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Until there's a home for everyone

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Housing matters

Housing matters is produced by Shelter for the NHAS and aims to provide a source of up-to-date housing and homelessness news, focus on important case law, cover key legal issues, and produce information for public use.

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Housing matters welcomes contributions from NHAS members. If you would like to provide an article or update for *Housing matters* please email JackieL@shelter.org.uk

National Homelessness Advice Service

The National Homelessness Advice Service (NHAS) is a partnership between Shelter and Citizens Advice funded by the Department for Communities and Local Government.

The service aims to prevent homelessness and remedy other housing problems through increasing public access to high-quality housing advice in England, including online information on the NHAS website at www.nhas.org.uk

The NHAS provides the following to local authorities, CABx and around 100 other advice agencies in England:

- **a national telephone housing advice consultancy service** for local authorities, CABx and around 100 other advice agencies in England. Call **0300 330 0517** 9am–8pm, Monday to Friday, or send in an enquiry using the online enquiry form available on the members' areas of www.nhas.org.uk
- **housing debt casework** - specialist support for cases relating to mortgage arrears and other problems with housing affordability, including welfare benefits issues. Call **0300 330 0517** or use the online enquiries form (see above for details)
- **free basic housing advice training courses** to develop housing advice skills, covering the main housing advice presenting issues and how to advise households effectively on homelessness prevention options
- **written briefings**, articles in *Housing matters* and *Adviser*, information on housing issues and other written materials
- **support** in the implementation of new homeless prevention initiatives.

Contact details

For more information about NHAS training, please email JoanneK@shelter.org.uk or call **0344 515 1676**.

For general enquiries about the NHAS service, please email nhas@shelter.org.uk or call **0344 515 2268**.

Alternatively, please use the 'contact us' page at www.nhas.org.uk

What's new?

Young people and homelessness (1)

Young & Homeless 2014, a research report from Homeless Link, suggests that the scale of youth homelessness is higher than is reflected in official figures. It found that more than half of those approaching 211 councils and charitable services in 2014 for help when homeless were under 25 years old. On the positive side, the research also found that 97 per cent of local authority housing and children's services now have a joint protocol in place to deal with homeless 16- and 17-year olds. For a copy of the report and a video on young people's experiences see tinyurl.com/young2014

Young people and homelessness (2)

The Door is Closed, a new report into youth homelessness published in December 2014 by Coram Voice, suggests that greater local authority compliance with Children Act 1989 duties would resolve most of the problems associated with teenage homelessness. A key finding is that there is widespread failure to accept what children are alleging. The report can be downloaded from the Coram Voice website at tinyurl.com/coramdoor

Supporting care leavers

Barnardo's has carried out in depth research with twenty care leavers into the challenges they faced when moving from care to independence. How well they were prepared for leaving care varied widely, and those who struggled most went straight from care to living independently. For a copy of *The cost of not caring: supporting English care leavers into independence*, see tinyurl.com/Barn-nocare

Housing benefit direct

The Department for Work and Pensions' (DWP) final evaluation of the Direct Payments Demonstration Project (DPDP) to assess the impact on social housing rent arrears of paying housing benefit directly to the tenant showed that those on DPDP paid 95.5 per cent of all the rent owed, compared with 99.1 per cent paid by tenants where housing benefit was paid directly to the landlord. Most of the arrears accrued in the first few months following migration to direct payments, with the payment rate increasing to 99 per cent by the time of the 18th direct payment. The final report can be downloaded from tinyurl.com/DWP-DPDP

Manifesto to end homelessness

In advance of the election, Homeless Link has published *Let's make the difference: a manifesto to end homelessness* in which the organisation sets out 'priority actions' it would like the next government to take in order to make the greatest difference to homelessness. For a copy see tinyurl.com/p2sp9uf

Unauthorised debt advice

The National Housing Federation (NHF) has warned that there are still a number of housing associations providing debt advice who have not registered with the Financial Conduct Authority (FCA) since it took over the regulation of consumer credit. Giving debt advice without appropriate authorisation is a criminal offence.

