

**Shelter's response to the  
Department for Children, Schools  
and Families Consultation –  
Children's Trusts statutory  
guidance on co-operation  
arrangements, including the  
Children's Trust Board and the  
Children and Young People's Plan**

**From the Shelter policy library**

**January 2010**

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**Shelter**

Shelter is a national campaigning charity that provides practical advice, support and innovative services to over 170,000 homeless or badly housed people a year. This work gives us direct experience of the various problems caused by the shortage of affordable housing across all tenures. Our services include:

- A national network of over 20 advice centres
- Shelter's free advice helpline which runs from 8am-8pm
- A free Children's Service Advice Line dedicated for agencies working with families who are experiencing housing problems which runs from 10am-4pm, Monday-Friday.
- Shelter's website which provides advice online
- The Government-funded National Homelessness Advice Service and Scottish Housing Advisory Service, which provides specialist housing advice, training, consultancy, referral and information to other voluntary agencies, such as Citizens Advice Bureaux and members of Advice UK, which are approached by people seeking housing advice
- A number of specialist services promoting innovative solutions to particular homelessness and housing problems. These include Housing Support Services which work with formerly homeless families, and the Shelter Inclusion Project, which works with families, couples and single people who are alleged to have been involved in anti-social behavior. The aim of these services is to sustain tenancies and ensure people live successfully in the community.
- A number of children's services aimed at preventing child and youth homelessness and mitigating the impacts on children and young people experiencing housing problems. These include pilot support projects, peer education services, Family Intervention Projects and specialist training and consultancy aimed at children's service practitioners.
- We also campaign for new laws and policies - as well as more investment - to improve the lives of homeless and badly housed people, now and in the future.

## Introduction

Shelter welcomes this opportunity to respond to the Department for Children, Schools and Families (DCSF) consultation – Children's Trusts statutory guidance on co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan. Our response will specifically comment on the following area of the document:

- Part one: strengthening co-operation - Chapter two: The Children's Trust partners (specifically sections 2.52 -2.53 – Housing sector)

Shelter was disappointed that the recent Apprenticeships, Skills, Children and Learning Act 2009 did not extend the duty to cooperate with Children's Trusts to local housing authorities. Consequently, local housing authorities did not become new statutory 'relevant partners' in the Children's Trust co-operation arrangements operational from January 2010. In our response to the DCSF consultation carried out in September 2009 on legislative options for Children's Trusts, we also raised concerns that social housing providers had not been named as a 'relevant partner'.

Despite this, we welcome the strengthened references in the draft guidance to the importance of including housing and engaging non-statutory partners in Children's Trust co-operation arrangements, including the Children's Trust Board and in the Children and Young People's Plan. These references represent a significant step forward, but we believe that the guidance should go further and the recommendations below outline how the guidance, and specifically the housing sector section (2.52 -2.53), should be strengthened.

### **Summary of Shelter's recommendations**

- To place a mandatory duty on local authorities to include housing representatives in the local Children's Trust co-operation arrangements including on the Children's Trust Board.
- To place greater emphasis on homelessness prevention strategies for children and young people at particular risk.
- To include guidance on consulting with Registered Social Landlords (RSLs) and local authority housing departments on the appropriate allocation and supply of social housing for families and young people.

## Mandatory duty to include housing representatives

The home is one of the most important things in a child's life and a decent, secure home is fundamental to a child's well-being. Extensive studies have shown the major impact that bad housing has on children's life chances<sup>1</sup>. Homelessness, poor housing conditions and overcrowding are all detrimental to a child's development. For example, Shelter research has found that children living in overcrowded and unfit accommodation are almost a third more likely than other children to suffer respiratory problems such as chest problems, breathing difficulties, asthma and bronchitis.<sup>2</sup> In addition, Shelter's report *Living in limbo: Survey of homeless households living in temporary accommodation*<sup>3</sup> found that due to their housing situation such children on average miss 55 days of school. This is usually due to the disruption caused by moves to and between temporary accommodation.

Despite the proven links between children's well-being and housing, Shelter's Children's Service has found that there is a lack of information-sharing between local authority housing departments and children's services. Far more information should be shared in order to prevent homelessness, mitigate the impact of temporary accommodation on children, and identify the additional support needs of children. There is also an inherent lack of understanding within children's services and local authority housing departments of each other's practices and procedures. Consequently, opportunities to improve children's well-being and, in some cases, receive statutory services are lost.

