



<b>Briefing for:</b>	Corporate Parenting Advisory Committee
<b>Title:</b>	Children Placed in Care in Haringey as a result of the Southwark Judgement
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## 1.0 BACKGROUND

1.1 On May 2009, The House of Lords Judgment on the case R(G) v London Borough of Southwark has given legal clarification concerning the way 16/17 year olds who are in need of housing and support are managed.

1.2 The judgement confirmed that local authorities should presume that any lone, homeless child<sup>1</sup> should be provided with accommodation under Section 20 of the Children Act 1989, unless (based on an initial screening assessment) the child is not (in the local authority's judgment), a "child in need".

1.3 In nearly all cases the impact of a child being homeless and their parents being unable to provide suitable accommodation or care, will result in such significant challenges to the child's welfare, that he or she will be a child in need. Where the criteria for Section 20 have been met, children's services do not have discretion to use Section 17 powers to provide accommodation. The effect of providing accommodation under Section 20 is that the child becomes "looked after" within the meaning of Section 22 of the Act.

1.4 Some homeless 16 and 17 year olds will still have priority need under the homelessness legislation. They will include those whose need for accommodation did not fall within the circumstances specified in Section 20(1)

of the 1989 Act - for example, because they had been living independently for some time prior to their homelessness; and those whose need for accommodation fell within Section 20 but who did not want to be accommodated under Section 20. Such young people must be judged to be competent to make such a decision and to have had the benefit of advice about the consequences of making such a decision.

1.5 The duties of local authority children's services to accommodate children in need can not be circumvented by referring the child to a housing authority. The latter's duties under the homelessness legislation (Part 7 of the Housing Act 1996) provide a safety net for the very small number of children who will not meet the criteria for accommodation under Section 20 of the 1989 Act. The Judgement made it clear that the Children Act duties take priority.

1.6 It is important that there continues to be a close partnership between children's services and housing authorities, in order to support local authority responsibilities under the Children Act for meeting the needs of children in need of accommodation.

*<sup>1</sup> The law speaks of 'children' and 'children in need': for 'child' please read child or young person throughout the paper.<sup>2</sup> Article 3 of the Homelessness (Priority Need for Accommodation) (England) Order 2002. Please note that the following recommendation is subject to consideration and determination by the Cabinet (and confirmation under the provisions of the council's Constitution) before taking effect.*

## **2.0 HARINGEY'S RESPONSE**

2.1 The London Borough of Haringey set up a joint protocol to clarify the roles and responsibilities between the London Borough of Haringey's Children and Young People's Services and its Housing services into the provision of accommodation and support for;

- i) Homeless families and s17 Children Act 1989.
- ii) Housing and supporting homeless 16 & 17 year olds under the Section 17 and Section 20 Children Act 1989.

2.2 In the first instance, the responsibility for establishing whether a young person is indeed a lone and homeless child primarily rests with the Housing Service. There must be evidence of prevention activity, undertaken to resolve the homelessness. Only when prevention activities have been exhausted can there be an accurate determination that the child is, and will continue to be, lone and homeless; therefore in need and requiring Section 20 accommodation.

2.3 Therefore, under the protocol, homeless 16 and 17 years old present themselves to Apex house, at that point Housing Services will try to reinstate the young person within their family or confirm their homelessness. If it is not

possible for the young person to be reinstated and homelessness confirmed, that young person will be accommodated in temporary accommodation. Haringey Housing will arrange and pay for the accommodation prior to the referral, ensuring that the young person is not 'roofless'. Children's Services will then receive the referral and will have 10 working days to complete the Initial Assessment.

2.4 Once the initial assessment has been completed and Children's Services are satisfied that the young person has enough independent living skills; and the young person does not to be looked after; and the need relates only to housing then he/she will be referred back to temporary accommodation.

### **3.0 HOMESAFE TEAM**

3.1 The Homesafe Team was set up on the 4<sup>th</sup> of January 2010 to work specifically with homeless 16 and 17 year olds young people who are in need of an assessment under the Children Act 1989 and subject to the Southwark Judgement. The name of the team was given by the young people who are already receiving service from Children's Services.

