

Report of: Corporate Director of Homes and Neighbourhoods
Cllr O'Halloran Executive Member for Homes and Communities

Date of Meeting: 25th November 2024

Report to. Children and Young People Scrutiny Committee

Portfolio Holder: Councillor O'Halloran

Officer Contact: Ian Swift- Director of Housing Operations

Date: 25th November 2024

Subject: Joint protocol on Section 17 families between Children's Social Care & Homes and Neighbourhoods

1. Reason for this report

- 1.1. Islington Council's Children's Social Care Service (**CSC**) has several statutory duties and powers it can exercise under Section 17 of the Children Act 1989, to support homeless young people and their families.
- 1.2. These powers are exercised by CSC in a small number of cases when the Housing Needs service (**HN**) determines that it does not have an ongoing duty to a homeless family under the Housing Act 1996. However, in this circumstance CSC and the Housing Needs Service have a well-established history of working jointly to assist the homeless children and their families by providing accommodation for the family unit.
- 1.3. This joint work underpinned by the clear framework appended to this report as the '*Joint Protocol between Children's Social Care and Homes and Neighbourhoods*' has been jointly refreshed:
 - to strengthen the partnership work between the respective departments
 - to account for recent internal policy changes related to the provision of temporary accommodation.

2. Executive Summary

- 2.1. This report emphasises the combined efforts of CSC and Homes and Neighbourhoods to support section 17 homeless children and their families irrespective of whether the council has a housing duty.
- 2.2. It affirms the council's genuine commitment to support disenfranchised groups of people who often present with complex needs and ensures the welfare of the child is paramount.

- 2.3. With a focus on homelessness, this report highlights the practical assistance provided to young people and their families to safeguard and promote their welfare. Furthermore, it highlights how the council makes decisions in its procurement of accommodation and the specific considerations it considers prior to the provision of accommodation.
- 2.4. This report therefore seeks comments from the Children and Young People Scrutiny Committee before the refreshed joint protocol is adopted, to further enhance the support available from the two departments.

3. Recommendations

- 3.1. This report recommends that:
 - The Children and Young People Scrutiny Committee considers the attached Protocol to ensure the Protocol meets the values and expectations of Islington Council.
 - Once the Children and Young People Scrutiny Committee comments have been received, the joint protocol will be approved as the protocol was presented to and approved by the Housing and Communities Scrutiny Committee in October 2024.
 - The appended protocol re-establishes the strong existing partnership framework but also seeks to improve the quality and depth of service provision provided by CSC and HN.

4. Duties to children in need - Background

- 4.1. Under section 17 of the Children Act 1989, CSC have a general duty to safeguard and promote the welfare of children in need in their area. Section 17 powers can be used to assist homeless children together with their families which may include the whole family.
- 4.2. The duty to safeguard and promote the welfare of a child in need applies to a child who is present in the local authority's area. There is no requirement for that child to be ordinarily resident.
- 4.3. Practically, CSC have the power to provide financial assistance and accommodation to the child in need and their family. The exercise of powers to provide accommodation under section 17 can follow the HN service making an intentionally homeless decision [under homelessness legislation] on a family who may have made a homeless application.
- 4.4. The accommodation provided under section 17 must be suitable for the families it is intended for. CSC must have due regard to the Homelessness Code of Guidance and demonstrate its partnership work with the housing department.
- 4.5. It follows that any provision of accommodation must be predicated on an assessment of the needs of the child/family so that the offer of accommodation is suitable for occupation.

This assessment must also consider whether the education needs of the child would be met by the offer of accommodation.

