



Children's
Rights Alliance
for England



CRAE and JFKL Submission to Housing, Communities and Local Government parliamentary committee inquiry: *Impact of COVID-19 (Coronavirus) on homelessness and the private rented sector*

1 May 2020

Just for Kids Law (JfKL) is an award-winning UK charity working with and for children and young people to hold those with power to account, and fighting for wider reform by providing legal representation and advice, direct advocacy and support, and campaigning. The Children's Rights Alliance for England (CRAE) merged into Just for Kids law in 2015 and works with over 100 members to promote children's rights and monitor government implementation of the UN Convention on the Rights of the Child.

Q: How effective has the support provided by MHCLG and other Government departments in addressing the impact of COVID-19 on those in the private rented sector, rough sleepers and the homeless?

Government guidance and support in response to COVID -19 has focused on securing accommodation for rough sleepers and protecting some tenants from eviction and repossession. While these measures are very welcome, and necessary, there has not been as much attention on the 'hidden homeless', including homeless families living in unsuitable temporary accommodation and young people, such as care leavers, who are housed in insecure and unregulated accommodation and who face homelessness.

We are particularly concerned about the impact of COVID-19 on care leavers, a group who are widely recognised to be at greater risk of homelessness than other young people and one we support regularly through our casework¹. Our evidence shows that these young people often experience 'hidden homelessness', such as sofa surfing or having to sleep in a car, which means that MHCLG initiatives to target rough sleepers are unlikely to benefit this group. These young people also face obvious challenges in following social distancing guidelines, for example if they are staying on a friend's sofa, putting their own health and that of others at risk.

Despite guidance to local authorities to ensure that no one is street homeless during the COVID -19 emergency, that the accommodation provided to children and young people meets their needs, and that 'placements in independent and semi-independent provision

¹ The Government's rough sleeping strategy cites data from CHAIN in 2017-18 shows 11% of people sleeping rough were in care as a child.

can be the right choice for some older children², we have seen cases of young people not receiving the housing support they need and which it is incumbent on local authorities to provide. Some young people have told us they have struggled to get in contact with local authority housing services, with phonelines ringing out, and have been unable to make homelessness applications. For example, we are working with one young person who has to leave their university accommodation soon but was told by their local authority that given the current situation with coronavirus, the local authority would not be able to provide the young person with their leaving care accommodation, as a result the young person was worried they would become homeless. We have also heard instances of young people being placed in unaffordable accommodation during the pandemic, for example one homeless young person housed in a hostel costing £245 per week

The Children's Commissioner for England has raised concerns³ about the 128,000 children living in temporary accommodation, in poor quality housing and in overcrowded conditions. While many local authorities have been working to secure suitable self-contained accommodation for homeless families, many families are still stuck in unsafe and unhealthy accommodation, often sharing facilities with strangers. Families with children are living in office-to-residential conversions on old industrial estates, in overcrowded units with no access to green space, to any play areas or to amenities.

Homeless under 18s

We see many cases where young people fall through the cracks between local authority housing and children's services departments, including since the COVID-19 pandemic. With relation to homeless under 18s, we work with many young people who have wrongly been housed by local authority housing services under Part 7 of the Housing Act, rather than by children's services as a looked after child. Freedom of Information requests we sent to local authority services demonstrate that there could be around 2,000 under 18s housed by local authorities outside of the correct legal provision, many of these unlawfully housed by housing services.

We have seen some anecdotal evidence that, due to the additional resource burdens imposed by COVID-19, some local authorities may be seeking to house more homeless under 18s (16 and 17 year olds) under the Part 7 of Housing Act 1996 rather than Section 20 of the Children Act 1989, as this represents a cheaper option for them as they would not be owed any duties as a care leaver or Former Relevant Child. If they are not housed under the correct provision, young people may not receive the additional non-housing support they need with areas such as managing their finances, accessing benefits or employment, shopping, cooking and other independent living skills; they also will not receive care leaver support once they turn 18. This can lead to further housing related problems such as

² Coronavirus (COVID-19): guidance for local authorities on children's social care, <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services/coronavirus-covid-19-guidance-for-local-authorities-on-childrens-social-care>

³ Children's Commissioner for England creates local area profiles of child vulnerability during Covid-19 <https://www.childrenscommissioner.gov.uk/2020/04/25/childrens-commissioner-for-england-creates-local-area-profiles-of-child-vulnerability-during-covid-19/>

accruing rent arrears, evictions, or being classified as intentionally homeless, which have a long-term harmful impact on the young person and their ability to transition into adulthood. The case study below (from pre- COVID-19) demonstrates some of the issues these children face.