NHF has updated its *Consumer Credit Authorisation - guidance for housing associations* which outlines all that housing associations need to know about the application of the updated consumer credit legislation and the change of regulator. The guidance can be downloaded from tinyurl.com/NHFdebtadvice

Right to rent checks

The Joint Council for the Welfare of Immigrants, together with other agencies including Shelter and the Chartered Institute of Housing, is conducting a survey of the scheme under which most private landlords in the areas of Birmingham, Walsall, Dudley, Sandwell and Wolverhampton are required to check the immigration status of prospective tenants to ensure they have a 'right to rent'. Landlords, agents, tenants and lodgers are all invited to take part by going to tinyurl.com/R2Rsurvey

Care Act 2014

In anticipation of significant provisions of the Care Act 2014 coming into force on 1 April this year, the Local Government Association (LGA) has published *Guide to the Care Act 2014 and the implications for providers* with details of:

- forthcoming changes, including new national eligibility criteria, and the process of assessment
- legislation which will be repealed, including the National Assistance Act 1948 and the NHS and Community Care Act 1990.

For a copy see tinyurl.com/CA2014guide

Keeping homeless families together

In this article, John Gallagher considers the legal position when children's social services offer to take a child of a homeless family into care and separate the child from her/his family.

John Gallagher is principal solicitor at Shelter.

Since 1977, local housing authorities have had primary responsibility for housing the homeless. Most people would assume that the days of children being taken into care where there is no issue of child protection other than homelessness are long gone. Sadly, that is not the case.

Why turn to social services?

There are three situations where a family may be denied assistance by the housing authority and have to turn to children's social services ('children's services') for support if they are to avoid street homelessness:

- where the applicant's immigration status means they are not eligible for assistance
- where the applicant has been found intentionally homeless (the authority should still assess their needs and provide accommodation for a reasonable period)
- where the authority has 'discharged its duty' to the applicant because s/he has refused what the authority considers to be a suitable offer of accommodation.

'Child in need'

Children's services have a 'general duty' under section 17(1) of the Children Act 1989 to safeguard and promote the welfare of children in their area who are in need, and to promote the upbringing of such children by their families, by providing services which are appropriate to those children's needs.

It is beyond doubt that a homeless child or young person is a child in need.¹ Services under section 17 can be provided for the child's family if this is with a view to promoting the child's welfare² and may include providing accommodation and giving assistance in kind or in cash.³ This is important especially for families who have no recourse to public funds who will need not just accommodation, but also money for subsistence. As far as possible, children's services must give due consideration to the child's wishes and feelings.⁴

Offer to only help the child

Section 17 clearly gives an authority power to accommodate a family together.

On approaching children's services, however, a family may be told that the only assistance available will be to look after the children alone and not the parent(s).

In deciding to accommodate the children alone, children's services are choosing to act under section 20 of the Act, which requires a local authority to provide accommodation for a child in need who requires it as a result of 'the person who has been caring for him being prevented... from providing him with suitable accommodation or care'.⁵ Section 20 applies to children on their own and does not permit children's services to accommodate the parent as well as the child.

Genuine offer or tactic?

When children's services say that they will look after the child alone, under section 20, do they really intend to do so, or is this a deterrent tactic designed to discourage the parent from pursuing their request for help? It is doubtful that they would actually carry out this course of action, and the parent would have strong grounds to challenge it. But in practice, it usually does not matter, as the threat of their children being removed from them is often enough to make parents unwilling to have anything further to do with the authority. As a result, they will attempt to find some other immediate solution to their situation, which often means persuading already hard-pressed relatives or friends to take them in on an emergency basis.

