

Leicestershire Care Leavers Protocol

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Signatories

- 1) Blaby District Council
- 2) Charnwood Borough Council
- 3) Harborough District Council
- 4) Hinckley and Bosworth Borough Council
- 5) Melton Borough Council
- 6) North West Leicestershire District Council
- 7) Oadby and Wigston Borough Council
- 8) Leicestershire County Council- Children and Family Services
- 9) Leicestershire Youth Offending Service
- 10) Job Centre Plus

1. Scope of the Protocol

- i. The journey out of care is a particularly important and challenging transition; the success or failure of which, impacts on outcomes throughout early adulthood and beyond. Securing suitable accommodation for Care Leavers is much more than just finding them somewhere to stay.
- ii. Care Leavers need to be made aware of all the possible options available to them from 'Staying Put' arrangements to living independently or returning to live with their family or extended family network. They need to understand the possible advantages and disadvantages of each option in relation to their own wishes, their own level of skills, competencies and aspirations for the future and the levels of support that they may need to make a success of their choice.
- iii. The ability to live independently demands resources, support and skills. Many Care Leavers have difficulty acquiring the necessary practical skills and developing and sustaining positive social networks.
- iv. The lives of looked after children are often characterised by disruption, whether by changes in care placements or accommodation, so building a support network can be difficult. Indeed, even when good quality accommodation is found for Care Leavers this may be in communities they are not familiar with, far from family and peers. There is significant research evidence that tenancies for Care Leavers have a relatively high failure rate in the first few months after leaving care and both Leicestershire County Council and the Leicestershire and District and Borough Councils wish to avoid this happening through good planning and preparation with each Care Leaver.

2. Purpose of the Protocol

- i. This Protocol sets out a formal agreement between Leicestershire County Council, Children and Family Services, Blaby District Council, Charnwood Borough Council, Harborough District Council, Hinckley and Bosworth Borough Council, Melton Borough Council, North West Leicestershire District Council, Oadby and Wigston Borough Council, and partner agencies working with Care Leavers.
- ii. The Protocol establishes the aims, roles and responsibilities of signatory partners towards accommodation pathways for Care Leavers. It outlines the respective statutory responsibilities of Children and Families Services and the Local Housing Authorities (LHAs) in ensuring Care Leavers are supported to move on to suitable accommodation.
- iii. To ensure that Care Leavers are advised clearly about all housing options available to them.
- iv. To best ensure that Care Leavers are appropriately accommodated before leaving the 18+ Service and that the possibility of them becoming homeless after this time is mitigated so far as reasonably possible.
- v. To ensure Care Leavers are supported into suitable and sustainable accommodation. Due to the diverse needs of Care Leavers and the way in which these change over time, a range of accommodation options will be required. These may include the following:

- Staying put arrangements for young people being able to remain living with former foster carers through conversion of these placements to Staying Put
 - Other supported lodging placements
 - Other transitional accommodation with varying degrees of support such as Hostels/Foyers
 - Specialist accommodation for young people with support needs
 - Self-contained accommodation with housing related support
 - Independent tenancies
- vi. To prevent Care Leavers becoming homeless, entering the homelessness system, and to avoid placements in temporary accommodation.
- vii. To support young Care Leavers to become responsible and successful tenants.
- viii. To ensure that the accommodation needs of Care Leavers entering and discharged from custody are adequately planned for.

3. Overview of Legislative Context

- i. The Children's Act 1989 requires the responsible authority to continue to provide various forms of advice, assistance and guidance to young people over the age of 18 making the transition from care to more independent living arrangements. These requirements apply if they have previously been eligible or relevant children, who are described as former relevant children (and may apply to qualifying children, depending on the Local Authority's assessment of their needs).
- ii. Under previous legislation, Local Authorities were required to only provide Care Leavers with Personal Advisor support until they reached the age of 21, and up to the age of 25 only if they were engaged in education or training. The Children and Social Work Act 2017 introduced a new duty on Local Authorities to provide Personal Advisor support to all Care Leavers towards whom the Local Authority had duties under Section 23C of the Children Act 1989, up to the age of 25, if it is wanted. This includes those Care Leavers who return to the Local Authority requesting Personal Advisor support after the age of 21 and up to the age of 25. This new duty commenced on 1st April 2018.
- iii. The Children (Leaving Care) Act (2000) Regulations and Guidance detail how the Local Authority strategy for Care Leavers should where possible take into account:
- The diverse accommodation and support needs of Care Leavers
 - The capacity to offer young people a degree of choice of accommodation
 - Existing and planned provision of safe and affordable accommodation
 - Gaps in provision
 - Priority setting
 - The need for contingency arrangement
- iv. The Local Housing Authority must have due regard to Chapter 22: Care Leavers of the Homelessness Code of Guidance, updated to reflect the new measures set out in the Homelessness Reduction Act 2017, in reference to the following:

