


Appendix B: Myth Busting

 What a young person may be told

The truth 

When approaching children's or housing services




 "You need to have parents' permission in order to be accommodated by the council."

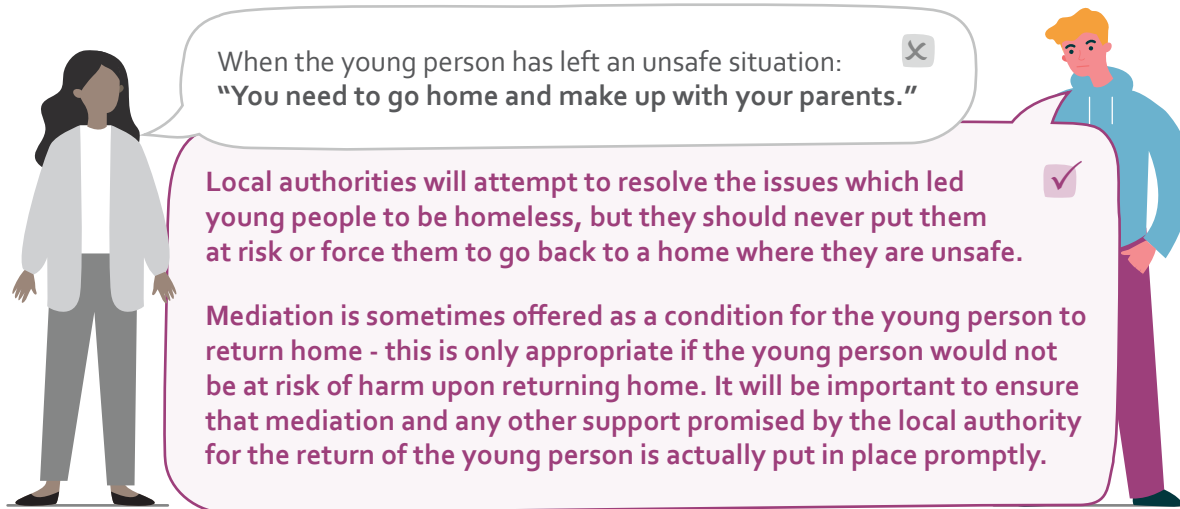
This is not correct. 16- and 17-year-olds can consent to being accommodated under section 20 without their parents' permission. 





 "You need to go to another local authority to ask for help." (for example, the area where their parents live or where they last lived)

The joint guidance is clear that the children's services to which the young person is presenting should offer immediate assistance. They will also conduct an assessment to establish whether the young person can return to their area of origin, but this assessment and any ensuing disagreements regarding responsibility for the young person cannot get in the way of providing them with the support they immediately need [paras. 3.51 to 3.53]. 

Housing services can refer young people to another authority, but they have to consult with children's services first [para. 4.31].



When the young person has left an unsafe situation:  "You need to go home and make up with your parents."

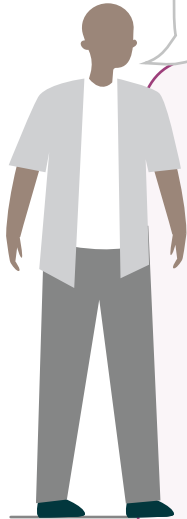
Local authorities will attempt to resolve the issues which led young people to be homeless, but they should never put them at risk or force them to go back to a home where they are unsafe. 

Mediation is sometimes offered as a condition for the young person to return home - this is only appropriate if the young person would not be at risk of harm upon returning home. It will be important to ensure that mediation and any other support promised by the local authority for the return of the young person is actually put in place promptly.



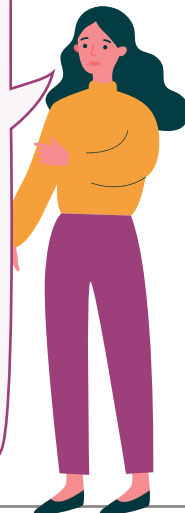
When approaching children's services

"You are homeless, so you need to get help from the housing office instead." ❌



Where a 16- and 17-year-old presents to children's services, they should assess that child's needs and provide support where relevant. Where the child needs accommodation that night, children's services should provide accommodation under section 20 of the Children Act while it assesses the child's needs [para. 3.4].

In accordance with the Southwark judgment, the norm for accommodating a homeless 16- and 17-year-old should be children's services. The judgment is widely known and therefore it can be referenced where necessary if children's services are trying to avoid accommodating the young person themselves and referring the 16- and 17-year-old to housing services instead. ✓



As a reason for delaying providing support to the young person

"We are still drawing up the 'section 20 agreement'." ❌

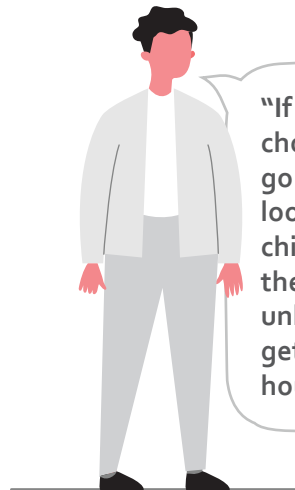


The joint guidance is clear that children's services must provide support to the child immediately, especially if the child does not have anywhere safe to stay [paras. 3.4 and 3.5]. ✓

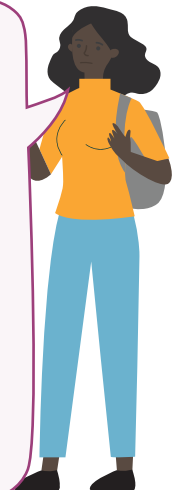
Section 20 agreements are usually a record of parents' consent for this support to be given, which is mandatory when the child is under 16. As stated above, 16- and 17-year-olds can consent to being accommodated under section 20 without their parents' permission, therefore a section 20 agreement would not be necessary.



