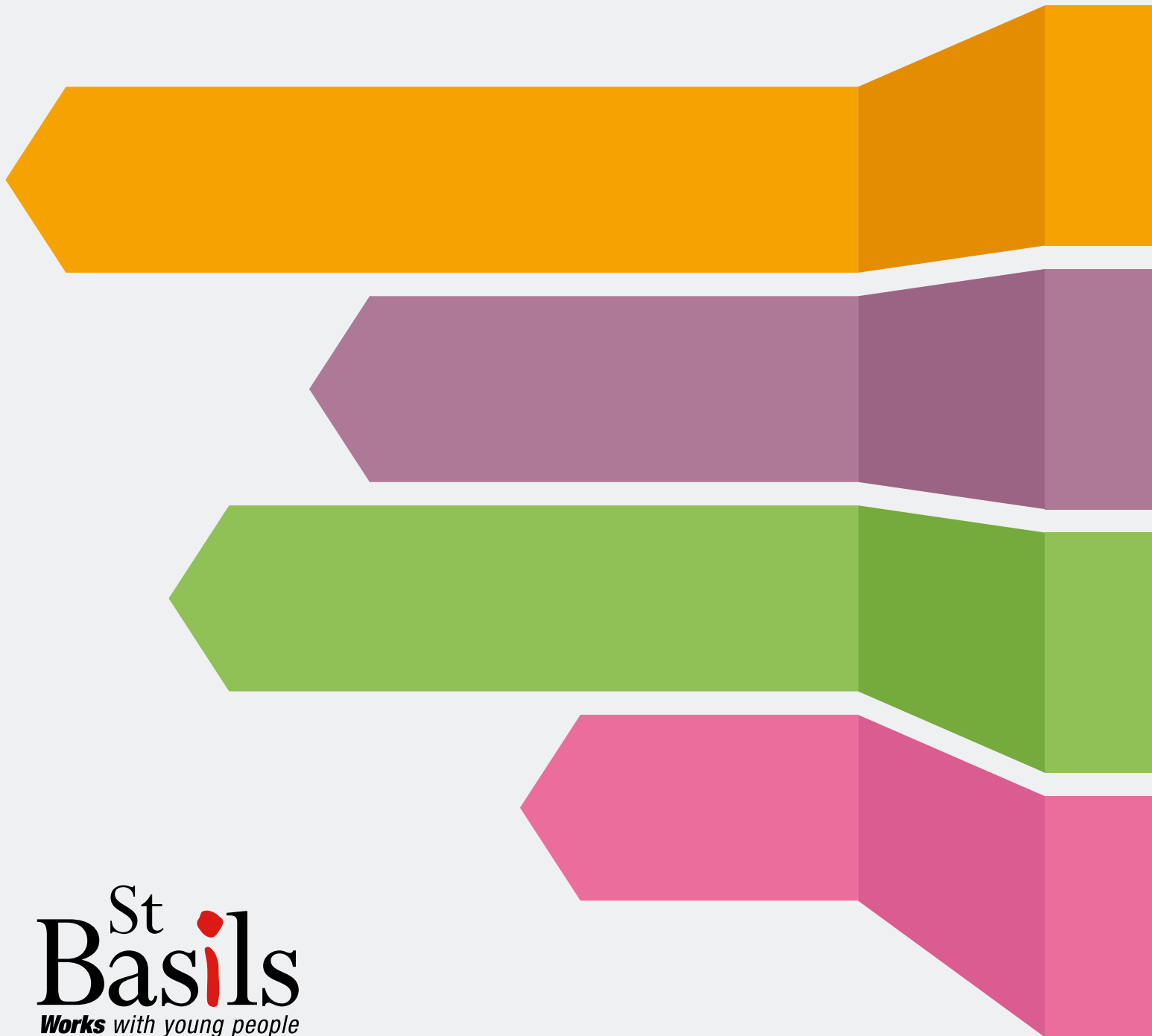
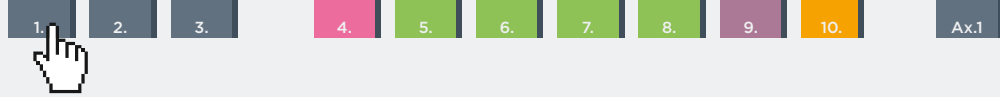


Youth Justice Accommodation Pathway





For ease of use this is an interactive document. At the top of each page you can click on each of the coloured tabs to quickly navigate to the beginning of each section within this document.

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1. INTRODUCTION

The Youth Justice Accommodation Pathway (YJAP) is a practical tool that local authorities, criminal justice agencies and other partners can use to plan accommodation and support services for young people aged 16 – 25 who have been involved with the criminal justice system. It has been developed in collaboration with agencies working with and for young people with an offending history, and is informed by the voices of young people who have experienced homelessness.

Who is it for?

This Pathway tool is for the use of:

- Local Authorities: Housing Options and Homelessness Prevention Services, Children's Social Care, Young People's Services, Adults Social Care and commissioners of Housing Related Support
- Offender Management Services: Youth Offending Services, Youth Justice Secure Estate, Prisons, National Probation Service and Community Rehabilitation Companies¹
- Providers of housing, support and health care services to young people
- Other agencies involved in resettlement of young people with an offending history

The YJAP offers a framework for housing and support services which can be used for young people from the age of 16-25, whatever the statutory duty owed to them. Local authorities and other public bodies have a range of differing duties towards homeless young people, based on their individual circumstances. Some elements within this framework need to be applied according to legal duties, whilst other elements can be applied more universally.

It is recognised that local and national services are delivered in the context of limited resources and competing priorities. Whatever the local context, the framework can be used to inform service delivery arrangements to prevent homelessness, improve planning and reduce crisis management.

Homelessness legislation changed significantly in 2018² and the document has been updated to reflect this and other legal, policy and practice issues.

Why is this Pathway tool useful to organisations working with young people involved in offending behaviour?

This Pathway has been developed in recognition of the difficulty that many young people involved in the criminal justice system have in accessing accommodation and their high risk of homelessness, including rough sleeping. This in turn minimises the likelihood of positive outcomes and increases the likelihood of them re-offending. This group of young people are perhaps the hardest group to assist in finding accommodation and in some areas this can be compounded by a confusion between agencies and services about legal duties, powers, roles and responsibilities.

This Pathway aims to assist organisations to work together locally, it promotes joint working, early planning and is ultimately about improving positive outcomes for this group of young people.

1. The Government has announced its intention to end Community Rehabilitation Company contracts in December 2020. From this point, responsibility for management of all offenders will be with the National Probation Service.

2. Please read Annex One of this document, which summarises the main changes to the law.

How does the YJAP link to the ‘Positive Pathway’ and the ‘Care Leaver Accommodation and Support Framework’?

The YJAP follows the principles and rationale set out in the St Basils’ **‘Developing Positive Pathways to Adulthood’** which is now used by the majority of local authorities in England, as an approach to preventing youth homelessness and improving outcomes for young people at risk of homelessness. The ‘Positive Pathway’ is a generic model that can be used to help redesign and improve services so that all young people in a local area are less likely to become homeless and have more successful transitions to adulthood and independence.

Barnardo’s and St Basils have also developed a ‘sister’ document, the **‘Care Leaver Accommodation and Support Framework’** with a particular focus on the needs of, and responsibilities toward, young people leaving care.

Both the Positive Pathway and the Barnardo’s and St Basils Care Leaver Accommodation and Support Framework are available to download here:

Update links to both documents here

In the YJAP the same approach is applied to the challenge of improving the accommodation and support provided to young people who have been involved in offending behaviour. Some of these young people are also looked after children or care leavers so there is inevitably some overlap between the YJAP and both the Positive Pathway and Care Leaver Framework documents. However, evidence suggests there is a need for a specific toolkit for this group of young people because they face difficult challenges in accessing suitable accommodation if they cannot live with family or have no home to return to when they leave custody.

The YJAP has been developed applying the principles of the Positive Pathway approach which include:

- Designing services around young people’s journeys and what they say makes a difference
- Improving partnership, collaboration and service integration to better meet varied and complex needs
- Planning to prevent crises rather than respond to them
- Learning from what works well on the ground

Housing options for young people involved in the criminal justice system

It is widely accepted and understood that having suitable accommodation is fundamental to the successful rehabilitation of children and young people, as well as adults, who offend. People with an offending history are significantly over represented amongst those seeking homelessness assistance from local authorities and amongst those who are sleeping rough.³ Former prisoners who are homeless or living in temporary accommodation on release are more likely to reoffend than those who return to live with family⁴; and young people who are homeless or insecurely housed are

3. See ‘Statutory Homelessness Live Tables’ Tab A3 to show support needs of people facing homelessness - Government Homelessness Statistics here: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>
Also CHAIN data for 2018/19 indicates that 37% of the 8,855 people seen sleeping rough in London (whose needs were assessed) had spent time in prison. Of the 8,855 people seen rough sleeping, 8% were aged 18 - 25. there were 5 under 18 year olds reported <https://data.london.gov.uk/dataset/chain-reports>
4. The factors associated with proven re-offending following release from prison, MoJ 2013 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/491119/re-offending-release-waves-1-3-spcr-findings.pdf

over-represented amongst those entering custody.⁵ Young people are at a higher risk of reoffending than any other age group. Reoffending data across all offences and disposal types (including custodial and non-custodial sentences) indicate approximately 38% of 15-17 year olds and 28% of 18-24s go on to reoffend.⁶

There has been extensive research into reoffending and desistance, which has established that many factors contribute to a young person's journey out of offending behaviour, including becoming older and gaining maturity. Children and young people with criminal convictions are more likely to reoffend, but also have the best prospects for 'growing out of' offending behaviour, particularly if they have positive help and support from their family and from society generally.

The relationship between homelessness and offending behaviour is a complex one, but we do know that any child, young person or adult who leaves custody without access to accommodation will be at higher risk of reoffending. The same is true of children, young people and adults serving community sentences. The very best efforts of agencies that support rehabilitation and of people wanting to change the direction of their lives and avoid reoffending, may flounder without the stability provided by housing and an address from which other services can be provided.

In their thematic review of Through the Gates Services⁷ HMIP inspectors suggested that the **minimum** requirements for resettlement are:

- a safe place to sleep, from the day of release
- access to enough money to meet basic needs including food, clothing, and transport
- a sense of hope for the future
- active links into services that can assist them with other needs, for example substance misuse and mental health services

High rates of reconviction amongst young offenders not only suggest a need to improve efforts to effectively resettle and support them, but also that providing accommodation and support to a young person is unlikely to be the end of the story. The same young person might need help again and again before they break their pattern of offending: preparing for release; getting and/or maintaining a tenancy; having another attempt at successful rehabilitation. The 'stickability' of support, the options and the contingency planning needed to make things work as well as they can are key to both successful rehabilitation and the transition to adulthood.

5. 16% of young adults were homeless and sleeping rough or in hostel accommodation before entering custody. Needs and Characteristics of Young Adults in Custody, Results from the Surveying Prisoner Crime Reduction Survey, MoJ 2015 <https://www.gov.uk/government/publications/needs-and-characteristics-of-young-adults-in-custody>

6. See Government statistics on proven re-offending by age up to September 2017 here: <https://www.gov.uk/government/collections/proven-reoffending-statistics>

7. Please see here for the 2016 Through the Gates report by HMIP: <https://www.justiceinspectorates.gov.uk/cji/wp-content/uploads/sites/2/2016/09/Through-the-Gate.pdf>

Youth Justice System

There is a distinct youth justice system for 10-17 year old children which is underpinned by the Crime and Disorder Act 1998. The principle aim of the Youth Justice System is to prevent offending by children.⁸ Children are dealt with by a youth court, or by a crown court if the offence is very serious whereas adults are dealt with by magistrates or crown court. The youth court setting is less formal and members of the public are not allowed into a court hearing unless they have the express permission of the court.⁹ Courts must be mindful of the prevention focus of the youth justice system in sentencing as well as the welfare of the child.¹⁰

There is a separate sentencing framework for children. Available sentences include referral orders, reparation orders and youth rehabilitation orders- all served within the community.¹¹ Available custodial sentences for children are Detention and Training Orders and longer sentences under section 91 and 92 of the Powers of the Criminal Court (Sentencing) Act 2000.¹²

Each local authority is responsible for the delivery of youth justice services with the co-operation of Police, the Probation Service and health services. Support services and supervision of children are delivered through multi-disciplinary Youth Offending Services (YOS), rather than Probation.¹³ Services provided by a YOS will be more age appropriate and mindful of the child's stage in development. There are separate standards for children in the youth justice system which emphasise the child's developmental stage and unique status.¹⁴

Constructive Resettlement

Despite considerable work to improve resettlement over the past years, outcomes for children exiting custody remain poor. In 2017/18, 64.6% of children released from custody reoffended.¹⁵ A 2015 HMI Probation inspection of resettlement described outcomes and practice as 'shocking', because 'too few of these children are being provided with what they need to lead crime-free lives'.

A six-year research programme, carried out by the Beyond Youth Custody (BYC) partnership, concluded that the lack of success in resettlement, and high reoffending rates, can be explained by a lack of a definitive resettlement aim for practice, or a 'theory of change', that would lead to reduced offending. All too often, the resettlement activity which occurs is removed from an overall picture of what is needed to help a child in a sustainable way. Consequently, support is typically process driven, with disconnected agencies centred on managing the immediate presenting issues. Resettlement in this context will never be successful, despite considerable resources and practitioner effort.¹⁶

8. Section 37 Crime and Disorder Act 1998

9. <https://www.gov.uk/courts/youthurts>

10. Section 44(1) Children and Young Persons Act 1933

11. <https://www.gov.uk/community-sentences/community-sentences-if-you-are-under-18>

12. <https://www.gov.uk/types-of-prison-sentence/sentences-for-young-people>

13. Section 38(1) Crime and Disorder Act 1998

14. <https://www.gov.uk/government/publications/national-standards-for-youth-justice-services>

15. Taken from the most recent annual Government statistics available - 2017/18: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774866/youth_justice_statistics_bulletin_2017_2018.pdf Note that this figure is for the 10-17 age group, but will include young adults who enter the youth justice system whilst 17 and re-offend aged 18

16. See the Youth Justice Board publication from 2018, How to Make Resettlement Constructive

The research evidence showed that resettlement should be recognised as a journey for the child rather than a single transition event. That journey may involve relapses. Sustainable resettlement, including the sustained cessation of offending, occurs when a child shifts their identity from one that allows offending to one that encourages a crime-free life, social inclusion and wellbeing. The child changes the way they see themselves and their place in the world. This concurs with previous 'desistance research' literature which is mainly focused on adult offenders.

Constructive Resettlement is the new approach that applies this evidence base to work across the whole sector. It translates the research on resettlement into a common policy and practice framework for all agencies to work with a consistent understanding, language and aim. This approach will enable all agencies to adopt the ways and principles of working that are necessary to improve outcomes.

Constructive Resettlement is defined as collaborative work with a child in custody and following release that builds upon his or her strengths and goals to help them shift their identity from pro-offending to pro-social. Consequently, within this approach, the clear overall role for all agencies (in policy and in practice) is to facilitate the child's identity shift.

The evidence suggests that to facilitate the child's identity shift, work to support resettlement needs to be organised in a two-stage framework. The first stage should always direct the second:

1. Individualised personal support to guide the shift. This includes identifying the pro-offending narrative, strengths and goals, a pro-social identity and the route to achieving this.
2. Individualised structural support to enable the shift by building the route identified in personal support. This ensures a child has suitable practical support required for their personal resettlement route, including accommodation, healthcare, education, training and employment and constructive leisure.

2. IDENTIFYING THE CHALLENGES

Planned housing and support play a key role in resettlement and rehabilitation of children and young people who offend, and are a requirement for early release arrangements or to support a community sentence.

Challenges: Young People and Access to Affordable Housing

Young people face the most significant challenges in accessing suitable housing. Affordable housing is in short supply generally, with acute shortages in many areas of England. Welfare policy changes have reduced the levels of housing support payments for young people on low incomes, and landlord confidence in letting to people reliant on welfare benefits has reduced.

With rising demand for rented accommodation come increases in rent and more scope for both private and social landlords to 'pick and choose' their tenants. It is not surprising that young people who have lower incomes find it increasingly difficult to compete in the housing market.¹⁷

17. Most single young people under the age of 35 claiming housing benefit or universal credit are only entitled to a 'local housing allowance' (LHA) to cover the costs of a room in a shared house.
<https://yjresourcehub.uk/yjb-effective-practice/youth-justice-kits/item/610-how-to-make-resettlement-constructive-yjb-document.html>

As young people on low incomes are increasingly priced out of the private rented housing market, those young people who have a history of offending find it particularly difficult to access accommodation and are unlikely to do so without support. In particular, shared accommodation can often be particularly inappropriate and inaccessible for this group. These difficulties in access to rented housing are not limited to the private rented sector. The social housing sector, which includes local authority and housing association landlords (known as 'Registered Providers') generally provide better quality properties at more affordable rents. However, demand for social housing far exceeds supply in most areas, and most single young people do not have priority within local 'Allocations Schemes' through which access to available social housing is set out and managed. In addition, some social landlords apply exclusions to their allocations schemes, which particularly affect people with an offending history.

Younger people leaving custody, or becoming homeless within the community, are unlikely to be ready to manage an unsupported private or social housing tenancy even if accommodation were available to offer them. For the youngest group (16 -21 year olds) and for those with the most complex needs, whatever their age, some form of supported accommodation is likely to be needed. Significant reductions in local authority budgets have impacted on resources available for housing related support¹⁸ and generated a need for much 'smarter' commissioning to meet needs.

