

SOCIAL WORK WITH FAMILIES WHO ARE HOMELESS OR WHO HAVE HOUSING NEEDS: A REFLECTIVE GUIDE FOR SOCIAL WORKERS AND SOCIAL WORK MANAGERS

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Foreword Introduction

Child and family social workers have a challenging job in supporting families, particularly where there are insufficient resources to meet families' needs. This is particularly the case in respect of housing and homelessness. Family homelessness is a multi-dimensional social issue with a number of complex causes and consequences, implying a variety of different support needs. Homelessness and discrimination often intersect and the experience of living in poor housing conditions or being homeless can in itself lead to discrimination and exclusion. Already marginalised families are further marginalised and excluded.

As this guidance makes clear, social work has a vital role to play in this area in five ways. Firstly, in communicating with and learning directly from family members about their housing needs. Secondly by making creative use of statutory powers to intervene. Thirdly in advocating on their behalf with housing providers by acting directly to reduce stresses. Fourthly, in supporting adults and children in meeting their underlying needs which, for many families cause or exacerbate their housing problems. And, finally in recording families' unmet housing needs, collating these needs and highlighting them to local and national decision-makers.

BASW England fully supports the Children's Commissioner's Office and Shelter in their calls for urgent government action to end family homelessness. Social workers have a critical role in working alongside family members, the voluntary sector, with housing and public health colleagues to avoid some of the worst consequences of homelessness and housing need. Housing squalor, overcrowding, accommodation insecurity and homelessness are among the causes of the unprecedented rise in the numbers of children referred to social workers because of safeguarding concerns, and the large increase in numbers of young children and teenagers needing to come into care.

The right to adequate and secure housing is a basic human right, recognised by a number of national and international bodies, including the United Nations. This should include the right to decent quality housing as well as to security of tenure. As the problems resulting from family homelessness and sub-standard accommodation housing accelerate, resources to cope with the increasing numbers lag behind. Poor housing and homelessness impact on every aspect of family



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life, damage physical and emotional health and disrupt children's education and development. The underlying issue of an inadequate supply of appropriate social housing is long-standing and has not been properly addressed by successive UK governments: it should be a political priority for the current Government. Furthermore there are significant accommodation challenges for unaccompanied asylum seeking children and those older young people placed in unregulated accommodated as highlighted by BASW England and Article 39. A key measure for Government has to be how it treats its most vulnerable children and families!

This full version of the practice guidance contains an overview of relevant policy and law in England; an evidence-based review of relevant literature around family homelessness; and key findings from a BASW England survey of members' experiences and views of child and family social work practice with families who are homeless or have housing needs.

The authors make recommendations regarding required policy developments towards the end of this document, but we state clearly here that social workers and social services managers also have a key role to play in this area. This role includes, but is not limited to, recording families' unmet housing needs and highlighting these to central Government, advocating for families in respect of housing needs and seeking to ensure that children are not placed in state care due to the lack of appropriate family housing where this can practicably and safely be avoided. This guidance has been written to support social workers, their managers and local authority colleagues to think about, reflect on and engage in good practice with parents and children receiving social work support for whom homelessness or housing issues are a notable factor.

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October 2021

Practice Recommendations Summary

Social work responses to families who are homeless or are in housing need should be characterised by a CAASR approach of Communication, Action, Advocacy, Support and Recording:

- *Communication:* with the family about the nature of the housing difficulties, what is underlying them, their views of what their housing needs are and how best to meet them.
- *Action:* to use statutory powers to support families who are homeless or in housing need. In limited, often emergency, circumstances this may include use of s.17(6) powers under the Children Act 1989 (local authority services to a child in need and their family which may include 'providing accommodation, giving assistance in kind or in cash'); or s.20 powers under the Children Act 1989 (accommodation provided to a child in need). These powers enable a local authority to provide accommodation to a child, either with their carers (s.17(6)), or separately (s.20), to avoid homelessness and/or harm to a child.
- *Advocacy:* with housing providers and other relevant organisations to access appropriate and safe housing. This should include advocacy for the family's needs in situations where housing providers have deemed the family to be 'at fault', 'intentionally homeless' or otherwise ineligible for housing allocation. Specialist housing charities and law centres have expertise that social workers can draw on to support such advocacy and may also provide direct advice to families, including those who are homeless and subject to 'no recourse to public funds' (NRPF).
- *Support:* for the underlying issues connected to family homelessness, including exploring what other supports the family have, or into which they could be linked. For many families receiving child and family social work support, homelessness will relate to underlying issues connected to environmental and family stresses and individual and family difficulties that will require intensive multi-agency support. For

some destitution will be the primary issue. The allocated social worker will ordinarily be the primary co-ordinator of the multi-agency effort that will be needed to address these range of issues.

- *Recording:* social workers should clearly capture where families have unmet housing needs and what these are. If children are placed in local authority care where housing plays a significant role this should be clearly recorded in case notes, brought to the attention of a senior manager and explicitly taken into consideration in future decision making. Such recording is particularly important given current Government returns do not allow social workers to indicate homelessness or housing need as an issue related to children's entry into care. Regular file audits should seek to amalgamate data on unmet housing need in a local authority area and these should be used to highlight gaps in housing provision at a senior level within the local authority, the local Safeguarding Children Partnership Board and in national level fora.

When a family in receipt of children's social work services is accepted as homeless by their local authority then social workers should:

