



Children's Safeguarding and Social Work and Homeless Services

Joint protocol for working with 16 and
17-year-old young people presenting as
homeless or at risk of homelessness

Updated: November 2021

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1 Aim of protocol

Some young people may present as homeless or at risk of homelessness because they have either left home or find it difficult to remain living at home. This is often due to conflict with parents and difficult family circumstances, and sometimes because of abuse and harm.

The protocol was introduced in response to the House of Lords judgement in the case of (R)G v Southwark (2009). The judgement clarified the legal responsibilities of Children and Young People's Services towards homeless 16- and 17-year-old young people and the inter-relationship duties under the Children Act 1989 and homelessness legislation.

Buckinghamshire Children's Services and Homeless Services have a joint statutory duty to meet the needs of young people aged 16 and 17 years who are homeless or at risk of becoming homeless.

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. 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.

This protocol sets out how Buckinghamshire Children's Services will work in partnership with Homeless Services and Housing providers to safeguard and promote the welfare of young people aged 16 and 17 who are homeless or at risk of homelessness.

Please note link to the **Joint guidance** [Provision of accommodation for 16 and 17 year olds who may be homeless.](#)

2 Scope

The protocol applies to **all** young people aged 16 and 17 who present as in need and are homeless or at risk of becoming homeless. Services that are involved in the implementation of the protocol are:

- Children's Safeguarding and Social Work
- Homeless Services
- Integrated Youth Support Services
- Youth Offending Service
- Schools and Colleges in Buckinghamshire

- Support workers

3 Principles

- The young person's safety and welfare is paramount.
- Services will work to support families to stay together where it is consistent with the young person's welfare. Where a young person has been provided with emergency accommodation prior to the completion of assessment, Buckinghamshire Children's Services and Housing will continue to work towards a return to the family home.
- All the young person's developmental needs will be assessed to ensure they receive appropriate support services to help them achieve good outcomes and provide them with opportunities for success in adult life.
- Where accommodation is provided, it will be suitable for the individual young person's assessed needs. Bed and breakfast accommodation will **never** be used as this is not appropriate accommodation. Risk assessments will inform placement decisions in order to safeguard all young people. All accommodation decisions are authorised at a senior level for increased oversight and scrutiny of practice and support.
- All agencies will promote multi-agency working practices to ensure integrated services and clear referral pathways so that young persons identified needs are met in a timely manner.
- Agencies will respect the young person's status as a young adult moving towards independence whilst balancing this against any continued need for safeguarding and support.
- Information will be shared in line with good practice and on a "need to know" basis. The young person's privacy and confidentiality will be respected where this is consistent with promoting their welfare and the welfare of others. Please refer to Section 10 on young person's consent to accommodation for more detail.
- Agencies and workers will work collectively and individually to ensure this protocol is implemented and that there is a genuine integration of services so that no young person is left without appropriate support.

4 Legal framework

- Young people aged 16 and 17 who are homeless or at risk of becoming homeless are likely to be vulnerable and may need services and intervention to safeguard and promote their welfare.

- Buckinghamshire Children’s Services and Homeless Services have a joint duty to meet the needs of these vulnerable young people:
 - Buckinghamshire Children’s Services has a duty to provide accommodation to young people aged 16 or 17 who are assessed as being in need and meet the criteria for accommodation under section 20 of the Children Act 1989 (see section 5.1).
 - Housing - Under part VII of the Housing Act and the Homelessness (Priority Need for Accommodation) (England) Order 2002, 16- and 17-year-olds who are not in care and who are not owed a section 20 duty by children’s services have priority need for accommodation.
- Under the statutory guidance “Provision of accommodation for 16- and 17-year-old young people who may be homeless or require accommodation” (DLUHG/DoE), both services have joint responsibility towards young people who are homeless or at risk of homelessness. However, duties under the Children Act must take precedence and young people must be assessed by Buckinghamshire Children’s Services before decisions are taken on what duties are owed to the young person in terms of providing support and accommodation.
- Local authorities have a duty to support families to stay together and prevent young people from becoming homeless by working with families to resolve issues or find young people an alternative home within their family and friends’ network. This should be the initial response from Buckinghamshire Children’s Services and Housing and rehabilitation work should begin immediately and carry on during the assessment process.
- If a young person presents as homeless to Children’s Social Care with nowhere safe to stay that night and is consequently at risk of significant harm, they should be provided with emergency accommodation whilst assessment of their needs and further need for accommodation is carried out.

Please refer to Appendix 1 for links to legislation and statutory guidance.

5 Eligibility for services

5.1 Eligibility for services under the Children Act 1989

A young person presenting as homeless or at risk of homelessness must be provided with accommodation under section 20 if assessment shows that they are in need **and** meet the threshold for accommodation under section 20.

A young person will be regarded as a **child in need** where they are unlikely to have the opportunity of achieving or maintaining a reasonable standard of health or development

without the provision of services by Buckinghamshire Children's Services, or their health or development is likely to be significantly impaired or further impaired, or if they are disabled.

Children's Services sometimes provide accommodation to homeless 16- and 17-year-olds on their own under section 17 of the Children Act, though it is rarely appropriate as the young person would receive little support.

Section 17 establishes that local authorities have a duty to safeguard and promote the welfare of children in need in their area. In cases of homelessness, section 17 is primarily used to accommodate families with children in need. The joint guidance clearly states section 17 cannot be used as a substitute for local authorities' duties to young people on their own under section 20.