3.2 The Team consists of one senior practitioner, two qualified social workers, one social worker assistant and one housing project worker and is currently based within the 18+ service, which is also dealing with young people in need.

3.3 Since the Homesafe Team was set up;

- 118 young people (who meet the Southwark judgement criteria) have been referred since January 2010, in addition to 44 service users taken on from First Response and meeting Southwark Judgement ruling. A total of 162 young people have been referred to the service.
- Of the 118 new cases, Homesafe Team have received 18 young people into care since January 4<sup>th</sup>, 2010.
- 59 cases have subsequently been closed with the outcomes of: in temporary accommodation, prison, moved to another local authority, or reached their 18<sup>th</sup> birthday.
- 27 young people returned to live with their families, nine remaining currently open under s17 to receive ongoing advice, support, and provision of preventative services.
- 23 young people are accommodated under Section 20.
- 21 young people are supported under Section 24 of the Leaving Care Act 2000, as they were previously s20 and turned 18 years old and therefore entitled to Leaving Care services.

- 59 young people are supported under Section 17, the makeup of which: nine of them are still living with family (as documented above), 13 due to be closed as they have reached their 18<sup>th</sup> birthday and no longer entitled to services, 13 are referred to Housing for homelessness assessment awaiting Homeless outcome (and may be referred back), 24 cases supported in private accommodation or supported housing.
- The referral rate has steadily increased since the initiation of this team and in the last 3 months has increased on average of 10 referrals/month.

#### **4.0 IMPACT**

4.1 Since the ruling came into effect, CYPS has experienced an increase in demand on their tendered accommodations for young people.

4.2 The workload pressures of the team are increasing as the referral rate grows.

4.3 In addition to accommodation, this group of 16 and 17 year olds will require an allocated social worker up until the age of 18 years old.

4.4 16 and 17 year olds who present themselves as homeless are entitled to Income Support and Housing Benefit to cover their living costs and accommodation charges. Once these young people come into care, these entitlements cease and local authorities are expected to meet these costs. Rent and support charges do vary depending on provider and the level of support required. This presents cost pressures on the local authority and has contributed significantly to the overspend in the Leaving Care Service.

4.5 It has also been noted that the trend of young people requiring an ongoing service from CPYS represents a volatile group, coming into care with often chaotic lifestyles, impacting adversely on performance in stability of placements. In addition, these young people are often, for example, involved in gang activity (sometimes therefore needing out of borough placements which are far more difficult to obtain), misusing substances, self harming and manifesting mental health concerns and a high number of young women who have babies or are pregnant.

4.6 Young people in this category who are looked after under Section 20 for more than 13 weeks after their 16<sup>th</sup> birthday also become entitled to Leaving Care services. The House of Lords cautioned against local authorities planning for a swift exit from accommodation (under Section 20) of this group of young people prior to the 13 weeks necessary to secure eligibility for Leaving Care support. In addition to the eligibility for Leaving Care services, they also become priority need for housing under the Homelessness Act 2002 (18- 21 year olds who are former relevant children have an automatic priority

need, if older but under 25 Housing have to take it into account as part of a vulnerability assessment).

4.7 There is an expectation that local authorities are responsible for supporting eligible young people until the age of 21 years, or 24 years if they are in higher education. This brings with it a range of financial and resource implications. All of these young people will be entitled to Pathway Plans, allocated social workers and personal advisors, plus funding whilst they are in education, in addition to the provision of funding of accommodation. This will put pressure on housing options for care leavers by increasing numbers who are eligible and take places on the new quota system.

## **5.0 ANALYSIS AND PROFILE**

5.1 The current cohort of 18 young people placed under Section 20 have been audited and analysed in order for us to begin to gain a picture of the main key features and patterns emerging.

5.2 Statistics highlight we have 11 females and 7 males within this cohort, and come from either a white British background or Black British background. Only 2 fell outside these ethnicity categories.