- Corporate parenting principles
- Joint working arrangements
- The prevention and relief of homelessness
- Assessing priority need

v. The Homelessness (Priority Need for Accommodation) (England) Order 2002 outlines that a young person has a priority need for accommodation if he/she is:

- A person (other than a person to whom paragraph (2) below applies) aged 16 or 17 who is not a relevant child for the purposes of Section 23A of the Children Act 1989. This applies to a person to whom a Local Authority owes a duty to provide accommodation under Section 20 of that Act (provision of accommodation for children in need).
- A person (other than a relevant student) who is under 21; and at any time after reaching the age of 16, but while still under 18, was, but is no longer, looked after, accommodated or fostered. As defined by Children Act 1989 Section 22 ie looked after by a Local Authority (i.e. has been subject to a care order or voluntarily accommodated); accommodated by or on behalf of a voluntary organisation; accommodated in a private children's home; accommodated for a consecutive period of at least 3 months by a health authority, special health authority, primary care trust or local education authority or in any care home or independent hospital or in any accommodation provided by the National Health Service Trust; or privately fostered
- A person (other than a relevant student) who has reached the age of 21 and who is vulnerable as a result of having been looked after, accommodated or fostered.

4. Eligibility

- i. This Protocol specifically applies to all young people aged 16 to 24 who meet the Children (Leaving Care) Act 2000 criteria including the following:
- Eligible young people aged 16 or 17 who are either subject to a Care Order or who are accommodated by the Local Authority for at least 13 weeks since their 14th birthday and on or after their 16th birthday;
 - Relevant young people aged 16 or 17 who are no longer looked after but for whom Children and Families Services are responsible for maintaining in suitable accommodation and providing financial support. These young people cannot, subject to some exceptions due to a disability or being a parent, claim welfare benefits;
 - Former relevant young people aged 18 to 24 who have previously been either eligible or relevant. These young people can access benefits, but continue to receive leaving care support services.
 - Unaccompanied Asylum Seeking Children who qualify for a leaving care service and have been granted refugee status or those that have an appropriate leave to remain status (NB if a young person has made an in time appeal on their pre 18 leave to remain status then according to Section 3 of the Immigration Act 1971 they are considered by the Home Office to still have their original leave to remain).

- II. Clause 8 of the Homelessness Reduction Act 2017 introduces a measure to amend the definition of 'Local Connection' under Part 7 of the Housing Act 1996 for young people leaving care. Local Connection under Part 7 will be established in the following situations):
- The young person will have a Local Connection under Part 7 to the Local Housing Authority that owes them a duty under Section 23C of the Children Act 1989
 - If the relevant Local Authority is not a Local Housing Authority, the young person will have a Local Connection under Part 7 to every Local Housing Authority within the area of the Local Authority who owes them a duty under Section 23C of the Children Act 1989
 - The young person will have a Local Connection under Part 7 to the Local Housing Authority for the area in which they have been accommodated, if they have been accommodated under Section 22a of the Children Act 1989 within the area for at least 2 years (including some time before they turned 16).
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- III. The above criteria do not apply to Part 6 of the Housing Act 1996. Local Housing Authorities may therefore have different Local Connection criteria within their own Housing Allocations Policies.
- IV. This Protocol only applies to young people who are leaving care for the first time.
- V. The Protocol does not apply to Qualifying young people who may have been briefly accommodated but did not attain eligible status. There is a duty to advise and befriend but for the purposes of meeting housing needs their status is as that applied to any other homeless young person seeking assistance under Homelessness legislation.

5. Equality and Diversity

- i. This Protocol will be subject to the equality and diversity policies adopted by Leicestershire County Council which are reviewed regularly by the LCC Equalities Board.
- ii. Housing, CFS, and relevant partners value diversity and are committed to equality of opportunity and access to suitable accommodation for all young people, regardless of age, gender identity, marital status, pregnancy or maternity, sexual orientation, race, religious belief or disability..
- iii. Housing, CFS, and relevant partners seek to promote the participation of young people in the decision making process. This should be evidenced in the individual Pathway Plan.