Section 17 can be used by Children's Services to accommodate homeless 16- and 17-year-olds on their own as a last resort, when all other routes have failed:

- when the young person does not wish to be accommodated under section 20, and
- when it is subsequently found that the young person is also not owed the main accommodation duty by housing services (under Section 193 of the Housing Act 1996), for example because they have refused a suitable offer of accommodation or are found to be intentionally homeless.

Where a young person is accommodated under section 17, they will not be looked after by the local authority and accommodation will only be provided until they turn 18.

Local authorities **must provide accommodation** to any young person if they meet any of the following criteria:

- they have no-one who has parental responsibility for them
- they are lost or abandoned
- the person who has been caring for them is prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation
- their welfare is likely to be seriously prejudiced if they are not accommodated.

A child or young person (including a 'child in need') who does not meet the above criteria (for example because their parent is still able/willing to provide suitable accommodation and their welfare is not otherwise threatened) will not be eligible for accommodation under section 20(1) and would likely not be owed a homelessness duty (for example because they have suitable accommodation available and are not homeless).

Local authorities **may** accommodate young people who do not meet the above criteria but whose vulnerability means that providing accommodation under section 20 is the best means of safeguarding and promoting their welfare.

Where a young person is accommodated under section 20 they will become looked after and will be provided with all the services that are owed to all looked after children but the young

person must consent to this and the implications of becoming looked after must be fully explained to them.

If a young person is assessed as being a child in need but not in need of accommodation, Buckinghamshire Children's Services can provide services to support the family under section 17 of the Children Act 1989 and the young person will have a child in need plan.

5.2 Eligibility under homelessness legislation

Young people will be assessed under Part VII of the Housing Act 1996. This would be in conjunction with Children's Social Care jointly assessing the young person.

A young person will be owed a homelessness duty if they are:

- eligible to access public funds
- assessed as homeless or at risk of homelessness within 56 days.

A young person will not qualify for Part VII homelessness assistance if:

- the young person is not eligible for reasons such as immigration status (e.g. no recourse to public funds).
- the young person has a parent/guardian able to provide suitable accommodation and therefore the young person is not deemed homeless.

If the initial assessment by Housing Services finds that the child is not eligible due to their immigration status, or that they are already in care, arrangements must be made immediately for them to receive assistance from Children's Services who will most likely owe them a duty. If a separated child presents to Housing Services as homeless, they will be referred to Children's Services who will assess them and most likely accommodate them under section 20.

During the prevention or relief stage, Housing Services will refer homeless young people to Children's Services so that the child and family assessment can be conducted. They will then coordinate their work with Children's Services during the process of the child and family assessment to ensure the needs of the young person are met.

16- and 17-year-olds cannot be housed long term under Part VII of the Housing Act without a child and family assessment being completed by Children's Services to determine whether or not a section 20 duty is owed.

5.3 Joint Working

The joint guidance advises local authorities to establish joint working protocols to prevent and relieve youth homelessness. These should clarify their respective duties so that young people are not bounced between services, work is not duplicated and so there are clear points of engagement for the young person.

Please note link to the **Joint guidance** [Provision of accommodation for 16 and 17 year olds who may be homeless.](#)

6 Referral and notification

Housing Services

When approached by a 16- or 17-year-old who is homeless, Housing Services should treat the approach as a homelessness application under Part VII of the Housing Act. This means that if they have reason to believe the young person may be homeless or at risk of homelessness, they must investigate to ascertain whether they owe any duties to the young person. If they establish that the young person is faced with homelessness and eligible for housing assistance (which is based on nationality/immigration status), they will owe them either a prevention duty (when the young person is at risk of homelessness) or a relief duty (when they are homeless). They should also provide the young person with emergency accommodation when needed.

Housing will be the lead professional on any assessments for these young people and take responsibility for liaising with Children's Services for the joint assessment including the timescale for completion and communication.

Where a young person presents to Homeless Services, they should be referred on to Buckinghamshire Children's Services for an assessment immediately and the outcome needs to be communicated to the housing service within 72 hours of the referral.

Children's Services

Should the child present to Children's Services, Children's Services have a duty to provide accommodation whilst the joint assessment is completed. Children's Services will be the lead professional on any assessments for these young people and take responsibility for liaising with Housing for the joint assessment including the timescale for completion and communication.

6.1 Referring agencies

Agencies that are likely to refer young people for help because of homelessness include schools, colleges and the Youth Service.

Workers may be approached by young people who are homeless or at risk of homelessness including young people who are considering leaving the family home.

Initial work with the young person could explore:

- Their individual circumstances.
- Where they are currently living.
- Whether they are able to remain or return home and whether they will need services to support this, for example through mediation.
- Whether there are other family members who can look after the young person.
- If they have a current support worker or social worker.
- Whether there are any safeguarding risks or concerns.

6.2 Criteria for referral

Workers should make a referral to Buckinghamshire Children's Services where:

- the young person has already left or been excluded from the family home.
- the home environment is not safe for the young person and places them at risk of harm.
- the young person's behaviour is causing them or others to be at risk and parents are unable to manage this behaviour.
- the young person is particularly vulnerable to poor outcomes if they remain at home.
- the young person and their family will require services and support from Buckinghamshire Children's Services to enable them to remain at home or go to live with another family member.

6.3 Making referrals to Buckinghamshire Children's Services

All referrals to Buckinghamshire Children's Services must be made to the MASH (Multi-Agency Safeguarding Hub) by way of the MARF (Multi-Agency Referral Form) referral record. Young people may also refer themselves by contacting the Service. The MASH manager will make a decision on the referral within 24 hours and referrers will be notified of the outcome.

