

## Joint Protocol to address the needs of Homeless 16/17 Young People in Westmorland and Furness

April 2023

Find out more at [www.westmorlandandfurness.gov.uk](http://www.westmorlandandfurness.gov.uk)

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## Introduction

The agreement to develop a joint protocol was made at a meeting of the Cumbria Housing Executive Group, a partnership group consisting of Cumbria's former 6 Housing Authorities, the former County Council, the Lake District National Park, private sector and housing associations in 2012. This process began at a partnership meeting and this partnership approach has continued throughout.

Our starting point was that young people are better off living at home or within their family network, as long as it is safe for them to do so, and this is a core principle we work to today. Homelessness at a young age should be avoided wherever possible. This protocol concerns those young people where homelessness appears not to be immediately preventable and details what respective agencies will do to assess needs and support young people. However, we recognise that there is prevention work, which should be undertaken alongside statutory duties, and this prevention work could continue even once a young person has left the family/parental home, as over time it may still be possible to resolve conflict and/or reunite young people with their families, where it is safe to do so.

In this Protocol, we have:

- i) shaped our approach based on feedback from young people who have been homeless;
- ii) adopted a Positive Housing Pathway approach that puts the focus on seeing a young person's strengths and building on these to give them hope for the future;
- iii) retained a focus on homeless prevention where it is appropriate and safe to do so;
- iv) involved a range of stakeholders, including young people and partner agencies.

## Key Principles

We share a number of principles and beliefs about Young People and their transition to independent adulthood. It is the responsibility of all agencies to help protect our young people and keep them from harm.

- I. The parents of, or those with parental responsibility for, 16 and 17 year olds are responsible for their children's welfare. Our key commitment is to keep families together in their homes wherever possible because this is best for children and young people.
- II. Preventative work with young people and their families is one element within our Positive Housing Pathway. This work supports the principle outlined above; namely that, for most children and young people, staying in their family home (with support) is usually the best outcome for them.
- III. It is the responsibility of all agencies to keep children and young people safe.
- IV. Bed and breakfast accommodation is not suitable for use by Children's Services or housing authorities to accommodate 16 and 17 year old young people on a temporary basis: this principle is re-emphasised by the statutory joint guidance.
- V. The experience of homelessness is damaging to young people and to their life chances: the statutory joint guidance states that "it is in the best interests of most young people aged 16 or 17 to live in the family home, or, where this is not safe or appropriate, with responsible adults in their wider family and friends' network."
- VI. Children and young people should be given every opportunity to have a realistic understanding of the support and accommodation options available to them, and to make informed choices about their future.
- VII. All 16 and 17 year olds, who present as homeless or threatened with homelessness, will be referred into the Positive Housing Pathway via the First Contact Script. As part of this process all referrals for young people aged 16 and 17 years, who are homeless or threatened with homelessness will be shared with the Hub. The Hub will make a decision as to whether the young people are then transferred to districts for a Child & Family Assessment to be undertaken.
- VIII. One element of the dialogue that will take place at a local level when the young person first presents, will be the offer of access to independent advocacy through the National Youth Advocacy Service (NYAS).<sup>1</sup>
- IX. Referrals will be discussed by a multiagency group, made up of core members alongside any other relevant professionals, who are working with that individual young person. Actions, for which agencies will take

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<sup>1</sup> <http://www.nyas.net/>

accountability will be agreed at these meetings and circulated to all attendees within 2 days.

- X. Sometimes and despite everyone's best efforts, the pathway agreed with the young person breaks down. There is an absolute commitment within this Protocol and the Positive Housing Pathway to ensure that in such cases the pathway is rebuilt, the young person can go back to the appropriate stage, re-engage and be reassessed by Children's Services, as appropriate and, as far as possible, held within the Positive Housing Pathway.
  
- XI. In all cases, a successful outcome will be defined by the young person and involvement by professional agencies will be agreed with the young person. Agencies will share information about a young person and their family, subject to their consent.
  
- XII. All agencies engaged in the implementation of this Protocol will work within the Cumbria Safeguarding Children's Partnership and we will follow their [Escalation Policy](#).

## Our Definition of Success

***Where it is safe for them to do so, we will work with and support a young person to remain at home or within their family network, thereby preventing homelessness. A young person who is vulnerable, homeless and 16/17 years old will receive an efficient and seamless service which results in a successful outcome for them. That successful outcome, as defined by our young people, will be to be settled in independent and sustainable housing. To achieve this outcome, support agencies will adopt a Pathways approach, which means that they will work collaboratively together to make the process clear, seamless and effective.***

Following extensive consultation with young people who have experienced homelessness, a number of key points emerged. These are:

Young people want:

- A single point of contact, not to be passed from pillar to post.
- Clarity about what will happen next, about what they can expect or limitations of what can happen.
- To be listened to and helped to make informed choices (where appropriate).
- Their wishes to be heard; they want someone to talk to who can explain what is going to happen and what could happen.
- Support.
- Suitable emergency accommodation.

As professionals we want:

- Decisions to be made in the best interest of each young person.
- Prevention of homelessness, where it is safe to do so, based on the judgement of the professionals involved.
- Relevant agencies to work together to support young people.

Implementation of the Protocol is closely tied in with the implementation of the Positive Housing Pathway.

## Young People's Positive Housing Pathway

### Pathway Ambitions

Our ambition for the young people in our service is that:

- Young people receive the right help at the right time.
- Young people receive a service that is personalised to their individual needs, from a service offer which is consistent across the county.
- Young people who access our services go on to experience a bright and fulfilling future, free from the risk of homelessness.

