

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet

Date: 04/03/2024

Subject: Pan London Housing Compact commitments to young people leaving care

Report of: Councillor Frances Umeh, Cabinet Member for Housing and Homelessness
Councillor Alex Sanderson, Cabinet Member for Children and Education

Report author: Richard Shwe, Director of Housing
Amana Gordon, Operational Director – Children and Young People’s Services

Responsible Director: Jon Pickstone, Strategic Director for the Economy
Jacqui McShannon, Strategic Director for Children’s Services

SUMMARY

This report introduces the Pan London Compact Care Leaver commitments and seeks agreement to implement these recommendations locally to enable Hammersmith & Fulham to achieve its aspirations and ambitions for care experienced young people.

RECOMMENDATIONS

In fulfilling our aspirations and support for care leavers, we are seeking Cabinet support to enable the Council to implement the recommendations of the Pan London Housing Compact. To achieve this, officers are recommending that Cabinet:

1. Adopts the guiding principle that care leavers up to the age of 25 should, if possible, be found as being in ‘priority need’ under homelessness legislation;
2. Adopts the guiding principle that, if possible, no care leaver up to the age of 25 should be found ‘intentionally homeless’.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The enhanced housing commitments promote shared prosperity by providing greater support and equal opportunities for young people leaving care to help them to thrive as adults.

Creating a compassionate council	The proposal demonstrates compassion by recognising the challenges faced by young people leaving care and the Council's commitment to support those transitioning to independent living.
Doing things with local residents, not to them	We have consulted with young people on their experiences of moving on to independence and listened to their thoughts on how this transition could be made easier. These commitments will strengthen the support available to young people leaving our care.
Being ruthlessly financially efficient	Investing in our young people's future to enable them to live as thriving, inter-dependent adults.
Taking pride in H&F	Enhancing our housing commitments demonstrates H&F's pride in taking responsibility as a corporate parent and supporting care experienced young people at risk of homelessness.

Financial Impact

It is not anticipated that this policy will have an adverse financial impact on the existing approved resources and budgets for the Homeless (Housing Solutions) Service.

The Council considered the proposed Budget for 2024/25 at the Full Council Meeting on the 28 February and it should be noted that this included additional investment of £1.5m for the Homeless Service.

The service budgets will be monitored during 2024/25 and matters reported as necessary as part of the regular financial monitoring reports.

Yiu Hing Cheung, Principal Accountant, 13/12/23

Verified by: Sukvinder Kalsi, Strategic Director of Finance, 20/02/24

Legal Implications

The Council has duties to provide support to care leavers under the Children Act 1989 as amended by the Children and Social Work Act 2017. The proposals set out in this report will support the Council's delivery of those duties.

There is no legislation requiring the Council to class all care leavers up to the age of 25 as being in priority need for Housing purposes. Adopting the principles recommended in this report would emphasise the Council's commitment to its corporate parenting role, and potentially improve the experiences of and housing offers available to, care leavers. Failing to implement the recommendations proposed in this report is likely to have an adverse impact on the Council's reputation

compared to other local authorities that have adopted the principles and commitments of the Pan London Compact.

The Council must be careful in its implementation and application of the recommended principles recommended so as not to adopt a blanket rule/policy prioritising care leavers. This would be unlawful and leave the Council susceptible to challenge.

Patricia Rowe, Solicitor (Housing And Litigation), 7 December 2023

BACKGROUND DOCUMENTS

None

DETAILED ANALYSIS

Proposals and Analysis of Options

Option 1 – Approve the proposals outlined in this paper to strengthen the commitments to care experienced young people (Recommended)

As a corporate parent, we are committed to doing our utmost to support the young people leaving our care. The transition to independent living is a challenging time for young people; by enhancing our housing commitments and aligning ourselves with the Pan London Compact, we are ensuring that our care experienced young people receive consistent, collaborative support which will prepare them to live as healthy, thriving adults.