- Cases where there is no imminent threat of homelessness and the young person is likely to remain living at home may be referred to the Early Help Service or support services and a mediation service, including a Family Group Conference.
- Cases where the young person is homeless or at risk of homelessness because of conflict with their parents will be referred to Buckinghamshire Children's Services for assessment and mediation, including a Family Group Conference.
- Homeless Services have a duty to refer any young person aged 16 or 17 who presents as homeless or threatened with homelessness on to Buckinghamshire Children's Services immediately for assessment and a decision on whether a duty is owed under section 20 of the Children Act 1989. Housing workers should contact the MASH to discuss the case in the first instance and make a referral by MARF. [MASH Referral](#)
- Buckinghamshire Children's Services has a duty to notify Homeless Services of any young person aged 16 or 17 who will receive a service from Buckinghamshire Children's Services because they are homeless or at risk of homelessness. This is to ensure a joint response and integrated service delivery from both services. This should be done using the statutory Duty to Refer form/process and including a copy of the Child in Need assessment if the young person agrees.

Please refer to list below for referral forms to each of the former District legacy areas:

Aylesbury Area

Online self referral form: <https://hpa2.org/refer/AVDC>

Chiltern

Online self referral form: <https://hpa2.org/refer/CDC>

South Bucks Area

Online self referral form: <https://hpa2.org/refer/SBDC>

Wycombe Area

Online self referral form: <https://hpa2.org/refer/WYC>

- Before sending the notification, the social worker must obtain the young person's consent as well as their consent to sharing the young person's contact details with Homeless Services.
- Notifications to Homeless Services should include a summary of any assessment of the young person's situation and what services and support Buckinghamshire Children's Services will provide.

6.4 Roles and Responsibilities of Children's and Housing Services

Young people are entitled to the support of an independent advocate to help them navigate this process.

When a 16- and 17-year-old presents as homeless to their local authority, they must receive a child in need assessment (also known as a section 17 assessment) carried out by Children's Services – even if they first approached Housing Services.

Local authorities have a duty to safeguard and promote the welfare of children in need in their area (section 17 of the Children Act).

Under sections 20(1), 20(3) and 20(4) of the Children Act, local authorities have to provide accommodation for children in need in their area, who need accommodation.

7 Supporting families

Buckinghamshire Children's Services and Housing Services have a joint duty to support families to stay together and help young people to remain at home as this is likely to be in their best interests and is part of Buckinghamshire's strategy to prevent and reduce homelessness.

- Whenever a young person presents as homeless or at risk of homelessness Buckinghamshire Children's Services will initially work with the young person and their family to help them address and resolve issues that are leading to conflict and/or

explore options for the young person to live with members of the extended family or friends.

- All young people presenting as homeless or at risk of homelessness will be offered mediation services for 6-12 weeks by the Family Group Conference Service to help them and their parents improve relationships and enable young people to remain at home.
- Where assessment shows the young person to be in need, Buckinghamshire Children's Services will provide services and support under section 17 to meet the young person's needs and help them remain living with their family.
- Where it may not be possible for the young person to remain at home, Buckinghamshire Children's Services will help families to explore alternative care for the young person within their extended family and friends network using Family Group Conferences to facilitate this. These arrangements can be supported under section 17.
- Where it may be possible that no Buckinghamshire Children's Services duty may be owed, Homeless Services will provide advice and guidance on housing options.
- In general, a young person who is being assessed and undergoing mediation will not be provided with accommodation prior to the end of the assessment.

8 Buckinghamshire Children's Services Assessment

All 16- and 17-year-olds presenting as homeless or at risk of homeless will be jointly assessed by Buckinghamshire Children's Services and Housing to establish the young person's needs and their eligibility for services including whether they meet the threshold to be provided with accommodation.

Buckinghamshire Children's Services will carry out a child and family assessment for 16- and 17-year-old young people presenting as homeless or at risk of homelessness in order to:

- establish whether the young person meets the eligibility criteria for a service as a child in need and whether they need to be accommodated under section 20 as set out in section 5.
- identify their specific developmental needs and what support they will need to achieve good outcomes now and support needed for a successful transition to adulthood.
- make a recommendation on the most appropriate services and interventions to meet their needs.

Cases will be allocated to a Buckinghamshire Children's Services social worker and the assessment will be completed within a maximum of 45 working days. Buckinghamshire Council's

aim is for the assessment to be completed where possible within 10 working days as this will be the key factor in determining what accommodation and support (if any) needs to be provided and by what services. The longer the assessment takes, the greater the risk to child in the interim if they are in unsuitable accommodation and not getting the support they need.

Social workers should consider the factors listed in **Appendix 2** when deciding whether the young person is a child in need. This decision will be based on the professional judgement of the assessing social worker taking into account each young person's unique circumstances.

The assessment will be multi-agency and include contributions from all agencies working with the young person and their family.

As part of the assessment process, social workers should visit the family home and interview family members to assess the quality of family relationships and whether it is safe for the young person to remain living there. Social workers should also look at potential alternative accommodation within the family and friend's network.

If the young person is already living away from the family home, social workers should visit the accommodation to establish if it is safe, suitable and meets the young person's short-term needs.

The views of young people, and parents/carers, on the young person being accommodated should be taken into account when recommending services and interventions to be provided under the Children Act.

If a young person who is already known to Buckinghamshire Children's Services presents as homeless or at risk of homelessness, their allocated social worker will carry out an updated child and family assessment and refer the case to the Resource Panel for funding agreement and Legal Planning and New Admissions Panel.

