

Joint working protocol between Essex Housing Authorities and Children and Families Service in dealing with families at risk of homelessness with dependent children.



Brentwood
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MALDON DISTRICT COUNCIL



1. PURPOSE OF THIS PROTOCOL

Joint working protocol between Essex Housing Authorities and Children and Families Service in dealing with families at risk of homelessness with dependent children
March 2024.

	<ul style="list-style-type: none"> To improve and promote cooperation and joint working between the partner agencies.
	<ul style="list-style-type: none"> To clarify the statutory duties and agreed responsibilities of local authority housing departments and Children and Families Service (Children's Social Care) across the ECC area.
	<ul style="list-style-type: none"> To jointly assess and meet the needs of families with dependent children who are facing homelessness or families in receipt of a negative homeless decision (within the remit of legislation and the resources available).
	<ul style="list-style-type: none"> To ensure families secure accommodation that is adequate for their needs and that future homelessness is prevented by addressing support needs at the earliest opportunity, promoting tenancy sustainment.
	<ul style="list-style-type: none"> To ensure children do not become cared for by Children and Families Service solely because of a lack of accommodation.
	<ul style="list-style-type: none"> To establish and clarify an approach agreed by the partner agencies which will apply across all districts.

2. CONTEXT

2.1	<p>This protocol covers the assessment and provision of services to families with dependent children who are facing homelessness and are not owed assistance or a homelessness duty from the Local Housing Authority.</p> <p>The Local Government Association "Local government out of area placements guidance" has been considered in the development of this protocol.</p> <p>The LGA guidance is wide ranging in its recommendations however is specific to the placement of families outside of the placing authority's area, by both the LHA and the Childrens Social care, irrespective of the legal statute the accommodation is provided under. Reference has been made in this protocol to the guidance as the Essex LHA's and Childrens Social Care may make accommodation arrangements outside of their specific area and will need to have regard to the LGA guidance.</p>
2.2	<p>If the Local Housing Authority has reason to believe that an applicant may be homeless or threatened with homelessness, it must (while undertaking its prevention and relief duties, see 2.5 & 2.6 below) undertake enquiries to satisfy itself whether the applicant is eligible for assistance and, if so, what duty (if any) is owed to them under Part 7 of the Housing Act 1996 (as amended).</p>
2.3	<p>If an applicant is not eligible for assistance, the Local Housing Authority will have no duty under part 7 of the Housing Act 1996 (this includes the prevention and relief duties).</p>
2.4	<p>Where Social Care are aware of a family likely to become homeless within the next 56 days the HRA imposes a duty to refer to a Local Housing Authority using the generic duty to refer email address dutytorefer@(name of district).gov.uk e.g. dutytorefer@epping.gov.uk</p>

	<p>If the family is likely to become homeless in more than 56 days, then Essex Local Housing Authorities would welcome these referrals but the family will not be dealt with under homelessness legislation. Under section 195 of the Housing Act 1996, where a Local Housing Authority is satisfied the applicant is threatened with homelessness within 56 days, and eligible for assistance, the Local Housing Authority must take reasonable steps to help the applicant to secure that accommodation remains available for the applicants occupation.</p>
2.5	<p>Under section 189B of the Housing Act 1996 (as amended), where a Local Housing Authority is satisfied that an applicant is homeless and eligible for assistance it must take reasonable steps to help the applicant secure accommodation that is available for at least six months.</p> <p>Where the duty to relieve homelessness has been unsuccessful, the local housing authority will decide if the applicant is owed any further duty.</p>
2.6	<p>Under section 193 of the Housing Act 1996 (as amended), the Local Housing Authority has a duty to secure accommodation for people who are homeless, eligible for assistance, in priority need and not intentionally homeless.</p>
2.7	<p>Where the Local Housing Authority is satisfied that the applicant is in priority need but is intentionally homeless, section 190 of the Housing Act 1996 (as amended) states that the Local Housing Authority must secure that accommodation is available for a reasonable period, and also provide the applicant with advice and assistance to help them to find their own accommodation.</p>
2.8	<p>The Homelessness Legislation and current guidance states the need for cooperation between Housing Authorities and Children and Families Services (Children’s Social Care) when dealing with families with dependent children who are facing homelessness.</p>
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3	<p>HOUSING AUTHORITIES’ RESPONSIBILITIES TOWARDS FAMILIES WITH DEPENDENT CHILDREN</p>
3.1	<p>The Homelessness Reduction Act 2017 introduced new duties to households who are eligible, homeless, or threatened with homelessness within 56 days. These duties include the prevention of homelessness and the relief of homelessness. Whilst trying to prevent or relieve homelessness the Local Housing Authority may provide interim accommodation if the household is likely to have a priority need. If the housing authority is unable to relieve homelessness the need to</p>

