

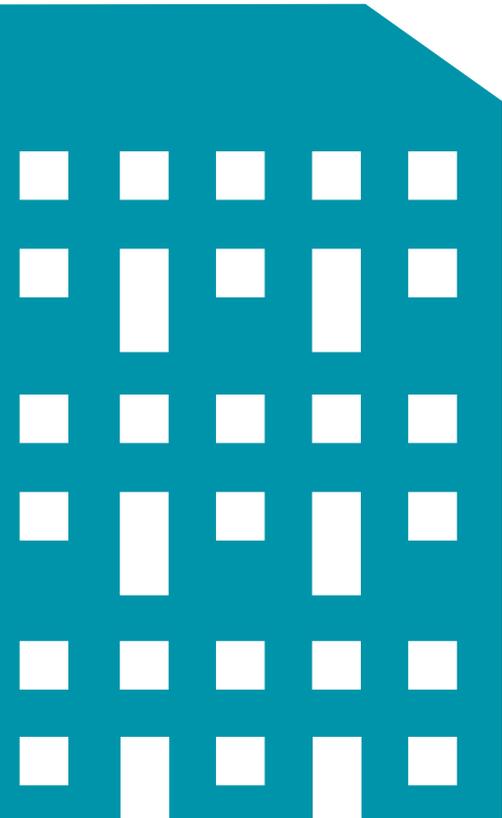


# Housing advice for homeless 16 and 17 year olds





If you are 16 or 17 and are homeless, or have nowhere safe to stay then your local authority may have a duty to help you. This leaflet contains information that is designed to help you understand what your options are and where to go if you need advice. It is important that you read it carefully and that any decisions you make are ones that you are happy with and are the best for you.



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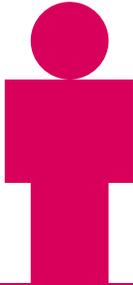
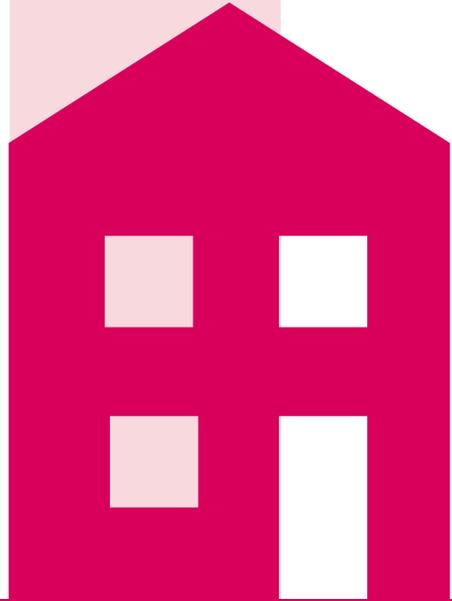
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## Getting advice and support

Having nowhere to live or leaving home suddenly can be stressful and confusing. You may need help understanding what your housing options are and making the right decisions so you get the support you need. If you don't already have an adviser, or youth worker supporting you, you might want to speak to someone who can help you. They can make sure you understand your options and, if necessary, speak to the council on your behalf. An adviser or solicitor can, if needed, challenge the decisions of the local authority, to make sure you get the support and help you need.

The following agencies can help you get FREE advice, or direct you to local agencies that can help you: Law Centres Network, Shelter, Just for Kids Law, Citizens Advice Bureau, Alone in London, No Second Night Out, Runaways Helpline, Get Connected. Please see page 24 for contact details.

Remember that advice agencies are independent and their help is free. They will work on your behalf to challenge decisions if necessary, and ensure that you get the right help and support with your accommodation.

If you are at college or school, it may help to talk to your teachers or welfare officers as well.

## The council's duties towards homeless 16 and 17 year olds

Homeless 16 and 17 year olds can be accommodated by *either* the Housing Department or Children's Services (Social Services) but Children's Services has the *main* responsibility. There are some significant differences between the type of support that each department can offer homeless 16 and 17 year olds. These differences are set out in the rest of this leaflet, so make sure you read it carefully, as you may have to make a choice about which department you want to accommodate you.

Whichever route you choose you should, at some point, meet with a social worker who should explain your choices to you and undertake an assessment of your needs (see pages 10 and 11 for more information on the assessment process). If this does not happen, the council is not acting in the way the law says it should and you should talk to your adviser or get help about this.



## What the law says

### Children's Services

The duties of Children's Services towards children and young people are set out in the **Children Act 1989**.

The **Children Act 1989** says that local authorities are under a duty to help anyone who is a 'Child in Need' (anyone under the age of 18 is considered to be a child by the law). In order to determine if a child is 'in need', an assessment has to be carried out.

