

# Youth Homelessness Network Event: Advocating for young 16 and 17 year olds



# Introductions: Mital

- Mital is an Education and Community Care solicitor.
- She joined the charity in 2012.
- Mital assists children and young people in various matters including obtaining support from children's social services, acting in school exclusions cases, and obtaining support for children with special educational needs.
- Mital also works closely with the policy team at Just for Kids Law to identify the issues 16 and 17 year olds face.

# Introductions: Sophie

- Sophie is an Advocacy Manager at Just for Kids Law – managing a team of Advocates, including a Trainee Youth Advocate and a Young Parents Advocate.
- Advocates support children and young people between 10 - 25 years to understand their rights and entitlements and get their wishes and feelings heard by professionals working with them.
- Advocacy is always client-led. We support children and young people with issues relating to: Housing and homelessness; Social services; Immigration and residency status; Criminal justice; Education; Finance; Family, including for young parents; Healthcare.
- Our Advocacy team work closely with our Policy team, identifying recurring issues and themes from practice.

# Just for Kids Law

Just for Kids Law was founded in 2006 by youth lawyers, Shauneen Lamb and Aika Stephenson who recognised that the children they had represented often needed more than just legal representation.

Just for Kids Law work with and for young people to ensure their legal rights are respected and promoted, and their voices heard and valued.

# What we do

- Youth Advocacy
- Legal representation
- Youth opportunities
- Strategic litigation
- Youth Justice Legal Centre
- Children's Rights Alliance for England
- Policy & Campaigning

# Just for Kids Law's approach to supporting homeless 16 & 17 year olds

1. Urgent **safeguarding** referral to Local Authority
2. Help the homeless young person to understand their **rights and entitlements** in relation to being accommodated either by housing or children's services
3. Support young person with **communicating their wishes and feelings** and with getting their voice heard.
4. Where the young persons' rights and entitlements are being denied - **support young person with instructing community care solicitor** (inhouse or external).
5. Once the young person has been accommodated **our advocates continue supporting them with any other issues** the young person may be experiencing

# Melanie

*"Section 20 accommodation is not available for you as you are 17 and a half years old."*

- **17 year old Melanie** became homeless when her mother passed away and her relationship with her stepfather broke down irrevocably.
- She approached children's services multiple occasions and was told there was no accommodation available for her because she was nearly 18 years old.
- During this period she was forced to spend the night in places that were open for 24 hours, such as McDonalds' restaurants, casinos and hotel receptions.
- Eventually she was placed in supported accommodation, she thinks this was under s17 Children Act. However, she was asked to leave after only two weeks because she let a friend of hers, a child, spend the night at the accommodation, which was a breach of the rules.
- She then became homeless and sofa surfed again before being housed again in a hostel and eventually in another unregulated placement where she stayed for six months.
- The only form of support she received throughout this period was in the form of food vouchers from children's services under s17 Children Act as a child in need, and as a result of her financial difficulties, she became involved in criminal activities.

*What happened next:*

- Melanie's advocate supported her with requesting that she is looked after under s20 of the Children's Act and that she be accommodated in a suitable placement. The advocate highlighted the [statutory guidance](#), which states that where a 16 or 17 year old who appears to be homeless or risk of homelessness, seeks help from/ is referred to children's services, children's services must carry out an assessment. The guidance says that this includes 17 years olds who are nearly 18 years old (para 3.1).
- The local authority eventually accepted this request and Melanie was then placed in supported accommodation under s20 Children Act 1989 and was provided with the support she was entitled to. She remained in this accommodation until her local authority made her a direct offer of social housing and assisted her to transition into adulthood.
- However, after Melanie turned 21, she was told her case was going to be closed despite her still wanting and needing ongoing support. She was at risk of eviction from her accommodation. Her advocate informed her of her rights and entitlements as a care leaver to receive ongoing advice and support from a personal adviser.

# Jason

*"The only support you need is accommodation, so you are not entitled to section 20 support."*

*"You are resourceful / autonomous / able to live independently so you do not need to be looked after."*

- Jason was known to children's services since he was very young, due to his mental health difficulties and because he had a very difficult relationship with his parents.
- When he turned **17** he was asked to **leave the family home forever**.
- He approached the local authority's housing department (he was not aware of the difference between children's services and housing services), who advised him to go to children's services.
- The social worker told Jason that they were doing an **assessment of his needs**. However, they didn't really ask him any questions besides why he does not stay out of trouble so that his parents do not get angry with him and kick him out all the time.
- At the end of the assessment the social worker said that Jason **only need was accommodation so he is not entitled to s20 accommodation** and he could go back home to his parents or approach the housing department for accommodation.
- Jason went back to housing department and he was **accommodated under the Housing Act 1996** in an unregulated placement and **provided with a £25 food voucher**. He had no choice but to start working, despite the impact on his benefits, which he struggled to manage, resulting in him accruing rent arrears. He was 18 years old and at **risk of eviction** when he approached JfKL for help.

