

Housing, Homelessness & Fair Work Committee

10:00am, Thursday, 19 March 2020

Housing Options Protocol for Care Leavers

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 Committee is asked to agree the proposed Housing Options Protocol for Care Leavers.

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Housing Options Protocol for Care Leavers

2. Executive Summary

- 2.1 All 32 Scottish local authorities have been asked by the Scottish Government and its partners on the Homeless Prevention and Strategy Group to implement a Housing Options Protocol for Care Leavers (the protocol).
- 2.2 The protocol's aim is to avoid care leavers having to go through the homeless route to secure accommodation, instead they will be supported and awarded Exceptional Housing Need priority, which will give them a reasonable preference when bidding for social rented accommodation.

3. Background

- 3.1 The protocol ensures that the Council meets its corporate parenting responsibilities to care leavers.
- 3.2 The primary responsibility for provision of accommodation rests with the Council's housing services, however, it is essential that a corporate and multi-agency approach be adopted to provide support and accommodation for care leavers.
- 3.3 This protocol is also informed by the National Care Standards for Leaving Care and Housing Support, regulated by the Care Inspectorate.

4. Main report

- 4.1 The Council is required to ensure effective discharge of Corporate Parenting responsibilities between housing and Children's Services by jointly addressing the diverse accommodation and support needs of young people leaving care.
- 4.2 Young people leaving care require appropriate accommodation which leads to a sustainable housing solution. To assess and meet the diverse housing and support needs of young people leaving care, information should be gathered from several sources, which will include the young person's looked after

children (LAC)/looked after and accommodated children (LAAC) review or pathway assessment.

- 4.3 The protocol provides clear processes to ensure young people leaving care will be assessed to meet their diverse housing support needs and that care leavers achieve a successful transition to independent living.
- 4.4 The protocol ensures that care leavers are given a priority status which reflects the responsibilities and duties placed on local authorities and other corporate parents outlined in parts 9-11 of the [Children and Young People \(Scotland\) Act 2014](#).
- 4.5 Care leavers who are the responsibility of another local authority, will remain the responsibility of that local authority if they arrive in Edinburgh. The Council will co-operate with the responsible local authority to ensure that an appropriate service is provided to the young person.
- 4.6 All young people will have a plan which will include detail of their accommodation needs and the level of support required to successfully maintain a tenancy.
- 4.7 In addition to this an identified person will be responsible for the housing and support planning of care leavers and individual outcomes will be monitored and evaluated at the young person's six-monthly review where appropriate.
- 4.8 The Council will award exceptional housing need priority to all care leavers on their 16th birthday. If the young person has chosen to remain in a continuing care placement, their application will remain open and they can be awarded priority if they decide they want to pursue social housing later.
- 4.9 Young people who access student accommodation in another authority can have their application remain open until they return and wish to pursue social housing.
- 4.10 The young person will continue to have exceptional housing need priority until they have been appropriately housed, in permanent accommodation.
- 4.11 An escalation process will be developed, to be aligned to the protocol, to allow the Council to review any issues related to the award of priority or support provided.
- 4.12 This protocol will be reviewed on a three-yearly basis unless legislative changes require a review within this cycle.

5. Next Steps

- 5.1 Following Committee's agreement, the Council will implement this protocol.
- 5.2 Unless required earlier, a three year review of this policy will be undertaken beginning in 2023, with a further report to Committee highlighting any changes required from this process.

6. Financial Impact

- 6.1 There should be no direct financial impact in implementing this protocol.

7. Stakeholder/Community Impact

- 7.1 There are no direct impacts from this report.