**Section 17** of the Children Act says that you are a Child in Need if:

- (a) without services from your local authority you will not be able to maintain a good standard of health and development;
- (b) without such services your health and development are likely to suffer; or
- (c) you are disabled.

It also states that every local authority has a general duty to:

- (a) safeguard and promote the welfare of children within their areas who are in need; and
- (b) promote the upbringing of those children within their families by providing a range and level of services appropriate to those children's needs.

This means that if you are found (after an assessment) to be a Child in Need, the council has a responsibility to make sure you are provided with services that will help you with your development and to make sure you are kept safe and healthy; this can include providing you with accommodation. For more information on assessments please see page 10.

Accommodation for homeless 16 and 17 year olds is usually provided under Section 20 of the Children Act. If you are found to be a Child in Need and you meet the criteria for accommodation under s.20, the council must provide you with accommodation. The criteria for accommodation under s.20 are that:

- (a) there is no one who has parental responsibility for you; or
- (b) you are lost or have been abandoned; or
- (c) the person that normally cares for you is, for whatever reason, prevented from providing accommodation for you.

Under s.20(6) of the Children Act the local authority should consult young people to see what *their* wishes and feelings are about where they want to be accommodated and how they are accommodated. This may be accommodation provided by Children's Services or the Housing Department.



## Housing Department

The Housing Department may also have a duty to accommodate a homeless 16 or 17 year old. However, the way they make these decisions is different to Children's Services.

To be housed by the Housing Department you must be:

- homeless (or likely to be homeless within 28 days); and
- eligible for assistance (this is about your immigration status); and
- in priority need for assistance. (Certain people are considered in priority need for housing: one of these groups is 16 and 17 year olds); and
- not intentionally homeless (this means that you did not lose your last accommodation through any fault of your own, e.g. not paying your rent).

If you meet all of the criteria, the Housing Department will have a duty to accommodate you.

Potentially you may have to make a decision about which department you want help from. There are some big differences between the help that you can get from either department and an adviser can help you understand these.



## Assessments



Whether you initially approach or seek help from Children's Services or the Housing Department a social worker should undertake an assessment of your needs to decide if you are a Child in Need and what help, if any, you should get from the local authority.

If you have not had an assessment already or you have been told that one will NOT be undertaken then you should ask for one. An adult can also request one on your behalf – this could be a friend's parent, an advocate, adviser or teacher. If you are unsure about how to do this, or need support during your assessment, then you should seek advice, perhaps from one of the agencies listed on page 24.

During your assessment there may be some things that are difficult for you to talk about but it is really important that you give the social worker as much information as possible about why you are homeless and the reasons you can't return home. You may want a friend, or someone you trust, with you during the assessment. You may want to ask to have a youth advocate with you in any meetings. A youth advocate is someone who is independent from the council and can help you express your wishes and feelings and make sure you fully understand what is happening. The following agencies provide advocacy support: Voice, Barnado's, NYAS and Just for Kids Law. Your council may have its own advocacy service that you can ask to access.

Your assessment is really important and without it you may not get all the help you need, therefore it is crucial that you do not turn one down. Make sure you keep any appointments that are made for you.

## Where will I stay during my assessment?

While your assessment is being carried out the council should make sure that you have a suitable and safe place to stay. This might be temporary accommodation organised by them. It should be suitable, i.e. near college or school, work, etc and safe. It should **not** be a bed and breakfast. The local authority may see if it is possible for you to stay with friends or extended family during this time. If you are unsure about whether or not your accommodation is suitable you should seek advice. Do **not** turn down any accommodation before you have got advice on the consequences of turning accommodation down.

## Mediation and returning home

You cannot be made to go home, but living on your own is difficult. The council will want to talk to your family and see if they can help sort out any of the problems you are having with them and see if it is possible for you to return home. This is known as family mediation.

Any mediation should take place at the **same time** as your assessment and it should not delay your assessment starting. If you are told that you will not get any services until mediation has been tried, or if you are told the council will not help you if you refuse mediation, then you should get advice from one of the agencies listed on page 24, as this is not correct.



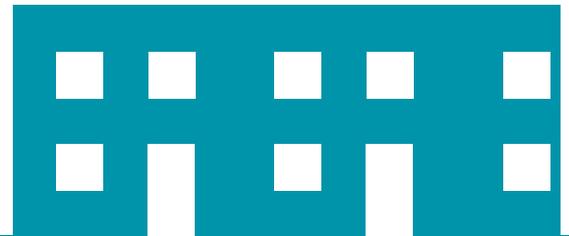
## Accommodated by Social Services



Children's Services will have the responsibility for providing you with accommodation and support if, after your assessment you are found to be a Child in Need **and** the following applies to you:

- you need accommodation because there is no one to look after you; or
- you are lost or abandoned; or
- the person who has been caring for you is prevented, for whatever reason, from looking after you and providing you with accommodation.

