



# The Door is Closed

A report on children who are homeless because they are failed by the system which is supposed to protect them

## Contents

	Page
Foreword .....	3
Executive Summary .....	4
1 Introduction .....	6
1.1 Background .....	6
1.2 About this report .....	7
1.3 A word about terminology .....	7
1.4 Acknowledgments .....	8
2 Setting the Scene: the context for this report .....	8
3 Legislative and regulatory background .....	10
4 The children and young people in our study .....	13
5 Findings and Analysis .....	15
5.1 Turning children away without assessment .....	15
5.2 Failings in the assessment process .....	18
5.3 Failures in decision making following assessment .....	23
5.4 Failure to address safeguarding concerns adequately .....	26
5.5 Not believing children and young people .....	29
5.6 Offering choice but not enough information .....	30
5.7 Access to advocacy .....	31
5.8 Challenging Local Authority practice .....	33
6 Recommendations .....	36
7 Conclusion .....	37
8 References .....	38

## Foreword

Coram Voice has been advocating for children in contact with Local Authority Children's Services for nearly 40 years. Recently, we have been made ever more aware of a group of children in desperate need of help from Children's Services, but who face considerable difficulties in getting such help. These are children who have become homeless or who are on the verge of homelessness.

Children and young people suffering homelessness and its related problems are unlikely to know that they can get help from our advocacy service, so they are unlikely to call our helpline, which is the way most young people first contact us. Therefore, in 2012, we started our Outreach project at the New Horizons Youth Centre, proactively seeking out children and young people who we can help.

We initially thought that most of our work would be helping children to be heard when they were telling Local Authority Children's Services that they needed somewhere safe to live, holding the services to account against their legal duties under the Children Act (1989). This has certainly been part of the job. But we discovered a large group of young people who were harder to support, but arguably had an even greater need for our help.

These are young adults who became homeless as children, asked Children's Services for help, but were either turned away or offered inadequate support. Legally and morally, these children should have been taken into care, found somewhere safe to live, and then continued to be supported.

By failing to help, Children's Services leave this most vulnerable group of children and young people sleeping rough, at the mercy of people who would do them harm, suffering physical and mental ill health. When these children ask an advocacy organisation to help them challenge the system, they are too often turned away by services that will not help them precisely because they are not – and never were – in care: the very issue that they are asking for help with.

This report attempts to tell the story of how and why these children are so badly let down by the system which is supposed to help them, but also the story of how Coram Voice's advocates, and the solicitors we work with, have found a way to make that system do its job properly.

Uniquely, we have been helping children and young people challenge the decisions that are made about them by Children's Services, getting them care status, resulting in them being later recognised as care leavers, and getting support for their wider needs - first somewhere safe to live, then tackling the many other challenges they face as they transition from a life on the streets.

This group of children and young people have been let down by their families, by the social care system, and by society. It's a group that should not exist and we are working to make sure that fewer children face the same problems in the future. In the meantime, Coram Voice are proud to be supporting them and we are very grateful to our donors and partners for helping to make this happen.

**Andrew Radford**  
Managing Director,  
Coram Voice

## Executive Summary

Homelessness among children and young people is rising, with an increasing number becoming homeless aged 16 or under.

The main causes are family breakdown, violence or abuse in the home. Homeless children face complex and compounding challenges, experiencing high levels of exclusion from education, unemployment, drug or alcohol misuse, involvement in criminal activity (as well as being victims of crime), risks of deteriorating physical and mental health and sexual exploitation. (Section 2)

Coram Voice advocacy services enable children and young people to actively participate in shaping their lives and to hold to account the services responsible for their safeguarding and care. We provide children with advocates who will listen to them, establish their wishes, opinions and fears, and work with them to ensure their voice is heard by Children's Services. Of particular relevance for this report is our work with young people who were homeless as children and who presented themselves to Local Authority Children's Services departments but were turned away or given inadequate support. We have had considerable success in persuading Children's Services to change decisions, take children into care and provide retrospective care leaver status to young people, so being obliged to provide safe accommodation and to meet the other needs of the children and young people concerned. (Section 1)

This report presents the findings from a review of the case notes of 40 homeless children and young people supported by Coram Voice through our Outreach advocacy programme, during 2013-14. This is supported by in depth interviews with young people with experience of the issues, Coram Voice advocates, and solicitors who work with homeless young people. (Section 1)

Of the 40 cases reviewed, 10 were children who were known to Children's Social Care but had not been taken into care; 22 were young adults who had been known to Children's Social Care as being homeless when they were children but had not been taken into care. This latter group therefore did not have care leaver status and were therefore unable to access continuing support from Children's Social Care or many contracted advocacy services. (Section 4)

Section 20 of the Children Act (1989), examined fully in the Southwark Judgment in 2009, requires Local Authority Children's Social Care Services to assess the needs of any child within their area who is homeless or at risk of homelessness and take them into care if there is no parent or other suitable carer able and competent to provide suitable accommodation. (Section 3)

However, our study found that some Children's Social Care Services are failing in their legal duties, turning children away without performing a proper assessment, or without providing the support that children needs. Children are being referred to housing departments without being assessed, or simply told to return home. They are also being refused assessments if they present to Children's Social Care in a different area from where they live. (Section 5)

When assessments do take place, children sometimes find that their opinions are not taken seriously and their experiences are often disbelieved. They find the process difficult and stressful. In some cases, a parent's views are given more importance than those of their child, even when the child has left home because they do not feel safe. (Section 5.5)

In almost all cases where children are turned away or otherwise failed by Children's Social Care, they end up sofa surfing or street homeless, facing lasting effects to their safety, physical and mental health, job prospects and education. 'Sofa surfing' is shown in many cases to be a euphemism for a range of unsafe sleeping environments. Children talk about sofa surfing when they are sleeping in tents or cars, in police cells or on night buses, in drugs dens or with strangers. (Section 5)

Safeguarding concerns are being missed. Children report becoming homeless because of violence in the home, being sexually exploited or threatened by gangs. Once homeless, they face a greater risk of being robbed, threatened and attacked, as well as facing the health problems that result from sleeping rough and not having enough food. (Section 5.4)

Children are not being given enough information about their entitlements to make informed choices and therefore are choosing lesser forms of support available to them, without understanding the consequences of their decisions. When this happens, Children's Social Care Services are often referring children to the Housing Department, but do not address the complexity of their other needs, and do not accept their responsibilities to them as young adult care leavers. (Section 5.6)

Statutory guidance states that homeless children should be offered advocacy to help them understand procedures and make informed choices about their rights and entitlements. However, they are rarely offered this service. When they find out that they have this right and ask for advocacy, they are too often turned away by services that will not help them precisely because they are not - and never were - in care: the very issue that they are asking for help with. (Section 5.7)

Coram Voice, our funders and partners have found a way to break this bureaucratic deadlock. Unfortunately, this normally requires a threat of legal action, since there is no other effective way to get Children's Social Care to urgently review their decisions. The fact that action is normally taken in response to a solicitor's letter, with few cases going to court, suggests that the Children's Social Care Services concerned know that they have acted unlawfully. (Section 5.8)

If Children's Social Care are to meet their obligations to this very vulnerable group of children and young people, they need to fundamentally change the way they approach child and youth homelessness. They must cease treating it simply as a lack of housing, moving to a recognition that it is a situation of risk that affects all aspects of a child's life and that it can significantly undermine their personal development, physical and mental health, with lasting detrimental impacts on their life chances. (Section 6)

Specifically, Children's Social Care Services must comply with the law and statutory guidance, taking into care and accommodating all children who present as homeless, or at risk of immediate homelessness. They should ensure that their advocacy services support these children and young people. Central Government should re-issue statutory guidance to Local Authorities, insisting on full compliance with the law and guidance. Relevant statistics need to be collected and reported to help understand the scale of the issue, and a cost-benefit analysis could help release funding. A dispute resolution mechanism is also needed so that homeless children can obtain urgent protection and accommodation without having to take legal action. (Section 6)



## 1. Introduction

### 1.1 Background

**Coram Voice advocacy services enable children and young people in contact with Children’s Social Care to actively participate in shaping their lives and to hold to account the services responsible for their safeguarding and care.**

We provide children with advocates who will listen to them, establish their wishes, opinions and fears, and work with them and the system to ensure their voice is heard by Children’s Social Care. This support enables them to navigate the system, challenge decisions and ensure their rights and wellbeing are met. Coram Voice has a national advocacy helpline that children can call for support when they are unhappy with Children’s Social Care.

An increasing number of children and young people contact us for support with issues relating to where they live, with 21% of all the issues young people raise currently relating to this.

In 2012, Coram Voice began an Outreach project at the New Horizon Youth Centre for homeless young people in Central London. The outreach approach recognises and removes the barriers homeless young people often face when seeking help. We visit the Centre and proactively seek out homeless children and young people who have been in contact with Children’s Social Care, but who were not necessarily taken into care. We offer information about rights and entitlements, and provide one-to-one advice sessions and intensive follow-up advocacy support. The success of the project has led to an 83% increase in crisis calls from homeless children and young people to our helpline. In 2013/14 our advocacy service supported over 200 children and young people known to Children’s Social Care who were homeless or were facing threat of homelessness.

Under Section 20 of the Children’s Act 1989, Local Authority Children’s Social Care Services have a duty to provide accommodation for any child in their area when a parent or carer is unable for whatever reason to provide suitable accommodation or care. This has been confirmed in court by a ruling usually known as the Southwark Judgement. Nevertheless, a significant number of children and young people become homeless or continue to experience homelessness due to the failure of Children’s Social Care to meet their statutory duties.

Coram Voice’s advocacy service has been supporting children and young people to challenge and overturn poor decisions made by Children’s Social Care Services. We advocate for two main groups:

- Those under 18 and therefore still children, who are homeless and are being refused appropriate support by Children’s Social Care
- Those aged 18 and over who were known to Children Social Care Services as homeless prior to their 18th birthday, but who did not become looked after despite previous – and at time extensive – contact with them

We help these children and young people to hold Children’s Social Care to account so that their rights and entitlements are recognised. We also aim to re-engage them with the care system so they are kept safe and have the opportunity to realise their full potential.