Local authorities report difficulties in accommodating young people with offending behaviours across all tenures and accommodation types. The challenges are not just around supply of housing, but also the form that suitable accommodation should take, for example, supported housing, often called 'hostels', or 'floating support,' which brings support directly to people to assist them to live in their home whatever the tenure. Even where there are good locally commissioned supported housing pathways in place, some young people with an offending history are very difficult to place safely and successfully, and may be excluded altogether.

In summary, the housing environment for young people involved with the criminal justice system could hardly be more challenging. Young people and service providers working within this environment need a clear understanding of this reality, along with a determination to work together to find the best possible solutions.

Challenges: The Complexity of Agency Responsibilities

Numerous agencies have responsibilities within the process of resettlement including with provision of housing and support.

Within the justice system there are both youth justice agencies (Youth Offending Services, Youth Secure Estate) and adult services (National Probation Service, Community Rehabilitation Companies, Adult Secure Estate -Prisons). Some functions delivered by these agencies are contracted and sub-contracted to service providers, adding to the range of agencies and individuals that may become involved in a young person's resettlement plan.

18. Local authorities lead on commissioning of housing related support services. In two tier arrangements, the upper tier authority usually holds the budget for commissioning unless other local arrangements have been agreed. There is no statutory duty to provide housing related support and across England there has been a varied degree of impact in terms of budget reductions, which have been locally determined.

In May 2019, the Government announced changes to the model for delivering probation services to adults, including ending contracts with Community Rehabilitation Companies (CRCs) and moving all offender management to the National Probation Service, which will contract out non-core rehabilitative work, such as courses and unpaid work, to the voluntary and private sector.

Responsibilities for provision of accommodation are also complex. Young people under 18 and care leavers are owed duties by both Children's Social Care and Housing Authorities, whilst young adults 18+ may be owed duties by Housing Authorities if they are homeless or threatened with homelessness within 56 days.

The Children & Social Work Act 2017 extended local authority support to care leavers to age 25, including the provision of Personal Advisers, assessment of the needs of former relevant children and preparation of a Pathway Plan. In addition, the same legislation introduced a new duty to set out a 'local offer' for care leavers which includes what accommodation options are available to them and how they will be supported to access and sustain accommodation.

Accommodation planning arrangements for 16-17 year olds and young people who are care leavers may fail because of organisational difficulties within local authorities, either between departments in unitary areas, or between different levels in two-tier authority areas.¹⁹ Providing a well-coordinated accommodation and support pathway for young adults is even more challenging for Housing Authorities, because offender management and resettlement planning are not delivered from within the local authority. Historically many Housing Authorities have developed pathways and referral arrangements with prisons, their local probation service and their Youth Offending Service (YOS) which have helped to prevent homelessness and improve advice to people with an offending history.

Given the complexity around legal duties and agency responsibilities it is perhaps not surprising that young people are not always provided with appropriate accommodation as part of a well formed and executed plan. The Youth Justice Accommodation Pathway has, at its heart, effective partnership and planning across organisational boundaries, to smooth out the creases and remove the pitfalls in the process of rehabilitating young people and supporting them to achieve independence, and desistance from crime.

Challenges: Safeguarding and Managing Risk

Public sector service providers are increasingly aware of their safeguarding responsibilities as well as the duty of care they owe to service users and the public. Some young people who are involved in the criminal justice system are extremely difficult to accommodate because of the risks they present to others and/or the risks presented to them within the community. Ironically, it is not unusual to find the highest risk young people accommodated in the least protected or protective accommodation, because the risk assessment process has prevented their placement in commissioned provision or any other suitable option available.

19. In a two tier authority, a County Council (the 'upper tier') has responsibility for Children's and Young People's Services and Adult Social Care, whilst the District/Borough Authorities (the 'lower tier') have responsibility for housing and statutory homelessness.

Risk management is particularly challenging for young people who need accommodation with on-site support to meet their needs. Locally commissioned supported accommodation that is suitable to meet a young person's individual needs may not be assessed as appropriate to manage their risks. Tensions arise between managing the risks involved in accommodating a young person in the local area, and a desire to provide suitable supported accommodation close enough for the young person to receive adequate support from family and service providers. Out of area placements may be more easily organised within larger local authority areas e.g. County Councils, if there is a well-coordinated young person's housing pathway and more likely to be successful with meaningful engagement and robust arrangements for placement management.

Young people assessed as presenting high levels of risk, with a history of violent and/or sex offending, are generally managed through Multi Agency Public Protection Arrangements (MAPPA) which involve housing representatives as well as health and criminal justice agencies. Local MAPPA should ensure effective information sharing and forward planning to manage risk.²⁰

Resettlement planning for young adults is particularly challenging around the point of transition between youth and adult services. Criminal justice agencies recognise the difficulties surrounding this transition, and the high level of breaches that occur at 18, which is the time when most young people move from being managed by a Youth Offending Service (YOS) to the National Probation Service (NPS). The point at which offender management responsibility is transferred is mostly determined by age and sentence, and the Joint National Protocol for Transitions in England²¹ aims to improve arrangements for transition as well as information sharing between offender management services.

As young people pass beyond their 18th birthday they may lose access to some services which are critical to their successful rehabilitation. Support arrangements around mental or emotional health, substance misuse, education, employment and training (EET) may be disrupted, especially when young people do not meet the thresholds for adult equivalent services, or do not engage with a service provider delivering these services in a different way. Local housing authorities may be reluctant to provide accommodation to a young person who is not yet linked in to the services that they need, and which will support them to sustain an accommodation placement. Multi-agency planning, including through MAPPA, is essential to ensure continuity of health and support services that young people need and to better manage risk, as well as improving prospects for successful resettlement.

Learning from the Inspectors

The most recent national youth inspection report, **Youth Resettlement – Final report into Work in the Community** was published jointly in 2019 by HMI of Probation and HMI of Prisons. Drawing on the experiences of 50 boys for 6 months, the report noted the 'dire' accommodation circumstances for those leaving custody who were not able to return to family or their previous care placement.²² It also noted there had been no improvement in circumstances since a similar resettlement inspection report in 2015.²³ In particular, it noted:

20. MAPPA Guidance is published by the MoJ: <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa--2>

21. See the 2018 joint protocol issued by HMPPS, National Probation Service and the Youth Justice Board here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/703310/Joint_National_Protocol_for_Transitions_in_England_for_PDF_-_Final_version.pdf

22. See the joint thematic report Youth Resettlement - Final Report into Work in the Community, published in 2019 <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/10/Youth-resettlement---final-report-into-work-in-the-community-4.pdf>

23. See the 2015 Joint thematic inspection report of Resettlement Services to Children by Youth Offending Services and their partners here: <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/youthresettlementthematic/>

- A lack of joint planning in advance
- Difficulties in undertaking other aspects of resettlement work if safe and suitable accommodation was not available
- A lack of consideration for the emotional impact of being sent to new accommodation on release and not knowing anyone

The Chief Inspectors report, **Accommodation of Homeless 16 and 17 Year Old Children Working With Youth Offending Teams (September 2016)**²⁴ focussed on accommodation specifically and highlighted many concerns including that one in three of the young people in the inspection were living in unsuitable or unsafe accommodation. The inspection identified inconsistency in the quality of assessments, with many being resource led rather than needs led. Inspectors were not convinced that young people were always given proper advice and choice about becoming looked after and being provided with accommodation under Section 20 of the Children Act 1989. It also found that professionals in Children's Social Care did not always work closely enough with the YOS case workers, resulting in missed opportunities to benefit from their knowledge and skills in assessment and planning to meet needs and manage risks.

Accommodation arrangements were very often unsuitable, and even where professionals knew they were likely to break down, there was a lack of contingency planning to respond to the young person becoming homeless. As a result, young people were living in bed and breakfast and other highly unsuitable accommodation, in some cases alongside adults who might present a risk to them. Inspectors also noted that young people with complex needs might go through several unsuitable placements before being provided with a bespoke package to meet their needs. Overall there was found to be a lack of governance and oversight of the accommodation being provided to 16-17 year olds leaving custody, at both local and national level.

3. YOUNG PEOPLE AND HOUSING SERVICES

Young People In Custody

The number of children held in custody has reduced significantly over recent years. Sentencing guidelines have been revised, and there has been greater use of diversionary schemes to try and keep children and young people out of the youth secure estate. In July 2019, there were 68% fewer under-18s in custody than ten years earlier, and numbers continue to decline year on year.²⁵

Changes to sentencing and custody arrangements for children and young people have implications for local authorities and offender management services with responsibility for resettlement. Whilst the number requiring accommodation and support on release is declining, those young people

24. HM Inspectorate Probation. 2016 www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/09/Thematic-Report-Accommodation-of-Homeless-16-and-17-Year-Old-Children.pdf

25. See Government Youth Custody Reports: <https://www.gov.uk/government/statistics/youth-custody-data>

who do receive custodial sentences have more complex needs and may have more entrenched patterns of offending. A higher proportion of young people leaving custody have convictions for violent and sexual offences and/or are repeat offenders. Multi-agency release planning is therefore increasingly important, albeit for a reduced cohort of young people leaving custody. At the same time, there is likely to be increasing demand for housing services to assist preventative and diversionary interventions within the community, and to safeguard families and support rehabilitation of young people serving community sentences.

Young people who become involved in offending behaviour are amongst the most 'damaged' and the most challenging young people that local authorities and partners provide services for, and the services available to them are not always sufficient or successful. In the introduction to his 'Review of the Youth Justice System in England and Wales', which the Ministry of Justice commissioned, Charlie Taylor says

"Many of the children in the system come from some of the most dysfunctional and chaotic families where drug and alcohol misuse, physical and emotional abuse and offending is common. Often they are victims of crimes themselves. Though children's backgrounds should not be used as an excuse for their behaviour, it is clear that the failure of education, health, social care and other agencies to tackle these problems have contributed to their presence in the youth justice system."²⁶

Research for the Ministry of Justice found that amongst the adult prison population disproportionate numbers had spent time in care (24%), experienced abuse (29%) witnessed violence in the home (49%) and been permanently excluded from school (42%), and that prisoners with these childhood experiences were more likely to reoffend.²⁷ Looked after children and care leavers have even greater over-representation amongst young offenders in custody. Although children in care and care leavers are only 1% of the population, half of children in secure training centres and 38% in Youth Offender Institutions (YOIs) have been in care at some point in their lives.²⁸ Other research reports that nearly half of all young men and two thirds of young women aged 16-21 in custody have recently been in care²⁹. The majority of young people who the YJAP is designed for will have been known to local authority, health and other services well before they reach an age when they might need accommodation because they are homeless.³⁰

We know that homelessness at a young age is not usually just about lack of accommodation. The underlying causes often stem back to much earlier problems or factors in childhood often called adverse childhood experiences or ACEs. These are traumatic experiences that occur before the age of 18 and are remembered throughout adulthood. These experiences range from suffering verbal, mental, sexual and physical abuse, to being raised in a household where domestic violence, alcohol

26. Review of the Youth Justice System in England and Wales, December 2016 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577103/youth-justice-review-final-report.pdf

27. Ministry of Justice 2015 - Analytical Summary: Needs and Characteristics of Young Adults In Custody: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/449586/Young-adults-in-custody.pdf

28. Children in Custody 2014-15: An Analysis of 12-18 year olds' perceptions of their experience in secure training centres and young offender institutions, https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2015/12/HMIP_CP_-_Children-in-custody-2014-15-FINAL-web-AW.pdf

29. See page 12 of the House of Commons Justice Committee report 2016/17: <https://publications.parliament.uk/pa/cm201617/cmselect/cmjust/169/169.pdf>

30. See the Key Characteristics of Admissions to Youth Custody 2014-2016 which identifies complex needs of children in custody. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/585991/key-characteristics-of-admissions-april-2014-to-march-2016.pdf;

abuse, parental separation or drug abuse is present. Evidence shows children who experience stressful and poor quality childhoods are more likely to develop health-harming and anti-social behaviours, more likely to perform poorly in school, and more likely to be involved in crime.³¹

Significant national research³² which maps severe and multiple disadvantage (defined as homelessness, involvement in the criminal justice system and substance misuse) found that 25% of adults interviewed with the most acute form of severe and multiple disadvantage were aged 18 – 25.

The research highlights the links between severe multiple disadvantage and childhood trauma, including abuse (sexual, physical, emotional and neglect), living with violence and substance misuse in the family home, running away from home, a parent with mental health problems, family homelessness, being in care and youth homelessness. 85% of all those interviewed had a range of these experiences. Other factors such as not going to school and school exclusion, involvement in the criminal justice system at a young age and mental health problems underpin the childhoods of many in this group.

The number of young adults involved in the criminal justice system has declined in recent years but since 2016, this trend has slowed significantly.³³ These young people are predominantly held within the adult secure estate, and on their release, have much reduced access to statutory services and to housing. The Transition to Adulthood Alliance (T2A) coordinated by the Barrow Cadbury Trust has built up a wealth of research evidence around the needs and outcomes for 18-24 year olds involved in the criminal justice system, which together indicate a need to provide a different response to young people in comparison with older adults, recognising their developmental status and level of maturity. In 2016 a House of Commons Select Committee Review into ‘The treatment of young adults in the criminal justice system’³⁴, greatly persuaded by the T2A research evidence, recommended a ‘step change’ in policy and practice toward young adults which is:

“founded on the clear philosophy that the system should seek to acknowledge explicitly (young adults) developmental status, focus on (their) strengths, build their resilience and recognise unapologetically the degree of overlap of their status as victims and offenders”.

The Justice Select Committee in both 2016/17 and 2017/18 heard evidence that young adults’ brains are not fully developed until their mid-20s, with implications for their capacity for decision making, empathy, remorse and for planning. In addition, young people in custody have high presence of atypical brain development, and are significantly more likely than other young people to have neuro-developmental disorders including learning disability, communication impairment, ADHD, Autistic Spectrum Disorder and brain injury. This all has implications for the way in which the criminal justice system should respond to offending behaviour by young people in order to improve outcomes and lower re-offending levels. It also resonates with the experiences of service providers in housing and support services working with these most complex young people who it seems, will not do what

31. Further information on Adverse Childhood Experiences (ACEs) is available in House of Commons Science and Technology Committee - Evidence-based early years intervention 2018 : <https://publications.parliament.uk/pa/cm201719/cmselect/cm-sctech/506/50605.htm>

32. See G.Bramley and S.Fitzpatrick et al. ‘Hard Edges – Mapping Severe and Multiple Disadvantage in England’ published by Lankelly Chase Foundation 2015

33. See the Annual Prison Population table in: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2019>

34. <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmjust/169/16905.htm>

is expected of them to manage and sustain their housing, make what are seen as wrong choices, experience repeat evictions and may eventually exhaust all of their housing options. Most young people involved in the criminal justice system need multiple services including housing, but they also need to be given more chances, more time and this requires more perseverance on behalf of all agencies and young people themselves, in order to achieve successful rehabilitation.

Young people detained in custody are disproportionately from Black, Asian and Minority Ethnic (BAME) backgrounds and are overwhelmingly male. Of children in custody, at any one time around 43% are BAME.³⁵ Around a fifth of boys (under 18) in the youth secure estate say they have a disability.

Girls and young women constitute only 3% of children and of young adults in custody. Commissioners and service providers should have an awareness of the demographic profile of young people in their area and take account of diverse needs when developing services, policies and procedures. Male-only accommodation services are valuable within a commissioned housing pathway, not least because some young men cannot be safely placed within a mixed gender environment. However, in areas with very limited housing related support funding, there may be a need to place young adults outside the supported housing pathway, with sufficient floating support.

Although very few girls and young women are now serving custodial sentences³⁶, local authorities and partners do need to be aware of their needs, and have appropriate services in place to prevent young women within the community from becoming homeless. Staff delivering services to young people should have training and maintain an awareness of the risk of child sexual exploitation, and the particular risks facing young women associated with gangs.³⁷

Homeless Prevention and Local Authority Duties

The YJAP aims to improve services to young people aged 16-24 who are at risk of homelessness or who require accommodation. Typically, this will be those who:

- Are living in their local community and are at risk of becoming homeless because of offending behaviour and parental/family exclusion
- Are at risk of becoming homeless on release from custody as they cannot return to their previous accommodation
- Require a safe address for bail or to avoid remand or police detention
- Cannot return to their family home due to proximity to victims or because they are at risk. This includes young people linked to gang related activity, including 'revenge' attacks and young women at risk of sexual exploitation
- Were looked after children prior to entering custody or have become so through LASPO remand arrangements³⁸

35. <https://www.gov.uk/government/statistics/youth-custody-data#history>

36. Government data indicates only 25 girls were held in custody at June 2019 <https://www.gov.uk/government/statistics/youth-custody-data>

37. Beyond Youth Custody provide resources to improve resettlement support for girls and for young people involved with gangs. <http://www.beyondyouthcustody.net/wp-content/uploads/Resettlement-of-girls-and-young-women-a-practitioners-guide.pdf> <http://www.beyondyouthcustody.net/wp-content/uploads/Gang-involved-young-people-custody-and-beyond-a-practitioners-guide-1.pdf>

38. The Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO) changed the thresholds for children and young people being held on remand, and provided that young people on remand have looked after children status. Local authorities also took on financial responsibility for remand, incentivising them to avoid children 10-17 being remanded into custody.

Ideally, local authorities should have arrangements in place to try and prevent young people from becoming homeless in any of these circumstances. In reality the picture varies according to local authority priorities and resources, as well as the statutory duties that are owed to the young person.

