

**REPORT TO:** Cabinet Member - Children, Schools & Families

**DATE:** 13<sup>th</sup> April 2010

**SUBJECT:** 'Southwark Judgement' – Potential implications for Sefton Council

**WARDS AFFECTED:** All wards in Sefton

**REPORT OF:** Peter Morgan  
Strategic Director - Children, Schools and Families

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**EXEMPT/  
CONFIDENTIAL:** NO

**PURPOSE/SUMMARY:**

To provide the Cabinet Member with information on the potential strategic, financial and service implications of the Southwark Judgement in terms of Sefton Council's responsibilities to support vulnerable young people aged 16-18 years.

**REASON WHY DECISION REQUIRED:**

This report is for information

**RECOMMENDATION(S):**

That the potential implications of the 'Southwark judgement' are noted.

**KEY DECISION:** No

**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** n/a

**ALTERNATIVE OPTIONS:** n/a

**IMPLICATIONS:**

**Budget/Policy Framework:** The potential implications are set out in paragraph 4.5 of the report

**Financial:**

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2009 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:****Risk Assessment:**

**Asset Management:** n/a

**CONSULTATION UNDERTAKEN/VIEWS**

**CORPORATE OBJECTIVE MONITORING:**

<b><u>Corporate Objective</u></b>		<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People	√		

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

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## **Background**

### **1. Introduction**

- 1.1 The Southwark Judgement of May 2009 challenges local authorities to consider the wider needs of vulnerable young people between the ages of 16 and 18 who present as homeless and to deal with the issue in a corporate manner rather than through individual agencies.
- 1.2 In the particular case that formed the basis of the House of Lords Judgement a young Somali refugee who had leave to remain in this country was asked to leave home. He presented to the Housing Department and was directed to Children's Services for an assessment under S.17 of the Children Act 1989. This assessment concluded that he simply needed help to secure accommodation.
- 1.3 The Law Lords concluded that the young person was a child in need (as defined by Section 20 of the Children Act 1989), and that as such the local authority should accommodate him (i.e take him into the care of the local authority) even though there might have been help available to him avoiding this outcome.
- 1.4 Potentially this raises the possibility that the authority may need to take into care a number of young people over the age of 16. In the 12 months to April 2009 some 52 young people in the age group 16-18 years presented to the Housing Department as homeless. During the same period only 2 young people over the age of 16 were taken into care, neither as a result of homelessness.

### **2. Local Context**

- 2.1 Historically, the local authority (both Children's Services and the Housing Department – specifically the Homelessness Section) have used housing legislation to address the needs of young people aged 16-18 who present as homeless. Although only 14 of the 52 young people presenting to the Homelessness Section 2008/09 met the Housing Act criteria, 21 were provided with accommodation – either supported accommodation or their own tenancy – during the 12 months to April 2009.
- 2.2 The fact that more young people were provided with accommodation than met the criteria suggests that the resources available to the Homelessness Section were being used to address wider issues of need. However, given the lack of a joined up approach with Children's Services to ensure that a full assessment had been carried out, we cannot be certain that the accommodation provided fully met the needs of the young people, nor that many young people who were not accommodated (for example those who went back home) continued to have unmet needs.

### **3. Local Action since the Southwark Judgement**

- 3.1 In the light of the Southwark Judgement managers from the Homelessness Team, Legal Department, and both the Assessment and Looked After Children sections of Children's Services Social Cares held a series of meetings to consider the implications and to draw up plans to address the implications of the judgement.
- 3.2 Several important operational changes were discussed and agreed including the need for all young people presenting as homeless to be assessed by Children's Services, and the transfer of the Bootle Assessment Team to be co-located with staff from the Homelessness Section.
- 3.3 However, the group identified the fact that the changes needed involved a wider range of agencies (including third sector and statutory services) and at a higher level, in order to consider the implications for strategic planning and service design.
- 3.4 What has been clear is that there has been no immediate increase in the numbers of young people presenting themselves as homeless or using the judgement to request services. As with all change there is a lead in time during which knowledge filters down to those who advise young people, and to young people themselves. This process appears to be only just starting. There have been two recent examples illustrating the complexities of the Judgement, one in which a young person was accommodated and one where they were not. In the first instance, a young person of 16 who was not homeless but living at home was deemed to be at risk and in need of accommodation. In the second a young person with no family support and vulnerable was not accommodated because of their firm and consistently articulated view that they did not wish to become 'looked after.'