### 1.2 About this report

This report focuses on the experiences, rights and needs of children and young people who present themselves to Children’s Social Care Services but become homeless, or continue to experience homelessness, after being denied a looked after status and receiving no support or too little support

The report is based on a study of a sample of 40 cases concerning children and young people helped by Coram Voice’s Homeless Outreach Project between October 2013 and March 2014. This is a representative sample of the cases Coram Voice has worked on where the young person was known to Children’s Social Care Services as homeless, or facing homelessness. The report also draws on in-depth, semi-structured interviews with two young people who have direct experience of the issues explored, six frontline Coram Voice staff and two (external) solicitors working in this specialist field.

Local Authority Children’s Social Care Services were not involved in this report as we focused on the voice of the child in order to give the children’s and young person’s perspective on this problem.

We nevertheless acknowledge that, as a result, this report therefore focuses on the negative experiences of children and young people who have been let down by their own Children’s Social Care Services. We know that there are many children who are well supported by their social workers and therefore do not come into contact with Coram Voice or our partners working on homelessness.

Coram Voice presents this report in order to highlight the issues, generate discussion and call for change in the policies and practices of local and central government, so that this group of very vulnerable children is safeguarded and supported to reach their full potential.

### 1.3 A word about terminology

In Coram Voice’s experience, ‘Children’s Services’, the local authority department responsible for the welfare of children and care leavers, is a name rarely used or understood by the children and young people themselves. They instead tend to talk about ‘social services’, a term which is not officially used. In an attempt to be both clearly understood and broadly in line with official terminology, this report generally uses the term ‘Children’s Social Care’.

Throughout this report we talk about children and also about young people. We tend to use the term ‘child’ or ‘children’ when referring to the time when they present themselves, aged under 18, as homeless or at risk of homelessness to Children’s Social Care. We use the term ‘young people’ for those who are now adults, but who were in contact with Children’s Social Care when they were under 18, as children who were homeless or at risk of homelessness. For the purpose of this report, homeless children are children who have no fixed address and who have no-one exercising parental responsibility towards them.

We also refer to different statutory guidance, the titles of which we shorten for ease of reading. The most commonly referenced is the 2010 *Guidance to children’s services authorities and local housing authorities about their duties under Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young people*, which we refer to as ‘Joint Statutory Guidance’.

## 1.4 Acknowledgements

Coram Voice would like to thank all of our generous donors, including 29th May 1961 Charity, The Drapers' Charitable Fund, The Francis Crick Institute Community Chest, Harold Hyam Wingate Foundation, Mr. Jonah Grunsell, and other donors wishing to remain anonymous, for their vital contributions towards our Outreach advocacy programme with homeless young people.

We would also like to thank the New Horizon Youth Centre for hosting the Outreach service since its inception, actively promoting it to staff and young people, providing venues for advice surgeries and supporting young people to make referrals and stay in contact with us.

Finally, special thanks for their invaluable input goes to the solicitors, and young people Elizabeth and Aki, who generously agreed to be interviewed and share their experiences with us.

## 2. Setting the Scene: the context for this report

### Homelessness among children and young people is rising.

While the full extent of the problem remains hidden, frontline homelessness services report growing demand for support, many having to turn young people away due to insufficient capacity to help them (Homeless Link, 2014; Crisis, 2013). They are seeing more homeless children aged 16 and 17, with many first experiencing homelessness before the age of 15 (Centrepont, 2010; Crisis, 2012). Additionally, they report that homeless children and young people have increasingly complex support needs (Crisis, 2012).

The cause of homelessness for the majority of children and young people is family breakdown, when their parents exclude them from the home, often after long term conflict (Crisis, 2012; Homeless Link, 2013; Quilgars et al., 2008). Young people also commonly become homeless as they escape from violence or abuse in the home. Other reasons include eviction, or young people exhausting their support networks - no longer being able to stay with relatives or friends for example (Crisis, 2012; Homeless Link, 2014; Quilgars et al., 2008).

The route into homelessness for children and young people is complex. Often, they try to resolve the issue informally by so-called "sofa surfing" (see page 21) though many quickly experience street homelessness (Quilgars et al., 2008). An alarming number of children who approach Local Authorities when they are homeless are not provided with any support, despite many being from families previously known to Children's Services (Centre for Social Justice, 2014). A Freedom of Information request found that in 2012-13 one third of the homeless young people referred to Children's Social Care were not assessed (Homeless Link, 2013). Of those that were assessed, only 10% were then accommodated under section 20 of the Children Act (1989), while 40% were provided with low level support and housing placements that would end at age 18, under section 17 of the Act (Homeless Link, 2013: 10-11). This implies that two-thirds of homeless young people referred to Children's Social Care either are turned away without being assessed or receive no support after the assessment.

Simon (2008) highlights that homeless children and young people who have no support from their families after their relationship breaks down face increased instability compared to those in

care as they lack formal support and struggle to access services for their complex needs. Unsurprisingly therefore, homeless children and young people face complex and compounding challenges:

- They lack relationship and independent living skills (Homeless Link, 2013)
- 40% have experienced abuse at home (Crisis, 2012)
- 51% have been excluded from school, (Crisis, 2012) and approximately half are not in education, employment or training (NEET) (Homeless Link, 2014)
- Up to 70% have mental health problems (Crisis, 2014) and 33% self-harm (Crisis, 2012)
- They face an onset or exacerbation of substance misuse problems (Quilgars et al., 2008), with 30-40% reliant on drugs or alcohol (Crisis, 2012)
- They face increased risk of involvement in gang and/or criminal activity, with 34% having committed a minor crime in order to be taken into custody for the night (Crisis, 2012; Centrepont, 2010)
- Homeless young women face a high risk of sexual exploitation and are vulnerable to sexual assault (Quilgars et al., 2008; Homeless Link, 2014), with almost a third reporting unwanted sexual relations in order to have a place to sleep (Crisis, 2014)

### 3. Legislative and regulatory background

**For the purposes of this report we refer here to the law only as it applies to children who become looked after on or after their 16th birthday.**

#### Children Act 1989

Section 20 of the Children Act (1989) is the key legislative provision for accommodating 16 and 17 year olds assessed as homeless or at risk of homelessness. It states that

‘the local authority (Children’s Social Care Services) must provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:

- (a) there being no person who has parental responsibility for him;
- (b) his being lost or having been abandoned; or
- (c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care’.

There is a requirement to consult and take into account the wishes and feelings of the child.

Section 17 defines a child in need as a child who is unlikely to achieve or maintain a reasonable standard of health or development, or their health or development is likely to be significantly impaired, without the provision of services; or a child who is disabled. Children’s Social Care Services are required to provide a range of services to meet the assessed needs of children in need and their families. In doing so they must consult with and take into account the wishes and feelings of the child.

Where there are also safeguarding concerns, Children’s Social Services must make enquiries where they suspect that the child may be suffering or is at risk of suffering significant harm, with a view to identifying how to protect the child and keep them safe, again with a requirement to consult with and take into account their wishes and feelings (section 47, Children Act 1989).

The crucial difference between sections 17 and 20 is that the latter confers looked after status with consequent care leaving status (the degree of support offered dependent on eligibility criteria) whereas support offered as a child in need or through housing legislation does not do so.

#### Working Together

Working Together (2013) is statutory guidance which informs Children’s Social Care about how assessments should be conducted and sets out procedures for safeguarding children and young people. Assessments should be child centred taking into account where possible the child’s wishes and feelings and considering the interaction of three key domains: the child’s developmental needs, the parents’ capacity to meet those needs and the wider family and environmental factors.

#### Sufficiency duty

Children’s Social Care are required to take strategic action to secure the provision of sufficient accommodation in their area to meet the needs of looked after children (section 22G Children Act 1989). In doing so they must take into account the number of accommodation providers including foster carers and children’s homes, and the range of accommodation capable of meeting different and diverse needs.

#### Children Act – rights of looked after children

Children’s Social Care have an overarching duty to promote and safeguard the welfare of looked after children taking into account their wishes and feelings in decision making. In doing so it must prepare a care plan addressing all dimensions of the young person’s needs regularly reviewed by an Independent Reviewing Officer. Placement options include foster care, a children’s home or ‘other arrangements’ (e.g supported lodgings or semi-independent accommodation). While OFSTED does not regulate ‘other arrangements’ there are regulatory requirements under the Children Act (1989) regarding the suitability and safety of the accommodation and how it meets the wishes, feelings and needs of the child.

Looked after children aged 16 and 17 who have been looked after for at least 13 weeks, acquire the additional status of ‘eligible child’ which requires Children’s Social Care to start pathway planning for transition to adulthood.

#### Children Act – rights of care leavers

Those who have been looked after for at least 13 weeks on or after their 16th birthday become ‘relevant children’ and then ‘former relevant children’ on turning 18, and will remain as such at least until the age of 21 or on completion of their course of education. There are specific duties in relation to support with education and other general support needs identified in the pathway plan. Care leavers should be in priority need to access public housing, under Housing legislation. There is also a duty for Children’s Social Care (section 23(4) Children Act 1989 elaborated by *SO v Barking and Dagenham, 2010*) to provide accommodation to former relevant children in order to safeguard their welfare if they cannot access suitable accommodation by any other means.

Those looked after for less than 13 weeks on or after their 16th birthday acquire ‘qualifying child’ status. While support from Children’s Social Care is mainly discretionary this status may also be relevant in determining the priority in which young people will be able to access public housing.

#### Southwark Judgment and Joint Statutory Guidance

In 2009, the House of Lords considered the law in the case of *G v Southwark Borough Council* (referred to as the ‘Southwark judgment’). This ruling clearly affirms the responsibility of Children’s Social Care to assess children who present themselves as being homeless or at risk of homelessness. Further, the ruling highlights that the needs of these children are likely to be so complex that, as a rule, the outcome of the assessment should be that these children should be looked after. The assessment itself is holistic, taking into account the totality of the child’s needs and not focusing alone on housing issues. The Southwark judgment made clear that where the criteria are met under section 20 it is unlawful for Children’s Social Care to provide accommodation under section 17 or make a referral to the housing department.