8. Background reading/external references

- 8.1 The Scottish Government sets out local authority's duties in Supporting Young People Leaving Care in Scotland; Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities (www.scotland.gov.uk/Publications/2004/03/19113/34719).
- 8.2 Staying Put Scotland Providing care leavers with connectedness and belonging <http://www.gov.scot/Resource/0043/00435935.pdf>
- 8.3 Housing Options Protocols for Care Leavers: Guidance for Corporate Parents: Improving housing and accommodation outcomes for Scotland's care leavers <http://www.gov.scot/Resource/0043/00435939.pdf>
- 8.4 Housing Support Duty to Those Found to be Homeless or Threatened with Homelessness – Amendment to Housing (Scotland) Act 1987 (Inserted by Housing (Scotland) Act 2010) <http://www.gov.scot/Resource/0042/00423606.pdf>

9. Appendices

- 9.1 Appendix 1 - Housing Option Protocol for Care Leavers

City of Edinburgh Council

Housing Options Protocol for
Care Leavers

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Introduction

This protocol will ensure that the City of Edinburgh Council meet their corporate parenting responsibilities and play a full role in providing the required resources and support to care leavers in terms of their need for accommodation.

While the primary responsibility for provision of accommodation rests with the Housing Department, it is essential that as corporate parents we take a multi-agency approach to provide support for care leavers.

This protocol is informed by the National Care Standards for Leaving Care and Housing Support, regulated by the Care Inspectorate.

1. Aim of the Protocol

1.1 To ensure the effective discharge of Corporate Parenting responsibilities between Housing and Children's Services by jointly addressing the diverse accommodation and support needs of young people leaving care. This protocol is informed by the Staying Put Scotland policy document, developed by local authorities and the Scottish Government in October 2013. This policy approach is further supported in legislation through the Children and Young People Act 2014 (C&YP(S) Act 2014).

1.2 To assist young people who are leaving care in accessing appropriate accommodation which leads on to a sustainable housing solution and ensure that they are regarded as a priority group.

To jointly assess and meet the diverse housing and support needs of young people leaving care, information should be gathered from several sources which will include; the young person's Looked After Child (LAC) Review or their Looked After and Accommodated Child (LAAC) review as well as Throughcare pathway planning processes.

1.3 Under the provisions of the Children (Scotland) Act 1995, 'Looked After Children' are defined as those in the care of their local authority. A child who is "looked after" by a local authority, is a child -

(a) for whom they are providing accommodation under section 25 of this Act;
or

(b) who is subject to a compulsory supervision order or an interim compulsory supervision order and in respect of whom they are the implementation authority (within the meaning of the Children's Hearings (Scotland) Act 2011);
or

(c) who is subject to an order in accordance with which, by regulations made under section 33(1) of this Act [or section 190 of the Children's Hearings (Scotland) Act 2011 (asp 1) (effect of Orders made out with Scotland)] 3, they have [responsibilities as respects the child] 4 [; or] 5;

or

(d) in respect of whom a permanence order has, on an application by them under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4), been made and has not ceased to have effect. Children may be looked after at home with birth parents or in a range of other settings cared for by foster or kinship carers, prospective adoptive carers, in residential care, school or secure provision.

2. Objectives

- 2.1 To jointly assess and meet the diverse housing and support needs of young people leaving care, information should be gathered from several sources which will include the young person's LAC/LAAC review or Pathway Assessment/Plan.
- 2.2 To ensure care leavers achieve a successful transition to independent living, through support and preparation, and the provision of suitable accommodation and support to enable them to live independently or move to living independently and to become successful and responsible citizen.
- 2.3 To ensure care leavers are given priority status which reflects the responsibilities and duties placed on Local Authorities and other Corporate Parents outlined in Parts 9-11 of the [Children and Young People \(Scotland\) Act 2014](#).
- 2.4 To jointly ensure that all staff are aware of the housing needs of young people leaving care and the obligations of each agency to address these needs.
- 2.5 To provide clear guidance on the management of tenancy issues, including multi-agency contingency arrangements.

3. Eligibility

- 3.1 From April 2015 eligibility for this support is for any looked after young person (regardless of their placement type or the legal route by which they became Looked After) who ceases to be "Looked After" on or after their 16th birthday is a "Care Leaver". This eligibility is set out in the Children and Young People (Scotland) Act 2014, and Guidance on the Looked After Children (Scotland) Regulations 2009.
- 3.2 Care leavers who are the responsibility of another local authority, will remain the responsibility of that local authority if they arrive in Edinburgh. City of Edinburgh Council will co-operate with the responsible local authority to ensure that an appropriate service is provided to the young person.