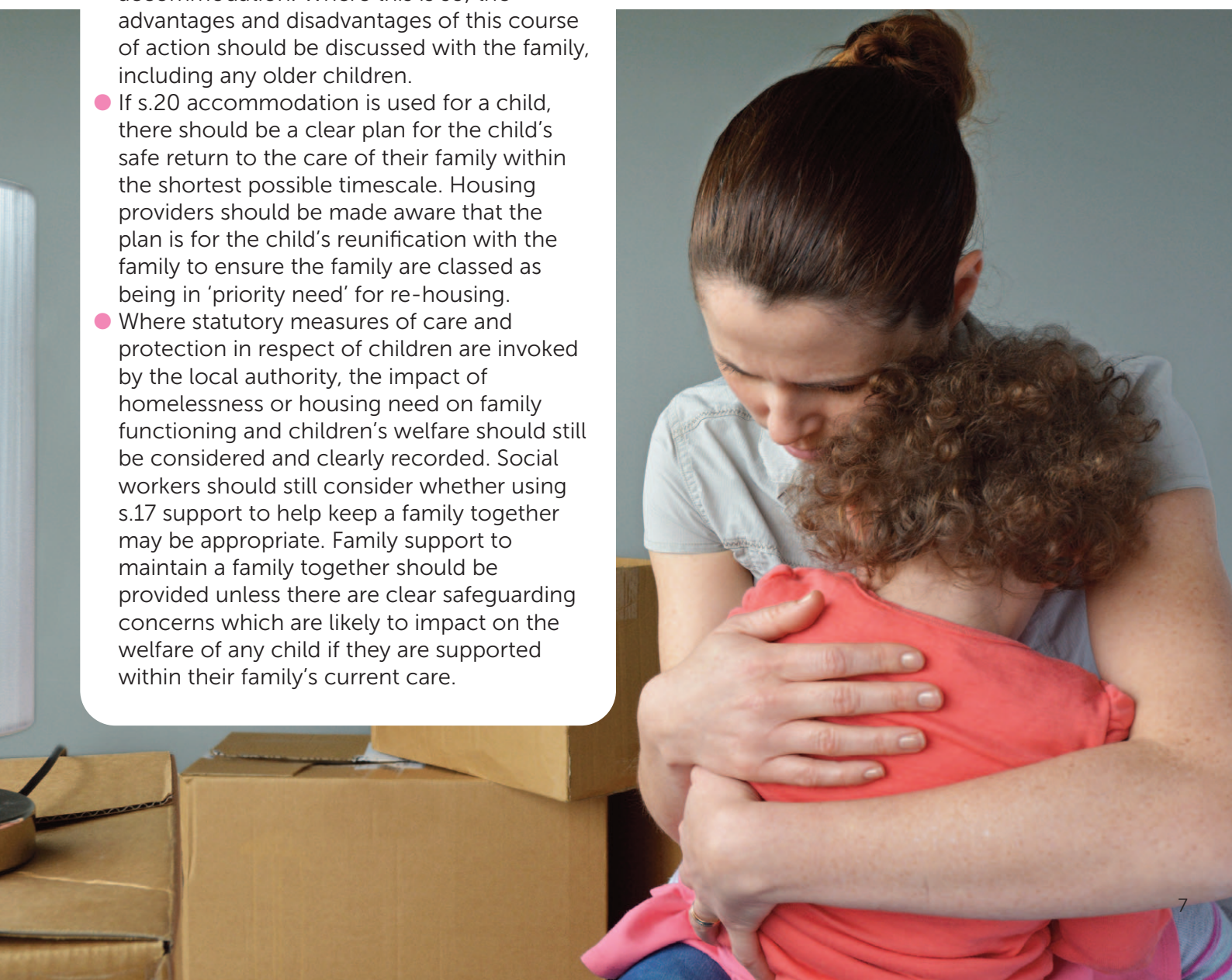
- Support the family in their application for temporary accommodation as a homeless family. This support may involve the use of s. 17 provision under the Children Act (1989) to assist in reducing family stress, including the provision of respite accommodation for the family.
- Provide advocacy for the family's housing needs with housing providers, or assist the family in securing such advocacy support from housing providers, wider networks, community groups, or a relevant voluntary sector agency.

When a family is assessed by the local authority housing department as ineligible for temporary accommodation and there is a 'child in need' within the family then:

- It should be explicit policy that the local authority will use all its available powers to prevent that family becoming street homeless.
- Child and family social work teams should seek, wherever possible, to avoid placing a child in the care system where homelessness or acute housing stress is a predominant factor in contributing to the care of that child falling short of what is necessary to meet their needs and/or protect them from harm.
- In instances of high family stress, where homelessness or housing stress is a major contributory factor to family difficulties, a parent or older child may ask for that child to be accommodated (s.20 of the Children Act (1989)), or it may appear to the social worker appropriate to consider the use of s.20 accommodation. Where this is so, the advantages and disadvantages of this course of action should be discussed with the family, including any older children.
- If s.20 accommodation is used for a child, there should be a clear plan for the child's safe return to the care of their family within the shortest possible timescale. Housing providers should be made aware that the plan is for the child's reunification with the family to ensure the family are classed as being in 'priority need' for re-housing.
- Where statutory measures of care and protection in respect of children are invoked by the local authority, the impact of homelessness or housing need on family functioning and children's welfare should still be considered and clearly recorded. Social workers should still consider whether using s.17 support to help keep a family together may be appropriate. Family support to maintain a family together should be provided unless there are clear safeguarding concerns which are likely to impact on the welfare of any child if they are supported within their family's current care.

When homelessness or acute housing stress is an issue for a family who are subject to no recourse to public funds (NRPF):

- Social workers should continue to do all they legally can to support that family to access safe and adequate housing and to avoid the family becoming street homeless. Social workers should be aware that local authorities still have duties to help families subject to NRPF with housing and financial support. These duties can include where there is a 'child in need' in the family under s.17 of the Children Act 1989, and where there are adults in the family requiring care and support due to a disability, illness or mental ill health. As with other families local authorities should seek, wherever possible, to avoid a child being placed in care due to housing issues, where a safe practical alternative exists.



Executive Summary

- There is a growing sense of unease and concern that current housing and welfare policies combined with a shortage of social housing for families makes them increasingly reliant upon the private rental market, temporary accommodation and properties that are of poor quality or overcrowded.
- To meet the needs of 'children in need' (s.17, Children Act 1989) requires children's services to closely work with the local authority housing section and other social housing providers to try to ensure that adequate housing is available for families who are homeless, at imminent risk of homelessness or living in unsuitable accommodation. It should be noted that local authorities can use s.17 powers to pay for housing in order to keep families together and it should be part of the local authority's planning and budgeting strategy to ensure there are funds to support families to stay together who are experiencing a lack of suitable housing.
- There may be occasions, given a lack of suitable housing for families in a particular area, where the accommodation being offered to a family is particularly hazardous to a child's health and development, or to the needs of a particular child within a family. In such cases, the short-term use of accommodation for a child under s.20 of the Children Act 1989 might be the best option, and may also be seen as such by the parent/s. Of itself temporary placement in out-of-home care is not a negative option to be avoided at all costs. While supporting the family together should be the preferred option, wherever possible, where the conditions for s.20 are met, parents and older children are fully informed, have capacity and consent, then a temporary out-of-home care placement can provide a suitable short-term family support option.
- If a child is placed in state care, via s.20 or a court order, when a lack of appropriate housing was a significant factor, this should be clearly recorded by the relevant social worker within their case notes, and highlighted to their management as a one of the causes of entry into care. In such situations, the care plan should normally indicate a clear plan for the child's reunification with their family. Where a child cannot return to a parent principally because the parent has no suitable accommodation, the social work team should work with the housing department to identify suitable accommodation that will facilitate family reunification.
- Managers should seek to collate families housing needs across contacts with families accessing children's social services, and then using these data to feed into discussions with partner agencies and national government about funding, local housing needs and local housing planning.
- Consistent with the 'Southwark judgment', s.20 *should be* used for 16- and 17-year-olds who are homeless. Section 20 provides 16- and 17-year-olds with much better protection than s.17 and is legally required in all situations where a child's health or development is likely to be seriously impaired without the provision of s.20 accommodation. Very considerable caution must be exercised before accepting that it is appropriate to place a 16-17 year old in the soon to be newly 'regulated' non-care accommodation settings under Statutory Instrument 2021, 161 as these settings exclude the provision of care and are, as a result, inappropriate for young people in state care.
- There is a lack of up to date UK research focused on social work with families where homelessness or housing need is a primary concern. The evidence there is suggests two main categories of families waiting for secure housing with whom child and family social workers are likely to be in contact. The first are families in pre-existing contact with children's social services, for whom family homelessness is a manifestation of wider underlying family issues and other social needs. Difficulties such as domestic violence, relationship breakdown, neighbourhood harassment, over-crowding and poor housing conditions may underpin these families' homelessness or housing need. Here, advocacy with housing providers to obtain secure and suitable housing, support around tenancy management, as well as

