

## Housing Selection Scheme guidance

Paragraph 2.4.1.2 of the Housing Selection Scheme guidance manual says "Where 16 /17 years olds approach the Housing Executive for accommodation, it will be necessary to establish if they are owed a duty under the Children Order. 'The Housing Executive will not routinely refer applicants to Health and Social Services for assessment under the Children (NI) Order, 1995. Referrals will only be made to the professional head of Family and Child Care services in the relevant Trust in instances where the Housing Executive has reason to believe that the individual poses a threat to his / her or someone else's safety and wellbeing (particularly children), or that a child may have been abused. 'Where Health and Social Services have determined that they have statutory responsibility for an Applicant aged 16 / 17 years, then the Designated Officers should obtain formal recommendations or reports from Health and Social Services to confirm or explain the client's specific circumstances and needs."

1. Can you please explain what practical steps a housing adviser is required to take to satisfy this paragraph?
2. Regional good practice guidance on meeting the accommodation and support needs of 16-21 year olds agreed between NIHE and health and social care trusts.

Regional guidance attached.

## Appendix 3

**MEETING THE ACCOMMODATION AND  
SUPPORT NEEDS OF 16 – 21 YEAR OLDS**

**REGIONAL GOOD PRACTICE GUIDANCE**

**AGREED BY THE NORTHERN IRELAND  
HOUSING EXECUTIVE AND THE HEALTH &  
SOCIAL CARE TRUSTS**

**This Protocol is to be reviewed. Once a review has been completed  
the amended Protocol will be inserted.**

**DECEMBER 2014**

**REVISED VERSION**

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## **1.0 Introduction**

- 1.1 The Guidance 2014 is a revised version of the original guidance issued in 2009 and takes account of the impact and learning in the R (G) v London Borough of Southwark 2009 landmark case in England and the judicial review case in Northern Ireland, JR66 2012. These judgments reinforced the primacy of the Children (NI) Order 1995 over housing legislation in the exercise of Trusts duties to undertake an assessment and establish duties owed to a homeless young person aged 16 / 17 under Article 21 of the Order.
- 1.2 The Guidance aims to detail how the Health and Social Care Trusts (Trusts) and the Northern Ireland Housing Executive (Housing Executive) will work together in a coordinated way to ensure that vulnerable young people aged 16-21 receive a joined up service and that their housing and support needs are assessed and responded to appropriately.
- 1.3 The Housing Executive and Trusts work within legislative frameworks that establish their roles and responsibilities towards vulnerable young people. This Guidance defines respective roles and responsibilities and aims to ensure that young people receive appropriate and timely services and support.
- 1.4 The Guidance is underpinned by a commitment by both agencies to promote equality of opportunity, uphold the human rights of young people and ensure that actions and decision making are taken in the best interests of the young person. The Guidance will therefore be duly tested and examined through Equality and Human Rights screening exercise.
- 1.5 Assessment and intervention by Trusts and the Housing Executive will seek in their first instance to prevent homelessness among young people and where the possibility of homelessness is an emerging concern the emphasis will be on a planned approach to avoid a crisis of homelessness. This will include supporting young people to stay with or be reunified with family where this is safe and appropriate given that it is in the best interests of most young people to live with their families. Where it is not safe to do so, alternative arrangements will be explored in the first instance with responsible adults in their wider family and friends' network.
- 1.6 The assessment process will maintain a family focus and seek to resolve issues that give cause to homelessness through family engagement, mediation, family group conferences and partnership working. Where reunification is achieved family support will be

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provided as necessary to address issues affecting the young person's welfare and / or the sustainability of living at home.

- 1.7 Where a decision to accommodate is made based on the outcome of a statutory assessment the "accommodated" young person will receive the same provisions as Looked After children and continued support will be provided in line with Children Order 1995 and Children (Leaving Care) Act 2002 duties as applicable.
- 1.8 Appendix 11 provides information on the application of this Guidance to young people aged 16 / 17 who are exiting Woodlands and in housing need.
- 1.9 The fact that a young person may be reluctant to engage with the assessment process is not in itself a basis for assuming that the young person has rejected any Family and Childcare intervention to provide them with accommodation. Lack of co-operation is no reason for the Trust not to attempt to carry out its duties under the Children Order 1995. In these circumstances, the assessment will need to involve careful recording of how the Trust has attempted to engage with the young person to assess their needs in order to determine and provide appropriate services. Ultimately, however, it is not possible to force services on young people who persistently continue to refuse them.

## **2.0 Aim of the Good Practice Guidance**

The Guidance recognises the shared responsibilities of the Housing Executive and Trusts to children and young people who are 'in need', 'vulnerable' due to homelessness, and/or entitled to support under the Children (NI) Order 1995 and the Children (Leaving Care) Act (NI) 2002, and guides agencies on working collaboratively to appropriately and effectively respond to this group of young people, irrespective of which agency is initially approached for help.

### **The primary aims of the Guidance are to:**

- Outline the respective responsibilities of the Housing Executive and Trusts when working with specific groups of young people where there are shared responsibilities in relation to housing and support needs and to actively work together in the best interests of the young person;
- Establish a system to assist both agencies in carrying out their respective responsibilities to meet assessed needs; and

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- Develop an effective system which provides clarity as to the respective responsibilities of both agencies thereby ensuring relevant information is shared between them.

The principles underpinning the Guidance will inform the development of effective working protocols and practices locally

### **3.0 Categories of Young People**

The groups of young people specifically included in this Guidance are outlined below along with the relevant legislative responsibilities.

#### **Young people aged 16 – 17 years:**

- a. Housing (NI) Order 1988** provides for applicants who are homeless or who are threatened with homelessness to be assessed in line with the provisions of the Order to determine what duty if any is owed by the Housing Executive. This duty extends to include 16 and 17 year olds who present as homeless.
- b. Article 18 of the Children (NI) Order 1995** gives Trusts a general duty to safeguard and promote the welfare of children in need and specifies criteria to assist Trusts to determine if a child is “in need”.
- c. Article 21 (1) of the Children (NI) Order 1995** places a duty on Trusts to provide accommodation for any child in need within its area who appears to the authority to require accommodation as a result of:
  - i. there being no person who has parental responsibility for him;
  - ii. his being lost or having been abandoned; or
  - iii. the person who has been caring for him being prevented from providing him with suitable accommodation or care
- d. Article 21(3) of the Children (NI) Order 1995** places a duty on Trusts to provide accommodation for any child in need within its area who has reached the age of 16 and whose welfare the authority considers is likely to be seriously prejudiced if it does not provide him with accommodation.
- e. Article 34C (8) of the Children (Leaving Care) Act 2002** requires Trusts to safeguard and promote the welfare of relevant young people by providing and maintaining them in suitable accommodation where it is deemed necessary.

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### **Young people aged 18 – 21 years:**

- a) **Housing (NI) Order 1988** provides for applicants, including 18 – 21 year olds, who are homeless or who are threatened with homelessness to be assessed in line with the provisions of the Order to determine what duty if any is owed to him by the Housing Executive.
- b) **Children (Leaving Care) Act (NI) 2002** requires that Trusts provide vacation accommodation for qualifying and former relevant young people who are engaged in education.

## **4.0 The Legislative Framework**

### **4.1 Housing Executive**

#### **Housing (NI) Order 1988 (Appendix 1)**

Under the 1988 Order the Housing Executive has a statutory responsibility for responding to homelessness.

#### **Housing (NI) Order 2003 (Appendix 2)**

The 2003 Order introduced the requirement to assess eligibility for homelessness assistance in Northern Ireland.

### **4.2 HSC Trusts**

#### **HSC Trusts: Children (NI) Order 1995 (Appendix 3)**

Article 18 gives Trusts a general duty to safeguard and promote the welfare of children in need.

#### **Article 18(1) makes it:**

“...the general duty of every authority to safeguard and promote the welfare of children within its area who are in need;

...by providing a range and level of personal social services appropriate to those children’s needs”.

The definition of ‘in need’ is contained in **Article 17** of the Order outlining that a child is deemed to be ‘in need’ if:

- a) He is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services;
- b) His health or development is likely to be significantly impaired, or further impaired, without the provision of such services; or
- c) He is disabled



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**Article 21(1)** places a duty on every authority to provide accommodation for any child in need within its area who appears to the authority 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 from providing him with suitable accommodation or care.

**Article 21(3)** places a duty on the Trust to: “provide accommodation for any child in need within its area who has reached the age of 16 and whose welfare the authority considers is likely to be seriously prejudiced if it does not provide him with accommodation.”

**Article 21(6)** states that before providing accommodation, the authority has a duty to ascertain the child’s wishes and give due consideration to them.

**Article 21(5)** states: - An authority may provide accommodation for any person who has reached the age of 16 but is under 21 in any home provided under Part VII which takes children who have reached the age of 16 if the authority considers that to do so would safeguard or promote his welfare.

### **Children (Leaving Care) Act (NI) 2002 (Appendix 4)**

The Act places a duty on Trusts for certain groups of young people who are or have been looked after: eligible, relevant, qualifying and former relevant. (Appendix 8: Glossary of Terms). If any of these young people become homeless they will be eligible for assistance under Children (Leaving Care) Act (NI) 2002. To discharge this duty Trusts will, as necessary, liaise with the Housing Executive.

## **5.0 Operation of the Legislation**

5.1 The aim of the Guidance is to promote collaborative working across the two lead agencies. This will ensure that young people ‘in need’, ‘vulnerable’ due to homelessness and/or with a care background, receive responsive and appropriate interventions which best meet their assessed needs. This will be achieved by:

- An assessment of the needs of young people to be undertaken by Trusts in accordance with the regional UNOCINI assessment framework (Understanding the Needs of Children In Northern Ireland) and in line with the relevant Articles of the Children (NI)

Order 1995. The children's legislation presumes that a homeless young person aged 16 / 17 is a child in need and by virtue of no place to live becomes a looked after child under the criteria of Article 21. The assessment must therefore demonstrate how this entitlement is met; or where it is not met, clearly demonstrate why a young person in these circumstances is not a looked after child under Article 21. Appendix 9 sets out the criteria to be used in the assessment to make this determination.

- Only where the assessment process concludes that the young person is not a looked after young person will an assessment be undertaken by the Housing Executive to determine whether a young person is considered statutorily homeless under the terms of the Housing (NI) Order 1988.

