeat their stories each time and navigate between agencies. The lead agency will be local authority children's services, given their responsibilities for children in need in their area.
- 3.20** At the point when the need for an assessment under the 1989 Act is identified for either a young homeless person, or a young person threatened with homelessness, it will be necessary for the social worker leading the assessment to inform the young person and their family of the action to be taken.

- 3.21**As set out in *Working Together to Safeguard Children*, assessments should be child-centred and must be informed by the views of the young person. It will be essential to establish close contact and rapport with the young person throughout the assessment process, in order to make sure their wishes and feelings are properly understood and to take their views into account. Similarly, it will also be important to maintain contact with the adults who retain parental responsibility for the young person and with any other family members in the young person's network. Undertaking an assessment will involve interviewing the child and family members, and generally it will be expected to be necessary to visit the family home or other accommodation where the young person has been living.
- 3.22**Young people seeking help because of actual or threatened homelessness are likely to have a range of concurrent needs and these should be assessed fully in accordance with the assessment process set out in *Working Together to Safeguard Children*.
- 3.23**The most crucial issues to be determined in the first instance will be whether the young person is actually homeless, if the young person is a child in need (section 17) and/or is suffering, or likely to suffer, significant harm (section 47), and/or if the young person requires emergency accommodation. If this is the case, children's services must accommodate them immediately. The welfare of the child is paramount and a 16 or 17 year old must not be placed at risk whilst waiting for the completion of an assessment.
- 3.24**A high quality assessment will take account of the factors which will promote the welfare of the young person, including the significance of the young person's relationship with their parents, or other adults in their life responsible for their care up until the point that they seek help, or are referred, as homeless or threatened with homelessness. As set out in *Working Together to Safeguard Children*, the assessment should identify the young person's and their family's strengths as well as any difficulties, and should be focussed on outcomes, deciding which services and support to provide so that the young person's needs, including the need for suitable accommodation, are met for the future.
- 3.25**The majority of young people seeking help because of homelessness or threat of homelessness cite the breakdown of relationships with parents or other carers as the reason for their homelessness. The assessment will need to determine whether or not the young person can return home, with support for them and their family if necessary, or whether this is not a possible or a safe option.
- 3.26**However, the assessment will also need to be holistic in approach, addressing the young person's wider needs, and, as well as the need for accommodation, it will be necessary to assess what further support the young person needs. For example, a homeless young person not participating in education or training would in the first place

need suitable accommodation, but this should be arranged in conjunction with plans to re-engage them with education or training.

- 3.27** At the conclusion of a multi-agency assessment, local authority children's services should have reached a decision on the young person's needs, and/or the nature and level of any risk and harm being suffered by the young person, and the support that is required to address those needs to improve the young person's outcomes.
- 3.28** Where a young person seeks help because of homelessness, the assessment must necessarily reach a decision as to whether or not the young person is a child in need and requires accommodation as a result of one of the scenarios set out in section 20(1)(a) to (c) or section 20(3).
- 3.29** In some cases, it may not be necessary for the young person to be accommodated by children's services because the young person's needs can be met by providing other services, for example, support to enable the young person to return to the care of their family or other responsible adults in the young person's network. If children's services conclude that the young person does not require accommodation for this reason, they should consider whether they should provide services for the young person under section 17 of the 1989 Act, as a child in need. Where the local authority decides to provide services, a multi-agency child in need plan should be developed which sets out which agencies will provide which services to the child and family. The plan could include, for example, regular visits from children's services, access to family mediation or family group conferencing, or financial support under section 17(6) to sustain any plan for the young person to live with members of their family.
- 3.30** If the young person is threatened with homelessness but is not homeless - where a decision reached is that the young person is a child in need, children's services will lead work to prevent the young person being threatened with or becoming homeless in the future. This will be based on the professional judgment of an individual young person's circumstances, whether it is in the young person's best interests to remain with their family and if so, what is needed to support this. Where the young person is a child in need, children's services should use their powers under section 17 of the 1989 Act to provide these services, and set these out within a child in need plan.

Timescales

- 3.31** The timeliness of an assessment is a critical element of the quality of that assessment and the outcomes for a 16 or 17 year old who is homeless or threatened with homelessness. As set out in *Working Together to Safeguard Children*, the speed with which an assessment is carried out should be determined by the individual young person's circumstances and the nature and level of any risk of harm faced.

- 3.32** Within one working day of a referral being received, a local authority social worker should make a decision about the type of response that is required and acknowledge receipt to the referrer. Where a young person refers themselves, or is referred by housing services or another agency as appearing to be homeless or threatened with homelessness, children's services should proceed with a child in need assessment.
- 3.33** Where homelessness is threatened or actual, this should result in a prompt response based on individual circumstances. The maximum timeframe for a statutory assessment to conclude, such that it is possible for the local authority to reach a decision on next steps, should be no longer than 45 working days from the point of referral.
- 3.34** In the case of a 16 or 17 year old who is threatened with homelessness or is homeless, 45 days is a long period of time, which may involve significant risk and hardship, impacting on their safety, welfare and physical and emotional well-being. Local working arrangements may set out a shorter timescale for completion of the assessment. If an assessment exceeds 45 working days, the social worker should record the reasons for exceeding the time period.
- 3.35** Where particular needs are identified at any stage of the assessment, social workers should not wait until the assessment reaches a conclusion before commissioning or providing services to support the child and their family, including the provision of accommodation under section 20 of the 1989 Act if necessary.
- 3.36** Where a housing authority has made the referral of a 16 or 17 year old, social workers should inform the referrer of what action has been or will be taken, setting out in writing the outcome of the assessment and sending this to the housing authority to allow them to record this and take any necessary further action.
- 3.37** An assessment is not complete until children's services have decided what action is necessary to respond to the young person's needs and this has been communicated to the young person, the adults responsible for their care, housing services and any other relevant agencies.