work to address the family's underlying social needs is required. The second category are families subject to 'no recourse to public funds' (NRPF) who tend to approach children's social services as they are destitute, homeless and barred from accessing many other forms of public social assistance, including public housing. There is some evidence that social workers may sometimes be incorrectly, and illegally, preventing such families accessing s.17 support. Social workers should explore maximising the support which can be provided to these families. This will include considering the use of s.17 to prevent street homelessness or the separation of the family where a safe alternative can be found with financial support from children's services.

- In the member survey of 38 BASW members in England, family homelessness and housing need were a notable factor in children's entry into care, but more often a contributory than a primary factor. The survey data did not provide evidence that children are being placed in care only due to homelessness or housing need in respondents' own practice experience. However, respondents open text answers did suggest pathways by which housing need could, indirectly, lead to children being placed in out-of-home care. These were on the one hand situations where the local authority housing department did not view families as being in priority need for re-housing, or where the temporary accommodation offered was inadequate. Respondents who raised these issues identified that the failure to provide better housing support in such circumstances increased family stress and parenting difficulties. A small minority of respondents also noted that, in their practice experiences, such stress and difficulty had led to children's later placement in out-of-home care.

- For all families, long periods waiting in temporary housing leads to further difficulties developing, particularly mental health needs for both parents and children. If finding a secure home does not address all of homeless families' difficulties, the lack of a secure home substantially contributes to and exacerbates them. For children there is also evidence that homelessness is associated with poorer physical health, educational instability and behavioural issues.
- Effective support requires to be multi-agency and holistically consider a family's underpinning social needs, as well as their direct need for secure accommodation. The need for intensive support for parents and children while in homeless accommodation is emphasised for some families to prevent repeat homelessness. The need for support to get children to and from school while families are in temporary accommodation, especially if living at some distance from their school, is also highlighted.
- An overlooked need is ongoing support for families once in settled accommodation to minimise the chances of repeat homelessness occurring – many families make compromises regarding the accommodation they will accept to escape homelessness or poor-quality temporary accommodation. However, this can mean they are fearful or socially isolated in new housing. Such isolation increases familial difficulties and increases the chance of repeat homelessness if appropriate support is not provided.



Family Homelessness – Contextual and Legal Overview

Terminology and Scope

This guide uses the terminology of 'homeless' and 'homelessness' as a shorthand to indicate situations where a family is without secure accommodation in the present, and situations where they are likely to be without secure accommodation in the subsequent 56-day period - as per the definition of English housing law since 2018 (prior to 2018 it was the subsequent 28-day period). In addition, the terminology of a family being 'in housing need' is used to denote situations where a family is in housing difficulty over and above instability of housing: this can include situations where families are living in unsafe or insanitary conditions and may be separate to issues of housing instability, or in addition to them. This guide does not focus on older children living apart from their families and who are receiving a child and family social work service – for example older teenagers who are homeless having become estranged from their families or having left state care - other than to note the implications of the *Southwark* judgement for social work practice and how these implications differ compared to practice with families living together. Finally, the word 'child' is used throughout this guidance in the legal sense of a minor, aged 0 – 17.

Historical and policy context to family homelessness in England

Under the Housing Act (1996) homeless families in England have a right to accommodation as they are defined as being in 'priority need' along with those who are classed as 'vulnerable' due to physical health issues, mental health issues or older age. If emergency accommodation is needed by families then, as of 2020, this should, by law, be limited to twelve weeks but family stays in temporary accommodation in England are often much longer (Shelter, 2021). It is also the case under the 1996 Act that anyone can also legally be refused long-term accommodation if they are deemed by the relevant local authority to have become 'intentionally homeless' by unreasonably engaging in activities that led to the loss of their

accommodation. Local authorities also have some discretion to exclude individuals, including families, from registers for *long-term* social housing based on criteria they set, which may include the lack of an established 'local connection' in the local authority area.

There are significant shortages of social housing for homeless families, with the shortage increasing since 2010 (Fitzpatrick et al., 2019). Access to social housing has been a long-term issue in England since 1945. In the first 25 years after 1945, there was significant government investment in social housing with three million local authority houses built by both successive Labour and Conservative administrations (Bogue, 2019). Housing shortages continued, however, as illustrated in the renowned fictional realist TV film *Cathy Come Home* in 1966, and the real-life BBC Documentary *The Block* in 1972, set in an estate providing temporary accommodation to families in London. Both showed the difficulties that poorer families had in accessing adequate housing, and also highlighted the possibility that parents could lose care of their children while waiting for, and primarily due to, a lack of access to permanent quality housing. It was not until 1977 that the Housing (Homeless Persons) Act placed a statutory duty on local authorities in the UK to house homeless families. The 1977 Act influenced the establishment of local authority housing departments, separate from local authority social work/social services departments, with responsibility for meeting this statutory housing duty to families.