In addition, the court recognised the disadvantage to young people aged 18 plus who as children were not accommodated under section 20. It ruled that where a finding is made that a young person should have been accommodated as a child, that decision has retrospective status from the date the child first presented as homeless.

The *Guidance to children’s services authorities and local housing authorities about their duties under Part 3 of the Children Act 1989 and Part 7 of the Housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old young people* (Joint Statutory Guidance) was subsequently issued in 2010, highlighting the need for joint work amongst the different



Departments within a Local Authority (mainly the Housing Department and Children’s Services) to provide suitable accommodation to children and support. The Guidance clearly stresses the responsibility of Children’s Social Care - and not the Housing Department - to conduct an assessment of needs of children who are homeless or at risk of homelessness.

Further, it highlights the importance of a child-centred approach to assessment in which children are encouraged to fully participate, to enable them to make informed choices about the support they need. This requires those conducting the assessment to give children full and realistic information about their rights and what they can expect as a looked after child and subsequent care leaver at 18.

The Joint Statutory Guidance also highlights the importance of giving information about independent advocacy support at the start of the assessment process and facilitating access to such support to help children make informed decisions. It is acknowledged that while these children should not be asked to make a decision about their legal status, equally they cannot become a looked after child against their will.

Other relevant parts of the Joint Statutory Guidance will be highlighted throughout the Analysis made in this report.

### Other relevant judgments

The Hillingdon judgment was one of the first judgments to consider the relationship between sections 17 and 20. While the Southwark judgment has superseded it in many respects, its ruling remains significant in highlighting the importance of looking at the reality of the support offered as distinct from the way that Children’s Social Care describes it. Where Children’s Social Care is providing both accommodation and other assessed holistic support needs under section 17, the child should be considered as looked after under section 20 regardless of how Children’s Social Care decides to label that support.

The ruling in the Caerphilly judgment explored the issue of the ‘uncooperative child’. *“The fact that a child is uncooperative and unwilling to engage, or even refuses to engage, is no reason for the local authority not to carry out its obligations under the [Children] Act and the Regulations”* adding that *“After all, a disturbed child’s unwillingness to engage with those who are trying to help is often merely a part of the overall problems which justified the local authority’s statutory intervention in the first place. The local authority must do its best.”*

## 4. The children and young people in our study

All of the 40 children and young people included in the study were known to Children’s Social Care as homeless or at risk of homelessness before their 18th birthday.

At the point of referral to Coram Voice’s advocacy service:

- 2 (5%) were looked after children (children in care)
- 6 (15%) had a leaving care status
- 10 (25%) were children (aged under 18) who were not looked after
- 22 (55%) were aged over 18 and had been known to Children’s Social Care as being homeless when they were 16 or 17 but had not been taken into care and therefore did not have a care leaving status

This report focuses on the 32 children and young people who were currently or previously homeless while aged under 18 but who were not taken into care by Children’s Services.

While all children and young people supported were based in London at the time of their involvement in Coram Voice’s advocacy support, 7 (18%) originated from local authority areas outside London.

Though the modal age was 17, the majority of the people in the study were aged 18 and over (Figure 1). There were more young men than young women (Figure 2) and there was a disproportionately high representation of black and mixed ethnicity (Figure 3). Five (12.5%) of the children stated they were unaccompanied asylum seekers or had other immigration issues.

As well as requiring accommodation, they also had additional support needs:

- 4 (10%) had disabilities
- 9 (23%) said they suffered from a mental health problem
- 5 (13%) had experienced the onset of conditions such as anxiety and depression since becoming homeless
- 5 (13%) said they needed support with benefits, money and/or budgeting
- 11 (28%) needed support to stay in or return to education or apprenticeships
- 9 (23%) had an involvement with crime or gang activity, although were reluctant to tell us whether they were victims, perpetrators or both
- 5 (13%) had physical health problems

Figure 1. Age at referral to Coram Voice

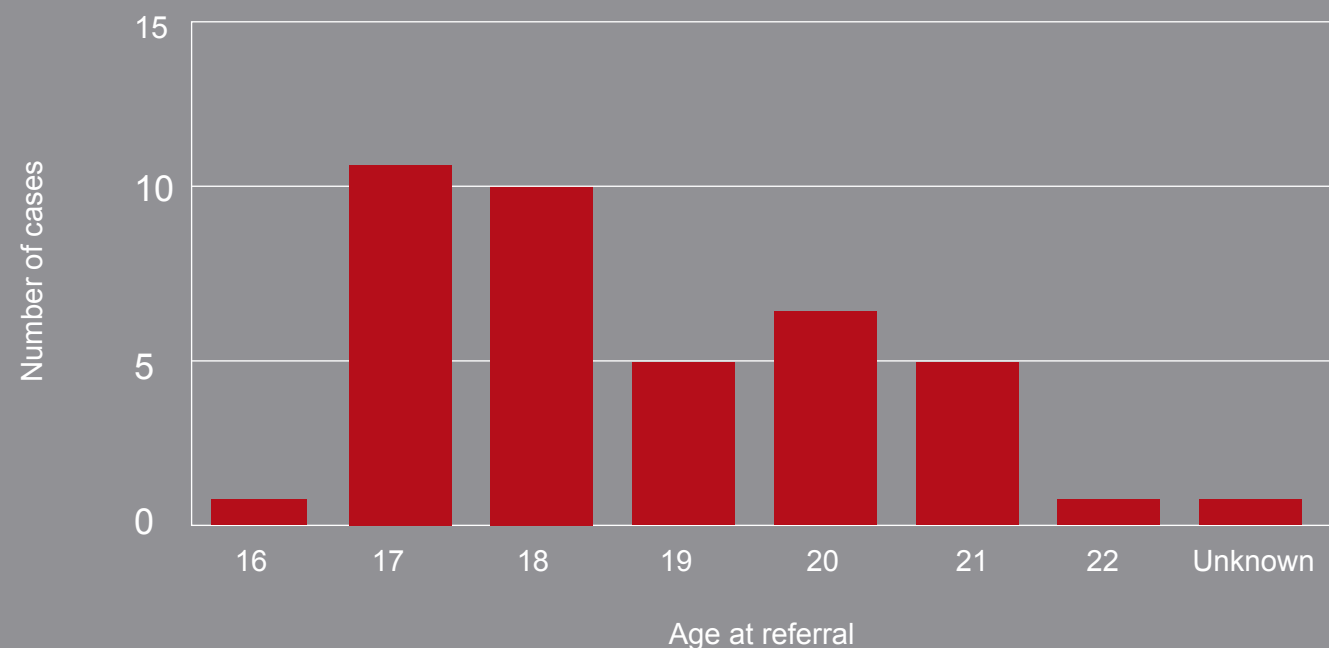


Figure 2. Gender

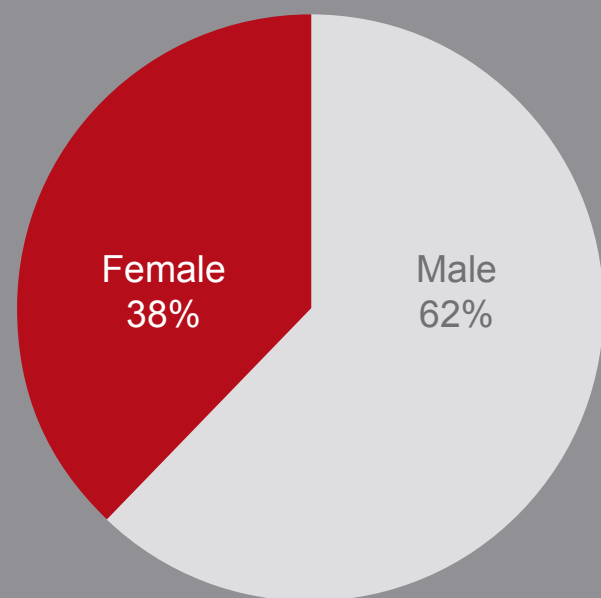
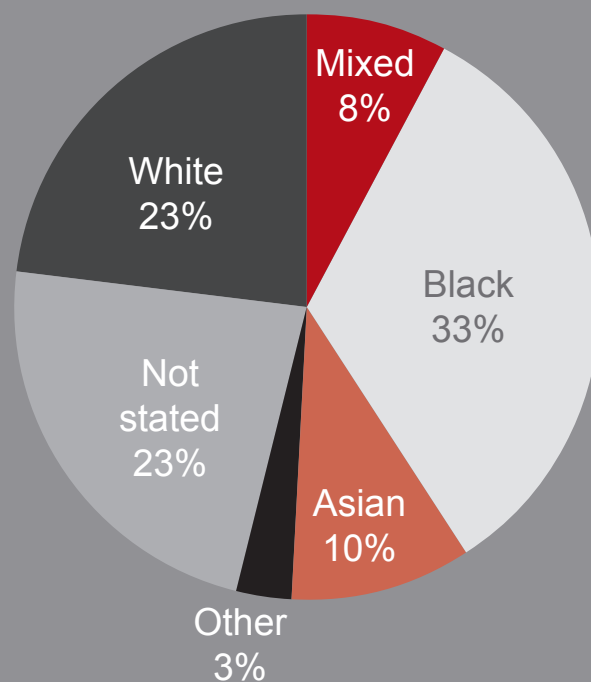


Figure 3. Ethnicity



## 5. Findings and Analysis

Children’s Social Care too often fail in their legal duties, turning children away without performing a proper assessment, or without providing the support that children need. Safeguarding concerns are being missed, while children’s wishes and feelings are being ignored and their experiences disbelieved. They are left unable to access advocacy support, and denied a reasonable route to challenge the decisions that are taken about them.