4. Service - Outcomes

- 4.1 The agencies will support each other, through the protocol, to meet national key performance indicators in respect of leaving care and housing services as defined by the Scottish Government.
- 4.2 There will be an identified person who will be responsible for the housing and support planning of care leavers.

- 4.3 Individual outcomes will be monitored and evaluated at the young person's six-monthly review (where applicable).
- 4.4 We will award exceptional housing need priority to all care leavers from their 16th Birthday.
- 4.5 We will monitor the number of; young people awarded Exceptional Housing Need priority and the number of young people with this priority who have secured permanent accommodation. We will also monitor and report on the ongoing work required to enable the young person to access and sustain appropriate housing, to ensure that we are responsive to their support needs.
- 4.6 We may also suspend the priority with the young person's agreement if they are no longer looking for secure permanent accommodation and reinstate priority at any time that the young person requests us to do so. This will enable and empower young people to remain in a positive care placement until they are ready to move on.

5. Allocation Policy – Permanent Accommodation

- 5.1 Corporate Parenting principles and duties should be the central driver in ensuring that care experienced young people are allocated accommodation to meet their needs and with the appropriate levels of support to ensure sustainability and success.

- 5.2 On completion of a housing application form -

Young people leaving care will automatically be provided with a Homeless Prevention and Housing Options interview. They will be advised that they are eligible for priority, under Exceptional Housing Need, an Edindex application will be completed and priority will be awarded if the young person is actively seeking to pursue moving into their own social housing/accommodation.

If the young person requires accommodation whilst waiting on allocation of housing through Edindex/Your Key to Choice, appropriate supported or temporary accommodation will be provided by the authority.

By awarding Exceptional Housing Need, we will no longer have young people leaving care and being at risk of homelessness and therefore they will not require to go through the traditional homeless route. Instead they will have their own priority group which will enable care leavers to make successful and sustainable transitions out of care into adulthood (in respect of housing and accommodation).

If the young person has chosen to remain in a Continuing Care placement their application will remain open and they can be awarded priority when they decide to pursue social housing.

Young people who access student accommodation in another authority can have their application remain open until they return and wish to pursue social housing.

- 5.3 Exceptional Housing Need status does not mean that the young person will be offered the next available property, but their application will be awarded additional priority that will then give reasonable preference to bid for accommodation through Edindex/Your Key To Choice.
- 5.4 Exceptional Housing Need will generally be allocated with the agreement of the young person and priority will increase due to the length of time the priority has been awarded.
- 5.5 If a young person requires accommodation whilst waiting allocation through Edindex/Your Key to Choice, consideration should be given to the type of accommodation that would best meet the young person's needs e.g. temporary, shared, or supported. The young person should be encouraged and supported to apply to the Through care After care (TcAc) Housing Support Panel.

Exceptional Housing Need will remain in operation until the young person has been appropriately housed in permanent accommodation.

- 5.6 The young person/tenant can access support from TcAc (up to the age of 26) and visiting tenancy support throughout the duration of their tenancy. Should the tenancy end or the tenant apply for a transfer, Exception Housing Need priority will not be applicable for future applications. Support and advice will however continue to be offered in accordance with corporate parenting duties.
- 5.7 Any formal young person assessment/planning will be coordinated by the appropriate department/agency and will include input from relevant partner agencies.
- 5.8 Registered Social Landlords (RSLs) have a statutory duty to assist the local authority in their duty to provide settled accommodation for homeless persons and that includes care leavers, with Exceptional Housing Need priority being awarded.

6. Support

- 6.1 The young person's plan should detail accommodation needs and the level of support and housing related support that the young person may require to successfully maintain a tenancy. Details should be shared with appropriate persons/department.
- 6.2 If there is evidence that a tenancy is unlikely to be sustained, prompt communication between agencies is essential, a review of the young persons needs should be undertaken and an action plan produced identifying how the young person will be supported through their crisis. Common difficulties in managing a tenancy may be; rent arrears, anti-social behaviour and noise complaints or any other breach of their tenancy. Success of tenancies will be monitored by relevant agencies.
- 6.3 Young people leaving care will have different levels of support needs. These may range from intensive support from a number of agencies, to minimum advice and guidance. Services will respond accordingly.

