

CARE LEAVERS ACCOMMODATION AND SUPPORT FRAMEWORK FOR WALES

A Summary

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Mewn Partneriaeth â
Llywodraeth Cymru
In Partnership with
Welsh Government

INTRODUCTION

This summary document is complementary to the Care leavers' accommodation and support framework for Wales. It is intended to be used alongside the three sections of the framework as guidance to assist professionals working with care leavers in identifying where to find information in the framework and to provide brief information on specific matters. We urge all who use this document to read the full version of the framework available here. It is important to stress that this document is **not to be used as a checklist** without reference to the main documents.

RATIONALE FOR FRAMEWORK

Having somewhere safe and secure to live is central to young people having a positive exit from care and other life areas such as education, training or employment, improved mental health, relationships and building of social networks. Research has shown that young people highly value having a choice about where they will live, and being involved in decisions that will affect them.

Young people's involvement in these decisions is a valuable learning experience, can help to reduce their anxiety about the future, and is likely to make them more invested in their housing choice.

The transition to adulthood and independence is different for all young people. For care leavers, this may be a series of small or larger steps, both within care and also leaving care and beyond. There is no blueprint for success, but some principles will help. For example, planning around the unique needs of each care experienced person, being flexible and proactive in providing support and contingency planning are all important. Most young people at 18 – not just care leavers – will find it difficult to manage their own tenancy successfully even with support. This is why the framework is designed to ensure that care leavers have the flexible support they need so that no care experienced person falls through the cracks. Being prepared for setbacks will ease pressure on care leavers and help them to develop resilience in dealing with the challenges they face. As care leavers, young people need support and a realistic approach from their corporate parents throughout and beyond this transition.

WHAT WILL MAKE THE FRAMEWORK WORK WELL?

Ensuring that young people leaving care are:

- Given as much information, choice and control as possible
- Able to make mistakes and never fall out of the framework
- Helped to succeed
- Offered flexible support that adapts to meet their needs
- Offered supportive and unconditional relationships
- Supported by the shared responsibility of their corporate parent

Other practical points for professionals:

- Involvement of the care experienced person is essential, led by their wishes and support informed by their needs and experience
- Use existing knowledge (pathway plans)
- Work collaboratively with the care experienced person, within local authorities and with other agencies
- 'Continuous development model' – Identify gaps in services, adapt, develop and improve
- Thorough planning and delivery of 'high-level' support to establish and maintain housing



Care leavers should progress towards living independently through five stages, which may be experienced in a different order, more than once and simultaneously:

Care Leaver's Framework: The Five Stages

Prepare for the reality of housing options

- Relevant & accurate information
- Managing expectations
- Pre-tenancy training
- Well-informed choices
- Other advice & support available

Reduce housing emergency

- Focus on prevention
- Pro-active approach
- Practical support (budgeting etc.)
- Mediation- effective resolution tool
- Short-term respite breaks

Plan Young People's housing and support options with them

- Better chance of good outcome
- Pathway/personal housing plans
- 'When I Am Ready' guidance
- Tailored planning and support
- Contingency planning
- Joint-working

Access housing and support as needed

- Responsive to complex needs of YP
- Flexible services
- Referral protocols (e.g. 'gateway')
- Improved safeguarding & risk management

Access and successfully managing longer-term move-on and support options

- Long-term independence
- Reviewing and adapting a pathway plan
- Assessing long-term affordability
- LAs developing private rented sector strategies
- Access social housing

GOOD PRACTICE EXAMPLES

Below is a summary of examples of good practice across these five stages. For more detail please refer to the "Good practice examples" document.

Preparing for the Reality of Housing Options

Key principles:

- Enable young people to learn from each other
- Instil close joint working between local authority departments
- Provide realistic housing information for carers and social workers
- Understand data around leaving care to improve strategic planning
- Ensure young people have access to relevant training and advice
- Promote involvement and choice about realistic housing options
- Work closely with foster carers and residential workers

Going It Alone delivers a range of education and support programmes across Conwy and Denbighshire providing information, advice and support to young people about homelessness and living independently.

Shelter Cymru has a range of resources for young people leaving care which are available to download:

- Leaving care & moving on: A housing guide for care leavers
- Right Track Pack: A Youth Practitioner's Guide to Housing and Homelessness
- Leaving Home Education
- Opening Doors: An educational resource on housing options and homelessness for young people aged 11-18

Plan Young People's Accommodation and Support with Them

Key principles:

- Consider having a housing officer in the leaving care team
- Multi-agency panels to discuss specific care leavers
- Provide short-term beds for young people leaving custody
- Involve foster and residential carers in helping the care experienced person plan

Llamarau is a third sector agency working with young people and women at risk of homelessness across several local authorities in Wales. It has recently been awarded funding for an innovative partnership project to address the systems issues for young people leaving prison. The partnership delivers an innovative and flexible suite of targeted trauma-informed interventions that meet the specific needs of young people (18-25) leaving prison. Provision consists of specialist supported accommodation, pre-release family mediation and a multi-agency hub.

