

EQUAL OPPORTUNITIES COMMITTEE

HAVING AND KEEPING A HOME: STEPS TO PREVENTING HOMELESSNESS AMONG YOUNG PEOPLE – FOLLOW-UP

SUBMISSION FROM BARNARDO'S SCOTLAND

Key Points

- Care leavers are a group of young people amongst whom there is a particular prevalence of homelessness. However, the recently passed Children & Young People (Scotland) Act, if implemented effectively, will dramatically increase support to care leavers.
- The Scottish Government is committed to introducing a 'right to return to care' and this may be particularly important for some of the most vulnerable care leavers who are at risk of homelessness.
- Some care leavers are still experiencing inappropriate temporary accommodation, despite existing guidance. The Scottish Government should investigate the possibility of bringing forward additional statutory national minimum standards for the quality of temporary accommodation for care leavers.
- Whilst the administration of Community Care Grants has improved with the transfer of administration from DWP to local authorities, there is still variability between local authorities in administration timescales and welfare fund underspend. The Scottish Government should seek to address this through their proposed forthcoming Welfare Fund (Scotland) Bill.

Barnardo's Scotland welcomes the opportunity to respond to the Equal Opportunity Committee's Having a Home & Keeping a Home follow-up inquiry, having supplied written and oral evidence to the Committee's original inquiry.

Barnardo's Scotland has more than 120 services across Scotland which support vulnerable children, young people and their families. A number of these services support young people at risk of homelessness, or support groups of vulnerable young people who have an above average prevalence of homelessness, in comparison to the general population. Barnardo's Scotland has recently been campaigning particularly on the issues affecting care leavers, and along with Aberlour and Who Cares? Scotland we worked with MSPs and the Scottish Government to make key changes to the Children & Young People (Scotland) Act that make very significant improvements in the support that care leavers will in future be able to receive.

Care Leavers

In general, children who have spent time in the care of a local authority are still at much higher risk of poor outcomes than the general population, and this includes homelessness. Of the over 2,500 young people who were receiving aftercare services (i.e. intensive support from their local authority) on 31 July 2013 (the latest figures available), 389 (i.e. 15%) had had one or more spells of homelessness since becoming eligible for aftercare. However, this is likely to be a significant under-estimate of the prevalence of homelessness amongst care leavers, as there were a further 1,200 care leavers who were not receiving aftercare.¹ These social work statistics

¹ From Children's Social Work Statistics 2012-13 Additional Tables, Table I.20, published by Scottish Government

are supported by the relevant homelessness applications statistics, which suggest that 18% of the total population applying for support who are under 25 and were formerly looked after and accommodated, have applied as homeless². Again, as the majority of looked after children are either looked after at home or in kinship care, it is possible that this figure significantly underestimates the total number of looked after children who go on to experience homelessness.

Barnardo's Scotland had long argued that the much younger ages at which care leavers were, on average, leaving home and transitioning to independent living, in comparison to the general population, was a significant cause of the higher prevalence of homelessness amongst care leavers. On this basis, the recently passed Children and Young People (Scotland) Act represents the biggest improvement in support to care leavers for a generation. The new Act gives young people who are in residential care, foster care or kinship care a right to continuing care up until the age of 21, and extends access to aftercare up until the age of 26 for all young people who were in care at the age of 16.

Over the past years there has been a steady decrease in the number of young people applying as homeless directly from care. The most recent statistics showed that just 25 young people were released directly from care into homelessness. This represents 2% of young people aged 16-21 who left care between the 1st of August 2012 and the 31st of July 2013. Where we have found support to young people leaving care to have been particularly successful in securing high quality and sustainable tenancies, it has been through the successful implementation of local care leaver housing options protocols, as recommended in the Scottish Government's Housing Options Protocols for Care Leavers, published in late 2013. Local protocols have been particularly successful when they have begun supporting and planning with the young person for the transition to independent living well in advance (a couple of years) of their leaving date, supporting the young person with the necessary skills for independent living and working collaboratively between agencies to establish the best pathway and support package for the young person.

However, Barnardo's Scotland is still concerned that a significant, and disproportionate, section of the homeless population have a background of growing up in care. As a proportion of all applications for homelessness, applications by people who are 'under 25 and previously looked after and accommodated by the local authority' has "stayed relatively consistent for a number of years", at approximately 4%³. The proportion of young people presenting as homeless, with a care background, could be even higher. These figures seem to suggest that more could be done, by all agencies involved, to help prepare young people in care for independent living, and to support them once they have left care. In terms of the former, despite improvements, there still needs to be more work done to give young people the skills to make a successful transition to independent living. It is still the case that this kind of support is patchy, and given the previous trauma that many young people in care have experienced and the consequences that this has for social skills and confidence, there is a need to get the support right for each young person in care. There also needs to be a recognition that the many complexities of life for each individual are often overlapping and cannot be treated in isolation. For this reason, it is particularly important that agencies work together, and the Getting It Right For Every Child

² From Scottish Government (October 2013) *Housing Options Protocols for Care Leavers* (page 11)
<http://www.scotland.gov.uk/Resource/0043/00435939.pdf>

³ From Scottish Government (October 2013) *Housing Options Protocols for Care Leavers* (page 11)
<http://www.scotland.gov.uk/Resource/0043/00435939.pdf>

(GIRFEC) approach, now put onto a statutory basis by the Children & Young People (Scotland) Act provides a framework for doing this. However, local authorities across Scotland are still currently at different stages with the implementation of GIRFEC.

