

Response by North Yorkshire County Council and Harrogate District Council (From 1st April 2023 consolidated into a unitary authority thereafter known as 'The North Yorkshire Council'.

Response to a Regulation 28 Report to Prevent Future Deaths for Benjamin Nelson Roux (died 8th April 2020) made by Mr Jonathan Heath, Senior Coroner York and North Yorkshire dated 23rd March 2023.

The inquest concluded on 13th March 2023. Mr Heath reached a narrative conclusion as follows:

- On 8 April 2020 Benjamin Nelson Roux, aged 16 and a Child in Need, was found unresponsive at 23 Robert Street, Harrogate, a hostel for homeless adults in which he had been temporarily placed due to there being no more suitable accommodation available. His death was confirmed there at 16.50 hours that day. The cause of his death is unascertained. He had taken multiple drugs of abuse prior to death, the impact of which cannot be determined with any degree of confidence. It cannot be concluded that his accommodation has contributed to his death.

Mr Heath identified the following matters of concern in his report:

1. *The search for suitable accommodation (in this instance for a homeless 16-year-old Child in Need) did not extend beyond the County boundary.*
2. *The lack of any residential substance misuse treatment facilities for children and young persons under the age of 18.*

Point 1 to be addressed by North Yorkshire County Council and Harrogate District Council (now The North Yorkshire Council).

Point 2 will be addressed by the Coroner directly to the Secretary of State.

Actions taken in relation to providing accommodation to Ben

At the time of Ben's death, he was being accommodated by Harrogate Borough Council as the local housing authority under Part VII of the Housing Act 1996. This accommodation was provided at Cavendish House Hostel in Harrogate. Although a search of the entire districts within North Yorkshire region had taken place this search was not extended to other areas including neighbouring authorities.

The Coroner raises this as a concern within the Rule 28 report.

A suitable placement was found within Harrogate, but it was not immediately available. Whilst exploring alternative temporary accommodation a search for a suitable placement out of area did not take place. Part of the rationale for wanting to place Ben within the district of Harrogate rather than further afield was primarily a desire to maintain the support provided by his family and the extensive network of support provided by children services and other agencies within the local area. Maintaining this support was a key consideration of the local housing authority.

Provision of accommodation for children and young people under the age of 18

Legal duties in relation to young people requiring accommodation are set out in the Children Act 1989 and Part VII of the Housing Act 1996. The primary responsibility for a child in need S17 Children Act 1989 who requires accommodation lies with children services. The duty under S20 Children Act 1989 takes precedence over Housing Act duties.

Having been fully advised on the implications of S20 and if the young person has capacity and decides they do not want to be accommodated under S20, they will be identified as having a priority need and owed a main duty under the Housing Act 1996 s 193(2). The exceptions to this provision to provide accommodation would be if the young person refused to cooperate and where the offer of accommodation has been refused.

S17(1) Children Act 1989 imposes a general duty on local authorities to safeguard and promote the welfare of children within their area who are in need by providing a range of services appropriate to their needs. The definition of within their area usually requires physical presence within the relevant area.

Prior to the creation of the unitary authority there was a joint working protocol between the seven District and Borough Councils and North Yorkshire Children and Young People's Services Directorate (now North Yorkshire Council) regarding the provision of housing for 16 and 17 year old young people who are homeless or threatened with homelessness. If receiving accommodation through the housing pathway via the Housing Act 1996 the young person will continue to be a child in need and provided with additional support from children and family services. The Young Peoples Pathway was jointly commissioned in 2011 by NYCC Children and Young Peoples Service, Health & Adult Social care and the seven district/borough Housing Authorities to respond to enquiries from 16 – 25-year-olds in housing need in North Yorkshire.

The Young Persons Pathway outlines the procedures in place to implement the protocol.

Legal framework for exploring accommodation out of local area

S.208 of the Housing Act requires a local housing area discharging functions under Part VII of the Housing Act 1996 to ensure, so far as reasonably practicable, that accommodation is available for the occupation of the applicant within their district. The LGA guidance^[1] also provides '*wherever possible and appropriate, such placements should be within the area of the local authority which is assisting the household.*'

Action proposed or taken by North Yorkshire Council in response to the Regulation 28 Report

- North Yorkshire Council as a unitary authority has responsibility for children services and housing provision.
- The Young Peoples Pathway Service is currently under review following the local government reorganisation. The Pathway includes the provision of accommodation and services up to the age of 25.

^[1] [Local government out of area placements guidance | Local Government Association](#)

- The proposal is to review and update the Joint Working Protocol “*Provision of accommodation for 16 and 17 year olds who are Homeless or threatened with Homelessness in North Yorkshire – Joint Working Protocol V8*” as a consequence of the new unitary status. This document outlines the Young People’s Pathway for 16 and 17 year olds.
- The number of units of accommodation available is reviewed under the Young People’s Pathway via quarterly contract meetings with the providers.
- The number of units of accommodation available through the Young People’s Pathway will be reviewed as part of the Joint Working Protocol update. This will include ensuring acceptable numbers of supported accommodation remain available within North Yorkshire. Specific consideration will be given to an emergency provision for this client group.
- The accommodation pathway will be amended to review the possibility and suitability of any out of area placement, in the cases of a young person where accommodation is not available within the local authority area.
- Any case where there is lack of suitable accommodation for a young person in the North Yorkshire area will be raised with a senior manager. The escalation process will be reviewed to reflect changes to North Yorkshire Council and included in the joint working protocol.
- If alternative accommodation out of the local authority area could be provided this would be as an interim measure only, with a view to identifying suitable accommodation within the local area. The young person should remain out of area for the shortest possible period and their case continues to be reviewed on a regular basis, remaining on the waiting list with priority for relocation back to North Yorkshire area.
- The Council will explore the possibilities of establishing relationships with neighbouring local housing authorities regarding potential suitable housing accommodation for persons under 18. This would possibly signpost to registered social landlords.
- As part of the process, in the event a young person is placed in accommodation out of area S17 Children Act 1989 child in need statutory responsibilities will continue to be provided by North Yorkshire. These responsibilities will continue for as long as required until the young person is no longer placed in accommodation secured by North Yorkshire Council out of area. This will ensure the continuation of in need services, promoting the child in need plan for consistency and without the risk of the young person falling through gaps of service provision.
- The social worker to take responsibility for ensuring any disruption caused by the change in service provision, from other agencies as a result of the out of area accommodation is minimal. Alternative service provision which meets the needs identified in the child in need plan will be sourced and made available.
- Any property would need to be checked and considered “suitable” for its intended use . This would include the completion of a risk assessment form in line with the requirements of the revised Joint Working Protocol.
- If the young person is placed out of area it is recognised that safeguarding is the responsibility of all agencies engaging with the young person. There would therefore be an expectation that any safeguarding issues are raised immediately with both Children Services

and Housing Services to allow escalation and appropriate measures to be put in place. This will follow the management escalation process detailed above.

- All operational staff who have responsibility for using the Joint Working Protocol will receive training and ongoing updates once revisions are completed.
- The proposed actions in relation to the updating of the Joint Working Protocol will take a period of up to six months to complete from the date of submission of this report.

This concludes the response on behalf of North Yorkshire Council.