### 5.1 Turning children away without assessments

**“They will go to the [Children’s Services] office and be told, ‘no – we are not accommodating you, the door is closed’.”** (Coram Voice Advocate)

**“The general attitude towards these children who are suffering obvious maltreatment is ‘go home and stop bothering us’. There are Rotherham-type child protection failures.”** (Solicitor)

**Homeless children are being turned away by Children’s Social Care without support. Some are turned away without being assessed and are often told to return home.**

13% of children and young people in the study were not formally assessed under Working Together and the Joint Statutory Guidance when they presented to Children’s Social Care. The most common reason given for turning homeless young people away was that they could and should return to the family home.

Advocates report that the impact of family breakdown on the child is not being properly considered. They also report working on many cases when children are advised to go back home, without any follow up family work to address the issues that led to the family breakdown. A young person interviewed told us that after a failed mediation session in the family home “... they just left. I could stay at home only one more week. Then I went to live with several of my friends”.

40% of the children in our study had presented themselves to Children’s Social Care in an area different to the one where they had previously lived. This often led to Children’s Social Care trying to pass responsibility to the area of previous residence.

Children told us that often they were forced out of the family home many times before eventually becoming long term homeless. Advocates report that many children present themselves to Children’s Social Care on numerous occasions but are repeatedly sent back home or turned away. A young person interviewed told us: “I went to Social Services more than 10 times when I was going to be evicted from the hostel. I went to Social Services 4 times in one week. That was the week that I was threatened with eviction.” Another young person said “I went to Social Services. Nothing happened. Literally. Nothing happened... They said that there was nothing that they could do, that I was not entitled to anything.”

Advocates also report that young people approaching their 18th birthday are told that it is not worth seeking support and being assessed for the benefit of just a few weeks.



## Analysis

Every child who presents as homeless to Children’s Social Care must be assessed in line with Working Together and the Joint Statutory Guidance. Assessments should consider three key areas: the child’s developmental needs, the parents’ capacity to meet those needs and the wider family and environmental factors.

By not carrying out assessments, Children’s Social Care are failing to recognise that this risks serious impairment to the child’s health and development. Assessments must identify risk factors, including recurring homelessness, and recognise that situations can change and deteriorate over time after any involvement or support from Children’s Social Care is stopped.

It is concerning that 13% of children in this study were turned away without any assessment having been carried out. Of further concern is that children are being sent back to situations that they report as unsafe. Children’s Social Care seem not to be responding appropriately with thorough assessments on potential safeguarding issues reported to them by the children.

If children feel that if they stayed at their parents’ home they would not be safe or cared for, or if they have been evicted by their parents, this constitutes a significant sign of failings in parenting capacity. Exclusion from the home also leaves children with no food, clothing, shelter, protection from harm or supervision. Yet children are left exposed to ongoing risk by being advised to return home, often without any assessment or follow up family work, to a situation where they had already stated they were not safe. From our study, it seems that Children’s Social Care are not addressing risk consistently and are too often turning children away without a formal assessment to inform their decision. This raises concerns about whether Children’s Social Care are failing their safeguarding duty and are sending children to unsafe and unsustainable family settings. (See also section 5.4)

It is also of concern that in many cases in our study, homeless children had repeatedly sought support from Children’s Social Care. This implies that Children’s Social Care missed many opportunities, to identify ongoing problems and to properly support the young person, that could have prevented them from experiencing homelessness.

Of further concern are cases where Children’s Social Care have turned children away if they had earlier been living in a different area. It seems that they are applying the criteria of “local connection” which is a concept in housing law. The Joint Statutory Guidance is clear that there is a duty to assess and provide immediate support to homeless children, irrespective of their habitual residence. Although the responsibility may be later transferred between Local Authorities, the Joint Statutory Guidance is clear that priority should be given to the child’s welfare, ahead of resolving disputes between different Local Authorities. By not following the guidance, Children’s Social Care are delaying urgent action and leaving children at risk of homelessness.

Further, the importance of obtaining support under section 20 of the Children Act (1989) should not be underestimated for those approaching the age of 18. If a 17 year old is looked after under section 20 for even a single day, he or she becomes a Qualifying Child (see Section 3) which warrants continued support from Children’s Social Care. Although support for Qualifying Children is mainly discretionary, Children’s Social Care still have some duties towards this group. Qualifying Child status may also put them in a better position to access public housing as a homeless person, crucial if the young person has nowhere to stay.

## CASE STUDY: “Liam”

At age 17 Liam’s mother forced him to leave the family home. Liam presented himself as homeless in an area where he felt safe, different to the one where he grew up. Here, he contacted what he thought was the Housing Department. Liam informed the worker that he was at risk from gangs in the area where he grew up and also that he was involved with the Youth Offending Team (YOT) there. He asked for help to find somewhere to stay and for financial support.

The worker advised Liam that he needed to present himself as homeless in the area where he used to live. Liam was also told that as he only needed housing, he could go to his YOT worker. Liam did so and the YOT worker secured a hostel place from the Housing Department. However, Liam soon lost his hostel placement due to rent arrears.

When Coram Voice’s advocate met Liam he was street homeless, aged 19, sometimes sleeping in a friend’s car. He wanted to return to education and to get a job. But being homeless and with no-one to support him, this was virtually impossible.

We contacted Children’s Social Care in the area where Liam presented himself as homeless and realised that Liam had in fact initially contacted Children’s Social Care, not Housing. However, they refused to accept any duties towards him.

In the face of Liam’s desperate situation, our advocate referred him to a solicitor, liaising with him to help ensure he got to appointments, something which he found difficult due to a lack of money.

After the solicitor contacted Children’s Social Care, Liam was provided with temporary housing. They also recognised his retrospective care status and allocated a worker from the Leaving Care Team. Liam was given priority needs points as a care leaver to bid for council housing, which put him in a good position to access permanent housing quickly.

Our advocate continued to support Liam through the Pathway Planning process and helped ensure that he received all his entitlements as a care leaver. Liam developed a very positive relationship with his personal adviser through Pathway Planning. He was supported to apply for benefits and to look for courses he was interested in.

Children’s Social Services where the young person presents should provide immediate support and disputes between Local Authorities about this responsibility should not delay the provision of services to the young person (para. 2.43 of the Joint Statutory Guidance)

The assessment should be holistic taking into account the totality of the child’s needs and requirements for support, as well as the need for accommodation (para 2.26 Joint Statutory Guidance)

The needs of homeless children are often complex, extending often from gang involvement to lack of engagement in education. Children’s Social Services must carry out thorough assessments of the homeless child’s needs (para 2.26)

Children’s Social Services need to meaningfully and actively involve the young person in the assessment (Section 20 (6) CA 1989 and paras. 2.28-2.29 and 2.44-2.55 of the Joint Statutory Guidance)

The Southwark judgement ruled that the looked after child status backdates to the date when the young person, as a child, first presented to Children’s Social Services as homeless. This gives subsequent leaving care status, once the criteria have been met.

Names in our case studies have been changed to maintain anonymity.

## 5.2 Failings in the assessment process

***“We have learnt that maybe we should call Social Services just in case they know the young person. Often we call even when [the young people] tell us that they never had a social worker, and we find that there are extensive records on the young person.***

***Some going back years. You wonder how so much could have been missed”***

(Coram Voice Advocate)

***“Initially there should have been more support. I did not even know what eviction meant. At that young age I don’t think anyone does”*** (Young Person)

**Young people reported that their interaction with Children’s Social Care was difficult and confusing. Some could not recall having been in contact with Children’s Social Care, although through the work of the advocates it later became evident that assessments had been carried out.**

Over half of the young people in our study became street homeless or started sofa surfing when they had to leave the family home. Some left to escape abuse or relationship breakdown, some were told to leave. Advocates also report that there is an emerging picture of young people becoming homeless due to relationship breakdown as a result of their family not accepting their sexual orientation.

20% of the children in the study had been in touch with more than one Local Authority’s Children’s Services department. Children reported to us that often they were forced out of the family home many times before eventually becoming long term homeless.

Many of the children in the study reported that the assessment process was difficult for them or that they had felt overwhelmed by it. A young person interviewed told us: *“I found the whole experience very stressful... it was a difficult time to say the least”*. Additionally, our study found that:

- Many children felt they had been treated as a nuisance
- Some said they felt like they were being judged
- Some said that they felt questions had been asked in a way that belittled their concerns.

Advocates also report that assessments had been a very difficult and upsetting experience for young people. Children’s Social Care often do not fully understand the children’s wishes, feelings and concerns and do not communicate with the children in a way that is suited to their individual needs and circumstances:

- One child was left in the reception area for hours while someone in the building looked into his case without coming to speak to him;
- In one case early meetings were carried out without an interpreter limiting significantly the understanding and involvement of the child.

A young person interviewed said: *“I think people in this situation need people around to talk to. People like me sometimes do not feel comfortable to talk.”*

“Lack of engagement” by a child is commonly given by Children’s Social Care as a reason for not pursuing a case. Young people are labelled as being difficult or uncooperative, with social

workers not acknowledging the reasons why the child may find it difficult to fully participate in the process. Advocates found that some children were turned away after presenting with hostile or aggressive behaviour. In other cases, children were banned from the Children’s Services offices, leading to cessation of support.

Advocates report that young people’s previous experiences with Children’s Social Care can undermine their trust in the services and their willingness to engage with them further. Some young people in our study were reluctant to go back to Children’s Social Care as they had previously been let down. One young person did not want to approach Children’s Social Care for fear of them becoming involved with his siblings and disrupting their lives, without providing any help.

Advocates also report that Children’s Social Care can fail to recognise when mental health issues affect a child’s behaviour. They can also fail to repair the relationships within the family and once children are sent back home, little or no follow up work is done.

Working with homeless young people brings up a range of practical issues. Keeping in contact with a homeless young person can be difficult as some do not have telephones, they change their telephone numbers, have difficulty keeping their mobile phones charged and sometimes sell them for money. Young people often go out of contact for days. Advocates report that young people often prioritise their immediate needs (such as finding something to eat or somewhere to stay for the night) over going to Children’s Social Care for an assessment or meeting with a solicitor.