7. Financial Implications

- 7.1 Depending on the young person's individual needs consideration will be given to determine who is eligible for rent costs. A financial assessment should be carried out to identify the young person's income source with support offered to maximize their income.
- 7.2 Care leavers who are full-time students will need to complete a financial assessment under Part 10 of the Children and Young People (Scotland) Act 2014. Assessment of eligible needs for care experienced young people up to their 26th birthday should include assistance to maintain and sustain tenancies or other suitable accommodation commensurate with the assessed needs of the young person.

8. Dispute Resolution

- 8.1 Any difference of opinion over areas of responsibility and proposed action should initially be jointly dealt with by the allocated worker in each department. If the issue cannot be resolved at this level the matter should be referred jointly to the Team Leader in the Homelessness Prevention and Housing Options Team and TcAc.
- 8.2 Disagreements over policy and procedures should also be referred jointly in the first instance to the relevant Team Leaders. In the event that the parties cannot reach agreement, the matter will be referred and considered by the Managers of the TcAc, Young Persons Team and the Homelessness Service.

9. Review

- 9.1 This protocol will be reviewed at least three yearly and more often if required.

Appendix 1 - Children and Young People Act 2014

[Children and Young People \(Scotland\) Act 2014](#)

The Children and Young People (Scotland) Act 2014 places new statutory duties and responsibilities on local authorities and other specified corporate parents in regard to Corporate Parenting, Aftercare and Continuing Care.

Part 9: Corporate Parenting:

Corporate parenting responsibilities extend to every child who is looked after by the local authority and every young person under the age of 26 who was on their 16th birthday or at any subsequent time (but is no longer) looked after. This includes children looked after at home or in a range of care settings including disabled children who are looked after during short break provisions.

Part 10: Aftercare:

The Aftercare provisions of the 2014 Act came into force in April 2015. Aftercare is defined in section 29 of the Children (Scotland) Act 1995 (as amended by section 66 of the 2014 Act) and includes advice, guidance and assistance. This can include (but is not restricted to) helping a young person to secure accommodation, education and employment opportunities and financial support. The 2014 Act extends eligibility to aftercare services to care leavers aged 21 to 25 years.

Part 11: Continuing Care:

Continuing Care was introduced by the 2014 Act and creates a duty on local authorities to provide care leavers whose final placement was away from home to continue the kinds of supports they have received. The purpose of this provision is to provide young people with a more gradual transition to adult life consistent with the experience of young people who have not been looked after.

Appendix 2 – Legislative Framework and Guidance

The Children (Scotland) Act 1995, Regulation of Care (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003, are designed to ensure that local authority Children's Services and Housing Services work together. The aim is to ensure that the accommodation and housing support needs of care leavers are fully met.

The Scottish Government sets out local authority's duties in Supporting Young People Leaving Care in Scotland; Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities (www.scotland.gov.uk/Publications/2004/03/19113/34719).

The publication of the 'Housing Options Protocols for Care Leavers: Guidance for Corporate Parents: Improving housing and accommodation outcomes for Scotland's care leavers' (Scottish Government, 2013) and 'Staying Put, Scotland' Guidance (Scottish Government, 2013) set out key principles and practice approaches which should be adopted when supporting young people transition from care to interdependence. It states that looked after young people should be encouraged, enabled and empowered to remain in positive care placements until they are better equipped to make the graduated and extended transition to adulthood and interdependence. The Housing Options Protocols Guidance further aims to ensure that Care Leavers are regarded as a priority group by all corporate parents and their partners; and to promote practice that enables Care Leavers to make successful and sustainable transitions out of care and into adulthood in respect of housing and accommodation. These protocols explicitly inform and underpin City of Edinburgh Councils' approach to supporting looked after and care experienced young people and their journey to adulthood and interdependence.