Being accommodated by Children's Services means that they owe you certain duties and should provide you with support. What this support is and how long you get it depends on your age and how long you are accommodated by Children's Services. Generally, you will get help from them until you are 21 and possibly until you are 25.



## What to expect

The type of accommodation you may get depends on what is most appropriate for your needs. For example, the council will need to consider your age, if you need to be close to work, college or your support network and whether you have ever lived by yourself before.

It is unlikely that you will get your own flat without having first lived in supported accommodation. If you are 16 or 17 the law does not allow you to have a tenancy (only a licence). If you are unsure about this then you should seek advice. You should get information from your social worker on what sort of accommodation is available and what the differences are between them as this may vary depending on your council.

Your views and feelings should be taken into consideration by the local authority when deciding the type of accommodation you go into, but you won't necessarily have the final say in any choices that are made. If you are not consulted at all about your wishes and feelings then you should seek advice, especially if you are offered accommodation that you do not think is right for you.

You are able to tell the council about areas where you do not feel safe, or do not want to live, e.g. if you have been experiencing violence at home or from gangs and need to be in an area away from this.

It is unlikely that you will get your own flat without having lived in supported accommodation first.

## Accommodated by the Housing Department

If you are found, after assessment, not to be a Child in Need, or you do not want to be accommodated and supported by Children's services, you may still be able to get help with your accommodation from the Housing Department (see page 9 to find out if you are eligible for help from the Housing Department). If you are told that you are NOT a Child in Need then you should seek advice to make sure that this decision is correct.

If you decide that you do not want help from Children's Services and would rather be accommodated by the Housing Department, you should seek independent advice before you make any final decisions and make

sure that you understand the ways in which Children's Services can help you. If you decide to be accommodated by the Housing Department it can be hard to then later get help from Children's Services.

In order to get help with accommodation from the Housing Department you will need to make a housing application. The Housing Department may help you do this or you may want to get an adviser or support worker to help you.



## What to expect

The type of accommodation you get will depend on your needs and age, but could include: supported lodgings, a hostel or your own independent accommodation. You may be placed in temporary accommodation (which must be suitable) before a permanent place is found. You should talk to your housing officer about finding permanent accommodation.

Being accommodated by the Housing Department rather than Children's Services does not mean that you are more likely to get your own independent accommodation. You may still have to live in supported accommodation before you can move into a flat or studio on your own. Just like Social Services, the Housing Department should make sure that you are living somewhere that is suitable and safe for you.



## Money and rent

### Children's Services

If you are accommodated by Children's Services you will not be able to claim housing benefit. This means that Children's Services will pay your rent and any bills. However, you should check to see if you are liable to pay any additional service charges (e.g. water rates) on your accommodation.

Also, you will not be able to claim welfare benefits. Children's Services will give you money to live on and they may also give you money to help you with other things, such as books, travel for school, money for clothes, for your birthday or when you are trying to set up your home.

You should talk to your social worker or adviser if you are worried or unsure about money and paying bills, especially if you think that you have debts or arrears. It's best to sort out any problems with money early on.



## Housing Department

Being accommodated by the Housing Department means you are responsible for paying your own rent, bills and any service charges. If you are eligible then you should make an application for housing benefit. This will only cover your rent so you will have to pay any service charges or bills out of any income or benefits.

If you are entitled, you should make a claim for benefits, including housing benefit to help you pay your rent. You will need a job or benefits to support yourself financially.

## Support from Children's Services



**As well as housing, Children's Services can provide additional help and support to you**

The type of support depends on your age, how long you are accommodated by them and what you need support with. In order to get additional, and ongoing, help from Children's Services you need to have been looked after or accommodated by them for 13 weeks or more (this can be made up of separate periods of time). These periods of being looked after need to have been when you were over the age of 14 and must end after you turn 16. This can sometimes be difficult to work out on your own and you may find it easier if someone explains it to you such as an adviser or youth/support worker. Voice YP has some good information on this and you should visit their website:

[www.voiceyp.org/young-peoples-zone/are-you-care-leaver](http://www.voiceyp.org/young-peoples-zone/are-you-care-leaver)

### **How independent will I be?**

Being accommodated by Children's Services may not mean you are any less independent than if you are accommodated by the Housing Department. You will have a social worker and you will work towards living independently. This will include support with any parts of your life you need help with, such as education, health, identity, finances or family.