Reduce Housing Emergency

Key principles:

- Consider mediation training for staff where there is no specialist provision
- Contingency planning can reduce crisis points
- Early advice and designated information points can help young people avoid crises

Swansea council took a pro-active approach to eliminate the use of emergency B&B for young people, convening an extensive multi-agency steering group to plan alternative bespoke provision. This has led to a profound change in how young people are accommodated, as B&B is no longer seen by local agencies as a viable option.

Access Housing and Support as Needed

Key principles:

- Supported accommodation is effective when small in scale and offer tailored support
- Agreed outcomes and shared budgets between departments can help achieve goals
- Holistic approach to housing options, consider impact on education, support etc.
- Staff flexibility and retention is key in promoting positive relationships for young people

The Isle of Anglesey County Council developed a menu of accommodation options for young people, including a scheme for those with complex or multiple needs and a seven-bed supported housing scheme. The project accepted young people with higher levels of need that would, in the majority of cases, be considered too high for placement within other supported housing provision. From the outset the service has involved a multi-agency allocation panel which meets to share information, good practice and consider referrals on a monthly basis or when a vacancy arises.

The Young people's Enhanced Support Service pathway is a joint initiative between **Torfaen Children and Families Service and Torfaen Housing Support Grant (HSG) Service**. The service provides a pathway that delivers realistic short, mid and long term supported accommodation. A suite of accommodation and support options are offered to reflect the diverse and complex needs of the care leaver population and additional resources are available for homeless young people where all other options have been exhausted.

It provides a safe route for 16 year olds, currently accommodated in high cost residential placements or out of county placements, to return to their home borough and ensures that young people are equipped with the appropriate skills required to maintain tenancies in the future and care for themselves appropriately.



Access and Successfully Manage Longer-Term Move-On and Support Options

Key principles:

- Consider the option of shared social housing for care leavers or other young people
- Work with existing private rented access schemes
- Consider private sector leasing to provide stable managed accommodation for young people to learn skills and gain experience in living independently
- Personal advisers to consider affordability through changes in benefit entitlement at 22
- Local authority duty to protect belongings if young people move due to homelessness or risk of becoming homeless

Crisis has developed a training toolkit aimed at support staff who are working with young people to educate them about living in the private rented sector. The toolkit explains tenants' rights, and clarifies some myths – for example those around eviction and rental increases. It also provides links to other pre-tenancy training programmes.

Care Leavers' Legislation

This section outlines the relevant legislation that applies to the Care Leavers' Framework and sets out the key legislation and its interpretation through case law. Both social services and homelessness legislation provide distinct accommodation duties. This document is intended to be used by practitioners as a reference to improve knowledge of the legal aspects behind the framework. However, this document does not constitute legal advice.

Young people aged 18 and over

While accommodation duties under social care legislation do not always extend to young people or care leavers aged 18 and above, there are some important points to consider. Practitioners should be aware of a 2010 judgement from the Court of Appeal which clarified the duty on children's services authorities to provide accommodation for care leavers aged over 18 in certain circumstances. The Court of Appeal 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 care experienced person's welfare, then social services will be under a duty to provide or arrange suitable accommodation.'

Homelessness Legislation

Under part 2 of the Housing (Wales) Act 2014, all 16 and 17 year olds, and any person aged 18, 19 or 20 who was looked after, accommodated or fostered at any time whilst under the age of 18 has a priority need for accommodation. If the care experienced person has been 'voluntarily accommodated' by social services then this accommodation must have been provided for a continuous period of more than 24 hours.

Priority need status means that the local authority housing department has a duty to provide emergency accommodation, and help to secure longer-term accommodation for a 56-day period. If the care experienced person has still not secured longer-term accommodation at the end of the 56 days then the housing department has a duty to provide housing. This duty can be fulfilled by offering social or private rented accommodation.

For further details on what changes have been made to priority need, please refer to the main document.

Aspects of the Welsh Government's statutory homelessness Code of Guidance also apply to social services authorities. The Code states that care leavers are among the groups likely to be more at risk of homelessness than others and that:

- Social services departments' information about the numbers of care leavers may assist housing departments in conducting homelessness reviews
- It is important that wherever possible the housing needs of care leavers are addressed before they leave care
- Making arrangements for accommodation and ensuring that care leavers are provided with suitable housing support will be an essential aspect of a care experienced person's pathway plan
- Where necessary, arrangements should be made for joint assessment by social services and housing authorities as a part of a multi-agency assessment to inform the pathway plan

Whether young people leaving care are accommodated by social services or the housing department is for individual authorities to determine in each case. There should be jointly agreed protocols in place regarding the assessment of needs.

