**Joint Oxfordshire Guidance for the Prevention of Homelessness for 16- & 17-year-olds**



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# **Introduction**

Sixteen- and seventeen-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 are any concerns that a child may be suffering, or likely to suffer, significant harm then safeguarding principles should be followed.

Case law has clarified the relationship between the duty under section 20 of the Children Act 1989 and duties under Part 7 of the Housing Act 1996 in the case of 16- and 17-year-olds who require accommodation. The House of Lords case R (G) v Southward [2009] held that: where a 16- or 17-year-old is owed duties under section 20, this takes precedence over the duties in the Housing Act 1996.

Whilst section 20 duties take 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 assessment 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.

In Oxfordshire we have a number of Local Authority District Councils (Cherwell, West, City, South & Vale) who are responsible for housing in their areas. With this guidance document we want to be clear about how agencies across Oxfordshire, particularly Children’s Social Care and the Local Authority District Councils will work together to ensure that the needs of young people aged 16 – 17 years old who are homeless or at risk of homelessness are consistently assessed and supported. We also want to build on the Family Solutions Housing Project to strengthen working relationships between children’s social care and housing where there are housing issues for children who are living with their families and/or connected family or friends.

# **Parties to this agreement**

The Local Authorities who are party to this agreement are:

* Oxfordshire County Council Children’s Services
* Cherwell District Council Housing Authority
* City of Oxford Housing Authority
* South Oxford District Council Housing Authority
* Vale of White Horse District Council Housing Authority
* West Oxfordshire District Council Housing Authority

# **Purpose of Guidance**

This Guidance is designed for all staff in City and District Housing Authorities and Children’s Social Care. County Council staff should read it in conjunction with Tri.x procedures, local practice guidance, LiquidLogic and finance guidance.

Whilst the guidance is not exhaustive and will evolve, it aims to provide managers and practitioners with an overview of this area of work, provide operational clarity and promote best practice.

# **Guiding Principles**

The guiding practice principles that sit behind everything we do include:

* **Relationship based**

Relationships should be at the heart of everything we do, with children, families as well each other and in our supervision.

* **Restorative**

Working restoratively, we work “with” people providing “high support and high challenge”.

* **Strengths based**

We identify and build on strengths.

* **Trauma informed**

We understand and consider the impact of trauma on our children and families as well as on our practitioners.

* **Motivational**

The principals of Motivational Interviewing will inform our work with children and families as well as our supervision. We will listen, empathise, connect before we correct, pan for gold, consider stage of change and support people to find their own motivation to change.

* **Child focused**

We will always remain focused on the needs of the child whilst also remembering they are part of complex family and community systems and networks.

* **Use language that cares**

We will be mindful about the language we use and remember that we are the guardian of children’s memories and that what we write now may be used at a later stage to help people understand their story. Our records will be clear, transparent, free of jargon, timely, accurate, accessible and demonstrate our guiding practice principles.

# **Support Families to Stay Together**

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.

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.

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 Children Act 1989 and section 195 of the Housing Act 1996 and the Homelessness Reduction Act 2017. Any preventative work should be undertaken alongside the assessment process outlined in this guidance and should not delay the provision of accommodation or performance of any other statutory duties when there are owed.

If key issues affecting the young person’s welfare and/or the sustainability of their living at home remain unresolved, but they can 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.

# **Children’s Services Duties**

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 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, then young person will become looked after.

## **Section 17**

Section 17 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 to:

1. safeguard and promote the welfare of children within their area who are in need; and
2. 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.

Section 17 defines a child as being in need if:

1. 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,
2. their health or development is likely to be significantly impaired, or further impaired, without the provision for them of such services; or
3. they are disabled

The duties described in section 17 apply to all children in need in the local authority. A child is any person under the age of 18.

## **Section 47**

In addition, under section 47 if a local authority has reasonable cause to suspect that a child living in their area is suffering or likely to support 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.

## **Section 20**

Section 20 (1) requires that:

Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation because of:

1. there being no person who has parental responsibility for them.
2. their being lost or having been abandoned; or
3. 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.

In 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.

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

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

Local 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).

Where 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 then 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 the Act. Whilst accommodation 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.

# **Homelessness Application**

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 and the Homelessness Reduction Act 2017. These are where the young person is:

1. not a child in need
2. 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.

Where the S20 criteria is not met or declined by the young person and they do not want a service from Children’s Social Care, but they require accommodation, the housing authority will discharge their duties under homelessness prevention or relief.

• Prevention duties apply to those that are eligible and threatened with homelessness within 56 days.