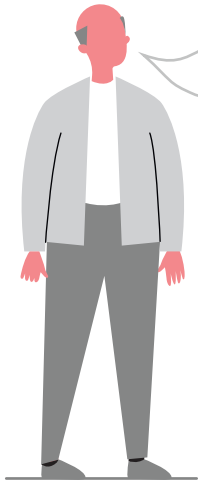
"If you choose to go down the looked-after child route, then you are unlikely to get social housing." ❌



This is untrue. Being looked after by the council does not prevent the young person from receiving social housing in the future. Allocation policies for social housing vary from local authority to local authority, some but not all will give additional priority to young people in care. Having been in care would not make someone ineligible for social housing. ✓



When approaching children's services



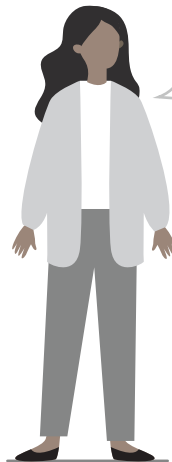
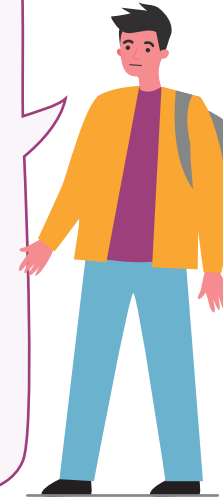
“The only support you need is accommodation, so you are not entitled to section 20 support.” ✘

“You are resourceful / autonomous / able to live independently so you do not need to be looked after.”

This is not correct. However resourceful or independent, the young person is still entitled to being looked-after if they meet the criteria and that is what they want.

It would also not be appropriate for children's services to house the young person under section 17 of the Children Act – the joint guidance is clear that section 17 cannot be used as a substitute to section 20.

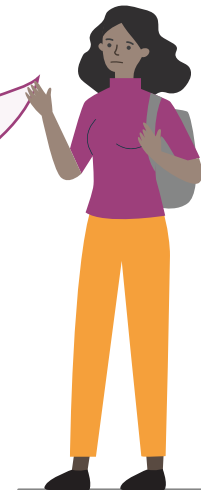
The only reason not to provide section 20 support is if the young person does not meet the criteria for support or if they refuse it. ✔



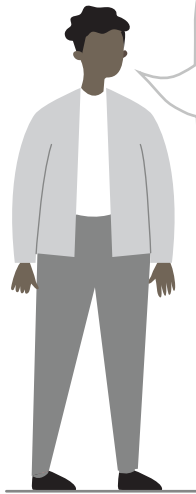
“Section 20 accommodation is not available for you as you are 17 and a half years old.” ✘

Any young person under 18 is eligible to be housed under section 20, it does not matter how close they are to turning 18 [para. 3.1]. ✔

Even if they are only housed under section 20 for a week before turning 18, it is still advantageous for them as they will become qualifying care leavers upon turning 18 and benefit from the entitlements which come with this status.



When approaching children's services



To persuade a young person to refuse section 20 support:

"If you choose to be accommodated by children's services, we can only provide you with a foster care placement."

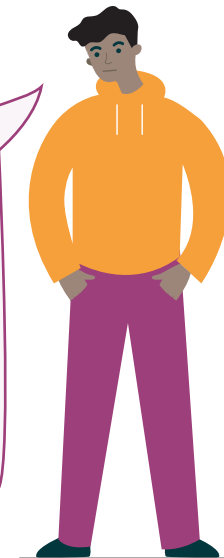
"Would you like to be in foster care or be independent?"

"If you become looked after this will involve frequent visits from social workers."

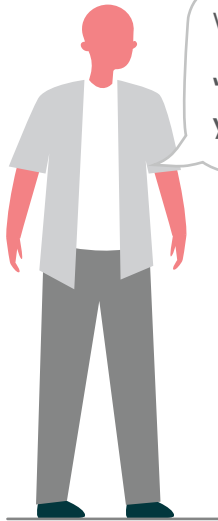
This is not necessarily true. There are various accommodation options available to children's services as set out above. The young person can express their wishes and feelings regarding the type of accommodation they would like to be accommodated in and this should be considered.

In reality, looked-after children should have the same choice of accommodation as those placed under the Housing Act, including semi-independent placements.

The law only requires children to be visited every six weeks. This is a part of the duties owed to looked-after children to ensure their needs are met and should not be seen as negative.

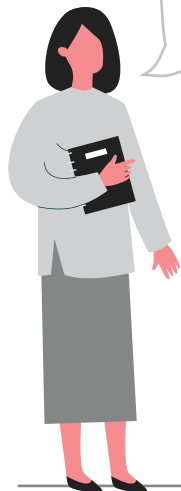


When talking to housing services:



When the young person is sofa surfing:
"You are not homeless,
you have somewhere to stay." ❌

✔
Sofa surfing is homeless.
If the young person does not have
somewhere stable to stay, they have
no home and are homeless. This
means they will be entitled to support.



❌
"You left your home
voluntarily so you are
intentionally homeless,
and we can't help you."

✔
Housing services should always refer the young people
to children's services for a child in need assessment.

If the young person has already refused to be housed
under section 20 and is being assessed under Part VII of
the Housing Act, the joint guidance states that housing services
should take particular care when assessing intentionality in
relation to 16- and 17-year-olds, as they may not have the "ability
to understand the full consequences of their actions and choices
that would be expected of an adult" [para. 4.20], and that if they
are found to be intentionally homeless, housing services should
inform children's services immediately [para. 4.22].

Intentional homelessness does not have an impact on the support
owed by children's services under the Children Act.

Young people should not be penalised for leaving
a home where their welfare was at risk.