Young person's wishes and feelings

- 3.38** Local authority children's services have a duty to ascertain the wishes and feelings of a young person regarding the provision of services to be delivered under section 17 of the Children Act 1989.
- 3.39** Section 20(6) of the Children Act also requires that:

Before providing accommodation under this section, a local authority shall, as 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 their age and understanding) to such wishes and feelings of the child as they have been able to ascertain.

3.40 This will include assessing their emotional and behavioural development, and their capacity to make use of wider resources to manage independent living.

3.41 Where a young person says they do not wish to be accommodated, a local authority should reach the conclusion that the young person's wishes are decisive only as part of an overall judgment of their assessed welfare needs and the type and location of accommodation that will meet those needs.

3.42 It will be essential that the young person is fully consulted about and understands the implications of being accommodated by children's services and becoming looked after. The social worker leading the assessment must provide realistic and full information about the package of support that the young person can expect as a looked after child and, subsequently, as a 'former relevant' care leaver (as defined in section 23C (1) of 1989 Act). If they are not looked after for the prescribed period, the young person leaving care would be a 'person qualifying for advice and assistance' as set out in section 24 of the 1989 Act.

3.43 Children's services should also ensure that the young person receives accurate information about what assistance may be available to them if they do not become looked after, including from housing services under Part 7 of the 1996 Act. This will include any entitlement for assistance under Part 7. In particular the considerations a young person needs to be made aware of are:

- a. duties on housing services to undertake an assessment, develop a personalised housing plan and to take steps to help the applicant retain or secure accommodation (sections 195 and section 189B of the 1996 Act),
- b. the requirement on the applicant to cooperate and for applicants to take steps themselves as set out in a personalised plan (section 193B and section 193C of the 1996 Act),
- c. the 'accommodation offer' under the relief duty – suitable accommodation which has a reasonable prospect of being available for occupation for at least 6 months (section 189B and section 195 of the 1996 Act),

- d. the implications of turning down offers of accommodation that are suitable (section 193A of the Housing Act 1996),
- e. the possible risk of being found or becoming homeless intentionally in the future (section 191 of the 1996 Act),
- f. their right to request a review of decisions (section 202 of the 1996 Act).

3.44 This information should be provided in a 'young person friendly' format at the start of the assessment process and be available for the young person to take away for full consideration and to help them seek advice.

3.45 Where there is any doubt about a 16 or 17 year old's capacity to judge what may be in their best interests, e.g. whether they should be accommodated under section 20 of the 1989 Act or seek alternative assistance, there will need to be further discussion involving children's services, housing services, the young person concerned and their family where safe and appropriate, to reach agreement on the way forward.

3.46 Children and young people who have received services under the 1989 Act are able to be supported to make complaints and representation with the help of an independent advocate. Children's services should provide information about access to advocacy services when they explain the assessment process to 16 and 17 year olds seeking help because of homelessness.

3.47 Young people should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages and coming to a balanced decision and understanding and navigating the housing system. Independent advocacy and support services can play a key role in supporting 16 and 17 year olds who are homeless or threatened with homelessness.

3.48 Some 16 and 17 year olds may decide that they do not wish to be provided with accommodation by children's services under section 20 of the 1989 Act, for example, because they do not wish to be supported as a looked after child. In these circumstances it is important that children's services are clear that the young person's decision is properly informed, and has been reached after careful consideration of all the relevant information. If the young person is subsequently not accommodated by housing services and remains homeless, housing services must inform children's services who may need to take further action.

3.49 Where a 16 or 17 year old child in need wishes to refuse accommodation offered under section 20 of the 1989 Act, children's services must be satisfied that the young person:

- a. has been provided with all relevant information;
- b. is competent to make such a decision; and
- c. that they do not need to take additional safeguarding action.

3.50 Every 16-17 year old assessed as being a child in need but who does not wish to be accommodated under section 20 should have a child in need plan setting out the services that will be provided to meet their needs.

16 and 17 year olds from one local authority area who seek assistance from children's services in another local authority area

3.51 Where a 16 or 17 year old who was living in one local authority area and moves to another local authority area and seeks assistance from children's services in that local authority, the duty to assess falls on the authority area in which the young person is. The authority cannot refuse to consider the young person's immediate needs and expect them to return to the authority in the area presumed to be their 'home' district.

3.52 An initial interview, perhaps combined with enquiries in the area where the young person came from, should be sufficient to establish their connection with the area where they have sought help and their reasons for seeking help there rather than in their 'home' district. These enquiries may be able to establish whether it may be possible for the young person to return to the 'home' district. For example, it might be possible for the authority where the young person seeks help to negotiate with their 'home' authority to take over the assessment of the young person's needs, so that the young person is assessed in a familiar setting close to their family and friends.