8.1 The outcome of the child in need assessment for a homeless 16- and 17-year-old may conclude:

- The young person is a child in need and entitled to accommodation under section 20 of the Children Act. If this happens and they are accommodated for a period of more than 24 hours, they become a looked-after child.
- The young person is not a child in need and therefore should be provided with accommodation by Housing Services under Part VII of the Housing Act 1996 as a 'priority need' category. The young person will not be looked after.
- The young person is a child in need but is not entitled to accommodation under section 20 - this would happen when the young person is able to return to their family's care with the local authorities providing support services to their family.

Please refer to **Appendix 3** for a table of entitlements under each route.

8.2 Accommodation options

Types of accommodation where young people can be housed.

The type of accommodation will depend on the route the young person decides to take. If they want to be accommodated by housing services, they are likely to be placed in supported accommodation. If they want to be accommodated by Children's Services, the type of placement will depend on the assessment of the young person's needs conducted by the social worker.

- Residential children's homes - A placement in a children's home is an option for a 16 or 17-year-old who becomes looked after, although this is not common. Children's homes are regulated by Ofsted and provide a higher level of care than supported accommodation. Young people can only be placed in this form of accommodation by Children's Services.
- Foster care - For 16- and 17-year-olds who become looked after, foster care should be discussed as one of the options where they can be housed.
- Semi-independent or independent placements or supported accommodation. These are the most common destinations for young people aged 16 or 17 and include supported living, hostels, and foyers. These settings are not regulated, meaning that they do not have to meet minimum standards set in law and are not inspected by Ofsted. The support available to the young person varies according to the setting and it is essential that young people are placed in a setting which provides an appropriate level of support for their needs. Both Housing and Children's Services can place young people aged 16-17 into these types of placements. Local authorities may commission out provision of supported accommodation to private or voluntary sector organisations.

8.3 Types of accommodation where young people cannot be housed:

- B&Bs - The joint guidance clearly states that B&Bs, including hotels and nightly let accommodation with shared facilities, are not considered suitable for any 16- or 17-year-old.
- Temporary accommodation - The joint guidance states that it is not usually appropriate to house a 16- and 17-year-old in temporary accommodation without on-site support.
- All-ages night shelter 16- and 17-year-olds must not be placed in all-ages night shelter, even in an emergency.

8.4 In an emergency, the joint guidance states that the following types of accommodation are appropriate until more suitable emergency accommodation can be secured for the duration of the assessment:

- 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.
- For looked-after children, emergency foster placements.

9 Legal Planning and New Admissions Panel

All assessments will be reviewed at the Legal Planning and New Admissions Panel, attended by:

- Service Director of Buckinghamshire Children's Services or Head of Service (Chair)
- Team Leader, Legal Services
- FGC Manager
- Representative from Early Help
- Placement Manager

The assessing social worker will present their assessment to the Panel for a decision to be made about their status which may include:

- The young person is able to return home or to suitable alternative accommodation and homelessness has been prevented.
- The young person is a child in need who should be accommodated under section 20 (or continue to be accommodated where emergency accommodation has been provided).
- The young person is not eligible for section 20 accommodation and is not homeless or threatened with homelessness and no housing duty is owed.
- The young person is not eligible for section 20 accommodation but there remains a risk of homelessness within 56 days; the Homelessness Service should be notified and will notify the young person if any duty is owed.

If the young person has been assessed as being in need but does not meet the criteria to be accommodated under section 20, Buckinghamshire Children's Services will provide a statutory social work service under section 17 to support the young person to remain at home and the young person will have a child in need plan.

If the young person is assessed as not being in need, advice and guidance on housing options will be provided by Homeless Services.

10 Young person's consent to accommodation

When working with young people, it is important that their views, wishes and feelings are sought and taken into account and that this is an ongoing process through mediation, assessment and beyond.

In particular, at the start of the assessment process, they should be informed of the implications of being accommodated under section 20, including how they will be supported as a looked after child, how being accommodated will affect their benefit entitlement and what support they will be entitled to subsequently as a care leaver.

They should also be given accurate information about what assistance may be available to them from Housing under the Housing Act 1996 if they do not become looked after, and how any entitlement to assistance by Housing will be determined.

Children's Services will 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), 18
- 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).

The possible risk of becoming intentionally homeless in future and the implications of this for further assistance with accommodation should be made clear to the young person. This is to ensure that the young person is able to make an informed decision when consenting to accommodation. The young person will be advised of the limitations of the Council's homelessness duties including likely need to stay in temporary accommodation, limited choice on future accommodation options etc.

Please refer to **Appendix 3** for guidance.

The steps taken to ensure that the young person was properly informed must be clearly recorded on the young person's case record. Social workers should also refer young people to independent advocates at Coram Voice where this may be appropriate and useful for the young person.

If the young person does not consent to being looked after under section 20, Buckinghamshire Children's Services should consider whether they are competent to make this decision under

the Mental Capacity Act 2005 and whether there are any safeguarding concerns that will require further action as a result of this decision.

11 Facilitating informed decision making

This process can be challenging for young people who have often faced multiple adversities by the time they reach the stage of being homeless. In Homeless Link's, Young and Homeless 2020, 'We have a Voice, Follow Our Lead', young people valued organisations that were empowering and encouraged participation, where their experiences of adversity were recognised, and where they were provided with responsive and tailored support. Stories highlighted the importance of services being able to listen and interpret young people's needs.