### **4. Next Steps**

- 4.1 Projecting Demand: given that there has been no dramatic increase in the numbers of young people presenting as homeless, it is necessary to use previous figures to predict demand. Based on an estimate of between 50 and 70 young people presenting as homeless per year, it is safe to assume that a proportion of these will not wish to become 'looked after.' A further proportion may be deemed sufficiently independent to take on their own tenancy, and yet another proportion may be able to go home or be accommodated within their family. However, young people with one need (homelessness) may well have other needs for example substance misuse, mental health, abusive backgrounds which need to be taken into account when considering their ability to live independently or to be returned home. If, for example, half of these young people needed to be accommodated this would equate to at least one additional social work caseload within the Looked After Service as well as additional capacity within the Assessment Service. Becoming 'looked after' by the local authority

involves a number of other commitments to the Council including regular reviews, medicals, plans etc.

- 4.2 Performance Management: currently recording of homelessness in Children's Services is inconsistent at present. Reasons for presenting may be recorded as 'family breakdown' for example, and systems used by different agencies are not joined up or able to 'speak to each other'.
- 4.3 Service Models: currently at an early stage of development. It is suggested that a specialist housing worker within the Assessment Team would be beneficial to provide a holistic assessment at the 'front door' of the service. In addition there may need to be additional capacity within the Leaving Care Team (who currently deal with all young people in care and leaving care over 16) to identify and support those young people who become 'looked after.' This approach would need to be supplemented by a preventative strategy, perhaps involving the third sector and initiatives with families. Other local authorities, for example Warrington through *Talk Don't Walk* initiative - have used third sector organisations to provide family mediation to prevent situations in which teenage children find themselves homeless. Additional specialist posts would need to be supplemented by a broader communication and training strategy across all agencies to strengthen expertise.
- 4.4 Accommodation Provision: currently in-house accommodation for young people in care is restricted to 5 residential children's homes, two of which are not suitable for this age group. Although the other three homes are able to provide accommodation up to 18, young people already in care do not tend to find this meets their needs, and a review of this provision is underway. The Leaving Care Team has a number of contracts with independent providers for supported accommodation, but these are currently not sufficiently flexible (for example the level of support provided), nor numerically sufficient to meet existing demand. There is also a landlady scheme (Merseyside Accommodation Project) which while appropriate in some cases could not meet a large increase in demand. The greatest need is for accommodation with close support and an element of training in independence skills, which is currently in very short supply. Given that those accommodated would tend to come straight from a family it is likely that they would need this type of accommodation.
- 4.5 Potential costs to the authority: there is a clear message to the authority from central government that no additional money will be provided to meet the duties arising from the Southwark Judgement, because it created no change in legislative responsibilities.

Potential additional cost could include:

a) Staffing costs:

1 additional Social Worker in Assessment Service and 2 in Leaving Care Team  
= £90,000;

1 Independent Reviewing Officer = £45,000

Management costs = £30,000

b) Costs of Provision:

- One place in semi-independent provision (9-12 hours additional support) = £700 per week
- One place in semi-independent provision (24 hour cover) = £1,370 per week
- MAP placement (family based) = £279 per week

c) Other costs:

- Leaving Care allowances £60 per week per child excluding clothing and allowances for young people staying in education.
- Money paid under S.17 (child in need) to support those young people who are not accommodated but provided with alternative services
- Legal costs (excluding potential litigation costs) £3,000 per year

## **5. Summary and Conclusion**

- Along with many other local authorities, Sefton has been forced to re-think how it approaches the issues raised by youth homelessness as a result of the Southwark Judgement.
- To date there has been no sudden increase in the number of young people presenting as homeless. Current data systems are partial and incomplete making it difficult to anticipate future demand
- Current provision is neither adequate nor suitable to meet the needs of young people assessed under s.20 of the Children Act
- While it would be possible to absorb some increase in looked after children within the current service, there has already been a 20% increase in the past 18 months (post Haringey) and what is required under this Judgement goes beyond the Children's Social Care service
- There is need to centre the response to Southwark within a wider strategic framework of a young person's accommodation strategy that would encompass preventative services and the involvement of other statutory and third sector partners. The most appropriate vehicle for such a strategy would be the Children's Trust.