3.53 It is essential that disputes about responsibility for the young person in the medium term should not get in the way of the authority that received the young person's request for assistance responding to the young person's immediate needs. The young person concerned must not be passed between local authorities and services whilst a decision is reached about which authority is responsible for assisting them.

Young People in Custody

3.54 Youth offending teams, children's services and (wherever appropriate) housing authorities should work together to ensure effective arrangements are in place to identify young people in custody who may be at risk of homeless on release. Services

should cooperate, where appropriate, to ensure that young people can live with parents or guardians, or another appropriate adult, when they leave custody, for example through provision of family mediation, family group conferences or other family support.

3.55 Resettlement planning will begin at the start of a sentence, and continue throughout the young person's time in custody. If at any point it is identified that the young person may require accommodation on release, agencies will need to collaborate to ensure that a suitable accommodation and support placement is arranged in good time.

3.56 Children's services have a duty to accommodate young people who were looked after or relevant children when they entered custody, or have become a relevant child by virtue of having been remanded into local authority care for 13 weeks or more, if they require accommodation on release.

3.57 A young person who is not already a looked after or a relevant child and may require accommodation on release must have a child in need assessment to determine what duties are owed under the 1989 Act, including whether children's services will have a duty to provide accommodation under section 20. If the young person will not be accommodated under section 20, for example because, having been fully informed of the consequences of their decision, they have declined to become looked after, a referral should be made to a housing authority and an assessment made of whether they are a child in need under section 17 of the 1989 Act.

Provision of accommodation under section 17 of the 1989 Act

3.58 Children's services authorities have powers to accommodate children under section 17(6) of the 1989 Act. A young person provided with accommodation under this section would not be looked after and the local authority would not have the corresponding duties set out at in sections 22, 22B, 23, 23ZA-23ZB and 24 of the 1989 Act. However, the provision of accommodation under section 17 will almost always concern children needing to be accommodated with their families.

3.59 The powers of local authorities to provide accommodation under section 17 cannot be used as a substitute for their duty to provide accommodation under section 20(1) of the 1989 Act to homeless 16 and 17 year olds in need. Children's services do not have the option of choosing under which provision they should provide accommodation for homeless 16 and 17 year olds. Section 20 involves an evaluative judgment on some matters but not discretion.¹

¹ R (G) v Southwark [2009] UKHL 26 – para. 31
<http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-2.htm>

3.60 However, in very limited circumstances the provision of accommodation under section 17 may be appropriate. Where a young person aged 16 or 17 is homeless and requires accommodation, does not wish to be accommodated under section 20 but is subsequently not owed the main accommodation duty by a housing authority, for example because they have refused a suitable offer of accommodation or are found to be intentionally homeless, then the children's services authority should, given the change in circumstances, once again ask them their wishes regarding being accommodated under section 20.

3.61 If the young person still does not wish to be accommodated under section 20 and is judged to have the capacity to make that decision they should be offered accommodation under section 17 with a child in need plan in place, until they no longer require accommodation or they reach the age of 18. In such cases, children's services and housing services will need to work together with the young person to ensure that they are not placed at risk of homelessness as they approach age 18.

The duty to refer to housing services

3.62 Local authority children's services are among the public authorities which are required to notify a housing authority of service users they consider may be homeless or threatened with homelessness (i.e. it is likely they will become homeless within 56 days) (section 213B of 1996 Act). Before making a referral a public authority must:

- a. have consent to the referral from the individual;
- b. allow the individual to identify the housing authority in England which they would like the notification to be made to; and,
- c. have consent from the individual that their contact details can be supplied so the housing authority can contact them regarding the referral.

3.63 This duty applies where the service user is 16 or 17, as well as to other households. If the young person approaches, or is referred to children's services they must obtain their consent before a referral can be made to the housing authority. This consent should be obtained through an informed conversation with the young person through which they are able to understand the duties owed by children's services and what they should expect to be the outcome of a referral to housing services. Children's services may consider the use of advocacy services appropriate to ensure the young person fully understands the information.

3.64 If a referral is made to a housing authority children's services should include a summary of any initial assessment and provision of support to the young person and what assistance, if any, housing services might provide. When the housing authority receives a referral from children's services the two services should work together to ensure that the needs of the young person are met.

3.65 **The referral does not diminish children's services responsibilities** towards young people as set out in this guidance; rather 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. It is recommended that children's and housing services agree how they will use the referral arrangements as part of the process of agreeing joint protocols including what type of information children's services should provide and how housing authorities will respond. Consideration should also be given to how data generated by the referral process can be used to build a shared understanding of youth homelessness in the area. For more information on joint protocols and wider joint working see chapter 6.

Chapter 4: Duties placed on housing services when 16 and 17 year olds seek help because of homelessness or being threatened with homelessness

Initial Assessment

4.1 Where a young person approaches housing services for accommodation, or help with obtaining accommodation, housing services should treat this as an application for assistance under Part 7 of the 1996 Act. Under section 184, if housing services have reason to believe the young person may be homeless, or threatened with homelessness, they must make inquiries to determine what duties, if any, are owed to them.