## **6.0 Underpinning Principles**

### **6.1 The underpinning principles are:**

- The young person has the right to assessment in relation to support and accommodation needs under the Children (NI) Order 1995, Children (Leaving Care) Act (NI) 2002 (where applicable) and the Housing (NI) Order 1988
- Engagement and assessment will seek in the first instance to maintain the young person in the family home where it is safe to do so and / or to resolve issues giving rise to a young person being outside of the family home and in housing crisis. This process will fully address needs and risks, inform planning including how best family support and / or housing needs can be met and lead to action to meet the young person's current and future need, on an inter-agency basis, where appropriate
- The assessment process will assist in communicating the needs of young people across a range of relevant agencies
- Assessment and intervention will reflect and incorporate all aspects of good practice with regard to safeguarding and protecting young people
- Interventions will be timely particularly in circumstances where a young person is homeless or may become homeless
- Interventions will seek to uphold the rights of young people and promote equality of opportunity for all young people who present as homeless and seek assistance
- The best interests of the young person are at the centre of any decisions affecting them, giving due regard to their views

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- Information about young people will be managed and shared in the context of protocols governing data sharing, protection and security.

## **7.0 Confidentiality, Disclosure and Information Sharing**

- 7.1 In order to assist young people speedily and appropriately and to help avoid the duplication of work, the Housing Executive and the Trusts, in working with young people, including those leaving care will need to share information about individuals. In doing this, agencies will be mindful of their legal responsibilities regarding the exchange of any information or referrals. Only information that is necessary for planning and delivery of effective services to the young person will be shared. Young people will be assured that the information they provide will be treated in confidence.
- 7.2 In most instances, consent to share information will be sought from the young person or parent(s) or person(s) with parental responsibility (Appendix 5). In this regard the client consent form contained in Appendix 6 must be used by the agency referring the young person to ensure that they are fully informed and consenting to sharing of personal information including the summary section of the outcome of the UNOCINI assessment. The referring agency should maintain a copy of the completed consent form on file. In circumstances where NOT sharing information may place the young person at risk or likelihood of significant harm, information (including with other agencies) will be shared without consent; as required by Co-operating to Safeguard Children (DHSSPS, May 2003) and in line with the revised HSC Code of Practice on Protecting the Confidentiality of Service Users 2012.

## **8.0 Young Persons Seeking Accommodation Agreed Procedures**

- 8.1 This Guidance sets out agreed arrangements for determining the appropriate intervention by the Housing Executive and Trusts in relation to the following categories and circumstances of young people:
- 16 – 17 year olds seeking emergency accommodation
  - 16 – 17 year olds with a care background
  - 21 year olds seeking emergency accommodation
  - 18 – 21 year olds with a care background
  - 16 – 21 year olds approaching the Housing Executive seeking accommodation on a non-emergency basis

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8.2 The response by both the Housing Executive and Trusts (including the Regional Out-of-Hours / Emergency Duty Service – delivered by HSC Trusts/Social Services) will be determined by the need, age and category of the young person seeking accommodation.

8.3 **16 – 17 year old seeking emergency accommodation**

Where a 16 – 17 year old presents in an emergency to the Housing Executive the following procedure should apply:

8.3.1 **Preliminary Intervention by NIHE Officer:**

In the first instance, establish whether the young person is a child, and whether deemed to be relevant or eligible under the Children (Leaving Care) Act 2002. NIHE Officer liaises directly with relevant Trust's 16 Plus Service to establish the young person's status.

**Where a young person is deemed relevant or eligible, the following applies:**

- i. liaise with 16 plus staff to:
  - Determine whether young person's previous accommodation remains available
  - Establish whether there is any risk to the young person returning there
- ii. Where the young person can be safely returned to previous accommodation 16 Plus staff along with relevant others support the young person's return
- iii. Where it is deemed unsuitable for the young person to return 16 Plus staff will liaise with NIHE and relevant others to secure suitable alternative accommodation. On occasions and due to presenting needs, risks and vulnerabilities and the potential significant risk posed to others it may not be appropriate to place a young person in an existing jointly commissioned supported accommodation arrangement. In such circumstances, a Trust / 16 Plus Service may seek advice and support from the NIHE to create a bespoke / peripatetic supported living arrangement to meet the young person's needs.

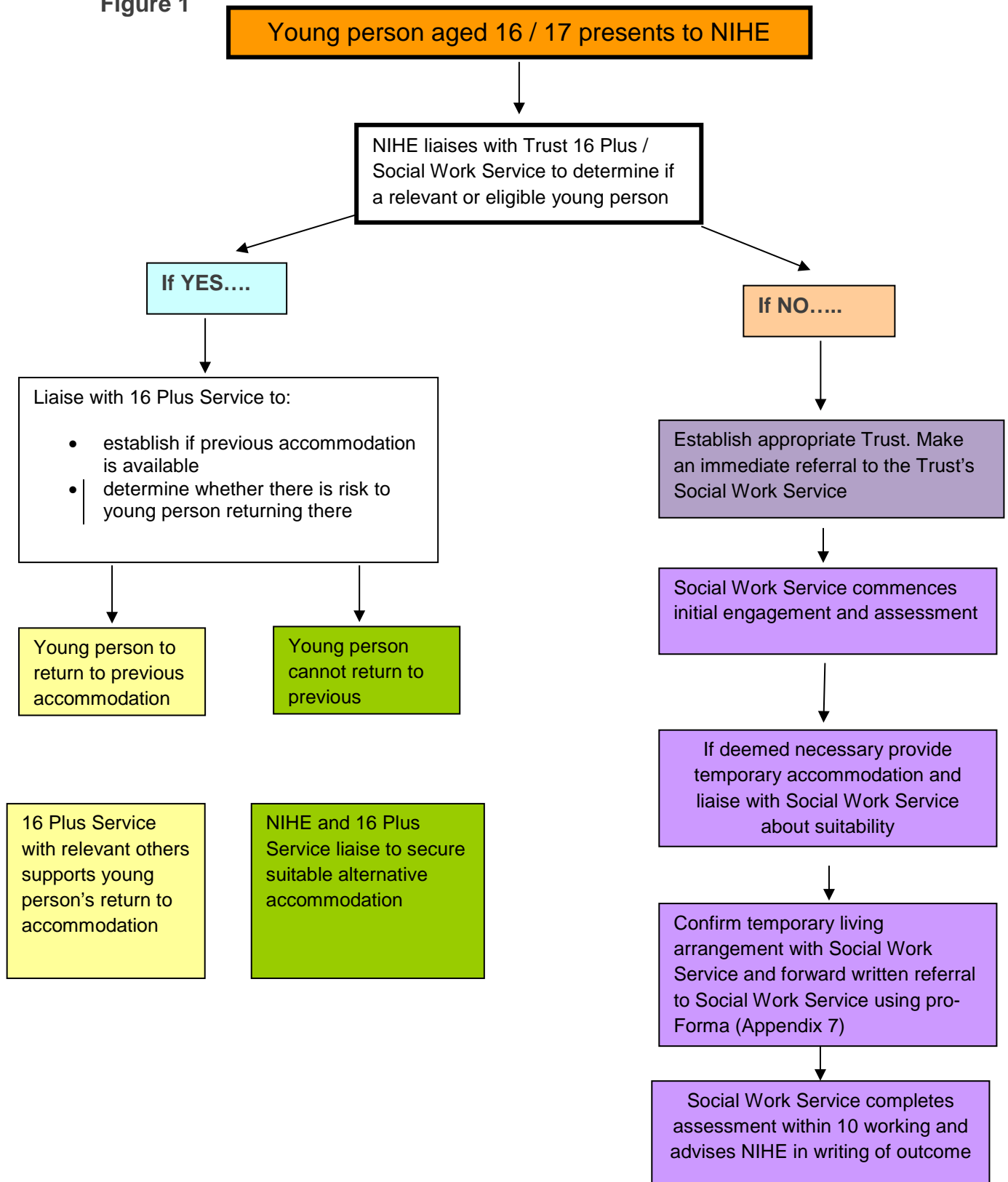
**Where it is established that the young person is not a relevant or eligible young person, the following applies:**

- i. Establish which Trust area the child is presenting
- ii. Make an immediate referral to the Social Work Service in the Trust area in which the young person is presenting
- iii. Social Work Service will establish whether the young person is already known to a social work team within the Trust and will progress an initial assessment in line with UNOCINI requirements and alongside the relevant social work team, if applicable
- iv. Where the young person is known to another Trust, the Social Work Service in the Trust area in which the young person presents will provide an immediate response and agree with the responsible Trust who is best placed to undertake the assessment.
- v. Where the case is an open case to another Trust or has had involvement by another Trust within the previous three months the young person may transfer to the originating Trust post the initial UNOCINI assessment process. This will be determined on a case by case basis and in the young person's best interests.
- vi. The assessment process will involve the young person's family and seek in the first instance to facilitate the young person's safe return to family. The assessment process will determine whether any duty is owed to the young person under Article 21 of the Children Order giving due regard to the areas outlined in Appendix 9.
- vii. Pending completion of the assessment and where it is not deemed appropriate for the young person to immediately return to family, to the previous address or to reside with extended family / friends the Trust and NIHE will work in partnership to provide suitable temporary accommodation.
- viii. In all instances and on completion of the UNOCINI assessment the Social Work Service must advise the NIHE of the outcome of the assessment. This should be undertaken by forwarding the summary section of the UNOCINI assessment with confirmation of outcome in terms of the legal status and intervention pathway where applicable.

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(Reference Figure 1 for summary of processes)

Figure 1



**Where a 16 – 17 year old presents in an emergency to the HSC Trust's Social Work Service the following procedure should apply:**

### **8.3.2 Preliminary Intervention by Trust Social Work Service:**

In the first instance, establish whether the young person is deemed Relevant or Eligible under the Children (Leaving Care) Act 2002. This will require liaison with the relevant Trust's 16 Plus Service.

#### **Where the young person is deemed a Relevant or Eligible young person the following applies:**

- i. Liaise with 16 Plus staff who will:
  - determine whether the young person's previous accommodation remains available
  - establish whether there is any risk to the young person returning there
- ii. Where the young person can be safely returned to previous accommodation 16 Plus staff will, along with relevant others, support the young person's return
- iii. Where it is deemed unsuitable for the young person to return, 16 Plus staff will liaise with the NIHE and relevant others to secure suitable alternative accommodation

#### **Where it is established that the young person is not a relevant or eligible young person, the following applies:**

- a. Social Work Service to undertake preliminary assessment of needs including possible return to family, need for alternative living arrangement or provision of emergency accommodation
- b. Where it is established that an immediate return to the family home is not possible Social Work Service will, with the young person and family, explore possible options from within wider family and friend's network
- c. Where temporary accommodation is required and the preliminary assessment indicates that the young person can be accommodated safely on an emergency basis in accommodation arranged by the NIHE the Social Work Service will liaise with the relevant District Housing Executive Office to find appropriate temporary accommodation
- d. In determining the need for temporary emergency accommodation this will be arranged on the basis of a telephone call by the Social Work Service to the relevant District Housing

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Executive Office. This arrangement will be reviewed on the next working day by both agencies

- e. Immediately confirm temporary accommodation arrangements using the standard pro-forma and confirm start of the assessment process (Appendix 7)

8.3.3 The confirmation of arrangements will trigger an assessment by the Trust's Social Work Team using the UNOCINI assessment framework with particular reference to criteria specified in Appendix 9. Where the assessment determines that a duty is owed to the young person under Article 21 of the Children Order consideration will be given to the most appropriate placement options available for the young person, giving due regard to his / her wishes and views. Placement options will include a care placement, within a kinship arrangement, non-kinship foster care, residential care, supported lodgings, young adults supported accommodation.

