

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

Date of Meeting 26th September 2024

Report to Housing and Communities Scrutiny Committee.

Portfolio Holder: Councillor O'Halloran

Officer Contact: Ian Swift Director of Housing Operations

Date: 26th September 2024

Subject: Care Leavers and Housing Protocol

Reason for this report

Islington Council supports the principle that children looked after should be supported on their journey to independence. As part of the council's framework, the role of housing as part of the Corporate Parenting offer is now being improved through the attached Protocol. This, important work is also supported by wider corporate discussions, which has led to proposals to ensure that care leavers who become homeless receive the support of full rehousing duties up to the age of twenty-five. In addition to this the attached Protocol has been produced jointly by Children's Services and Homes and Neighbourhoods to strengthen the partnership work between Homes and Neighbourhoods and Children's services and place the Looked After Child at the centre of our work.

Executive Summary

With a focus on homelessness, this report helps emphasise Islington Council's commitment to supporting and genuinely caring for the care leavers across Islington. This builds upon the potential for free prescriptions, discretionary council tax rates and free public transport passes etc. It gives an outline of work streams which have been taking place within Islington Council around care leavers, and the resulting recommendations which refer to how homelessness legislation is applied, and how this sets Islington apart – in a positive way – from other local authorities in England. This report therefore seeks comments from the Housing and Communities Scrutiny Committee before the Protocol is adopted, and an innovative approach to enhancing the support available for care leavers through the housing and homeless service provision in Islington.

Recommendations

This report recommends that:

- The Housing and Communities Scrutiny Committee considers the attached Protocol to ensure the Protocol meets the values and expectations of Islington Council.
- Once the Housing and Communities Scrutiny Committees comments have been received the Protocol will be considered by the Children’s Services Scrutiny Committee. It is important the Protocol sets a new standard for Islington Council including the principle that all care leavers up to the age of 25 are to be presumed as being in ‘priority need’ under homelessness legislation, and Islington Council adopts the principle that no care leaver up to the age of 25 should be presumed to be intentionally homeless.
- The attached Protocol establishes a new partnership framework to improve the quality and depth of services provided by Homes and Neighbourhoods and Children’s Services.

Care Leavers and Housing

1 Background

- 1.1 Islington Council is committed to its role as a corporate parent, including to young people who have left its care upon reaching adulthood.
- 1.2 Under homelessness legislation, young people who were formerly in care aged 18-20 are automatically in ‘priority need’. This means that if they become homeless there is a duty to provide temporary and potentially permanent accommodation.
- 1.3 Care leavers aged twenty-one and over do not have an automatic priority need under homelessness legislation, but the local housing authority must consider the effect that being in care may have had on that young person in assessing whether they should be deemed as vulnerable. If they are found to be vulnerable, they will be owed the same housing duties as 18–20-year-olds in terms of the local authority having a duty to provide temporary and potentially permanent accommodation.
- 1.4 The duty to provide permanent accommodation does not arise where someone has been found to have become intentionally homeless. This refers to a deliberate act or omission which has resulted in that person’s homelessness; for example, a deliberate non-payment of rent or giving up accommodation which was otherwise suitable.
- 1.5 The Children & Social Work Act 2017 introduced a new duty on local authorities to provide Personal Adviser (PA) support to all care leavers up to age 25, if they want to access this. This does highlight a difference from the homelessness legislation outlined above, which the recommendations in this report seek to address.
- 1.6 The recommendations in this report seek to respond to both the change in legislation brought about by the Children & Social Work Act 2017, the Homelessness Reduction

Act 2017, the Homelessness code of guidance for local authorities, and the recommendations from the Task and Finish Group established in 2023.

- 1.7 This report covers the council's corporate parenting duties placed on housing authorities; the joint working arrangements between housing authorities and children's services authorities; the prevention and relief of homelessness; assessing whether a care leaver has a priority need for accommodation; and the provision of suitable accommodation.
- 1.8 Local authorities have duties and powers to assist young people who are leaving and have left local authority care. As a corporate parent to all children in care and care leavers all parts of a local authority, including a housing authority, must have regard to the need, to act in the best interests, and promote the physical and mental health and well-being, of those children and young people, to encourage those children and young people to express their views, wishes and feelings, to take into account the views, wishes and feelings of those children and young people, to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners. to promote high aspirations, and seek to secure the best outcomes, for those children and young people, for those children and young people to be safe, and for stability in their home lives, relationships and education or work, and. to prepare those children and young people for adulthood and independent living.
- 1.9 Any joint working arrangements between a children's services authority and a housing authority for care leavers' transition to independent living should include ensuring the delivery of effective preparation for independence with planned, sustainable moves into supported or independent accommodation. Local processes and/or practices should not involve care leavers routinely being treated as homeless when care placements end to place the housing authority under an obligation to secure accommodation under Part 7 of the 1996 Act. 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.
- 1.10 By working together, housing authorities and children's services authorities can better ensure that as a corporate parent, the appropriate accommodation and support is available to care leavers.
- 1.11 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 corporate parenting support to young people leaving care. This attached Protocol promotes and enhances our existing work,

but our work also provided an opportunity to develop and enhance our services provided to these residents of Islington.