4.2 If the young person is eligible and is (or may be) homeless and, by virtue of being 16-17 years old may have a priority need, the housing authority will have an immediate duty to secure interim accommodation (section 188(1) of the 1996 Act). In considering the suitability of accommodation authorities should bear in mind that 16 and 17 year olds who are homeless and estranged from their family will be particularly vulnerable and in need of support.

Priority need

4.3 The Homelessness (Priority Need for Accommodation) (England) Order 2002 provides that the following have a priority need for accommodation for the purposes of Part 7 of the 1996 Act:

- a. A child aged 16 or 17 who is not a relevant child for the purposes of section 23A of the Children Act 1989 **and** is not owed a duty to provide accommodation under section 20 of that Act (provision of accommodation for children in need).
- b. A person (other than a relevant student) who;
 - i. is under twenty-one, and;
 - ii. at any time after reaching the age of sixteen, but while still under eighteen, was, but is no longer, looked after, accommodated or fostered.

4.4 Guidance on the assessment of Children Act duties, including whether or not a section 20 duty is owed, are set out in chapter 3. **Housing authorities will be unable to determine whether a 16-17 year old has priority need under the 1996 Act until a child in need assessment has been completed. It is therefore essential that referrals are made and assessments completed in a timely manner.**

Arrangements for Children Act Assessments

4.5 If the outcome of the initial housing authority assessment is a finding that a young person is homeless but not eligible for housing assistance, or is a 'relevant child' owed an accommodation duty under the 1989 Act, immediate arrangements must be made for them to receive assistance from children's services.

4.6 Young people who are eligible for homelessness services should also be referred to children's services during the prevention and/or relief stages as set out below. There will also be circumstances in which a further referral is needed, including for young people who have declined to become looked after, but subsequently lose accommodation or are no longer owed a duty by housing services.

4.7 The fact that a young person may be reluctant to engage with the Children Act assessment process is not in itself a basis for assuming that the young person has rejected any children's services' intervention to provide them with accommodation. Lack of co-operation is no reason for the local authority not to attempt to carry out its duties under the 1989 Act. In these circumstances, the assessment will need to involve careful recording of how the authority has attempted to engage with the young person to assess their needs in order to determine and provide appropriate services. Ultimately, it is not possible to force services on young people who persistently continue to refuse them.

4.8 Where children's services have decided that a section 20 duty is not owed, or the young person does not wish to be accommodated, housing services duties under Part 7 of the 1996 Act will continue.

4.9 In any case, where a housing authority provides accommodation for a child in need, including where the young person has declined to be accommodated under section 20, children's services will need to consider the provision of services under section 17 of the 1989 Act, set out in a child in need plan, and continue to work with housing services to ensure the young person's needs are met.

4.10 Where any safeguarding concerns emerge during their work undertaken with a 16 or 17 year old, the housing authority must make a referral to children's services according to local safeguarding procedures.

Prevention and Relief Duties

4.11 New duties towards people that are homeless or threatened with homelessness were incorporated within Part 7 of the Housing Act 1996 by the Homelessness Reduction Act 2017. These include duties to:

- a. undertake assessments;
- b. develop personalised housing plans; and
- c. take reasonable steps to prevent homelessness (for applicants who are threatened with homelessness) or relieve homelessness (for applicants who are already homeless).

4.12 Young people who are eligible and homeless, or threatened with homelessness, must have an assessment of their needs. This must include:

- a. the circumstances that have caused them to be homeless or threatened with homelessness;
- b. their housing needs, and what accommodation would be suitable for them, their household and anybody who might reasonably be expected to live with them; and,
- c. the support that would be necessary for them, and anybody who will be living with them, to have and sustain suitable accommodation.

4.13 If a young person who applies or is referred to a housing authority is not homeless, but is threatened with homelessness within 56 days, a prevention duty will be owed irrespective of whether the young person is likely to have a priority need.

4.14 A referral should be made to children's services identifying the threat of homelessness, and services should co-operate together in efforts to prevent the young person from becoming homeless.

4.15 A Personalised Housing Plan must be developed with the young person, setting out the reasonable steps that the housing authority and the young person will take to try and prevent them from becoming homeless. Any steps that the young person is required to take should be proportionate to the age, understanding and assessed capability of the young person to undertake the actions. Other relevant people, for example parents or social workers, may also be requested to take actions as appropriate.

4.16 If a young person is already homeless when they seek help, or they become homeless despite efforts to prevent it, housing services must attempt to relieve their homelessness by ensuring that suitable accommodation is made available to them (section 189B). A Personalised Housing Plan must also be produced, or amended to reflect the changes in housing circumstances. While a Personalised Housing Plan is prepared, emergency accommodation should be provided where necessary. If a child in need assessment has not already been completed one should be commenced immediately. Children's services should conclude the assessment within 45 days. See chapter 3 of this guidance for more information on the child in need assessment process and timescales. The question of which further duties are 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 Act.

4.17 Housing services should seek to work with children's services throughout the process of assessment, planning and attempting to prevent or relieve homelessness so that the child in need assessment and homelessness assessment, and the resulting plans and actions, are co-ordinated. This will enable a focus on working together to meet the needs of the young person and is likely to lead to better and more sustainable outcomes. See section 6 of this guidance for further information about joint working.

