

HAMPSHIRE COUNTY COUNCIL

Report

Committee/Panel:	Children and Families Advisory Board
Date:	11 June 2019
Title:	Hampshire Joint Working Housing Protocol
Report From:	Director of Children's Services

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1 Recommendations

- 1.1 That the Children and Families Advisory Panel;
 - a. Note the contents of the report.
 - b. Agree that the key challenges are to be considered by the Corporate Parenting Board.

2 Executive Summary

- 2.1 The Hampshire joint working protocol and guidance between housing & Hampshire Children's Services Department for 16 & 17 year olds in housing need has been reviewed and has the following updates and amendments:
- 2.2 Current legislation has been reviewed and practice updated.
- 2.3 The duty for the local authority under the homelessness Act 2017 has been explained. The Act specifies public bodies in England, including Children's Services, are under a duty to refer any person including a young person (with consent) to a housing authority for further guidance if threatened with homelessness.
- 2.4 The duty means that the local authority must undertake the same enquiries for someone where there is reason to believe they may be threatened with homelessness as it would for someone who is homeless. The timescale for this is now 56 days.
- 2.5 Accommodation provided for young people will be suitable to meet their needs.

- 2.6 There is no situation in which bed and breakfast accommodation can be considered suitable for 16 and 17-year-old applicants, even on an emergency basis.

3 Introduction

- 3.1 The judgement in the House of Lords case, *G v Southwark*, clarified the responsibility of Children's Services for accommodating homeless young people aged 16 /17 years of age under the Children Act 1989. The 'Southwark judgment' clearly affirmed the responsibility of Children's Social Care to assess young people who present themselves as being homeless or at risk of homelessness. The ruling highlights that the needs of these young people are likely to be so complex that, as a rule, the outcome of the assessment should be that these young people should be looked after under section 20.
- 3.2 The Homelessness Reduction Act 2017 has made significant changes to part 7 of the Housing Act 1996. Its main effect is to place increased duties on local authorities to assess an applicant's needs and to prevent and relieve homelessness. The Hampshire Joint Working Housing Protocol promotes information sharing, planning and a joined up response in supporting young people who at risk or are homeless. The revised joint working housing protocol will ensure that there is a collaborative approach in supporting young people from Children's Social care and District Housing Authorities.

4 Background, context and key facts

- 4.1 The Hampshire Joint Working Housing Protocol clarifies the process and procedure for managing young people who are at risk or are homeless. A fundamental principle of the Hampshire Joint Working Housing Protocol is that all 16 and 17 year olds who approach either the local Housing Authority or the Children's Services Department, and where there is a reason to believe they may be homeless, should be assessed by Children's Services under the Children Act 1989 to determine whether they are a child in need and, if so, whether a duty exists to offer accommodation under section 20 of that Act.
- 4.2 This protocol recognises that homelessness is damaging to young people's personal, social and economic development and well-being. Where possible, homelessness should be prevented, and young people supported to remain at home (where it is safe to do so) or leave in a planned and supported manner. The primary objective of agencies is to respond to all young people's enquiries with the aim of preventing homelessness and supporting the young person to remain in the parental home, where it is safe and reasonable to do so.
- 4.3 Children's Services is the lead agency regarding assessing and meeting the needs of 16/17 year olds who seek help because of homelessness. Although

the Children Act 1989 is the primary legislation over the Housing Act 1996, Part 7 (as amended), both services are responsible for meeting the needs of these young people. Current legislation and practice requirements are included in the joint working housing protocol and emphasises the complementary roles of Children's Services and the District Housing Authorities.

- 4.4 The joint working housing protocol has been completed with advice from Kim Davis, Youth Homelessness Advisor, Homelessness Advice and Support Team, Homelessness and Rough Sleeping Directorate Ministry of Housing, Communities and Local Government.
- 4.5 Members of the Strategic Housing Group, the Housing and Local Welfare Assistance Lead and the Commissioning Service have checked that the procedure is correct. The revised joint working housing protocol has been checked for current terminology and current practice; this includes an updated flow chart to support professionals in ensuring that their roles and responsibilities are clearly understood.

5 Analysis

- 5.1 The revised joint working housing protocol clarifies the roles and responsibilities as well as including up to date legislation, process and procedure for supporting young people who are at risk or are homeless.

6 Conclusion

- 6.1 The joint working housing protocol has been reviewed and updated in respect of legislation, knowledge and process in line with current requirements and practice. The revised joint working housing protocol promotes information sharing planning and a joined-up response in supporting young people who are at risk or who are homeless. The revised protocol will ensure that there is a collaborative approach between Children's Services and District Housing Authorities and partner agencies in supporting young people. The joint working housing protocol clarifies organisational roles, responsibilities and process in support of young people at risk of, or are, homeless. The Hampshire Joint Working Housing Protocol will be reviewed at least annually to ensure any change in legislation and/or training safeguards are fully incorporated.

7 Useful links:

- 7.1 In developing this protocol consideration has been given to relevant legislation and case law. This includes the [Children Act 1989](#), the [Children \(Leaving Care\) Act 2000](#) the [Children and Social Work Act 2017](#) and the [Housing Act 1996](#) (as amended including by the [Homelessness Act 2002](#) and the [Homelessness Reduction Act 2017](#)).

CORPORATE OR LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	Yes
OR	
This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:	

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents	
The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)	
<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard to:

- 6.1.1 The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- 6.1.2 Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- 6.1.3 Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

Equalities Impact Assessment:

- (a) *why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- (b) *will give details of the identified impacts and potential mitigating actions*

Impact on Crime and Disorder:

Climate Change:

- 6.1.4 How does what is being proposed impact on our carbon footprint / energy consumption?
- 6.1.5 How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer-term impacts?