The legal framework that governs duties to provide housing, care and support to young people at risk of homelessness is complex. An outline of legislation is provided in Annex One, and an overview of the division in duties between Children's Social Care and Housing Authorities is included in Table 1 below.³⁹

39. For a comprehensive outline of the care statuses and legal entitlements of children in custody also see Appendix 5 of The Howard League's 2019 publication, 'Supporting Children From Custody Into the Community: A Step by Step Guide' here: https://howardleague.org/wp-content/uploads/2019/12/Resettlement-toolkit_2019_12_12.pdf

TABLE 1 Legal Duties to Accommodate Young People – An Overview

Young Persons Age	Children's Services Duties to accommodate young people	Housing Authority duties to accommodate single young people
16-17	<p>YP who were already 'looked after' on entering custody and/or were remanded under LASPO, and now have 'eligible child' or 'relevant child' status.⁴⁰</p> <p>Homeless YP except where they decline S20 accommodation and are assessed as having capacity for making that decision.</p> <p>YP who are not eligible for housing services due to their immigration status.</p>	<p>YP whose homelessness cannot be prevented, and have declined accommodation and support offered to them as a Child In Need under Children Act 1989, S20, or have been found not to be a Child in Need.⁴¹</p> <p>Interim accommodation for YP where the first approach is to the housing authority. This would usually be set out in local joint working protocol between Housing/ Children's Services.</p>
18-20	<p>Former Unaccompanied Asylum Seekers awaiting a decision on their application to the Home Office.</p> <p>'Former relevant' children (care leavers) who are unable to access appropriate accommodation through other means.⁴²</p>	<p>Interim accommodation for YP who the local authority has reason to believe are or may be eligible, homeless and have priority need</p> <p>Main duty temporary accommodation for YP who are eligible, homeless, have priority need and are not intentionally homeless.</p> <p>YP who have been looked after under the Children Act for any period whilst 16-17 have automatic priority need.</p> <p>YP may be assessed as having priority need if they are significantly more vulnerable (for example because of their health, disability, history of abuse, time spent in prison or for other reasons) than an 'ordinary' person would be if they became homeless.⁴³</p>
21-24		<p>YP may be assessed as having priority need if they are more vulnerable than an 'ordinary' person would be if they became homeless; because of their health, disability, history of abuse, time spent in prison, because they have been in care, or for other reasons.</p>

40. An 'eligible child' is a 16-17 year old who is looked after, and has been for at least 13 weeks since their 14th birthday (Children Act 1989 Para 19B Sch2) and a 'relevant child' meets the same criteria but is no longer looked after (Children Act 1989 23a). Former 'relevant children' were eligible or relevant children who are now aged 18+ (Children Act 1989 23c (1))

41. In R (G)V Southwark 2009 the House of Lords described the very limited circumstances in which a homeless 16-17 year old might not be a 'child in need' (CIN) according to Children Act 1989 S17 (10). For example, a YP who had lived independently for some time, with a job, and nobody caring for them who had then lost their accommodation might not be assessed as a CIN. A YP who was homeless and involved with the criminal justice system would almost certainly be a CIN.

42. In R (on the application of SO) v Barking and Dagenham 2010 it was established that care leavers who require accommodation for their welfare, and cannot access it through other means, must be found accommodation by Children's Services and if needed this must also be paid for by Children's Services

43. See Annex One and see MHCLG Code of Guidance: <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-8-priority-need> and also Shelter's website here: https://england.shelter.org.uk/legal/homelessness_applications/priority_need/vulnerable_people/categories_of_vulnerable_people

The Principles of the Youth Justice Accommodation Pathway

The YJAP is underpinned by the following principles and ways of working:

- Young people and their families should be involved in planning for their future. Having the backing of family supports a child or young person's desistance journey, whether or not a young person can stay or return to the family home. Engaging young people and families at the earliest opportunity may help to prevent homelessness by facilitating a stay or return to the immediate or extended family home. Involving young people in planning their accommodation options will also increase their 'buy in', reduce anxiety and provide a 'reality check' about housing options and opportunities.
- Multi-agency planning and effective joint working is the **ONLY** way: it is more efficient, reduces crises and improves outcomes for young people. No single agency or professional can deliver a successful support plan which addresses the risks of re-offending and for those leaving custody, supports resettlement as well. Without joint planning and sharing of information and responsibilities, young people are more likely to become homeless and/or placed in unsuitable and costly temporary accommodation.
- Young people need access to safe, suitable and affordable accommodation with appropriate support for their transition to becoming independent adults. They will also need to enter employment or training towards employment to pay for and sustain their housing.
- Planning accommodation and support options more effectively will reduce re-offending to the benefit of young people and the wider community. Suitable and stable housing with good support provides the foundation for successful rehabilitation, and so has value for society that goes beyond the avoidance of homelessness.

Although the YJAP focusses on meeting the accommodation needs of young people involved in the criminal justice system, there is an emphasis throughout on the interface between provision of stable accommodation and access to health, education, training and employment and other essential services a young person needs for successful rehabilitation. The pathway will only work if all of the key service providers 'buy in' at a national and local level.

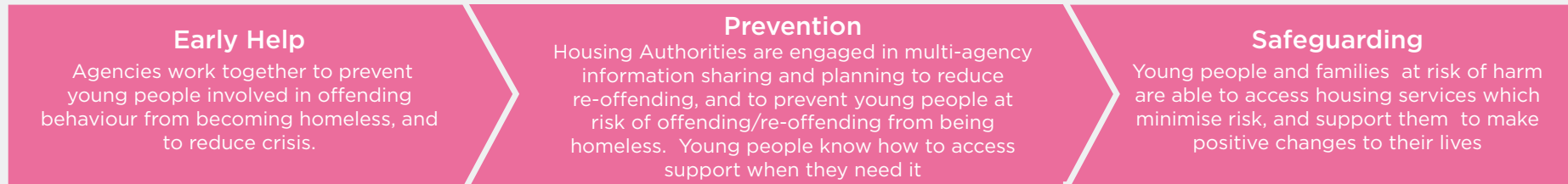
Hearing from Young People

Young people from Youth Voice⁴⁴ which is coordinated by St Basils, helped in the development of the pathway, and they facilitated consultation with young people who have experienced homelessness and been involved with the criminal justice system. Some of their comments are included in the next sections of this pathway document.

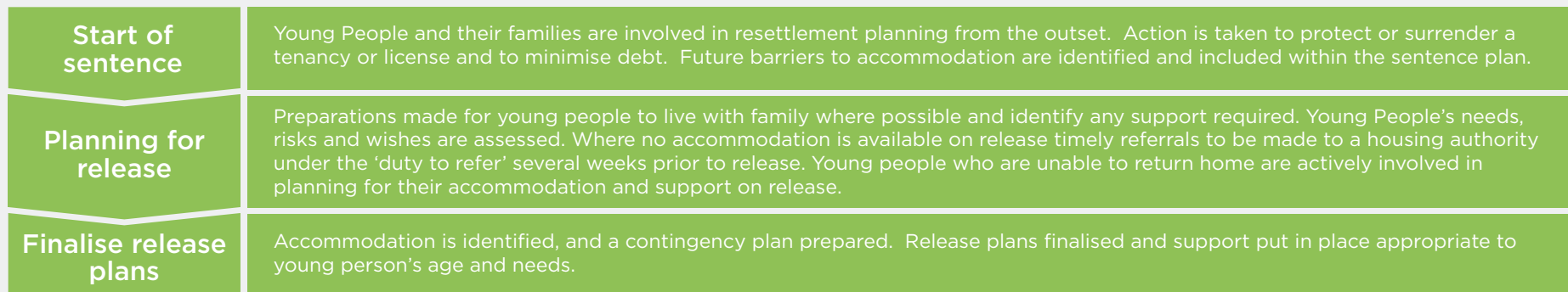
44. See the Youth Voice website here: <https://youth-voice.co.uk> Note that Youth Voice was previously called the National Youth Reference Group.

Youth Justice Accommodation Pathway

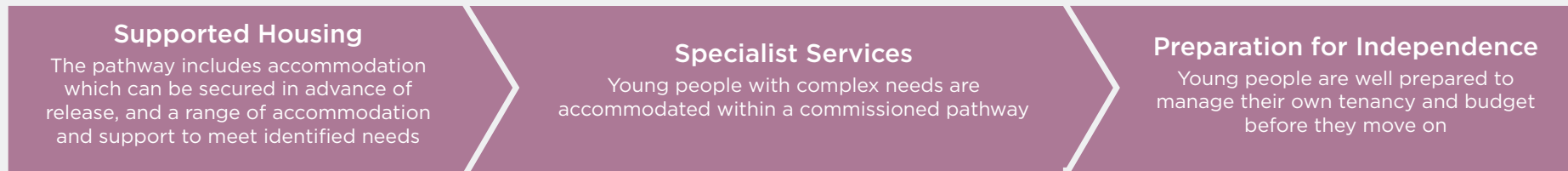
Strand 1. Young people in the community: Preventing homelessness and reducing re-offending risk



Strand 2. Young people in custody: Planning for successful resettlement



Strand 3. Jointly commissioned accommodation and support



Strand 4. A range of housing options with resettlement support



4. PATHWAY STRAND 1: YOUNG PEOPLE IN THE COMMUNITY

EARLY HELP

The pathway begins with Early Help services, and targeted interventions to reach young people who are involved in, or on the edges of offending behaviour, to reduce the risk of their becoming homeless. Mirroring Stage 2 of the St Basils 'Positive Pathway', the focus is on how local authorities and partners identify key risk indicators and then work together to prevent young people at high risk from becoming homeless, recognising that being homeless increases the likelihood of offending behaviour, poor health and well-being.

Parents or carers trying to change what is happening with their child may lose hope, or feel they are unable to manage behaviour within their home. The activities of one child may be putting other siblings or the family home at risk. If the young person is engaged in anti-social or criminal behaviour close to the home the family may be penalised and face eviction for breaching their tenancy conditions. If young people become involved in gang related or other violence the family may be at risk of abuse, threats or actual harm within their home. Families faced with these challenges, and feeling powerless to change what is happening, may decide that excluding a young person is the only option. The parental exclusion of the child from the family home may well happen when the child reaches 16-17 or older, although conflicts within the home began much earlier on.

Professionals in contact with families and young people will recognise the tensions, conflicts and risks that may lead to a young person being excluded now or in the future. Early help and social care interventions employed to try and keep younger children within the family network can also be used to support families where 16-17 year olds risk being homeless or taken into care. Health service and treatment providers also have contact with families and young people that may disclose concerns about the impact of risky behaviours, involvement in offending behaviour, and homelessness.

Young people who become involved in offending are more likely than others to have learning disabilities, mental health problems and behaviour disorders, although they may not always have a diagnosis or have accessed mental health services before. Having Child and Adolescent Mental Health Services (CAMHS) fully engaged in efforts to support a family where a young person's behaviour has become difficult to manage at home can be crucial, and difficulty accessing mental health support in a timely manner can be problematic where interventions are required to prevent a crisis, and a young person from being excluded.⁴⁵

PREVENTING HOMELESSNESS

Young people may become homeless at any age because they do not have family who are able or willing to accommodate them, or because they cannot remain safely within their home. When agencies work together to identify the risks of homelessness in advance, it becomes possible to intervene to offer support for the young person to remain at home and/or to arrange planned moves into supported housing or other accommodation, rather than wait until the point of crisis.

45. Research commissioned by the T2A Alliance found young people needing CAMHS support experienced rigid criteria for receiving a service, long waiting lists and gaps in service for 16-18 year olds. See 'Same Old... the experiences of young offenders with mental health needs', Young Minds, 2013 : See <https://www.barrowcadbury.org.uk/wp-content/uploads/2013/12/YoungMinds-Same-Old...-2013-low-res.pdf>

From the perspective of Housing Authorities, it can be difficult to identify those young people within the community in advance of the point that they become homeless. Part of the solution is to ensure services are well publicised and welcoming to young people so that they feel able to seek help and advice if they are worried about their housing situation.

EXAMPLE

Young Devon's Young People's Housing Advice website is part of their work to prevent homelessness occurring amongst young people in the county. The Devon Housing Options Partnership worked together to launch the Young People's Housing Advice website www.yhdevon.co.uk to give young people and their families an easy place to get local information about the kind of help they might be able to receive.

One of the strengths of the site was creating content where young people's voices are heard through sharing their lived experience, this is done to enable other families and young people to directly relate to the messages and content of the website. The video clips and information give an accessible route to getting local help and are often used by support workers to help families and young people understand options and manage their expectations about what is possible. The site is viewed locally as a helpful tool and is currently due to be reviewed to ensure that design and content continues to be up to date and remain accessible and relevant to young people.

Multi-agency information sharing arrangements and forums which have a focus on preventing offending and re-offending may also be used to identify where young people are insecurely housed, facing exclusion or living somewhere where they are at risk, to plan interventions that will support them to avoid becoming homeless.

Providers of substance misuse treatment and support services can be key partners involved in interventions and planning to prevent homelessness. Commissioners of health and treatment services for young vulnerable people should be alert to the need for service providers to work collaboratively with Housing Authorities, so that access to suitable housing becomes a challenge for them to achieve along with housing colleagues, rather than becoming a reason for unsuccessful treatment outcomes. Early and joined-up intervention between agencies is necessary to avoid young people getting into a cycle of repeat homelessness compounded by their substance misuse issues.

DUTY TO REFER

The Homelessness Reduction Act 2017 introduced a new 'Duty to Refer' on named public bodies to ensure that services are working together effectively to prevent homelessness. Under the new duty, people's housing needs must be considered when they come into contact with the named public bodies. It is also intended to encourage local housing authorities and other public authorities to build strong partnerships which enable them to work together to intervene earlier to prevent homelessness through increasingly integrated accommodation pathways and services.

The public bodies included in the duty are as follows:

- a) prisons;
- b) youth offender institutions;

- c) secure training centres;
- d) secure colleges;
- e) youth offending teams;
- f) probation services (including community rehabilitation companies);
- g) Jobcentre Plus;
- h) social service authorities;
- i) emergency departments;
- j) urgent treatment centres; and,
- k) hospitals in their function of providing inpatient care
- l) The Secretary of State for Defence in relation to members of the regular forces (Royal Navy, Royal Marines, the army and the Royal Air Force)

Housing authorities should incorporate the duty to refer into their wider homelessness and rough sleeping strategy and update joint working arrangements accordingly, including local arrangements with agencies in regard to referrals. These arrangements should focus on identifying people at risk of homelessness as early as possible to maximise the opportunities to prevent homelessness.

More information on the Homelessness Reduction Act 2017 is in Annex One.

EXAMPLE

In the Royal Borough of Greenwich, Housing services are key partners in work to reduce reoffending. The Housing Inclusion Service works closely with the Youth Offending Service through a joint protocol and procedures through which young people's housing needs can be jointly assessed, whilst they are in custody or in the community, and services collaborate to try and prevent homelessness. If a young person cannot return home safely arrangements are made for them to be placed in supported housing in advance of their release. A multi-agency 18-25 panel and GRASP (Greenwich Risk Adolescent Safeguarding Panel) shares information, plans interventions and support to young adults at highest risk of offending, including through housing related support. The Community Safety team within the Council also coordinates joint planning around young people involved in gang related activity, and funds services that support young people to exit from gang involvement where they chose to do so. Close partnership working between Offender Managers, Housing, Community Safety and Police has also improved risk management of decisions about how and where young people may be accommodated. There is also a joint protocol between 1st Base, which is the youth homelessness prevention service, and the Youth Offending Service which sets out how the services will work with young people at different stages of their custodial or community-based sentence and also around the transition to 18. The protocol sets out clearly the different responsibilities of agencies involved. The success of this joint working has been recognised by the Youth Justice Board.

<https://yjresourcehub.uk/component/jifile/download/NTA1ODIjOTkzMdA2YTJjYjFiOGE2ZWNiNGI0ZWZmZnc=/greenwich-yos-work-%20ing-procedure-and-protocol.pdf.html>

NTA1ODIjOTkzMdA2YTJjYjFiOGE2ZWNiNGI0ZWZmZnc=/greenwich-yos-work-%20ing-procedure-and-protocol.pdf.html

EARLY HELP AND PREVENTION CHECKLIST

- Professionals who have contact with young people at risk of or involved in offending are aware of the risks associated with homelessness, and who to contact for help and advice
- Early Help assessment tools identify young people at risk of parental exclusion and are used by health and criminal justice agencies as well as children and family services
- Families with children and young people at risk of offending are supported by the Troubled Families programme, and have access to Early Help interventions which may include Family Group Conferencing or family and youth support
- Where young people cannot stay at home or with family, professionals work with families to plan moves in advance rather than wait for the crisis of homelessness
- Multi-agency protocols and panels are in place enabling all key agencies involved with young people at risk of offending to share information, identify and manage risks and prevent crisis. Housing staff are involved more joint planning and working, including Integrated Offender Management⁴⁶ as well as MAPPA
- Staff in the YOS and the National Probation Service are aware of the realities of homelessness and housing options for young people, and work in partnership with housing and social care to prevent young people becoming homeless
- A YOS/ Housing protocol is in place that includes joint planning to support young people serving community sentences as well as those leaving custody
- A Housing Officer is based within or linked to the YOS to provide expertise and oversee access into supported housing

YOUNG PEOPLE SAID

- “Early support will mean that vulnerable young people won’t need to resort to crime”.
- “I never went to school, but nobody was there to support me because schools don’t care. It would be good to have somebody who is there for you at that crucial stage in your life so you don’t get involved with further offending behaviour”.
- “There is no support to find the right services that you need. You just get given phone numbers and they expect you to know how to deal with it. There should be a support system to enable young people to access these services, instead of falling between the lines”.
- “The teachers at school were only interested in getting me to go to school, not what was preventing me from coming to school. There should be more awareness of the underlying reasons why vulnerable young individuals need help. This means services working together and supporting you to access the correct one”.

46. See here for more information: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/406865/HO_IOM_Key_Principles_document_Final.pdf

Safeguarding Young People and Families

When young people become involved in offending behaviour they may find themselves and their families are put at risk. Some young people become victims of threats and violence, whether or not they are perpetrators of crimes themselves, through their friendships and associations. Local Housing Authorities and social landlords may be called upon to rehouse families or to accommodate young people because they are at risk, and this is a particular challenge in gang-affected communities.