[Young and Homeless 2020.pdf](#)

This section provides advice on how to support, safeguard and empower young people through centring a trauma informed approach.

11.1 Impact of trauma

16- and 17-year-olds faced with homelessness have often faced multiple traumatic experiences. This may include a single traumatic event, e.g., the loss of their home, or it may involve ongoing complex trauma. It can include early and ongoing experiences of physical and emotional abuse, neglect, familial rejection, and breakdown, loss, or death of a loved one, domestic violence, gang-related violence and/or exploitation, serious injury, fleeing their country of origin, surviving a natural disaster, surviving terrorism, etc. Experiences of prejudice are often part of, and intersect with, these traumatic experiences. For example, an LGBTQ+ youth homelessness charity, found that LGBTQ+ young people who become homeless frequently experience sexual abuse, bullying, and neglect from their family because of their sexuality and/or gender identity.

Traumatic experiences violate people's boundaries and can influence brain development, the way we see ourselves and the way we attach and relate to the world and others around us. This can play out in behaviour and belief systems for example people may feel:

- Fear and a constant state of alert.
- A sense of helplessness and powerlessness.
- Shame and/or a sense that they are a bad person.
- A lack of trust in others and services.
- Difficulty managing emotions.

Young people may not trust services and individuals who represent systems associated with their trauma, who therefore represent or are associated with a lack of safety and control. They may want to distance themselves from and disengage with support available. Professionals should recognise that this is a protective response, and how it may impact their decision making when it comes to navigating their housing and support options.

A trauma-informed approach recognises young people's behaviour - often labelled as disengaged, challenging, disruptive or aggressive - as normal coping mechanisms that have been developed to respond to and keep them safe in abnormal situations.

11.2 Building a trusting relationship

Building a safe physical and social environment and safe relationships will provide young people with space to explore their housing options and make informed decisions. Young people have highlighted the importance of sustaining and trusting relationships with staff in homelessness settings as a significant factor impacting their self-confidence, and sense of control in their lives.

Getting to know the young person beyond their issues and needs is important while supporting them through homelessness, in order to increase opportunities of understanding and trust, and support and develop their self-esteem and resilience. The relationship with the young person should be respectful, honest, non-judgmental and have clear and appropriate boundaries.

It is important to be consistent and dependable, while only making promises that can be kept and are within the remit of the organisation. Setting clear boundaries supports people to understand what they can expect from the service, as well as other services, and helps to build trust.

Professionals should be upfront with a young person about the duties to raise safeguarding concerns are, and what this means for them. It may be useful to conduct a safety assessment with the young person to help inform the work with them, support transparency, and monitor any impact on the options available to them.

11.3 Managing and providing information

Young people in homelessness services consistently raise that they did not have access to the right information when they became homeless. Young people must be informed of their rights to facilitate informed decision-making. It is, however, important to get the right level of information so young people are not overwhelmed. Exploring and understanding young people's wishes and needs should be prioritised. Validating feelings and emotions and providing empathetic and non-judgemental support can support engagement with young people who have experienced trauma.

Traumatic experiences can affect memory, and other cognitive processes, such as focusing attention, planning, and problem solving. This means some young people may face challenges in processing, understanding, and retaining information: information may need to be provided and revisited at different points and presented in different formats. If there are concerns a young person has not taken in what has been said, it is better to ask them to repeat and summarise what was said, rather than asking them if they understood.

11.4 Providing age-appropriate support

Professionals should recognise that 16- and 17-year-olds will have limited experiences where they have been offered choice and control, for example, the young person or child's consent is not usually needed to initiate safeguarding responses. In addition, young people will have often left homes where they were somewhat dependent on an adult. Any choices they have had, may have been dictated by threats to their own or others' safety.

To build up to this, it may be useful to, where appropriate, start delegating responsibilities or tasks to the young person to help develop a sense of shared responsibility and trust. It is important to note that while you may disagree with a young person's decision, you should not undermine them or act in a way that reduces a young person's control, as this can be disempowering and re-traumatising. Where a trusting relationship has been built with a young person, there may be space to explore the reasons and emotions behind their decision, if this is appropriate. If a young person who has been fully informed of their options and their consequences decides not to become looked after and instead to accept accommodation under the Housing Act, their decision should be respected.

If you are concerned that the young person may lack capacity to make a decision, for example because they have a health condition that impacts their ability to make a decision, it may be worth considering whether they should be assessed under the Mental Capacity Act 2005.

11.5 Making services accessible

Some young people will have specific circumstances making engaging with Housing and Children's Services more challenging. The young person may not always feel comfortable or think to disclose these circumstances outright. Professionals should try and identify whether that is the case and if so, take steps to facilitate the young person's engagement with services. For example, the young person may need additional support or certain accommodations if they have caring responsibilities or are a young parent, if their immigration status is uncertain, if they do not speak English well or at all, if they are disabled, or if there are any safeguarding concerns or history which may, for example, prohibit them going to certain areas or mixing with people from those areas. On a practical side, there may be financial barriers that would affect remote contact or prevent travel and in-person attendance to the local authority.

Particularly during the Covid-19 pandemic, it has been important to ensure young people have digital access to online meetings – if possible, through the provision of smartphones and / or laptops and internet access. It is also important to consider digital skill and literacy and ensure young people are confident in using technology and online platforms.