Challenging a section 20 offer

In *R (G) v Barnet [2003] UKHL 57*, the House of Lords held that clearly children's services had a power to provide accommodation for the whole family, and not just for the child, under section 17 of the Children Act 1989. A fundamental element of family life under article 8 of the European Convention on Human Rights (ECHR) is the mutual enjoyment of each other's company by parent and child. On that basis, it must follow that where children's services propose to look after a child alone when there is no issue of child protection, it is for them to justify the separation of parent and child by showing it is necessary and proportionate.

Lord Nicholls noted in the *Barnet* case that the cost of accommodating parent and child together is frequently less than the cost of accommodating the child alone with a foster parent or in a residential placement. In these circumstances, and assuming that it is in the best interest of the child to live with her/his parent(s), article 8 ECHR must require that accommodation should be provided for the family as a whole.

Unlawful policy?

In the *Barnet* case, Lambeth Council, one of the local authorities involved, had adopted a general policy of offering accommodation only for the child and not for parent and child together. Lord Nicholls held such a policy to be beyond the scope of the Council's powers, but Lord Scott approved it; Lord Scott's view is sometimes used by children's services to justify making a decision to accommodate a child alone. It is clear, however, that contrary to popular belief, the decision in the *Barnet* case does not endorse this practice, given that only two Lords addressed the issue and they came to contrary conclusions.

Best interest of the child

The case for accommodating the family together has been strengthened by two 'post-*Barnet*' developments. First, section 11 of the Children Act 2004 imposes a duty on local authorities to make arrangements to ensure that they discharge their functions having regard to the need to safeguard and promote the welfare of children. Secondly, case law has held that decisions concerning children must take account of article 3 of the United Nations Convention on the Rights of the Child (UNCRC), which provides:

'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'.

The impact of article 3 UNCRC has been summarised as follows:⁶

'Where the best interests of the child clearly favour a certain course, that course should be followed unless countervailing reasons of considerable force displace them.'

'Schedule 3' restrictions

Social services are prohibited under Schedule 3 of the Nationality, Immigration and Asylum Act 2002 (NIAA 2002) from providing support under section 17 Children Act 1989

to many non-UK nationals.⁷ However, this prohibition does not apply where it is necessary to provide support in order to prevent a breach of the ECHR. The argument that separating a child from her/his family breaches article 8 ECHR will have already arisen in response to a section 20 offer. The same argument should ensure that children's services are not prevented by Schedule 3 from accommodating the whole family.

Taking action

Children's services will provide assistance only as a matter of last resort, where the family would otherwise be street homeless or sleeping in a car or similar situation. Children Act provision is a safety net, and it is necessary to show that the family have literally no other options. Even if parents have arranged for their children to be put up temporarily by relatives and friends while they themselves sleep elsewhere, this may still not be strong enough to require children's services' intervention unless evidence can be obtained of the distress or other damaging effects which the separation is having on the children.

If the argument that the family has no other options fails to persuade them, children's services should be asked to produce their 'child in need' assessment together with their human rights assessment to demonstrate that they have taken all the relevant factors into account. These include:

- respect for the home and family life under article 8 ECHR
- the best interests of the child under article 3 UNCRC
- the wishes and feelings of the child
- the relative costs of accommodating the family together and of foster or other residential care for the child.

Ultimately, if the authority does not back down, it will be necessary for the parent(s) to find a solicitor who can issue judicial review proceedings. Legal aid may be available.

A temporary tactic while finding a solicitor⁸ for cases where the applicant is (or there is reason to believe s/he may be) eligible, could be to make a homeless application to a different local authority.

On the following pages is a template letter which may be used to challenge a social services decision to accommodate a child without her/his parents.

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8.30.62.3 Local authority support for children and families.

Footnotes

¹ R (G) v Barnet LBC [2003] UKHL 57.

² s.17(3) Children Act 1989.

³ s.17(6) Children Act 1989.

⁴ s.17(4A) Children Act 1989.

⁵ s.20(1)(c) Children Act 1989.

⁶ Lord Kerr in ZH (Tanzania) v Secretary of State for the Home Department [2011] 2 AC 166.