Although 16 and 17 year olds (who are not a 'relevant child' or owed a 'section 20' duty)<sup>4</sup> were given priority need under the Homelessness Act 2002<sup>5</sup>, young people are still

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<sup>1</sup> For example, Harker, L., *Chance of a Lifetime*, Shelter, September 2006 and Barnes, M., Butt, S. and Tomaszewski, W. *The dynamics of bad housing: The impact of bad housing on the living standards of children*, Natcen, September 2008, sponsored by Eaga Partnership Charitable Trust and Shelter.

<sup>2</sup> Rice, B. *Against the odds: An investigation comparing the lives of children on either side of Britain's housing divide*, Shelter, November 2006.

<sup>3</sup> Mitchell, F., Neuburger, J., Radebe, D. and Rayne, A., *Living in limbo: Survey of homeless households living in temporary accommodation*, Shelter, June 2004

<sup>4</sup> Relevant children are young people aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14 and who have been looked after at some time after their 16th birthday, and who have now left care.

Section 20(1) requires a children's services authority to provide accommodation to any 'child in need' who lacks suitable accommodation or care as a result of: 'a) there being no person who has parental responsibility for him; b) his being lost or having been abandoned;

experiencing significant barriers to accessing services. The homelessness prevention approach has put greater emphasis on mediation and supported lodgings as a way of assisting young people who are either homeless or at risk of homelessness. These schemes often seem to operate outside of homelessness legislation, that is, with no underlying duty on the local authority to house long term or to find alternative temporary accommodation if the supported lodgings fail. Young people are continuing to fall out of the system and struggle to get the advice that they need to link them back into housing and support services. It is paramount to have housing included in discussions concerning the planning and commissioning of services for young people.

The significant connection between housing and children's health, educational outcomes and well-being, means it is vital that the new guidance places a mandatory duty on local authorities to include housing representatives in the local Children's Trust co-operation arrangements, including on the Children's Trust Board. While district and unitary councils are defined as 'relevant partners' within the current legislation, there is no specific reference to local authority housing departments. This means housing-related issues are often not brought to the attention of the Children's Trust and that few Children's Trusts have someone with overall responsibility for, or expertise on, housing. This is a serious omission.

The housing representative's role must be clearly defined and staffed by someone with an in-depth understanding of how housing needs should be integrated into children's services. This could be monitored with a checklist or guidance; for example Shelter's Children's Service has published a benchmarking guide for improving outcomes for children and young people in housing need. This includes a checklist of bench mark indicators to ensure Children's Trust co-operation arrangements, including on the Children's Trust Boards, have clear objectives relating to homelessness.<sup>6</sup> The case study below shows in more detail how housing can be effectively integrated into Children's Trust arrangements.

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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.'

<sup>5</sup> The Homelessness (Priority Need for Accommodation) (England) Order 2002 (SI 2002/2051).

<sup>6</sup> Shelter, Improving outcomes for children and young people in housing need: A benchmarking guide for joint working between services, November 2009, p. 24.

## Case Study

### Housing Steering Group within Devon Children's Trust

#### Purpose of the group:

The group operates as the Project Board to manage the commissioning of the Local Public Sector Agreement Reward to prevent youth homelessness through the Local Area Agreement (LAA) and delivery of the housing element within the Children and Young People's Plan (CYPP) for 2008-2011.

It aims to develop co-operation between agencies and authorities, to improve the well-being of children, young people and families who are in housing need. This involves work on:

- District Council Homelessness Strategies and revenue funding (as they relate to 16- and 17-year-olds and families)
- Supporting People joint commissioning
- Local Public Service Agreement (LPSA-2, reducing homelessness among 16- and 17-year-olds)
- the Local Area Agreement
- second-home Council Tax (as it relates to children, families and young people)
- care leavers, Youth Offending Team (YOT), Child and Adolescent Mental Health Service and Connexions strategies and revenue funding (as they relate to housing and homelessness needs)

#### Its accountability:

The Steering Group is accountable to: The Children's Trust Board, Children and Young People's Senior Leadership Group and Devon's Strategic Housing Group.

#### Members:

Membership consists of representatives of key stakeholders, including:

- District Homelessness Managers
- Supporting People
- Housing providers
- Youth support and advice services
- Children's and Young People's Services (from the Care Leavers team, Assessment team, targeted youth support of the YOT, Social Services, Health, and Connexions)
- County Homelessness Co-ordinator (DHSG)
- County Young Persons Housing Strategy Co-ordinator (CYPS).