There are various ways in which the word 'gang' is used, ranging from the groups of peers many of us belonged to as teenagers, through to adult groups that exist for the purposes of organised crime. But the world of 'street gangs' - groups of individuals that are organised around a territory and are typically involved in violence and other crimes - presents a whole set of challenges for individuals, families and agencies in a local area. Young people linked to gangs are at higher risk of becoming victims and/or perpetrators of violence, and may seek help with housing because they have been a victim of serious violence, or believe they are likely to be in future. Requests for assistance may come from families or from young people alone, and Housing Authorities need to work with criminal justice and other partner agencies to respond and manage risk.

Finding accommodation for young people involved with gangs is particularly challenging. A young person may be at risk within the local authority area, or within certain neighbourhoods, but placing him or her further away will limit the support that can be provided. Public Health England have highlighted the high burden of mental illness faced by young people involved with gangs⁴⁷, with poor mental wellbeing drawing young people in, and gang involvement having a negative impact on a young persons' mental health. Girls are particularly vulnerable to mental health problems resulting from sexual and intimate partner violence. Young people removed from the gang are likely to need additional support with their mental and emotional health, as well as safe housing.

Local authorities sometimes place a child or young person in what are perceived to be safer rural areas at some distance from the gang for their own protection. However there is now evidence that these young people are at risk of being drawn into 'county lines' exploitation whereby they are used to distribute drugs for the gang as part of an expansion of their market.⁴⁸

Young people who have their own accommodation are at heightened risk of what is known as 'cuckooing'; the practice whereby dealers take over their property as a base for their operations. Typically, the gang uses threats of violence and/or the supply of drugs to ensure compliance from the tenant. Rehousing a young person may be essential to protect safety, but without action to tackle the perpetrators there is a risk of the same problems reoccurring at a new address.

Wherever they live, safeguarding is a key concern for young men as well as young women who are gang-affected.⁴⁹

47. The mental health needs of gang affiliated young people, Public Health England https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398674/The_mental_health_needs_of_gang-affiliated_young_people_v3_23_01_1.pdf

48. See NCA briefing on county lines, vulnerability and harm: <https://www.nationalcrimeagency.gov.uk/who-we-are/publications/257-county-lines-drug-supply-vulnerability-and-harm-2018/file>

49. See the 2019 Children's Commissioner report 'Keeping Kids Safe: Improving safeguarding responses to gang violence and criminal exploitation. <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/02/CCO-Gangs.pdf> and the Home Affairs Select Committee report 2019: <https://publications.parliament.uk/pa/cm201719/cmselect/cm-haff/1016/101607.htm>

Removing young people at risk from their family homes is fraught with difficulties, and is not usually considered in their best interests. Alternative solutions include providing protective security measures to the family home, (sometimes referred to as target hardening) or enabling the family to move away together. Schemes that involve relocating families or young adults away from areas of risk, including through reciprocal housing arrangements, can be effective. The family must be supported to understand what relocation involves, and have practical help and resources to achieve it. The young person, whether moving with the family or alone, must be committed to exiting the gang and have help and ongoing support to achieve a radical change in their life.

Although gangs predominantly recruit boys and young men, girls may also be recruited and are at higher risk of sexual violence and exploitation.⁵⁰ Service providers working in areas where gangs operate must be aware and sensitive to these risks when girls and young women come to the attention of services, or ask for help with their housing.

EXAMPLE

Safer London and the London Gang Exit Programme

Safer London is a leading London charity providing support services to children, young people, and their families who are affected by exploitation and violence.

The charity heads up a consortium with delivery partners Catch 22, DWP and the London CRC, to deliver a unique pan London service, LGE, which supports young people aged between 16 and 25 who are affected by criminality, exploitation and violence regardless of which London borough they live in. LGE's cohort includes those who are at risk from violence and those who pose a risk of harm to others. This approach is unique as it recognises the complexities and blurred lines between those who commit crime and people exposed to violence.

Commissioned by the Mayor's Office for Policing and Crime (MOPAC), LGE provides young people with intensive person centred support. All work is tailored to the specific needs of young people, based on their circumstances and needs. This includes mental health support, employment support, and specialised support for young women. When they enter the programme each young person is allocated a trained caseworker who builds up a relationship with them over an extended period of time and advocates on their behalf.

The LGE service includes a specialist housing adviser who works closely with young people affected by violence, who are at risk of homelessness. Support includes working with local authorities and other partners to plan for housing solutions that will keep them safe. This may include moving to a new location, either alone (for young adults aged 18+) or with their family.

The programme works with local authorities to arrange property moves both in and outside of the borough, and can assistance finding private rented sector properties for the family or young person to relocate. Safer London works closely with the Metropolitan Police, other statutory agencies and partners to ensure risks are properly assessed and managed. Safer London also manages the Pan London Housing Reciprocal, an alternative housing pathway for social housing tenants or care leavers that are fleeing risk to keep a social tenancy and move to a safer London borough. (See page 50)

50. See the Children's Commissioner inquiry 'If Only Someone Had Listened; Inquiry into Child Sexual Exploitation in Gangs and Groups' 2013; University of Bedford films made with young people about what needs to be done <https://www.beds.ac.uk/research-ref/iasr/gasev>

Providing Accommodation and Support

Young people who are directly or indirectly linked with offending within the community sometimes require emergency accommodation and support for reasons connected to their activity or associations. Local authorities have statutory duties to safeguard children and to assist young adults who are homeless or at risk of homelessness and are vulnerable due to a risk of violence. Having appropriate accommodation options in place to respond to emergencies will help avoid the use of B&B or other unsuitable placements. Assisting a young person into safe accommodation on a temporary basis until they can return home may also prevent more long-term homelessness.

YOUNG PEOPLE SAID

- “There is no safe accommodation for vulnerable young people. If you don’t have a home, then you will just go and do what you have to to survive”.
- “Money used on providing spaces in jail can be put towards a good rehabilitation method that would work. Vulnerable kids need a secure place and a place to call home. Without a home, you will associate gang culture as your home”.
- “Young people don’t just need the support of housing through local authorities, but also support programmes to encourage young people to stay positive. For example, a sports pass and creative workshops to keep the young person engaged and on a positive pathway”.
- “It’s not just about housing, there needs to be forms of discipline alongside housing support. Giving back to the community is important”

SAFEGUARDING YOUNG PEOPLE AND FAMILIES: CHECKLIST

- Multi-agency information and intelligence sharing arrangements are in place that include police, community safety, housing and social care. Housing service providers have ‘fast track’ access to advice about risks to a young person, as well as risks they present to others, when making plans for accommodation.
- Specialist service providers and/or gang link workers are involved in engaging young people, gaining their confidence about the current risks, mentoring and supporting them to exit the gang when/if they are ready to do so.
- Relocation schemes, underpinned where possible by reciprocal protocols between agencies and areas, are used to assist families to move in a planned way to avoid risk, and prevent crises that may lead to homelessness. Families and young people are well informed and understand what moving to a new area involves, have sufficient support to manage the move and establish a new home.
- Staff working in areas where the police have identified that organised gangs operate have training so that they know and understand the risks of harm, sexual violence and exploitation that children and young people may be subjected to.

5. PATHWAY STRAND 2: RESETTLEMENT OF YOUNG PEOPLE COMING OUT OF CUSTODY

Young people leaving custody feel anxious and sometimes frightened about what lies ahead, and not knowing where they will be living is a major source of concern. Effective planning by partners to identify accommodation in advance of release will enable a resettlement plan to be put in place, including arrangements for education, training and employment, health and treatment services and benefit claims. If planning starts after the young person leaves custody, and is built around temporary short term placements with numerous change of address there may be gaps in services and a less coherent and sustainable plan for resettlement, as well as increased levels of instability along with anxiety and trauma for the child or young person.

Research published by Beyond Youth Custody⁵¹ found that young people under 18 find reorientation following release difficult to manage, and may manifest physical symptoms of stress and anxiety. Involving young people in planning for release and providing information and structure to their exit from custody will reduce their feelings of disorientation and improve their engagement with support work.

Looked after young people are particularly affected by uncertainty around settled accommodation which impact on early release decisions, and on their likelihood of reoffending.⁵² Unlike other young people who fear being homeless when they leave custody, looked after children should have the reassurance that their corporate parents will provide suitable accommodation for them on their release, but in reality, this has not been the case for many young people..

There have been some recent improvements in supporting care leavers whilst in custody and their planning for resettlement. Her Majesty's Prison and Probation Service (HMPPS) has increased its focus on identifying and supporting young people in custody who are care leavers. The work is led by an HMPPS National Care Leaver Champion and each prison in England and Wales now has a Care Leaver Lead and regional leads in community settings as well. Alongside this is a new HMPPS 'Strategy for Care Experienced People'.⁵³

Young adults (18-25) in prison identify having a job, having a place to live and having enough money to support themselves as the top three most important factors to prevent them from reoffending in the future.⁵⁴

51. Custody To Community: How Young People Cope With Release; Beyond Youth Custody, 2015 <http://www.beyondyouthcustody.net/wp-content/uploads/BYC-Custody-to-community-How-young-people-cope-with-release.pdf>

52. Youth Justice Board Response to the Laming Review 'Keeping Children in Care Out of Custody' https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543582/YJB_response_Laming_Review_keeping_children_in_care_out_of_custody.pdf

53. See here for more information on care leavers in prison and the Probation Service <https://www.gov.uk/guidance/care-leavers-in-prison-and-probation>

54. Needs and Characteristics of Young adults in custody: Results from the Surveying Prisoner Crime Reduction (SPCR) Survey <https://www.gov.uk/government/publications/needs-and-characteristics-of-young-adults-in-custody>

6. STAGE 1: AT START OF SENTENCE:

Regulations and guidance are in place to cover resettlement planning in both the youth and adult secure estates and planning to meet accommodation needs is included within these.⁵⁵ Actions aimed at preventing homelessness, and preparing for a young person's successful transition into accommodation should be included within the sentence planning and involve the relevant housing and social care services at an early stage.

Youth Secure Estate (16-17 year olds):⁵⁶ Resettlement planning should begin immediately upon a child entering the secure estate and should involve the child, their family or carer, YOS case manager and key secure staff. Plans should include where the child will live upon release. Plans will be informed by the AssetPlus assessment framework which will have been completed by the YOS prior to a child entering custody and will be updated by the secure estate whilst the child remains in custody.

Adult Secure Estate: Initial screening is carried out by prison staff who are responsible for identifying needs and risks including the young person's housing status. A Basic Custody Screening Tool (BCS) is passed to the local Community Rehabilitation Company within the prison who carry out resettlement planning, as part of the 'Through the Gates' work with the prisoner within 5 days and follow up on actions to facilitate successful resettlement.⁵⁷

START OF SENTENCE: Action Points

Involve the child or young person and their family from the outset. A key principle of the Children Act 1989 is that children are best looked after within their families. Every effort should be made to engage the child or young person's family in planning for their release, even when it appears unlikely they will be able to return home. Work to engage and involve family members to support rather than reject a young person should be ongoing throughout the period in custody, and might include providing practical help to encourage the family to make regular visits to the young person and continue to be involved in planning for their future.⁵⁸

Have procedures in place to protect tenancies and minimise rent arrears: If the young person held a tenancy before going into custody on remand, or to serve a short sentence, the CRC or National Probation Service and housing staff should work together to ensure housing benefit/universal credit is in place to cover the rent. Housing benefit costs can be covered for up to 13 weeks for a short sentence, or if the young person is on remand, for up to 52 weeks. For young people claiming Universal Credit that includes a housing costs element, payment for housing costs will continue if the sentence or period on remand is likely to extend for six months or less. If the young person is unable to claim benefits they may have a partner or family member who could live in and 'caretake' the property, paying the rent and other service charges whilst they are absent. Partners and parents who normally live with a young person who is on remand or serving a short sentence may be able to claim help with housing costs whilst they are in custody.

55. National Standards for Youth Justice Services, 2019 <https://www.gov.uk/government/publications/national-standards-for-youth-justice-services>

National Offender Management: Sentence Planning, 2014 <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2014/psi-19-2014-ai-14-2014-pi-13-2014-sentence-planning.pdf>

56. Some 18 year old will remain in the youth secure estate depending upon individual circumstances for instance if they are particularly vulnerable and have only a short period of time remaining to serve on their sentence

57. As noted earlier in this document, the contracts for all CRCs will end in December 2020 and post custody supervision will be led by the National Probation Service

58. See also The Role of Family Support In Resettlement A Practitioners Guide, Beyond Youth Custody 2016 <http://www.beyondyouthcustody.net/wp-content/uploads/The-role-of-family-support-in-resettlement-a-practitioners-guide.pdf>

Have arrangements for surrender of a tenancy or license where appropriate; Having a clear process in place to enable the swift surrender of a tenancy or license when a young person goes into custody for a longer period will minimise debt, and make better use of accommodation. Sometimes young people are wrongly advised that giving up accommodation that they are not occupying and cannot pay for, will result in them being considered ‘intentionally homeless’. In the absence of surrender of a tenancy, a supported housing landlord’s legal procedure will usually provide for a period of notice to expire if a resident has moved out, and possibly court action to recover possession during which time the young person continues to be liable for rent. Arrangements for a swift surrender of tenancy or license will maximise housing resources as well as reducing debt. Housing benefit/universal credit claims must be cancelled swiftly to avoid an overpayment being made as this would be recovered from the young person’s benefit when they next make a claim.

Establish any barriers to housing and include plans to overcome these in sentence planning; Whilst in custody young people participate in training and development and may accept health treatments that have been identified as important for their successful rehabilitation and desistance from crime. In addition to these, young people in custody could be engaged in activities to improve their resettlement prospects in terms of securing and maintaining housing on release. All young people who have not lived and successfully managed their own tenancy benefit from training in financial confidence and learning to manage on a limited budget, and more than any other group of young people, those in custody need this type of training to encourage landlords to consider them as potential tenants.

Additional information on the above can be found in the National Housing Advice Service (NHAS) guide on housing options for offenders pack, see:
https://www.nhas.org.uk/docs/NHAS_Housing_Options_for_Offenders.pdf

YOUNG PEOPLE SAID

- “It is important to begin planning, as young offenders will have something to look forward to and focus on into a safe environment”.
- “This approach is effective to ensure that young individuals housing needs are recognised at the start of a custodial sentence. It is key because they will have plans to move on”.

7. STAGE 2: PLAN AHEAD FOR RELEASE

Timescales for the next stage of forward planning will depend on the length of sentence that a young person is serving, but should begin at least 3 months in advance of their release date. As part of release planning young people, family and agencies involved should review the position with accommodation and agree what actions are needed to ensure that safe and secure accommodation is identified in advance of a release date.

ACTION POINTS

Prepare for the young person to live with family: Whether or not family members have agreed to a young person's return home on release at an earlier point, it is worthwhile making contact again to be sure there has been no change of mind or circumstances, and to offer support to the family to facilitate a return. Sometimes parents or wider family members will agree to a young person returning home to help facilitate their release, but subsequently arrangements break down and the young person is excluded and becomes homeless. Difficulties in relationships within the family may be reduced through mediation, family group conferencing or other interventions such as the offer of practical or financial support. Contingency planning will be as important for young people planning to return home, as it is for those who are to be provided with accommodation.

Assess needs and identify statutory duties:

16-17 year olds who are not already 'looked after' children, and who are likely to be homeless on release from custody, should have a Child In Need assessment completed, or updated, in advance of release to identify what duties the local authority has, and who will be responsible for providing accommodation and support.

A homeless 16-17-year old leaving custody would be a 'Child in Need' of accommodation (Children Act 1989 Section 17 and Section 20) and their needs must be assessed and a Child in Need Plan developed on the basis that they are homeless.⁵⁹ As part of the assessment the young person should be fully informed of the options available, the support that would be available to them as a looked after child now and in the future if they become a care leaver, as well as the differences between being accommodated under Children Act Section 20, or being assisted under homelessness legislation. Please see Annex Two for an outline of relevant legislation.

The advice given to young people as part of the assessment must be based on knowledge of local accommodation options and arrangements, but they should be given a clear picture and an opportunity to obtain independent advice before reaching a decision.

Where 16/17 year olds are judged to have the capacity to make decisions but do not want to be looked after despite having information about their options and the offer of independent advocacy, then Children's Services would need to make a referral to Housing Services.

59. See the MHCLG and DfE Joint Statutory guidance 'Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation' : https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year_old_who_may_be_homeless.pdf

Young people aged 16/17 who decide to become looked after can live in a care setting (usually a foster or a residential placement) but they may also live in “other arrangements”⁶⁰ if this would meet their assessed needs. Supported accommodation fits into the definition of ‘other arrangements’ as it is unregulated and does not provide ‘care’, only housing related support. Ofsted guidance sets out which type of accommodation should be registered as a children’s home and which is unregulated accommodation.⁶¹

Some local authorities make use of unregulated supported accommodation that is not commissioned and contract managed, usually through spot purchasing arrangements. Where such arrangements are used, and particularly for out of area placements, it is important that local authorities are sufficiently assured of the quality of the accommodation and support provided. When placing young people in accommodation at distance from their local family, Personal Adviser and other support networks, a more comprehensive support package is likely to be needed.

16-17 Year Olds who are already looked after or are ‘relevant’ children, which includes those that have been remanded into local authority care under LASPO arrangements⁶², must be provided with accommodation and support through Children’s Social Care Services on their release. The same points (see the two paragraphs above) about unregulated supported accommodation apply to this group. Effective joint planning and information sharing between YOS caseworkers and children’s social care is required to ensure the young person’s needs are fully understood so that suitable accommodation and support can be arranged.