As a Looked After / accommodated young person, he/she will be entitled to the same provisions as other Looked After children as prescribed by the Children Order 1995 and associated Regulations and Guidance. If the young person subsequently becomes an eligible young person, he / she will qualify for entitlements as set out in the Children (Leaving Care) Act 2002. In circumstances where the Trust's 16 Plus Service confirm that the young person is deemed Relevant or Eligible under the Children (Leaving Care) Act 2002, the Housing Executive will agree continuation of temporary accommodation, where applicable, on the basis that the relevant Trust assumes financial responsibility, in line with agreed arrangements. Where the assessment determines "accommodated" arrangements under Article 21 and the young person continues to reside in a non-care placement in NIHE based accommodation, the HSC Trust must assume financial responsibility.

8.3.4 Where a young person is not deemed Relevant or Eligible and is placed in temporary accommodation pending completion of assessments as at 8.3.3 financial responsibility for the payment of accommodation costs rests with the NIHE under the terms of the Housing (NI) Order 1988. The outcome of the assessment at 8.3.3 will determine the duties owed by the respective agencies and which agency holds financial responsibility for any associated accommodation costs in the longer term.

8.3.5 In circumstances where a 16 – 17 year old presents as homeless to the Regional Emergency Social Work Service a placement will be arranged



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by the Trust where deemed appropriate in line with current out of hours arrangements and will notify the relevant Housing Executive Office on the next working day where the young person is residing in temporary NIHE accommodation. As per 8.3.4 the NIHE will have financial responsibility for accommodation costs pending the outcome of the agreed assessment process and associated timescale. Where the young person presenting as homeless in these circumstances is an Eligible or Relevant young person the same action will apply in terms of arranging a placement, if necessary. However the Regional Emergency Social Work Service will notify the relevant 16 Plus Social Work Team on the next working day.

8.3.6 In such instances the Trust's Social Work Service will undertake an initial assessment to determine needs and appropriate interventions in keeping with agreed timescales. (Reference Figure 2 for summary of processes)

8.3.7 In all instances and on completion of the UNOCINI assessment the Social Work Service must advise the NIHE of the outcome of the assessment. This should be undertaken by forwarding the summary section of the UNOCINI assessment with confirmation of outcome in terms of the legal status and intervention pathway as applicable.

Figure 2



## **8.4 16 – 17 year olds with a Care Background**

For young people who are looked after by Trusts, the Trust has a responsibility to carry out a Needs Assessment at the age of 16 years with a view to determining what advice, assistance and support should be provided while the young person makes the transition from care. The Assessment, which informs the Pathway Plan, considers the young person's needs under a range of issues that includes their support and accommodation needs. The Housing Executive should be involved as appropriate in both the development and review of the Pathway Plan.

Young people aged 16-17 years who remain looked after (eligible) or who have ceased to be looked after (relevant) continue to be the financial responsibility of Trusts in terms of accommodation costs. Where a young person is placed in a Trust funded bed-space in a Young Adults Supported Accommodation Project costs are already met by the Trust. Where an alternative arrangement is used that is already funded e.g. through a block grant by NIHE, financial systems need to be in place at a local level to ensure that appropriate costs are invoiced and paid for by the responsible Trusts.

Trusts should have a close working relationship with their local Housing Executive colleagues and it is recommended that each Agency has a named contact person in place with lead responsibility for local application, implementation and monitoring of this Good Practice Guidance and to act as key contact point to address any emerging issues in a timely manner.

Relevant young 16 – 17 year olds who return to the care of their parents cease to be relevant after 6 months where it is established that the return home is successful. The young person, in these circumstances, becomes a “qualifying” young person. In the event that the home relationship breaks down and the young person is under 18, he / she will revert to his / her “relevant” status. In such an instance the Trust will be responsible for any financial costs associated with his / her accommodation.

## 8.5 18 - 21 year olds seeking emergency accommodation

Where an 18 – 21 year old presents in an emergency to the Housing Executive the following procedure should apply:

8.5.1 In the first instance, establish whether the young person is deemed a qualifying or former relevant young person under the Children (Leaving Care) Act 2002. NIHE Officer liaises directly with relevant Trust's 16 Plus Service to establish the young person's status.

**Where a young person is deemed as qualifying or former relevant the following applies:**

Liaise with 16 Plus staff to:

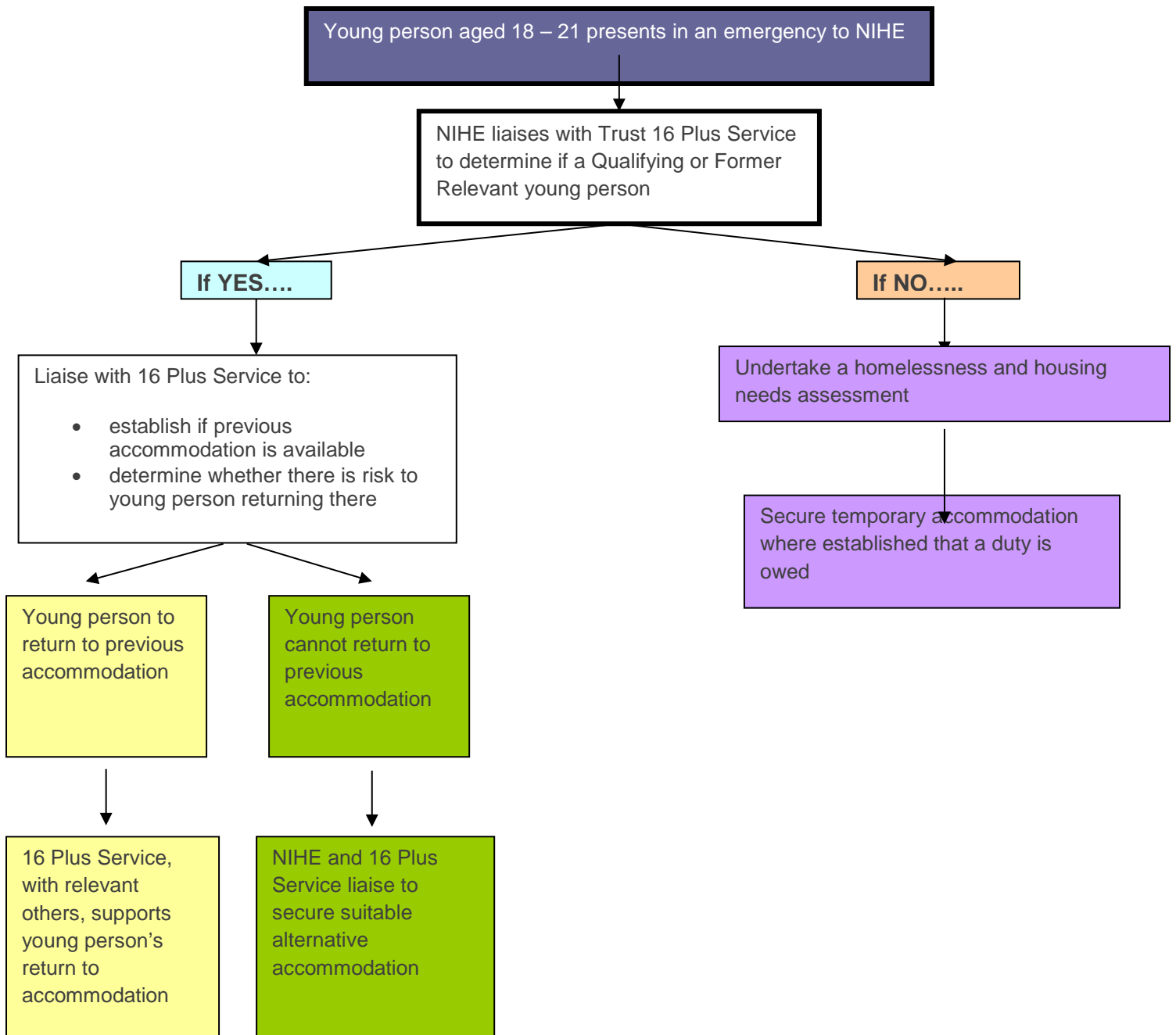
- Determine whether young person's previous accommodation remains available
- Establish whether there is any risk to the young person returning there
- Where the young person can be safely returned to previous accommodation 16 Plus staff will, along with relevant others, support the young person's return
- Where it is deemed unsuitable for the young person to return 16 Plus staff will liaise with NIHE and relevant others to secure suitable alternative accommodation where it is deemed that a duty is owed under the provision of the Housing (NI) Order 1988
- 16 Plus Service will co-operate with the Housing Executive in providing information considered relevant to its assessment

**Where a young person aged 18 – 21 years is not deemed as qualifying or former relevant, the following applies:**

- i. Undertake a homelessness and housing needs assessment
- ii. Secure temporary accommodation in circumstances where it appears that a duty is owed under the provision of the Housing (NI) Order 1988

(Reference Figure 3 for summary of processes)

Figure 3



**Where an 18 – 21 year old presents in an emergency to the HSC Trust's Social Work Service the following procedure should apply:**

8.5.2 In the first instance, establish whether the young person is deemed Qualifying or Former Relevant. This will require liaison with the relevant Trust's 16 Plus Service.

**Where the young person is deemed Qualifying or Former Relevant the following applies:**

- i. Liaise with 16 Plus staff who will:
  - o determine whether the young person's previous accommodation remains available
  - o establish whether there is any risk to the young person returning there
- ii. Where the young person can be safely returned to previous accommodation 16 Plus staff will, along with relevant others, support the young person's return
- iii. Where it is deemed unsuitable for the young person to return and in keeping with the young person's assessed needs / Pathway Plan, 16 Plus staff will approach the Housing Executive to secure appropriate temporary accommodation. Former relevant and qualifying young people have a right of access to benefits, accommodation and support costs in their own right.

There may be situations, however, where due to the young person's income or their involvement in full time education, either no benefit or reduced benefit is payable. In these cases any shortfalls for accommodation costs are the responsibility of the Trust in keeping with Articles 34D and 35B of the Children (Leaving Care) Act 2002.