Barnardo's Scotland warmly welcomed the changes in support that the Children and Young People (Scotland) Act makes for care leavers. Martin Crewe, Director of Barnardo's Scotland described these changes as,

'the biggest shake-up of the support we give children leaving care for nearly twenty years'

Martin Crewe, Director of Barnardo's Scotland⁴.

As previously highlighted, the Act gives young people who are in foster care, kinship care or who are looked after and accommodated, the right to continue in care up until the age of 21. This is much closer to what is typical of the general population. However, it is important that, in implementing these new provisions, there is a focus on using these extra years in care as part of the ongoing support to help the young people to transition successfully to independent living, rather than it simply being a case that transition planning is still put off until shortly before the young person leaves care.

At Stage 2 of the progression of the Bill, the Minister for Children and Young People made a commitment to work with the sector to develop a right to return to care. Barnardo's Scotland believes the development of this would be a big part of addressing homelessness amongst care leavers. It would also be a particularly important development for young people who have been looked after at home, and who are amongst the most vulnerable to poor outcomes.

Appropriateness of Temporary Accommodation

Whilst the hard work of the authorities has helped to reduce the use of temporary accommodation over the past few years, even in a well-functioning homelessness support system there will always be a requirement for some use of temporary accommodation. By and large, the majority of young people who spend some time in temporary accommodation benefit from a reasonable standard of accommodation. However, this is not always the case and Barnardo's Scotland is aware that a number of young people who have experience of being in care and who become homeless, experience unsuitable temporary accommodation, including inappropriate bed and breakfasts, whilst finding a more permanent place of residence.

We would argue that bad experiences, with little support, in poor quality temporary accommodation is a recipe for repeated experiences of homelessness, rather than an appropriate step towards a permanent home. This view is echoed in a number of Scottish Government policy documents. In particular for care leavers the Scottish Government's still current 'Supporting Young People Leaving Care in Scotland: Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities'⁵ clearly states that young people should not be placed in "unsuitable bed and breakfast or hostel accommodation". However, ad hoc analysis of youth homelessness produced by the Scottish Government in July 2013 showed that whilst the absolute numbers of young people (defined as 24 or under at time

⁴ Joint press release by Aberlour Care Trust, Barnardo's Scotland and Who Cares? Scotland, January 6th 2014

⁵ Scottish Executive (2004) 'Supporting Young People Leaving Care in Scotland: Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities' page 24

of application) who were in a B&B at any point had fallen, the proportion of youth homelessness cases where B&B accommodation is used at some point is remaining static, at around 15% of all cases.⁶ Furthermore, Scottish Government figures show that of under 25 year olds who were previously looked after and accommodated and who had applied as homeless, 20% spent some time in Bed and Breakfast accommodation during their homelessness⁷.

In general terms we share the concerns of others, including Shelter Scotland, that there is currently no guidance to local authorities about the nature of suitable temporary accommodation of sufficient quality to make it habitable. Whilst the Scottish Government has, quite rightly, in the past used the power in the Housing (Scotland) Act 1987 (as amended by the Homelessness etc. (Scotland) Act 2003) to make a specific order about temporary accommodation for families with children, this order has limited guidance about the physical quality of suitable temporary accommodation, although it has successfully reduced the use of bed and breakfasts for this population group. We would support a strengthening of this order, in order to ensure that all families with children are in temporary accommodation that has at least a basic standard of habitability.

We would also suggest that a similar approach could be beneficial for care leavers, as this would recognise the specific vulnerabilities of care leavers, and set out appropriate requirements for temporary accommodation to meet, in order to be considered suitable for habitation by care leavers. On that basis, we would call on the Scottish Government to investigate the possibility of bringing forward a new, additional, order under the Housing (Scotland) Act 1987 that would set out statutory national minimum standards for the quality of temporary accommodation for care leavers.

We would argue that a Bed and Breakfast is rarely suitable accommodation for care leavers, even on a short term basis. However, we also recognise that there may be a few times, particularly in more rural areas, where there is no alternative to placing a young person in a B&B. Young people may also prefer a local B&B to alternative accommodation further away from friends and family. In these circumstances it is vital that there is at least some informal support available to young people and that the relevant Local Authority develops a relationship with the B&B management to ensure that this is in place. We would hope that this aspect could and would be covered through the introduction of new minimum standards for the quality of temporary accommodation for care leavers.