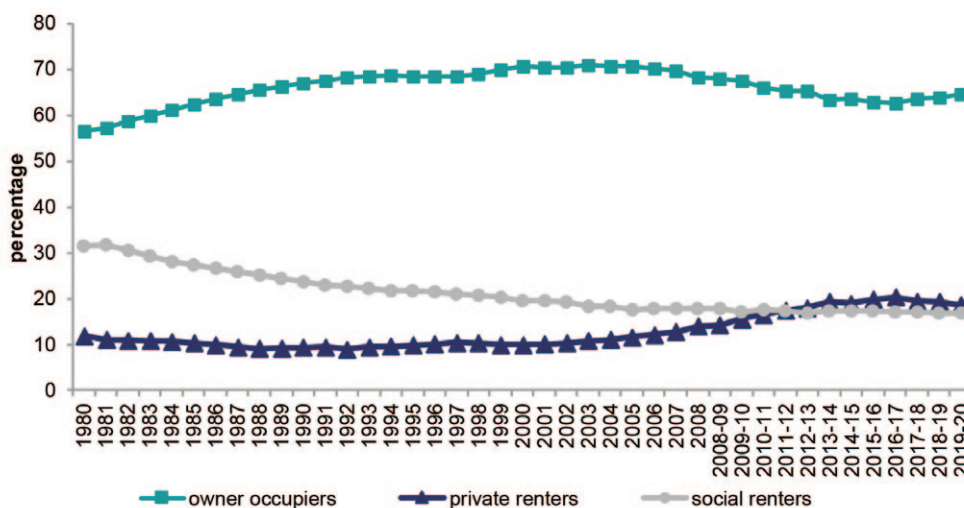
In 2019-20, of the estimated 23.8 million households in England, 65% were owner occupiers, 19% lived in private rental accommodation and 17% social housing – defined as properties rented at below market rent by local authorities or charitable housing associations (10% housing associations; 7% local authority housing) (MCLG, 2020). These proportions have seen significant change over the last 40 years (see *Figure 1* below). Social housing renters declined markedly following the '*Right to Buy*' policy introduced by the first Thatcher Government in the Housing Act

(1980). This gave existing local authority tenants the right to buy their properties at a significant discount. In 1980, just over 30% of households were living in social housing, the majority of it local authority owned (Bogue, 2019; MCLG, 2020). The *Right to Buy* drastically reduced council housing stock as local authorities were prohibited from using sale receipts to reinvest in new council housing stock (Bogue, 2019). It also meant that more of the council housing stock which remained was of poorer quality and in need of significant investment to maintain or replace it (Bogue, 2019). Since the mid-2000s, the decline in social housing has stabilised – albeit with greater numbers of housing association properties than local authority ones – while the proportions in private rented accommodation have increased substantially, and now outnumber those in social housing. This is likely linked to declining levels of property ownership in response to rising house prices, as well as the declining availability of social housing for those who cannot afford, or do not wish, to purchase their own property.

households in social housing have one or more household members with a long-term illness or disability, and there are also a higher proportion of lone parents and households on low incomes (Bogue, 2019).

The shortage of long-term social housing is reflected by the fact that over 85,000 households, consisting of 200,000 people, were estimated to be living in temporary accommodation in England by 2018 (Fitzpatrick et al. 2019); it was also revealed that in 2020, 128,200 children were living in temporary accommodation, an increase of 75% since 2010 (Helm and Savage, 2020). During this period, austerity-driven welfare cuts have meant more families are waiting for adequate state services to meet their basic needs. The UN observed that the UK’s welfare state cuts were notable by their range, severity and arbitrary character (Alston, 2019). Some of the curtailment of welfare support has directly fed housing insecurity. This includes: a reduction in the Benefit Cap, often resulting in reduced housing support payments (Fitzpatrick et al., 2019); the

Figure 1: Trends in housing tenure (proportions) 1980 to 2019-20 from MCLG (2020)



It is notable that there is a smaller proportion of unsatisfactory properties in the social housing sector than in either privately rented or privately owned sectors. Twelve per cent of social housing fails to meet the Government defined Decent Homes Standard, compared to 23% of privately rented accommodation and 16% of owner-occupied properties (MCLG, 2020; Cross et al. 2021). The profile of those in social housing also differs in important ways: half of

removal of the ‘spare room subsidy’ in social housing (also known as ‘the Bedroom Tax’) (Bogue, 2019); the introduction of the Universal Credit benefit, leaving many families in significant initial rent arrears (The National Audit Office, 2020); and the immigration policy of no recourse to public funds (NRPF), imposing strict restrictions on some migrants’ access to social assistance including public housing (Dickson et al., 2020; Jarrett and Foster, 2020).

Legal Overview

Due to the wider policy context creating a structural context of unmet housing needs social workers are faced with challenging decisions about how to safeguard and promote children's welfare when their family is living in unsuitable accommodation through little or no fault of their own. The discussion in this section considers the legal and ethical issues when making such decisions. It refers to the underlying principles of the Children Act (1989) as a way of setting the parameters of the discussion, before looking more specifically at the options which exist under s.17 and s.20 of the 1989 Act. We do not discuss here the broader human rights legislation in any detail, other than to remind readers that the ethical dilemmas arising from a lack of suitable family housing, should be set within Article 8 as enacted by the Human Rights Act (1998), that:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The Children Act (1989) core principles related to family homelessness

Section 1 sets out the underlying principles that should guide court decisions and, by default also social work practice, in considering the welfare of children.

s.1(1) The paramountcy principle

That the child's needs are paramount is foremost in social workers' practice is as it should be. However, this principle if considered in its starkest form can lead social workers into believing that their only consideration is the child's welfare at the expense of all other considerations relating to the family's needs. A simplistic application of this principle in isolation when faced with children whose welfare is being severely impacted by their family's homelessness might lead to a willingness to bring the child into care through either s.20 or a s.31 court order. The paramountcy principle does not stand alone and needs to be considered along with the other principles set out below as well as remembering that the local authority also has a general duty under s.17(1) of the act: *to safeguard and promote the welfare of children within their area who are in need: and so far as is consistent with that duty, to promote the upbringing of such children by their families by providing a range and level of services appropriate to those children's needs.*

s.17(3) goes on to state that:

Any service provided by an authority in the exercise of functions conferred on them by this section may be provided for the family of a particular child in need or for any member of his family, if it is provided with a view to safeguarding or promoting the child's welfare

s.17(6) further states:

The services provided by a local authority in the exercise of functions conferred on them by this section may include providing accommodation and giving assistance in kind or in cash.