**Where the young person is not deemed to be Qualifying or Former Relevant, the following applies:**

- a. Social Work Service will direct the young person to the relevant Housing Executive Office
- b. Social Work Service will liaise with the relevant Housing Executive Office where there is any relevant information pertaining to any potential priority need. Any additional support needs e.g. where a

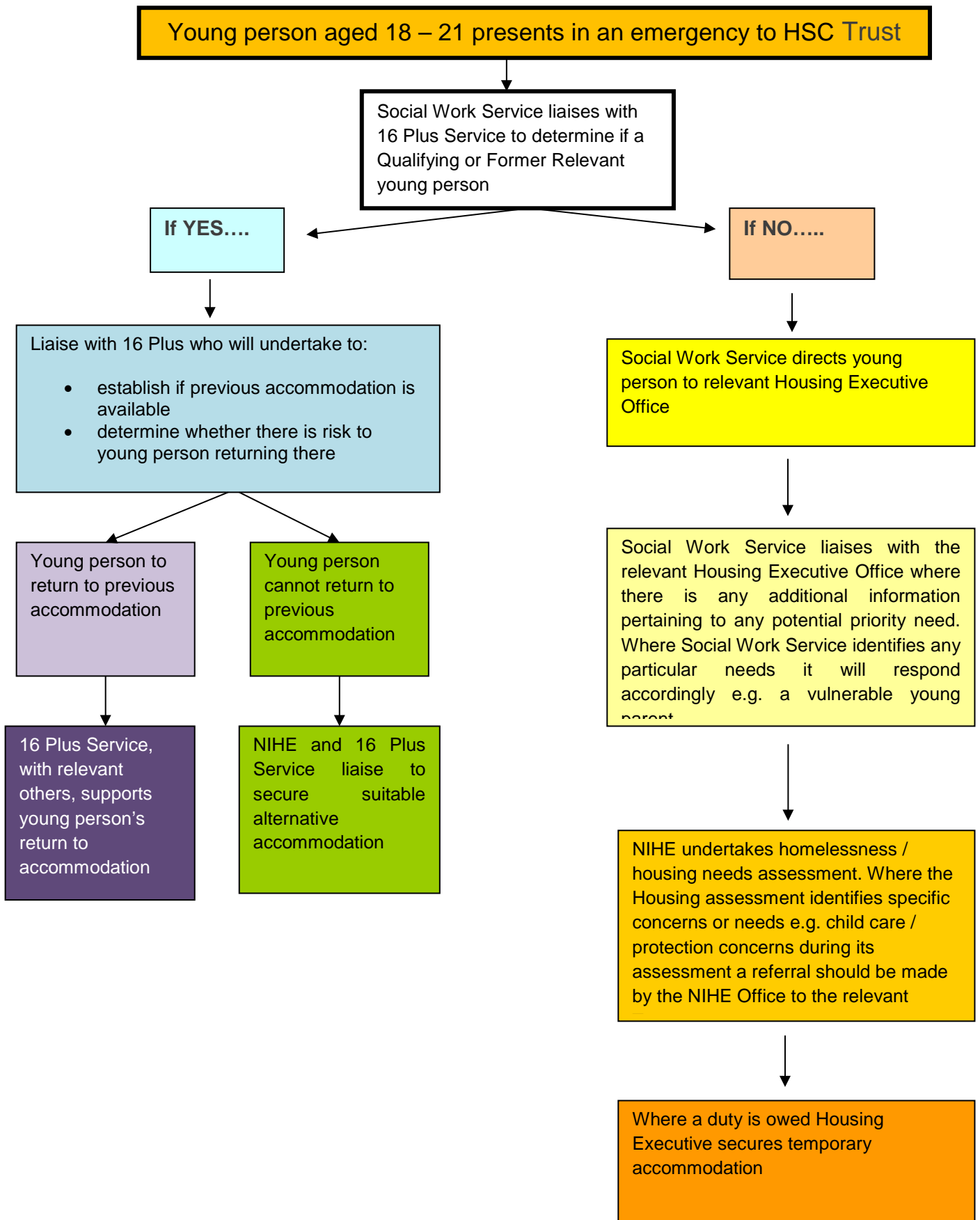
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young person is a parent will be assessed and responded to by the relevant agency.

- c. NIHE will undertake a homelessness and housing needs assessment
- d. NIHE will secure temporary accommodation in circumstances where it appears that a duty is owed under the provision of the Housing (NI) Order 1988

(Reference Figure 4 for summary of processes)

Figure 4





## **8.6 18 – 21 year old with a Pathway Plan**

Young people who have been in care and who are regarded as 'former relevant' (18-21 years) under the Children (Leaving Care) Act (NI) 2002 will be subject to appropriate Pathway Planning arrangements. The designated social worker from the Trust's 16 Plus Service is responsible for co-ordinating the Pathway Plan and will maintain contact with the relevant Housing Executive staff to ensure appropriate access to support and accommodation as the young person moves to independent and permanent accommodation.

The young person has a right of access to benefits and accommodation and support costs in his/her own right without reference to the responsible Trust.

For 'former relevant' and qualifying young people in further/higher education living away from their community of origin, HSC Trusts have a duty to provide vacation accommodation or the funds to secure it. The Trust may seek the support of the Housing Executive to identify and access suitable vacation accommodation.

## **8.7 16–21 year olds Approaching the Housing Executive seeking accommodation on a non-emergency basis)**

8.7.1 In almost all instances a 16-21 year old seeking accommodation from the Housing Executive on a non-emergency basis will do so via a housing application form. In such instances the Housing Executive will:

- Undertake a housing needs assessment
- Where it is established that the young person is aged 16 / 17 and known to Social Services a referral should be made to the relevant Trust's Gateway Service and Gateway Service will refer the matter to the relevant service within the Trust.

## **9.0 Considerations, Monitoring and Review**

9.1 This Guidance is primarily aimed at ensuring joint working between Trust and the Housing Executive in meeting the housing and support needs of young people who are homeless or are at risk of homelessness. The Guidance includes arrangements for jointly responding to needs up to 21 years of age. In responding to the needs of young adults it is important that due consideration is given by both agencies to their continuing needs and potential or actual vulnerability and continued requirement to access adult services.

9.2 Where young adults aged 18 – 21 present as vulnerable and are assessed to have continued need for support both agencies should

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have regard to the regional Safeguarding Vulnerable Adults Policy and Procedures 2006.

- 9.3 In situations where a 16 – 21 year old presents to the NIHE and is undertaking carer responsibilities that are beyond his / her capabilities and therefore impact on his / her vulnerability and ability to cope the NIHE should refer directly to the Trust's Social Work Service where the young carer is aged 16 / 17. For those over 18 and depending on the specific "caring" responsibilities identified a referral may be forwarded to the Trust's Adult Programmes of Care, NIHE Floating Support Services or advice and signposting may be sought in first instance by contacting the Trust's Social Work Service.
- 9.4 In instances where a young person is dissatisfied with the service received or the outcome of the assessment / decision making process, he / she should be advised and supported to address his / her complaint through the respective agency's complaints / appeals procedure.
- 9.5 Where interagency disputes arise in relation to case management, responsibilities, roles etc. arrangements should be in place at a local Trust / Housing Executive level to ensure that mechanisms are in place for the resolution of such disputes.
- 9.6 Trusts and NIHE will share responsibility for monitoring application and impact of the Guidance. This will be supported by the Regional Reference Group whose remit will include ensuring that arrangements are in place to monitor the effectiveness of the Guidance against its stated aims and objectives.
- 9.7 Review of the Guidance document itself will take place annually and any subsequent amendments will be informed by the findings and outcomes of the monitoring arrangements, learning emanating from operational practice and any policy or legislative changes. Review of or amendments to the Guidance will be undertaken jointly by NIHE and Trusts.

## **10.0 Endorsement**

The Guidance is endorsed by the Directors for Children and Families Services in each of the Health and Social Care Trusts and by the Acting Chief Executive of the Housing Executive. The Guidance comes into immediate effect as of the date of formal issue.

This document is under review

## **Appendices**

1. Summary of Housing (NI) Order 1988
2. Summary of Housing (NI) Order 2003
3. Summary of Children (NI) Order 1995
4. Summary of Children (Leaving Care) Act (NI) 2002
5. Definition of Parental Responsibility
6. Consent to Share Information
7. Inter-Agency Referral Form
8. Glossary of Terms
9. Assessing the Duty to Accommodate under Article 21
10. Named Leads HSC Trusts and NIHE
11. Exit Pathways for Young People Aged 16/17 in Woodlands who are at risk of / face homelessness on discharge

## **Appendix 1**

### **Housing (NI) Order 1988** (as amended by the Housing (NI) Order 2003)

The Housing (NI) Order 1988, imposed on the Housing Executive, statutory responsibility for responding to homelessness. Applicants who are homeless or threatened with homelessness are assessed in line with the provisions of the Order to determine what duty, if any, is owed to him by the Housing Executive. The Extent of the Housing Executive's duty is dependent on a number of "tests":-

#### **Homelessness / threatened with homelessness**

A person is homeless if he has no accommodation available for his occupation in the United Kingdom or elsewhere

A person shall be treated as having no accommodation if there is no accommodation which he, together with any other person who normally resides with him as a member of his family or in circumstances in which it is reasonable for that person to reside with him –

- a. is entitled to occupy by virtue of an interest in it or by virtue of an order of a court, or
- b. has an expressed or implied licence to occupy, or
- c. occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.

A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

Regard may be had in determining whether it would be reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in Northern Ireland.

A person is also homeless if he has accommodation but –

- a) he cannot secure entry to it, or
- b) it is probable that occupation of it will lead to violence from some other person residing in it or to threats of violence from some other person residing in it and likely to carry out the threats, or
- c) it consists of a movable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted to place it and to reside in it.

A person is threatened with homelessness if it is likely that he will become homeless within 28 days from the day on which he gives written notice to the Executive that he is threatened with homelessness.

*Meaning of accommodation available for occupation*

*For the purposes of this Part accommodation shall be regarded as available for a person's occupation only if it is available for occupation both by him and by any other person who might reasonably be expected to reside with him; and references to securing accommodation for a person's occupation shall be construed accordingly.*

**Priority need for accommodation**

- The following have a priority need for accommodation –
- A pregnant woman or a person with whom a pregnant woman resides or might reasonably be expected to reside;
- A person with whom dependent children reside or might reasonably be expected to reside;
- A person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;
- A person who is homeless or threatened with homelessness as a result of an emergency such as a flood, fire or other disaster;
- A person without dependent children who satisfies the Executive that he has been subject to violence and is at risk of violent pursuit or, if he returns home, is at risk of further violence;
- A young person who satisfies the Executive that he is at risk of sexual or financial exploitation.

**Becoming homeless intentionally**

A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation, whether in Northern Ireland or elsewhere, which is available for his occupation and which it would have been reasonable for him to continue to occupy.