⁷ Sch. 3 NIAA 2002 exclusions apply to: people granted refugee status by another EEA/EU state and their dependants; EEA/EU nationals; failed asylum seekers and their dependants not taking steps, or cooperating with directions to leave the UK; people in breach of immigration law.

⁸ The 'Find a legal adviser' tool on Gov.uk allows users to search by organisation name, postcode, town or area of law, see tinyurl.com/naypn3h

Template letter

This template letter supplements the article ‘Keeping homeless families together’ on page 2.

It can be adapted and used in some circumstances where children’s services have offered to accommodate a homeless child but not the parents.

In very urgent cases where a family is facing imminent street homelessness, advisers should instead try to find a housing solicitor willing to take on the case and if appropriate start judicial review proceedings without delay. If the client is on a low income, s/he would be eligible for legal aid.

To: Duty social worker

Cc: Duty social work manager

[insert authority postal address]

URGENT – BY FIRST CLASS POST AND FAX: [insert number]

Date

Dear [insert name and/or title of addressee],

Re: Application for assistance under section 17 Children Act 1989

I am writing on behalf of our client X [insert name]. I enclose her/his signed form of authority.

Our request is made on behalf of X’s child Y [insert name and date of birth of child(ren)]. X and her/his child(ren) are homeless [give brief details of why X is homeless, and explain why s/he has no housing options open to her/him.]

We submit that Y [insert name] being homeless, is a child in need, and as such the authority must consider what services should be provided to her/him and to her/his family under section 17 of the Children Act 1989.

In the absence of child protection issues, we believe that your offer under section 20 of the Children Act 1989 to accommodate Y [insert name] and separate her/him from her/his parent(s), even as an interim measure, does not promote the objectives of that Act. The primary consideration must be to keep the family together.

The relevant legislation

The provisions of section 17(1) of the Children Act 1989 are as follows:

‘It shall be the general duty of every local authority...

- (a) to safeguard and promote the welfare of children within their area who are in need; and
- (b) so far as is consistent with that duty, to promote the upbringing of such children by their families,

by providing a range and level of services appropriate to those children’s needs’.

Section 17(6) of the Act provides:

‘The services provided by a local authority in the exercise of functions conferred on them by this section may include providing accommodation and giving assistance in kind or in cash.’

Services to homeless children in need

The following principles were established in the case of *R (G) v Barnet [2003] UKHL 57*, in respect of decision making under section 17:

- there is a duty to carry out an assessment as to whether a child is a ‘child in need’
- homeless children are children in need
- each case must be dealt with on its individual merits
- the authority must consider whether to exercise the power to assist under section 17(6)
- depending on the circumstances of each case, the authority’s decisions must be compatible with the child’s rights to respect for the home and family life under article 8 of the European Convention on Human Rights (ECHR).

Best interests of the child

In addition, under article 3(1) of the United Nations Convention on the Rights of the Child (UNCRC):

'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.'

In *ZH (Tanzania) v Secretary of State for the Home Department [2011] UKSC 4*, it was stated that 'where the best interests of the child clearly favour a certain course, that course should be followed unless countervailing reasons of considerable force displace them'.

Relevant considerations

Where there is a choice between providing accommodation for a child alone under section 20 of the Children Act 1989, or together with her/his parents under section 17, we submit that the following are the most relevant considerations:

- the need to keep the family together
- what is in the best interest of the child under article 3 UNCRC
- the wishes and feelings of the child
- the relative costs of the options available.

Conclusion

We believe in light of the above that a decision to accommodate Y [*insert name*] separately from her/his mother/father cannot be justified.

[insert the following paragraph only if applicable:

Please note that Schedule 3 of the Nationality Immigration and Asylum Act 2002 does not restrict assistance in this case, since exercise of the authority's duties and powers is necessary to avoid a breach of the child's rights under article 8 ECHR.]

Immediate steps

So that we can advise our client further, please let us have a copy of your:

- child in need assessment
- human rights assessment.

