



Cross boundary Protocol for the placement and accommodation of vulnerable children, young people and adults across Houses in Multiple Occupancy

This Protocol was initiated under the auspices of Southend Local Safeguarding Children Board and Southend Vulnerable Adults Board

The purpose of the Protocol is to support improvement in the safety and welfare of vulnerable adults and young people over the age of 16 who are placed across Local Authority boundaries in unregulated settings.

Under Children Act 2004 Local Authorities have a responsibility for making arrangements to ensure their normal functions are discharged having regard to safeguarding and promoting the welfare of children. This includes all types of services involving adults, children and families

The Children Act 1989 defines a child or young person as a person under eighteen years old. This protocol relates to young people aged 16-18 years. Young people under sixteen years who require accommodation should not be placed in houses in multi-occupancy.

The House of Lords ruling May 2009 (R v London Borough of Southwark 2009) made clear that, where assessment under Section 17(6) Children Act 1989 has concluded a young person under the age of 18 years is in need of services which include the need for accommodation, then the placement of that young person in a House in Multiple Occupancy is not appropriate.

Under 'No Secrets' guidance, local authorities have the responsibility to work with partners in taking action where abuse to vulnerable adults is suspected

The Housing Act 1996 sets out the responsibility of Local Authorities when securing accommodation outside their district, specifically:

'they shall give notice to the local housing authority in whose district the accommodation is situated. The notice shall state

- a) the name of the applicant
- b) the number and description of other persons who normally reside with him as a member of his family or might reasonably be expected to reside with him

- c) the address of the accommodation
- d) the date on which the accommodation was made available to him
- e) which function under Part VII the authority was discharging in securing that the accommodation is available for occupation
- f) the notice must be in writing and must be given before the end of the period 14 days beginning with the day on which the accommodation was made available to the applicant'

This protocol relates to arrangements across the Eastern Region Local Authorities, when placing young people and/or vulnerable adults in houses in multiple occupation (HMO's). It supplements the Housing Act requirements as above and ensures proper compliance with the Children Act and 'No Secrets' guidance.

The Housing Act 2004 defines Houses in Multiple Occupation as

- 1) an entire house or flat which is let to three or more tenants who form two or more households and who share a kitchen, bathroom or toilet
- 2) a house which has been converted entirely into bed-sits or other non-self-contained accommodation and which is let to three or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities
- 3) a converted house which contains one or more flats which are not wholly self contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by three or more tenants who form two or more households
- 4) a building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies
- 5) in order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants.
- 6) It is a legal requirement to licence all HMO's that are of three or more storeys or five or more households.

This protocol currently relates to those HMO's where there is a legal requirement to licence.

Each Local Authority agrees to take the following action:

When placing a young person/vulnerable adult in multi occupancy accommodation the placing authority will:

- 1. Have completed an assessment which has identified
 - a) the needs of the young person/vulnerable adult
 - b) what risks may surround that young person/vulnerable adult (e.g. excessive alcohol/drug use, criminal activity, risk of sexual

- exploitation, mental ill-health, associates who may pose risk to others)
2. Complete care plan for young person/vulnerable adult which will include how needs of young person/vulnerable adult will be met within placement and what action will be taken to support young person/adult in managing any risks identified through assessment
 3. Complete written agreement between young person/vulnerable adult, provider and local authority to include:
 - a) who to contact in event of emergency
 - b) who to contact if appropriate adult is needed (it is not appropriate for the manager of an establishment to act as appropriate adult for a young person during police interview)
 - c) what support (if any) provider will make available to young person/vulnerable adult
 - d) what support will be provided by social worker and/or other professionals
 - e) a specified term of notice is negotiated by mutual agreement between the provider and the placing authority
 - f) an agreement that a young person will not be moved without the knowledge and agreement of the placing authority
 - g) arrangements for review
 4. Provide a letter to the host local authority confirming the above and notifying the host authority of the arrangement, together with a contact person

Each local authority, LSCB and SVAB will ensure monitoring arrangements are in place to ensure HMO providers housing 16-18 year olds and/or vulnerable adults in their area:

1. Comply with local Child Protection procedures
2. Comply with local Safeguarding Vulnerable Adults Guidelines
3. Ensure an enhanced CRB Disclosure is obtained for all paid/unpaid staff working on premises, including volunteers
4. Ensure all contractors on premises are supervised
5. Have a Child Protection policy in place in accordance with local child protection procedures
6. Have a whistle-blowing policy in place
7. Ensure all staff working on premises have completed, as a minimum requirement, Local Safeguarding Children Board Basic Awareness Training
8. Ensure all staff are familiar with guidance 'What to do if you're worried a child is being abused'
9. Ensure all staff have attended Safeguarding Vulnerable Adults Awareness Training (offered free of charge by the host authority)
10. Demonstrate regard for the Mental Capacity Act 2005