• Relief duties apply to those who are eligible and homeless immediately or within 56 days. This will require the Housing Authority to take reasonable steps to help the applicant to secure alternative accommodation. The applicant is entitled to an assessment of their needs which must be confirmed to them in writing along with a Personalised Housing Plan which sets out the actions that both the applicant and the Council will take to find accommodation.

After 56 days, if the person still remains homeless then a final decision will be made as to whether or not the housing authority owes a main housing duty, otherwise no further duty is owed.

Where a young person is unwilling to return home this will mean they will not be regarded as homeless under the 1996 Act, however it is at the discretion of the Housing Authority to provide accommodation on a case by case basis considering the vulnerability of the individual, and efforts will continue to reconcile the family involving the young person and Children and Families Services.

The above guidance is taken from: [Provision of accommodation for 16 and 17 year olds who may be homeless and/or require accommodation (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year_olds_who_may_be_homeless.pdf)

This is a helpful document, which should be referred to for more detail and for information on specific circumstances as only the headlines have been reproduced in this local document.

# **Oxfordshire Young People’s Homeless Services**

There are a range of services to support 16 – 17-year-olds who are homeless or at risk of homelessness.

The Young Person Support Accommodation (YPSA) Service is for vulnerable young people aged 16 – 24 who are homeless or at risk of homelessness. The YPSA provides high quality accommodation and support to young people, including those in need of emergency accommodation.

For further information go to: [Young people's supported accommodation services (YPSA) | Oxfordshire County Council](https://www.oxfordshire.gov.uk/business/information-providers/ypsa)

# **Oxfordshire Pathway**

The pathway for supporting young people aged 16 – 17 presenting or identified as being homeless or at risk of homelessness in Oxfordshire:

* Young Person aged 16 - 17 presents or is identified as being homeless or at risk of homelessness in Oxfordshire.
* If young person NOT KNOWN TO CSC - Referral made to the Multi Agency Safeguarding Hub (MASH).
* MASH complete initial threshold decision and MASH assessment - timescales will depend on RAG rating.
* Depending on RAG rating the MASH will either pass directly to the assessing team or complete initial investigations and proactive work via the phone with the young person, their immediate and wider family and friends’ network to identify and resolve the issue which led to the homelessness crisis. This may include restorative conversations with the family.
* An initial discussion may be had with relevant Local District Housing Authority to assist decision making – i.e., is the young person/family known to housing, is there any history of involvement or any additional information which may inform the assessment.
* Decision made by the MASH as to whether a Children's Social Care Assessment is required.
* If young person KNOWN TO CSC - Allocated key worker informed.
* Young person passed to Family Solutions Plus, Disabled Children's Team or Youth Justice and Exploitation Service depending on needs of child.
* A Child & Family Assessment completed with the young person, their family and alongside under section 17 or section 47 within the defined assessment timeframes which should take a maximum of 45 days – however in Oxfordshire we aim for these to be completed within 20 days.
* The Local District Housing Authority will be consulted as part of the assessment and decision making. Information which might be pertinent to the assessment includes but is not limited to - is the young person/family known to housing, is there any history of involvement or any additional information which may inform the assessment, such as the needs of the family.
* Any preventative work should be undertaken alongside the assessment process and should not delay the provision of accommodation or performance of any other statutory duties. Preventative work may include restorative conversations and family group conferences.
* *Consideration is being given to how Family Group Cs can be used and accessed quickly in these situations and also how Child Practitioners on duty in FSP could be used to support quick preventative and restorative conversations with families.*
* Where a young person seeks help because of homelessness, the assessment must reach a decision as to whether the young person is a child in need and requires accommodation because of one of the scenarios set out in section 20 (1) (a) to (c) or section 20 (3).
* Where 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.

*Section 20 (1) requires that:*

*Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation because of:*

1. *there being no person who has parental responsibility for them.*
2. *their being lost or having been abandoned; or*
3. *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.*

*In 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.*

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

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

* As a result of being accommodated by children’s services for a continuous period of more than 24 hours then young person will become looked after.
* 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:
	+ not a child in need
	+ 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 the do not want to be accommodated under section 20.
* If the assessment concludes that the child needs accommodation, then the non-emergency assessment and referral form should be completed. This form can be found: [www.oxfordshire.gov.uk/YPSA](http://www.oxfordshire.gov.uk/YPSA)
* A referral to Placement and Resource Panel should also be made.
* If the young person needs immediate accommodation, an emergency referral needs to be completed for an e-bed with the YPSA. The emergency assessment referral form can be found: [www.oxfordshire.gov.uk/YPSA](http://www.oxfordshire.gov.uk/YPSA)
* Where there are no spaces in the YPSA then the assessment should inform what the alternative plan for the young person could be. Practitioners may need to refer to the unregistered, unregulated, unlawful and B&B guidance.