#### Methods:

To deliver its target outcomes, the Project Board will oversee:

- delivery of the LAA and the housing element within the CYPP
- alignment of needs analysis, monitoring and performance management
- development of joint commissioning based on the LAA and LPSA-2 'Freedoms and Flexibilities'
- project management of consultation about an agreement of strategic priorities, oversight of implementation plans, and reporting processes.

Please contact Fleur Buechler at Devon Local Authority for more details ([fleur.buechler@devon.gov.uk](mailto:fleur.buechler@devon.gov.uk))

## **Strengthening the existing guidance**

In addition to the above, the guidance should also be strengthened in subsections 2.52 and 2.53 by including references to homelessness prevention strategies and the appropriate allocation of social housing by RSLs for children and young people in housing need.

### ***Homelessness prevention***

Developing joint homelessness prevention strategies will help local authorities use existing resources more effectively and improve service provision for children and young people in the local area. In particular, joint strategies address the needs of the four groups of children and young people identified by DCSF and CLG<sup>7</sup> as being at particular risk of poor outcomes:

- 16 and 17 year olds who are homeless or at risk of homelessness;
- care leavers aged 18 to 21;
- children of families living in temporary accommodation; and,
- children of families who have been, or are at risk of being, found intentionally homeless by a housing authority.

Youth homelessness prevention strategies are especially important in the light of the recent ruling by the House of Lords in R (on the application of G) v London Borough of Southwark [2009] UKHL 26. This case emphasised that the primary duty to house and support homeless 16 and 17 year olds falls to children's services authorities. It is essential that clear joint assessment protocols are adopted and understood by all relevant staff in children's services and housing authorities so that no homeless young people are left without statutory assistance and support.

### ***Appropriate allocation and supply of social housing***

We feel there needs to be much stronger guidance on the role of Children's Trust Boards in improving the practice of RSLs in the allocation of homes to children and young people in housing need. The draft guidance recognises that RSLs, as the main delivery agents of social housing, must be consulted by the Children's Trust Board when preparing the Children and Young People's Plan (CYPP). However, the guidance provides no further information to support why this is important.

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<sup>7</sup> See joint DCSF/CLG guidance published in May 2008, Joint working between Housing and Children's Services: Preventing homelessness and tackling its effects on children and young people.

RSLs have a duty under section 170 of the 1996 Housing Act to co-operate with local authorities – where the authority requests it – to such extent as is reasonable in the circumstances, in offering accommodation to people with priority under the authority's allocation scheme.<sup>8</sup> However, too often young people and families with children are unfairly excluded from offers of RSL accommodation.

Research published by Shelter in 2006 found widespread poor practice in the North East of England with a significant number of vulnerable people being unfairly excluded from social rented housing, often because of low levels of rent arrears. Forty per cent of households surveyed were excluded for arrears of less than £500; some of which dated back to the 1980s<sup>9</sup>. Our evidence further showed that where exclusions were challenged (and where the outcome was known) more than half of the decisions were overturned on appeal. Some 43 per cent of the excluded households were families with children. When these families were homeless they were often owed a duty of accommodation by the local authority under the homelessness legislation, yet social housing providers refused to accommodate them. This can lead to a situation where local authorities are forced to accommodate families in temporary accommodation for long periods with little hope of finding them secure social housing. Shelter's advisers continue to report a high number of clients affected by such exclusions.

We have also dealt with cases where families with children and young people have been placed in a position where they have been offered or forced to accept properties that are inappropriate to their needs. The case study below gives an example of where this has occurred. The involvement of RSLs in discussions about wider issues of support for children and young people should lead to better practice within housing departments across the country.

In addition, many RSLs are poorly informed about issuing a tenancy to person under 18. Some believe they simply cannot do it, while others know they can but are reluctant to. Where it does happen it is often as a result of good liaison between social services and housing departments, where both feel the other is playing a key role. If housing representatives are not at the table when discussing the welfare of children and young people opportunities are more likely to be lost.

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<sup>8</sup> CLG, Fair and flexible: statutory guidance on social housing allocations for local authorities in England, December 2009.