We see here that it is the local authority in its widest sense that has to fulfil its duty to children-in-need and their families. Close working with the local authority housing section should be strongly encouraged to ensure that adequate housing is available for families. Certainly, this should be the first approach for any social worker faced with a family in need, but it should also be part of the local authority's planning and budgeting strategy to ensure that families are not separated from children for want of suitable housing. Local authorities can use s.17 powers to pay for housing in order to keep families together.

s.1(2) The 'no delay' principle

This principle is cognisant of the impact of delays in decision-making upon children's development. If children are living in unsuitable conditions that are adversely impacting upon their health and development to a significant degree, the longer they are living in these conditions the more that is likely to prejudice the welfare of the child. Social workers are acutely aware that the younger the child the more prejudicial to development poor housing over a long period is likely to be. It is important therefore that social workers act in a timely way in order to reduce harm to the child. It might therefore be tempting for social workers who wish to expedite plans to address housing to fall back on legislative tools or child protection procedures. However, if we are aware that the primary issue here is a structural policy shortfall in the provision of sufficient housing stock that is out of the control of parents, recourse to adversarial processes would fly in the face of the 'no order' principle discussed below and would unfairly and unethically situate services against the families they are tasked to support. Partnership work with the families would be the preferred way forward here, dividing up tasks between parents and social worker to identify and secure suitable housing. Social workers' ability to strongly advocate on behalf of parents, and to support and encourage parental applications for housing, is the most likely way of achieving long-term benefits to the family and, therefore, ultimately the child as well.

s.1 (3) The welfare checklist

In any consideration that a social worker is making regarding the plans for families and their children, due attention should be taken of the welfare checklist. This is an over-arching list of factors that will impact upon the social work assessment, however they are not hierarchical, and they need careful balancing particularly when trying to support a family through conditions over which they have little or no control. The checklist contains the following items:

- (a) the ascertainable wishes and feelings of the child concerned (considered in the light of their age and understanding);
- (b) their physical, emotional and educational needs;
- (c) the likely effect on them of any change in circumstances;
- (d) their age, sex, background and any characteristics which the court considers relevant;
- (e) any harm which they have suffered or are at risk of suffering;
- (f) how capable each of their parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting their needs;
- (g) the range of powers available to the court under this Act in the proceedings in question.

Listening to children is imperative if social workers are to fulfil the paramountcy principle as discussed above. However, parents' narratives and views about the impact of homelessness on their ability to survive and parent effectively are also extremely important. Their daily lived experience of homelessness, temporary accommodation and unsuitable accommodation should form the backbone of any assessment and will inform considerations about their abilities to manage the difficult circumstances presented by the environment. Assessments by housing professionals, health visitors, GPs and teachers are vital in informing our consideration of the welfare checklist as to how housing conditions are impacting upon the physical, emotional, educational and other needs a child has, and the degree of harm or impairment to development that the child is suffering due to those conditions.

The key social work decisions here relate to what are the next steps and optimal plans. In forming those decisions, the social worker has to be able to work through the likely effect on the child of any potential changes and the possible benefits or deficits to their development of those changes. These are unlikely to be clear and obvious choices. For example, it might be clear that a child needs to be made physically safe if housing provision presents direct hazards to their physical safety or health. In order to enable the child to be safe the social worker may consider s.20 accommodation as a temporary solution if no other options are available. However, this should be balanced against the potential harm to the child's emotional development of separation from their parents and the emotional impact upon the parents of a possible sense of failure in agreeing for their child to be accommodated by the local authority. This might be mitigated if the plan is a relatively short term one for reunification within permanent suitable housing and substantial recognition of the parents as retaining active control of the plan and involvement in their child's life. Full social work support to the parents would be required to ensure that successful reunification as the preferred outcome could be achieved. For this to be achieved, if a parent becomes homeless whilst the child is looked after, the active assistance of the housing authority in providing suitable temporary or preferably permanent accommodation may be necessary.

Section 1(3)(g) requires the court to consider the full range of powers available to it. Similarly, social workers should be cognisant of the full range of powers and options open to them in forming plans. However, in so doing it is extremely important that they keep in mind the 'no order' principle.

s.1 (5) The 'no order' principle

This principle is a reminder that social workers (and other professionals) should always engage in the least intrusive methods of support required. A court cannot make, and therefore a local authority should never apply for, any legal court order if the needs of the child can be met without the order. Following this principle through, the emphasis is upon supporting families through partnership with an expectation that families want the best for their

children and if families can be supported through s.17 provision then this is better than using a s.31 care application and child protection planning to coerce families into action. Similarly, a local authority should not be bringing children into care under s.20 accommodation if they can be effectively cared for within the family. S.17 support may include provision of housing for a family where a child's health or development may be impaired without its provision. However, it should be recognised that s.17 imposes a general duty which does not mandate the local authority to provide such housing to families together in any particular case. This is underpinned by case law: *R v. London Borough of Barnet ex parte G*, *R v. London Borough of Lambeth ex parte W*; *R v. London Borough of Lambeth ex parte A* [2003] UKHL 57 determined that local authorities do not have a specific duty under s.17 to provide accommodation to allow a dependent child to live with their parents. However, the judgment also set out that local authorities must exercise their s.17 duties 'reasonably', weighing up an individual family and child's circumstances, alongside other considerations such as cost and local authority budget constraints. More recently there has been concern raised that families subject to NRPF have experienced local authorities denying them access to s.17 support through unlawful gatekeeping, and concerns have been raised that this is likely to have increased during the recent pandemic (Dickson et al., 2020).

Local authorities do have a specific duty under s.20 of the Act to provide 'accommodation' to a child – to place them in state care – where a parent is unwilling or unable to provide appropriate accommodation for them. The 'no order' principle does provide support for the use of s.20 accommodation as a better option than applying for a care order (s.31) which would give parental responsibility to the local authority. S.20(1) states:

Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of—
(a) there being no person who has parental responsibility for him;
(b) his being lost or having been abandoned; or
(c) the person who has been caring for

him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

There is a further power to act under s.20(4):

A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare.

There may be occasions, given a lack of suitable housing within a local authority, and where the accommodation is particularly hazardous to a child's health and development, that there is no possibility of rehousing the family together immediately. In such situations, the short-term use of s.20 might be the best option. Care should not be viewed as a negative option – it ought to be there to support families, when needed. Maintaining the family should be the preferred option wherever possible. However, using s.20 to accommodate children if all the conditions for s.20 are met and parents are fully informed, have capacity and consent may on occasions be an acceptable short-term option.

This means the child should have an allocated social worker who should be working towards reuniting the family in suitable accommodation. The case would have to be reviewed and properly monitored in line with the Independent Reviewing Officer (IRO) process and the parent retains full parental rights. Section 20 is preferable to applying for a court order in such a situation given the latter would entail taking an adversarial position which maintains that the parents are not only currently unable to provide suitable accommodation, but that they also present a significant risk of harm to their children. On occasions such as this, s.20 acknowledges that the issue is due to lack of suitable housing rather than due to the family's failing to acquire it. A local authority should *not* use s.20 as a way of coercing families to agree to children being accommodated as an alternative to applying for an order. If the local authority believe that they need an order, then there should be an open and honest plan shared with parents, who are then able to get appropriate legal representation. Nor should local authorities

pretend that accommodation with relatives that it proposes to the parents is a 'private arrangement' in order to avoid its responsibilities under s.20.