Ensuring accommodation is suitable

The Care Leavers (Wales) Regulations 2015 also explain what factors constitute suitable accommodation for care leavers aged 16 and 17 (category 2 young people). These factors are:

- Facilities and services provided
- State of repair
- Safety
- Location
- Support
- Tenancy status
- The financial commitments involved for the category 2 care experienced person and their affordability

This schedule **should not be used as a checklist**: in evaluating the suitability of a specific property, a local authority may not be able to satisfy itself that the accommodation is suitable on every factor. Each care leaver's situation is different and it may be justifiable to place greater and lesser weight on certain factors accordingly.

The regulations also explain how the local authority must have regards to the definition of suitable accommodation as that which, so far as reasonably practicable is suitable for the care experienced person in light of their needs, including their health, education, training or employment needs.

The local authority must also take into account the care experienced person's wishes and feelings, their views of the accommodation, their understanding of their rights and responsibilities and how the accommodation is funded. The local authority must also be satisfied in relation to the character and suitability of the landlord or other provider.

The Homelessness (Suitability of Accommodation) (Wales) Order 2015 sets out the matters that homelessness teams must consider when arranging accommodation for any homeless applicant. There is significant overlap with the Care Leavers (Wales) Regulations in relation to many of the factors to be considered. Leaving Care practitioners should utilise the expertise of housing and environmental health departments in determining suitability.

Practical considerations

Leaving care services will need to ensure arrangements are in place to check suitability before a care experienced person moves into a property. Services should have good working relationships with housing and environmental services so they can access help with this. The process should allow for decisions to be made at short notice, so that care leavers can obtain properties.

Where suitability checks identify the need for improvements it may be necessary to arrange for these to be made after the care experienced person has moved in. For example, the authority might assist with decorating or provide funds to improve security. Young people must be given thorough information about help available if problems occur. The diverse and changing needs of individual care leavers means a range of semi-independent and independent accommodation options should be available. These might include:

- enabling young people to remain in looked after accommodation – for example, by converting a foster placement to a post-18 arrangement or supported lodgings
- supported lodgings, other than with former carers
- other supported housing, combining accommodation with support and opportunities for education, training and employment
- trainer flats where young people can 'practise' living more independently
- specialist accommodation – e.g. self-contained accommodation with personal assistance support for disabled young people and young people with mental health difficulties
- independent accommodation in the social or private rented sectors with floating support as needed
- living with birth families
- 'When I am Ready' post-18 living arrangements, enabling young people to remain with their foster carers from age 18 up to age 21

Local connection and homelessness

Under Section 81 of the Housing (Wales) Act 2014, a person has a local connection with the district of a local housing authority if she or he has a connection with it:

- Because they are, or were in the past, normally resident there, and that residence was of their own choice
- Because they are employed there
- Because of family associations
- Because of special circumstances

The Homelessness Code of Guidance states that in the case of young people in the looked after system who have been placed out of area, where they are leaving care and wish to return to the area to which they were originally connected they should be accepted as having a connection with the area, even where they have been placed for a considerable time elsewhere. Care leavers who wish to remain in the area of placement should also be considered to have a local connection should they meet the local connection test. So if a care leaver has been placed out of area and wishes to return to their original area, the authority of the original area must accept local connection with it.



Welsh Tenancy Legislation: The Renting Homes (Wales) Act 2016

Commenced on December 1st 2022, the Renting Homes (Wales) Act 2016 provides a new framework for all rented housing in Wales. It gives more protections for tenants and licensees, and makes clearer their rights and responsibilities. Tenants and licensees are called 'contract-holders' under the new law. Landlords must issue contract-holders with an 'occupation contract' which must be in writing. The vast majority of council, housing association and private tenancies and licences are replaced by Renting Homes (Wales) Act 2016 contracts.

A care experienced person under the age of 18 cannot hold an occupation contract (for more information on tenancies on trust please refer to the legal document), so the below section on tenancies on trust still applies in those cases. For contract-holders aged 18 and above, there are two types of occupation contract:

- **Secure contract:** This replaces secure tenancies issued by local authorities and assured tenancies issued by housing associations
- **Standard contract:** This is the contract that will mainly be used in the private rented sector but can be used by local authorities and housing associations in some circumstances (e.g. a 'supported standard contract' for supported accommodation)

The Renting Homes (Wales) Act 2016 also includes other important changes to housing law.

Training and Development

If the questions above have spurred a desire to build on your good practice or develop greater understanding and capacity within your team, Shelter Cymru is one of Wales' leading providers of training on housing law and related matters. The team delivers e-Learning and live training on a range of relevant topics. Visit www.training.sheltercymru.org.uk for further details.