Our ambition for this service is that, from the first point of contact with a young person who is experiencing homelessness/at risk of homelessness, everyone working in this service area sees the potential in that young person and plays their part in moving that young person from a point of crisis, to give them hope for the future.

### Priority Groups

Priority is given to:

- Young people for whom the Council has a statutory duty (16 and 17 year olds at risk of homelessness);
- Young people for whom the Council has a statutory duty (formerly looked after children);
- Young people aged under 18 leaving custody.

Eligibility will remain for young people aged 18-24 years, dependant on capacity.

## Young People's Positive Housing Pathway: Stages

### 1. Universal information and Advice

We have a [website](#) which includes information targeted at 3 core groups:

- Young people;
- Parents/carers; and
- Professionals.

All sections of the website contain information about our Joint Protocol and contact details for the Youth Homelessness and Housing Officers, who will work to support young people aged 16+ who are homeless or threatened with homelessness.

The website has the most current version of the First Contact Script, this can be completed by any professional to help identify a young person's needs and to start their referral into the Pathway; this must be completed by the referrer in conjunction with the young person. There are two First Contact Scripts to be used dependent on the age of the young person. The link for both First Contact Scripts can be found on [this](#) page of the website.

We have developed two "Tackling Homelessness" lesson plans, which have been accredited by the PSHE Association and are available free of charge on their [website \(link here\)](#). These aim to make young people aware of the realistic housing options for young people living independently aged 16+, talk about the financial aspects of living independently at an early age and signpost them to relevant support. We are happy to

co-deliver these in local schools, colleges or to other targeted groups. For further details, please contact your local Youth Homelessness & Housing Officer.

## **2. Early Help (Targeted)**

In addition to offering general advice and information, our Youth Homelessness and Housing Officers work with young people who are threatened with homelessness to explore their options and find an outcome that works for them. Our starting point is always that young people are better off living at home or in the wider family network, if it is safe for them to do so. We have well-established partnership working to ensure that the right agencies are supporting young people, based on their assessed need. If additional support is needed for a young person or the risk around a young person is felt to be escalating, we can take these young people for discussion at one of our Early Help Panels (with their consent) to problem solve with a wide range of partner agencies.

## **3. Gateway Group (Single Point of Access)**

Our Gateway Group is our single point of access for the County into the Young People's Housing Pathway. We discuss and allocate referrals into the Pathway; these referrals are for emergency accommodation, short-term accommodation, homeless prevention and/or flexible support. The Gateway Group oversees all stages of the Pathway from referral to termination of support. It is solution focussed; it facilitates multi-agency discussions based around the needs of the young person and the sustainability of the support. The Group meets fortnightly via telephone conference. The Group is chaired by the Service Lead for Youth Homelessness in the Council and core members include housing colleagues, short-term and emergency housing providers and other relevant local partners. When a young person has been allocated a Social Worker (for them to undertake a Child & Family Assessment), the Social Worker is invited to the Gateway Group; actions from the Gateway Group discussions are shared with all invitees. These notes are uploaded to the relevant case recording system (ICS/EHM). When the Social Worker is present at the Gateway Group, discussions always cover:

- The updated guidance for Social Workers on undertaking Child & Family Assessments for 16 and 17 year olds who are homeless or threatened with homelessness;
- The in-house E-Learning developed for Social Workers who are undertaking Child & Family Assessments for 16 and 17 year olds who are homeless or threatened with homelessness;
- The wishes of the young person in terms of how they want to be supported (S20/S17);
- The leaflet that is available to talk through or provide to the young person about next steps.

The Youth Homeless & Housing Officers have a standard email which they send to all Social Workers to recap the points above, this includes links to the documents highlighted above.





## Positive Housing Pathway Referrals Process

FIRST CONTACT SCRIPT completed (either 16-17 years or 18-24 years)

Online FCS can be accessed here

[First Contact Script for 16-17 Year Olds](#)

[First Contact Script for 18-24 Year Olds](#)

Youth Homeless & Housing Officer picks up from Group Mailbox

### **Public Duty to Refer:**

Subject to consent, the agency completing the FCS refers to relevant Council (under PDtR) if 18+ or 18 within 56 days. An email with a brief description of the YP's situation, as well as the copy of the FCS should be sent to:

[dutytorefer1@westmorlandandfurness.gov.uk](mailto:dutytorefer1@westmorlandandfurness.gov.uk) (Barrow)

[dutytorefer2@westmorlandandfurness.gov.uk](mailto:dutytorefer2@westmorlandandfurness.gov.uk) (Eden)

[dutytorefer3@westmorlandandfurness.gov.uk](mailto:dutytorefer3@westmorlandandfurness.gov.uk) (South Lakes)

PHP Initial Review Completed by Youth Homeless & Housing Officer

Young person added to Gateway Group Tracker

Admin adds new referrals to Gateway Group Agenda

Gateway Group Meeting takes place

Actions decided and recorded

GETTING TO KNOW YOU (Mapping)

Completed by provider either

1. Prior to Gateway Group as Urgent referral
2. Prior to Gateway Group as Non-urgent referral
3. After Gateway Group as action

### **URGENT REFERRALS**

See Urgent Referral Procedure:

Referrer telephones Hub

Case Officer progresses accommodation discussions including Nightstop

Children's Services has adopted a Signs of Safety approach and we have implemented this within the Positive Housing Pathway, this enables partners to adopt a strengths-based approach with our young people.