‘Qualifying’ children and care leavers age 16-21 must be identified and the duties owed to them understood. These are young people who have been accommodated under the Children Act 1989 S.20 for a short period before going in to custody, or because they were on remand, but have not acquired ‘relevant child’ status because they have not been looked after for a total of 13 weeks since their fourteenth birthday. Children’s Services still have duties to visit and be involved in needs assessments and release planning for these young people, although they may not continue to be looked after on release.⁶³ If the young person is 16-17 years old on release Children’s Services must reassess their needs as with other young people who are not already looked after.

Some of this group may be ‘qualifying care leavers’.⁶⁴ There are duties to this group who may well be as vulnerable as other care leavers. In many respects this group of young people get the same sort of welfare benefit entitlements as ‘former relevant’ care leavers and will be ‘priority need’ if homeless, but it is important to understand the different entitlements and duties.

60. Care planning regulations enable some looked after young people to be placed in unregulated placements, such as supported lodgings or supported housing, where this is most suitable for their needs. See Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf

61. See the Ofsted guide to registration of children’s homes: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726907/Introduction_to_childrens_homes_180718.pdf

62. Legal Aid, Sentencing and Punishment of Offenders Act 2012 <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

63. Children Act Guidance and Regulations: Local authority responsibilities towards former looked after children in custody, 2010 <https://www.gov.uk/government/publications/children-act-1989-former-looked-after-children-in-custody>

64. See Page 15 of the Vol 3 of the Children Act guidance: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf

18-21 Year Olds Former Relevant Children (Care Leavers) will continue to be entitled to support from Children's Services whilst in custody and will be in 'priority need' until their 21st birthday if homeless and be offered temporary accommodation. Accommodation and support for these young people is best provided through having jointly agreed procedures between Housing and Children's Services, which include identifying needs in advance so that accommodation and support can be provided to prevent care leavers from being homeless on release from custody.

21 – 25 Year Olds Former Relevant Children (Care Leavers) Children's Services have a duty to provide a Personal Adviser and support to young people who are former relevant care leavers aged 21 – 25 if the young person requests help or support. The duty is to assess their needs, then develop and keep under review a pathway plan. The request for help or support can come at any point after the age of 21 and before the age of 25. The support from Children's Services could be additional assistance in planning the move from custody with the Probation Service or Community Rehabilitation Service and if there is a threat of homelessness on release, with the housing authority.

18+ Young Adults who are NOT care leavers will not be automatically entitled to temporary accommodation if homeless, but are entitled to meaningful assistance to relieve their homelessness regardless of priority need. Their needs and circumstances will need to be assessed to determine if they may be in 'priority need' according to the Housing Act 1996 (see Annex One). If the young person was 'looked after' for any period of time when aged 16-17 years old they will be in priority need, until they reach their 21st birthday and so it is very important that assessments undertaken by CRC or Probation Service staff investigate a young person's care history as well as identifying their social, health and welfare needs. Young adults aged 18 upwards should have their circumstances and needs fully assessed so that a plan can be made to prevent them from becoming homeless on release.

Table 2: Planning for Accommodation Needs on Release: Agency Responsibilities

Young People Age and Looked After Status	Agencies Involved	Action required
16-17 year olds who are not already looked after, or a former relevant child	YOS, Children's Social Care, Youth Secure Estate	Child In Need Assessment Children Act 1989 Section 17 to identify needs and if Section 20 would be applicable if they cannot return home. Referral to Housing Services if YP declines Section 20 accommodation and care.
16-17 year olds who are looked after	YOS, Children's Social Care, Youth Secure Estate	Assess accommodation and support needs, identify and agree suitable safe placements.
18-21 Year Olds Former Relevant Children (Care Leavers)	Offender Managers – NPS or YOS, Children's Social Care, Housing Services	NPS/YOS and Children's Social Care assess and provide needs and risk management information to Housing Services in advance of release
18+ Young Adults who are NOT care leavers	Offender Managers – NPS or YOS, Housing Services	NPS/YOS assess and provide needs and risk management to Housing Services in advance of release.

21 – 25 Year Olds Former Relevant Children (Care Leavers)	Offender Managers – NPS, Children’s Social Care (if requested by the young person) Housing Services	NPS and Children’s Social Care, (if requested by the young person), assess and provide needs and risk management information to Housing Services in advance of release
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Use Release on Temporary License (ROTL) to better prepare a young person’s accommodation and support plan. The ROTL provision enables prisoners to be released for a day or overnight stays for particular purposes, which include activities that will contribute toward their resettlement plan. ROTL provides an opportunity to build on efforts to reunite a young person with their family, through a home visit, overnight stay or to attend mediation or other interventions aimed at facilitating a return home. Young people who are unable to return home, including those who are looked after or care leavers, could use temporary release to visit supported housing projects, attend interviews or assessments for housing, or participate in Team Around the Young Person meetings to plan for their accommodation and other needs.

Involve young people in planning for their accommodation and support on release. Whether or not a young person can access the ROTL scheme, they can be involved and engaged in planning for release by professionals making contact whilst in custody through visits, and video link or Skype if available. Some general information about housing options and homelessness, aimed at those in custody may be available from the Housing Authority, but this may not be specific to the circumstances of being young and in custody. Young people who have not lived outside the home before need advice about the options available to them and the realities of living and managing away from parents and family. All young people need honest and accurate advice about their housing options on release. Having good information, including pictures or video clips, of supported housing options that are being considered will help inform young people’s choices, and can reduce fear and anxiety about where they will live on release.

Agree actions amongst professionals delivering the resettlement plan. Some young people have several agencies involved in providing services to manage and support their release, and there will be a need to coordinate activity to ensure everybody is clear about their responsibilities. From a young person’s perspective having one consistent support worker that they get on with and trust is very important. There may also be non-statutory services working to provide more intensive support and/or mentoring to the young person before and after they leave custody. Through this model young people have more intensive one to one support and advocacy.⁶⁵

Whatever the division of responsibilities around practical tasks (e.g. obtaining birth certificate, passport or other ID, setting up a bank account) or other areas of support (liaison with family, arranging assessments, identifying health care), or identifying and managing risks, an agreed plan and good information sharing will be crucial.

65. Beyond Youth Custody has produced research and a practitioners guide on engagement of young people leaving custody, as well as learning from voluntary sector organisations delivering dedicated services to support young people: <http://www.beyondyouthcustody.net/wp-content/uploads/Lessons-from-Youth-in-Focus.pdf> <http://www.beyondyouthcustody.net/wp-content/uploads/Engaging-young-people-in-resettlement-a-practitioners-guide.pdf>

“In general, there is surprisingly little robust evidence from the UK about which interventions are most effective, but what is undoubtedly important is the quality of the worker who is involved with the child, and the relationship that they strike up. The evidence suggests that having one person directly involved, holding the child in mind, keeping going when things go wrong and caring about what happens to him or her, is vital in helping a child to change.”

Charlie Taylor, Review of the Youth Justice System⁶⁶

YOUNG PEOPLE SAID

- “You could be in prison and things on the outside change. But this will help to continuously plan ahead so when they come out they are well connected”.
- “Young people lack connections on the inside, so this will make sure that when you come out of prison, you know where you stand and what is going on”
- “When you have visiting time, you can’t form a good relationship or plan ahead for when you get out. There is just not enough time. It is important to have time to visit family and housing support so you can form a relationship prior to coming out of prison”.

EXAMPLE

Future4Me

The Future 4 Me project is run by the charity 1625 Independent People in the South West. The project supports young people aged 16 to 21, who are at risk of leaving custody without settled accommodation, or are likely to have difficulty sustaining accommodation on release. Staff provide intensive one-to-one support and mentoring to help young people access housing, health and well-being services, learning and work, and to engage with positive activities.

The Future 4 Me approach is to build a one to one relationship with a young person, up to 3 months in advance of their release, working with partners on the resettlement plan, and meeting the young person on release to guide and support them through their next steps. The young person has one consistent worker who can advocate when they become frustrated, angry or upset about the challenges they face, support them to learn from their experience, and challenge them in ways that other workers are not so easily able to do. Future 4 Me has a team of specialist workers who back up and support the one to one relationship with the key worker. Key to the success of the project are the strength of the relationship with the young person, the trust that is built, and also the project’s joint-working with key partners responsible for successful resettlement and rehabilitation. Future 4 Me is funded by the National Lottery Community Fund. Between 2017 and 2020 the project has worked with 12 partner organisations, locally and nationally, to develop a new toolkit that aims to support staff and volunteers working with young people leaving custody to share good practice and learning from Future 4 Me. In addition, 1625ip are in the process of confirming funding to continue their innovative work in this area reflecting the legacy of Future 4 Me.

66. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577103/youth-justice-review-final-report.pdf

Case Study: Yasim had been in care and then served a custodial sentence following a serious offence, he left custody at high risk of re-offending and was experiencing problematic drug use. Yasim had a poor history of engagement with services, even with services that could clearly have benefited him. Future 4 Me worked creatively to develop a positive relationship with Yasim and offered him flexible support, Yasim was motivated to make positive changes in his life but didn't know where to start.

Future 4 Me worked intensively with Yasim and supported him to secure and then maintain accommodation, helping him avoid eviction and homelessness at particular stages. The project worker supported Yasim to access healthcare, housing and benefits agencies, and he was supported to secure paid employment within 7 months of his involvement with the project. An evaluation of the F4Me work with Yasim calculated the cost benefits of providing services which helped secure his housing, employment, and engagement with health services, all of which helped him to avoid reoffending. The analysis demonstrated that the service costs were considerably less than the costs to the public purse had Yasim become homeless, unemployed and went on to reoffend.

8. STAGE 3: FINALISE RELEASE PLAN FOR YOUNG PEOPLE COMING OUT OF CUSTODY

Under 18s: Arrangements to realise resettlement plans should be in place in good time prior to release including accommodation provision. This will help manage a child's anxiety and provide the best opportunity for the child to succeed in their journey towards a positive future and desistance from offending. The YOS holds statutory responsibility for the coordination of youth justice services for children⁶⁷ and will be key player in enabling access to services for the child. Where services are not forthcoming appropriate escalation routes should be followed until appropriate services are delivered.

18s and over: Resettlement planning for young people in the adult estate requires a pre-release plan to be made at least 1 month in advance of release. As part of pre-release planning, professionals, family and young people should be involved in finalising the resettlement plan and accommodation arrangements.

Identify what accommodation will be provided for the young person on release. Local authorities face numerous practical and resource challenges when asked to provide an address for a young person in advance of their release. Many forms of short stay accommodation are expensive, and are not subject to advance bookings. However, discharge arrangements frequently require an address to be provided, and knowing where a young person is going to live makes a very positive contribution to resettlement planning, as well as providing reassurance to the young person and their family.

Some local authorities have implemented arrangements to ensure that an address can be identified and reserved for young people, using dedicated budgets to cover any loss of rent for periods in which a placement is 'held' and kept empty. This approach works best when the authority plan to place a young person within a commissioned supported housing pathway, and less well if the intention is to spot purchase a costlier placement with a semi-independent provider or through a landlord providing temporary accommodation.

67. Crime and Disorder Act 1998 sec 38 (1)

EXAMPLE

Roundabout and Sheffield City Council

Roundabout is a youth homelessness organisation based in Sheffield. As well as their general advice and supported accommodation services they have a specialist scheme for young people involved in the criminal justice system who are aged 16 - 18. A member of their staff is co-located within the Sheffield Youth Justice Service, ensuring that every young person that the Youth Offending Service is working with has safe secure accommodation with appropriate levels of support. Co-location is key as this enables Roundabout staff to:

- know exactly when a young person is due to leave custody and devise robust move on plans
- really understand the needs of this specific client group
- easily access young people's offending history
- quickly and fully risk assess to help identify suitable and unsuitable accommodation placements
- easily arrange visits whilst a young person is in custody

In 2012 Roundabout opened its Resettlement Service for 16 – 18 year olds that enables young people in custody to move directly into their own self-contained single occupancy tenancies managed by Roundabout. With this service Roundabout can work with young people long before their custody release date to identify suitable properties in suitable locations that will give the young person the very best chance of success. The young person has good quality accommodation, sourced from the private rented sector, that can be their permanent home if they wish.

Having this service in place helps young people obtain early release from custody and avoid young people receiving a custodial sentence as Judges and Governors in YOIs understand that a comprehensive package of support will be in place for young people.

The first few weeks of young people leaving custody is crucial in avoiding reoffending. Giving young people quality accommodation that is away from previous negative influences, gives them the best opportunity to succeed. Intensive support is given during the first few weeks of a new placement with young people usually seeing a Youth Justice or Roundabout worker every day. The young person will usually have licence conditions that compel them to comply with support plans during the first few weeks or months of a placement. The multi-agency approach continues as Asset-based support plans are created drawing in specialist workers from both Roundabout and Sheffield City Council's Youth Offending Service to look at specific needs around drug and alcohol use, mental health and employment and training.

The service works with around 50 young people a year, with around 20 young people accessing Roundabout's resettlement accommodation. The service consistently has over 95% positive move statistics and over 70% non-reoffending rates.

M is a young person who was released from custody aged 16 after being in Youth Detention Accommodation for 18 months. M says: **“When I was released, I was so nervous about where I would be placed and what would happen to me. Meeting my worker when I was in custody really helped a lot and it was great to see pictures of the place I was going to live. I love my flat and I’m so grateful for this new start and opportunity. It’s over a year since I’ve lived here now and I’m at college trying hard to get to University. Without Roundabout and this chance I know I would have slipped back to my old ways, there is no way that is going to happen now.”**

Resettlement services based within the secure estates report that some local authorities do not respond to requests for an address to be provided, and as a result disputes, correspondence and costly legal challenges follow. Providing a commitment to accommodate, an indication of where the accommodation might be, and having a resource available to hold placements for at least 2 weeks in advance of release, may prove more cost-effective to local authorities, as well as beneficial to the resettlement plan. Having an identified accommodation and support provider also facilitates contact being made between the new support worker and young person priority to their release, which can provide them with reassurance as well as practical information and advice.

Make a contingency plan in case arrangements break down. Young people and professionals working with them usually have a good idea of the likelihood of an accommodation placement, or a planned return home to family, being successful. The 2015 Joint Thematic Inspection of Resettlement by HM Inspectorate of Probation and HM Inspectorate of Prisons found that contingency planning was lacking even where placement breakdowns were anticipated, and as a result young people who had lost accommodation were living in B&Bs, all-age direct access hostels, night shelters or other unsuitable arrangements. Contingency planning saves time later down the line. The very act of having such a plan can also be a helpful way of encouraging/reminding the young person and family members to seek help and support before things get to a crisis point.

A significant minority of care leavers choose to return home to live with family at some point as young adults, including when they leave prison. Professionals who know a young person and their family will be able to assess the likelihood of the return home being successful or otherwise, and could perhaps offer ‘Family Group Conferencing’ or other support for a return to the family home, as well as having alternative housing plans in place. Contingency planning is part of statutory guidance for pathway planning for care leavers, but if the same principles could be applied to all young people leaving custody this will reduce crisis, and the use of unsuitable housing.

Finalise arrangements for release. Final planning could include arranging to meet a young person at ‘the gates’, setting up appointments with the Job Centre, health care providers and other key services, and arrangements for moving into accommodation. As outlined above, in some circumstances a young person may need support with a return to the family home. For those moving into supported housing or their own accommodation it is very helpful to provide a ‘welcome pack’ of basic goods including toiletries and food, that they will need on the first few days of release. This can help reduce young people’s anxiety about how they will manage and give them a head start on some of the numerous practical things that need to be sorted out. Offender Managers will ensure all relevant professionals are aware of any license conditions that apply to a young person aged 18 or over, and that arrangements are in place if they are subject to home detention curfew.

YOUNG PEOPLE SAID

- “You need the continuous support if something goes wrong. Sometimes you won’t like a place and you need a support network to catch you”.

9. PATHWAY STRAND 3: JOINTLY COMMISSIONED ACCOMMODATION AND SUPPORT

Commissioning to Meet Need

Young people involved with the criminal justice system may need to be offered accommodation because they are at risk at their current home or have been excluded from the family home, or because they have no home they can return to on leaving custody. The type of accommodation and support required will vary according to their individual needs, the risks presented by and to them, and the circumstances and length of placement. Some young people will have a short stay placement, followed by longer term supported accommodation option(s) and then ‘step down’ into a lower level of support when they are more able to manage independently.

Local authorities procure and commission accommodation and support services for young people using various methods and funding streams. Some of the most successful supported accommodation pathways have been developed by joint commissioning, identifying shared priorities and outcomes, and pooling or aligning budgets in order to establish a provision that is fit for purpose. **A jointly prepared needs assessment** – often done as part of a larger needs assessment for young people’s services – will inform the commissioning plan, and should include within it an estimation of how many young people per annum will be at risk of homelessness because of offending behaviour and/or need supported accommodation on release from custody. There is much more detailed data available in local authorities through the changes to homelessness legislation in 2018. All local authorities have new reporting requirements which will better inform commissioners about needs and numbers of people seeking housing assistance because of a threat of homelessness.⁶⁸

It is important to understand that Housing Authorities have limited access to budgets for housing related support, and in two-tier areas the budget is held by the upper-tier county council unless there has been a local agreement to in effect transfer the budgets to the district or lower tier councils. Housing Authorities have statutory duties to provide accommodation services, but not ‘support’. Even where Housing Authorities are involved in commissioning supported accommodation, the budgets (and possibly the expertise) available are not generally sufficient to commission services to meet the most complex physical, emotional and mental health needs. A range of public sector partners, including Health, Criminal Justice and Social Care therefore need to be involved in assessing needs and contributing towards the costs of provision. This will enable more holistic services to be designed and commissioned to accommodate young people with complex needs. The desired outcomes for such services go beyond the prevention of homelessness, and the other statutory duties of Housing Authorities; to include improving employment and education outcomes, health outcomes and reducing reoffending.⁶⁹

Ideally, commissioned provision would include various types of accommodation to meet different needs, and have flexibility for young people to move between services as their needs change. When resources are not available to commission the ‘ideal’ accommodation pathway, floating support services can be used to bolster support to a young person wherever they are living, on an individual basis. In some areas non-commissioned ‘supported housing’ services have been set up

68. See the Government statistics on statutory homelessness (‘H-Click’ reporting) and rough sleeping here: <https://www.gov.uk/government/collections/homelessness-statistics>

69. For more information about the costs of different public sector interventions, which may assist in a rationale for local joint commissioning see: <https://www.greatermanchester-ca.gov.uk/what-we-do/research/research-cost-benefit-analysis/> and also <https://www.pssru.ac.uk/project-pages/unit-costs/>

by charitable organisations using donations, client contribution and ‘enhanced housing benefit’ arrangements to cover the costs of management and support. It should be noted that the funding, in particular the use of ‘enhanced housing benefit’, for supported housing has had considerable Government and stakeholder focus relatively recently.⁷⁰

Having a single point of entry or ‘gateway’ into supported housing greatly improves risk management, safeguarding and the quality of placements, helping to ensure young people are matched into suitable provision.