Implementation of Getting It Right For Every Child (GIRFEC)

Barnardo's Scotland has long been a supporter of the GIRFEC approach, and is represented on the Scottish Government's Programme board. The degree of implementation of GIRFEC remains variable between Local Authority areas across Scotland, and we, like the Scottish Government, hope that the recently passed Children and Young People (Scotland) Act will go some way to addressing this.

We believe that the GIRFEC approach has the potential to help address youth homelessness in a number of ways, and in parts of Scotland, for example Highland, where GIRFEC is more advanced in its implementation, practitioners have found it beneficial, in helping practitioners to work collaboratively, across separate organisations, to identify the specific individual needs of

⁶ From Scottish Government (July 2013) ad hoc analyses: [Youth Homelessness Analysis 2012-13](#)

⁷ Scottish Government (October 2013) *Housing Options Protocols for Care Leavers* (page 11)
<http://www.scotland.gov.uk/Resource/0043/00435939.pdf>

the young person, and to identify which organisation is best placed to deliver those forms of support to the young person.

The Community Care Grant

Since the publication of the Committee's original report, the UK Government has devolved responsibility for Community Care Grants (CCGs) to Scottish Ministers, and it has become part of the Scottish Welfare Fund (SWF). In our submission to the original inquiry we raised a number of issues with the Department for Work and Pension's (DWP) administration of CCGs, including the slow processing times of the Community Care Grant, the requirement to take up the tenancy before applying and a high number of successful appeals.

Many of these issues have been addressed, as was recommended by the Committee's original inquiry report, through the transferral of CCGs into the SWF. Our practitioners generally report that the system is now working better than it did under the DWP.

In particular we welcome the fact that the SWF guidance now sets a deadline for an initial decision for CCG applications of 15 working days after the application is completed. The most recent statistics from the Scottish Government for the SWF⁸ show that at a Scotland level 82% of CCG applications were granted an initial decision within this time frame. However, more detailed consideration of the figures shows that there is huge variability across Scotland in CCG application processing times. Whilst very many local authorities are achieving a 95+% processing of applications within 15 days, 6 local authorities are failing to process two-thirds of applications within 15 working days, and the two worst performing local authorities are only achieving 26% and 44% of applications processed within 15 working days.

The most recent SWF statistics also show significant variations between local authorities in the proportion of SWF funds that have been currently spent. Despite the well-publicised, and significant, financial pressures on many families and households across Scotland, resulting from the increased cost of living and welfare reforms amongst other causes, a number of local authorities are projected to significantly underspend against their SWF allocations. However, the picture is again about variability, with a range of 30% to 100% of SWF funds spent by different local authorities.

On this basis, Barnardo's Scotland sees the Scottish Government's forthcoming Welfare Fund (Scotland) Bill as an opportunity to address some of these outstanding issues. Barnardo's Scotland is satisfied that local authorities continue to administer the SWF, and there are considerable benefits to doing so, particularly around closer working with other parts of local authorities, and voluntary partners. However, it is important that this is secured through a strong national framework, and independent oversight. In particular we would like to see the forthcoming Bill put the existing 15 day processing period for the community care grant onto a statutory basis, through a duty on local authorities to respond to applications within timescales set out in guidance. We would also like to see a statutory duty for local authorities to follow guidance on application processes, with clear requirements for local authorities to promote awareness of the Fund, and an obligation on local authorities to provide an application process service: 1) online; 2) on the phone; 3) by post; and, 4) face to face.

⁸ Scottish Welfare Fund Statistics: 1 April to 31 December 2013, published by Scottish Government on 15 April 2014.
<http://www.scotland.gov.uk/Resource/0044/00448284.pdf>

Housing Options Approach

Overall, the Housing Options approach may hold some of the credit for reducing the number of people applying as homeless, although the Committee should bear in mind that there have been warnings that some of this may have been inappropriate diversion of individuals⁹. However, Barnardo's Scotland would like to highlight a number of reasons why the approach has been less able to have an impact on young people with a care background who are at risk of homelessness. For example, private lets are often not suitable because under 18 year-olds cannot hold a tenancy, care leavers may find it difficult to find a guarantor and costs in the private sector are usually higher and unsustainable.

On that basis, we look forward to greater development of specific approaches for care leavers, following the recent publication of the Scottish Government's Housing Options Protocols for Care Leavers¹⁰.

Mark Ballard
Head of Policy
Barnardo's Scotland
23 May 2014

⁹ Scottish Housing Regulator (2014) *Housing Options in Scotland: a thematic inquiry*

¹⁰ Scottish Government (October 2013) *Housing Options Protocols for Care Leavers*
<http://www.scotland.gov.uk/Resource/0043/00435939.pdf>