	issue a main duty decision is triggered. At this point a decision will be made on Homelessness, Priority need and Intentionality. N.B. – Adverse decisions may be issued during the relief period, a decision to accept the main duty cannot be made prior to the end of the 56-day relief period.
3.2	If a negative decision is made and the household includes children under 18 the Local Housing Authority should inform Children and Families Service (with the applicant’s consent). Any accommodation provided on an interim basis will be ended and a reasonable period of notice will be given to provide the household with the chance to secure accommodation for themselves. (See 2.9 above). Advice and assistance may be given to the household to help them secure their own accommodation.
3.3	Under the Code of Guidance, section 15.21, there are circumstances where, even if consent is withheld, the housing department has a duty to disclose information to Children and Families Service. Being at risk of homelessness would be a reason to believe that a child may be at risk of significant harm and is likely to be considered a safeguarding concern.
3.4	Under section 213 A (5) of the Homelessness Act 2002, if Children and Families Service conclude that the child’s needs would be best met by helping the family to obtain accommodation, they can ask the housing authority for reasonable assistance in this, and the housing authority shall provide them with such advice and assistance, as is reasonable in the circumstances.
3.5	Advice and assistance, which is considered reasonable, might include help with locating accommodation and assisting the household to secure it. However, the advice and assistance does not extend to a requirement on the housing authority to provide accommodation for the family.

4 CHILDREN’S SOCIAL CARE’S RESPONSIBILITIES TOWARDS CHILDREN IN NEED

4.1	<p>The general accommodation responsibilities of Children and Families Service are defined by section 17 of the Children Act 1989 and concern the responsibility towards children in need. (Note a separate joint protocol applies to young people aged 16 or 17 at risk of becoming homeless. Which includes those who have a dependent child or are pregnant.)</p> <p>Children in need are defined as:</p> <ul style="list-style-type: none"> • Those who are unlikely to achieve or maintain a reasonable standard of health and development unless the local authority provides services. • Those whose health and development is likely to be significantly impaired, unless the local authority provides services. • Disabled children.
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4.2	Section 116 of the Adoption and Children Act 2002 amends section 17 of the Children Act 1989 to allow the assistance given by Children and Families Service to include the provision of accommodation.
4.3	If a child or children are in need solely as a result of homelessness, Children and Families Service is expected to consider if the best way of meeting the need is to help the family meet their needs for accommodation, under the Children Act 1989.

**5. PROCEDURE
(Request for services for families facing homelessness see APPENDIX A)**

5.1	Once the Local Housing Authority has made an adverse homeless decision that a family with dependent children is not owed the main duty, the Homelessness Case Worker will issue a 'Decision' letter to the household explaining the Council's decision. The letter will include a standard paragraph explaining that their case could be referred to Children's and Families Service for assessment. This request for services should only be made if the family are not making, or do not have, alternative accommodation arrangements. The request for service should be made as soon as it becomes clear that the family is likely to receive an adverse decision. Households with dependent children may be given a reasonable period in interim accommodation from the date of the adverse decision letter issued by the Local Housing Authority.
5.2	<p>Within one working day of the adverse decision letter being issued and it being identified that the family can find no alternative solution for themselves the Homelessness Case Worker will:</p> <ul style="list-style-type: none"> • Make a 'Request for Support' to the Children and Families Hub, via the online Portal at www.essexeffectivesupport.org.uk/. Provide as much information as possible about the family's needs and circumstances, as is known to Housing and indicating that a copy of the decision letter is available, upon request. • At any time where there is a concern relating to an immediate risk and the child is in need of immediate protection, the concerns should be raised with the Children and Families Hub by telephone on 0345 603 7627 and asking for the Priority Line. Telephone 'Request for Support' will be followed up with an online request, via the portal, at www.essexeffectivesupport.org.uk . • If there is current Children and Families Service involvement with the family, contact will be made with either the named Family Worker (Family Solutions) or Social Worker (Social Care) or the relevant team. This will be followed up with written information, including a copy of the decision letter.
5.3	<p>After the Request for Support has been received, the Children and Families Service will:</p> <p>If the case is already open and allocated to a social worker</p> <ul style="list-style-type: none"> • Provide an email receipt confirming the request has been received. • Advise on the outcome of the new information/ contact within 5 working days.