#### **4. Commissioned Accommodation and Flexible Support**

In the Positive Housing Pathway, young people receive a package of support, which is reviewed regularly. This support enables the young person to move on as a self-sufficient adult, able to manage their own tenancy. Young people are discussed at the Gateway Group at the point of referral and providers are able to bring young people, who are experiencing problems in their tenancy or who have unmet needs, back to the Group for discussion and/or identification of relevant actions/other sources of support. Providers fully engage in the Gateway Group discussions and are proactive about bringing back those young people experiencing problems, enabling us to actively manage tenancies and retain young people within the Pathway as much as possible.

In addition to the specialist support offered by the Youth Homelessness and Housing Officers, we have a flexible support offer delivered by Housing Intervention Support Workers. These posts operate alongside the Youth Homelessness and Housing Officers and offer tenure neutral flexible support to young people. This means that for older young people (18+), who may not wish to live in supported accommodation, we work with our district partners to look at alternative housing solutions, including the private rented sector, and attach support to the young person to give them the best chance of succeeding in their chosen tenancy. Flexible support is allocated via discussions at the Gateway Group and can be used to offer additional support to a young person in supported accommodation, based on their unmet needs.

#### **5. Range of Housing Options**

We work closely with our district partners and with our supported accommodation providers, to assist young people to move on to suitable accommodation. The partnership working which has evolved over the past years of developing and implementing our Joint Protocol, has meant that we have good networks in place and can find creative solutions to enable our young people to progress through to a home, whether that is in social housing, the private rented sector or whether that equates to a return home. Our flexible support offer means that we can offer young people who are moving into their own independent tenancy for the first time, a period of support through that transitional period so that they are supported to get everything in place that they need.

## Local Arrangements: Approach & Flowchart

### Homelessness Reduction Act (HRA)

The Homelessness Reduction Act came into force on 3<sup>rd</sup> April 2018. This gives housing authorities a duty to prevent and relieve homelessness where the threat of homelessness is within 56 days. The duty extends to addressing the causes of homelessness, as well as relieving the physical impact, in order to find a long-term solution and reduce repeat homelessness.

We acknowledge and agree with the Guidance provided by Ministry of Housing, Communities and Local Government in that, "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".<sup>2</sup>

In Westmorland and Furness, this means that:

- For young people aged 16-17 years who are open to Child in Need and homeless or threatened with homelessness within 56 days, actions relating to their Personalised Housing Plan will be incorporated into their Child in Need plan.
- For young people aged 16-17 years who are open as care leavers and homeless or threatened with homelessness within 56 days, actions relating to their Personalised Housing Plan will be incorporated into their Pathway Plan.
- For young people aged 18+ years, who have an Early Help or Pathway Plan and who are homeless or threatened with homelessness within 56 days, a Personalised Housing Plan must be completed by the housing authority or their agent. However, the actions within the Personalised Housing Plan should be duplicated in, and consistent with, the housing related actions within the young person's Early Help or Pathway Plan.

### Duty to Refer

The Duty to Refer element of the HRA came into force on 01 October 2018. This places a duty on public authorities to notify their local Housing Authority when one of its service users may be homeless or at risk of homelessness within 56 days and if they agree to the referral. The purpose of this is to prevent homelessness where possible. Authorities must ask the service user how they can be contacted by the Local Authority and this should be shared in the referral. Following receipt of a referral, housing colleagues will contact the young person to begin their homeless application. This will look at whether or not they take a duty to prevent or relieve homelessness within 56 days. Any referral made through the Duty to Refer will be recorded in the housing system for H-Click data.

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<sup>2</sup> Ministry of Housing, Communities and Local Government, April 2018: Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation. Guidance to children's services and local housing authorities about their duties under Part 3 of the Children's Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young people.

The list of public authorities upon which the Duty falls, includes:

- prisons;
- young offender institutions;
- secure training centres;
- secure colleges;
- youth offending teams;
- probation services (including community rehabilitation companies);
- Jobcentres in England;
- social service authorities (both adult and children's);
- emergency departments;
- urgent treatment centres;
- hospitals in their function of providing inpatient care;
- Secretary of State for Defence in relation to members of the regular armed forces.

Subject to consent, the agency completing the FCS refers to relevant Council (under PDtR) if 18+ or 18 within 56 days. An email with a brief description of the YP's situation, as well as the copy of the FCS should be sent to:

- [dutytorefer1@westmorlandandfurness.gov.uk](mailto:dutytorefer1@westmorlandandfurness.gov.uk) (Barrow)
- [dutytorefer2@westmorlandandfurness.gov.uk](mailto:dutytorefer2@westmorlandandfurness.gov.uk) (Eden)
- [dutytorefer3@westmorlandandfurness.gov.uk](mailto:dutytorefer3@westmorlandandfurness.gov.uk) (South Lakes)

### **Joint Working and Early Help**

An integral element of the approach in Westmorland and Furness will be joint meetings/visits between Housing and Children's Services/Youth Offending Service (YOS). For young people and their families, with whom we are working to prevent homelessness, we will aim to arrange a visit by the Youth Homeless & Housing Officer to the young person and/or their family. We recognise that this is an important part of homeless prevention and as part of the First Contact Script, the referrer makes a telephone call home to parent/carer to verify homelessness, when it is safe to do so.

We support young people to present as homeless at the place that is most appropriate for them.

Where there is a presenting unmet need that a single agency cannot manage on their own, an Early Help Assessment should be undertaken if the young person is not already open to a Social Worker/for a Social Work assessment.