12 Looked After Children Services

Where a young person becomes looked after, Buckinghamshire Children's Services will ensure they have:

- an allocated social worker who will visit them on a 6 weekly basis or more frequently if required.
- an Independent Reviewing Officer who will ensure Buckinghamshire Children's Services is meeting all their statutory requirements as corporate parents to the young person.
- suitable accommodation according to their assessed needs.
- a placement plan setting out how key workers will work with young people on a day-to-day basis in order to safeguard and promote their welfare.
- a pathway plan setting out what services and support will be made available to the young person to help them live independently and make a successful transition to adulthood.
- review meetings held every 6 months to look at whether their pathway plan is achieving planned outcomes and ensure the young person is receiving adequate support and services.

13 Young people from outside Buckinghamshire

Young people presenting as homeless in Buckinghamshire but from whose address they are homeless or at risk of homelessness is in another borough may not be eligible for accommodation under section 20 from Buckinghamshire Council. If the prevention or relief duty under homelessness legislation is owed, an assessment will be made as to whether it is appropriate to refer the young person back to their original local authority.

However, Buckinghamshire Council will ensure that an assessment is carried out of any young person presenting as homeless and that any immediate needs of the young person are met pending any referral to another authority. In the event of the other authority disputing responsibility for the young person, Buckinghamshire Council will assess and provide for the young person as if they were Buckinghamshire Council's responsibility until this is resolved.

14 Young people in custody

Buckinghamshire Children's Services and YOS will work in partnership to ensure that young people aged 16 and 17 who are leaving custody and may be homeless or at risk of homelessness have suitable accommodation available on release and this will be jointly planned during resettlement planning.

If the young person already has an allocated Buckinghamshire social worker, they should attend any resettlement meetings; a representative from Buckinghamshire Children's Services should also attend if a young person will be referred to Buckinghamshire under this protocol. Buckinghamshire Children's Services should always attend where the young person was looked after prior to custody and will need to become looked after again on release.

Where possible, the focus of work should be ensuring young people can return home to live with their family or another family member and mediation services or a Family Group Conference should be considered to support this.

15 Young parents

If the young person is a parent and is to be accommodated under section 20, consideration will be given to the needs of the family, but it will not automatically follow that the child will become looked after. A separate assessment of the child will be carried out to establish their needs and the young person's parenting capacity before a decision is made on whether the child should also be looked after or what other action may need to be taken. If the young person is pregnant, a pre-birth assessment should be carried out.

When working with young parents and expectant mothers, social workers will ensure:

- if the parent/young person is to become looked after they are allocated suitable accommodation
- the professional network is fully involved in planning for the young person and their child
- the young parent can access their full entitlement to benefits and maternity grants.

16 Safeguarding and child protection

Buckinghamshire Children's Services have a responsibility to investigate any child protection concerns and take any necessary action. Staff should refer to "Working together to safeguard children" (DfE 2018) and Buckinghamshire Safeguarding Children Partnership child protection procedures for full details.

If a young person's situation or behaviour raises serious concerns about their safety, or the safety of other children and young people, keyworkers should make a child protection referral to the young person's allocated social worker. This may be where the young person:

- is in a violent or abusive relationship
- may be being sexually exploited
- may have been trafficked or be a victim of modern slavery or exploitation
- is in contact with the perpetrator of suspected abuse
- is pregnant or is caring for their child and there are concerns for the (unborn) baby's safety and welfare
- exhibits behaviour that puts them or others at serious risk
- goes missing and there are concerns for their welfare; staff should refer to the Buckinghamshire Safeguarding Children Partnership guidance on missing children
- is known to have committed offences against children.

Some young people's circumstances make them more vulnerable to harm and abuse and allocated social workers and housing key workers need to be aware of the following:

- **Child sexual exploitation** describes situations where a young person takes part in sexual activity in return for goods, food or accommodation. It normally takes place in the context of an exploitative relationship where there is a power imbalance between the young person and the perpetrator, for example a much older boyfriend, and where consent has not been freely given.
- **Modern slavery and child trafficking** are criminal offences involving holding a person in slavery or servitude or requiring them to carry out forced or compulsory labour. It is also an offence to traffic people with a view to exploiting them. Modern slavery can include child sexual exploitation or the criminal exploitation of young people on the "county lines" model where young people are forced to carry drugs and weapons to other parts of the UK.
- **Going missing** can put young people at risk and can be an indicator the young person being involved in child sexual exploitation or trafficking. Social workers and key workers need to be aware of their role in carrying out risk assessments and reporting young people as missing under the Buckinghamshire Safeguarding Children Partnership missing children protocol.
- Some young people living in temporary accommodation may be at risk either because they are involved in **gang activity or because they become a victim of gangs**. Social workers and keyworkers need to be aware of any potential gang involvement and carry out risk assessments

For details of guidance on these safeguarding issues please visit the BSCP website:

<https://www.buckssafeguarding.org.uk/childrenpartnership/>

17 Discharge from care

As the duty to provide accommodation under section 20 only applies where the young person is homeless, any young person who is accommodated under section 20 who successfully returns home or who subsequently does not appear to have a need for accommodation will be discharged from care.

It will be made clear to young people at the placement agreement meeting that any overnight stays must be agreed in advance with housing support workers and the allocated social worker. This will be monitored by housing support workers.

If there is clear evidence that the young person is consistently returning home for long periods of time, including overnight, this will be notified to the social worker who will make a decision on whether or not the young person continues to require s.20 accommodation.

In making this decision, the social worker will look at:

- the level of contact with the family
- the amount of time spent in the supported housing accommodation
- whether or not the home environment remains safe and suitable for the young person
- the young person's relationship with their family.