6. Process

- i. The Leaving Care Team LCC, via the Accommodation Officer, will notify the relevant housing team of any forthcoming Care Leavers in their area. The Leaving Care Team LCC will ensure that a housing register application form is completed and submitted, with a supporting letter providing the details of the young person's LAC history, their status under the Children (Leaving Care) Act 2000 and confirmation that the Care Leavers are ready for independent living. This will form part of the young person's Pathway Plan.

- ii. Care Leavers over the age of 16 can join the Local Housing Authority Housing register, but if under 18 they would not be permitted to bid for properties until they are ready for independent living and there is an agreement in place for a responsible adult or agency to hold the tenancy in trust until they turn 18.
- iii. Children's Services will agree to act as guarantor or hold a tenancy in trust for the young person until it can be transferred to the young person on their 18th birthday. This offer is only available to young people leaving care who are approaching their 18th birthday and Children's Services will not consider acting as a guarantor for any other young person or Care Leaver.
- iv. Any allocations will be discussed by the workers involved with the young person, and copies of all correspondence to the young person copied to the Leaving Care Team Accommodation Officer. In the event of a property being allocated, support arrangements will be discussed and agreed by all those involved. This will be done via a 'sign up' meeting between the young person, the local Housing Officer, and the Leaving Care Team Accommodation officer and/or support worker. Arrangements for tenancy and other necessary support will be confirmed at this meeting and, if required, an additional support plan drawn up.
- v. The Leaving Care Team will ensure the young person notifies the relevant Housing Team of any change of address through completion of a Change of Circumstances form.
- vi. The Local Housing Authority will work with Children's Services to ensure that the accommodation needs of Care Leavers leaving custody are met and, specifically, that there is an accommodation plan in place for Care Leavers aged 18-24 who are leaving custody.¹
- vii. Prisons, young offender institutions, secure training/colleges, youth offending team and probation providers (CRC's and NPS) are subject to the duty to refer under the Homelessness Reduction Act 2017, and should refer, with the young person's consent, to the Local Housing Authority if they consider that the young person may be homeless or threatened with homelessness within 56 days. On receipt of such referrals, the Local Housing Authorities will liaise with Children's Services, if not already doing so, to agree and deliver reasonable steps to prevent Care Leavers from becoming homeless on release from custody.
- viii. In the event of imminent or actual homelessness then the young person will be assisted to make a homelessness application.
- ix. Where it is determined by a Local Housing Authority that the applicant is intentionally homeless, Housing teams should notify the Leaving Care Team prior to an intentional decision being made.

7. Resolving Practitioner Differences

- i. Practitioners working with children leaving care who require accommodation are likely to encounter practitioner disagreements from time to time, whilst this is acceptable on

¹ Homelessness Code of Guidance, Chapter 23, <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-23-people-with-an-offending-history>

occasion it is vital that such differences do not affect the outcomes for children and young people.

- ii. The process of resolving practitioner disagreements should first involve workers consulting co-workers to clarify their thinking and practice in the first instance. Where differences cannot be resolved, these will be referred to respective Team Managers for discussion, resolution and agreement.

8. Allocation Policy

Prior to allocation of a property through the Housing Register, agreement should be reached between the Leaving Care Team, the relevant Housing Team (and other partners as appropriate) regarding complex cases on the suitability of the allocation, taking into account the young person's individual circumstances, abilities and the level of support required.

- i. When determining the suitability of accommodation, whether interim or not, Local Housing Authorities will aim to reduce the instances of Care Leavers being accommodated in Bed and Breakfast accommodation and will seek access to more suitable alternatives where these exist.

