

Suitable accommodation for care leavers

The Alliance for Children in Care and Care Leavers is the pre-eminent sector-wide organisation that works to support children in care and care leavers. We share a commitment to improving the care system and outcomes of children and young people who spend time in care. A full list of members is available in the appendix.

Amendment

After Clause 3 insert the following new clause –

To move the following Clause–

“Former relevant children: provision of sufficient suitable accommodation

(1) In the Children Act 1989, after section 23C insert–

“23CA Duty on local authorities to secure sufficient accommodation for former relevant children

(1) It is the general duty of a local authority to take steps that secure, so far as reasonably practicable, the outcome in subsection (2).

(2) The outcome is that the local authority secures sufficient suitable accommodation (whether or not provided by them) within their area to meet the needs of former relevant children, where “former relevant children” has the same meaning as in section 23C(1) of this Act.

(3) In taking steps to secure the outcome in subsection (2), the local authority must–

(a) produce, and make available to all former relevant children, information about the providers of accommodation and the types of accommodation they provide,

(b) be aware of the current and expected future demand for such accommodation and consider how providers might meet that demand, and

(c) have regard to–

(i) the need to ensure the sustainability of the market, and

(ii) the need to encourage providers to innovate and continuously improve the quality of such accommodation and the efficiency and effectiveness with which it is provided.”

Explanatory statement

This new clause will establish a clear statutory duty on local authorities to secure sufficient, suitable accommodation for all care leavers up to age 21. Local authorities already have a duty to ensure sufficient accommodation for looked after children in their area. This clause will introduce a similar duty on local authorities to ensure sufficient, suitable accommodation for all care leavers up to the age of 21.

Why is this necessary?

- By extending the right to personal advisor for care leavers until the age of 25, the Government recognises in the Bill that vulnerability and need do not end at age 18. We believe that this acknowledgement should also extend to access to suitable accommodation for care leavers.
- Safe and stable accommodation is the starting point for providing young people with the best start in life. Currently, care leavers have shockingly poor outcomes compared to their peers. This year’s DfE figures show that, at age 19, 40% of care leavers are NEET (not in education, employment or training) compared with just 14% of their peers.

- Currently, far too many care leavers are missing out on suitable accommodation. Government figures show that 7% of care leavers aged 19-21 were in accommodation considered to be unsuitable while suitability was not known for a further 11%.
- The Bill rightly aims to improve outcomes for care leavers, but as currently drafted it does not contain any provisions on accommodation. Yet we know that a safe and stable place to live is essential for good health (including mental health), gaining qualifications and moving into employment.
- The Government introduced Staying Put in the Children and Families Act 2014, which allows young people in stable foster placements to remain with their foster families until they reach the age of 21.
- The Government has also committed to piloting Staying Close arrangements for young people leaving residential care, which would provide some form of suitable accommodation for some young people in this category. Crucially, though, this does not amount to a legal entitlement, so is not equivalent to Staying Put.
- This piecemeal approach to improving accommodation is leading to inequalities for young people based solely on the nature of their final placement before leaving care. The Alliance for Children in Care and Care Leavers believes this Bill is a unique opportunity to ensure all young people leaving care have a legal entitlement to an appropriate place to live until they reach 21.

Debate on this issue in the Other Place

1. Existing statutory guidance and homelessness legislation

In the House of Lords, the Government argued that there is already a range of measures to help young people secure suitable accommodation when they leave care, including statutory guidance that states that local authorities must ensure that care leavers are put in suitable accommodation, and that care leavers have priority under homelessness legislation.

Response: It is clear that current legislation is not sufficient to ensure that all care leavers are provided with suitable accommodation. Government figures show that 7% of care leavers aged 19-21 were in accommodation considered unsuitable while for a further 11% the suitability was not known.

2. Accommodation as part of the local offer

The Bill requires local authorities to consult on, and publish details of, their offer to care leavers, setting out the support available for areas such as education, health, employment and accommodation. In the House of Lords, the Government argued that introducing a sufficiency duty as part of the local offer would be “overly prescriptive” on local authorities.¹

Response: Our amendment does not set out *how* a local authority should provide suitable accommodation, only that it should meet the needs of the population. The local offer as currently drafted does not go far enough. It requires only that local authorities state publicly what they already provide, *not* that provision in any area meets local need. There is no evidence that the local offer for SEND introduced in the Children and Families Act 2014 has made it more likely that relevant needs are met.

3. Accommodation framework

The Government stated that it is funding the Accommodation Framework developed by Barnardo’s and the homelessness charity St Basils. The Framework sets out how local authorities can improve joint working between children’s services and housing services to help them develop and commission accommodation pathways for care leavers, offering a wide range of different housing options to meet care leavers’ varied needs.

Response: We welcome the Government’s commitment to fund St Basil’s to roll out the Framework to local authorities. The Framework is a useful tool to improve practice in this area, but it is not the

¹ [https://hansard.parliament.uk/Lords/2016-07-04/debates/16070416000090/ChildrenAndSocialWorkBill\(HL\)#contribution-1607054000085](https://hansard.parliament.uk/Lords/2016-07-04/debates/16070416000090/ChildrenAndSocialWorkBill(HL)#contribution-1607054000085)

whole answer to ensure that all young people leaving care are provided with suitable accommodation. There needs to be legislative change to enshrine the right of all young people to suitable accommodation once they leave care, not just those in stable foster placements or residential care.

For more information about this briefing please contact:

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Members of the Alliance for Children in Care and Care Leavers:

A National Voice, Action for Children, Article 39, Barnardo's, Become, British Association of Social Workers (BASW), Catch22, Children's Commissioner for England, Children England, CoramBAAF, Coram Voice, Family Rights Group, Fostering Through Social Enterprise (FtSE), Institute of Recovery from Childhood Trauma, National Association of Independent Reviewing Officers (NAIRO), National Children's Bureau (NCB), NSPCC, National Youth Advocacy Service (NYAS), TACT, The Care Leavers' Association, The Children's Society, The Fostering Network, The Prince's Trust, Together Trust.