Ending the prevention and relief duties

4.18 The guidance on how the (section 195) prevention and (section 189B) relief duties come to an end is set out in full in [chapter 14 of the Homelessness Code of Guidance](#), and include the following:

- a. *The housing authority is satisfied that the applicant has suitable accommodation available for occupation and a reasonable prospect of suitable accommodation being available for at least 6 months from the date of the notice.*

Duties might end in this way if the young person is accommodated under section 20 and/or within a supported housing pathway, and the housing authority is satisfied that suitable accommodation will be available for occupation for at least six months. Where the young person is older than 17 and a half, and children's services duty to accommodate them is likely to end within six months, it is the responsibility of the housing authority to satisfy itself that accommodation will be available for at least six months, for example through being confident that arrangements are in place for the young person to remain in the accommodation beyond their 18th birthday or for a planned transition to other suitable accommodation.

- b. *the housing authority has complied with the prevention or relief duty and 56 days have passed (regardless of whether the applicant is still threatened with homelessness in the case of the prevention duty or whether they have secured accommodation in the case of the relief duty) (sections 195 (8)(b) and 189B (7)(b)).*

If the relief duty ends after 56 days without homelessness having been relieved, the housing authority will be required to reach a decision on whether the (section 193(2)) housing duty is owed (see Main Duty paragraphs 4.2 – 4.27 below).

- c. *The applicant has refused an offer of suitable accommodation and, on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for the minimum prescribed period (sections 195(8) (d) and 189B (7) (c)).*

If a young person refuses suitable accommodation, such as placement within a supported housing pathway, the prevention or relief duty may be brought to an end but without any effect on further duties that might be owed. Refusal of suitable accommodation within the relief stage will not disapply the young person from the main (section 193(2)) housing duty except where the offer was a ‘final offer’ of an assured shorthold tenancy or a Part 6 offer.

- d. *the applicant has become homeless intentionally from any accommodation that has been made available to them as a result of reasonable steps taken by the housing authority during the prevention or relief duty, whichever is relevant (sections 195(8)(e) and 189B(7)(d)).*

- e. *the applicant is no longer eligible for assistance (sections 195(8) (f) and 189B (7) (e)).*

- f. *the applicant has deliberately and unreasonably refused to co-operate (sections 195(10) and 189B (9) (b)).*

4.19 If the relief duty ends in any of the ways set out in c- f above, children’s services will be required to carry out further assessments of the young person’s needs.

Intentional homelessness

4.20 Housing services should take particular care when assessing whether 16-17 year olds are to be considered intentionally homeless from their family home or from accommodation provided for them. For an applicant to be intentionally homeless the actions or omissions that led to their becoming homeless must have been deliberate. Housing authorities will need to be mindful that a homeless 16-17 year old might not

have the ability to understand the full consequences of their actions and choices that would be expected of an adult.

4.21 Housing services are reminded that applicants cannot be considered to have become homeless intentionally because of failing to take up an offer of accommodation; homelessness is only capable of being 'intentional' where the applicant has ceased to occupy accommodation that it would have been reasonable for them to continue to occupy. For a young person to be considered intentionally homeless from accommodation provided during the prevention or relief stages (see 4.18 above) the accommodation must have been provided under the reasonable steps provisions and **not** as interim accommodation under Section 188 of the 1996 Act.

4.22 If, for whatever reason, a 16 or 17 year old is found to have become homeless intentionally, housing services should inform children's services immediately (see section on joint protocols in chapter 6 of this guidance). For further guidance about intentional homelessness, authorities should refer to [chapter 9 of the Homelessness Code of Guidance](#).

Deliberate and Unreasonable Refusal to Cooperate

4.23 The prevention and relief duties can be brought to an end under section 193B and section 193C respectively if an applicant deliberately and unreasonably refuses to take any of the steps that they agreed to take, or the housing authority set out for them to take where agreement could not be reached, in their personalised housing plan. In considering whether a young person's actions were both deliberate and unreasonable, housing authorities must take into account their age and maturity, as well as the context in which they are making decisions. This would include considering the impact of homelessness on the young person's mental and emotional health, as well as their ability to understand the consequences of their actions and decisions.

4.24 Housing authorities must have procedures governing the service of notice on applicants who deliberately and unreasonably refuse to cooperate, and might wish to consider how children's services can contribute to these arrangements in respect of homeless 16-17 year olds. More information on non-cooperation is set out in [chapter 14 of the Code of Guidance](#) (14.43 – 14.48).

The Main Housing Duty

4.25 Where a young person who is eligible and unintentionally homeless does not have their homelessness prevented or relieved, housing authorities must assess what further duties (if any) are owed to them. If the young person is not a child in need owed duties under section 20 of the 1989 Act they will have priority need for accommodation and will be owed the main section 193(2) housing duty with the following exceptions:

- a) The relief duty ended due to the young person's unreasonable and deliberate refusal to cooperate, in which case the section 193C (4) duty is owed.
- b) The young person refused a final offer made under section 189B (9) (a) of the 1996 Act, or a Part 6 offer and so is disapplied from the main housing duty. A final offer must be of an assured shorthold tenancy of at least six months duration which is suitable for the young person's needs.