## *What happened next?*

- Jason worked with our Advocacy team and his advocate supported him to avoid being evicted and with challenge against the rent arrears.
- The legal team supported Jason to argue that the local authority failed to assess his needs under the Children's Act 1989 and to provide him with accommodation under Section 20. We also argued that the local authority acted unlawfully and that it should now treat him as if he were a Former Relevant Child, and provide him with leaving care services to assist his transition into young adulthood.
- This challenge was successful and he is now being provided with leaving care services and most of his rent arrears have been cleared.



# Ricardo

## *"You need to go to another local authority to ask for help."*

- Ricardo was **17 years old** when he was kicked out of the family home in Essex by his parents.
- Ricardo did not have any family or friends in the area and therefore travelled to Islington to stay (sofa surfing) with at a friend's University accommodation.
- He stayed there for several weeks before being that he could try and approach children's services for support.
- When Ricardo went to children's services in Islington, he was told that he should approach Essex County Council as he was not from Islington.
- The social worker at Islington did not do an assessment of Ricardo's needs or provide him with any support, even though he had no money to buy food or essentials and he could be kicked out by his friend at any point as his friend was not allowed to have him there.
- The social worker did offer to pay for the train ticket back to Essex.

## *What happened next?*

- Ricardo's advocate supported him to contact children's services in Islington to request that an **assessment of his needs** is conducted, and he is **provided with accommodation** in the interim. The advocate also supported him to contact his social worker at Essex to do the same.
- Islington children's services said that he was not their problem and he should go to Essex children's services.
- Around this time Ricardo's friend received a warning about Ricardo staying with him, Ricardo had to leave the accommodation in a week.
- Ricardo's advocate, exhausted all attempts to work with children's services at both local authorities. Therefore, supported Ricardo to access legal advice.
- Ricardo instructed a community care lawyer to challenge both local authorities' failure to assess his needs and support him. The solicitor sent pre-action correspondence to both local authorities. Ricardo was eventually accommodated under s20 by Islington.

# Rachel

To persuade a young person to refuse section 20 support:

*"If you choose to be accommodated by children's services, we can only provide you with a foster care placement."*

*"Would you like to be in foster care or be independent?"*

*"If you become looked after this will involve frequent visits from social workers."*

- Rachel was **16, nearly 17 years old** when she became homeless and approached children's services.
- Social services did an assessment of her needs and decided she needed accommodation.
- The social worker told Rachel that she was really **independent** and that she had a few choices. She could be accommodated by children's services, but she would have to stay in a foster care placement or a children's home where she would have a curfew and rules. She would also be visited by a social worker a lot.
- Or as she is independent and able to look after herself, she could get accommodation from the housing department. She would not have a social worker coming around a lot and checking up on her all the time. Which would she like to do?

*What happened next?*

- Rachel's youth advocate went through Rachel's options in more detail and explained the support Rachel would receive as a Looked After Child under s20 Children Act 1989 and explained what support she would receive after she turned 18 as a care leaver.
- Rachel's advocate also explained that if Rachel wanted to go down the housing route that she would be priority need for support. However, the advocate explained that Rachel would not get any other support, for example with finances, her education now and in the future, support with becoming an adult and finding permanent accommodation etc.
- Rachel considered all of this information and told her social worker that she would like to be accommodated under s20.

# JfKL - what we do?

Just for Kids Law work with children and young people aged 10 to 25 who live in London, to navigate their way through challenging times with a unique casework model that combines youth advocacy, legal representation and youth opportunities support.

We can help if a young person has problems with:

- Being in **care** or a **care leaver**, or talking to **social services**
- **Housing**, or if the young person is **homeless** or does not have anywhere safe to stay
- The **police** or the **criminal courts**
- Young person's **immigration status** or getting immigration documents sorted out
- **School** or **college**, including if a young person has been excluded from school.
- Finding **jobs, training** and other opportunities
- Getting **benefits** or sorting out **debt**
- **Family law** issues for young parents, support to young parents through child protection and care proceedings;
- Getting support for **health** or **mental health**

# How to make a referral

Our referral form can be accessed via our website

<https://www.justforkidslaw.org/referral>

Alternatively you can access our referral form via the QR link