A person becomes threatened with homelessness intentionally if he deliberately does or fails to do anything the likely result of which is that he will be forced to leave accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.

An act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate

A person shall be treated as becoming homeless, or as becoming threatened with homelessness intentionally, if –

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- a) he enters into an arrangement under which he is required to cease to occupy accommodation which it would be reasonable for him to continue to occupy, and
- b) the purpose of the arrangement is to enable him to become entitled to assistance under this part and there is no other good reason why he is homeless

## **Appendix 2**

### **Housing (NI) Order 2003**

The Housing (NI) Order 2003, introduced changes to the definition of homelessness and to the provisions regarding becoming homeless intentionally, and introduced the additional requirement on the Housing Executive to assess an applicant's eligibility for housing assistance.

#### **Eligibility for Housing Assistance**

A person is not eligible for assistance:-

- (a) If he is a person from abroad, who is subject to immigration control within the meaning of Section 119 of the Immigration and Asylum Act 1999, unless re-qualified by the regulations made by the Secretary of State
- (b) Other persons – not subject to immigration control within the meaning of the 1999 Act – who are prescribed by regulations as ineligible.
- (c) If he or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the Executive; and, in the circumstances at the time his application is considered, he is unsuitable to be a tenant of the Executive by reason of that behaviour

### **Appendix 3**

#### **The Children (NI) Order 1995**

**Article 18(1)** makes it:

“...the general duty of every authority to safeguard and promote the welfare of children within its area who are in need;

...by providing a range and level of personal social services appropriate to those children’s needs”.

**Article 17** states:

“For the purposes of this Part a child shall be taken to be in need if:

- a. he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;
- b. his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services;  
or
- c. he is disabled.

**Article 21(1)** places a duty on every authority to:

Provide accommodation for any child in need within its area who appears to the authority to require accommodation as a result of:

- d. there being no person who has parental responsibility for him;
- e. his being lost or having been abandoned; or
- f. the person who has been caring for him being prevented from providing him with suitable accommodation or care.

**Article 21(3)** places a duty on the Trust to: “provide accommodation for any child in need within its area who has reached the age of 16 and whose welfare the authority considers is likely to be seriously prejudiced if it does not provide him with accommodation.”

**Article 21(6)** states that before providing accommodation, the authority has a duty to ascertain the child’s wishes and give due consideration to them.



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**Article 21(5)** states:- An authority may provide accommodation for any person who has reached the age of 16 but is under 21 in any home provided under Part VII which takes children who have reached the age of 16 if the authority considers that to do so would safeguard or promote his welfare.

**Article 46** refers to co-operation between authorities and other bodies and states:

- (1) Where it appears to an authority that anybody mentioned in paragraph (3) could, by taking any specified action, help in the exercise of any of the authority's functions under this Part, the authority may request the help of that body, specifying the action.
- (2) A body whose help is so requested shall comply with the request if it is compatible with that body's own statutory or other duties and obligations and does not unduly prejudice the discharge of any of its functions.
- (3) The bodies are:
  - a) any Board;
  - b) any Education and Library Board;
  - c) any Health and Social Services Trust or special agency;
  - d) any District Council;
  - e) the Northern Ireland Housing Executive; and
  - f) such other persons as the Department may direct for the purpose of this Article.

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## **Appendix 4**

### **Children (Leaving Care) Act (NI) 2002**

**Relevant Children:** Article 34C (8) the responsible authority shall safeguard and promote the child's welfare and, unless the authority is satisfied that his welfare does not require it, support him by:

- (a) maintaining him;
- (b) providing him with or maintaining him in suitable accommodation; and
- (c) providing support of such other description as may be prescribed.

Article 34C (10) "suitable accommodation" means:

- (a) which so far as is reasonably practicable is suitable for the child in the light of his needs, including his health needs and any needs arising from any disability;
- (b) in respect of which the responsible authority has satisfied itself as to the character and suitability of the landlord or other provider; and
- (c) in respect of which the responsible authority has so far as reasonably practicable taken into account the child's:
  - wishes and feelings; and
  - educational, training or employment needs.

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## **Appendix 5**

**Definition of Parental Responsibility:** a person may hold parental responsibility for a child if they are:

- The mother of a child.
- A father who was / is married to the mother of a child.
- Any other person who has been granted parental responsibility by way of a Court Order, including Adoption Order / Residence Order and Parental Responsibility Order.
- A father who is named on the Birth Certificate of a child but who was not / is not married to the mother of that child

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## Appendix 6

### CONSENT TO SHARE INFORMATION

The Northern Ireland Housing Executive and Social Services Trust believe that all matters relating to children and families should be treated as confidential, as far as possible.

In order to give you the best service we can, it may be necessary for us to talk with other organisations, or for them to provide you with services or support. This might include Social Services, the Housing Executive, Doctor, Health Visitor etc. If this is the case we will need to tell them relevant details about you if you are to get an appropriate assessment and service.

We will give only the necessary information to necessary people, but it is important that you understand we may have to do this.

Please sign below to say that you understand this will happen, and to give your permission under these circumstances.

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Signature:** \_\_\_\_\_(Young person)

**Signature:** \_\_\_\_\_(NIHE / Trust representative)

(Parental consent may be required if there are concerns about the young person's capacity to give informed consent)

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## Appendix 7

### Regional Good Practice guidance agreed by the Northern Ireland Housing Executive and the Health & Social Services Trusts

#### Interagency Referral Form

<b>APPLICANT details</b>	
<b>Name</b>	
<b>Address</b>	
<b>Date of Birth</b>	
<b>Contact number / address</b>	
<b>Date of contact</b>	
<b>Office initially contacted</b>	<b>NIHE / SOCIAL SERVICES*</b> *delete as appropriate
<b>AGENCY details</b>	
<b>NIHE</b> Office address & telephone number	
<b>Name of case worker</b>	
<b>Social Services</b> Office address & telephone number	
<b>Name of case worker</b>	
<b>TEMPORARY ACCOMMODATION details</b>	
<b>Address</b>	
<b>Provider</b>	<b>Name</b> <b>Contact number</b>
<b>Other relevant information including presenting needs / risks, circumstances of presenting in housing need. Identification of risks should include any current or historical information relating to: self-harm, mental health, criminal behavior, child sexual exploitation, drugs/alcohol misuse, absconding history etc.,</b>	

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## **Appendix 8**

### **Glossary of Terms**

#### **A Looked After Child**

Any reference to a child who is looked after by an authority is a reference to a child who is:

- (a) in the care of the authority: or
- (b) provided with accommodation by the authority.

*(Article 25 (1) Children (NI) Order 1995)*

“Accommodation” means accommodation which is provided for a continuous period of more than 24 hours

*(Article 25 (2) Children (NI) Order 1995)*

#### **An Eligible Child**

- (a) is aged 16 or 17; and
- (b) has been looked after by an authority for a prescribed period [13 weeks], or periods amounting in all to a prescribed period [13 weeks], which began after he reached a prescribed age [14 years] and ended after he reached the age of 16.

*(Art 34A Children (NI) Order 1995)*

#### **A Relevant Child**

- (a) is not being looked after by an authority;
- (b) was, before last ceasing to be looked after, an eligible child for the purposes of Article 34A Children (NI) Order 1995; and
- (c) is aged 16 or 17.

*(Article 34B Children (NI) Order 1995)*

#### **Former Relevant Child**

(a) a person who has been a relevant child for the purposes of Article 34B (Children (Northern Ireland) Order 1995) (and would be one if he were under 18), and in relation to whom that authority was the last responsible authority; and

(b) a person who was being looked after by that authority when he attained the age of 18, and immediately before ceasing to be looked after was an eligible child

*(Article 34D Children (NI) Order 1995)*

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**Qualifying Young Person:** means a person who—

(a) is under 21; and

(b) at any time after reaching the age of 16 but while still a child was, but is no longer, looked after, accommodated or fostered.

*(Art 35 Children (NI) Order 1995)*

## **Appendix 9**

### **Assessing the duty to accommodate a child under Article 21, Children (NI) Order 1995**

The following criteria, derived from Baroness Hale's interpretation of Section 20, Children Act 1989 (equivalent of Article 21 Children (NI) Order 1995) in the R (G) v London Borough of Southwark 2009 case must be applied as part of the overall assessment of a young person aged 16 / 17 who presents as homeless to determine whether a duty to accommodate under Article 21 of the Children (NI) Order 1995 applies.

1. Is the applicant a child?
2. Is the applicant a 'child in need' as defined by Article 17 of the Children (Northern Ireland) Order 1995?
3. Is the child within the Trust's area?
4. Does the child appear to the Trust to require accommodation?
5. Is that need as a result of: (a) there being no person who has parental responsibility for the child: or (b) the child's being lost or having been abandoned: or (c) the person who has been caring for the child being prevented from providing the child with suitable accommodation or care?
6. What are the child's wishes and feelings regarding the provision of accommodation for them?
7. What consideration (having regard to the child's age and understanding) is duly to be given to those wishes and feelings?



**Appendix 10**

<b>Trust Areas</b>	<b>HSC Trust</b>	<b>NIHE</b>
<b>Belfast</b>	<p>Karen McShane Service Manager Tel: 028 95042390</p> <p><i>(To note, Hilary Walker is the Children's Services Manager, 16 Plus Services Martin Morgan is the Principal Social Worker for 16 Plus Services)</i></p>	<p>Helen Russell Area Sen. Principal Officer 028 90 317368</p> <p>Des Marley Homelessness Services Manager 028 90 317412 034 4892 0900</p> <p>Susan Gilbride Deputy Homelessness Services Manager 028 90 317413</p>
<b>Northern</b>	<p>Tracy Magill Social Work Service Manager Tel: 028 944 24600 or 028 2563 5640</p> <p><i>(To note, Sean McIlmunn and Pamela McGlade are the Service Managers for 16 Plus Services)</i></p>	<p>Mairead Flatley Area Principal Officer 028 25 666050</p> <p>Donna McStravick Area Homeless Officer 028 71 306163</p>
<b>South Eastern</b>	<p>Michael Murray Assistant Director, Safeguarding Tel: 028 92 603203</p> <p><i>(To note, Maurice Largey and Aine McGrillen are the Social Work Service Managers for 16 Plus)</i></p>	<p>John Nelson, Area Principal Officer 028 91 825020</p> <p>Steven McBurney Area Homeless Officer 028 91 825024</p>
<b>Southern</b>	<p>Bryan Gormley, Team Manager, Young People's Partnership Tel: 028 38 391155</p> <p><i>(To note, Liz Stevenson is the Head of Service for 16 Plus)</i></p>	<p>John Nelson, Area Principal Officer 028 91 825020</p> <p>Kirsten May Area Homeless Officer 028 38 315852</p>
<b>Western</b>	<p>Kevin Duffy Social Work Manager Tel: 028 71 314090 <i>(To note, Stephen McLaughlin is the Head of Service for 16 Plus; Peter Quinn and Anne Marie McCrory are the Service Managers for 16 Plus)</i></p>	<p>Mairead Flatley Area Principal Officer 028 25 666050</p> <p>Eamon McGlinchey Area Homeless Officer 028 71 309603</p>

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## Appendix 11

### **Exit Pathways for Young People Aged 16/17 in Woodlands Juvenile Justice Centre who are at risk of / face homelessness on discharge - March 2014**

The paper sets out agreed working and interface arrangements between practitioners and staff within Social Services, Youth Justice Agency (Woodlands, Bail information and Support and Youth Justice Services) and NIHE to assist with exit planning of young people aged 16/17 from Woodlands who are at risk of or face homelessness on discharge or who remain on remand until appropriate accommodation is secured.