4.26 Authorities should refer to chapter 14 of the [Homelessness Code of Guidance](#) for guidance on the ways in which prevention and relief duties end, and chapter 15 for guidance on discharging accommodation duties.

4.27 Where children's services have been providing temporary accommodation and a young person is to be provided with settled accommodation by the housing authority, children's and housing services will need to agree a procedure for children's services to inform housing services that their provision of temporary accommodation will come to an end. This process should aim to minimise anxiety for the young person associated with concerns that they may again find themselves without anywhere to live. Children's services and housing services will need to work together closely to ensure that the young person's ongoing housing needs can be met in the most practical and timely way possible.

Where section 20 and Part 7 duties are not owed

4.28 Where a young person aged 16 or 17 is homeless and requires accommodation, does not wish to be accommodated under section 20 of the 1989 Act but is subsequently not owed an accommodation duty by a housing authority, for example because they have refused a suitable offer of accommodation or are found to be intentionally homeless, then children's services should, given the change in circumstances, once again ask them their wishes regarding being accommodated under section 20.

4.29 If the young person still does not wish to be accommodated and is judged to have the capacity to make that decision, if it is necessary to safeguard and promote the welfare of the young person who is in need, they should be offered accommodation under section 17 of the 1989 Act until they no longer require accommodation or they reach the age of 18. In such cases children's services and housing services will need to work together with the young person to ensure that they are not placed at risk of homelessness as they approach age 18.

Young people from one district who seek assistance from housing services in another district

- 4.30** Housing services may choose to refer applicants who are homeless and eligible for services to another housing authority under certain circumstances. Referrals can only be made if the person **does not** have a local connection to the area they have applied to; they do have a local connection in the area they are to be referred to; and they would not be at risk of violence or the threat of violence in the area they are referred to.
- 4.31** In deciding whether or not to refer a young person to another district where they may have a local connection, housing authorities should consider a range of factors, including safeguarding or any risk of significant harm to the young person. In order to ensure that decision making is informed by relevant information, housing services should seek consent to discuss a referral to another authority with relevant children's services, in both the area of housing services and in the area they are minded to make a referral to.
- 4.32** Further guidance on local connection and referrals to other authorities is available at [chapter 10 of the Homelessness Code of Guidance](#).
- 4.33** The children's services team undertaking the child in need assessment should be consulted prior to any decision to refer a homeless 16 or 17 year old to another district to ensure that due consideration is given to their safety and welfare.

Chapter 5: The provision of suitable accommodation for 16 and 17 year olds.

Placements by children's services

- 5.1** [The Children Act 1989 Guidance and Regulations: Volume 2: care planning, placement and case review](#) provides guidance on the placement of looked after children, and will therefore apply to young people who are accommodated under section 20 of the 1989 Act for a continuous period of more than 24 hours. Placement options include regulated settings such as foster care and children's homes. Sections 22C(6)(d) and 23(2)(f)(i) of the 1989 Act provides that young people may also be placed in 'other arrangements', not regulated under the Care Standards Act 2000, where such a placement best meets their needs. 'Other arrangements' may include supported lodgings, supported housing and independent accommodation where suitable support is provided.
- 5.2** Some 16 and 17 year olds who require accommodation may be reluctant to take up a placement in foster care or a children's home and the assessment of their emotional and behavioural development may indicate that they do not require the level or kind of supervision and support that foster or children's home care provides. The option to use 'other arrangements' offers scope to provide alternative accommodation and support.
- 5.3** In accordance with chapter 3 of Part 4 of the Care Planning, Placement and Case Review (England) Regulations 2010 in every case the local authority must establish that the accommodation is suitable. Regulation 27 of schedule 6 to the Care Planning Regulations set out the standards that the authority must be satisfied with in respect of the accommodation and young person.
- 5.4** Where a young person is placed in other arrangements the local authority must prepare a placement plan. Regulation 9 of the Care Planning Regulations requires a placement plan to be agreed with and signed by the appropriate person. An 'appropriate person' in relation to other arrangements is defined in regulation 2(1) under 22C(6)(d), as the person who will be responsible for the child at the accommodation;
- 5.5** Any support plan setting out how the supported accommodation service will support the young person should be integral to the placement plan and avoid duplication.
- 5.6** The placement planning process should involve an exchange of appropriate information included as part of the assessment process which informed the development of the looked after young person's care plan, so that the accommodation provider has a full understanding of the young person's needs and their role in meeting these needs. It will be essential that the provider appreciates the arrangements that the local authority

proposes to put in place to make sure that the young person is adequately supported. The placement plan must be explicit about the respective roles and responsibilities of the placement provider and the young person's social worker, their Independent Reviewing Officer and of other staff employed or commissioned by the authority to contribute to the plan for the young person's care.

Placements by housing services

5.7 Accommodation secured by housing authorities under their functions under Part 7 of the 1996 Act must be suitable for the applicant and anyone who normally resides with them or might reasonably be expected to. For further guidance about suitability of accommodation, authorities should refer to [chapter 17 of the Homelessness Code of Guidance](#).

5.8 Consideration of whether accommodation is suitable requires an assessment of all aspects of the accommodation in the light of the relevant needs, requirements and circumstances of the person and their household. Factors to consider when determining suitability include physical standards and safety, whether the landlord is fit and proper, location and affordability.