18 Leaving care services

Young people who are accommodated under section 20 at ages 16 and 17 years will qualify for a LAC service until they are 18 years old. However, if they qualify as an eligible or relevant child (aged 16 or 17 years old who has been looked after by Buckinghamshire Council for more than 13 weeks between 14 to 17 years), or former relevant child, they will normally be entitled to a full leaving care service up to the age of 21 (or 25 if they request continuing support).

They will only cease to be entitled to a leaving care service if they have returned to living with their parent or someone with parental responsibility for a continuous period of at least 6 months and that relationship has not broken down.

Young people who are Looked After for less than 13 weeks prior to their 18th birthday will not be entitled to a leaving care service. However, they may be eligible for limited support from Buckinghamshire Council that will focus on providing support for their education, training and employment.

19 Benefits

Buckinghamshire Children's Services has a duty to support looked after children financially up to the age of 18, and young people who are accommodated under section 20 will not be able to claim benefits. However young people who are registered disabled or who have children may be able to claim some benefits and social workers will advise on this.

Young people aged 16-18 who are not subject to section 20 (Looked After Children status) but who are living separately from their parents in temporary accommodation having been placed there by Homeless Services will be able to claim income support or job-seekers allowance and will need to apply for housing benefit to pay for their accommodation.

Following assessment, the social worker will support, where necessary, the young person to apply for benefits. The social worker will provide a copy of the child and family/homelessness assessment and a letter stating that the young person is living independently, is estranged from their parents and will not be accommodated under section 20 of the Children Act.

When a looked after young person is 18 years old, they will be eligible to claim benefits and their personal advisor in the Leaving Care team should help in making their claim.

20 Recording and management information

Buckinghamshire Children's Services case records will be kept on the departments electronic case recording system, LCS. There is a homelessness indicator on the LCS to identify and monitor homelessness for 16/17 year olds. Management information will be generated from LCS by staff based in the Business Intelligence Information Team.

Records on young people kept by housing providers must be returned to Buckinghamshire Children's Services once they have left the placement as the records form part of the young person's looked after records which may need to be accessed by them in the future.

Records kept by Homeless Services in relation to any homelessness duty accepted will be recorded on Housing database and reported in accordance with homelessness requirements.

21 Multi-Agency working

21.1 Framework

Under the Children Act 2004, all agencies have a duty to co-operate to safeguard and promote the welfare of children and young people. To achieve this, all agencies will:

- share information, including assessments, in a timely manner and in line with agreements regarding confidentiality.
- attend all meetings and reviews or provide a written report where attendance is not possible.
- contribute to assessments where appropriate.
- play an active part in monitoring the young person's progress against the aims set out in their plan.
- maintain a reasonable level of inter-agency contact, particularly where the young person is in crisis.
- consult with other agencies regarding any case decisions, especially decisions to end services or discharge from care.

21.2 Confidentiality and information sharing

All information provided by the young person is confidential and will not be disclosed to third parties unless:

- the young person has given their consent to the information being shared.
- it is necessary to share the information in order to protect the young person or others from significant harm.
- under court order.
- there is a statutory power under the Crime & Disorder Act 1998 to share information with a relevant authority (police, local authority or health authority) for the purposes of preventing crime.

By law, young people aged 16 and 17 are deemed capable of giving informed consent to information sharing and must consent unless they lack the mental capacity to make this decision. In these cases, the principles of the Mental Capacity Act should be followed; the allocated social worker will decide who should provide consent on their behalf. Normally this would be a parent or someone with parental responsibility. If this is not possible, guidance may have to be sought from the Courts.

Young people will be told at the outset that in order to receive a full service from Buckinghamshire Children's Services, they need to give written consent to Buckinghamshire Children's Services to obtain information from other services and the police where relevant and to share information with other professionals, including housing support workers. In discussions with young people, workers will make clear what information needs to be shared, with whom and why. Where information is being shared, workers will pass on only relevant information for the stated purpose.

It is lawful for agencies including the police to share information regarding young people who are involved in gangs and offending in order to protect other young people within the pathway accommodation or to stop the commission of a crime.

Information gathered for the Buckinghamshire Children's Services assessment will be made available to Homeless Services for the purposes of homelessness prevention or to assist the assessment under the Housing Act 1996. Any such assessment will be undertaken alongside the Buckinghamshire Children's Services assessment in order to prevent the young person becoming homeless and to prevent unnecessary delays.

21.3 Dispute resolution

The aim of this protocol is to encourage decisions to be taken jointly and to ensure that the needs of young people are addressed by the most appropriate agency within the framework of legislation and good practice.

In the event that professionals and agencies disagree with any decisions taken by another agency, this will be resolved under the Buckinghamshire escalation policy.

21.4 Joint Training

All workers who are responsible for implementing this protocol and who come into direct contact with young people will receive safeguarding children training provided by Social Care and Housing to the relevant level depending on their level of contact with young people.

Buckinghamshire Children's Services social workers should receive training on working with homeless young people as part of their core training.

Housing support workers who work directly with young people will be able to access social work training provided by Buckinghamshire Children's Services and Housing.

21.5 Monitoring & review

This protocol will be reviewed annually by senior managers from Buckinghamshire Children's Services and Housing Services.