Education or training was mentioned as a support need by 28% of the homeless children and young people in our study. They reported having difficulty maintaining places at school, college or in apprenticeships. This resulted from them not being able to cope with the stress of being homeless combined with practical issues such as having no money for travel, nowhere to rest or do homework and no access to computers.

Young people also reported a lack of support to “get back into the system”. They wanted, but were not given, support with their finances and accessing benefits or finding a job. They also struggled because they did not have a fixed address or identification, which makes it very difficult to claim benefits or to obtain legal aid, for example.

### Analysis

The Joint Statutory Guidance is clear in requiring Children’s Social Care to carry out an assessment of any child who presents to them as homeless or at risk of homelessness. Further, it puts the duty on Housing Departments to refer such children to Children’s Social Care.

It is the duty of Children’s Social Care to seek a child’s wishes and feelings throughout any assessment. The Joint Statutory Guidance dedicates a whole section on how to involve homeless children in assessments, including ensuring that they are clear about the assessment process and that their wishes and feelings are sought regarding their options.

Working Together states that communication with children should be *“conducted in a way that minimises distress to them and maximises the likelihood that they will provide accurate and complete information, avoiding leading or suggestive questions”*. Going through a distressing assessment can add to the impact of their experiences at home and have lasting effects on their mental health as well as their attitude towards support services.



The perception among the children and young people in our study is that Children’s Social Care, which should be protecting them, have failed them. This compounds their experience of having been failed by their families and can lead to lasting distrust of Children’s Social Care, and risks them becoming increasingly disengaged from society. It is of concern that Children’s Social Care do not always appear to give sufficient focus to rebuilding this relationship of trust.

When distrust based on earlier experience leads to a reluctance among homeless children to approach Children Social Care again, believing that it would only cause disruption without any benefit, this can result in their younger siblings being left unsupported or at risk in an environment of neglect or abuse in their families.

It is concerning that children and young people do not always seem aware of their involvement with Children Social Care, raising questions about how they have been involved. This suggests Children’s Social Care did not establish a close rapport with them to ensure that they were kept informed and fully involved throughout the assessment.

“Lack of engagement” seems to be a recurring reason given for why children are not supported, yet indicates a profound misunderstanding of homelessness. The chaotic lifestyles of homeless children and young people causes additional challenges when they are seeking support. If a child has missed sleep or has not been able to eat or drink properly, he or she commonly finds it very difficult to concentrate, to communicate effectively or to process information given to them. This needs to be taken into account whilst any social work is being carried out. Likewise, when young people are difficult to contact – for a host of practical reasons - this does not relinquish Children’s Social Care’s duty under the Children Act (1989) to conduct a full assessment.

The ruling in the Caerphilly judgment (see references) (para 56) is clear that *“The fact that a child is uncooperative and unwilling to engage, or even refuses to engage, is no reason for the local authority not to carry out its obligations under the [Children] Act and the Regulations”* adding that *“After all, a disturbed child’s unwillingness to engage with those who are trying to help is often merely a part of the overall problems which justified the local authority’s statutory intervention in the first place. The local authority must do its best.”*

Children’s Social Care should pro-actively seek to involve the child in the assessment process, allowing for chaotic lifestyles and actively trying to overcome the obstacles to them engaging with the assessment. There seems to be a lack of acknowledgement that homeless children are going through very difficult experiences and that their behaviour is often a manifestation of this.

The cases in our study suggest that children’s mental health is not being appropriately assessed (see also section 5.4). The matter of loss through rejection from family seems not to be picked up by assessments, while the experience of poorly performed assessments seems to repeat and amplify the cycle of loss.

A failure to view children and young people holistically appears to be relatively common, especially in the failure to provide support for their wider problems such as difficulty staying in education and training or getting help with finance, benefits and employment. This gives rise to concerns that common practice is for Children’s Social Care to see homelessness as a mere need of immediate housing, with no regard to other aspects of children’s lives that are preventing them from reaching their full potential.

## Sofa Surfing

The term ‘sofa surfing’ conjures images of someone sleeping comfortably on the sofa or in the spare room of a family member or close friend. This is a very common misconception.

Staying with family and friends often puts strain on relationships given the added pressures on space and finances. Children and young people often feel they have overstayed their welcome so do not feel comfortable asking to stay longer. Often they are asked to leave and sometimes have to beg to stay.

In fact, for many homeless children and young people the stark reality of ‘sofa surfing’ is not at all comfortable or safe. Instead, it can mean a host of different situations, most of them overcrowded or unfit, insecure and unsafe (Barnardo’s, 2014; Quilars et al., 2008; Homeless Link, 2014; Crisis, 2012; Centrepoin, 2010).

Coram Voice advocates asked children and young people where they had slept when they told us they had been sofa surfing. This is what they told us:



The “Other” category includes walking the streets, a church yard, train stations, a balcony, and squats. Many children and young people had experienced more than one of these settings, often interspersed with rough sleeping.



**CASE STUDY: “Charles”**

Charles, aged 17, became homeless when his older sister forced him out of the home he shared with her. He initially approached the Housing Department, and additionally told them that he had been involved with gangs.

The Housing Department told Charles to approach Children’s Social Care, which he did, informing this department of his situation. Following an assessment, Children’s Social Care referred Charles back to Housing for accommodation.

Charles was placed in supported housing. However, he had problems with other young people, due to gang association. He left the placement after a few months as it was no longer safe for him to stay in that area.

Coram Voice met Charles, aged 19, when he had been street homeless for a few weeks. Charles told us that he had no more relatives or friends he could stay with. He had begun sleeping on night buses. He had no money for food, and ate at the New Horizon Youth Centre when he could. He was suffering from stress and weight loss.

Our advocate contacted Children’s Social Care who advised that Charles had been supported under section 17 and that therefore they had no responsibility towards him, now that he was an adult.

Given the urgency of Charles’ situation, Coram Voice referred him to a solicitor who in turn instructed a barrister to take the case to court. Charles was duly accommodated by the Housing Department.

Our advocate continued to pursue his case with the aim of securing Charles a retrospective care leaver status and the associated support. While working on this, the advocate found that Charles had had a social worker for almost a year. Charles remembered seeing a social worker only once. He was not aware that he had been supported as a child in need or what this meant.

Children’s Social Care later accepted that Charles should have been supported under section 20 when he contacted them at age 17, and recognised his status as a former relevant child. They reassessed his needs and allocated him a personal adviser to start the pathway planning process.

Housing should make an immediate referral to Children’s Services, rather than instructing the child to do so (para 2.11 of the Joint Statutory Guidance). They also should provide interim accommodation (Para. 2.10 of the same Guidance)

The assessment should be holistic taking into account the totality of the child’s needs and requirements for support, as well as the need for accommodation. (para 2.26 Joint Statutory Guidance)

If a child presents to Children Services as being homeless, then Children’s Services should provide interim accommodation pending an assessment (para 2.35 of the Joint Statutory Guidance).

The Southwark Judgment states that once the criteria for a child to become looked after is met, Children’s Services cannot side step their duties by providing accommodation to the child under section 17 or through the Housing Department

Children’s Services must establish very close contact and rapport with the young person throughout the assessment process (para. 2.29 of the Joint Statutory Guidance).

Children’s Services need to advise young people about their rights to be looked after, including the rights as a care leaver (para. 2.48 of the Joint Statutory Guidance).

The Southwark judgment ruled that looked after child status backdates to the date when the young person, as a child, first presented to Children’s Services as homeless. This gives subsequent leaving care status, once the criteria have been met.

Names in our case studies have been changed to maintain anonymity.

**5.3 Failures in decision making following assessment**

**“Local Authorities are taking a hard line about young people only having a housing need in a deliberate attempt to avoid the law. Some Local Authorities are challenged over and over again – they know what the law is and they know what they should be doing, but deliberately don’t do it. They only start to engage when they get a legal challenge.”** (Solicitor)

As a result of poor assessments and failures to identify and address children’s holistic needs, Children’s Social Care services have not obtained the evidence that meets the criteria under section 20 of the Children Act (1989) for children becoming looked after. Thus many children are being sent to the Housing Department with section 17 support from Children’s Social Care. At times they are sent to Housing with no support.

From our study it is apparent that many children were told following an assessment that they only had a housing need, despite Children’s Social Care having identified many additional needs.

Advocates report that often, when going through copies of assessments made by Children’s Social Care, they see that many other needs in addition to housing – such as education or health – have been identified but not met. One child in our study had been referred to Children’s Social Care by the Housing Department as he was at risk of sexual abuse, but no action was taken to protect him.

Furthermore, advocates report that instead of being accommodated under section 20 of the Children Act (1989), children are often referred to supported accommodation provided by the Housing Department, where the additional support they need is provided by key workers rather than Children’s Social Care professionals.

Children in the study raised concerns about the suitability of accommodation provided by Housing Departments. One 16 year old in our study approached Children’s Social Care for support as he had been placed in unsafe accommodation by the Housing Department. He was told by a social worker that as he was being supported by Housing there was nothing that Children’s Services could do. Advocates corroborate this, reporting that some young people leave hostel placements provided by the Housing Department because they feel unsafe, so putting themselves at risk of further homelessness and other dangers (see also section 5.4).

Other children are unable to keep up similar placements due to their lack of experience. One told us: *“How can you be evicted from somewhere if at 16 or 17 you cannot even sign a tenancy agreement. How can I not be legally allowed to sign a tenancy agreement but I can be legally evicted?”*

**Analysis**

The Southwark judgment highlights that the needs of homeless children are likely to be so complex that, as a rule, the outcome of an assessment should be that they should be looked after under section 20 of the Children Act (1989). Furthermore, the assessment itself should be holistic, taking into account the totality of a child’s needs and not focusing alone on housing issues. Therefore, where the criteria under Children Act (1989) section 20 are met, an assessment should conclude in principle that the child needs to be accommodated. Whether this assessment can be enforced may depend on a child’s expressed wishes, since children aged 16 and 17 need to consent to become accommodated. However, the absence of consent does not alter the principle expressed in the judgment.

