

Homeless Families with Children October 2020

Scope of this chapter

This document provides additional guidance on assessment and service provision for families with children who are intentionally homeless and not eligible for assistance from Ealing Council's Housing Department.

This document is to be read in conjunction with other Children's Services policies and procedures particularly those below.

Related Procedures:

Procedures on Assessments:

https://ealing.proceduresonline.com/p_assessment.html

Child In Need Procedures

(https://ealing.proceduresonline.com/p_cin_plans_rev.html)

Procedures for supporting 16 and 17 year old homeless young people:

https://ealing.proceduresonline.com/p_homelessness.html

Procedures for families with No Recourse to Public Funds (NRPF) can be found at: https://ealing.proceduresonline.com/p_no_recourse_public.html

Procedures for Unaccompanied Migrant Children:

https://ealing.proceduresonline.com/p_uasc.html

Key Legislation:

- Children Act 1989 <https://www.legislation.gov.uk/ukpga/1989/41/contents>
- Housing Act 1996 (Part 7) <https://www.legislation.gov.uk/ukpga/1996/52/part/VII>
- Homelessness Act 2002 <https://www.legislation.gov.uk/ukpga/2002/7/contents>
- Homelessness (Priority Need for Accommodation) (England) Order 2002 <https://www.legislation.gov.uk/uksi/2002/2051/contents/made>
- Homelessness (Suitability of Accommodation) (England) Order 2003 <https://www.legislation.gov.uk/uksi/2003/3326/contents/made>
- Homelessness Reduction Act 2017 <https://www.legislation.gov.uk/ukpga/2017/13/contents>
- Homelessness code of guidance for local authorities <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>

1. Introduction

1.1 This procedure covers the assessment and provision of services to families with children who are deemed intentionally homeless and not eligible for assistance from Ealing's Housing Department. (See above for 'No Recourse to Public Funds' procedure for families subject to immigration controls)

1.2 Local Authority responsibility

Under the Children Act 1989 the Local Authority has a responsibility to assess a child's circumstances and consider offering services if it appears that a child may be in need.

A child is in need'

- i. If he is unlikely to achieve or maintain, to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a Local Authority; or
- ii. His health is likely to be significantly impaired, or further impaired, without the provision of such services; or
- iii. He is disabled

(Children Act 1989 S17(10))

1.3 The Children Act 1989 responsibility applies to children living or found in the local authority area and applies regardless of any decision taken by another authority within any other legislative framework (e.g. housing Habitual Residence Test)

1.4 If the child is not "in need" there is no duty owed by the Local Authority under Children Act 1989 to provide services.

1.5 If it is established that a family has made an application since 3rd April 2000 within the asylum arrangements or a Human Rights application then they will need to approach the National Asylum Support Service (NASS) to obtain support in respect of their housing and income needs. (Articles 3 & 8 Human Rights Act)

2. Referrals and Assessment

2.1 Initial referrals of families should be made to Ealing Children's Integrated Response Service (ECIRS). If the family is an open case, the referral goes to the allocated worker. If the family is not known, the referral will be passed to the Children's Housing Support Team.

2.2 Children's Services will undertake an assessment if it appears that the child cannot or may not be able to maintain or achieve a reasonable standard of health or development because s/he is without accommodation. Children's Services are obliged to look at the resources within the family to establish whether the family can use these resources to meet the needs of their child.

2.3 The following practical steps should be taken in providing an assessment under the Children Act 1989 for families who have been assessed by the Housing Department and referred to the Children's Services as above due to being either:

- intentionally homeless
- ineligible for housing having failed the Habitual Residence Test
- ineligible for income support from public funds and families who are subject to immigration control (See related procedure: https://ealing.proceduresonline.com/p_no_recourse_public.html)

2.3.1 The Homeless Person's Unit (HPU) should provide a copy of their decision letter which will outline reasons for its decision and an evaluation of the family's needs and circumstances from the HPU perspective. This letter should accompany the referral to ECIRS.

2.3.2 If the family are seeking asylum, the family should be advised according to 1.5 above.

2.3.3 Where any communication problems are identified appropriate help should be provided by use of interpreters, sign language interpreters or relevant aids and adaptations.

2.3.4 If it is apparent that there is a child with a disability in the family, advice must be obtained from the Children with Disabilities Team (CWD). If the child's disability is a predominant issue, it may be appropriate for the CWD Team to carry out the assessment. In these circumstances the Team Manager for the CWD Team should be approached and where necessary the relevant Head of Service consulted.