Appendix 1: links to relevant legislation and statutory guidance

The Children Act 1989

<https://www.legislation.gov.uk/ukpga/1989/41/contents>

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

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

The Housing Act 1996

<https://www.legislation.gov.uk/ukpga/1996/52/contents>

Homelessness Reduction Act 2017

<http://www.legislation.gov.uk/ukpga/2017/13/contents/enacted>

Homelessness Code of Guidance

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>

Coram Voice Always Heard Coram Voice Always Heard is a national advocacy helpline which can refer young people to their local advocacy service or provide advocacy services themselves when needed: visit

<https://coramvoice.org.uk/get-help/alwaysheard/>

or call 0808 800 5792. Coram Voice also provides an online tool to find your local advocacy service: <https://coramvoice.org.uk/get-help/find-your-localservice/advocacy/>.

Shelter Legal

https://england.shelter.org.uk/professional_resources/legal/housing_options/young_people_and_care_leavers_housing_rights/local_authority_duties_to_homeless_16_and_17_year_olds

Appendix 2

Factors to be considered by children’s services when assessing 16-17 year olds who may be children in need (Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation DfE 2018)

Dimensions of need	Issues to consider in assessing children’s future needs
Accommodation	Does the child have access to stable accommodation? How far is this suitable to the full range of the child’s needs?
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?
Emotional and behavioural development	Does the child show self-esteem, resilience and confidence? Assessment of their attachments and the quality of relationships. Does the child show self-control and appropriate self-awareness?
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.
Financial capability and independent living skills	Assessment of the child’s financial competence and how they will secure financial support in the future. Information about the support the child might need to develop self-management and independent living skills.
Health and development	Assessment of the child’s physical, emotional and mental health needs
Identity	Assessment of the child’s needs as a result of their ethnicity, preferred language, cultural background, religion or sexual identity.

Appendix 3: Entitlements under each route

What will you be entitled to, before and after you turn 18, according to which option you choose

When housed under section 20 of the Children Act	When housed under section 17 of the Children Act	When housed under part VII of the Housing Act
<p>After 24 hours, you will become a looked-after child. You will be given a social worker and all of your needs will be taken care of by the local authority.</p> <p>Before you turn 18, your social worker will work with you to plan what support you will need to achieve your long-term goals once you turn 18.</p>	<p>You will be a child in need and therefore should continue to receive the support children’s services will have decided you need based on their assessment of your needs and will have a social worker assigned to you to make sure that your needs are met.</p> <p>However, you will not be entitled to any Pathway Planning or leaving care support to assist you to transition into adulthood.</p>	<p>You will be legally entitled to minimal support, though some local authorities may offer support packages in these circumstances.</p> <p>There is no requirement for you to have a social worker or a Pathway Plan or equivalent.</p>
<p>Your accommodation is paid for by Children’s services until you turn 18.</p>	<p>Your accommodation should be paid for by Children’s services until you turn 18.</p>	<p>You will be responsible for working and/or claiming benefits and paying for your accommodation and all other expenses.</p>
<p>You should receive subsistence/pocket money or special allowances for birthdays and other occasions.</p>	<p>Any subsistence/pocket money or special allowances for birthdays and other occasions would be at the discretion of social services.</p>	<p>No pocket money/subsistence and no special allowances for birthdays or any other occasions.</p>
<p>You will be entitled to get advocacy support for any complaints and representation.</p>	<p>You will be able to get advocacy support for any complaints and representation.</p>	<p>There is no entitlement to advocacy support. However, you would be able to get advocacy support for any complaints and representation.</p>
<p>If your placement breaks down, Children’s services</p>	<p>If you are housed under section 17 and your placement breaks down,</p>	<p>If you are accommodated under the Housing Act and become at risk of eviction,</p>

<p>must find you a new placement.</p>	<p>Children’s services will find you a new placement</p>	<p>depending on why you might be viewed as intentionally homeless and so no longer eligible for further housing support from housing services.</p>
<p>When you turn 18 and until you turn 21, you will automatically have priority need if you become homeless, meaning you will be much more likely to get help.</p> <p>Between 21 and 24, care leavers may have priority need if they can show that they are vulnerable as a result of having been in care.</p>	<p>Once you turn 18, you will not be a care leaver and will not automatically have priority need on those grounds.</p>	<p>Once you turn 18, you will not automatically have priority need on grounds of care experience.</p>
<p>Depending on how long you were housed as a looked after child, you will either be a former relevant child or a qualifying care leaver. Each category is entitled to slightly different levels of support after they turn 18.</p> <p>A young person who was in care for at least 13 weeks and was still in care when they turned 18 is a former relevant child. They are also known as care leavers.</p> <p>They will continue to receive support until the age of 25, including support to pursue higher education.</p> <p>Before they turn 18, the young person is entitled to having their long-term needs assessed (a Pathway Plan needs assessment) to set out</p>	<p>After you turn 18, you will not legally be entitled to any support, including with pursuing higher education, though some local authorities may offer support packages in these circumstances.</p>	<p>After you turn 18, you will not legally be entitled to any support including with pursuing higher education though some local authorities may offer support packages in these circumstances.</p>

the advice, assistance and support social services will provide them to transition into independence. This includes helping with education, career planning, employment, accommodation, financial needs and planning, and any other support needs and leaving care provision, up to the age 21. They will have a personal advisor who should keep in touch, provide the support agreed on in their Pathway Plan and any other support they need.

Once they turn 21, former relevant children are still entitled to a Personal Advisor and advice and support until they turn 25 if they request it.

A young person who was still in care when they turn 18 but was not in care for at least 13 weeks in total is known as a qualifying care leaver. They are entitled to advice and assistance from children's services until the age of 21, including sometimes financial assistance. If they are in higher education, they can receive help with their living expenses and with having a place to live during school holidays until the age of 25.

Appendix 4

Flowchart representing joint protocol for homeless 16/17 year olds