5.3 Just under 50% have spent a period within their childhood being cared for by a relative (usually a grandparent), and therefore experiencing disrupted attachment with their primary carer. It appears from the analysis on files these young people when returned home to live with their primary carer (usually single mother) cannot maintain a secure attachment or rebuild a strong and consistent relationship. Eventually these young people are reported to be beyond their parents control. These young people continue to demonstrate difficulties in attachment and forming relationships once received into care, and maintaining contact with family and friends.

5.4 The majority of the 18 had some previous contact with the Local Authority, and certainly 99% had previous contact with First Response and come to the attention of the police. There was a clear pattern of numerous police notifications and contacts made, particularly relating to matters of mainly the males offending.

5.5 There was also a very small proportion who had more serious contact with First Response and Safeguarding relating to issues of neglect, short period of registration on the Child Protection Register and brief accommodations under s20 of the Children Act '89. Only 2 young people in this cohort had siblings in the care system currently.

5.6 Just over 50% had original referrals from addresses in the N17 area, however there was some evidence of family mobility in the background history and clearly these young people had a number of primary carers who may have lived inside or outside the borough.

5.7 All had some form of educational issues from low attendance, low attainment, and exclusions. This continues to be a part of their current profile, being either currently NEET or at risk.

5.8 Just over 50% reported some form of mental health and emotional difficulties, with current open referrals with CAMHS or counselling services. However engagement with such services would need further analysis. Self-harm was a particular feature affecting both the males and females of this group.

5.9 Four out of the 18 are reported to have suspected involvement with gangs either as a victim or suspected member. This statistic needs to be compared to our general LAC population, potentially this is a fairly high number. But this is a growing concern for many of our young people in the borough.

5.10 It was highly evident that the majority have a history of offending. 99% of the males in this group are reported to present a long history, and ever increasing seriousness of offences, with continued contact with the police, YOS, courts and some with custodial sentences. The girls profile was still high with over 50% having had some form of offending history however the escalation of offences was less stark.

5.11 A further common feature particularly for the males was substance misuse, most common being a disclosed use of cannabis affecting their motivation and capacity to make positive change. There is merit in analysing this further with regard to the link with offending patterns and behaviours.

5.12 We currently have 2 young single mothers in this cohort of Looked After Children, with both babies being known to the local authority due to parental capacity concerns.

5.13 In terms of when, where and how these children and young people could have been identified and supported at an earlier stage one would need to analyse the quality and services provided at initial contact stage for further insight. It is clear that these children and young people are identified early by services, but the impact of our interventions across the Children and Young People's Service and whether we are targeting our resources effectively to prevent these young people coming into care at a later date needs further analysis. However, it is important to acknowledge the numbers coming into care are low which would suggest services are having an impact diverting and preventing young people entering our care system. A clear starting point however is in relation to the males key features which needs to be discussed and analysed further with the Youth Offending Service to seek ways to address the escalating pattern of offending emerging, resulting in the breakdown of the family situation. A further suggestion given the difficulties these young people have with their attachments is looking at when they become first known to services at that initial contact stage, if a CAMHS referral would be relevant for family therapy.

## **6.0 CONCLUSIONS**

6.1 The Children and Young People's Service alongside Housing are committed to ensuring the best possible outcomes for all vulnerable children and young people. However, the impact of the ruling and the demands it places on the Local Authority is not yet fully understood, with the ever increasing referral rate and complexity of cases.

6.2 Further analysis would be useful, particularly with the Youth Offending Service in order to consider whether there is additional work that can be done across services in terms of prevention. In addition, some further analysis with our CAMHS service to look at the patterns and difficulties emerging with regard to these young people's attachments and mental health issues.

6.3 The most important action that we, as a whole service, can take now is to work with Housing to put more robust mediation in place. In addition to this there has to be an emphasis on the use of prevention effectively at a much earlier stage to reduce the crisis point at 16/17 years old. In order to affect this, the ongoing development of family intervention services will be a major influence impacting on this burgeoning area of need.