Option 2 – Do not approve the proposals outlined in this paper to enhance our housing commitments to care experienced young people (Not recommended)

Whilst we would maintain our current strong care leavers' offer, not implementing the commitments outlined in the Pan London Compact would be a missed opportunity to improve our offer even further.

Reasons for Decision

Context

1. Cared for children and care leavers are some of the most vulnerable members of our society. The transition to independent living is often a challenging time for care leavers, where they begin to manage their own budget fully for the first time, starting to pay bills and taxes. Most care leavers do not have the option to live with family and so move on to independent accommodation at a young age. Usually, this cohort does not have access to financial support from their wider family or support network.
2. As a corporate parent, we want to ensure that our young people are not disadvantaged because of being care experienced and do everything we can to

support our young people to live as thriving adults. As a council, we have a collective responsibility to prepare young people for a happy, healthy and successful life as an adult, and this means providing support beyond the age of 18 when they legally become an adult.

3. In June, Cabinet passed a decision to recognise ‘care experience’ as a protected characteristic. This step demonstrates the strength of our commitment towards care experienced young people as a corporate parent.
4. The London Innovation and Improvement Alliance (LIIA), working to the Association of London Directors of Children’s Services (ALDCS) has established **The Pan London Care Leavers Compact** project. The compact is intended to bring about a consistent pan London approach to support for care experienced young people, improving equity and access. The Compact achieves this by setting out a framework for developing consistency, breadth and quality in the support offered to London’s care leavers. London Local Authorities are invited to demonstrate their commitment to Care Leavers by signing up to the Housing element of the compact.
5. The Housing Compact has five key commitments that Local Authorities are required to meet and, following discussion at Corporate Parenting Board, there was agreement that H&F should ensure that we can meet all of these and achieve Compact status for our Care Leavers.

Proposed Commitments	Status
Council Tax Exemption for in-borough LBHF Care Leavers	Already in place
Covering the cost of council tax for LBHF care leavers living out of borough	Already in place
Principle of avoiding ‘intentional homelessness’ assessments for Care Leavers and	To be agreed by Cabinet
Principle of extending priority need to the age of 25	To be agreed by Cabinet
Rent Deposit Schemes	Already in place for care leavers
Joint housing protocols for Care Leavers between Housing and Children’s Services in line with the Governmental best practice model (see Appendix 1)	Already in place

6. Some of these commitments were already in place, therefore officers from Housing and Children’s Services have been working through the legal, practical and financial implications of implementing the outstanding commitments and the governance required to implement them.

Our housing offer

7. In H&F, we have a strong offer of support to prepare young people leaving our care to live independently, and ultimately to prevent homelessness, as outlined below:

- The Independent Reviewing Officer and social worker will work with the young person, alongside their placement provider and other relevant agencies, to agree their accommodation and support pathways on leaving care, and reflect this in the young person's pathway plan;
- The young person is supported to develop the skills they need to live independently and manage a tenancy;
- Once the social worker is confident that the young person is ready, they will be referred to the Care Leavers' Housing Panel and their accommodation needs assessed;
- There is a ring-fenced quota of 50 social housing nominations for care leavers so most young people will move into social housing on leaving care;
- Additional support is available for some young people to help them maintain their tenancies, including floating support and support with addressing to rental arrears.

This comprehensive housing offer enables most young people to move on into independent living in a planned and supported manner, and ultimately sustain their tenancies.

8. However, there are some young people who do not move on a planned way or are unable to sustain their tenancies. Whilst these young people will receive support from the Leaving Care service, housing services and/or placement providers to prevent homelessness, this may result in a homeless application being made and as such, we are seeking additional commitments to minimise the stress and improve outcomes for care leavers who present as homeless.