Whatever the referral and placement arrangements, professionals responsible for various elements of a young persons’ resettlement programme will need to maintain information sharing after a young person moves into accommodation, keeping track on how well they are managing and any risks that emerge. In most supported housing schemes each young person has a named ‘key worker’ or support worker. This person needs to be included in any review and planning meetings.

By working together, sharing information and involving the young person in plans to meet their housing needs, agencies will together improve the prospects for safe and sustainable housing placements.

Providing Suitable Accommodation

What is suitable?

Regulations and guidance on what constitutes ‘suitable accommodation’ has been issued in respect of looked after children and care leavers⁷¹, and homeless applicants.⁷² Drawing from both sources a basic checklist for young people would include:

- **Location** and proximity to transport, services the young person needs, family and sources of support
- **A ‘Fit and Proper’ landlord** manages the accommodation
- **Facilities and services** are adequate, including heating and hot water
- **Property is well maintained**, and in a good state of repair, information is available on reporting repair problems, including in an emergency
- **Health and safety** has been confirmed, gas and electrical certificates obtained, and property is compliant with House in Multiple Occupation (HMO) regulations where applicable (see below).
- The property has adequate **security**
- **Risk** has been assessed, the young person is not located in an area where they would be at risk, or in shared accommodation with anybody who might present a risk to them, or who might be at risk from them
- **Affordability** has been assessed taking into account the young person’s income and outgoings now and for the foreseeable future (for longer term accommodation)

70. See the Parliamentary Library Briefing on background regarding funding for supported housing here: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06080>

71. See Section 3.116 – 3.142, Volume 2, Care Planning Guidance and 7.12 – 7.18 of Volume 3. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf

72. On suitability of accommodation see Chapter 17 of the Homelessness Code of Guidance: <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-17-suitability-of-accommodation>

Avoiding the use of unsuitable accommodation

Bed and Breakfast (B&B) is defined in the Homelessness Suitability Order 2003 as privately owned accommodation in which residents share facilities such as kitchens, bathrooms and/or toilets, and is usually paid for on a nightly basis. Joint MHCLG and DfE guidance⁷³ states that B&B type accommodation is never suitable for 16-17year olds, and DfE guidance on accommodation for care leavers indicates B&B should only be used in an emergency and for a maximum of 2 days.⁷⁴

B&B is not suitable accommodation for any young people who are vulnerable and avoiding its use should be a key objective for commissioners and managers. The problems involved in using B&B accommodation include:

- Lack of control over who else occupies rooms and shared facilities
- Difficulty in managing risks presented by the young person to other residents, and the risks posed by other residents to them
- No on-site professional support
- No quality assurance framework – although Houses in Multiple Occupation are subject to regulation (see below) B&Bs have not always been identified by local authority Environmental Health Services, and may not be subject to regular inspections.

Houses in Multiple Occupation (HMOs) Although B&B accommodation is specifically identified as unsuitable for vulnerable young people, other 'Houses in Multiple Occupation' (HMOs) may share the same attributes and also be unsuitable, depending on the management and support arrangements. An HMO is any property which is occupied by 3 or more people from more than one household, who share kitchen, bathroom or toilet facilities. If the property has 5 tenants forming 2 or more households and is privately owned, it must be licensed by the local authority.⁷⁵ Some local authorities have developed local licensing schemes through which a wider category of HMOs require inspection and a license to operate in the area. HMO landlords must ensure that the properties they let meet certain standards for health and safety, and are properly managed, and local authorities have powers to enforce standards, including through criminal prosecutions.

Types of Accommodation

Forward planning around young people's accommodation needs will reduce the need for local authorities to have access to accommodation which can be accessed quickly for short periods of time.

A young person may need an emergency placement, or might move directly in to a medium to long term supported housing environment. The types of accommodation that local authorities might use are listed below. This is not an exhaustive list, and much of what is available depends on the local housing market and the supply of different types of supported housing. There will also be variation in the way the accommodation services are delivered, agreements on lengths of stays etc. Forward planning can help avoid multiple placements that are likely to cause instability and trauma for children and young people, and increase the likelihood of poor outcomes.

73. See: <https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation>

74. See Section 7.12 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf

75. Note changes from October 2018. See <https://www.rics.org/uk/news-insight/latest-news/news-opinion/new-hmo-rules-come-into-effect-in-england-on-1-october-20>

Temporary Accommodation (TA) may be provided by the Council. Local housing authorities have a statutory duty to provide short term 'interim accommodation' to people who they have reason to believe may be eligible for assistance, homeless and in 'Priority Need'.⁷⁶ The Temporary Accommodation (TA) is provided on an interim basis for up to 56 days, which is the 'relief' duty of the amended Housing Act 1996. If after 56 days a local authority has been unable to assist a young person who has 'Priority Need' to relieve their homelessness, then they are provided with TA under the 'main duty' as long as they are eligible, and not intentionally homeless. TA must be suitable for their needs.⁷⁷

The TA might be owned by the local authority, a Registered Provider (a social landlord such as a housing association) or private landlords, and in most cases, it will not have on-site staffing to provide support. Wherever possible professionals should cooperate to avoid the need to place vulnerable young people in TA, especially if it is unsupported – which most is. Where placements are necessary floating support should be provided to help the young person to manage and sustain their accommodation.

Emergency bed spaces or 'crash pads' can be used under a 'prevention' or 'relief' duty (whether a young person has Priority Need' or not) may be included within a commissioned supported accommodation pathway and can be achieved by ring-fencing rooms, some of which may not be suitable for a longer term let, but will be suitable for a short stay. Emergency places might be used as an interim supported housing placement whilst efforts are made to help a young person return home, or until alternative arrangements can be put in place.

When costing for emergency bed spaces commissioners should allow for a higher proportion of time as 'void'. Covering the lost rent when the bed space is not in use is likely to be cost effective if the alternative is to use temporary accommodation or to spot purchase with a private provider.

Assessment centres tend to be commissioned as part of a broader young people's accommodation pathway, usually in large urban areas. They provide a first stage point to the supported accommodation pathway, where young people can stay for a short period whilst they are assessed and their next accommodation decided. If the local authority and providers work effectively together to manage moves in and out of the assessment centre, it should be possible to ensure a unit is made available for a specific date to accommodate a young person being released from custody.

76. Young people aged 16/17 are automatically Priority Need, as well as young people 18-20 who have been looked after at any point when they were 16-17. Other young people aged 18 – 24 may be assessed as being in Priority Need because they are vulnerable for other reasons

77. On suitability of accommodation, including TA, see Chapter 17 of the Homelessness Code of Guidance: <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-17-suitability-of-accommodation>

Nightstop is an accredited scheme run by Depaul UK⁷⁸. It provides safe accommodation for young people for a few nights in the homes of approved local host families. Young people who experience a sudden housing crisis are given a room for the night and a meal, in a family setting. It can be a particularly good option in more rural areas, where suitable emergency provision in a young people's accommodation project could be a long way away. Before placing a young person with a Nightstop host, a risk assessment must be carried out, and some young people with an offending history may not be considered suitable for placement.

Supported lodgings provide accommodation within a family home in the community. The host provides a room and cooking and washing facilities, as well as offering support and advice to the young person. Supported lodgings can help young people to improve their life skills, such as managing money, cooking, shopping, cleaning, etc., and give them a family-based setting. Some supported lodgings are specifically for young people with high support needs, such as young parents, those coming out of custody, or those at risk of sexual exploitation. Supported lodgings schemes usually provide a medium to long term stay for a young person preparing to live independently, but some schemes offer short term or emergency placements. Schemes which identify hosts outside the local authority boundary can provide a very supportive option for young people who cannot remain safely in their own area.

Supported accommodation schemes can vary considerably in size and can contain single rooms (with shared kitchens and bathrooms); bedsits or small self-contained flats. Support may be available 24/7 on-site, in the daytime only or on-call support at night. Schemes can also include 'dispersed' housing for those who don't need or benefit from a larger shared living environment or may have 'step-down' units attached to a larger building to help young people prepare for a less intensively supported environment. Support workers (sometimes called 'key workers') work individually with young people on their own support plan towards agreed goals, such as around education, training, employment, life skills, independent living skills, improving emotional well-being, confidence and physical health.

Some supported housing pathways include a mix of high, medium and then low or 'step down' support accommodation and have flexibility for a young person to move between different units according to their needs. A young person may be placed initially in a high support unit with 24 hour on site staffing, and when ready 'step down' to a property where they have more independence, and support is provided during the daytime only or through visits from support workers. A flexible pathway also allows for a young person who is not managing well to step up into a higher support placement and/or to have additional floating support hours provided.

78. See here for more information: <https://uk.depaulcharity.org/NightstopUK>

EXAMPLE

Nottinghamshire County Council has two sets of arrangements in place for the commissioning of supported accommodation which young people experiencing homelessness, looked after children and care leavers aged 16 -21 can access as part of their transition to adulthood. The young people's element of the County Council's housing related support budget was pooled in 2015 with the 16+ placement budget to achieve the scale of the provision.

Underlining the planning for the new model was a recognition that new provision needed to be able to support all young people, including those with multiple and complex needs and young people with an offending background.

Young people leaving custody are put forward for accommodation by their YOS worker well in advance of their release so that they can be prioritised and suitable accommodation identified for them. This enables the young person to know which service they will be going to on their release, and the provider to meet with them and start to build a relationship and discuss expectations of living in a supported accommodation setting. Family connections, preferences and the needs of the young person are considered when identifying where they should be placed. Bed spaces may be held for several weeks, with rental costs covered by a resettlement grant or by the Leaving Care Service. Total expenditure on reserved spaces is considerably less than costs of an emergency placement outside the pathway.

There are two types of placements available:

- The main 16+ provision has 227 units of accommodation for homeless 16/17 year olds, LAC and Care Leavers transitioning from residential or foster placements and vulnerable homeless young people aged over 18. These services provide choice around housing options for young people via the provision of 'core' and 'cluster' accommodation which is grouped into 6 areas of the county. The 'core' services are staffed 24 hours a day and have appropriate levels of staffing to support young people presenting with a range of needs. In addition to the core service, there are 'cluster' units of accommodation which may be self-contained or small shared houses where staff provide visiting support. The support provided is responsive to the young person's needs and may increase or decrease to meet the needs of the young person.
- Individual placement agreements commissioned via a Dynamic Purchasing System with approved providers that are able to provide support for young people who need a greater level of support than is readily available within the main 16+ provision. These placements are sourced as a step down from residential before moving into the main provision, or where it is clear the Looked After child would not be able to sustain their accommodation within the main provision. There are a range of accommodation options available which include solo placements with staff available 22 hours a day, and small settings with visiting support.

A package of support is individually tailored and is responsive to the young person's needs. Within the main provision, young people typically enter a core service then progress on into cluster accommodation as their independence, resilience and ability to manage a tenancy improves. However, some young people may move directly into the cluster accommodation if this is deemed more suitable. Some young people may require a move from a more independent cluster property back into the more supported 'core' service if their needs would be met more appropriately in that setting. Similarly, some young people will move from the core service into a higher needs placement if this is more suited to their needs.

The commissioners believe that there has been improved value for money, compared to previous spot purchasing arrangements, and the quality of service delivery is high.

Accommodation with intensive support may be provided on a spot-purchase basis through a private or charitable provider, or commissioned as part of a pathway. Where accommodation and support is spot purchased the commissioners are usually from Children's Services and the young people are looked after 16/17 year olds or are care leavers.

In this model a small number of young people usually live in shared smaller properties and have on-site support either 24/7 or for a specified number of hours per week. This can be an expensive form of accommodation and support if it is 'stand- alone' and local authorities will generally only use it to accommodate young people with particular needs and where there is a legal duty owing.

Live, Work, Earn and Learn options. Many commissioned supported accommodation projects for young people will include a proactive focus on education, training and employment. The growing challenge of affordability of housing for young people means that preparing for economic activity is an important part of any stay in supported accommodation. It is important to ensure that accommodation and support options proactively encourage and support young people to engage in education, training and employment, including Further Education, volunteering and apprenticeships. Some local supported accommodation schemes may describe themselves as foyers, some of which are accredited by the Foyer Federation, and others are commissioned to provide a similar sort of service. Other developing models include Young Workers co-operatives and Live and Work schemes where rents are at a level which enable young people to live and work and be benefit free. Creative commissioning can help overcome the financial challenges in such schemes.

EXAMPLE

St Basils runs the 'Live and Work' scheme in Sandwell in partnership with Sandwell and West Birmingham NHS Trust. The scheme offers apprenticeships with the Trust and affordable rents with light touch support to young people who need it.

Private rent prices are continuously rising which ultimately leads to young people finding it extremely hard to become independent. The Live and Work scheme provides shared accommodation for young workers for £44 per week inclusive. This scheme is open to 16 and 24 year olds in the West Midlands who are employed – and is particularly ideal for apprentices and those on a low income.

The scheme is totally benefit free, which means that young people get the opportunity to Live and to Work without having to rely on welfare benefits. The independent evaluation showed that for every £1 of capital cost to develop the scheme, there is a £14 return to the public purse over 10 years.

The accommodation, home to 32 young people, comprised of 8 flats. Each flat has 4 bedrooms, with shared kitchen, dining and bathroom facilities. Its location is only 20 minutes away from Birmingham city centre with reliable transport links and good local amenities.

Since opening in 2015, the scheme has won numerous awards, including two for NHS partnership work and one for 'Excellence in Education', as well as the 2018 national Housing award for 'Outstanding approach to tackling Homelessness'

To find out more see: <https://stbasils.org.uk/?s=Live+anD+Work>

Accommodating Young People with Complex Needs

Most homeless young people can be accommodated within a supported housing pathway, especially where there is some flexibility about placements and a variety of different types of service to suit needs. However, there is a significant minority who have needs that cannot be met in more traditional supported housing schemes, who do not manage well or present too much risk within a shared environment and/or who need more a more bespoke or specialist service.

Learning from the Fair Chance Fund

The Fair Chance Fund was an innovative three-year programme, funded by the Government and designed to improve accommodation, education and employment outcomes for homeless young people aged 18 to 24.⁷⁹ The programme was designed for young people who were likely to be at high risk of rough sleeping because local supported housing and general housing options were not available to them due to their high level of needs. Some of these young people had a history of involvement in the criminal justice system and had spent time in custody.

The importance of the Fair Chance Fund, in terms of learning is significant for all local authorities, especially commissioners of supported housing in terms of considerations for future commissioning for young people with multiple and complex needs. There are interim and final evaluations available on-line which give much more detail on this programme and the learning.⁸⁰

The criteria for entry into the programme was for young people:

- Aged 18-24 (21 and over if care leavers)
- Homeless and non-priority
- Not in education, training or employment (NEET)
- A priority for Local Authority support but **unable to be accommodated in a supported housing scheme** as a result of:
 - o Previous difficulties in, or eviction from supported accommodation
 - o Security issues e.g. for young people involved in offending behaviour
 - o Needs deemed too high/complex to manage within current schemes
 - o Lack of specialist supported accommodation
- May be in priority need and intentionally homeless

It was funded on a 100% payment by results basis, with projects being backed by social impact bonds following a competitive bidding process. Social investors funded project providers to set up and deliver services, recouping their investments as and when outcomes were achieved, and triggering payments against a set of specific metrics and tariffs.

79. See the final evaluation of the Fair Chance Fund here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793810/Fair_Chance_Fund_final_report.pdf

80. See here for the Fair Chance Fund evaluation: <https://www.gov.uk/government/publications/fair-chance-fund-evaluation-final-report>

A total of 1,910 young people were recruited by the seven projects during the Year 1 recruitment period.

Accommodation outcomes included:

- 1,657 young people, or 87% of all participants, entered accommodation, of whom;
- 93% achieved a 3-month sustained outcome
- 86% achieved a 6-month sustained outcome
- 73% achieved a 12-month outcome
- 62% achieved an 18-month sustained outcome (53% of all participants).

Employment, education and training outcomes included:

- 33% entered employment – 623 young people. Most commonly this was in entry level posts in the retail, hospitality, construction and manual trades.
- 55%, achieved an entry to education or a training outcome – 1,042 young people. Most commonly this was short, internally delivered life skills or pre-employability provision.
- 13% undertook some volunteering work – 252 young people.

Young people engaging with the Fair Chance Fund were less interested in taking up education and training opportunities than originally anticipated, as more young people wanted to enter employment. Most projects re-profiled their education outcomes downwards to reflect lower than projected demand.

