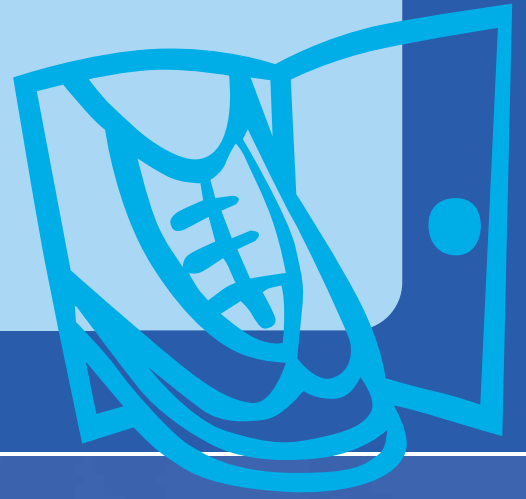


Homeless?

Get Your Foot in the Door...



ADVICE FOR ADVISERS

Is your client:

- homeless or about to lose their home;
- and
- under 18, or under 21 if they've been in care;
- and
- are they entitled to help from public funds?

YES?

Then your local authority MUST provide temporary accommodation for your client and assess their needs if they are aware of your client's situation. If they don't, the Council may be breaking the law.

If your client is under 18, Council homelessness services should also contact Social Services to assess your client's additional needs, bearing in mind your client's wishes. This doesn't stop homelessness services having to provide temporary housing in the meantime.

This leaflet gives basic information to help you help your client if they are at risk of homelessness. It explains how local authorities should deal with homeless applications, and how to stop clients falling through the safety net.

Jargonbuster

“Entitled to help from public funds”

If your client is entitled to claim benefits in this country, they will usually be entitled to apply as homeless. However, there are exceptions. If your client is from an EU country (other than UK) they may not be able to apply as homeless, despite having rights to benefits. Others, particularly students who are settled in this country, may be entitled to apply as homeless even if not entitled to benefits. If you are not sure, refer your client to an independent adviser.

“Local authority”

London Boroughs and unitary authorities are responsible for both housing and Social Services. In most areas, District Councils are responsible for housing, and County Councils for Social Services. If in doubt, get advice about who to contact.

“Homelessness services”

It might be called a Homeless Persons Unit, Housing Needs, Housing Options, or something different. If in doubt, contact your Council's Housing Department.

Case study

It's Friday at 4 o'clock. One of your regulars, 17 years old, walks in and asks you if you know anyone who can help find them somewhere to live. You ask why, and find out that your client has been smacked around by his father for the last year. Your client can't take any more. You know your client can't afford to rent privately, and there's no way he will go back home because of what's happened. Your client is alone and frightened.



What are you going to do about it?

Key information

1 Local authority housing departments have the main responsibility for assisting anyone who may be homeless.

They may ask Social Services to help carry out their duty or to help assess a young person's needs, but this doesn't stop homelessness services having to provide temporary housing in the meantime.

2 The Council's duties begin as soon as it is aware that someone may be homeless, even if this is at 4 o'clock on a Friday afternoon.

Your client doesn't need to apply in any special way: it's not like applying for benefit. So it's unlawful to turn away a homeless applicant just because they haven't applied in writing. Of course, if you've got the chance to help them put their case in writing, it may help them get assessed quicker. Try to refer your client for help as soon as possible – the longer it's left, the harder it will be for the Council to find them somewhere to stay.

3 The Council *must* provide temporary accommodation if they have 'reason to believe' that your client is:

- *eligible for assistance;* and
- *homeless;* and
- *in priority need.*

The Council must also:

- Investigate your client's needs;* and
- Give them a written decision;* and
- Tell them about their appeal rights if they disagree with the decision.*

'Reason to believe' means that the Council has information that *suggests* your client *could* be entitled to help: it's not up to you to **PROVE** that the Council should help.

Either your client gets temporary accommodation, or the Council must give them a written decision saying why they won't help.

If your client does NOT get a decision in writing and they have been refused assistance, find out why from the Council, and refer your client to an independent adviser.

4 You don't have to be a rough sleeper to be legally homeless. A client is homeless if they don't have any accommodation, or if they *have* accommodation, but it's not reasonable for them to live in it. For example, because it's not safe to live there, it's not fit to live in, or your client has no rights to be there. This is not a complete list. Something may be acceptable for everyone else, but may still not be reasonable for your client because of their needs.