While s.20 should only be used where there is no safe and practicable option to keep the family together, it is essential that social workers are aware that this is different for 16- and 17-year-olds who present as homeless by themselves, without their parents. The Southwark judgment (*R (G) v Southwark* [2009] UKHL 26) made clear that where the criteria are met under s.20, it is unlawful for children's services to provide accommodation under s.17 or make a referral to the housing department. Section 20 provides these young people with much better protection than s.17. The court also recognised the disadvantage to young people aged 18 plus who had incorrectly not been accommodated under s.20, in terms of access to leaving care support. It therefore ruled that, where it is found that a young person should have been accommodated as a child, the decision has retrospective status from the date the child first presented as homeless, such that they gain an entitlement to leaving care support.

Literature Review and BASW Members Survey

Literature Review

The findings are organised into the following six sub-headings:

- 1) The Lack of Recent Evidence**
- 2) Contextual Data in respect of Homeless Families**
- 3) Reasons for Family Homelessness and Connections with Children's Services Involvement**
- 4) The Needs of Families who are Homeless or who have Housing Needs**
- 5) Proposed Practice and Policy Developments**
- 6) Literature Review Concluding Comments.**

Methodology

The literature review focused on the question of 'What are the needs of homeless families who are also in receipt of a child and family social work service in the UK?' The review considered empirical literature of all methodologies as well as non-empirical literature and relevant grey literature. A preliminary search was undertaken using the social science database ASSIA (via Pro Quest) and the following search string: "homeless*" AND "social work" AND ("famil*" OR "child*"). Equivalent searches were undertaken via Google Scholar and the University of Sheffield library database. Results were initially filtered by relevance focusing on UK evidence, given the national character of policy and contextual issues impacting on housing and social work provision, and post-2000 literature to provide reasonably contemporary data. Forward and backward citation and recommendations from specialist charity workers lead to the identification of a small additional literature and inclusion of small number of pre-2000 sources based on their relevance. Due to the absence of significant recent literature on family homelessness and child and family social work together, two additional sources were also included focusing on families receiving intensive family support literature where there were issues of housing need or homelessness.

For the member survey, a draft version of the guidance, including the literature review, was circulated by BASW England, along with an online questionnaire comprising closed and

open questions related to their practice experiences of working with family homelessness and housing need. The data were collated in a spreadsheet by BASW England, anonymised and forwarded to the lead author. Ethical approval was granted from University of Dundee to analyse the anonymised data and publish findings from them. The data were uploaded to Excel, cleaned and analysed to provide descriptive statistics for restricted answers. Excel was also used to help identify key thematic categories across the open text data, supported by searches for particular words strings (Hahn, 2008). Due to space limitations, the presentation below provides core, rather than comprehensive, coverage of the survey findings.

Limitations

The literature reviewed is, overall, quite dated and there is a dearth of recent literature examining child and family social work practice with families who are homeless. The survey was of a small, self-selecting and unrepresentative sample of social worker respondents amongst BASW England's membership. The responses – particularly the qualitative (open text) responses – illustrate issues from these social workers' perspectives about practice with families around housing and homelessness. While these may have some wider resonance with the wider workforce's experiences, it is not known that they do, and the responses should not be seen as representative of all child and family social workers in England.

1) The Lack of Recent Evidence

Families in housing need who are also in receipt of children's services support is an under-researched topic within recent UK social work literature. The national implementation of the Children Act 1989 was, however, the subject of a raft of government-commissioned studies on the impact of material deprivation, including inadequate housing and homelessness on children, families and agencies. These 42 individual studies were analysed in two substantial government-published overviews (Aldgate & Statham, 2001; Quinton, 2004). These studies and overviews remain an important source of data across a wide range of family and child matters, as well as providing recommendations for practice. The first government commissioned study of s.17 provision (Aldgate & Tunstill, 1995) showed lowest priority was being accorded by (the then) social services departments to ensuring access to s.17 services on the basis of poor housing, in contrast to the highest priority for children at risk of neglect. The role of housing need in policy and practice was highlighted in many of the overview studies, with two fifths of the parents experiencing stress in poor environments having major housing need (Ghate & Hazel, 2002), and half of families of children in need having housing problems, the majority of which were severe (Tunstill & Aldgate 2000). Subsequent studies throw further light on practice with families who were homeless, or at risk of it, and also in receipt of children's services, including Hill et al. (2002).

There is a useful, but relatively small and somewhat dated, literature on homelessness for families with dependent children in England. The majority of it is over 15 years old and focussed on studies on families who are living, or have lived, in temporary homeless accommodation. Within this, the study of Bimpson et al. (2020) is the most recent and does have a significant social work context in that its focus is homeless mothers whose children have been removed prior to, or during, their stay in homeless accommodation. While an important study, this does not cover families in receipt of child and family social work support when families are still together. Child protection issues are mentioned in a study of homelessness by Anderson et al. (2006) but are not a significant focus. Riley et al. (2003) noted

that children who were officially registered homeless were more likely to have been born with low birth weights, have developmental and behavioural problems, suffer from infectious diseases, and were more prone to accidental injury – such issues would have been likely to bring the children to the attention of children's services, but such contact is not a focus of the study itself. Social work involvement is apparent in the lives of homeless families in the study of Burton et al. (1998) who report that 30 per cent of the homeless children in their study were the subjects of abuse investigation or had been registered on the Child Protection Register, statistically significantly more than a comparison group of children, and they were also more likely to have a range of physical health issues at a statistically significant level. However, the study does not explore the social work practice with the children in any detail.

In addition to Hill et al. (2002), there is a small literature on intensive family support services working with families where there are already child protection concerns, and homelessness is also an issue (Sen, 2016; Thoburn, 2015). In these two studies the reasons for child and family social work involvement are clear, but housing and homelessness are secondary issues to the studies, though mentioned to some useful extent. The Department for Education's (DfE) data on children in state care in England were searched and it is worth noting that they do not contain any reference to housing or homelessness as a reason for entry into care (DfE, 2021b). By contrast, the social work case file audit of Clements (2018) found that housing issues are noted as a feature in social work case recording in families subject to different levels of child welfare support. This thereby provides some corroboration that housing issues are a notable contemporary issue within child and family social work practice. Clements' study did however also observe that some social work case recording overlooks issues of housing quality in favour of only noting issues of housing stability – which is an omission given the potential impact of poor housing on child and family welfare.