Considerations for both children's and housing services

5.9 In considering suitability, both children's and housing services should bear in mind that 16 and 17 year olds who are homeless and estranged from their family will be particularly vulnerable and in need of support.

5.10 Children's and housing services are reminded that **bed and breakfast accommodation, including hotels and nightly let accommodation with shared facilities, is not considered suitable for any 16 or 17 year old.**

5.11 Examples of accommodation for use in emergencies include Night stop-type or short-term supported lodgings in the homes of trained and vetted hosts, emergency beds in specialist young peoples' supported accommodation services, other specifically designed crash pad services with on-site support and, for looked after children, emergency foster placements.

5.12 Housing and children's services should be alert to the risks that may be associated with placing vulnerable young people in mixed age hostel settings with people who are considerably older than they are. Young people should **not** be placed in all-ages night shelter provision, even in an emergency.

- 5.13** Housing and children's services are reminded that 16 and 17 year olds are still children and it will not usually be appropriate for them to be placed in temporary accommodation without on-site support. Accommodation with visiting support may be suitable for some young people; where this is considered authorities should put in place arrangements so that young people can contact support services out of hours.
- 5.14** Whether accommodation is provided by children's or housing services, arrangements should be in place so that young people have the support that they will need to make a positive transition towards independence. This might include, for example, the provision of supported accommodation or supported lodgings where young people can remain beyond the age of 18 and develop the skills they will need to manage the transition to adulthood.
- 5.15** This kind of accommodation and support might be jointly commissioned or provided by children's services and housing services and will help children's services to meet their duties to secure sufficient accommodation for looked after children and care leavers in their area.

Chapter 6: Joint working to prevent and resolve homelessness among 16 and 17 year olds

- 6.1** There is a clear legal framework for co-operation between children's services and housing services to meet the needs of children and young people. Section 27 of the 1989 Act empowers a children's services authority to ask other authorities, including any local housing authority, for 'help in the exercise of any of their functions' under Part 3; the requested authority must provide that help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of any of their own functions. The Children Act 2004 broadened and strengthened the statutory framework requiring co-operation between relevant statutory services to improve outcomes for children and young people.¹¹ Core legal requirements are set out in *Working Together to Safeguard Children*, making it clear what individuals and organisations should do and what they can expect of one another.
- 6.2** The details of local working arrangements regarding 16 or 17 year olds who are threatened with, or who are homeless, are a matter for each area. But when a 16 or 17 year old is threatened with homelessness they are first and foremost a child and therefore children's services have the primary duty to them.

Provision of general advice and information

- 6.3** In order to help prevent homelessness, children's and housing services may want to consider collaborating to provide relevant information and advice to young people and their families regarding support services available in the area, available housing options for young people, their rights, and how to request further assistance.
- 6.4** Children's services can provide these services under section 17 of the 1989 Act, which sets out the responsibilities of children's services to provide services for children in need and their families. It is the general duty of every local authority:
- a. to safeguard and promote the welfare of children within their area who are in need; and
 - b. so far as is consistent with that duty, to promote the upbringing of such children by their families
- by providing a range and level of services appropriate to those children's needs.

6.5 Housing authorities have a duty to provide advisory services to any person in their area and a duty to do so specifically for groups at high risk of homelessness. For further guidance about general advice and information regarding homelessness, authorities should refer to [chapter 3 of the Homelessness Code of Guidance](#).

6.6 The information and advice provided should cover:

- a. preventing homelessness;
- b. securing accommodation when homeless;
- c. the rights of persons who are homeless or threatened with homelessness, and the duties of the authority, under this Part;
- d. any help that is available from the authority or anyone else, whether under this Part or otherwise, for persons in the authority's district who are homeless or may become homeless (whether or not they are threatened with homelessness); and
- e. how to access that help.

Operational joint working - joint protocols

6.7 It is essential that services for 16-17 year olds are underpinned by written joint protocols which set clear and practical arrangements for the provision of services. In formulating a joint protocol, due regard should be given to fact that where duties are owed under section 20 of the 1989 Act they take precedence over the 1996 Act in providing accommodation and support for children in need who require accommodation.

6.8 An effective joint protocol will set out a mutually agreed vision, objectives, systems and processes to ensure effective action to prevent youth homelessness and, where homelessness has occurred and cannot be relieved through a safe return to a family home or to suitable friends, to ensure 16 or 17 year olds have accommodation which meets their needs.

6.9 A joint protocol should also outline that the duties placed on both children's services authorities and housing authorities apply to all 16 and 17 year olds, including those who are pregnant, have children themselves, have an older partner or are in and leaving custody. It should also set out the process for young people referred under 213B of the 2017 Act.