### **Referrals**

When a young person is homeless with immediate effect or at risk of homelessness, a referral to the Safeguarding Hub must be made. If the young person has nowhere to stay tonight, telephone contact should be made with the Hub as this is an emergency contact, with the First Contact Script emailed as soon as possible thereafter. These young people will be passed from the Safeguarding Hub to the District Support & Protect Teams within 24 hours for assessment.<sup>3</sup> The

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<sup>3</sup> Audits are undertaken by the Service Lead for Youth Homelessness and Hub Service Manager to look at all referrals for 16/17 year olds with a presenting issue of homelessness, who were not transferred to

Support & Protection Team will provide a response (within office hours). The responsible team manager can always be contacted if a timely response is not forthcoming.

Contact can also be made with the relevant Youth Homeless & Housing Officer (see Section 7 for contact details) to gain further information or advice. There is an Urgent Referrals Procedure to be followed. This can be found on the [Information for Professionals](#) page of the Youth Homelessness website.

If the young person is homeless tonight, then family and friends options should be explored or a referral made to Nightstop. This is part of the First Contact Script and is included in the initial conversation with the young person in terms of explaining what Nightstop is, checking whether this is something they need and requesting their consent to share their details with Nightstop. If a young person has consented to Nightstop, this option can be selected on the First Contact Script and once submitted, the referral is automatically sent to Nightstop to begin the risk assessment.

If a young person presents to an organisation other than Children's Services out of hours, then the Emergency Duty Team should be contacted (see contact details in Section 7).

If a young person presents late in the day to an organisation other than Children's Services, then contact will be made as soon as possible with either Safeguarding Hub or the Emergency Duty Team (EDT) on 0300 373 2724. The referring organisation will update Safeguarding Hub/EDT of actions taken, phone calls made and inform them of where the young person is staying that night (if possible), seeking authorisation from EDT to find suitable, temporary accommodation.

If a young person can demonstrate a local connection but their corporate parent is an authority other than Westmorland & Furness, we will assess their referral to the Positive Housing Pathway on a case-by-case basis taking account of the needs of current residents in schemes, waiting lists and voids.

## **Accommodation**

Supported accommodation is commissioned for young people aged 16-24 years, who are homeless or threatened with homelessness and priority is given to:

- Young people for whom the Council has a statutory duty (16 and 17 year olds at risk of homelessness);
- Young people for whom the Council has a statutory duty (formerly looked after children);
- Young people aged under 18 leaving custody.

Through the Gateway Group, young people are allocated to services based on a discussion of their individual needs and the availability of a service to meet that need. Commissioned units within Westmorland and Furness are:

- Barrow: 14 units through Project John;
- Kendal (South Lakes Foyer): 10 units through Riverside; and
- Penrith (Eden Rural Foyer): 5 units through Riverside.

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District Teams for Child & Family Assessment. Within Social Work teams, monthly audits are undertaken and these should always include at least one Youth Homelessness audit.

## **Financial arrangements**

If a young person needs to claim personal benefit, they need to make a claim for Universal Credit online at [Universal Credit Online Application Link](#). Once the claim is complete, they will be given an appointment to attend their local Jobcentre to present their ID documents, National Insurance Number, bank details etc. They will need to save their UC log-in details and log on daily to check for messages, 'to-do' list etc. If young people are being financially supported by parents/carers, they will be ineligible to claim personal benefit.

Once personal benefit is in place, an application for Housing Benefit can be made.

If a young person is ineligible to claim benefits and becomes looked after/is accommodated for the period of a social work assessment, then financial support (equivalent to benefits) will be provided by Children's Services.

Food parcels are available in the area. Contact details can be found in Section 7.

## **Protocol & Positive Housing Pathway Implementation**

The implementation of the protocol through the Positive Housing Pathway is discussed at the Gateway Group. Data trends and performance are shared with the Cumbria Homeless Forum or a relevant sub-group and this is where any issues arising are discussed, as are any amendments or additions to local arrangements.

## **Young Person Homeless or Threatened with Homelessness: Homeless Prevention**

Completed on online form (either 16-17 years or 18-24 years) by professional with YP

[First Contact Script for 16-17 Year Olds](#)

[First Contact Script for 18-24 Year Olds](#)

The Script automatically goes to Youth Homeless & Housing Team mailbox once submitted (and automatically to Nightstop, if this has been selected)

Youth Homeless & Housing Officer processes the referral and refers to next available Gateway Group meeting and all relevant/involved professionals invited

Youth Homeless & Housing Officer forwards referral to Supported accommodation provider (if applicable) and provider progresses Pre-Gateway Group conversation, where possible

Gateway Group meeting takes place (fortnightly on a Wednesday).  
Actions agreed, recorded, and distributed

### **YP supported to make a planned move, with options to return home, if needed**

If not multiagency supported, YP can be supported to live independently through Youth Homeless & Housing Officer/flexible support

If there is multiagency involvement, discussions around Early Help to explore how best support the YP

### **OUTCOME**

YP has a home/is supported to make a planned move to live independently

### **YP's homelessness can be prevented**

If not multiagency supported, YP can be supported to remain at home through the Youth Homeless & Housing Officer or flexible support

If there is multiagency involvement, discussions around Early Help to explore how best support the YP

### **OUTCOME**

YP has a home/remains at home

**If at any point there are concerns for the young person's safety, possible CE risks, if there are safeguarding concerns or if the young person is at risk of homelessness, a referral to the Safeguarding Hub must be made.**



## **Young Person Homeless or Threatened with Homelessness: Homeless Tonight**

Completed on online form (either 16-17 years or 18-24 years) by professional with YP

[First Contact Script for 16-17 Year Olds](#)

[First Contact Script for 18-24 Year Olds](#)

The Script automatically goes to Youth Homeless & Housing Team mailbox once submitted (and automatically to Nightstop, if this has been selected)

First Contact Script and Single Contact Form (if 16/17) sent to Safeguarding Hub by referrer. If YP has nowhere to stay tonight, telephone contact to be made with the Hub as this is an emergency contact. If YP has somewhere to stay, Hub will create MASH episode in order to request more information from relevant agencies within 48 hours.

