HOUSING HOMELESS YOUNG PEOPLE

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Introduction

The Housing Homeless Persons Act of 1977 established for the first time that housing authorities had duties to homeless people. The practical implementation of those duties has changed with declining resources; extensive case law has sought to clarify the minimum requirements of housing authorities. Now the Housing Act 1996 has introduced new legislation for the homeless and a revised Code of Guidance has been issued. At the same time benefit changes are making it more difficult for young people to pay for rented accommodation and for the support services that they may need. The National Assistance Act 1948 was never entirely repealed, and together with other legislation such as the Children Act 1989 and the National Health Service and Community Care Act 1990 have left social services departments with duties to many homeless people.

This paper was originally presented to the 1996 Social Work Law Association Conference. It seeks to explore the changing duties of housing and social services authorities to young homeless people by means of a critical examination of key parts of the legislation and cases which have gone through the courts. The rather vague phrase "young people" has been chosen to include children up to the age of 18 and young people up to the age of 21 to whom social services authorities may have a duty under the Children Act 1989, as well as those who might be accorded "priority need" status under the homelessness provisions of the Housing Act 1996 because they are dependent children or vulnerable young people in transition from dependence to independence. This reflects my concern to explore the boundaries and overlapping duties between housing and social services authorities. Short case studies are used to illustrate some of the potential boundary difficulties — as well as


Liaison with Social Services

Applicants with health, care or support needs
Code §11.5

Assessing Homeless Applications

Reason to believe homeless?

yes

Make Enquiries s.184 HA 96

Interim duty to accommodate s.188 HA 96

no

Notify with reasons. No accommodation*

Eligible for assistance?
s.185 HA 96

yes

Notify with reasons. No accommodation*

no

Homeless?
ss.155, 176, 177, 178 HA 96

yes

Priority need?
s.189 HA 96

no

Notify with reasons. Advice & assistance*

Intentionally homeless?
ss.190, 191 HA 96

yes

Notify with reasons. Temp accommodation Advice & assistance*

no

local connection?
s.198 HA 96

may refer to another I.A.

no

Secure suitable accommodation s.193 HA 96

Duties of Housing Authorities

Location
Code §§ 21.15 & 21.18 hostels
Code §§ 21.26 & 21.27

2 This table is based upon one by the Audit Commission in Housing the Homeless: the Local Authority Role (London: HMSO, 1989).

(Does Social Services have a duty under NAA 1948, NHSCCA 1989 or CA 1989?)