The judgment is also clear that where the section 20 criteria are met, Children’s Social Care must not side step their duties by sending children to the Housing Department or by providing support under section 17 of the Children Act (1989). Yet despite this clarity, we find that Children’s Social Care are abdicating responsibility to Housing.

The fact that Children’s Social Care are expecting young people’s additional support needs to be met by Housing Department support workers demonstrates that they are aware of those needs. It seems therefore that Children Social Care are disregarding the complex needs of these children and not putting in place appropriate support. They seem unwilling to address these needs themselves, despite their statutory duty under section 20 to do so. Furthermore, if children are not recognised as looked after, they miss out on a number of entitlements to support, including the right to continued support as a care leaver, which would extend support beyond their 18th birthday.

However, if Children’s Social Care is providing accommodation and other assessed support that meet the criteria under section 20, but instead states that the child is being supported under section 17, the Hillingdon judgment clarifies that the child is considered as looked after under section 20, regardless of how Children’s Social Care decides to label that support. It seems now that Children Social Care Services are not discharging their duties through section 17, but side stepping their duties by referring young people to Housing where keyworkers will provide support.

Since the Children Act (1989) has higher regulatory requirements about suitability of accommodation for looked after children, a decision to accommodate children by the Housing Department may result in them being placed in substandard accommodation. They may be placed in hostels for vulnerable adults for example, where their safety is at risk. Children and young people duly feel unsafe and leave the accommodation, becoming homeless again and placing themselves at further risk. The Housing Department is then likely to declare that they made themselves intentionally homeless, which reduces their chances of getting rehoused. So poor decisions that lead to children and young people being referred to the Housing Department for accommodation can not only place children at immediate risk, but also jeopardise their chances of finding long term settled accommodation.

### CASE STUDY: “Mike”

Mike was 17 and did not have anywhere to stay the night when he called Coram Voice Helpline. He had left home and moved to London for his safety after having been beaten up and threatened by gang members in his local area. For many months he had been sofa-surfing with family and friends, who could no longer support him. Even so, Mike had managed to get himself an apprenticeship and was enjoying the work.

The Helpline called the Children’s Services Department where Mike had been staying, to raise concerns about Mike’s safety and to advocate for him to be provided with safe accommodation. **The Local Authority suggested that Mike return home.** We quickly found Mike a solicitor and allocated his case to an advocate.

Through the intervention of Mike’s solicitor, Children’s Services agreed to carry out an assessment of Mike’s needs. They eventually found Mike an emergency placement at a hostel and he was given a weekly allowance to meet his basic needs.

However, **the accommodation provided was in a hostel for vulnerable adults where Mike did not feel safe.** Although our advocate raised this Children’s Social Services maintained that Mike would have to stay there for the duration of the assessment. **Furthermore, Mike’s weekly allowance was not enough to pay for both his food and the cost of travel to his apprenticeship.** He had particular dietary needs due to a health problem, but would often go without food so that he could keep up his apprenticeship. Our advocate was able to argue that Mike’s needs were not being met and secured additional payments for food.

At one point, Children’s Social Care halted the assessment and tried to close the case, alleging that Mike did not want the assessment to continue. The advocate quickly clarified that Mike had not said this **and the assessment continued.** Once it was completed, Mike was taken into care and our advocate ensured that he was placed in safe and suitable accommodation.

Mike is now continuing his apprenticeship and is doing well. He has been given a council tenancy and he is in the process of setting up his flat. He has been assisted to do this by Children’s Social Care.

Although Children’s Services need to try to keep families together (section 17 (1) (b) CA 1989), their main duty is to keep children safe (section 17 (1) (a)). When Children’s Services are made aware of a homeless child in their area they have a duty to carry out an assessment and consider immediate needs (para 2.15 of the Joint Statutory Guidance).

Children must be given suitable accommodation for the duration of assessment (paras. 2.16 and 3.1 of the Joint Statutory Guidance).

Once a need is identified relevant support must be put in place even if the assessment has not yet been completed (para 2.16 of the Joint Statutory Guidance.)

Children’s Services need to meaningfully and actively involve the young person in the assessment (Sec. 20 (6) of the CA 1989 and par. 2.28-2.29 and 2.44-2.55 of the Joint Statutory Guidance)

The perceived lack of co-operation is no reason for Children’s Services not to attempt to carry out its duties under the 1989 Act (para. 2.52 of the Guidance and Caerphilly judgement (see References)

Names in our case studies have been changed to maintain anonymity.



## 5.4 Failure to address safeguarding concerns adequately

**“Safeguarding issues aren’t being picked up. They are failing to pick up key issues – even involvement with gangs or risk of sexual exploitation is being treated as a soft issue. They seem to be trivialising issues to save money.”** (Coram Voice Advocate)

**Safeguarding issues are not identified consistently or, when identified, are not acted on or taken seriously.**

Many of the children in our study experienced ongoing family conflict with subsequent family breakdown and physical violence towards the child. Advocates report that even in such circumstances many children are advised to go home. In one case a child had been hospitalised numerous times from physical violence but was turned away from Children’s Social Care.

Our study shows that Children’s Social Care also fail to adequately assess when young people face threats outside the home: 15% felt at risk from other people they knew, while 20% were involved with or at risk from gangs. Advocates also report an increase in cases in which sexual exploitation is an issue.

Advocates report working with two (separate) girls who had become homeless as a result of leaving abusive relationships with a partner. Although both still felt at risk, Children’s Social Care turned them away. Advocates had also recently worked with a child who left his home area because he was stabbed twice but was turned away by Children’s Social Care, and a young person who was placed in the same hostel as a member of a gang he was at risk from.

Some of the children and young people in the study had been homeless for some time when they started using the Coram Voice advocacy service, and were supported by us to approach Children’s Social Care. 23% had no money for food or other needs like clothes or travel costs. 10% reported that exposure to the elements led to poor or worsening health.

One young person reported having difficulty in meeting the specific dietary requirements resulting from his particular health problems, while several others were suffering from weight loss. Some were in pain from sleeping on the streets and several found it difficult to access healthcare, dentistry or necessary medication.

For some, their experiences led to the onset, or exacerbation, of mental health issues. 10% had existing mental health issues and a further 13% mentioned other issues such as anxiety and depression related to their traumatic experience of homelessness.

Children and young people in the study consistently report concerns about not being safe. Some had been victims of crime or muggings. Others were drawn into criminal activity as a means of survival, while one reported that *“he had done things he was not proud of”*. One young person reported that *“Whilst I had nowhere to stay it was terrible.”* Adding that *“I got in situations that I did not want to be involved. It was hard to come out of all of that.”*

Advocates report that children have to resort to relying on friends and family as support networks in the absence of the support to which they are entitled from Children’s Social Care. They work with many 18 year olds who had been using these networks for some time, but find they are no longer a viable option for them as friends and family are unwilling to help them any longer.

## Analysis

Children’s Social Care have a duty under section 47 of the Children Act (1989) to make enquiries where they suspect that a child may be suffering or is at risk of suffering significant harm, with a view to identifying how to protect the child and keep him or her safe. They must consult with and take into account the wishes and feelings of the child in doing so. The process of carrying out this duty is set out in Working Together and includes the requirement to carry out a comprehensive assessment of the child’s holistic needs. This may involve holding a child protection conference to consider how the child can be protected and kept safe.

Within the family home, family breakdown and physical violence directed at a child should automatically lead to a thorough assessment, which should identify any safeguarding concerns of abuse and neglect if living at home.

Different and very complex safeguarding issues arise when children are living on the street and commonly exacerbate each other. For example, mental health issues can be aggravated by a lack of regular meals and worries about gangs.

The impacts on a child’s mental and physical health – as well as the potential risk to their life – of constant exposure to risks such as lack of food, violent attack and exposure to the elements seem to be underestimated by Children’s Social Care. The risk of self-harm seems to be overlooked in assessments.

Gang association – either as a victim or through affiliation – is not being treated as a safeguarding matter despite Working Together stating that assessment for young people at risk from gang activity requires “particular care”. Young people who leave their homes due to being unsafe in their neighbourhood are not being adequately supported by Children’s Social Care and are finding themselves homeless and at risk of further harm.

When an assessment is poorly performed, there is a significant risk that the child concerned may be returned to an unsafe situation. Some children respond by using alternative support networks such as friends and other family members, often for a considerable period of time. However, this approach often proves unsustainable so they become street homeless again. If they have turned 18 in the meantime, they face considerable additional obstacles to getting the help to which they would otherwise have been entitled as they are now considered to be adults. As Children’s Social Care have not acknowledged that they should have been looked after, they do not have a recognised leaving care status on reaching adulthood. Therefore, securing appropriate support for them has to start with claiming back-dated status, after which the care and pathway planning will follow to put in place the support they need. (See also sections 5.7 and 5.8)

Children’s Services appear not to be taking their safeguarding duties in relation to older children as seriously as they would in relation to younger children despite the concerns being raised by the victims themselves. This raises concerns that there is a very vulnerable group of children who are left without protection. It is unclear why this should be.



### CASE STUDY: “Omah”

Omah had gone to Children’s Social Care on many occasions between the ages of 16 and 18, asking to be taken into care as she was being physically and emotionally abused at home. Her mother forced her to leave the family home regularly, normally allowing her back home after a few days.

Children’s Social Care had carried out several assessments but Omah was never taken into care.

Omah’s social worker would spend most of the time with her mother and would not listen to her. There were multiple attempts at family reconciliation but each broke down.

Omah found she could not continue going back home only to be forced to leave again, and she started sofa surfing, sometimes staying with strangers as she was desperate for somewhere to sleep. On one occasion, she was sexually abused by a man she had just met and who allowed her to stay in his house. She had been out of education for some time and had health issues that were not being addressed.

Coram Voice met Omah at age 19 when the New Horizon Youth Centre had found her a short term emergency placement. We contacted her Children’s Services who asked that the information request was put in writing. This was treated as a Subject Access Request, which would not address Omah’s pressing needs. We therefore referred Omah urgently to a solicitor and allocated an advocate for her.