The document must be read in conjunction with the **Regional Good Practice Guidance between NIHE and HSC Trusts on Meeting the Accommodation Needs of Care Leavers aged 16-21 and Young Homeless aged 16/17 (2014)**. This Regional Guidance provides an overarching framework which sets out the regionally agreed working arrangements between Social Services and NIHE where young people aged 16/17 present as homeless to either agency. It articulates the statutory requirement on Social Services to undertake an assessment of need under Article 18 of the Children Order 1995 in respect of any young person aged 16/17 who is at risk of homelessness or who is homeless and to determine entitlement under Article 21 of the Children Order.

The Regional Guidance also makes explicit the role and responsibilities of NIHE who will progress an assessment of housing need depending on the outcome of the UNOCINI assessment. The Guidance reflects a commitment to work alongside Social Services in identifying and accessing suitable temporary or medium / longer term accommodation to meet assessed needs. It is established that, irrespective of bail conditions pertaining to a young person who is homeless, the young person has an entitlement to be considered under the homelessness legislation to determine whether a homelessness duty is owed. **Therefore the same process should be adopted for those young people who may require bail conditions to allow them to remain in the community and where accommodation may be an issue.**

Working arrangements between the named agencies should be inclusive of the **Youth Justice Agency, including the Bail Information Scheme and the Bail Support Scheme**. The Bail Information Scheme in particular is targeted at early and timely engagement with young people and is aimed at contributing to a reduction in the number of young people that are remanded under PACE or remanded in custody for reasons that could be addressed with fuller information or by the provision of appropriate services.

This document is under review

It is evident from practice and experience that there is a cohort of young people aged 16/17 in Woodlands Juvenile Justice Centre (JJC) who requires accommodation as part of discharge planning; not all of these young people are known to the NIHE or Social Services. It is therefore necessary to establish explicit referral and response pathways that will ensure that their needs are appropriately assessed and met. There are particular challenges associated with those young people aged 16 / 17 residing in JJC, for example,

- discharge planning is significantly affected by the status under which the young person resides in JJC i.e. subject to a Determinate Sentence or on remand;
- sourcing suitable accommodation to coincide with a discharge date can be constrained by availability; the limited notice associated with release for those on remand; and bail conditions attached to release arrangements can further restrict accommodation options.

Where a clear discharge date is already known the processes set out in this document can be effected in a timely and planned manner. Where a young person is remanded in JJC and release is subject to suitable accommodation being secured and associated bail conditions being applied there is frequently little time or opportunity to proactively plan.

This paper aims to make explicit the application of the Regional Good Practice Guidance to those young people aged 16/17 in JJC where accommodation issues and the risk of homelessness are the presenting needs, irrespective of custodial status. In effect, it sets out interface working arrangements that must be adopted by JJC staff, Social Services and NIHE and builds on existing roles, responsibilities and the planning mechanisms of these respective agencies.

**The assessment of needs / risks underpins the application of this Guidance. It is imperative that account is taken within the assessment process of the nature / seriousness of any offence and the implications that this may have for identification of future accommodation arrangements and for ensuring that appropriate safeguards are incorporated into the placement plan.**

Appendix 2 provides details of Named Leads in NIHE Office and HSC Trusts with responsibility for overseeing and monitoring implementation of the agreed working arrangements between Social Services and NIHE. In the event of difficulties arising in the application of the Guidance on Exit Planning contact should be made directly with the most appropriate named person to resolve any issues presenting in a timely manner and at a local level in the first instance.

This document is under review

The cohort of young people who are the target group of this paper fall into three categories, namely:

- i. Looked After young people and care leavers aged 16 / 17
- ii. Children in Need with current Social Services involvement
- iii. Young people who are unknown to Social Services

**The paper sets out the agreed working arrangements to be applied in respect of each of these categories of young people.**

i. **Looked After Young People and Care Leavers aged 16/17\***

Young people who fall into the above category will already be known to Social Services; will have a named social worker and a current needs assessment; and care/pathway planning and review processes will be in place. The named social worker has primary responsibility for overall case management which includes ongoing liaison with Woodlands staff in planning for discharge.

*\*Appendix 1 defines this category of young people*

**Planned Exit:**

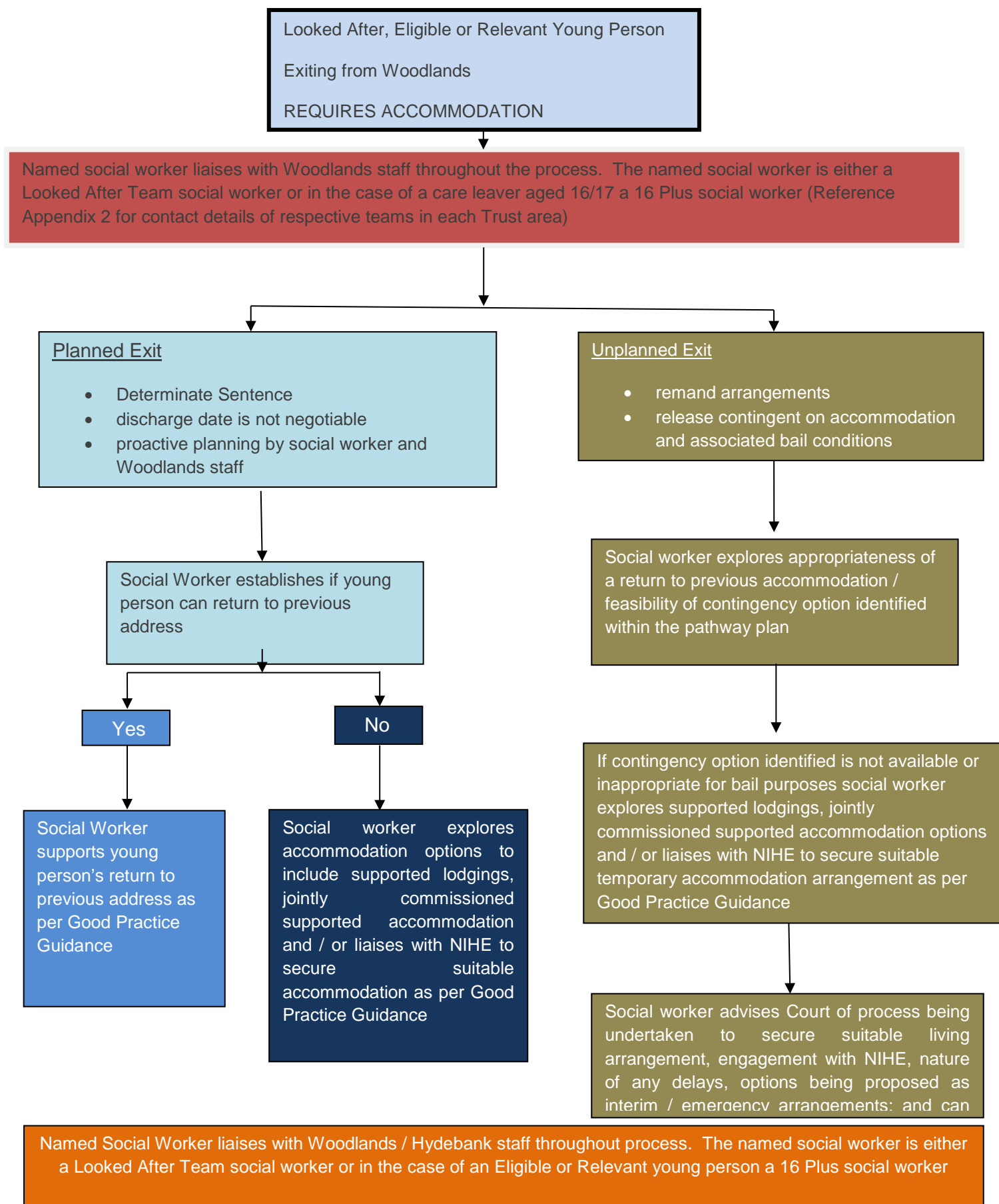
**Where a discharge date is known** i.e. those on a Determinate Sentence, the social worker should, in a timely and proactive manner, identify how the accommodation needs will best be met, who is responsible and associated timescales. These arrangements should be set out in the young person's pathway plan.

**Unplanned Exit:**

**Where remand arrangements apply** and there is a likelihood of an unplanned discharge, the social worker should ensure that contingency accommodation arrangements are addressed in the pathway planning process to pre-empt this eventuality. The named social worker has lead responsibility for a) establishing whether the young person can return to his / her previous accommodation; b) for exploring and identifying a suitable accommodation option and will undertake this task, as appropriate, in liaison with the relevant NIHE District Office. The named social worker should inform the Court in writing of the process being undertaken and progressed to secure suitable accommodation. A social worker should be in attendance at court proceedings in line with the *Regional Guidance for Residential Care and Field Social Work Staff on Supporting Looked after Children who are Arrested / Questioned by Police or appear in Court on Criminal Matters 2011*.

**The process as described is set out in Table 1 below.**

**Table 1**



**i. Child In Need with current Social Services involvement**

A young person in Woodlands already deemed a Child in Need confirms the ongoing involvement of Social Services. In such instances, child care concerns have already been identified, an initial UNOCINI assessment has been completed and a determination made that a Family Support Pathway is in place. The nature of intervention is agreed through a case planning and review process which is coordinated and managed by a named social worker usually from Family Intervention / Family Support or by a dedicated homeless social worker. (*The latter are available in some, not all, Trust areas*).