<sup>9</sup>[http://england.shelter.org.uk/professional\\_resources/policy\\_library/policy\\_library\\_folder/exclusions\\_in\\_tyne\\_and\\_wear](http://england.shelter.org.uk/professional_resources/policy_library/policy_library_folder/exclusions_in_tyne_and_wear)

### **Case Study**

Shelter's children's service project based in Knowsley works with families who are 'intentionally homeless' or at risk of being evicted from their home, due to anti-social behaviour problems within the family. An advisor on the project reported a case whereby a young boy due to ongoing multiple and complex issues within his family had been moved out of the home of his mother and given to the care of his father. The father was currently living with the child's grandparents but there was a history of alcohol misuse in the family and therefore the home was an unsuitable environment for father and son to be living in. Through the intervention of Shelter's project they were put on the waiting list for social housing and through a RSL they were offered a family sized home in the local area. Prior to this, there had been no contact made between social services and the local authority housing department. However, shortly after moving in the family experienced threatening behaviour from the next door neighbours which forced them to leave their home. The change in situation put the child's improved behaviour and school attendance at risk. When Shelter contacted the RSL they found there had been a history of problems with the family on that street and subsequently there was a frequent turnover of tenancies for the allocated property. If the RSL had been included in discussions from the beginning with children's services department the situation could have been avoided and the family may have been placed in more suitable accommodation.

### **Conclusion**

Given the proven link between housing and children's well-being, Shelter believes it is vital to include a housing representative in local Children's Trust co-operation arrangements, including on the Children's Trust Board. Including housing representatives at this top level is integral to ensuring that housing and homelessness issues are included in local children's strategies. It will also help ensure resources are used most effectively to meet the needs of children and young people. As we have highlighted in our response, the guidance should be further strengthened by greater emphasis on both homelessness prevention strategies and appropriate allocation of social housing for families and young people. In partnership with Centrepoin we have also raised these issues with the Children's Minister (please see the attached appendix).

### **Shelter Policy Unit**

**January 2010**

For further information please contact Francesca Albanese, Policy Officer, on 0344 515 2137 or at [Francesca.Albanese@shelter.org.uk](mailto:Francesca.Albanese@shelter.org.uk)

Appendix

Shelter

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Central House, 25 Camperdown Street,  
London E1 8DZ

The Rt Hon Dawn Primarolo MP  
Department for Children, Schools and Families  
Sanctuary Buildings, Great Smith Street  
London, SW1P 3BT

29<sup>th</sup> January 2010

Dear Minister,

**Draft guidance on Children's Trusts**

We write to jointly respond to the recently published draft guidance on Children's Trusts and recommend areas where this should be strengthened.

We welcome the guidance's bolstered references to the importance of including the housing sector and engaging non-statutory partners in Children's Trust co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan. Their inclusion represents a welcome step forward. In the past, both Shelter and Centrepoint have raised concern at the lack of a duty on local authorities to include housing professionals on their Children's Trust Boards.

However, we urge the Government to go further and strengthen the guidance to place a mandatory duty on local authorities to include housing representatives on the local Children's Trust Board. Including housing representatives in top-level decisions will be integral to ensuring that housing and homelessness issues are included in local strategies and that resources are therefore used most effectively to meet the needs of children and young people.

We also recommend that the guidance would be further strengthened by greater emphasis on the following areas:

- **Homelessness prevention** – The development of joint strategies through the Children's Trust Board, including homelessness prevention, will help local authorities use existing money more effectively and improve service provision for homeless 16 and 17 year olds. It is

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essential that clear joint assessment protocols are adopted and understood by all relevant staff in children's services and housing authorities so that no homeless young people are left without statutory assistance and support. This is particularly important in the light of the recent ruling by the House of Lords in R (on the application of G) v London Borough of Southwark [2009]. This case emphasised that the primary duty to house and support homeless 16 and 17 year olds falls to children's services authorities.

- **Appropriate allocation and supply of social housing** - Local authority schemes for the allocation of social housing would also be improved by the representation of housing professionals on Children's Trust Boards. Too often young people and families with children are placed in a position where they have to accept properties that are inappropriate to their needs. Involvement by housing professionals in discussions about wider issues of support for children and young people would lead to better practice within housing departments across the country.

Finally, we are pleased to note that the draft guidance highlights the involvement of adult services in Children's Trusts. Adult services also have a crucial role to play in improving the outcomes of children and young people. For example, improved referral routes could be established from adult social services to family mediation and children's support services. The involvement of adult services' is vital to support a family at a point before the young person or whole family is made homeless.

We would welcome the opportunity to discuss these issues with you further and would be pleased to provide further information.

Yours sincerely,



Seyi Obakin  
Chief Executive  
Centrepoint



Campbell Robb  
Chief Executive  
Shelter

CC: Rt Hon John Healey MP, Housing Minister, CLG