6.10 A joint protocol might cover the following:

- a. Inter-agency arrangements to prevent youth homelessness and provide support to young people to remain living with their families.
- b. Arrangements for assessment and planning for the needs of young people in custody, and the role of Youth Offending Teams within the protocol.
- c. Arrangements for integrated or joint assessment processes between children's services and housing services where 16 and 17 year olds seek help because they are threatened with homelessness or homeless, including information-sharing procedures.
- d. Delivery of the Duty to Refer placed upon children's services to ensure young people who are threatened with homelessness or are homeless are referred, with informed consent, to a local housing authority. This duty, introduced through the 2017 Act should not detract from, and may be used to enhance, performance of other statutory duties or joint working arrangements.
- e. Agreed timescales for assessing whether or not a homeless young person is a child in need and will be provided with accommodation by children's services.
- f. Arrangements for timely assessment and placement provision for young people who require accommodation on release from custody.
- g. Arrangements for access to suitable emergency accommodation when needed.
- h. Arrangements for access to longer term accommodation with support for young people (including looked after children and care leavers) who need this service.
- i. Agreed standards as to how the suitability of accommodation that is not formally regulated or inspected under the Care Standards Act 2000 will be assured.
- j. Arrangements for the provision of accommodation and other services to any 16 and 17 year old who is neither being accommodated by children's services under section 20 nor owed the main accommodation duty. This might happen, for example, where a young person is not eligible under the provisions of the homelessness legislation, or has been found to have become homeless intentionally, and is a child in need who does not wish to be accommodated under section 20.

- k. Integrated monitoring arrangements to provide management information regarding outcomes for young people including through reconciliation with parents or carers.
- l. Processes for resolving any disputes arising between staff from children's services and staff from housing services (for example, where expectations for completing assessments within specified timescales have not been met).
- m. Provision of advice and information to teenagers, including 16 or 17 year olds and their families, in relation to the help available to families with older teenagers, the available housing options for young people within the local area, their rights and how to access help.
- n. Arrangements for identifying longer term risk of homelessness where an assessment finds the young person is not homeless or threatened with homelessness, and making arrangements to address risk factors and prevent future homelessness.

6.11 The effectiveness and continuing relevance of joint protocols should be reviewed at least annually. Local authorities may find it helpful to establish multi-agency arrangements to monitor the effectiveness of protocols and the performance of local services in responding to young people who are threatened with homelessness or who are homeless. Local authorities will need to consider at the outset what data will be required for monitoring purposes and how the agencies involved will collect and analyse it. These monitoring arrangements will contribute to wider monitoring of the overall effectiveness of local arrangements to safeguard children and young people and promote their welfare.

6.12 It would be good practice for young people who have been provided with services to be consulted about the quality of services and contribute to service reviews.

Operational joint working – integrated youth homelessness services

6.13 One option for service delivery is to establish an integrated 'front door' where children's and housing services work together to provide assessment, homelessness prevention and access to suitable accommodation. Such services may be based with, or otherwise involve other key statutory and third sector services for young people, including education and employment support, advice and support, and health and youth justice services.

6.14 Given that the 1989 Act takes precedence over the 1996 Act, and given their responsibilities for children in need in their areas, children's services should be the lead agency with regard to assessing and meeting the needs of 16 and 17 year olds who seek help because of homelessness.

6.15 An integrated approach can have a number of benefits, for example:

- a. improvement of joint working and information sharing through enhanced communication between children's and housing services;
- b. enabling a joint approach to assessment, minimising the need for separate assessment activity by children's and housing services.
- c. a shared focus on preventing homelessness and co-ordinated approach to doing so;
- d. giving 16 and 17 year olds, and their families, access to information directly from both services regarding the support and, if necessary, accommodation options that may be available both now and in the future;
- e. co-ordinated multi-agency planning and support focussed around the young person and their family, ensuring that they do not have to repeat their stories or risk being passed between authorities.

Strategic joint working

6.16 Children's services should be linked to housing authorities' strategic housing function.

6.17 The anticipated accommodation and support needs of vulnerable young people, including homeless 16 and 17 year olds and care leavers, should be represented in relevant strategies and plans including homelessness strategies, supported housing strategies or commissioning plans, sufficiency strategies, and plans or strategies to coordinate multi-agency working to safeguard children locally and monitor and challenge the effectiveness of local arrangements.

6.18 Consideration should be given to developing collaboration between children's services and commissioners of housing and support services to meet the housing needs of young people in the area including providing suitable accommodation placements for looked after children aged 16 and 17. Services jointly planned and secured might include supported accommodation, floating support, supported lodgings, and more specialist housing provision for particularly vulnerable young people.

Annex: Factors to be considered by children's services when assessing 16-17 year olds who may be children in need

	Dimensions of need	Issues to consider in assessing child's future needs
1	Accommodation	Does the child have access to stable accommodation? How far is this suitable to the full range of the child's needs?
2	Family and social relationships	Assessment of the child's relationship with their parents and wider family. What is the capacity of the child's family and social network to provide stable and secure accommodation and meet the child's practical, emotional and social needs.
3	Emotional and behavioural development	Does the child show self esteem, resilience and confidence? Assessment of their attachments and the quality of their relationships. Does the child show self control and appropriate self awareness?
4	Education, training and employment	Information about the child's education experience and background. Assessment as to whether support may be required to enable the child to access education, training or employment.
5	Financial capability and independent living skills	Assessment of the child's financial competence and how they will secure financial support in future. Information about the support the child might need to develop self-management and independent living skills.
6	Health and development	Assessment of child's physical, emotional and mental health needs.
7	Identity	Assessment of the child's needs as a result of their ethnicity, preferred language, cultural background, religion or sexual identity.