**Planned Exit: Where a discharge date is known** i.e. those on a Determinate Sentence, and a return to immediate / extended family / to previous address is not available or appropriate and the young person faces homelessness on discharge, the named social worker should undertake a further assessment to determine whether Article 21 duties apply. Where the assessment deems that a Looked After / Accommodated child status is applicable, consideration will be given to the appropriateness of accommodation needs being met in a residential children's home, kinship care placement, a foster care placement, supported lodgings or young adults jointly commissioned supported accommodation projects. In certain circumstances the social worker may liaise with the NIHE to explore alternative suitable accommodation options\*. The care planning process should, in a timely and proactive manner, make explicit the agreed accommodation arrangement, who is responsible and associated timescales. Where Article 21 duties do not apply (*refer to Appendix 9 of the Regional Good Practice Guidance between NIHE and HSC Trusts on Meeting the Accommodation Needs of Vulnerable Young People for assessment criteria*) the social worker will liaise with NIHE District Office staff as appropriate and in keeping with the arrangements set out in the regional Good Practice Guidance. In such instances and where threatened with homelessness applies, NIHE will commence a homelessness assessment at least 30 days prior to homelessness occurring.

***\*Where a Looked After / Accommodated young person is placed in a living arrangement that is not a mainstream care placement, Trusts must complete an Unregulated Notification Report and submit to the HSCB.***

**Unplanned Exit: Where remand arrangements apply** and there is a likelihood of an unplanned discharge, case planning should incorporate contingency arrangements to pre-empt this eventuality. The named social worker has lead responsibility for exploring and identifying an immediate suitable accommodation option and will undertake this task, where appropriate, in liaison with the relevant NIHE District Office as per arrangements set out in the Regional Good Practice Guidance. The social

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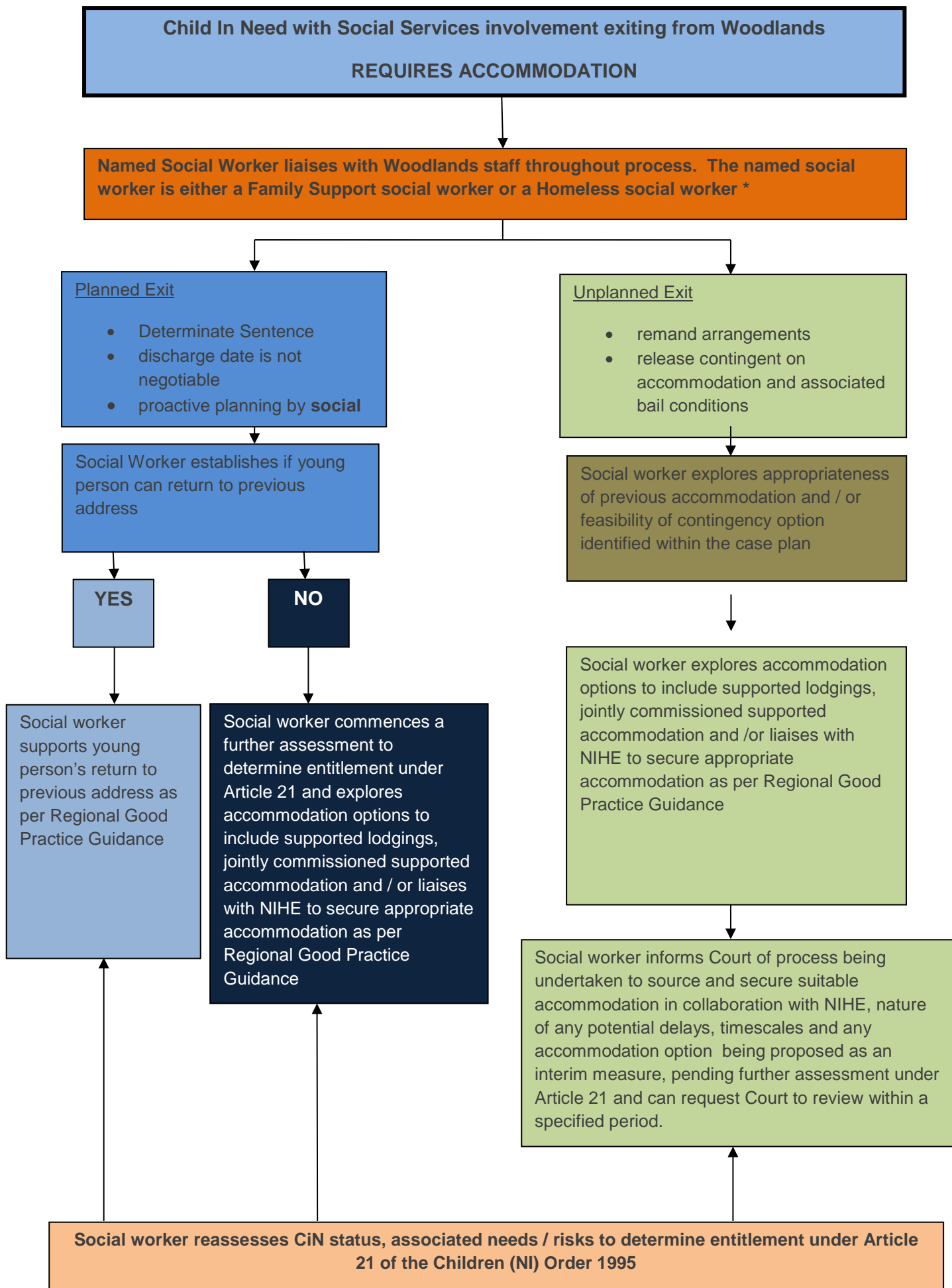
worker must reassess the child in need status given the young person's homelessness status to determine entitlement under Article 21 of the Children (NI) Order 1995.

Given the unplanned nature of discharge arrangements in these circumstances and the constraints that may be encountered in securing an appropriate accommodation arrangement, the social worker should inform the Court of the process being followed and progressed to address immediate accommodation needs and action being taken to reassess needs under Article 21.

**Table 2 sets out the process to be followed.**

Table 2

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ii. **Young people aged 16 / 17 with no current involvement from Social Services**

*\*Reference Appendix 2 for Contact Details of relevant Teams in each Trust*

- resident in JJC on a Determinate Sentence / on remand
- do not have Social Services involvement
- where JJC staff have identified, through internal assessment and planning mechanisms, that the young person does not have accommodation to move to on discharge and will be at risk of homelessness

**Planned Exit: In those circumstances where a discharge date is known in advance** and where JJC staff have assessed that a referral to Social Services is appropriate, a timely UNOCINI referral should be made by JJC staff to the appropriate Trust / Gateway Team using the UNOCINI Initial Referral documentation. Referral should be made at the earliest opportunity and in most cases no later than four weeks prior to the release date. (There will however be some cases where the date of discharge from custody will be more immediate due to time accredited for periods served on remand).

Identification of the appropriate Trust / Gateway Team should be determined by:

- The young person's address prior to placement in JJC;
- The Gateway Team structure in each Trust area. Appendix 2 provides contact details of the Gateway Teams and access points in each Trust area
- A referral to the Gateway Team will trigger a UNOCINI assessment to be completed within 10 working days by a named social worker. The purpose of the assessment, as set out in the regional Guidance, is to assess needs and risks and determine entitlement under Article 21 of the Children (NI) Order 1995

Where the assessment deems that a Looked After / Accommodated child status is applicable, consideration will be given to the appropriateness of accommodation needs being met in a residential children's home, kinship care placement or a foster care placement. Alternatively other suitable accommodation options including supported lodgings or jointly commissioned young adults supported accommodation projects will be examined and / or liaison will take place with NIHE District Office staff, where appropriate, to explore and identify other temporary suitable options\*. Where Article 21 duties are assessed as not applying, NIHE will provide temporary accommodation and commence a homeless assessment. In such instances

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and where threatened with homelessness applies NIHE will commence a homelessness assessment at least 30 days prior to homelessness occurring. Table 3 provides an overview of the process.

***\*Where a Looked After / Accommodated young person is placed in a living arrangement that is not a mainstream care placement, Trusts must complete an Unregulated Notification Report and submit to the HSCB.***

**Unplanned Exit: Where a discharge date is unplanned, accommodation needs are immediate** and JJC staff has determined that a referral to Social Services is appropriate a UNOCINI referral should be completed by JJC staff and forwarded to the appropriate Trust / Gateway Team. The referral from JJC should incorporate all available information relating to assessed needs, risks and young person's ability, wishes and feelings. Identification of the appropriate Trust / Gateway Team should be determined by:

- The young person's address prior to placement in JJC;
- The Gateway Team structure in each Trust area. Appendix 2 provides contact details of the Gateway Teams and access points in each Trust area. *(Trusts with the exception of the Northern Trust have a single point of entry through a central Gateway Team; the Northern Trust currently has three locality based points of entry)*

A referral to the Gateway Team will trigger a UNOCINI assessment to be completed within 10 working days by a named social worker. The purpose of the assessment, as set out in the regional Guidance, is to assess needs and risks and entitlement under Article 21 of the Children (NI) Order 1995. To address the immediate accommodation need the named social worker will liaise with NIHE District Office to explore and identify a suitable accommodation option to be used.

The named social worker should inform the Court of the ongoing process of assessment (identified needs and risks), actions being taken to identify suitable accommodation and expected timescales. Consideration should also be given to requesting that the Court incorporate a review date into any discharge / bail arrangements agreed in these circumstances.

Where the assessment deems that a Looked After / Accommodated child status is applicable, consideration will be given to the appropriateness of young person's temporary accommodation and whether needs would be best met in a residential children's home, kinship care placement or a foster care placement, supported lodgings or jointly commissioned young adults supported accommodation projects or in liaison with the NIHE District Office staff other accommodation is secured as suitable\*. Where the outcome of the assessment determines that Article 21 duties are not applicable, the NIHE will