Youth Homeless & Housing Officer processes the referral and refers to next available Gateway Group meeting and all relevant/involved professionals invited

Youth Homeless & Housing Officer forwards referral to Supported accommodation provider (if applicable) and provider progresses Pre-Gateway Group conversation, where possible

Subject to consent, the agency completing the FCS refers to relevant Council (under PDtR) if 18+ or 18 within 56 days. An email with a brief description of the YP's situation, as well as the copy of the FCS should be sent to:

- [dutytorefer1@westmorlandandfurness.gov.uk](mailto:dutytorefer1@westmorlandandfurness.gov.uk) (Barrow)
- [dutytorefer2@westmorlandandfurness.gov.uk](mailto:dutytorefer2@westmorlandandfurness.gov.uk) (Eden)
- [dutytorefer3@westmorlandandfurness.gov.uk](mailto:dutytorefer3@westmorlandandfurness.gov.uk) (South Lakes)

NYAS referral submitted by CSC, if YP consents to advocacy

Gateway Group meeting takes place (fortnightly on a Wednesday).  
Actions agreed, recorded, and distributed

### **See Safeguarding Hub: Next Steps Decision Flowchart**

**If at any point there are concerns for the young person's safety, possible CE risks, if there are safeguarding concerns or if the young person is homeless tonight, an urgent referral to the Safeguarding Hub must be made**



## **Safeguarding Hub: Next Steps Decision**

### **Hub Decision:** Progress to referral for Child & Family Assessment

Social Worker from Support & Protect Team makes contact with YP within 24 hours. If YOS client/previous client within 3 months, Social Worker makes contact with YOS. Social Worker joint working arrangements agreed on case-by case basis by relevant Support & Protect Team Manager and YOS Manager.

Children's Social Care Assessment must evidence consideration of the YP's support needs with consideration being given to S17 and S20 & YP's wishes  
YP is homeless or at risk of homelessness

### **Hub Decision:** MASH Episode

Hub request further information from relevant agencies to inform their decision making. Information requested from agencies such as Police, education, health with a deadline of 48 hours for the Hub to make their decision (only done if YP has somewhere to stay tonight).

### **Hub Decision:** Provision of Information or No Further Action;

Information to be linked to current Early Help;  
Early Help

Outcome fed back to referrer

## **OUTCOMES:**

### **Young Person is supported through S20**

S20 accommodation provided due to YP not having safe accommodation/no person to safely care for them and they have a clear wish to be accommodated

#### **OUTCOME**

YP becomes CLA, living away from home

### **Young Person is supported through S17**

S17 support provided via a CiN plan. This can include support with accommodation when the YP has declined to be a CLA.

#### **OUTCOME**

YP is supported by Children's Services either to remain at home or to live independently

### **Young Person declined Child & Family Assessment**

YP is clear that they do not want a C&FA but want to live independently with support. Early Help discussed.

#### **OUTCOME**

Refer back to Positive Housing Pathway Gateway Group to explore options for YP to live independently, with support

### **Consent given for Early Help**

EHA initiated, worry statements and plan agreed. TAFs in place

## First Contact Script

The First Contact Scripts which must be used to refer young people into our Positive Housing Pathway are online forms. To access the online First Contact Scripts, please use the following links...

[First Contact Script for 16-17 Year Olds](#)

[First Contact Script for 18-24 Year Olds](#)

The links can also be accessed from our website [using this link](#).

The First Contact Script should always be completed by the agency to whom the young person presents, in conjunction with the young person. For young people aged 16-17 years, there is a section whereby the agency to which the young person has presented, is asked to contact parents/carers to gain their side of the situation, verify homelessness and mediate (where possible). This must always be done if it is safe to do so; if not, please explain why this could not be done in the box provided.

There is a leaflet for young people that has been developed in conjunction with Social Work colleagues and aims to give young people an idea of next steps once a Social Work referral has been submitted. The link for this leaflet is within the First Contact Script and can either be printed off and given to the young person, emailed to them or discussed with them.

Advocacy is a core element that is discussed within the First Contact Script. Formal advocacy through NYAS is offered, however the young person is also offered the opportunity to nominate someone they know to advocate for them, they can be invited to Gateway Groups and ensure that the young person's wishes and feelings are represented and respected.

The First Contact Script not only records relevant information about the young person's circumstances and support needs, it is the referral document into all services in the Pathway:

- Safeguarding Hub;
- Nightstop;
- Supported accommodation;
- Youth Homeless & Housing Officers (16+);
- Flexible Support.

If the young person is homeless, with nowhere to stay tonight, telephone contact should be made with the Hub as this is an emergency contact, with a copy of the completed script emailed as soon as possible thereafter to [safeguarding.hub@westmorlandandfurness.gov.uk](mailto:safeguarding.hub@westmorlandandfurness.gov.uk).

The First Contact Script must always have the consent page completed to enable the referral to be progressed.