The Council's duties start once someone is homeless or is going to be made homeless within the next 28 days.

If your client has received a notice to quit or notice seeking possession, they may not need to leave their home. Refer your client to an independent adviser.

5 Anyone who is 16 or 17 and homeless is *automatically* in priority need. So are *most* people who left care after their 16th birthday if they are still under 21. So is anyone who would normally live with them, even if they aren't at the moment.

If your client has been looked after by Social Services, they will stay as Social Services' responsibility until they are 18, or until they are 24 if they are studying full time. If not, contact your local authority housing department first.

6 If your client needs more help than just housing, Social Services may have *additional* duties to assist children in need or care leavers.

Anyone who is under 18 and homeless is likely to be badly-prepared for living independently and may be a 'child in need' in law. Additional problems such as substance misuse problems, learning difficulties, or past abuse or neglect may increase the difficulties the young person faces if they are homeless.

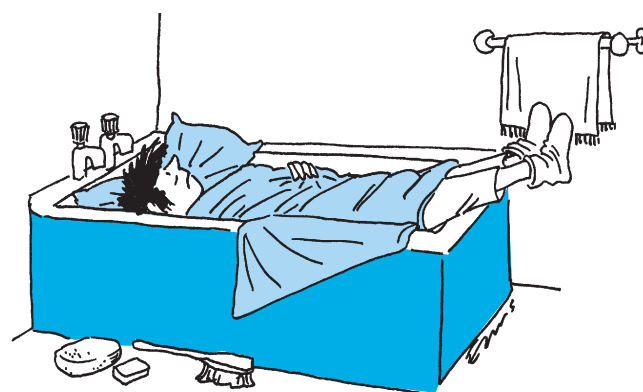
Housing Departments and Social Services should have joint assessment procedures in place to respond to the needs of young homeless clients. If the Housing Department doesn't refer your client to Social Services,

(continued)

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discuss with your client whether you should refer them to Social Services in any case. This doesn't stop it being the housing department's duty to arrange emergency accommodation for homeless applicants in the meantime.

If Social Services agrees that your client is a child in need, and helps to secure accommodation for your client as a result, Social Services will have a responsibility to provide ongoing support after your client turns 18, including preparing a plan for helping them to live independently.



YOU DON'T HAVE TO ACCEPT ANY ACCOMMODATION...

7 When the Housing Department has finished its investigation, your client will only get long-term housing under homelessness legislation if they are:

legislation if they are:

- eligible; and
- homeless; and
- in priority need; and
- not *intentionally* homeless.

'Intentionally homeless' means that they have caused their own homelessness. This is *not* a simple decision. Someone may have chosen to leave home, but if it wasn't safe anyway, they won't be intentionally homeless. A decision on intentional homelessness should be based on clear evidence and reasons. Don't assume that just because the client chose to leave, or not pay rent, that they made themselves homeless. Refer your client to an independent adviser.

8 If your client doesn't have a local connection with the Council that is providing housing for them, the Council can refer them back to another authority which does have a connection with your client. They must NOT do this if your client is at risk of violence in that area. And your client has the right to challenge this.

Even if they are referred to another Council, someone must still provide accommodation for them.

In an emergency, whichever Council you apply to has to consider your application and secure temporary accommodation if needed.

9 Any accommodation provided must be *suitable*. It may not be perfect but it must meet the needs of your client. It must be affordable, safe and accessible. If it is miles away from your client's family or support network, education, or job, the accommodation may not be suitable.

If your client is unhappy with the suitability of accommodation offered, make them an appointment with an independent adviser. They can appeal.

10 If your client disagrees with the Council's decision about the help they should receive, they can appeal.

Your client has *21 days* from the date of the Council's decision to request a review. They should make this request in writing, and they will need help. It can be complicated: make them an appointment with an independent adviser. It's worth the time to do this properly.

The Council has the power to provide accommodation until the review is finally dealt with: ask them to do this if there is any question that your client is entitled to.

After the case has been reviewed, your client should be sent a letter informing them of the outcome. If they are still not satisfied, they have got *21 days* to appeal to the County Court. Again, refer them to an independent adviser for this. It's nearly impossible for anyone to do this without help.

If your client is unhappy about the way that they have been treated, they always have the right to *complain* about poor service. Helping them to set out their complaint in writing will help them to express their needs.