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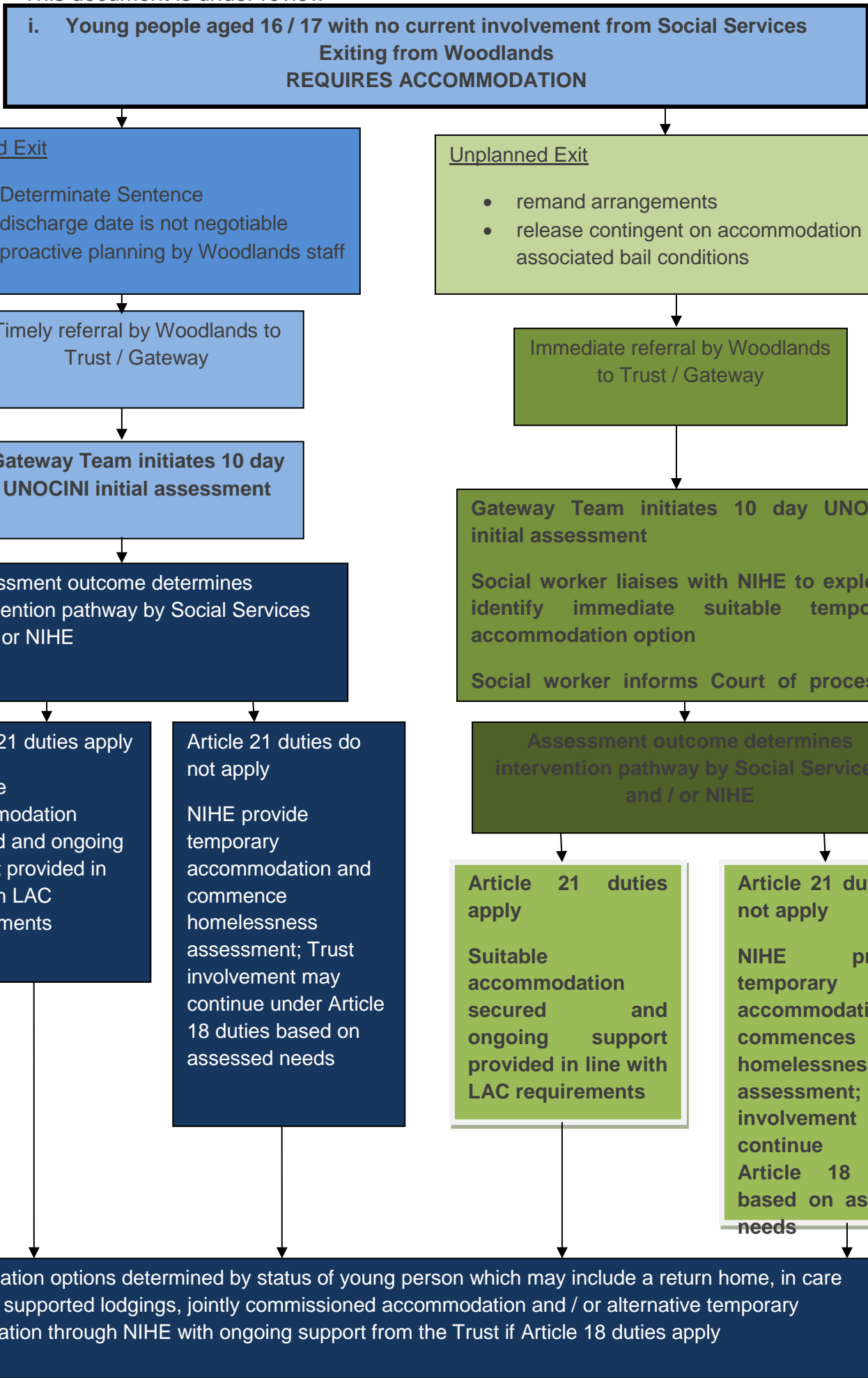
continue to provide temporary accommodation and will commence a homelessness assessment. Trust involvement may continue based on Article 18 duties and on the outcome of the UNOCINI assessment.

Table 3 provides an overview of the process.

***\*Where a Looked After / Accommodated young person is placed in a living arrangement that is not a mainstream care placement, Trusts must complete an Unregulated Notification Report and submit to the HSCB.***

**Table 3**

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## **Appendix 1**

### **Definition of Looked After Young People and Care Leavers aged 16/17**

This category of young people can be any of the following:

A Looked After Child – has been in care for less than 13 weeks.

An Eligible Child – has been in care for more than 13 weeks and has qualified for continuing support from Social Services/16 Plus Teams until aged 21.

A Relevant Child – had previously been an 'Eligible' child, is now no longer Looked After and qualifies for continuing support from Social Services/16 Plus Teams until aged 21.

## Appendix 2

### H SCT Contact Details: Gateway, Regional Emergency Social Work Service, Family Intervention/Support Teams and 16 + Services

#### HSC Trusts Gateway and Regional Emergency Social Work Service Contact Details:

<b>Western HSC Trust Gateway</b>	<b>Tel: 028 71 341 090</b>
<b>Belfast HSC Trust Gateway</b>	<b>Tel: 028 9050 7000</b>
<b>South-Eastern HSC Trust Gateway</b>	<b>Tel: 0300 1000 300</b>
<b>Northern HSC Trust Gateway</b>	<b>Tel: 0300 123 4333</b>
<b>Southern HSC Trust Gateway</b>	<b>Tel: 0800 783 7745</b>
<b>Regional Emergency Social Work Service (RESWS) – Out of Hours</b> <ul style="list-style-type: none"> <li>• 5pm to 9am weekdays</li> <li>• 24 hours at weekends and bank holidays.</li> </ul>	<b>Tel: 028 95 04999</b>

#### HSC Trust Family Intervention/Support Teams

<b>Belfast</b>	
Knockbreda	9063 1770
Bradbury	9091 2040
Shankill Centre	9504 0300
Beech Hall	9504 0303
Carlisle	0845 300 6650
Arches	9056 3550
Intensive Adolescent Unit – N/W	9504 0303
Intensive Adolescent Unit – S/E	95040369
<b>South Eastern</b>	
Stewartstown Road	9060 2705
Lisburn Health Centre	92665181
James Street, Newtownards	9181 8518
Downpatrick	4461 3511
Bangor	9146 8521

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<b>Northern</b>	
Coleraine	7035 2221
Causeway	7035 8158
Ballymoney	2766 1808
Ballymena	2563 5617
Cookstown	8675 8877
Carrickfergus	9331 5114
Antrim	9441 6555
Carnmoney	9083 1444
Larne	2827 5427
<b>Southern</b>	
Lurgan	3831 1035
Portadown	3839 3328
Banbridge	4062 0097
Newry	3082 5060
Armagh South	3082 5058
Down South	3082 5059
Dungannon	8772 3101
Armagh	3752 2262
Armagh Rural	3752 2262
<b>Western</b>	
East Bank - Rosstown	7131 4200
West Bank –shantallow	7135 1350
Strabane	7138 1600
Limavady	7776 1100
Omagh	8225 4500
Enniskillen	6634 4000

### HSC Trust 16+ Services

<b>Belfast</b>	
Wellington Park	9091 2300
Shankill Centre	9504 0301
<b>South Eastern</b>	
Lisburn	9262 7400
Downpatrick	4451 3937
Ards	9181 8518
Lisburn	9262 7400
<b>Northern</b>	
Magherafelt	7930 1771

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Coleraine	7035 8158
Antrim	9442 6102
<b><u>Southern</u></b>	
Craigavon/Banbridge	3831 1450
Newry/Mourne	3082 5176
Armagh/Dungannon	8772 2234
<b><u>Western</u></b>	
L/Derry	71312044
Enniskillen	66347625
Omagh	82243584



### Named HSC Trust and NIHE Leads for Homeless Young People

<b>Trust Areas</b>	<b>HSC Trust</b>	<b>NIHE</b>
<b>Belfast</b>	<p>Karen McShane Acting Principal Social Work Manager Tel: 028 95042390 <i>(To note, Hilary Walker is the Children's Services Manager, 16 Plus Services Martin Morgan is the Principal Social Worker for 16 Plus Services)</i></p>	<p>Helen Russell Area Sen. Principal Officer 028 90 317368</p> <p>Des Marley Homelessness Services Manager 028 90 317412 034 4892 0900</p> <p>Susan Gilbride Deputy Homelessness Services Manager 028 90 317413</p>
<b>Northern</b>	<p>Tracy Magill Social Work Service Manager Tel: 028 944 24600 or 028 2563 5640  <i>(To note, Sean McIlmunn and Pamela McGlade are the Service Mangers for 16 Plus Services)</i></p>	<p>Mairead Flatley Area Principal Officer 028 25 666050</p> <p>Donna McStravick Area Homeless Officer 028 71 306163</p>
<b>South Eastern</b>	<p>Michael Murray Assistant Director, Safeguarding Tel: 028 92 603203  <i>(To note, Maurice Largey and Aine McGrillen are the Social Work Service Mangers for 16 Plus)</i></p>	<p>John Nelson, Area Principal Officer 028 91 825020</p> <p>Steven McBurney Area Homeless Officer 028 91 825024</p>
<b>Southern</b>	<p>Bryan Gormley, Team Manager, Young People's Partnership Tel: 028 38 391155  <i>(To note, Liz Stevenson is the Head of Service for 16 Plus)</i></p>	<p>John Nelson, Area Principal Officer 028 91 825020</p> <p>Kirsten May Area Homeless Officer 028 38 315852</p>
<b>Western</b>	<p>Kevin Duffy Social Work Manager Tel: 028 71 314090  <i>(To note, Stephen McLaughlin is the Head of Service for 16 Plus; Peter Quinn and Anne Marie McCrory are the Service Managers for 16 Plus)</i></p>	<p>Mairead Flatley Area Principal Officer 028 25 666050</p> <p>Eamon McGlinchey Area Homeless Officer 028 71 309603</p>

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### Youth Justice Agency Contact Details

Area	Address	Contact Details
<b>Ballymena</b>	7 Springwell Street Ballymena BT43 6AT	<b>Tel:</b> 028 2563 9900 <b>Fax:</b> 028 2563 9000 <b>Email:</b> <a href="mailto:info@yjani.gov.uk">info@yjani.gov.uk</a>
<b>Banbridge</b>	15 Castlewellan Road Banbridge BT32 4AX	<b>Tel:</b> 028 4062 9158 <b>Email:</b> <a href="mailto:info@yjani.gov.uk">info@yjani.gov.uk</a>
<b>Belfast North</b>	171-179 Duncairn Gardens Belfast BT15 2GE	<b>Tel:</b> 028 9035 1982 <b>Fax:</b> 028 9074 6206 <b>Email:</b> <a href="mailto:info@yjani.gov.uk">info@yjani.gov.uk</a>
<b>Foyle</b>	Embassy Building 3 Strand Road Londonderry BT48 7BH	<b>Tel:</b> 028 7136 5593 <b>Fax:</b> 028 7136 5621 <b>Email:</b> <a href="mailto:info@yjani.gov.uk">info@yjani.gov.uk</a>
<b>Lisburn</b>	Office Suite 4 Lisburn Square House Haslem's Lane Lisburn BT28 1TS	<b>Tel:</b> 028 9260 6820 <b>Fax:</b> 028 9260 6829 <b>Email:</b> <a href="mailto:info@yjani.gov.uk">info@yjani.gov.uk</a>
<b>Newtownards</b>	36 Frances Street Newtownards BT23 7DN	<b>Tel:</b> 028 9182 0611 <b>Fax:</b> 028 9182 7321 <b>Email:</b> <a href="mailto:info@yjani.gov.uk">info@yjani.gov.uk</a>
<b>Omagh</b>	1st Floor Anderson House Market Street Omagh BT78 1EE	<b>Tel:</b> 028 8225 2398 <b>Fax:</b> 028 8225 9313 <b>Email:</b> <a href="mailto:info@yjani.gov.uk">info@yjani.gov.uk</a>