### **Who supports me?**

This depends on the type of accommodation; you will have support from a key worker, foster carer or supported lodgings carer. You will be allocated a social worker who will support and help you. This support will continue until you are 18 and beyond, depending on how long you are in care for.

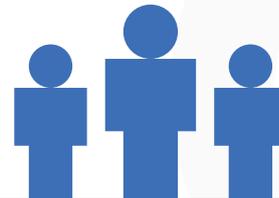
## What support do I get?

Social Services will be responsible for supporting you in a number of ways. It is important to understand the different kinds of support you can get, and at what age. Such support can include: help with accommodation after the age of 18, help with employment and education and going to university.

You will be allocated a social worker, and depending on the length of time you spend in care, a personal adviser. You will have a care plan, and eventually a pathway plan if you are in care for long enough. These are agreements between you and the local authority about how you will be supported by them. You will also have an Independent Reviewing Officer who will make sure that the process runs smoothly and that your voice is heard. You will get help and support with your education, employment, health and finances.

## What happens when I turn 18?

Depending on the type of accommodation you are in you may have to leave it, but the council will be responsible for helping you find somewhere to live. You will be in priority need for housing until you are 21 as a 'care leaver' and they may help you get your own tenancy. You should get advice on how much benefit you can get to pay for your accommodation as a care leaver. You may get additional support with employment and education if you are a care leaver. If you have any problems while you are a care leaver, Social Services must continue to support you.



## Support from the Housing Department

**You will not normally get the same kind of extra support from the Housing Department as you would from Children's Services.**

However, if you have a housing officer then they may be able to help you with accommodation, welfare benefits and managing finances. You may also be able to ask for 'floating support' from social services or from a youth centre.

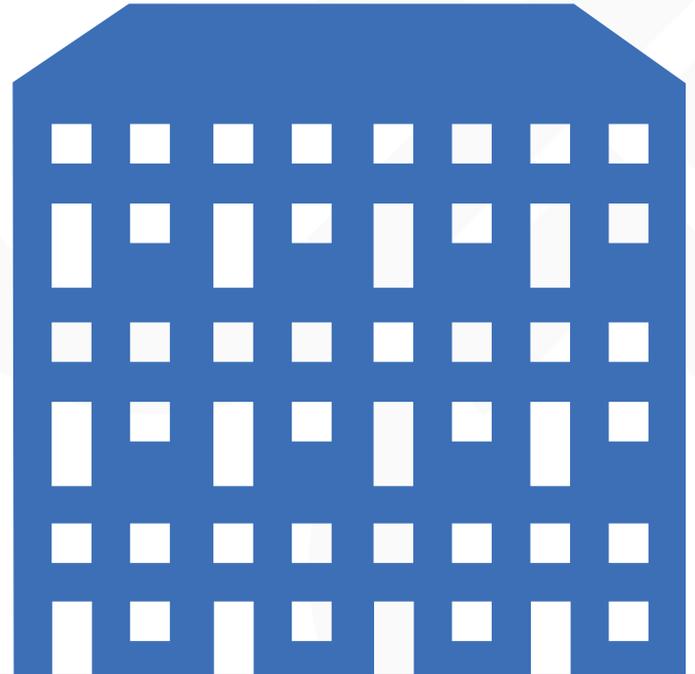
### How independent will I be?

This depends on the type of accommodation you get. You may get some support with learning to live independently – such as with budgeting and how to pay bills. However, the responsibility for this will be with you.



## What happens when I turn 18?

You will become completely independent and you will get no further support. The council may continue to provide you with accommodation after you turn 18 but you should speak to your housing officer about this, as the way in which you find long-term accommodation may be different, depending on where you live.



## What happens if things go wrong?



### Housing Department

If you are being accommodated by the Housing Department and you fail to pay your rent or service charges, you may lose your home. If this happens and you lose your home as a result, the Housing Department may not help you find more accommodation and you could be found to be 'intentionally homeless'.