The learning across the Programme was in part related to how different provider organisations running the 7 projects experienced the challenge of a new way of working - a Social Impact Bond with 100% payment by results. There is learning around some of the positives and the challenges this presented some agencies. There is also learning about delivery models to support positive outcome for young people with multiple and complex needs, including:

- **Dedicated key workers providing holistic bespoke support:** through providing more intensive and personalised support, the ability to engage, develop trust, and act as advocates was important. Young people valued the sustained, responsive, emotional and practical support received, often in contrast to support received previously.
- **A housing-led approach:** the focus on accommodation as a key outcome enabled young people to progress into education and employment outcomes. Unsurprisingly, given the client group, some young people were not ready for living more independently and needed time in supported housing before moving on.
- **The three-year duration of the project:** because the young people had support for a minimum of 2 years, with no new young people joining the programme after Year 1, this allowed time for relationships and trust to be established and for the long-term support required for progression.
- **Flexibility of approach:** the programme and the funding model actively encouraged providers to determine their own models or 'theory of change' and if necessary adapt their ways of working - as long as these changes fitted with the funding arrangements and organisational ethos allowed. In order to achieve outcomes - and therefore payment - the providers added in new provision or staff with specialist accommodation, education or employment remits.

Therapeutic and Psychologically Informed Approaches

Young people who are involved in offending behaviour and are homeless, are more likely than other young people to have had traumatic and damaging life experiences, which have affected their emotional and mental health, behaviour, and ability to manage relationships. Traditional supported housing models may not meet their needs; resulting in young people not being accepted for placements or being evicted and excluded due to their behaviour.

Some supported housing providers are now developing accommodation and support models which are “psychologically informed” and/or use a therapeutic framework to respond to young people who have experienced complex trauma in their early lives. The approach goes beyond provision of housing with a support plan, with greater ambition to transform young lives. Psychologically informed services ensure staff are well trained to understand the emotional, psychological and behavioural impact of negative childhood experiences and their contribution to homelessness. This understanding underlies how staff relate to service users, the way key work sessions are delivered and additional support is provided, and arrangements are in place for psychological input and reflective practices.⁸⁰

Creating a Psychologically Informed Environment (PIE) takes time, it is not an approach that can be introduced overnight, simply through staff training or re-decorating the building. Good practice guidance (funded by the then DCLG) on psychologically informed services for homeless people was published in 2012⁸¹. Homeless Link have also published a toolkit to support organisations adopt the PIE framework⁸².

Housing First schemes are generally aimed at people with multiple and complex needs, including ‘entrenched’ rough sleepers. The model is gaining significant interest and support from policy makers⁸³ because it provides a potential solution for some people who are rough sleeping as well as those for whom every other housing option has failed, and the goal of their own home is never reached because the person cannot sustain living with others in supported housing. Housing First schemes provide an independent tenancy, either in the social or private housing sector, as well as very intensive, bespoke wrap-around support. Whilst it tends to be a model that is used for older, long-term homeless people, it is an option to consider for young people who do not manage well in other supported accommodation, or whose needs are not well met in a shared housing environment.

Out of area placements are sometimes required for young people who are involved in the criminal justice system, and may be particularly challenging for a unitary local authority to arrange. Commissioned supported housing is almost always located within the local authority area and so out of area placements are generally made through private providers at extra cost. Whilst a local authority can use its Children’s Social Care placement budget to fund an out of area placement for a looked after young person or care leaver, the same opportunity is not available for other young adults who are homeless and need some form of supported accommodation outside of their own area.

80. See also <http://www.beyondyouthcustody.net/wp-content/uploads/Developing-trauma-informed-resettle-ment-for-young-custody-leavers-a-practitioner’s-guide.pdf>

81. <https://eprints.soton.ac.uk/340022/>

82. <https://www.homeless.org.uk/sites/default/files/site-attachments/Creating%20a%20Psychologically%20Informed%20Environment%20-%202015.pdf> and a case study of the implementation of a PIE at St Basils is available from the Housing LIN: <https://www.housinglin.org.uk/Topics/type/St-Basils-Psychologically-Informed-Environments-meeting-the-emotional-and-psychological-needs-of-young-homeless-people/>

83. See here for Government announcement of 3 national pilots: <https://www.gov.uk/government/news/housing-secretary-james-brokenshire-awards-funding-to-reduce-rough-sleeping>

By working collaboratively together local authorities can develop cross-authority services, or agree reciprocal arrangements to help one another to facilitate out of area moves for young people at risk. This could be a piece of work combined authority areas might find useful to explore.

EXAMPLE:

Safer London's Pan-London Housing Reciprocal is a mobility scheme for social tenants who are at risk of violence where they live. The current housing situation in London means that the majority of families on a low income, or receiving benefits, can't afford to rent privately. This can often mean that those who are at risk of violence are often faced with a hard choice – retaining their current social tenancy and remaining at risk, or giving up their tenancy, becoming homeless and potentially spending years in temporary accommodation.

The Pan-London Housing Reciprocal provides an alternative by supporting young people and families to move to a safe borough in London, away from the area where they were at risk and keeping a social tenancy. Safer London act as a central coordinator and works with councils and housing associations, who voluntary agree to collaborate to rehouse each other's tenants who are at risk of domestic abuse or another form of violence. For each tenant rehoused, the referring landlord agrees to reciprocate a same size property to the central pot, to rehouse another landlord's tenant. The housing pathway is accessible for any form of violence or abuse including serious youth violence as well as domestic abuse, sexual violence or exploitation and hate crime.

Preparing Young People for Independent Living

Young people involved with the criminal justice system may need to spend longer in supported housing than other young people if they are to be sufficiently well prepared to manage independently in their own accommodation.

For those in supported housing their prospects and timescale for 'move on' will be adversely affected by any reoffending, especially if they return to custody and must surrender their supported housing placement to avoid incurring rent arrears and debt. Despite the many challenges, young people can make a positive transition from supported housing and, with the help of those providing them with support, become ready to move on and manage their own accommodation.

Helping to prepare a young person to move on will be the shared responsibility of professionals involved, including their supported accommodation provider. Local authorities and partners should have arrangements in place to build the independent living skills of young people preparing to live independently, particularly for their looked after children and care leavers. Young people involved in the criminal justice system are likely to need additional help with financial confidence and budgeting skills, and providing dedicated training around financial management will contribute toward preparing them for the very difficult task of managing household costs on a limited income.

EXAMPLE

The Money House (TMH) is a homelessness prevention programme for 16 – 25 year olds which helps young people in, or about to move into housing, manage their money and remain independent. Participants gain practical financial and digital skills to pay their rent, bills and living costs whilst making informed choices about their future.

Topics taught during the course range from:

- Tenancy agreements – Rights & Responsibilities
- Cost of moving in
- Avoiding eviction
- Paying household bills
- Choosing utility providers
- Banking – Accounts & Savings.
- Borrowing safely.
- Budgeting – Weekly & Monthly
- Spending habits – Good & Bad
- Shopping – Offers, consumer rights
- Benefits – Entitlements & Universal Credit
- What's next – Planning for the future?

Young people who complete the 5 day course are awarded with a Level 1 Money Management accreditation from ABC as well as an Entry Into Work Employability Module.

Sessions take place in a fully kitted out flat, not a classroom. Trainers help young people become more confident about money and living on their own by providing real-life skills in a unique setting that brings financial education to life and helps prevent homelessness.

TMH is part of the move on pathway in four boroughs and has houses in Greenwich, Newham and Westminster.

Housing:

- 3 times less likely to have problem arrears.
- 64% drop in evictions for those 'at risk'
- 68% drop in arrears for semi-independent tenancies, 43% for fully-independent.

Financial Capability:

- 45% reduction in bank charges & missing bills.
- 22% increase in borrowing safely
- 54% increase paying off debt regularly
- 27% increase in confidence managing money – higher than national average.

Financial exclusion of those not banking / saving / budgeting:

- 22% increase in borrowing safely
- 54% increase paying off debt regularly
- 27% increase in confidence managing money – higher than national average

Evaluation includes NESTA Level 3 Standard of Evidence using comparison groups, independent assessment by ERS, a two year study of 839 individuals, intervention & control data from housing providers.

For more information see: <https://mybnk.org/our-work/financial-education/the-money-house/>

YOUNG PEOPLE SAID

- “I left home and I didn’t know what to do. I didn’t know how to cook or to pay the bills. So I can’t imagine coming out of prison after a long time and being expected to know how to manage my own home and provide for myself”.
- “Teaching young people essential life skills will ensure that they can maintain their own place. This would have helped me to not rely on others for support”.

Jointly Commissioned Accommodation and Support: Checklist

- Commissioners of housing related support have conducted an accommodation needs analysis, know how many young people who are at risk of offending require accommodation and support, and are commissioning services that contribute to rehabilitation and reduced offending.
- Health, Criminal Justice and Social Care partners are involved in identifying needs and contributing towards therapeutic housing services to meet complex needs and improve health outcomes as well as reducing reoffending.
- There is a single access point or ‘gateway’ into all supported housing options for young people.
- Supported housing or accommodation with floating support can be provided to meet different needs, with provision for young people who cannot be placed safely within a shared supported housing environment. Emergency short stay supported housing is available as an alternative to using temporary accommodation in a crisis.
- Arrangements are in place to reserve or to hold supported housing units for young people coming out of custody so that an address can be provided in advance of a release date.
- Robust risk assessment and management arrangements are in place, involving all key professionals sharing information to minimise the risks associated with placing a young person in any form of accommodation.
- Cross-local authority collaboration helps to facilitate out of area moves for young people who are at risk and/or would present a risk to others within their home area.
- Young people are well prepared and financially aware before they move on into their own accommodation.
- Supported housing services are transformational, helping a young person to make changes in their life whilst gaining the life skills that they will need to manage independently.

10. PATHWAY STRAND 4: A RANGE OF HOUSING OPTIONS WITH RESETTLEMENT SUPPORT

Although this strand of the pathway refers to ‘resettlement’ support, the options and interventions referred to will apply equally to young people serving community sentences and/or those who need help with accommodation as part of longer term rehabilitation.

Rehabilitation of Offenders Act

Landlords in both the private and social housing sectors exercise some choice about who they will offer a tenancy to. Private landlords generally require references, guarantors and evidence that a prospective tenant is somebody who will pay their rent and look after their property well. Social landlords have policies for allocation of their properties, many of which include clauses to exclude people who it is believed may not make ‘good tenants’.

People with a history of offending may also be excluded from accessing housing because of their convictions, and need to be properly advised on the protection provided by the Rehabilitation of Offenders Act 1974. If a young person’s conviction is now ‘spent’ according to the Act they do not have to disclose it to a landlord when looking for accommodation, nor can they be disqualified from a local authority housing register on the basis of spent convictions. Information on the timescales for convictions becoming spent is available from the government website.⁸⁴ For some serious and public protection offences, a conviction will never be considered spent, but for most offences young people convicted before they reached the age of 18 will see their convictions spent sooner.

Young people who have unspent convictions should be advised against misleading a landlord who asks about their offending history. Tenancies obtained by providing false information could be ended by the landlord if they become aware of convictions later. There may also be insurance implications if the property is let to somebody with unspent convictions that have not been disclosed, and if the landlord loses out as a result they may look to their tenant to make up any losses.

However, there are landlords in both the private and social housing sector who are willing to let properties to people with an offending history, especially if the arrangements are made by a local authority offering support to both landlord and tenant to make the letting work.

Getting Landlords on Board

Although landlords vary considerably, they mostly want tenants who will pay the rent, look after their property, and abide by the tenancy agreement. Schemes that offer incentives to landlords, financial or otherwise, will improve the chances of getting and keeping a landlord engaged in offering accommodation to young people with an offending history. Holding landlord forums and consultation events can help shape the ‘offer’ to local landlords (both social and private), based around their priorities and concerns. The offer might include guarantees that young people will:

- Have a bank account, ID and all the documents they need to access benefits
- Be confirmed as in employment and eligible to claim benefits if needed

84. The 1974 Act was amended by the Legal Aid Sentencing and Punishing of Offenders Act 2012, and guidance issued by the MoJ in 2014 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf

- Meet the requirements of the 'Right to Rent' legislation⁸⁵
- Have completed pre-tenancy and financial management training
- Be provided with floating support/intensive support (depending on need) which will continue for at least 3 months and will be available subsequently if the young person gets into arrears or other difficulties
- Receive further support in the future if they are at risk of homelessness

Landlords will:

- Be advised of any unspent convictions the young person has
- Be provided with a contact point within the local authority, and access to advice and support to assist if there are problems with housing benefit, universal credit or the young person's behaviour
- Receive adequate financial compensation if their property is damaged, beyond normal fair wear and tear
- Meet with and have ongoing contact with the young person's Offender Manager

Offers to landlords will be subject to resources, but schemes that provide on-going support and reassurance to both landlord and tenant will have greater prospect of long term success.

EXAMPLE

Doorway – Private Landlords Scheme

Doorway is a youth homelessness charity in Warwickshire that has been developing relationships with private landlords to secure accommodation. Doorway provide a range of both housing management and property management services to the landlords, and support to the tenants. In some cases, the properties are leased by Doorway.

Services offered to landlords include:

- Preparation of license and tenancy agreements
- Inventories
- Risk assessments
- Health and Safety inspections
- Assessment of potential tenants
- Rent collection service
- Monitoring of rent accounts

The scheme has increased the confidence and willingness of private landlords to let to homeless young people and has delivered 64 units so far.

Affordability and Welfare Benefits

The amount of affordable housing available to people on benefits or low incomes varies across the country, but wherever they live young people are finding it increasingly difficult to find and access affordable accommodation. This is due in part to a combination of rising rents and house prices in most areas and welfare policy changes over time that have limited the amount of money available for housing costs. Those with an offending history face additional barriers, and will need more support to secure their own independent accommodation.

85. Private landlords now have a legal duty to ensure they do not let their property to people who do not have a right to be in the UK. Documentary checks are required for all new tenants, and a landlord can be fined up to £3000 for a breach. <https://www.gov.uk/check-tenant-right-to-rent-documents/how-to-check>

Most young people under the age of 35 are only entitled to a 'local housing allowance' (LHA) to cover the costs of a room in a shared house. This is the '**shared accommodation rate**', also known as the 'SAR'.⁸⁶

As the LHA has been frozen for several years and is set below market levels, finding affordable accommodation is increasingly challenging for young people who need to claim housing costs to pay their rent. Some young people 18-24 have an exemption from the SAR, or are not reliant on benefits to pay their rent. For these young people, self-contained 1 bedroom or studio style units may be found subject to local market conditions. The SAR exempted groups are:

- Couples or single people with children in their care
- Care leavers up to the age of 22
- People entitled to the Disability Living Allowance (DLA) care component at middle or high rate, or Personal Independence Payment (PIP) daily living component
- People subject to MAPPA Level 2 or 3 risk management arrangements claiming Universal Credit.

Note that the Universal Credit Regulations 2013 list the young renters that are exempt from SAR, but unlike Housing Benefit Regulations, the Universal Credit Regulations do not distinguish between MAPPA offenders who are over or under the age of 25, so that the exemption applies to any 18-34 year old subject to active MAPPA management. Professionals involved with MAPPA management of young people leaving custody should have better prospects of finding suitable self-contained accommodation to minimise risk.

Applying for social housing

'Social' housing is provided by Councils and by housing associations both of which are 'Registered Providers' regulated through the Regulator of Social Housing.

Local authorities are required by law to devise and publish an 'Allocations Scheme' which sets out how they manage access to social housing in the area. Properties are let to people who have applied and been accepted on to the local 'housing register', and who have the highest priority for an offer of housing according to the Council's Allocations Scheme. Many local authorities use a 'Choice Based Lettings' or "CBL" scheme in which applicants bid for properties advertised for their area, as well as making some 'direct offers' to people who are unable to bid or who have needs which are not well met through the bidding process. Whatever the policies and processes that local authorities use to let social housing, there is significantly greater demand for accommodation than properties available and so many housing applicants must look for alternative sources of housing, including in the private rented sector.

Since the Localism Act 2011, local authorities have had more freedom to determine their policies for allocating social housing, so long as they meet statutory responsibilities and provide 'reasonable preference' to certain designated groups. Each local housing authority area will have its own set of policies for allocation of housing, but there are some general trends in policy direction that have implications for young people with a history of offending.

86. Local Housing Allowance rates for every area can be found on the Direct Gov website <https://lha-direct.voa.gov.uk/search.aspx>

The most common reason for excluding an applicant from housing, or suspending their application on the local authority housing register, is that they have rent arrears or a rent debt from a previous tenancy. Young people who have lost a tenancy when they went into custody may find that arrears have built up in their absence unless action has been taken to prevent this. They not only remain liable for the debt, but it may also prevent them from gaining access to accommodation from the same local authority in the future.

Housing applicants with a history of anti-social behaviour and/or criminal convictions may be excluded or given less priority within a local authority allocation schemes if their history of behaviour makes them 'unsuitable' to be tenants. Allocations policies and practices that take into account a person's offending history must be compliant with the Rehabilitation of Offenders Act⁸⁷, and any decision taken by a local authority to suspend or exclude somebody from the register should be individual, take into consideration a person's circumstances and needs, and advise the applicant of their right to request a review.

Local authorities are increasingly applying residence requirements to their housing registers, which require the applicant to have lived in the area for a specified number of years before they are eligible to join the register. Prisoners and former prisoners may be excluded from the housing register because they have not lived in the area unless the local authority's policy considers the different circumstances and looks at the 'usual place of residence' when applying the residence criteria.

Young people who appear to be affected by Allocations Scheme exclusion policies should not be deterred from making an application to join the housing register and, if the exclusion seems unfair, or discriminatory, appealing against it based upon their own needs and circumstances. When advising young people professionals also need to be clear that applying to join the housing register and making an application for assistance as a homeless person are separate processes with different legal and procedural requirements. If a young person is homeless and eligible for assistance they will be entitled to help as a homeless applicant, whether or not they are excluded from the local authority's housing register through the Allocation Scheme.