	<ul style="list-style-type: none"> The allocated social worker will make contact with the Homelessness Case Worker to confirm details of the situation and coordinate a response within the existing case pathway. <p>If the case is not open</p> <ul style="list-style-type: none"> Provide an email receipt confirming the request has been received. Decide within 24 hours whether or not to carry out a Child and Family Assessment. Advise on the outcome of the Request for Support within 5 working days.
5.4	<p>Assessment</p> <p>Once a family agrees to work with and be assessed by Children and Families Service the primary aim of the assessment is for Children and Families Service to decide whether the child (or children) or are 'in need' and if so, what provision is required, if any, to meet that need.</p> <p>Children and Families Service will always try to engage with all family members, including wider family members, to help the family find the best solutions to meet their children's needs. This will include supporting the family to think through a range of housing options.</p> <p>It is best practice that the allocated social worker should speak to the referrer to gather more information about the referral, clarify information the referrer has provided and explore the support the referrer may offer in helping to resolve the housing need. Section 3.4 and 3.5</p> <p>Children and Families Service will aim to complete the assessment within 20 working days in most circumstances from receipt of the request from the Children and Families Hub.</p> <p>More complex situations may require a longer 45 working day assessment.</p> <p>The assessment timescale will not prohibit Children and Families Services from providing immediate support and assistance if required by the family.</p> <p>The social worker will notify the housing authority (if they are the referrer) in writing of the final outcome of its decision within 5 working days of assessment completion. Communication with other agencies who are not the primary referrer regarding outcomes may be limited if the parental agreement or permission does not allow information to be shared.</p>
5.5	<p>Outcomes</p> <ul style="list-style-type: none"> If, following an assessment, the child is found not to be 'in need' the family and Local Housing Authority will be informed in writing with the reasons for that conclusion. Children and Families Service will then have discharged its duty in respect of that request.

	<ul style="list-style-type: none"> If the assessment determines that the child is in need but there are no needs beyond the lack of housing and the parent/s ability to care for the child/ren is not in question, Children and Families Service will advise the family in respect of all known available options. Ultimately, if no other solution can be found, Children and Families Service may assist a family to secure accommodation. <p>Transferring cases.</p> <ul style="list-style-type: none"> Should the family obtain accommodation and require on-going housing related support to resettle and prevent future homelessness, a referral for appropriate support will be made (this might include Essex Floating Support or tenancy sustainment from the Local Housing Authority within the district/borough in which the family reside).
6.	RESOLUTION OF DISPUTES
6.1	<p>Where disputes arise from the outcome of a child in need assessment, or where on occasions delays occur or cooperation is not achieved, the case will be referred to the Housing Manager in the Local Housing Authority and the local Children and Families Team Manager from the involved team.</p> <p>On the very rare occasions where there is still no agreement a Service Manager for Children and Families Service and an equivalent Senior Manager in the Local Housing Authority will agree the final position.</p> <p>(SET Procedures 2022, Part B Section 11 Resolving professional Disagreements).</p>
7.	MONITORING
7.1	The Local Housing Authorities will send the collated data on a quarterly basis to the Chairperson of the Essex Homelessness Group (EHG). This group will monitor the application of the protocol.
8.	REVIEW OF PROTOCOL
8.1	<p>The protocol will be reviewed every three years (or earlier if required) to ensure that it remains up to date.</p> <p>Next review date: October 2026</p>

Signatories to the Joint working protocol between Essex Housing Authorities and Children and Families Service in dealing with families at risk of homelessness with dependent children.

Signed: Basildon Council	Signed: Chelmsford City Council	Signed: Harlow Council
Signed: Epping Forest District Council	Signed: Colchester Borough Council	Signed: Maldon District Council
Signed: Braintree District Council	Signed: Essex County Council	Signed: Rochford District Council
Signed: Brentwood Borough Council		Signed: Tendring District Council
Signed: Castle Point Council		Signed: Uttlesford District Council

Appendix A

Early Help

Where needs are emerging it may be useful to follow the [Effective Support for Children and Families in Essex](#) guidance which amongst other principles refers to engaging with families, working to families` strengths and working together across the whole system.

Where the problem or needs are more complex, practitioners should consider holding a **Team Around the Family** meeting, to share information and co-ordinate an **Early Help Plan** together.

There are Team Around the Family Support Officers (TAFSOs) who can support any practitioner who is less familiar to hold a Team Around the Family meeting and they can be accessed through TAFSO@essex.gov.uk email. The TAFSO offer includes consultation, coaching, workshops, modelling and shadowing for practitioners working with families who are not currently open to either Children`s social Care or Family Solutions.

Where the housing authority is working with a family with dependent children to prevent homelessness under the Homelessness Reduction Act 2017; the Personal Housing Plan could include that a request for services be made to the Children and Families Hub.

Homeless applicants are required to cooperate with reasonable requests within their personalised housing plan.

If the housing authority believes that the family needs continuing support to resolve multiple child safeguarding difficulties, then a request for services can be made for Children and Families Service via the Children and Families Hub.

The housing authority is required to gain consent from the family and complete a Children and Families Service Request for Service (FORS) prior to requesting this service; unless to do so would put a child at greater risk.

A request for service is responded to within 5 working days.

Should the decision be made to direct the request to Family Solutions, they have no responsibility to arrange accommodation but will work intensively with families to avoid loss of accommodation and help sustain present and future tenancies. <http://www.essex.gov.uk/familysolutions>

Family Solutions can also work with families who are at risk of or who have had a negative homeless decision to support them in identifying alternative options.

Should the decision be made to direct to Social Care the Protocol will be followed.