## Local Partners

### Children's

Named Contact/ Agency	Address	Contact Details
<b>Diane Harrison</b> (Intensive Early Help Manager: Youth Homelessness, Youth Substance Misuse)	Cumbria House, 117 Botchergate, Carlisle CA1 1RD	07876 650164 <a href="mailto:Diane.harrison@cumberland.gov.uk">Diane.harrison@cumberland.gov.uk</a>
<b>Emmie Sutherland</b> (Youth Homeless & Housing Officer)	C/O The Hub, Project John 20-24 Cavendish Street, Barrow in Furness LA14 1SB	07825 313726 <a href="mailto:Emmie.sutherland@westmorlandandfurness.gov.uk">Emmie.sutherland@westmorlandandfurness.gov.uk</a>
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<b>National Youth Advocacy Service (NYAS)</b>	Egerton House, Tower Road, Birkenhead, Wirral CH41 1FN	0808 808 1001 (helpline)
<b>Barrow Food Bank</b>	Abbey Road Baptist Church, Abbey Road, Barrow-in-Furness LA14 5EY <i>Monday: Deliveries Only in the Borough of Barrow.</i> <i>Tuesday: 11am - 1pm.</i> <b>Collection Only.</b> <i>Wednesday: Deliveries Only in the Borough of Barrow.</i> <i>Thursday: 11am - 1pm.</i> <b>Collection Only.</b> <i>Friday AM: Deliveries Only in the Borough of Barrow.</i> <i>Friday PM: 1pm - 3pm.</i> <b>Collection Only.</b>	01229 343436 <a href="mailto:projectmanager@barrowfoodbank.co.uk">projectmanager@barrowfoodbank.co.uk</a>
<b>Ulverston Satellite Food Bank</b>	Bethany Church, Lightburn Road, Ulverston, Cumbria LA12 0BX <i>Monday: 11am - 1pm.</i> <b>Collection Only.</b> <i>Thursday: 11am - 1pm.</i> <b>Collection Only.</b>	01229 343410 07542 112976 (opening hours only)
<b>Kings Food Bank, Kendal</b>	Kings Food Bank, Kendal <i>Tuesday - Friday, 12-3</i>	07532 335 735 <a href="mailto:kingsfoodbank@gmail.com">kingsfoodbank@gmail.com</a>
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<b>Springfield, Kendal</b>	Church Road, Kendal	01539 720313
<b>Captains Jenny and Stuart McPhee</b> (The Salvation Army, Penrith)	Penrith Corps, Hunter Lane, Penrith CA11 7UY	01768 866732 <a href="mailto:Stuart.McPhee@salvationarmy.org.uk">Stuart.McPhee@salvationarmy.org.uk</a>



## Appendix 1: The Legal Context

### The Legal Context

#### **R (on the application of G) v London Borough of Southwark**

The House of Lords judgment in the case of *R (on the application of G) v London Borough of Southwark* was handed down on 20 May 2009. The principal legal issue in this case was: what do the criteria in Section 20(1) of the *Children Act 1989* mean and how, if at all, is their application affected by the other duties of children's authorities in particular Section 17 of the 1989 Act and by the duties of housing authorities under Part 7 of the *Housing Act 1996*?

In *R (G) v LB Southwark* the central issue was: where a child of 16 or 17 who has been thrown out of the family home seeks help from the local children's services authority, is found to be homeless and a child "in need", and wishes to be accommodated by them under Section 20 of the *Children Act 1989*, can the children's services authority instead refer him to the local housing authority for accommodation under the homelessness legislation (Part 7 of the *Housing Act 1996*)? The case was heard on appeal from the Court of Appeal, which, by a majority of 2 to 1, had upheld Southwark's ability to refer the child for assistance under the homelessness legislation even though a duty to provide accommodation had been accepted under Section 20(1) of the *Children Act 1989*.

The House of Lords was unanimous in allowing the appeal. The leading opinion, delivered by Baroness Hale, reaffirmed the House of Lords' opinions in *R(M) v LB Hammersmith and Fulham* and sets out the approach that children's services authorities should take when performing their statutory duties to 16 and 17 year olds who are found to be homeless and "in need". The ruling confirmed the Government's view that local children's services authorities should presume that any lone, homeless child should be provided with accommodation under Section 20(1) of the *Children Act 1989* unless the child is not in the local authority's judgement (based on an initial screening assessment), a child "in need". In nearly all cases, the impact of a child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the child's welfare that the child will be a child "in need".

The House of Lords reiterated that the *Children Act* has primacy over the *Housing Act* in providing for children in need. The duties of local children's services authorities to accommodate children in need cannot be circumvented by referring the child to the housing authority, whose duties under Part 7 of the *Housing Act 1996* provide a safety net only for those (very few) homeless children who will not meet the criteria for accommodation under Section 20 of the 1989 Act. Examples of the small number of homeless 16 and 17 year olds who would have priority need under the homelessness legislation (by virtue of article 3 of the *Homelessness (Priority Need for Accommodation) (England) Order 2002*) would include those whose need for accommodation did not fall within the circumstances specified in S.20(1) of the 1989 Act - for example, because they had been living independently for some time prior to their homelessness - and those whose need for accommodation fell within S.20 but who did not want to be accommodated under S.20. Such young people must be judged to be competent to make such a decision and have had the benefit of advice about the consequences of making such a decision.

Lord Neuberger's judgment, which dealt with the interrelationship between the Section 20 duty and the duty under Part 7 of the *Housing Act 1996*, provides that the purpose of the 2002 Order was to fill the gap whereby there had been no specific duty to secure accommodation for homeless children aged 16 or 17 whose circumstances did not bring them within S.20 of the *Children Act*. The purpose of the 2002 Order was not to enable a children's services authority to divert its duty under S.20 to the housing authority, thereby emasculating the assistance to be afforded to children aged 16 or 17 who "require accommodation".

It will be extremely important that there continues to be close partnership between children's services authorities and housing authorities to support local authority responsibilities under the Children Act for meeting the needs of children in their area.