Case study: local authority failure to respond appropriately to a homeless child

Jessica* approached JfKL when she was 17 years old as she was street homeless that night. The relationship with her parents had broken down when they were physically and verbally abusive towards her resulting in her obtaining a non-molestation order against them. She sofa surfed with another family however this also broke down. She approached children's services with the support of an advocate and was informed that the local authority would go through its process and could not provide accommodation for her pending its assessment. This was contrary to the statutory guidance. When she found herself locked out of her friends home she contacted the out of hours service stating she was street homeless, she was told to wait for a call back which never happened and as a result ended up staying in the police station until the early hours of the next morning. The following night Just for Kids Law obtained emergency funding to place the young person in accommodation for one night. Following pre-action correspondence the local authority provided the Jessica with 'interim accommodation' pending an assessment of her needs, no clarity was provided as to whether this was under s20 Children Act 1989 or another provision nor what she was to do once the temporary accommodation expired, despite the fact the local authority was aware that she would be street homeless. No indication was made that during this time the local authority was assessing her needs, contrary to the statutory guidance. Jessica has made her wishes and feeling clear and expressed she wanted to be accommodated under s20. Following pre-action correspondence, the local authority agreed to accommodate the young person under s20 Children Act 1989.

Q: What problems remain a current and immediate concern for these groups?

For some time, our work with children and young people has highlighted the lack of safe and secure housing for homeless families living in temporary accommodation and for care leavers and young people. We have continued to raise concerns regarding the totally unsuitable and often dangerous accommodation that homeless families and vulnerable young people, especially care leavers, are often housed in. The COVID-19 emergency raises additional child protection and safeguarding concerns, given the increased pressures on social care and housing support, the effects of school closures and the additional stress on those in insecure and unsafe housing.

Even prior to the current pandemic, our frontline practitioners saw evidence of a crisis in housing for children and young people who have spent time in the care system. Too many of these vulnerable children and young people are turned away from local authority services or housed in places which are unsafe or inappropriate for their needs.

From conversations with networks of organisations working with those facing homelessness, we are also hearing of difficulties in reaching people in need. Some have no

or limited digital access and sometimes have to choose between spending money on food and spending money on data usage. Poor internet access and the 'digital divide' is making it difficult for many to seek support.

Households living in unsuitable temporary accommodation:

COVID -19 presents heightened concerns for the many homeless families living in dangerously overcrowded conditions, forced to share facilities with strangers, and struggling to self-isolate and to protect their health. While many councils are trying to re-house homeless families in self-contained accommodation, concerns remain as to the quality and safety of such accommodation and for those who are yet to be re-housed.

We know from our work with children who have experienced living in crowded and unsafe temporary accommodation, including B&Bs, for extended periods of time, how damaging this can be. Children have told us of the difficulties of sharing facilities with strangers and having no place to study or play or prepare proper meals. The COVID-19 emergency heightens the risks to the health, wellbeing and safety of families forced to live in these conditions, and the need to ensure suitable self-contained accommodation for them.

Young people in need of housing support:

We are continuing to support young people with their housing needs, and are seeing worrying cases of evictions, despite Government guidance to landlords. Too many of these vulnerable children and young people are turned away from local authority services or housed in places which are unsafe or inappropriate for their needs.

While we have seen positive cases of local councils finding good accommodation for vulnerable young people, we have also seen cases of vulnerable young people not being given the due support by local authorities.

Case study: vulnerable young person in need of housing support

A young person who had been subject to a serious knife attack contacted us for support as he was living in a supported hostel, in an outer London borough, but did not feel safe to return there. He approached another local authority who provided him with alternative hostel accommodation elsewhere. However, he breached the restrictions on residents being allowed outdoors only between 10-4pm and only for one hour, and was evicted from the hostel. The council gave him only one hour to pack and leave and he therefore missed the taxi that was booked to take him 30 miles away to another hostel. He had no further contact from the local authority and therefore was in the park with his belongings. After JFKL intervened the council agreed to find him alternative accommodation. He was placed in a hotel for the night and then provided with a bungalow with no furnishings. The young person is vulnerable and exhibiting PTSD symptoms. No further support has been provided by the council.

Case study: vulnerable young person in need of housing support

A young person aged 21 with mental health issues, including anorexia, who had been violently attacked by her mother, became street homeless after the council ended the hotel accommodation which they had provided, stating that she did not have priority need for housing. She was now in a park. Despite representation by a mental health team to the council, the latter refused to house her. After our intervention the council agreed that she should be housed and that they would provide accommodation while her case was being assessed. She was provided with emergency accommodation in a hotel. Fights and commotion broke out in the hotel due to somebody trying to break in. She was terrified. She was then told by the caretaker that she had to leave the hotel first thing in the morning as it had only been booked for one night. She felt traumatised. The local authority had not done what they had promised by providing her with suitable accommodation on an ongoing basis. After further representation by us, she was finally provided with suitable temporary accommodation.