- 1.12 A joint protocol should cover arrangements for achieving planned, supportive transitions to independent living; identifying homelessness risk early and acting to prevent it, and providing a quick, safe, joined up response for care leavers who do become homeless. It is believed the attached Protocol promotes these values.
- 1.13 Advisory services provided by housing authorities under section 179 must be designed to meet the needs of care leavers in their district (section 179(2)(b)). Housing authorities should work with children's services authorities and consult with care leavers themselves to ensure the advice and information is designed and delivered in an appropriate format for the age of the client group, available through communication channels which care leavers are most likely to access, understood by children's services authority staff. It is clear the attached Protocol meets this expectation placed on Islington Council.
- 1.14 The Protocol clearly states that the housing options advice service will be made available to young people preparing to leave care to help them to make informed choices and avoid becoming homeless. Housing authorities may wish to provide training and information to social workers, Personal Advisers and others who have responsibility to support looked after young people, to ensure that the most up to date and accurate information on housing options is available to them. The Protocol clearly demonstrates this principle to ensure all young people are prevented from becoming homeless and are provided with services tailored to meet everyone's needs.
- 1.15 There is a duty on specified public bodies to refer to a housing authority (with consent) any household which is threatened with homelessness or is homeless within 56 days to a housing authority with the service user's consent. The following services are among those subject to the duty to refer, social service authorities, custodial institutions, youth offending teams and probation services. Specific referral arrangements should be made for care leavers and set out in the joint protocol or procedures attached to this report.
- 1.15 When a young person aged between 18 and 24 approaches directly or is referred to a housing authority, if it is known that they are a care leaver or the young person says they are a care leaver, then the children's services authority which has responsibility for them should be informed as soon as possible, with consent from the young person. This principle is clearly stated in the attached protocol.
- 1.16 Where there is a duty to assess a care leaver's housing and other support needs and develop a personalised housing plan, arrangements should be in place to enable the Personal Adviser to be involved in the assessment process with the young person's

consent. Where there is no agreed local working arrangement, or where the young person has been looked after by a children's services authority which is not part of local joint protocol arrangements, the housing authority must continue without delay with the duties owed to the young person under Part 7 of the 1996 Act. This matter is clearly covered in the proposed Protocol attached.

- 1.17 Where a care leaver has a personalised housing plan this should be informed, by their Pathway Plan (section 23C(3)(b), Children Act 1989). The Government considers it appropriate for housing authorities to involve a young person's Personal Adviser in assessing their needs and circumstances and developing a personalised housing plan that is appropriate to them. The young person's consent must be obtained, and it would be advisable to seek their consent for the Personal Adviser to continue to be informed and involved in efforts to prevent or relieve homelessness. The Personal Adviser may also be requested to take actions to deliver the personalised housing plan. This Protocol promotes this service provision.
- 1.18 Subject to arrangements for consent, where a housing authority is concerned that a care leaver may not be co-operating with the required steps set out in the personalised housing plan this should be shared as soon as possible with the Personal Adviser to enable joint early action to remind the young person of the actions to be taken and the consequences of not doing so. Joint working to understand mitigating factors and resolve issues should continue throughout any action related to deliberate and unreasonable refusal to cooperate.
- 1.19 The Government considers that housing authorities should make all attempts to avoid the impact of intentionally homeless decisions in relation to care leavers aged 18 – 25. It will be a matter for the housing authority to determine whether a care leaver has become homeless intentionally, considering all relevant facts. To inform this assessment, housing authorities should consult with the relevant children's services authority and obtain advice and information as to the young person's emotional and mental well-being, maturity, and general ability to understand the impact of their actions. This matter is an essential element of the attached Protocol.
- 1.20 Section 193 of the 1996 Act requires housing authorities to secure accommodation for applicants who have a priority need, and whose homelessness has not been prevented or relieved. This will include young people under twenty-one who were looked after between the ages of 16 and 18; and people aged twenty-one or more who are vulnerable because of having been looked after, accommodated, or fostered. Both categories exclude 'relevant students,' who are owed accommodation and support duties under the Children (Leaving Care) Act. It should be noted that a young person who was looked after when aged 16 or 17 will be in priority need when they are 18, 19

or 20 years old, whether they qualify for care leaving services from a children's services authority.