Baroness Hale referred to Section 27 of the Children Act 1989, which empowers a children's authority to ask other authorities, including *any* local housing authority, for "help in the exercise of any of their functions" under Part III of the 1989 Act. The requested authority must provide help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of their own functions. But, she said, this does not mean that the children's authority can avoid their responsibilities by "passing the buck" to another authority; rather that they can ask another authority to use its powers to help them discharge theirs.

### **Complaint against Dover City Council and Kent County Council, 31 July 2012**

A homeless 16 year old boy, who had previously been in care and had drug-related issues, had applied to the council as homeless in January and June 2009. The council should have accepted the applications and applied a joint protocol agreed with the county council for dealing with homeless children in need. Both councils were found to have acted contrary to their Joint Protocol and/or contrary to law. The Local Government Ombudsman recommended that the councils between them pay £10,000 compensation.

### **[Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation](#)**

Following the G v Southwark 2009 House of Lords judgment, the Government issued joint statutory guidance from the Department for Children, Schools and Families (now the Department for Education) and Department for Communities and Local Government - [Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation](#). This guidance outlines the legal duties under the Children Act 1989 and Housing Act 1996 for 16 and 17 year old young people who are homeless.

The joint statutory guidance gives clear direction on the complementary roles of children's services authorities and local housing authorities in implementing their separate statutory roles. The G v Southwark judgment clarified that in the case of a homeless 16 or 17 year olds, children's law takes precedence over housing law. In light of this clarification, a fundamental principle of the joint statutory guidance is that all 16 and 17 year olds who are homeless should be assessed by children's services under the Children Act 1989 to determine whether they are a child in need, as set of in Section 17 of the Act and, if so, whether a duty exists to offer accommodation under Section 20 of the Children Act.

Young people aged 16 or 17 are still children and that as such, all agencies have duties and responsibilities to act together to protect them<sup>4</sup> if they are suffering, or likely to suffer, significant harm.

Key extracts from this statutory guidance are:

- Para 2.13 "...children's services should be the lead agency with regard to assessing and meeting the needs of 16 and 17 year olds."
- Para 2.28 "An initial assessment should be carried out involving interviewing the young person and family members and making enquiries with other agencies...the lead agency will be children's services, given their responsibilities for children in need in their areas."<sup>5</sup>

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<sup>4</sup> *Working together to safeguard children*, guidance for children's services authorities and their partners published by DCSF (now Department for Education) 2010

<sup>5</sup> Initial desktop assessments will be carried out by Children's Services Hub within 24 hours. A full Child in Need assessment can take up to a maximum of 45 days.

- Para 2.23 “There can be no doubt that where a young person requires accommodation as a result of one of the factors set out in the Section 20(1) (a) to (c) or Section 20(3) then that young person will be in need and must be provided with accommodation. As a result of being accommodated the young person will be Looked After” (except if a private fostering arrangement is in place where the parent arranges a foster carer and Children’s Services simply approve the placement).
- Para 2.16 “where a 16 or 17 year olds seeks help or is referred, and it appears that he or she has nowhere safe to stay the night, then Children’s Services must secure suitable emergency accommodation for them” and additionally “this means that the young person will become Looked After (under s. 20(1)) whilst their needs are assessed.
- Para 2.48 “It will be essential that the young person is fully consulted about and understands the implications of being accommodated by children’s services and becoming looked after. The staff conducting the assessment must provide realistic and full information about the support that the young person can expect as a looked after child and, subsequently, as a care leaver. Children’s services should also ensure that the young person receives accurate information about what assistance may be available to them, including from housing services under Part 7 of the 1996 Act, if they do not become looked after, and how any entitlement for assistance under Part 7 will be determined. In particular, the possible risk of becoming homeless intentionally in future, and the implications of this for further assistance with accommodation, should be made clear to the young person. This information should be provided in a ‘child friendly’ format at the start of the assessment process and be available for the young person to take away for full consideration and to help them seek advice.”
- Para 2.50 “Young people should have access to independent advocacy and support to assist them in weighing up the advantages and disadvantages and coming to a balanced decision.<sup>6</sup>
- Para 2.53 “Where a 16 or 17 year old child in need wishes to refuse accommodation offered under Section 20 of the 1989 Act, children’s services must be satisfied that the young person :
  - has been provided with all relevant information
  - is competent to make such a decision”
- Para 2.55 “The powers of local authorities to provide accommodation under Section 17 cannot be used to substitute for their duty to provide accommodation under Section 20(1) of the 1989 Act to homeless 16 and 17 year olds who are assessed as being children in need following the process described in Part 2, above. Children’s Services do not have the option of choosing under which provision they should provide accommodation for homeless 16 and 17 year olds. Section 20 involves an evaluative judgment on some matters but not a discretion.”<sup>7</sup>

**The Children’s Act 1989, Chapter 41, Part III, Section 20 Provision of accommodation for children: general.**

Key extracts are:

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<sup>6</sup> “Children and young people who have received services under the 1989 Act are able to be supported to make complaints and representation with the help of an independent advocate. Children’s services should provide information about access to advocacy services when they explain the assessment process to 16 and 17 year olds seeking help because of homelessness.”

<sup>7</sup> R (G) v Southwark [2009] UKHL 26 – para. 31  
<http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-2.htm>

(1) Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of –

- a) there being no person who has parental responsibility for him;
- b) his being lost or having been abandoned; or
- c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

(3) 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 him with accommodation.

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

(6) Before providing accommodation under this Section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare –

- a) ascertain the child's wishes and feelings regarding the provision of accommodation; and
- b) give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.

