

Accommodation for under 16's

The Children's Legal Centre is a unique, independent national charity concerned with law and policy affecting children and young people.



Who has to agree to the S20 accommodation?

The parents of the young person must agree to the young person being accommodated under S20 as they have Parental Responsibility for the young person and the local authority does not. If the parents object and are willing to provide or find alternative accommodation, the local authority cannot force the parents to agree.

What happens next?

The local authority must carry out an assessment to find out whether the young person is a child in need and if so what services the young person requires.

This should happen if a referral has been made by a family friend, a parent who cannot cope with the young person's behaviour or because the young person has presented himself to the local authority children's services department as homeless.

Note. Children under 16 are not eligible for housing from the local housing department.

Why may a young person under 16 need accommodation?

The young person may have had a disagreement with his/her parents and feels that he/she can no longer live in the same house, or the parents may have locked the young person out or asked them to leave.

What are the options for an under 16 year old who is homeless?

The young person may choose to stay with a friend's family or another member of his/her extended family for a time. This could be acceptable as a short term option. However, if a host family is willing to look after the young person on a long term basis the host family must be assessed by the local authority children's services department, after a period of 6 weeks to make sure they are suitable carers.

Depending on the age of the young person the host family may choose to apply to court for a Residence Order or a Special Guardianship Order so one or more adults in the family have parental responsibility for the young person and legal status of a carer. (Residence Orders normally end at the age of 16, Special Guardianship Orders normally end at the age of 18). However, if the adults in the host family are not entitled to legal aid this could be an expensive option.

What happens if the young person cannot find anywhere to live?

If the young person cannot find anywhere to live he/she may be accommodated by the local authority. This is known as S20 accommodation. ([S20 Children Act 1989](#)) and the young person is described as "looked after" by the local authority.

Accommodation

Can parents remove the young person from local authority accommodation?

Yes, there is nothing the local authority can do to stop this unless it considers the young person would be at risk of significant harm if he/she returned to the parents. If that is the case the local authority should apply to court for an Interim Care order.

The young person cannot ask the local authority to continue to accommodate him/her unless the parents consent.

What is the financial situation for carers?

If the local authority agrees to accommodate the young person under S20 Children Act it may place him/her with friends or family who will act as foster carers and they may receive a fostering allowance from the local authority. This may be known as kinship care.

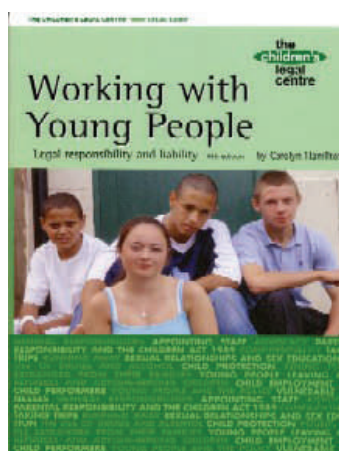
If a host family have looked after a young person for a long time and have not make a referral to children's services, it would be appropriate for them to ask the young person's parents to sign over the child benefit and also seek other financial support from the parents.



The host family would not have Parental Responsibility for the young person so decisions would still be made by the parents, but a practical solution would have to be found.

The parents remain financially responsible for their son or daughter even though they are living elsewhere.

The Children's Legal Centre produces a number of publications including childRIGHT, a monthly publication and Working with Young People: Legal Responsibility and Liability. For further information about our publications please contact us.



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