### Children's Services

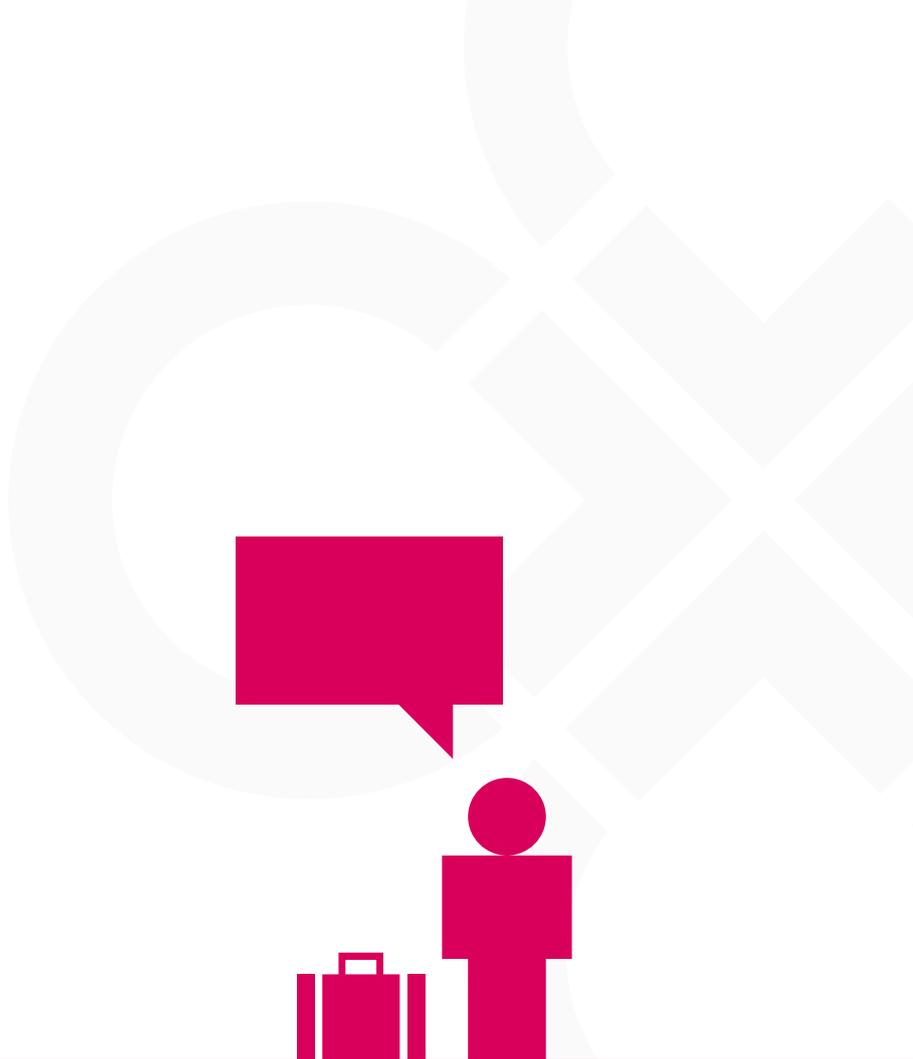
However, if you are being accommodated and looked after by Social Services, they cannot make you 'intentionally homeless'. You will get help from them to limit things going wrong and to deal with any problems that may arise in the future. If you do lose your placement, then Social Services should provide you with another one.



## What now?

There is a lot of information to take in and some of it might seem confusing and difficult to understand. Before you make any decisions you should try and see if there is someone who can help you; this could be a teacher, a friend's parent, a youth worker, advocate or adviser. You should think about the different types of support provided by the Housing Department and Social Services, both now and in the future.

If you need help understanding your rights then these agencies may be able to help you. Remember when you call to have a pen and paper with you in case they give you further contact details. They are staffed by people who are there to help you in a non-judgemental way and will act in your best interests.



## Where to get help

### Law Centres Network

[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

### Shelter

0808 800 4444

[www.shelter.org.uk](http://www.shelter.org.uk)

### Just for Kids Law

020 3174 2279

[www.justforkidslaw.org](http://www.justforkidslaw.org)

### Citizens Advice Bureau

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### No Second Night Out

0870 383 3333

[www.nosecondnightout.org.uk](http://www.nosecondnightout.org.uk)

### Runaway Helpline

116 000

[www.runawayhelpline.org.uk](http://www.runawayhelpline.org.uk)

A national, 24-hour free helpline for anyone aged 17 or under who has run away or been forced to leave home. They give confidential advice and can help a child or young person get to a place of safety. They can also pass a message home.

### Get Connected

0808 808 4994

[www.getconnected.org.uk](http://www.getconnected.org.uk)

A free, confidential helpline that gives young people in difficult situations support, information and advice. Open 7 days a week, 1pm to 11pm.

Here is a link to a booklet that has been written by a young person with loads of great tips and information on your first home  
[http://england.shelter.org.uk/\\_\\_data/assets/pdf\\_file/0009/347274/Your\\_First\\_Home\\_-\\_some\\_stuff\\_you\\_really\\_need\\_to\\_know.pdf](http://england.shelter.org.uk/__data/assets/pdf_file/0009/347274/Your_First_Home_-_some_stuff_you_really_need_to_know.pdf)