3. The Child & Family Assessment

3.1 The Child and Family Assessment should ensure that we consider the environmental context of the family. Housing is a key aspect of the environmental context and lack of it is likely to be a stressor on the child and family. However, lack of housing must not distract attention from other aspects of a child's need. The assessment of a child and family who present as homeless must include all the components of an assessment as set out in the Assessment Framework: https://ealing.proceduresonline.com/p_assessment.html and Ealing's Thresholds of Need & Assessment Protocol:

https://ealing.proceduresonline.com/files/assess_pr_tresholds_need_guide.pdf

3.2 All these elements must be recorded fully using the child and family assessment report form on MOSAIC.

3.3 To determine whether the lack of housing is having a specific impact, it will be important to consider the following:

- a. What is the impact of the housing situation on this child? (e.g. effect on the child's health, emotional and educational wellbeing etc)
- b. What impact is it having on the capacity to of the parents to "parent"?
- c. How are the parents responding to this stressor?
- d. What financial and other resources are available to the family to help deal with it? (Consider role of extended family/accommodation available elsewhere - if so, is that place safe or does it present any particular needs/risks?)

4. Possible Additional Outcomes to Assessment

4.1 When the family are able to obtain or return to accommodation in another part of the UK or overseas, consideration should be given to meeting the costs of travel and in exceptional cases, re-establishing their home. The manager responsible must be satisfied that this is a satisfactory way of safeguarding and promoting the child's welfare.

4.2 Where Child Protection concerns are identified and it is agreed that a Section 47 Enquiry should be undertaken, this work will be completed by the relevant MAST team.

4.3 Where a subsequent decision is made that a child is to be subject of a Child Protection Plan, the case should remain with the relevant MAST team.

4.4 Referrals and signposting where required will be made to relevant support services e.g. SAFE or voluntary and community organisations.

5. Providing Services

5.1 Assistance with housing may be part of a package of Child in Need (CIN) services in the following circumstances:

- a. Where the family are homeless.
- b. If there is a clear need to assess a child's welfare and the lack of housing is genuinely preventing the assessment taking place. A family may be placed in temporary accommodation for a brief time limited period. Bed and breakfast accommodation is not considered suitable for families with children and households that include a pregnant woman, except where there is no other accommodation available. If a family has to be placed in Bed and Breakfast due to no other available accommodation, every effort will be made to provide an alternative offer within 6 weeks.
- c. If the child has been assessed as having needs which the local authority is obliged to meet as a priority and cannot meet because of a lack of housing. For example:
 - a child protection enquiry in which the safety of the child or the protection plan in the interim is jeopardised because of a lack of accommodation
 - a child with a disability whose needs are not being met because of homelessness. (NB a child with a disability is defined under the Children Act as being in need)
 - a child is in Local Authority accommodation and the parents lack of housing is preventing re-unification.

The local authority may consider whether there is a need to provide accommodation for a longer period whilst the family are supported to actively seek private rented accommodation.

- d. Services may also be provided if:
 - the child is found to meet the criteria for a child in need, (including assessments, which indicate that the child's circumstances would be likely to deteriorate if services were not provided, meaning that the child would become a child in need) and

- it is clear that the lack of housing is a significant contributory factor to the child being in need and
- the provision of housing or support in obtaining housing will assist in meeting the needs (i.e. housing is relevant to both the cause of the need and the solution to the problem) and
- the parents are unable to resolve these difficulties without support (e.g. because of learning difficulty, mental illness, recovery from trauma as asylum seekers, severe domestic violence etc).

5.2 Services provided could include one or more of the following:

- a. Advocacy in support of a housing or income support application/appeal
- b. The provision of housing pending a review of the financial support available to the family to pay for a private rental property
- c. Advice and practical support with finding and securing private rental property

5.3 There will be six weekly reviews of the family's homelessness status.

5.4 As part of any assessment, appropriate information should be provided to the parents as to how a child's health and educational needs can best be met, including providing information about local agencies that can provide assistance.

5.5 If the family is homeless, but the child concerned would not otherwise be considered to be in need and the family have other means of resolving the housing issue, then there is no case for providing accommodation. The family will be advised to make use of private accommodation and other networks to help with this e.g. extended family.

5.6 Whenever possible the assessment of the family should be made in whatever temporary accommodation they are staying in (e.g. with friends and extended family). It is important to ensure that they are not overcrowded to the extent that it would impair the health or development of the child

6. Time Limits on Provision of Accommodation

6.1 It must be explained to the family (and confirmed in writing) that only one offer of accommodation will be made. If this offer is turned down the Local Authority has discharged its duty and may provide no further assistance. In exceptional cases, the Team Manager can, where there are strong grounds, give authority for a second offer.

6.2 The family should also be advised (confirmed in writing) that at the end of the time limited period (or in the event that a reasonable offer of accommodation is refused) the Department will discharge its duty and the temporary accommodation will be terminated. The only exception to this will be if there is a continuing need to safeguard the child's welfare.

6.3 In circumstances where there is considered to be a case to extend the period of short-term accommodation beyond the six week period, this can only be done with the specific agreement of the Team Manager who can agree a further 28 days.

6.4 Where families refuse to leave the short-term accommodation they should be given a minimum of seven days notice that the Local Authority will cease to pay for the accommodation on a specified date.

6.5 The supplier of the temporary accommodation having received notice of the Local Authorities intention to cease funding on a specified date, will be responsible for acting to evict the family.