[Where client is not eligible for benefits, add:

Since this family will be street homeless by [*insert date*], we request that you exercise your powers under section 17(6) of the Children Act 1989 and provide temporary accommodation for our client and her/his child(ren) together, as well as subsistence payments from that date.]

OR

[Where client is eligible for benefits, add:

Since this family will be street homeless by [*insert date*], we request that you exercise your powers under section 17(6) of the Children Act 1989 and provide temporary accommodation for our client and her/his child(ren) together from that date. In order to secure longer-term accommodation for the family, we additionally request that you provide financial assistance to cover a rent deposit and rent in advance.]

We look forward to hearing from you, both as to the provision of accommodation and [*if client is not eligible for benefits, add: subsistence payments OR if client is eligible for benefits, add: a rent deposit/rent in advance*], and with copies of the assessments we have requested. If we do not hear from you by [*insert deadline*] we shall advise our client to take further legal advice.

Yours,

[insert signature]

Excluded occupiers

In this feature, Steve White sets out and examines the categories of occupier who are not covered by the Protection from Eviction Act 1977.

Steve White is a trainer for the National Homelessness Advice Service.

Most people renting residential accommodation have protection from eviction under the Protection from Eviction Act 1977 (PEA 1977). This means that before evicting them, their landlord must, as a bare minimum, obtain a possession order from the court. If the occupier does not leave by the date specified in the order, the landlord must then apply to court for a warrant of possession, or 'bailiff's warrant'.

The requirement to obtain a possession order and a warrant applies whether the property was let to a tenant or a licensee.¹ A landlord who fails to follow this procedure could face criminal sanctions, a civil claim for compensation, or both.

Excluded from protection

There are three main groups of occupiers who can be evicted without first obtaining a court order:

- squatters
- excluded occupiers
- those occupying accommodation not 'let as a dwelling'.

Squatters

A squatter is a person who enters and lives in a property without the owner's permission. The owner may evict her/him without serving notice or obtaining a court order.

Excluded occupiers

The second category of occupiers who lack protection from eviction are 'excluded occupiers'. An excluded occupier is one who falls into a category listed in section 3A of the PEA 1977, as set out below. Note that tenancies or licences that started before 15 January 1989 may still have protection from eviction if there has been no change in the terms of their agreement.²

Resident landlord

Where the occupier and her/his landlord share living accommodation (e.g. kitchen, living room or bathroom). The property must be the landlord's only or principal home at the start and at the end of the letting.

Family member of a resident landlord

Where the occupier shares accommodation with a member of the landlord's family, and

both that family member and the landlord live in the same building at the start and at the end of the letting, so long as it is not a purpose-built block of flats.

Letting to a former trespasser

Where a licence is granted as a temporary measure to someone who entered the property without permission.

Holiday lettings

Where the purpose of the letting (whether granted under a tenancy or licence) is 'for a holiday only'.

Rent-free accommodation

Where the tenancy or licence is granted free of charge.

Accommodation for asylum seekers

Where the accommodation is provided by UK Visas and Immigration to asylum seekers, or under special provisions that only apply in the event of a mass influx of displaced persons to the EU.³

Public sector hostel licences

A hostel is defined by section 622 of the Housing Act 1985 as a building in which the accommodation provided is not separate and self-contained, and where board and/or facilities for preparing food are provided for the residents.

The hostel must be managed by a local authority, a housing trust or a private registered provider of social housing (i.e. most housing associations).

Property not 'let as a dwelling'

Section 3 PEA 1977 only requires landlords to go to court to evict a tenant or licensee where the premises have been 'let as a dwelling'. An occupier of accommodation that is not 'let as a dwelling' has no statutory protection from eviction, and can be evicted without court order.