Care leavers in need of housing support:

Care leavers housed in shared semi-independent supported living placements or temporary accommodation with shared facilities are also likely to face particular challenges in trying to follow the guidelines on social distancing and keeping themselves safe, as the following case study demonstrates.

Case study: challenges of self-isolating for young people in shared accommodation

Bella is aged 22, a care leaver and is at Kent University. She was on campus on her own and wanted to be moved more in to the town. She is due to finish university next month and was meant to be provided with her care leaving accommodation but her local authority (Croydon) have not been forthcoming with this.

She became unwell with COVID-19 symptoms and our solicitor informed the local authority of this; they immediately took steps to have her moved. However, she was placed in temporary accommodation which is shared with five other tenants and Bella is concerned that she will not be able to self-isolate. She has told us that the other tenants are not always hygienic and have had various visitors coming in and out of the property. She has described one shared accommodation she had to stay in previously as being run like a brothel. She is also unable to practice social distancing as the current property has a shared bathroom, kitchen and main door. Her local authority are now looking for independent accommodation for her as her symptoms of COVID-19 have worsened and Bella was told to self-isolate until 5 May 2020. Our legal team is now waiting to see what the local authority comes back with in terms of accommodation.

We are aware that some local authorities have paused their bidding systems for social housing completely, while we have sympathy for over-stretched local authorities in the current crisis, it means some care experienced young people may be stuck in unsafe or unsuitable settings, especially if they are struggling to get support from their local authority leaving care team, as many young people have told us they currently are.

We are also seeing a lack of clarity around carrying out homelessness assessments, in part due to a lack of contact with staff, and a lack of capacity of housing services and children's services to accommodate homeless children. The young people we support are telling us of increased difficulties in getting hold of housing staff as they are working remotely and young people are struggling to get hold of anyone to help them with their housing needs.

Q: What might be the immediate post-lockdown impacts for these groups, and what action is needed to help with these?

The post-lockdown impacts on homeless families and on homeless young people and care leavers will be significant, due to their already precarious living conditions and ongoing financial difficulties. These will be made worse by the COVID-19 emergency, as households struggle to deal with illness, poor mental health, poverty, loss of earnings and the threat of eviction and homelessness.

Cross-departmental action is needed to support them now and in the post-lockdown phase:

- **Protection against eviction and homelessness.** During and after the Covid-19 emergency, all families, including homeless families living in temporary accommodation, must be protected against eviction and have access to suitable self-contained accommodation, including households with no recourse to public funds. Local authorities must be given the resources necessary to identify and support households living in unsafe temporary accommodation and provide them with alternative suitable self-contained accommodation where necessary.
- **Protecting rough sleepers after lockdown:** Measures are needed to ensure that people are not made homeless once the emergency lockdown phase is over, including transitional guidance on ensuring that homeless people do not return to the streets and that local authorities fulfil their statutory duties on housing. We are concerned that those rough sleepers who are currently being housed, but who would be deemed by a local authority as not having priority need for housing under Part VII of the Housing Act 1996, will be sent out onto streets as soon as restrictions are lifted, and that appropriate provisions will not be made to assess rough sleepers to ascertain if they are in priority need and should be housed, with a lack of alternative provision for those that do not meet this criteria.
- **Health and wellbeing:** Children's and young people's mental health and well-being will be significantly affected by the COVID-19 outbreak. Local authorities should identify those with particular physical and mental health needs and enable social workers and other specialists to provide support, including remote support, where necessary.
- **Increased financial support:** COVID -19 means that many homeless households and young people will face even greater financial hardship and greater risk of eviction, debt and homelessness once the lockdown and the eviction ban are lifted. Urgent

changes are needed in the benefit system, including a temporary increase in child benefit by £10 per week, the lifting of the benefit cap, the scrapping of the two-child limit and an end to the 5-week wait for Universal Credit.

- **Local authority housing services must remain open and be adequately resourced and supported by central government to do so** to ensure that all homeless young people who urgently need support are able to access it and do not experience a delay which could cause them harm.
- **Targeted support should be provided to care leavers at risk of homelessness, including sofa surfing and hidden homelessness.** MHCLG should work closely with DfE to ensure care leavers at risk of homelessness receive the support they need. Wherever possible, care leavers should be housed in self-contained rather than shared accommodation to enable them to follow the guidelines on social distancing.
- **Ensure all homeless under 18s receive support under the correct legal provision.** We are working with this DfE on this issue and recommend that as default position, all homeless under 18s should receive support as a looked-after child unless they have explicitly said they do not want to after being made fully aware of their rights and entitlements. This means only a very small number of under 18s should be housed under Part VII of the Housing Act