(7) A local authority may not provide accommodation under this Section for any child if any person who –

- a) has parental responsibility for him; and
- b) is willing and able to –
  - i. provide accommodation for him; or
  - ii. arrange for accommodation to be provided for him,
  - iii. objects.<sup>8</sup>

If a young person is accommodated under Section 20 they become a 'looked after child' and they are afforded further protection and rights with a range of support and services, including a named social worker and a care plan. The plan must address accommodation and support with named contacts, timescales for action and review dates. Young people who are 'looked after' will also then qualify for leaving care support and services up to the age of 21 or in some cases, up to the age of 24.<sup>9</sup>

While a local authority can offer services and support to a young person under Section 17 of the Act, they cannot substitute the Section 20 duty with Section 17 powers.

The five tests are:

- Are they a child?
- Are they a child 'in need'?
- Are they usually resident in the area of the local authority?
- Do they require accommodation?
- What are their wishes and feelings about becoming looked after?

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<sup>8</sup> In the case of a 16/17 year old and even if a parent objects, if the young person wishes to be a Child Looked After, they can be if they are deemed competent to make that decision.

<sup>9</sup> For those young people who are looked after for 13 weeks or more after their 14<sup>th</sup> birthday and are still a Child Looked After on or after their 16<sup>th</sup> birthday, the Children (Leaving Care) Act 2000 applies. For those "qualifying" young people who do not hit the 13 week threshold for the above, Section 24 of the Children's Act 1989 applies.

The homelessness legislation acts as a safety net for any homeless 16 and 17 year olds who are assessed as not being owed a duty under Section 20 of the Children Act 1989. The young person will be assessed through the 5 homelessness tests as outlined in the Housing Act 1996 and the Homeless Priority Need for Accommodation (England) Order 2002. In this case a young person may still get practical support through Section 17 but this does not include the provision of accommodation.<sup>10</sup>

## **The Current Policy Context**

Making every contact count, A joint approach to preventing homelessness; Department for Communities and Local Government, August 2012

In August 2012 and through the work of the Ministerial Working Group on Homelessness, the Department for Communities and Local Government (DCLG) published its reports on homelessness with the aim of ensuring that every contact local agencies make with vulnerable people and families really counts. One element of this report was to pose 10 challenges to the sector, the relevant challenges for this work are:

- actively work in partnership with voluntary sector and other local partners to address support, education, employment and training needs;
- have housing pathways agreed or in development with each key partner and client group that includes appropriate accommodation and support;
- not place any young person aged 16 or 17 in Bed and Breakfast accommodation.

## **Homelessness Reduction Act (HRA)**

The Homelessness Reduction Act came into force on 3<sup>rd</sup> April 2018. This gives housing authorities a duty to prevent and relieve homelessness where the threat of homelessness is within 56 days. The duty extends to addressing the causes of homelessness, as well as relieving the physical impact, in order to find a long-term solution and reduce repeat homelessness.

We acknowledge and agree with the Guidance provided by Ministry of Housing, Communities and Local Government in that, “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”.<sup>11</sup>

In Westmorland and Furness, this means that:

- For young people aged 16-17 years who are open to Child in Need and homeless or threatened with homelessness within 56 days, actions relating to their Personalised Housing Plan will be incorporated into their Child in Need plan.
- For young people aged 16-17 years who are open as care leavers and homeless or threatened with homelessness within 56 days, actions relating to their Personalised Housing Plan will be incorporated into their Pathway Plan.

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<sup>10</sup> Homeless Link, June 2013, No Excuses: Preventing Homelessness for the Next Generation.

<sup>11</sup> Ministry of Housing, Communities and Local Government, April 2018: Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation. Guidance to children’s services and local housing authorities about their duties under Part 3 of the Children’s Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young people.

- For young people aged 18+ years, who have an Early Help or Pathway Plan and who are homeless or threatened with homelessness within 56 days, a Personalised Housing Plan must be completed by the housing authority or their agent. However, the actions within the Personalised Housing Plan should be duplicated in, and consistent with, the housing related actions within the young person's Early Help or Pathway Plan.

## **Duty to Refer**

The Duty to Refer element of the HRA came into force on 01 October 2018. This places a duty on public authorities to notify their local Housing Authority when one of its service users may be homeless or at risk of homelessness within 56 days and if they agree to the referral. The purpose of this is to prevent homelessness where possible. Authorities must ask the service user how they can be contacted by the Local Authority and this should be shared in the referral. Following receipt of a referral, housing colleagues will contact the young person to begin their homeless application. This will look at whether or not they take a duty to prevent or relieve homelessness within 56 days. Any referral made through the Duty to Refer will be recorded in the housing system for H-Click data.

The list of public authorities upon which the Duty falls, includes:

- prisons;
- young offender institutions;
- secure training centres;
- secure colleges;
- youth offending teams;
- probation services (including community rehabilitation companies);
- Jobcentres in England;
- social service authorities (both adult and children's);
- emergency departments;
- urgent treatment centres;
- hospitals in their function of providing inpatient care;
- Secretary of State for Defence in relation to members of the regular armed forces.

Subject to consent, the agency completing the FCS refers to relevant Council (under PDtR) if 18+ or 18 within 56 days. An email with a brief description of the YP's situation, as well as the copy of the FCS should be sent to:

- [dutytorefer1@westmorlandandfurness.gov.uk](mailto:dutytorefer1@westmorlandandfurness.gov.uk) (Barrow)
- [dutytorefer2@westmorlandandfurness.gov.uk](mailto:dutytorefer2@westmorlandandfurness.gov.uk) (Eden)
- [dutytorefer3@westmorlandandfurness.gov.uk](mailto:dutytorefer3@westmorlandandfurness.gov.uk) (South Lakes)