The Supreme Court looked at what 'let as a dwelling' means in the case of *R (ZH and CN) v Lewisham LBC and Newham LBC*⁴ and clarified that it is the purpose of the letting that is important in deciding whether or not the accommodation is 'let as a dwelling', not the use, though the purpose may change with time.⁵

Lord Hodge, delivering the majority judgment, stated that: ‘as a matter of nuance, “dwelling” as a general rule suggests a more settled occupation than “residence” and can be equated with one’s home’.⁶

Importantly, the case also confirmed that accommodation provided to a homeless applicant under section 188 of the Housing Act 1996 (the interim duty to accommodate where there is apparent priority need), and/or section 190 of that Act (accommodation provided to the intentionally homeless), is not a dwelling, and therefore not subject to the requirements of the PEA 1977. The court gave the following reasons:

- a person is still statutorily homeless whilst housed under sections 188 or 190
- in these cases nightly licences were used
- imposing the requirements of the PEA 1977 would significantly hamper the operation of local authorities’ rehousing duties to the homeless⁷
- issues concerning the proportionality of an eviction could be raised by judicial review or in the course of an appeal to the county court under section 204 of the Housing Act 1996.⁸

The dissenting judgments of Lord Neuberger and Lady Hale criticised the majority approach on the basis that a ‘dwelling’ means nothing more than where a person lives or resides, even if that is on a temporary or precarious basis.

Issues following ZH and CN

There has been a plethora of unorthodox occupation arrangements emerging in the last few years, such as property guardians, rent to rent occupiers, beds in sheds, or nightly letting arrangements, and there is a concern that ‘rogue’ landlords may try to exploit this judgment to argue that such occupiers have no protection from eviction.

Excluded occupiers - notices

The PEA 1977 says nothing about the eviction process to be followed by landlords of excluded occupiers, or where the property is not let as a dwelling. Landlords therefore must follow the common law on notices and taking possession.

■ *Periodic licences - reasonable notice*

In the absence of a contractual notice clause, a periodic excluded licensee is entitled to ‘reasonable notice’ of the landlord’s intention to evict. Such a notice does not

need to be in any prescribed form, nor to specify a date for expiry. In the case of a verbal agreement, verbal notice will suffice.⁹

If the contract provides for an unreasonably short period of notice, the landlord may not recover the property until a reasonable period of time has elapsed.¹⁰

■ *Periodic tenancies*

In the case of periodic excluded tenancies, the landlord must serve a notice of at least the rental period, which must expire on the first or last day of the period.¹¹

■ *Periodic licences or tenancies*

If there is a clause in a written (or verbal) agreement that a certain amount of notice must be given to end the letting, then the landlord cannot give less than is specified.

A contractual notice period will generally override the common law rule, even where the period specified is shorter than common law would allow.¹² However, there is an argument that such a term could be ‘unfair’ and thus unenforceable.¹³

■ *Fixed terms*

Where there is an excluded licence, the landlord may have an immediate right to possession on any breach of terms by the occupier if the licence agreement so provides, but not otherwise.¹⁴

Excluded tenants have a right to occupy for the duration of any fixed term, provided they do not breach the terms of the contract. If they do, the landlord may need either to activate a break clause or take forfeiture proceedings (subject to the existence of a valid forfeiture clause in the agreement) to bring the fixed term to an early end.¹⁵

At the end of a fixed term, the excluded occupier’s right to occupy ends along with all of his/her rights under the contract, and the landlord is entitled to immediate possession without needing to serve notice.

Excluded occupiers - eviction

On expiry of a fixed term or the correct notice period, the landlord can take back possession, typically by changing the locks, so long as there is no-one on the premises at the time. Otherwise s/he may be in breach of section 6 of the Criminal Law Act 1977.

The landlord must give the former occupier a reasonable period of time in which to reclaim her/his belongings following eviction.

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11.5.10.5 Excluded occupiers.

Footnotes

¹ s.3 Protection from Eviction Act 1977.

² ss.3(2C) and 8(5) Protection from Eviction Act 1977.

³ Displaced Persons (Temporary Protection) Regs 2005 SI 2005/1379.