2) Contextual Data in respect of Homeless Families

Although mostly dated, the 'family homelessness' literature, reveals that the majority of people accepted as homeless by local authorities are homeless families (Anderson et al., 2006; Smith, 2005). These figures partly reflect that UK citizen primary carers with dependent children are classed as 'in priority need' in England and have a statutory right to apply for social housing whatever the reason for their homelessness. Smith (2005) noted that, at that time, up to a sixth of households could also be classed as 'homeless at home': that is temporary living within others' accommodation – typically family or friends – while waiting to be re-housed. These data are complimented by more recent statistics on homeless families from the Children's Commissioner for England's Office (2019) which indicated that 120,000 children were in families in temporary accommodation, with another 90,000 in families who were 'sofa surfing'. Forty per cent of these families had been living in such a situation continuously for six months continuously and 5% continuously for more than a year (Children's Commissioner for England, 2019). While family stays in temporary accommodation should be limited to twelve weeks, there is evidence that they are currently much longer than this (Shelter, 2021). Temporary accommodation tends to be of poor quality with limited or no access to kitchen facilities, a lack of space and long distances between it and children's schools and friendship networks (Shelter, 2017).

One factor underpinning housing insecurity in the private rented sector is the continued use of 'no fault' evictions in England (under s.21 of The Housing Act, 1988), by which tenants can be moved on at the end of a short-assured tenancy purely because it is the end of the contracted period of tenancy. In Scotland 'no fault' evictions were legally replaced in 2017 by a narrower and stricter set of criteria due to which a tenancy could be ended by a landlord. Notably in England, evictions in the private rented sector outnumbered those in social housing in 2014 for the first time (Clarke et al., 2017). 'No fault' evictions are also highly concentrated: four-fifths are in London and a third of these are in only five boroughs in the capital.

3) Reasons for Family Homelessness and Connections with Children's Services Involvement

The literature suggests that the prominent reasons for one category of families experiencing family homelessness are domestic violence, relationship breakdown, neighbourhood harassment and poor housing (Anderson et al., 2006; Bimpson et al., 2020; Burton et al., 1998; Riley et al., 2013; Tischler, 2008; Vostanis 2002). Domestic violence is also noted as a secondary factor within family homelessness and a factor in repeat homelessness (Bimpson et al., 2020; Smith, 2005). There are gaps in accommodation for women fleeing domestic violence (Davidge et al., 2020) and parents fleeing domestic violence may sometimes be classed as 'intentionally homeless' (Bimpson et al., 2020). Mothers whose children have been removed may also not be classed as in priority need for new housing, thereby hindering the chances of reunification (Bimpson et al., 2020). The intensive family support literature (Hill et al., 2002; Sen, 2016; Thoburn, 2015) suggests that the housing issues of these families are more often eviction, or the threat of it, due to 'anti-social behaviour' or rent arrears, though the latter invariably occurs where families have low income. The intensive family support literature, alongside the paper of Bimpson et al. (2020) illustrates the connection between families struggling with housing issues and the possibility of children becoming placed in out-of-home care.

Different challenges are evident for a second category of homeless families – those subject to 'no recourse to public funds' conditions. These conditions impose strict restrictions on the rights to public assistance on certain migrants subject to immigration controls, including any right to public housing. Children's social services are not classed as a public fund and therefore many families who are subject to no recourse to public funds are still eligible for s.17 statutory family support assistance. Some other families, such as asylum seeking families whose claims for asylum have been turned down, are not. However it should be noted that these families should still legally be provided with s.17 support where the denial of it would breach Article 3 (degrading treatment) and Article 8 (right to a family life) of the European Convention of Human Rights (Project 17, 2021).

4) The Needs of Families who are Homeless or who have Housing Needs

The evidence suggests that most families in the first category above typically also have a range of other welfare needs. Homelessness and housing difficulties are a symptom of wider difficulties and are factors that compound these wider difficulties. Such families will commonly require support regarding family functioning and relationships, parenting, child behavioural issues, child development, child and parental physical health, child and parental emotional well-being and mental health issues (particularly depression), children's educational attendance and progress, poverty and unemployment (Bimpson et al., 2020; Burton et al., 1998; Gaubatz, 2001; Harker, 2007; Hill et al., 2002; Morrison, 2003; Riley et al., 2013; Sen, 2016; Smith, 2005; Tischler, 2008; Thoburn, 2015; Vostanis et al., 1998; Vostanis et al., 2001). Substance misuse difficulties may also be a factor (Gaubatz, 2001; Hill et al., 2002; Morrison, 2003). For families with no recourse to public funds, their needs are complex in the sense of the precariousness of their entitlements to social assistance. However, in distinction to other homeless families described above, their contact with children's services is likely to be a direct function of their destitution and homelessness arising from their immigration status, rather than arising from wider family difficulties (Dickson et al., 2020; Farmer, 2017). Which families with no recourse to public funds are eligible to what forms of public support can be legally complex. There is evidence that social workers are sometimes illegally denying such families statutory social work support under s.17 to which they are entitled through unlawful gatekeeping, knowingly or otherwise (Dickson et al., 2020; Farmer, 2017). Farmer's work (2017) documents how some destitute and homeless asylum seeking parents were on the one hand denied support, and on the other threatened with their children's placement in out-of-home care, when seeking housing support from children's services.

Whatever the reason for family homelessness, the evidence clearly shows that child and parental mental health is likely to deteriorate during time waiting in temporary accommodation, and physical health is also likely to be poor, especially since this is often insanitary, overcrowded or, in some cases, in premises where other tenants can pose

safeguarding risks (Burton et al., 1998; Croft et al., 2021; Karim et al., 2006; Pennington and Garvie, 2016; Smith, 2005). It is also important to recognise that issues of overcrowding and poor housing quality may affect families and children's development even where housing is 'stable' (Harker, 2007). There is likely to be a relationship between homelessness and poor housing quality. The latter means families are more likely to become homeless. And, parents in temporary accommodation will often make compromises as to what permanent housing they will accept to escape homelessness (Tischler 2008; Walters and East, 2001). Equally, there may be families living in unsatisfactory but stable accommodation whose housing needs are overlooked by agencies (Clements, 2018).

Particular consideration needs giving to children's schooling in terms of continuity and support to travel to and from school from temporary accommodation (Burton et al., 1998; Gaubatz, 2001; Morrison, 2003; Stuttaford et al., 2009). Burton et al. (1998) reported that of primary aged children whose families had made multiple housing moves, more than half had experienced at least one school move. Stuttaford et al. (2009) notes that schools are a site for routine health promotion and prevention initiatives such as vaccinations and nutrition programmes which homeless children miss out on if they are not in school.

