

Appendix B - Legal Framework

Supported accommodation is the term given to the support the City Council provides to children aged 16-18, who are the responsibility of Childrens Services, including a small number of care leavers, children who are homeless or at risk of homelessness, including children in Need (CIN), Looked After Children (LAC), children at risk of or involved in offending behaviour, and teenage parents aged 16-24 years who are pregnant or have children. The City Council has a statutory duty to provide accommodation to persons under 18 who have been assessed as requiring accommodation under the Children Act 1989, or because they are owed a continuing duty under the Children and Social Work Act 2017 and duties towards homeless children under the Housing Act 1996

The local authority has a range of statutory responsibilities that are dealt with, in part, through the provision of the current supported accommodation contracts. These are outlined below:

Care Leavers

Care leavers in England have a range of entitlements set out in legislation to ensure that they are properly housed.

Under the Children and Social Work Act 2017 the City Council is responsible for Care Leavers up to the age of 25. This act supplements the Children Act 1989 and places a duty on the Local Authority to financially support and meet the housing needs/costs of care leavers until their eighteenth birthday, and to maintain contact with them until they reach their twenty fifth birthday. This responsibility includes the provision of suitable accommodation. The City Council manages this responsibility primarily through the 'Through Care Services' team and where accommodation is required for Care Leavers this is provided through the Supported Accommodation contracts where:

- Children leave care aged 16 or 17; the Local Authority is responsible for their accommodation as a 'corporate parent'
- Children leave care at 18, there is no responsibility for Children's Services to provide accommodation, except where it is assessed that their welfare requires it. If their welfare does not require it then the responsibility for housing care leavers aged 18 plus falls to the Housing Authority.

16-17 Year Olds

Once they have approached the local authority for help, 16 or 17 year olds may be provided with interim accommodation under the homelessness legislation whilst a 'child in need' assessment is carried out. This means that some homeless 16 – 17 year olds may become looked after under s20 Children Act 1989 and therefore the responsibility of Children's Services.

Under the Children Act 1989 the City Council is required to provide accommodation for people who are 1) under the age of 18 who have been subject to a care order and 2) aged 16 or 17 whether or not they have previously been in care, if their welfare is likely to be 'seriously prejudiced'. Additionally, and as a result of the Southwark judgement, any 16 or 17 year old is considered to be a Child in Need if homeless. As such the City Council is required to provide appropriate accommodation and support for this group. The Children and Social Work Act 2017 extends the definition of a Care Leaver to include a Former Relevant Child under the age of 25 and therefore the Local Authority will continue to have responsibilities beyond the age of 18 whether in full-time Education or not.

Homeless adults aged 18+

The City Council also has a general Housing duty for homeless adults, a 'main homelessness duty' which is owed where the authority is satisfied that the applicant is eligible for assistance, unintentionally homeless and falls within a specified priority need group. Priority needs groups include those with dependent children or a pregnant woman and people who are vulnerable in some way e.g. because of a mental illness or physical disability, including care leavers under the age of 25 years.