Living in Social Housing

Young people who are accepted onto their local authority housing register with some prospect of being offered social housing need to understand what this will mean for them.

Choice of Accommodation: Most local authority allocations policies provide for only one 'reasonable offer' of a property to people who have a priority for housing, which may include young people leaving care, moving on from supported housing or who have been accepted as statutorily homeless. If the young person cannot live safely in particular areas, or could not manage in certain types of property, the local authority should be given as much information and evidence of their needs as soon as possible so that they are not offered properties which are unsuitable for them. Young people also need to be made aware of the sorts of properties the local authority might offer so they are well prepared and realistic about what is available. They must be encouraged to think very carefully, and seek independent advice, before turning down an offer that has been made. If the offer is turned down, then the young person will not be offered another property unless they are successful with an appeal on the basis that the offer was not reasonable.

87. In a 2016 High Court case LB Hammersmith and Fulham were found to be in breach of the Rehabilitation of Offenders Act by disqualifying a care leaver from joining the housing register due to his (now spent) convictions. Although the Council argued that the exclusion was due to the young person's behaviour, it was found that they had relied entirely on the historical convictions to judge his behaviour, whilst they also conceded he was now a 'model care leaver' <http://www.bailii.org/ew/cases/EWHC/Admin/2016/1850.html>

Tenancy Length: Tenancy types vary according to local policies, but there is no longer a guarantee of a 'tenancy for life'. Most social housing tenants have a one year 'introductory' or 'starter' tenancy which acts as a trial period when they first become tenants. If the tenant breaches the tenancy conditions, by failing to pay the rent, causing a nuisance, engaging in anti-social behaviour etc., they can be more easily evicted during or at the end of their first year.

The Localism Act 2011 introduced 'flexible tenancies' which enabled local authorities and housing associations the power to introduce fixed length tenancies for new tenants. These new tenancy arrangements are flexible because a social landlord can decide whether to adopt a fixed term, and if they do, what length of tenancy to offer. The minimum fixed term tenancy for a social housing tenant is 2 years, after which time the tenancy is reviewed and may be renewed.

Paying the rent and charges: Social landlords are increasingly likely to undertake an assessment of a person's income and likely expenditure on housing costs. They may refuse to grant a tenancy because the person is believed to be unable to afford to pay the rent. Because single under 25 year olds receive lower levels of the income component of Universal Credit, there is more likelihood this will impact on their ability to afford accommodation.

Social housing rents now vary considerably, with local authority housing generally cheaper than accommodation offered by housing associations. Since 2011 registered providers have been able to charge 'affordable' rents, which is defined as up to 80% of a local market rent, so that they can raise money for investment in housing. Young people moving in to social housing also need to be made aware of any service charge costs and how these are paid. On older style estates and housing schemes with centralised boiler systems the weekly costs for heating and hot water can be high, and young people moving on from supported housing or from care will need help to understand the full costs of living in different types of property – and how they might budget for and pay these costs, when making choices about social housing.

EXAMPLE

Commonweal Housing, in partnership with Thames Reach, have been running a 'peer landlord' model for shared housing in London since 2012. The aim of the model is to provide 'supportive' rather than 'supported' housing for those with lower general needs who are homeless or at risk of becoming homeless: individuals who do not need the intensive support associated with some hostels or mainstream supported housing, but equally for whom market private rented sector (PRS) housing may not be available or yet the right option.

Company and support is provided by other residents rather than just by paid support workers. The 'peer landlord' is one of the tenants who is there to see the house runs smoothly, and has been trained in basic housing management and maintenance, as well as financial awareness and other relevant skills. They also provide informal peer support to their housemates.

Commonweal provides two houses under this model in partnership with Thames Reach, which runs a further three 'Peer Landlord' properties independently. The original supportive shared housing Peer Landlord model has been replicated by others notably Peter Bedford Housing Association in north London and Depaul UK who now have 5 shared houses from Commonweal and have ambitions for more offering move-on from their Nightstop and other services. Interest in Peer Landlord especially for those leaving the care system has come from a number of local authorities and housing providers. See here for more information: <https://www.commonwealhousing.org.uk/projects/peer-landlord>

Resettlement support and tenancy sustainment

Young people moving on from supported housing and from care find managing their own tenancy on a limited budget challenging. As well as the financial and practical challenges, some report feeling isolated and alone without ongoing contact and support. As budgets for commissioned services are reduced, move-on support packages may be squeezed, which risks leaving young people with insufficient floating support to resettlement successfully within the community. However, there is a strong invest-to-save argument for preparing young people well for independence, so that they are less likely to develop rent arrears or becoming involved in anti-social or offending behaviour when first trying out independent living.

Many social landlords have in house services to provide tenancy support which can be used, and there may also be opportunities to develop peer mentor services to add to the options available to support a young person through the transition.

Resettlement and move on services arrangements should provide the opportunity for a young person to receive further support if they get into difficulties with their tenancy. If local authorities and other landlords are to minimise the financial and social impact of failing tenancies, they need arrangements in place to identify young tenants who are struggling and offer them help and support before the problem worsens and becomes difficult to reverse.

Some local authorities and social landlords offer support when a tenant reaches a certain level of rent arrears. For young people at high risk of tenancy failure and homelessness, the threshold for referral may need to be lower, and the service intervention more assertive. Having support services in place that are young people focussed, responsive and quick to re-engage will be most effective in supporting successful resettlement within the community.

YOUNG PEOPLE SAID

- “It is so important to be independent. If you don’t have this, then you will become dependent on others and never move forward”.

A RANGE OF HOUSING OPTIONS WITH RESETTLEMENT SUPPORT CHECKLIST

- Local authorities, CRCs and NPS as well as other partners cooperate to incentivise and support landlords in all tenures to offer tenancies to young people with an offending history.
- Young people with eligibility for social housing are provided with advice and support through the application and letting process, and are properly advised on their options.
- Local authority allocations schemes do not unlawfully exclude young people with ‘spent’ convictions,⁸⁸ and provide opportunities to support successful rehabilitation
- Young people are provided with support to move on, and know they can access support services again if they get into difficulties managing their tenancy in the future
- Young people with an offending history are recognised as a group that may need additional help to access the Private Rented Sector (PRS) where it is a viable local option, including access to the local rent deposit scheme
- Young people who re-offend have support to sustain their tenancy where appropriate, or to surrender it to avoid rent arrears and debt
- There are sharing options in the Private Rented Sector (PRS) and in social housing

88. An online tool that can help establish when criminal convictions become “spent” under the Rehabilitation of Offenders Act 1974 (as it applies in England & Wales) is available at <http://www.disclosurecalculator.org.uk/>

ANNEX ONE: THE LEGAL FRAMEWORK

Young people at risk of homelessness have a range of different entitlements provided through Children's and Housing legislation. This section outlines the key legislation with some reference to how it has been interpreted through case law.

Children Act 1989

One of the many different parts of the Children Act sets out local authority duties towards 'children in need' within their area, which includes duties and powers to provide accommodation and support. These duties are relevant for the management of services to young people who are homeless at the age of 16-17, including those who are unable to return home when they leave custody.

Children in Need: Children Act 1989 Section 17

S17 (10) provides that a child is in need if:

- a) he is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by the 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

Children Owed a Duty to Accommodate: Children Act Section 20

Children and young people who are 'accommodated' under S20 have 'looked after' status. The circumstances in which the duty to accommodate under S20 might apply to a homeless 16-17 year olds are:

- S20 (1) Every local authority shall provide accommodation for any child in need within their area who appears to them 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 (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.
- S20(3) Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.
- S20(4) A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare.

Case law has provided clarification on the interplay between Children's and Housing legislation in respect of young people aged 16-17 who are homeless. In the case of *R (G) v Southwark* In May 2009, the House of Lords confirmed that:

- The primary duty to a homeless 16 or 17 year old is under the Children Act 1989 and the ongoing duty to accommodate and support that young person will fall to Children's Services. This will include the range of support available as a Looked After Child and a Care Leaver.
- Children's Services cannot avoid their duty to accommodate a homeless 16 or 17 year old under section 20 of the Children Act 1989 by claiming they were providing assistance under section 17 or by helping the young person to get accommodation through the homelessness legislation.
- A homeless 16 or 17 year old who applies to a Housing Authority should be provided with interim accommodation under the homelessness legislation. They should then be referred to Children's Services for an assessment of their needs under section 17 of the Children Act 1989.

The judgment also describes circumstances in which a homeless 16-17 year old may not be a child in need:

“he may have been living independently for some time, with a job and somewhere to live, and without anyone caring for him at all; he may then lose his accommodation and become homeless”

There is also an important circumstance in which a young person who is a child in need, might not be accommodated under Children Act S20, which is when he or she **chooses** not to be. The assessment must include a consideration of the weight to be given to the young person’s wishes and feelings, and their capacity to reach a decision which is in their best interests. In the Southwark case it was noted that G had access to good legal advice, and in the subsequent **joint Secretary of State guidance issued and recently updated by DfE and MHCLG⁸⁹**, local authorities are advised they must ensure young people are provided with ‘realistic and full information’ about the services that would be available to them as a Looked After Child and as a Care Leaver. Advice also needs to be given about the assistance available through the Housing Act 1996 Part 7, and the possible risk of duties ending under the Housing Act due to, for example, turning down a suitable offer of accommodation or being found intentionally homeless at the ‘main duty’ stage.

The Children Act 1989, as amended by the Children (Leaving Care) Act 2000 also creates the terms for describing Looked After Children which are used when referring to different duties that are owed, in various legislation and guidance

- Eligible Child: A 16-17 year old who is looked after and has been for at least 13 weeks since their 14th birthday (Children Act 1989 Schedule 2 Para 19B)
- Relevant Child: A 16-17 year old who was an eligible child but is no longer Looked After (Children Act 1989 S23A)
- Former Relevant Child: An 18+ young person who was either an eligible or relevant child (Children Act 1989 23c). The local authority has duties in relation to the former relevant child until they reach 21, and will continue to offer support until the age of 25 if the young person wants it⁹⁰
- Qualifying Child or Care Leaver: A young person 16+ who has been Looked After since their 14th birthday, and was Looked After on or after their 16th birthday, but the total time Looked After amounts to less than 13 weeks.

NOTE: Qualifying care leavers have some entitlements in welfare and housing legislation which they, and service providers are not always aware of because they are not in receipt of the same level of leaving care services as ‘former relevant’ care leavers – see below.

89. Provision of Accommodation for 16 and 17 year old young people who maybe homeless and/or require accommodation: <https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation>

90. This changed on 1st April 2018 as part of the Children and Social Work Act 2017 See: <https://www.gov.uk/government/publications/extending-personal-adviser-support-to-age-25>

The Children (Leaving Care) Act 2000

The Act amended the Children Act 1989 and sets out various duties that local authorities have towards young people in and leaving care, including those relating to accommodation. The duties differ depending on care leaver status (i.e. eligible, qualifying, relevant or former relevant child) but the general requirements are that local authorities should:

- plan with young people and involve them in decisions
- avoid moving young people who are settled
- assess young people's needs and prepare them for any move
- ensure that the accommodation meets any needs relating to impairment
- consider education, training and employment needs
- where practicable, offer a choice of accommodation
- set up a package of support to go with the accommodation
- have a clear financial plan for the accommodation and a contingency plan.

The regulations and guidance⁹¹ also detail how the local authority strategy for care leavers should take into account:

- the diverse accommodation and support needs of care leavers
- the capacity to offer young people a degree of choice in accommodation
- existing and planned provision of safe affordable accommodation
- gaps in provision
- priority setting
- the need for contingency arrangements.

The guidance to local authorities advocates commissioning a range of accommodation types to meet different needs, including some provision for crisis. In January 2015, the Department for Education revised guidance to clarify that Bed and Breakfast is unsuitable accommodation for care leavers, and should be used for no more than two working days in an emergency (paragraph 7.12).

A 2010 judgement from the Court of Appeal clarified the duty on Children's Services authorities to provide accommodation for care leavers aged over 18 in certain circumstances. *R (on the application of SO) v Barking and Dagenham* 2010 concluded that if the former relevant child is unable to access appropriate accommodation through some other means (such as through a combination of a council tenancy and housing benefit), and the provision of accommodation is necessary for that young person's welfare, then Children's Services will be under a duty to provide or arrange suitable accommodation.

Children & Social Work Act 2017

The Act introduces new duties and extends local authority support for care leavers:

- Introduces corporate parenting principles to which local authorities must have regard;
- Local authorities in England must publish a Local Offer for care leavers, providing information about services which the local authority offers that may assist care leavers in, or in preparing for, adulthood and independent living. This includes services relating to health and well-being; relationships; education and training; employment; accommodation; participation in society;
- Extension of local authority support to Care Leavers to age 25, including provision of Personal Advisers, assessment of the needs of former relevant children and preparation of a Pathway Plan.⁹²

91. See here for Volume 3 of the Care Planning guidance: <https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers>

92. See Government guidance on support to care leavers up to 25 here: <https://www.gov.uk/government/publications/extending-personal-adviser-support-to-age-25>

Homelessness legislation

The Homelessness Reduction Act 2017 has amended Part 7 of the Housing Act 1996 and places new legal duties on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help, irrespective of their priority need status, as long as they are eligible for assistance.

The main measures introduced by the Act are:

- Improved advice and information about homelessness and the prevention of homelessness.
LAs required to ensure services are designed to meet the needs of particular groups that are at increased risk of becoming homeless, including care leavers and people released from prison or youth detention accommodation.
- Extension of the period 'threatened with homelessness' from 28 to 56 days
- New duties to 'prevent' and 'relieve' homelessness for all eligible people, regardless of priority need and intentionality. Both duties last for up to 56 days. The 56 day period can be extended for anyone under the 'prevention' duty where homelessness is still a threat and could be extended for anyone who does not have a 'Priority Need' under the 'relief' duty.
- As before, interim temporary accommodation will only be offered to people who are or may be: eligible, homeless and 'Priority Need'. Temporary Accommodation under the 'Main duty' is only offered to people who are eligible, homeless, 'Priority Need' and not intentionally homeless
- Assessments and creation of personalised housing plans, setting out the actions or 'reasonable steps' housing authorities and individuals will take to secure accommodation
- All care leavers under the age of 21 will be considered as having a local connection with an area if they were looked after, accommodated or fostered there for a continuous period of at least two years, which started at some point before their 16th birthday. If they are looked after by an upper tier authority, (a County Council) they will have a local connection to all the district housing authorities within the two tier structure.
- Encouraging public bodies to work together to prevent and relieve homelessness through a new statutory 'duty to refer' placed on many public bodies:
 - o prisons;
 - o youth offender institutions;
 - o secure training centres;
 - o secure colleges;
 - o youth offending teams;
 - o probation services (including community rehabilitation companies);
 - o Jobcentre Plus;
 - o Social service authorities;
 - o emergency departments;
 - o urgent treatment centres; and,
 - o hospitals in their function of providing inpatient care.
 - o The Secretary of State for Defence in relation to members of the regular forces (Royal Navy, Royal Marines, the army and the Royal Air Force)
 - o These public bodies must refer, with consent, someone who is or may be homeless to the housing authority of the person's choice

The Act is about providing more statutory assistance to more people, including single people who are not assessed as having a 'Priority Need', who previously may not have received significant or meaningful assistance. It brings about a culture change from a perception of systematic 'gatekeeping' whereby people were denied the chance to explain their needs and access services, and there were a significant number of 'intentionally homeless' decisions.

The emphasis on earlier intervention and prevention contained in the Homelessness Reduction Act 2017 is not new to local authorities. Having arrangements in place to actively prevent homelessness was recognised best practice before the new legislation, but this is now on a statutory footing. New duties to provide advice, assessment and preparation of a housing plan for all customers at risk of homelessness constitute a significant change, aimed at improving the service and the outcomes particularly for non-priority single homeless applicants, including young people involved in the criminal justice system.

When combined with the duties on public bodies to notify local authorities of a person at risk of homelessness, the legislation provides an impetus to improve pathways for young people who are at risk of homeless on leaving custody.

The Ministry for Housing, Communities and Local Government (MHCLG) published the **Homelessness Code of Guidance for Local Authorities** in February 2018, which sets out local authorities should exercise their homelessness functions under Part 7 of the Housing Act, as amended by the Homelessness Reduction Act 2017. Within the Code is more detail on all aspects of the homelessness legislation, including guidance on:

- Eligibility for assistance
- Duty to refer
- Homelessness or threatened with homelessness
- Assessments and personalised housing plans
- Preventing and relieving homelessness
- Priority need groups
- Intentionally homeless decisions
- Local connection and referrals to other local authorities
- Suitability of accommodation

The Code can be found here: <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>

Chapter 23 provides guidance on specific duties towards people with an offending history.

Assessing ‘vulnerability’

Local authorities are required to carry out a comprehensive assessment of a person’s needs to determine whether or not they are ‘vulnerable’ for the purposes of the legislation. It might be thought that any person who is homeless is vulnerable within the usual understanding of the word, and assessments of vulnerability have been the subject of a great deal of case law. In 2015 the Supreme Court considered three appeals (Hotak v London Borough of Southwark, Kanu v London Borough of Southwark and Johnson v Solihull Metropolitan Borough) and determined that an applicant is in priority need if they are ‘**significantly more vulnerable**’ than an ordinary person would be if homeless, or they would be ‘**more at risk of harm without accommodation than an ordinary person would be**’. Following the decision in Hotak, Kanu and Johnson, another case, that of Panayiotou v London Borough of Waltham Forest (2017) was considered at the Court of Appeal. These cases represent a relatively recent change in the previously established understanding of how vulnerability should be assessed. See Chapter 8 of the MHCLG Homelessness Code of Guidance for more information on this here: <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-8-priority-need>

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