- 1.21 Housing authorities should take particular care in assessing whether a care leaver aged 21 or over is vulnerable, and should take into account whether, if homeless, they would be at particular risk of exploitation, abuse or involvement in offending behaviour as a result of having been looked after, accommodated or fostered.
- 1.22 Housing authorities and children's services authorities should adopt a shared strategic approach to the provision of suitable accommodation for care leavers. In considering suitability, all authorities should bear in mind that care leavers who are homeless will be particularly vulnerable and in need of support. They may lack skills in managing their affairs and require help with managing their own accommodation and operating a household budget. Some care leavers are likely to lack the advice and support normally available to other young people from family, friends, and a mentor. Therefore, the proposed Protocol promotes this extension of our existing service provision.
- 1.24 There should be no blanket presumption that at 18 a young person who has left care will be ready for their own tenancy; this should be a matter of individual assessment. Options will be based on their individual preferences, needs, circumstances and the local provision available and might include, for example, supported lodgings, supported accommodation or independent accommodation with visiting support.
- 1.25 Bed and breakfast accommodation, including hotels and nightly let accommodation with shared facilities, is not considered suitable for care leavers aged under twenty-five and should only be used in exceptional circumstances and for short periods. The specific needs and circumstances of care leavers should be considered in determining suitability of accommodation in relation to its location. For example, in the absence of strong family support networks they may wish to live as near as possible to another significant adult such as a friend or ex-foster carer; or need to avoid certain locations due to childhood experiences or associations.
- 1.26 Housing authorities may want to involve Personal Advisers in decisions about the suitability of accommodation and inform them prior to making an offer of accommodation, with the young person's consent.

2 Current Position

2.1 Intentional Homelessness

- 2.1.1 The proposal that no care leavers will be presumed to be intentionally homeless.

2.1.2 Islington Council rarely makes care leavers intentionally homeless, so the impact of the recommendations in this report would be minimal.

2.2 Priority Need

2.2.1 In order to fully bring respective legislation in line in terms of age and provide a comprehensive offer to Islington Council's care leavers, it is also proposed that housing treat all homeless care leavers as priority need up to the age of twenty-five.

2.2.2 This proposal could have a financial cost attached in terms of guaranteeing accommodation. However, most young people who have been looked after are found to be vulnerable because of this and consequently awarded priority need status anyway.

2.2.3 It is difficult to estimate the full impact of this proposal, as housing did not monitor whether people had formerly been in care prior to April 2018 – unless they were found to be vulnerable because of this.

2.3 Local connection

2.3.1 A concern which was raised during the consultation stage of these proposals was that young people from outside of Islington may come here to take advantage of a more lenient homelessness offer.

2.3.2 The Homelessness Reduction Act 2017 makes provisions for referrals to other local authorities where someone does not have a 'local connection' to the area they have presented as homeless to. A provision has always existed in homelessness legislation, but the 2017 Act made it possible to do this at an earlier stage. Therefore, even if care leavers from other areas do present to Islington – they can be reconnected to the local authority they do have a connection to.

3 Options/Alternatives

3.1 Option 1: Agree the following proposals:

- I. Islington Council adopts the principle that all care leavers are to be presumed as being in 'priority need' under homelessness legislation until the age of twenty-five.
- II. Islington Council adopts the principle that no care leaver should be presumed to be intentionally homeless until the age of twenty-five.

3.2 Option 2: Do nothing: The number of care leavers who are found to be intentionally homeless or not in priority need are low; however, this does still mean that some of

Islington Council's young people could miss a full housing duty if they become homeless.

4 Preferred Option

4.1 Option 1 is preferred, to promote the best possible outcomes for young people to whom Islington Council has a duty as a corporate parent. By adopting principles that all care leavers up to the age of twenty-five should be treated as in priority need and unintentionally homeless, they are being offered the best chance to succeed on their pathway to adulthood and independence.

4.2 This option does have some potential controversies, in that young people will not necessarily face 'consequences' for their actions – for example being evicted due to antisocial behaviour. However, it does recognise that as care leavers, the Council has a duty to ensure these young people are allowed to learn from their mistakes and move on with its support, like young people who have not been looked after may be able to with their own families.

4.3 This decision is not outside the current budget/policy framework.

5 Consultation

5.1 Consultation has been undertaken with officers across the council who are supportive of this proposal.

5.2 The wider Care Leaver Offer and Corporate Parenting framework have been consulted upon via a number of channels.

6 Financial Implications

6.1 There are no significant direct financial implications to adopting this policy. However, it is possible that it could lead to a slight increase in the number of people put into temporary accommodation.

6.2 It is not the intention to amend any budgets for temporary accommodation at this stage. If any increase becomes quantifiable and material a further decision on that can be made in the next full fiscal year.

7 Legal Services Comments

7.1 As alluded to in this report there is no legislation requiring the council to class all care leavers up to the age of twenty-five as being in priority need in relation to Housing purposes. However, this proposal would further highlight the commitment that the

Council is making to tackle homelessness within Islington and highlight its commitment to its corporate parenting role. Failure to adopt this option could have a negative reputational impact.

8 CARE Values

- 8.1 Developing a core offer to care leavers promotes openness, responsibility and accountability, whilst encouraging housing and Children's Services to collaborate with their partners in all sectors.