Principle of avoiding 'intentional homelessness' assessments for Care Leavers

9. Under homelessness legislation, the duty to provide permanent accommodation does not arise where someone has been found to have become intentionally homeless. This refers to a deliberate act or omission which has resulted in that person's homelessness; for example, a deliberate non-payment of rent or giving up accommodation which was otherwise suitable.
10. A variety of factors, including the impact of trauma, lower levels of support (relative to their peers), and living independently at an earlier age, mean care leavers are at higher risk than their age-equivalent peers of being found intentionally homeless. As a result, the government's Independent Review of Children's Social Care (March/April 2022) recommended introducing 'a stronger safety net against care leaver homelessness by...ending intentionally homelessness practice'.
11. The adoption of a 'blanket' rule which holds that care leavers can never be intentionally homeless would be unlawful, as housing legislation encourages decision-making based on individual circumstances rather than 'blanket' positions. Independent legal counsel has been sought in relation to this and consequently, we are proposing H&F adopts the guiding principle that, if possible, no care leaver up to the age of 25 should be found intentionally

homeless. The Council remains obliged by homelessness legislation to consider individual facts and circumstances in every case, and reserves the right to depart from these principles in appropriate cases. In the event that a homelessness assessment is likely to lead to an 'intentional homelessness' decision, the Leaving Care team should be consulted with and the decision signed off at the Housing Director's Discretion Panel.

12. H&F rarely makes care leavers intentionally homeless, so the impact of the recommendations in this report would be minimal:
 - In 2018/19, no intentionally homeless decisions were issued
 - In 2019/20, two intentionally homeless decisions were issued
 - In 2020/21, 2021/22 and 2022/23, no intentionally homeless decisions were issued.

Principle of extending priority need to the age of 25

13. Closely linked to the 'intentional homelessness' proposal is the proposal that Care Leavers up to the age of 25 should be considered in 'priority need' under homelessness legislation. This means that if they become homeless there is a duty to provide temporary and potentially permanent accommodation.
14. The Children & Social Work Act 2017 introduced a new duty on local authorities to provide support to all care leavers up to age 25 but this has not been accompanied by a similar change in housing legislation. Under current legislation, only young people who were formerly in care aged 18-20 are automatically in 'priority need'; 'priority need' for care leavers aged 21 and over is a discretionary assessment, who must be deemed 'vulnerable' to receive it.
15. As outlined above, this proposal would not be a 'blanket' rule; it would be the adoption of a guiding principle that care leavers up to the age of 25 should, if possible, be found as being in 'priority need' under homelessness legislation.
16. This proposal could have a financial cost attached in terms of providing accommodation; however, this cost would likely be minimal as most young people who have been looked after are found to be vulnerable as a result of this and awarded 'priority need' status anyway:
 - In 2018/19, three care leavers aged 21+ were found to have 'no priority need'
 - In 2019/20, 2020/21, 2021/22 and 2022/23, no care leavers aged 21+ were found to have 'no priority need'.
17. Further to the above, officers have secured all housing elements of the Compact and are now seeking Cabinet support to enable the Council to implement the recommendations of the Pan London Housing Compact for care leavers.

Equality Implications

18. The recommendations outlined will have positive equality implications for our young people in care and leaving care (up to the age of 25). Care experienced people face significant barriers that impact them throughout their lives, often facing discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system. Recognising and making

allowances for this by enhancing our housing offer will positively impact on care experienced young people and support them to become thriving adults. An Equalities Impact Assessment (EIA) has been completed and is attached in Appendix 1.

Sophie Veitch, Commissioning and Transformation Lead, Children's Commissioning, 27th November 2023

Risk Management Implications

19. There are delivery and reputational risks that if the commitments of the Pan London Compact are not adhered to that both recipients of the scheme will not receive the benefits, and that the council will suffer negative publicity. This can be mitigated by tracking the management of the scheme to assure that the benefits are achieved.

Jules Binney, Risk and Assurance Manager, 18th December 2023

Climate and Ecological Emergency Implications

20. There are no direct climate and ecological emergency implications to this decision.

Hinesh Mehta, Assistant Director of Climate Change, 13th December 2023

LIST OF APPENDICES

Appendix 1 - Equalities Impact Assessment (EIA) - Our Housing Offer To Young People Leaving Care