9. Support

- i. All young people aged 16 to 21 (or 25 if Personal Advisor support is requested) leaving care who are eligible, relevant or former relevant children will have an assessment of need and Pathway Plan by the Leaving Care Team. These are legal documents and the method by which their needs are identified and addressed. The Pathway Plan is reviewed at least every 6 months, and there is an expectation that housing will make a contribution to this plan if and when appropriate.
- ii. The Pathway Plan will detail accommodation needs and the type of housing related support that the young person may require in order to successfully maintain a tenancy. All Pathway Plans must include a contingency plan.
- iii. The Leaving Care Team will broker extra support, in addition to that offered by the Personal Advisor, for Care Leavers aged 18 - 25 if it is deemed necessary to support the young person into independence and successful tenancy sustainment.
- iv. The Leaving Care Team will monitor the success of tenancies closely and potential difficulties involving the young person dealt with promptly. If there is evidence that a tenancy is unlikely to be sustained, prompt communication between agencies is essential and a review of the Pathway Plan will be undertaken identifying current and future need. Additional tenancy review meetings or 'Stability Meetings' should be arranged if required.
- v. The Housing Team of the Local Housing Authority will notify the Leaving Care Team in the event they become aware that a tenancy is failing. This will allow the Personal Advisor to support the young person appropriately and will ensure a focus on early intervention to prevent tenancy breakdowns. The young person's case will be discussed at the Care Leaver's High Risk Panel, which occurs bi-monthly.

- vi. Young people leaving care will have different levels of support needs. This may range from intensive support from a number of agencies, to minimum advice and guidance from a leaving care support worker, and the support offered by good housing management practice.
- vii. Both the Housing provider and the Leaving Care Team must ensure that young people understand fully what is required of them as a tenant, who is to support them, and what they should do in a crisis. A 'sign-up' meeting will always be held with the young person, involving the Housing provider and the Leaving Care Team.
- viii. The prompt sharing of information between agencies is essential in order to support young people and address tenancy issues.
- ix. The Data Protection Act (1998) requires that young people should give their written consent before any information about them can be shared. Consent to information sharing is covered in the Pathway Plan.
- x. Consultation should take place between agencies, and attempts made to support the young person to resolve any tenancy issues, prior to any formal action being taken to end a tenancy.

10. Financial Implications

- i. Under the Children (Leaving Care) Act 2000, the Local Authority Children's Services are responsible for the accommodation costs in full for eligible and relevant young people up until their 18th birthday.
- ii. Young people over 18 who are full time students will require the completion of a financial assessment by the leaving care services and financial assistance.
- iii. When a young person is sentenced to custody a prompt assessment by the leaving care services and financial assistance should take place of their future housing needs and current housing benefit status.
- iv. Young people become responsible for paying their own rent after their 18th birthday. They will need to claim Housing Benefit/Universal Credit or make direct payment (if in employment and/or ineligible for housing benefit/Universal Credit).
- v. Under Housing Benefit Regulations all young people who qualify for leaving care services are exempt from the definition of "young individual" and the attendant "shared room rate" restrictions for the purposes of housing benefit. Care Leavers between the age of 18 and 25 can get the 'one bedroomed flat' rate for housing benefit. (Post 25 it reverts to the shared room rate up to the age of 35).
- i. Care Leavers can prepare their claim for Universal Credit up to 28 days before and including their 18th birthday and can be supported to do so by their local Leaving Care Team. A preclaim appointment can be booked to confirm the Care Leavers' identity, bank account details and that they are in fact a Care Leaver (written confirmation required from the Local Authority).

- ii. The Initial Evidence Interview and Commitment Interview can be booked at the preclaim appointment providing that they take place on or as soon as possible after the claimants 18th birthday.
- iii. In the event that a young person leaves care after the age of 18, Job Centre Plus will still offer the advanced claim preparation facility to ensure that support is in place as soon as possible.
- iv. Additional support is available to claimants of Universal Credit who are Care Leavers, this support includes:
 - advance claim preparation (as detailed above)
 - option to apply for alternative payment arrangements and personal budgeting support at any point in their claim
 - undertaking full-time non-advanced education, up to the age of 21 or the end of the academic year in which they become 21 years old
 - access to recoverable hardship payments
 - help with accommodation costs if the claimant is under 22 years old
 - advance payments for those in short term financial need
 - access to the Work and Health Programme
- v. It is possible for a young person aged 16 or 17 to be entitled to Universal Credit but it is ultimately up to a Decision Maker to determine if the claimant is entitled and if their circumstances deem them a Care Leaver at the age of 16 or 17.
- vi. Care Leavers across Leicestershire County are exempt from Council Tax and will not be liable to pay any Council Tax until they turn 25 years old.

11. Review

- i. This Protocol will be reviewed annually or sooner if the legislation or policies underpinning it change.