- 4.6. Additionally, the assessment must consider whether existing Child in Need (CIN) plans and or Child Protection (CP) plans can be met prior to the offer of accommodation.
- 4.7. Critically, if the accommodation is unsuitable, this may be challenged through a Judicial Review which could impact on the good reputation of the council.
- 4.8. If the accommodation offer is out of Islington's borders, the council has additional responsibilities that it must fulfil in that it must continue to provide ongoing assistance and services to the homeless child and family unit.
- 4.9. The identification of temporary accommodation or accommodation in the private rented sector after an assessment is conducted by the HN service and the approach to the procurement of accommodation, quality standards of accommodation, and location of identified properties as well as the ongoing support provided by the HN service is set out in the appended protocol.
- 4.10. The attached protocol promotes this work and holds Home and Neighbourhoods and Children's Services jointly accountable for the promotion of high-quality services to our residents. Both departments recognise that it is better equipped to fulfil statutory responsibilities to support young people and their families by working together in partnership to achieve positive outcomes for these families.
- 4.11. Housing authorities, children's services authorities, and other relevant departments within local authorities, are advised to develop joint protocols or procedures to ensure that each department plays a full role in providing targeted support to young people and their families. This refreshed protocol thereby promotes the council's CARE values and aims to improve the lives and experiences of families and young people. The protocol applies to families and young people towards whom Islington Council does not have a housing duty but does have a children's services duty.

5. What is Islington Council doing differently to improve the lives of Section 17 families and young people?

- 5.1. To achieve the ambitions of the joint protocol, the following approaches will be adopted by the two departments to support families and young people at an operational and strategic level.

5.2. These include:

- Delivering trauma support interventions to build resilience and improve mental health outcomes
- Embedding CSC within the Homes and Neighbourhoods service to support the most complex families on their journey through homelessness
- Working alongside schools, health visitors, the faith sector, and general practitioners to improve coordination of care, health improvement and improved education attainment for homeless families living in temporary accommodation
- Ensuring homeless children have similar rights to education and health as those in corporate parenthood
- Locating homeless families with children as close as is possible to the schools attended by the children and ensuring the property meets the council's accommodation standards
- Being vigilant to the risks and impacts of child sexual exploitation (CSE) and therefore ensuring safeguarding responsibilities are adhered to
- Working with schools and Education services to alert them to changing family situations to enable the implementation of systems to support the children affected
- Working with accommodation providers to improve accommodation standards and provision and implement a re-procurement process
- Working in partnership with the All-Party Parliamentary Group (APPG) on Households in Temporary Accommodation and with Just life to ensure families experiencing homelessness is tackled at a national level

6. Consultation

- 6.1. Consultation has been undertaken with senior officers across the council who are supportive of this joint protocol.
- 6.2. Comments on Islington's approach and commitment to supporting families and their children were also sought from Just life who comprise membership of the All-Party Parliamentary Group (APPG) on Households in Temporary Accommodation.

7. Financial Implications

- 7.1. There are no financial implications arising from this report. The measures and recommendations proposed in this report are not currently quantifiable. Any recommendations from this report, if adopted, will need to be expanded upon and reviewed with the financial implications assessed.

8. Legal Implications

- 8.1. Under Part VII of the Housing Act 1996 the Council has various duties towards homeless people. These range from the 'full' housing duty owed to those who are eligible, homeless, in priority need and not intentionally homeless (under s193 Housing Act 1996), to the duty

to provide temporary accommodation for a limited period of time to afford an applicant who is intentionally homeless a reasonable opportunity to find their own accommodation (s190).

- 8.2. If a family applies as homeless but is not owed any of the Part VII housing duties, for example because they are found to be intentionally homeless, the Council may have duties towards them under the Children Act.
- 8.3. Under s17 Children Act 1989 the Council has a general duty to safeguard and promote the welfare of children within their area who are in need, and to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs. These services can include accommodation and can be provided to the child's parents or any other family members who were responsible for looking after them.
- 8.4. Under s11 Children Act 2004 the Council's functions must be discharged having regard to the need to safeguard and promote the welfare of children, and any services provided by another person pursuant to arrangements made by the Council in the discharge of their functions must also have regard to that need.

9. Conclusion

- 9.1. This report re-emphasises the combined efforts of CSC and HN to support section 17 homeless children and their families, irrespective of whether the council has a housing duty. It affirms the council's genuine commitment to support disenfranchised groups of people who often present with complex needs and ensures the welfare of the child is paramount.
- 9.2. The appended joint protocol re-establishes the strong existing partnership framework but also seeks to improve the quality and depth of service provision provided by CSC and HN, ultimately to enable families to achieve their aspirations.

Appendix 1: Joint Protocol between Children's Social Care and Homes and Neighbourhoods.