⁴ R(CN) v Lewisham LBC; R (ZH) v Newham LBC [2014] WLR(D) 489.

⁵ see para 24 of the judgment.

⁶ see para 45 of the judgment.

⁷ see paras 33-35 of the judgment.

⁸ see para 71 of the judgment.

⁹ Crane v Morris [1965] 1 WLR 1104; Bird v Defonvielle (1846) 2 C.&K. 415.

¹⁰ Ministry of Health v Bellotti [1944] KB 298.

¹¹ Crate v Miller [1947] KB 946.

¹² Peacock v Raffan (1806) 6 Espinasse 4 170 ER 812.

¹³ Sch.2(1)(g) Unfair Terms in Consumer Contracts Regulations 1999 SI 1999/2083.

¹⁴ see Wood v Leadbitter (1845) 153 E.R. 351.

¹⁵ s.146 Law of Property Act 1925.

Homelessness: 16 and 17 year olds

The first of two leaflets on the help available for young homeless people.

This leaflet looks at the help you can get from your local council if you're 16 or 17.

If you're under 18 and homeless, you are a 'child in need'. Children's social services ('children's services') must find you somewhere to stay and provide you enough money to live on. This applies regardless of your nationality or immigration status.

Must I be sleeping on the street?

You don't have to sleep on the street to be homeless. You are legally homeless if you can't go home and where you're staying is unsafe, unsuitable or if you have no legal right to stay there. You could be homeless if you're staying with friends temporarily because, for example, you're escaping from abuse or the risk of violence.

Housing or children's services?

You can go to either children's services or the homelessness department for help. You are likely to get a wider range of support, including accommodation, from children's services. If you contact children's services, ask to speak to the duty social worker.

If you go to the homelessness department, they should arrange for children's services to help you. In an emergency the homelessness department should find you somewhere to stay for the night, as well as telling children's services that you need a 'child in need' assessment. Whichever department you go to, you must not be left on the streets for even one night. Get immediate advice if you are passed around between departments.

Which council?

The council where you usually live is the one that has a duty to help you. In an emergency, you can go to any council in England, but you might later be referred back to your original area if it's safe to do so.

Will they make me go home?

Children's services or the homelessness department will talk to your family to see if you can go home, but they shouldn't do this if it would make things worse. You may be offered 'family mediation' to try and improve the relationship with your family. You can still be housed while this happens. They can't force you to live where you are not safe.

What kind of place will I get?

You could be offered a place with a foster family, in a hostel for young people, or in more independent accommodation. Your wishes must be taken into account, but you might not get exactly what you want. The accommodation must be suitable for your needs. Get independent advice if you're not happy with what they offer you.

Support from children's services

If children's services become responsible for you, they can:

- pay for your accommodation and your living costs
- provide you with a personal adviser to advise and support you
- help you make a plan for the future, covering your education, training and employment, known as a 'pathway plan'.

What happens after I turn 18?

If you have been 'looked after' by children's services for at least 13 weeks between the ages of 14 and 18, including at least one day after your 16th birthday, some of their duties, including providing you with a personal adviser, could continue until you are 21, or 25 if you remain in education or training.

Finding the right support

Services that support homeless young people vary between different areas. The following organisations specialise in helping young people with accommodation and/or advice:

www.centrepoin.org.uk
www.coramvoice.org.uk
www.barnardos.org.uk
www.depauluk.org

Further advice

You can get further advice from Shelter's free* housing advice helpline (0808 800 4444), a local Shelter advice service or Citizens Advice bureau, or by visiting shelter.org.uk/advice or adviceguide.org.uk

*Calls are free from UK landlines and main mobile networks.

A Shelter and Citizens Advice service. DCLG funded.



Registered charity number 279057.

Shelter

Registered charity in England and Wales (263710) and in Scotland (SC002327).



Note

Information contained in this leaflet is correct at the time of publication. Please check details before use.