Omah’s solicitor sent a pre-action letter to Children’s Social Care. As a result, Omah was given a temporary placement at a hostel while her needs were reassessed. Our advocate supported Omah through the assessment, as a result of which she was recognised as being a care leaver and was treated as a former relevant child from then onwards.

Aware of her rights and of advocacy, Omah contacted Coram Voice again a few months later so that we could help her challenge Children’s Social Care’s refusal to pay her the last instalment of her Setting UpHome Allowance.

Children’s Services need to meaningfully and actively involve the young person in the assessment (Section 20 (6) of the CA 1989 and para. 2.28-2.29 and 2.44-2.55 of the Joint Statutory Guidance).

Children’s Services should not delay the provision of immediate accommodation, if needed, pending the assessment and reunification work with the family (para. 2.2 of the Joint Statutory Guidance).

The needs of homeless children are often complex. Children’s Services must carry out thorough assessments of the homeless child’s needs (para. 2.26 Joint Statutory Guidance).

The Southwark judgment ruled that the looked after child status backdates to the date when the young person, as a child, first presented to Children’s Social Services as homeless. This gives subsequent leaving care status, once the criteria have been met.

Names in our case studies have been changed to maintain anonymity.

### 5.5 Not believing children and young people

**“Young people are not taken seriously. They aren’t believed when they say there has been a family breakdown. Children’s Services don’t offer to support them with their relationships when they tell them to return home. There is a blanket acceptance that everything is fine or that the account given by parents is true.”** (Coram Voice Advocate)

There seems to be a non-acceptance by Children’s Social Care of what children tell them. Yet, at the same time, the onus to prove neglect or abuse is falling on the shoulders of the child.

Advocates report that there is a tendency for professionals to believe what adults tell them rather than a child, seeming to believe that a child does not portray an accurate version of the family situation and that family relationships are still healthy and supportive. Children often told us that Children’s Social Care had called the parents before allowing them to fully explain their version of events.

Advocates have worked on cases where the parents told Children’s Social Care that their children could come home but afterwards did not let them back in the house. Many of the young people in our study reported that their family relationships had deteriorated after contacting and being turned away by Children’s Social Care.

One child reported that the social worker undertaking her assessment had bonded with her parent over their shared cultural background so did not consider her views seriously. A young person interviewed told us: *“They had a meeting with my family but nothing was solved. The social worker made out that I was the one in the wrong and that I did not need any help.”* Other children in our study were told they needed to listen to their parents more. In one case, Children’s Social Care disregarded a text message from a parent telling the child that he could not return home, refusing to accept this as evidence of him being excluded from home. In two cases the assessment was discontinued because the parent(s) did not participate.

#### Analysis

It is the duty of Children’s Social Care to seek the child’s wishes and feelings throughout any assessment. Working Together emphasises that anyone working with the children should see and speak with them, listen to what they say, take their views seriously and work with them collaboratively when deciding how to support their needs. The Joint Statutory Guidance dedicates a whole section on how to involve homeless children in assessments, including ensuring that they are clear about the assessment process, and that their wishes and feelings are sought regarding their options.

During an assessment, Children’s Social Care will want to involve all those with caring responsibilities. Although parental involvement is encouraged, it should neither determine whether an assessment should proceed, nor the outcome of an assessment. By law, Children’s Social Care have the duty to accommodate 16 and 17 year olds, subject to their meeting the legal criteria, on the consent of the child, not that of their parents. When there are risks to a child’s safety, Children’s Social Care cannot disregard their safeguarding duties.

A refusal to accept what a child says is a fundamental flaw in the assessment process that undermines any subsequent decision making and may constitute an infringement of the duty to consult. It is concerning that this failure to believe the child’s perspective is so pronounced, leaving open questions as to why it should be so.

## 5.6 Offering choice but not enough information

**“Sometimes social workers give misleading information. For example, they say ‘you will be in care’ which has a stigma attached to it, or ‘we will be involved in your life and check up on you’ rather than say that they’ll have a Personal Advisor to befriend and support them. Often children are not being told about the difference in support after they turn 18 if they are not looked after while still a child.”** (Coram Voice Advocate)

Children are offered a choice of being supported under section 17 or section 20, and sometimes actively encouraged to choose section 17, without being fully informed of the significance of that choice.

A young person interviewed told us that *“My friend at the hostel was the one that told me about section 17 and section 20. No-one else wanted to tell me about section 20. My friend told me about the difference between the two sections, including what happens after you turn 18. Through the whole process there was no help.”* Another young person said *“I was not given enough information. I had to strive for it. I had a partner and we were doing our research. But there are other people that cannot do this... Everyone should have someone assigned to them to help them, otherwise people may give up”.*

Advocates report from their experiences of attending meetings with Children’s Social Care that they fail to adequately provide an accurate and balanced account of the distinction between sections 17 and 20 and the support packages associated with them. When Children’s Social Care explain rights and entitlements to children there is a tendency to focus on accommodation when outlining the support available, omitting information about other support. There is also a lack of clarity about the impact such decisions could have on the availability of future support after the child turns 18.

Advocates found that most young people did not know if they had been considered as a Child in Need under section 17. Many did not know about the rights associated with different sections of the Children Act and what they would be missing out on if they did not accept section 20 support. Young people in our study told us that they had accepted housing but were unaware that accepting support under section 20 would give them further support in other aspects of their lives, including after their 18th birthday:

- One young person who had been supported under section 17 had asked for more support but did not receive any.
- In some cases social workers had given advice based on unrealistic expectations, advising that if the young person chose section 17 or went straight to Housing, they would have their own one-bed council flat once they turned 18. These young people were also told that they could claim benefits to cover their costs
- One young person had been placed in a hostel at age 17 via the Housing Department. When the placement ended on him turning 18, he became homeless again. When he went back to Children’s Social Care for support, he was told that his case was closed as he was an adult

Young people told us that they received explanations about different support options focusing on the impact of the intervention by Children’s Social Care rather than on the benefits of such support:

- Some young people were told that they would necessarily have to live in foster care and were not informed of the range of accommodation options available to them
- Some young people were only offered placements in the areas where they used to live, areas that they had already told Children’s Social Care they felt unsafe in

## Analysis

Joint Statutory Guidance states that children should be informed of the difference in support between the legal status under section 17 or section 20 of the Children Act (1989), including the support available on them turning 18.

As children and young people in our study did not know the differences between the support available under section 17 and 20, and often were not aware that they had been supported under section 17, this implies that they were not given an explanation of their rights – or the reasons for the decisions made in the assessment – in a child-friendly manner, if at all. Children seem not to be told about the advocacy available to support them in this process. (See section 5.7)

To make informed choices, young people need to be given accurate and unbiased information. Otherwise they can be easily led to choosing lesser support under section 17. Most of the young people told us they wanted help with education, independent living skills, budgeting and finances, accommodation and continuing support after they turned 18. When requests of this type are made to Children’s Services, they constitute requests for support under section 20.

Concerns arise that in many cases there is no choice offered to young people about different types of placements that may suit their needs. The Joint Statutory Guidance clearly states that Children’s Social Care need to have a range of options that address the varying needs of this group of children - by pulling together resources with the Housing Department. Limiting the options available to areas where the child is unsafe, or to foster care, as found in our study, prevents a child from making informed choices about the support that he or she wants to receive. Further, it makes support under section 20 dependent on accommodation: i.e. if a child does not want to live in the setting offered, he or she appears then to be deemed undeserving of all other support that they are entitled to as a child in need of accommodation.

It seems therefore that Children’s Social Care are confusing the totality of support under section 20 resulting from looked after child status with the mere provision of accommodation. Moreover they are not acknowledging that the refusal by a child to accept the accommodation offered is an expression by that child of his or her dissatisfaction with the placement offered, not with the other support they may receive.

## 5.7 Access to advocacy

**“Sometimes we see children and young people who don’t know they have the right to challenge decisions. An advocate informs them what decisions can be challenged and how. They empower them. They make them feel involved. They make them feel listened to. The children become part of the process of decision making. Advocacy can help children and young people feel like an individual person again rather than a number caught up in a system they don’t fully understand.”** (Coram Voice Advocate)



Homeless children and young people are facing great difficulties in accessing advocacy, either because they are not told about their entitlement to it or because their local advocacy service is not contracted – or lacks the capacity – to work with them.

Advocates report that homeless children often have not been told about advocacy before they made contact with Coram Voice. This is confirmed by the cases in our study, from where it is apparent that the vast majority of children and young people, on presenting as homeless, had not been given information about advocacy or offered an advocate to help them in their dealings with Children’s Social Care. A young person interviewed said: *“I was self-advocating until I got an advocate. When people see that you have an advocate, someone that is clued up, no-one will try to take you for an idiot and tell you that this is not happening or this is not happening.”* Another young person stated: *“For the type of person I am, advocates help me and I am hoping to get the opportunities that are given to me.”*

Furthermore, advocates report that children and young people are generally not aware that they can challenge decisions made by Children’s Social Care not to provide them with accommodation under section 20 when they presented to them as homeless children. Advocates report that this lack of knowledge is greater among young people aged 18 plus who are rarely offered support to claim looked after status retrospectively, thereby being denied the opportunity to gain current care leaving status. A young person interviewed said: *“Someone referred me to a charity in King’s Cross who gave me leaflets and that is how I found out about Coram Voice. My friend who was at the same hostel also told me about Coram Voice.”*

Only 27% of the children and young people in our study were from Local Authorities for which Coram Voice is the contracted advocacy service provider. Yet Coram Voice provided advocacy support to the whole sample.

Advocates are routinely told by other advocacy providers that homeless children are not eligible for their advocacy support due to limits set by the commissioning Local Authority. Some will only work with those who have a looked after or leaving care status, but not those supported as children in need under section 17. Others will not work with someone whose case has been closed by Children’s Social Care.