11 Social Services and Housing Departments' responsibilities are not the same. A 'child in need' may be intentionally homeless: the Housing Department won't have to help, but Social Services still has to. Likewise, a young person able to live independently may not be a child in need, but the Housing Department may still have to find them somewhere.

Social Services and Housing Departments in your area should have agreed how they will jointly assess the needs of homeless young people. Find out what the agreed procedure is in your area. If there isn't one, speak to your local Council to find out why. If there's no joint assessment procedure, there's a good chance that young people will be missing out on services they should have from both Housing and Social Services, and give you twice as much work to get your clients help.

So your client is homeless.

What are you going to do about it?



You are aware that your client is on benefits, there is a good chance it's not reasonable for your client to go back home, and because they are under 18 and homeless, the Council *must* arrange emergency accommodation. You phone the Homeless Persons Unit – they agree to see your client, but they won't be able to until 5 o'clock. You ask them to guarantee that they will provide housing until after the weekend, when your client can get further advice and assistance from an independent adviser. In return, you write a letter for your client to take to the appointment, setting out why they need help. Your client agrees to come back and see you on Monday to find out about any other help they can get.

On Monday, you phone the Homeless Persons Unit to find out what's happened. They tell you that they need to carry out further enquiries, and because of your client's age, they will carry on housing him until they're finished. They will also speak to Social Services about getting your client's support needs assessed. Your client comes back and you tell him the good news.

To be on the safe side, you give your client details of independent advice agencies, who will be able to assist him if he doesn't get the help he should be entitled to. You remind him that he can always come back to you if he needs help to get referred to a legal adviser.

Good practice

Act quickly

Any delay makes it more likely your client could suffer if they are homeless. Don't wait until the last minute before picking up the phone: housing departments will need time to assess your client's needs and arrange accommodation.

Know your limits and who else can help

You are not expected to be an expert, but you can identify when your client could benefit from further advice, or possibly be entitled to help from the Council or Social Services. Who in your area can give independent advice on housing? You can find out from the Community Legal Advice helpline (see Useful numbers).

Keep records

If you deal with someone who is homeless, it will be hard for them to keep notes of who they've talked to and what's supposed to happen. Help them out: when you meet, record what the problem is, what you've agreed to do about it and what they're going to do. Follow it up: find out what's happened from your client or the Council. Keep a record of any discussion with advisers or Council staff about your client, especially what action they will take, and when they will do it. You can also help by putting your client's needs and circumstances in writing. This will save everyone time.

Taking action when things go wrong

When mistakes happen in the way young homeless people are dealt with, they can suffer needlessly. If your client has not had the service they should have had from the Council, they have the right to complain about it (in some cases they also have the right to take legal action). It may not be your job to sort this out, but your client may need help to put a complaint in writing. Remember that complaints can be useful in helping services to avoid making the same mistakes in future. If your client is not happy about a *legal* decision, they will need independent advice. Refer them to an independent adviser.

Useful numbers

- **Shelterline – 0808 800 4444**
www.shelter.org.uk
Free 24 hour service for anyone with housing problems. Shelter also have a very useful website.
- **Community Legal Advice**
Community Legal Advice helps people find information and advice, including local independent advice services and CABs.
www.communitylegaladvice.org.uk
Helpline: 0845 345 4 345
Minicom: 0845 609 6677
- **ChildLine**
ChildLine run a helpline for young people living away from home: 0800 88 4444
Open 3:30–9:30 Mon–Fri, 2–8pm Sat–Sun
- **Message Home Helpline – 0800 700 740**
Free and confidential service to help you leave a message for your family.
- **NSPCC Child Protection Helpline – 0808 800 5000**
Confidential advice for young people running away from home.

Local services

This information is produced by Advicenow. Other guides include:

- How to avoid identity theft
- 10 steps to sorting out your debts
- LivingTogether
- Family Mediation
- Dealing with bailiffs
- Working parents
- Trouble at school
- Unfair dismissal
- Is that discrimination?
- How to get good asylum advice
- Support for asylum seekers in the UK
- How to handle an interview under caution
- Turned down for DLA/AA? Think you're not getting enough?
- Claiming compensation
- Dealing with discrimination
- Parents apart
- Young workers
- What's a contract?
- Do I need a lawyer?

This guide is written by Enfield Law Centre, with material from Greenwich Housing Rights.

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The information in this guide applies to England and Wales only. The law in Scotland and Northern Ireland is significantly different.

The law is complicated and every case is different. Get advice.

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