

Young parents' access to settled accommodation

This is an enquiry we received about a young woman who was expecting a baby however could not access settled accommodation due to her local authority having a policy of not providing local authority permanent accommodation to those under 18 years of age. Sue Baxter, NCAS Accommodation Project Manager, supplied the information for the response.

Question

I am supporting a young woman who is 17 years old and pregnant she is currently living in Bed and Breakfast accommodation. The young person has a partner and they desperately want to set up home together to plan for the arrival of their baby. The local authority I work for have a policy of not providing flats to young people under 18 as they have had some negative experiences. The leaving care manager believe that the housing department has a duty to provide permanent accommodation, however the housing department are advising that in law they do not have responsibility until the young person is 18. This is becoming very confusing as I am being batted from one person to another, and in the meantime my young person is being moved from one B&B to another and is becoming more and more distressed.

Answer

Care/Pathway planning

Firstly you need to establish what is written in this young woman's care/pathway plan and what happened at the review stage when she moved from a regulated to an unregulated placement. If the local authority has a policy of not allocating independent accommodation to young people under 18 they need to identify what alternative arrangements will be made as B&B is not regarded as suitable accommodation. It may be appropriate for a local authority to have such a policy if there are supported alternatives for example, training flats, supported lodgings, supported housing, mother and baby units, carers and children units etc.

Legislation

The legislation the housing department are referring to is the Children (Leaving Care) Act 2000, section 23B (8) provides that:

“The responsible local authority shall safeguard and promote the child’s welfare and, unless they are satisfied that his welfare does not require it, support him by—

- (a) maintaining him;
- (b) providing him with or maintaining him in suitable accommodation; and
- (c) providing support of such other descriptions as may be prescribed.

(9) Support under subsection (8) may be in cash.
(10) The Secretary of State may by regulations make provision about the meaning of “suitable accommodation” and in particular about the suitability of landlords or other providers of accommodation”.

As the young woman you are supporting is under 18 years of age and classified as a ‘relevant child’ they would not be able to present as homeless, but should be provided with appropriate housing by children’s services. However, the responsibility of the local authority to provide accommodation is not just children’s services, but the local authority as a whole.

The government through their department Communities and local government (CLG_ and Department for Children’s Schools and Families (DCSF) have produced non-statutory guidance on joint working between housing and children’s services¹. The guidance identifies that children and housing services should have:

- a formal joint working protocol;
- joint working arrangements for promoting and planning care leavers transition to adulthood specifically;
- a joint protocol to ensure a quick safe and supportive response to care leavers at risk of or homeless.

Unfortunately this is not a statutory requirement; the result being (as this young woman has experienced) young people being passed from one department to another.

What you need to establish is what arrangements are in place for the housing department to support children’s services in meeting their duties under the Children (Leaving Care) Act 2000. In some authorities the young person applies to be placed on the housing register at 16 years of age, and their application is activated and they are given priority status when they are ready for independent accommodation.

Change of status at age 18

The young woman’s legal status will change when she is 18 as she will become a ‘former relevant child’, she will be able to present as homeless and should have priority need. However, we would expect care leavers to

¹ Joint Working between Housing and Children’s Services Preventing homelessness and tackling its effect on children and young people May 2008 www.communities.gov.uk

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be provided with suitable accommodation without having to access it via the homelessness route.

With regard to the woman's current circumstances she can however challenge the local authority now under the provisions of the Children (Leaving Care) Act 2000. A blanket policy on not housing those leaving care under 18 in their own flats is not necessarily appropriate, and in implementing that policy and procedure the local authority is allowing a pregnant young care leaver to stay in B&B. In the interim, it may be that the partner can present at the homeless persons department to make an application for housing that would be suitable for them as a family in that the young woman and their baby would normally be expected to reside with him.

Human Rights

Lastly the local authority should be aware that the young woman potentially could make a challenge under Human Rights Act 1998 article 8 right to a home and family life, in that the local authority should be providing her with appropriate accommodation for her families needs.

About us

Please note that, although the information in this briefing is correct to the best of our knowledge, NCAS does not give legal or benefits advice and we recommend that you seek separate legal advice as necessary.

For further information and resources please go to our website www.leavingcare.org or contact:

National Care Advisory Service (NCAS)
Catch22 Office, 3rd Floor, Churchill House
142-146 Old Street, London, EC1V 9BW
T 020 7336 4824, F 020 7336 4801, E ncas@catch-22.org.uk

NCAS is part of Catch22, the charity that helps young people out, www.catch-22.org.uk