Advocates also report that children are prevented from receiving locally commissioned advocacy because of extended waiting lists or delays in response times that prevent them from receiving the urgent support they need. Furthermore, advocates report that some Local Authorities provide advocacy through an in-house service rather than via an independent provider. Children and young people sometimes refuse to use an in-house service because they do not believe it will be independent. In-house advocates have told Coram Voice that they would find it difficult to support a child to seek legal representation as they would be challenging their employer.

### Analysis

Every local authority is responsible for ensuring children and young people in contact with them have access to advocacy support within the complaints procedure and care planning. Statutory guidance about the provision of advocacy services (Get it Sorted 2004) explicitly acknowledges that a complaint encompasses the informal stages of resolution as well as the formal complaints procedure. The Joint Statutory Guidance specifically states that homeless children should be offered the support of an advocate in weighing up their options in relation to the support available from Children’s Social Care under sections 17 or 20.

Advocacy can ensure that the voice of the child is heard throughout the assessment process, and afterwards during care planning. Advocates can help children and young people understand their rights so they are empowered to make fully informed decisions. It can also help young people challenge bad practice and poor decisions.

Very few of the young people in our study had previous advocacy support. Children’s Social Care seem therefore to be failing in ensuring this protective factor for homeless children.

Coram Voice is contracted by some local authorities to provide the advocacy service in their areas. When a child or young person contacts Coram Voice asking for advocacy support, our first action is to identify which organisation is the contracted advocacy provider for his or her local authority. If this is not Coram Voice, we will ask the other contracted provider to take on the case.

However, Local Authorities often restrict their advocacy contracts to looked after children and care leavers, excluding those children and young people who are on the edge of care or who have not yet formally acquired care or leaving care status. Thus the cause of their problem – not having a formally recognised care status – also denies them access to advocacy support to address the problem.

Coram Voice’s homelessness Outreach programme and our commitment to help all children who need advocacy mean that we routinely support children and young people who have been denied support from their locally contracted advocacy provider.

### 5.8 Challenging Local Authority practice

***“All we’re asking is that Local Authorities comply with their legal duties, not to do anything above and beyond what the law requires.”*** (Solicitor)

***It is difficult to challenge the failure of Children’s Social Care to accommodate a child under section 20 of the Children Act (1989), meaning that we have to refer children and young people to specialist lawyers.***

### Findings

In seeking to negotiate informally on behalf of homeless children and young people, Coram Voice advocates have found that Children’s Social Care often fail to act or respond in a manner commensurate with the urgency of the situation.

Advocates report that informally raising issues often receives the response that a case is closed, even when issues are escalated up the management scale. Further, there is rarely any acknowledgement that previous decision making was flawed or that safeguarding issues were not taken seriously, even when presented with information about the subsequent unsafe experiences of young people resulting from ongoing homelessness.

Advocates experience difficulty in obtaining copies of assessments or other information about the previous involvement of Children’s Social Care. They need this in order to assess whether



there are grounds to challenge decisions. In some cases in our study, Children’s Social Care failed to respond despite our repeated attempts to make contact. In the majority of cases there was a significant delay in obtaining a response.

Advocates report that in some cases when working with young people aged 18 and over they were informed that the case was closed and it would be necessary to make a data subject access request under the Data Protection Act, which requires signed consent and ID from the young person as they are adults. Though many Local Authorities responded to the resulting request well before the forty day timescale required under the Act, responses are not fast enough for homeless young people needing urgent help.

The refusal of Children’s Social Care to negotiate or consider informal resolution, combined with long timescales for responses when making requests or complaints mean that our advocates are often forced to seek urgent legal representation, since failing to act risks leaving children and young people on the streets. A young person interviewed told us that *“Things got better when I got a solicitor and the solicitor forced Social Services to take on my case. I was homeless. I had nowhere to go. Social Services helped me only because they didn’t want to go to court.”*

While there are a number of excellent specialist solicitors, they are not always available to take on urgent cases owing to their heavy workloads. This means that young people may be left without immediate options to challenge the refusal of Children’s Social Care to provide accommodation and hence they remain vulnerable through no fault of their own.

Homeless children and young people often find it difficult to gather the documents needed to secure Legal Aid, at times not having identification, often not having proof of income. Advocates report that the inflexibility of the Legal Aid Agency regarding documentation required from homeless children delays the provision of legal advice.

Interviews with solicitors in the study reveal a high success rate when challenging failure to assess, poor assessments or flawed decision making. This results in comprehensive assessments being performed for children and retrospective status being granted to young adults who were known to Children’s Social Care as homeless before their 18th birthday. Such successful outcomes are usually negotiated without the need to go to court.

## Analysis

Looked after children, care leavers and those in need do have a statutory right to make a complaint to Children’s Social Care if they are unhappy with decisions made. The law specifies particular time frames for each stage of the complaints process, giving Children’s Social Care 10 working days to respond at stage one (extendable to 20 working days), a further 25 working days (extendable to 65) at stage three if the complainant appeals, and another 30 working days at stage 3 if the complaint is escalated. These timescales are often breached, especially in complex cases such as retrospective complaints from young people who were homeless as children.

Our study highlights the delays and difficulties faced by homeless children and young people when attempting to negotiate with Children’s Social Care to ensure that the law and good practice are followed and that they receive the support to which they are entitled. The high rate of success reported by solicitors demonstrates that, when challenged, Children’s Social Care services accept that their practice has been unlawful.

Complaints Statutory Guidance recognises that some planned actions should be stopped or ‘frozen’ pending the outcome of a complaint. This can be applied for example when children complain about plans to move them from their placement. However, there is no corresponding procedure for Children’s Social Care to provide an urgently needed service pending the outcome of a complaint. This means that the complaints mechanism does not allow child homelessness to be challenged urgently.

Therefore, the only means for obtaining an urgent response in timescales that are useful for and protective of homeless children and young people seems to be through legal action. However, children and young people are not likely to know how to access legal advice and support, especially if they do not have an advocate to help them. Even with the support of an advocate, obtaining timely legal advice and representation can prove a challenge.

Requirements for obtaining Legal Aid include the need to supply financial and other documentary evidence which can be onerous for those who are homeless and destitute. It also appears that the Legal Aid Agency takes a procedural approach, without taking into account the exceptional and very difficult circumstances of homeless young people, which raises concerns about the ability of this group of vulnerable young people to access justice.

Delays in resolving homelessness exacerbate the problems faced by the children and young people suffering it. It is therefore essential that there is a formal mechanism whereby decisions of Children’s Social Care regarding child homelessness can be challenged urgently but without the need to seek recourse to legal action. This in turn would allow solicitors’ time to be reserved for the more difficult and borderline cases.

1. This time frame has been recommended to reflect the date of the Hillingdon judgment in 2003, after which a number of cases came before the courts addressing child homelessness culminating in the Southwark judgment in 2009.

## 6. Recommendations

### Overarching recommendation:

Central and Local Government need to fundamentally change the way they approach child and youth homelessness. They must cease treating it simply as a lack of housing, instead recognising that it is a situation of risk that affects all aspects of a child's life and that it can significantly undermine their personal development, physical and mental health, with lasting detrimental impacts on their life chances.

### Specific recommendations:

From the experiences of the children, young people and professionals highlighted in this report, we call for action on the following points:

1. Children's Social Care must comply with law and statutory guidance, notably by accommodating under section 20 of the Children Act (1989) all children who present as homeless, or at risk of immediate homelessness, pending a full assessment of need
2. The 2010 Joint Statutory Guidance should be re-issued with a ministerial statement to Local Authority Children's Services highlighting the requirement to comply with the Children Act 1989 and raising the impact of homelessness on children and young people.
3. Central Government should issue Guidance to all Local Authorities for their Children's Social Services and Housing Departments to review all cases in which children presented themselves as homeless since 2003<sup>1</sup> in line with the obligations set out in the Children Act (1989).
4. Children who are homeless or at risk of homelessness should have their right to advocacy recognised in law.
5. In commissioning external advocacy services or in specifying requirements for their own children's rights services, Children's Social Care should ensure that advocacy services are available to children who are homeless or at risk of homelessness
6. Central Government should introduce a dispute resolution mechanism to allow for urgent review of assessments made by Children's Social Care when they conclude that a homeless child does not meet the criteria under section 20 of the Children Act (1989). This should cover young adults who were known to Children's Social Care when homeless as children.
7. In order to understand the scale of the issue at both National and Local Authority level, statistical returns for both the Departments for Education and Communities and Local Government should include a new category of child homelessness at 16 and 17 and homelessness for over 18s known to Children's Social Care whilst still a child, disaggregated by presenting issues.
8. Central Government should commission a cost-benefit analysis into the costs of early intervention and support to homeless children by Children's Social Care compared with the long term costs incurred by different government departments in response to long term homelessness in adults. The results should be used to inform future government funding of Children's Social Care.

## 7. Conclusion

The conclusion of this report is straightforward: that too many children and young people are being allowed to become or remain homeless because they are failed by the system which is supposed to protect them, and that something must be done about it.

The scale of the problem is unknown as there are no official data collected. We cannot tell how many children are let down by Children's Services, nor how many are well-supported and protected from homelessness by their social workers. We do know that Coram Voice supported over 200 homeless children and young people last year, and we are sure that this is the tip of an iceberg.

Children's Services could and should choose to address this by following the law and accommodating all children who present as homeless pending a proper assessment of their needs. They could and should provide a safety net by ensuring their advocacy services can support children who are homeless or at risk of homelessness and, by being open to the possibility that assessments might have been poorly performed, reopening cases when necessary. Central Government could and should choose to support and require Children's Services to take these steps.

In the absence of these actions, Coram Voice – supported by our partners and donors – is helping children and young people to hold Children's Services to account. We are helping homeless children and young people to secure safe accommodation, to be taken into care and be recognised as care leavers, and to get the support they need as they tackle the challenges of moving on from homelessness.

We should not have to do this. Coram Voice and the young people we support call upon central and local government to take urgent action to ensure that child homelessness becomes a thing of the past.

1. This time frame has been recommended to reflect the date of the Hillingdon judgment in 2003, after which a number of cases came before the courts addressing child homelessness culminating in the Southwark judgment in 2009

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