The need for pro-active support for families while they are still in temporary accommodation is also emphasised as a mechanism for supporting future tenancy stability (Hill et al., 2002; Morrison, 2003; Walters and East, 2001). There is also evidence that both families can successfully achieve resettlement/tenancy stabilisation through problem-focussed coping strategies and support (Hill et al., 2002; Karim et al., 2006; Tischler, 2008; Tischler and Vostanis, 2007). However, there is evidence that many families will again become homeless again within a year of rehousing (Vostanis, 2002; Walters and East, 2001). The need for post-rehousing support is emphasised to avoid this (Gaubatz, 2001; Karim et al., 2006). In particular it is noted that there is evidence that difficulties in parental mental and emotional well-being tends to endure after rehousing, even if they lessen (Karim et al., 2006; Tischler, 2008; Vostanis et al., 1998; Vostanis et al., 2001). The 21 mothers in Tischler's (2008) study who had

been rehoused after living in temporary homeless accommodation, welcome the freedoms of moving from temporary accommodation but also expressed reservations about their new housing, including issues of social isolation and concerns about crime in their new localities: this tied in with them accepting offers of housing which were they felt less than ideal but which allowed them and their children to exit temporary accommodation.

5) Proposed Practice and Policy Developments

It has been noted that at policy and service levels in the UK family homelessness too often has been defined solely as a housing issue, ignoring the complex underlying needs of homeless families (Gaubatz, 2001; Tischler and Vostanis, 2009). Tischler (2008) notes the need for improvements in the services available to families in hostels. Unsurprisingly, given the complex and multiple needs of many homeless families the need for multi-disciplinary responses to these needs are suggested with the key agencies in this regard noted to be mental health professionals, housing workers, social work, education and the Police (Gaubatz, 2001; Karim et al., 2006; Vostanis et al., 2001). Intensive service support while families are temporarily housed has been found to be of value (Anderson et al., 2006; Morrison 2003) while Gaubatz (2001) also argues for adding an intensive service component to programmes provided to families who are 'homeless-at-home'. Gaubatz (2001) suggests that the range of support to homeless families should include: professional counselling to assist families with problem-solving; peer counselling and support; housing search assistance; assistance with rapid school placement for children; after-school and weekend activities for children of all ages; individual tutoring services for school-age children; therapeutic and parenting groups; money management support; vocational and literacy and numeracy skills groups for adults; substance misuse programmes and support; general medical services; day care; and, financial assistance for deposits and other costs needed to access private rentals.

Services need to recognise that homeless families are a mobile group (Anderson et al., 2006): families often face difficulties accessing mainstream services because of their homeless status. Those providing therapeutic support need to be prepared to work with homeless families in

flexible ways and dovetail with existing mainstream support (Tischler et al., 2009). The need for post-rehousing support is also emphasised (Karim et al., 2006; Tischler, 2008) to address ongoing tenancy and support needs is emphasised and to reduce the risk of future homelessness. Similarly, the need for support for families facing eviction is highlighted (Hill et al. 2002; Sen, 2016).

Broader systemic and policy recommendations include that health visitors have a notification system for the arrival of temporary homeless families into their area, allowing them to identify and support them during their time in the area (Riley et al., 2003). Vostanis (2002) notes the problem with the lack of local and national coordination in developing services for homeless families. He advocates a national mechanism for advising, monitoring and coordinating local forums, and a national database on those who are homeless and services to support them. In terms of housing provision, Gaubatz (2001) argues for the better use of vacant housing and the private rental sector, as well as building sufficient affordable housing to meet social need.

6) Literature Review Concluding Comments

In summary, there is a gap in contemporary research regarding families who are waiting for secure housing while also in receipt of children's services in the UK. The evidence there is suggests two discrete categories of families waiting for secure housing with whom children's services are likely to be in contact. The first are families in pre-existing contact with children's social services, for whom family homelessness is a manifestation of wider underlying family issues and other social needs. Here, advocacy with housing providers to obtain secure and suitable housing, support around tenancy management, as well as work to address the family's underlying social needs is required. The second are families subject to no recourse to public funds who tend to approach children's social services as they are destitute, homeless and barred from accessing many other forms of social assistance, including public housing. For both sets of families, long periods waiting in temporary housing leads to further difficulties developing, particularly mental health needs. Effective support should be multi-agency and holistically consider a family's underpinning social needs, as well as their direct need for secure accommodation.

Survey

This section provides a summary of responses to the member survey circulated via BASW England in late 2020/early 2021. The survey was online and anonymously completed, comprising 16 obligatory closed questions and 9 optional open text questions. Thirty-eight BASW England members completed the survey. The majority were in direct practice roles (hereafter 'social workers'), five were in practice leadership roles, seven in management roles and there were also two student social workers. Six were in 'other' roles which included a Child Protection Conference Chair and a practitioner in an 'early help' family support role. The vast majority worked in local authority children's services (see Table 1).

Table 1: Respondents' Settings and Job Roles

Type of setting	Number	Job Role	Number
Local authority children's services	4	Main Grade Social Worker	16
Other	3	Other	6
Voluntary sector	1	Locality manager / other middle manager	4
		Team leader / practice consultant	4
		Senior Manager	3
		Newly qualified social worker	2
		Student social worker	2
		Principal social worker	1
Total	38		38

Table 2: Is Family Homelessness a Major Factor or a Contributory Factor to Children's Entry into State Care?

	Major Factor %	Contributory Factor %
Much of the time	5	13
Sometimes	42	58
Rarely	39	16
Very Rarely	11	13
Never	3	0

Respondents were asked whether or not, based on their direct practice experience, family homelessness was a 'major factor' or a 'contributory factor' in children's entry into care. The modal answer in each case was 'Sometimes' but less emphatically so for homelessness as a 'major factor' (42%) rather than as a 'contributory factor' (58%). In only one respondent's experience (R8, A Team Leader/Practice Consultant) had homelessness never been a major factor in children's placement in care. It had never not been a contributory factor for any respondent. Overall, this was suggestive that homelessness as a notable practice issue in children coming into care for respondents, but not the pre-eminent one.

Out of the 13 pre-given reasons for family homelessness, the most common in respondents' experience were the lack of appropriate social housing and domestic violence (82%). The only reasons for family homelessness which a minority of respondents had experienced were a child's behaviour problems, and community harassment (*Table 3*). A lack of suitable social housing for larger families, families with disabilities and issues arising from Universal Credit and families being subject to 'no recourse to public funds' were also all majority experiences (*Table 4*). The answers to these two questions may perhaps indicate that structural level factors were more common underpinning factors of family homelessness in respondents' experiences. Rather than any one single overriding factor, though, the responses are suggestive of the complexity of family homelessness, with interplays of structural, policy/legal and family-related reasons resulting in family homelessness coming to the attention of child and family social workers.

Table 3: Reasons for Family Homelessness

	Yes %	No %
1 The lack of appropriate social housing available	82	18
2 Domestic violence	82	18
3 Deemed 'intentionally homeless'	79	21
4 The impact of No Recourse to Public Funds	76	24
5 Poor tenancy management by the parents	76	24
6 The lack of support in finding alternative accommodation which exists	74	26
7 Parental alcohol or substance misuse	74	26
8 Parental mental health difficulties	74	26
9 Problems accessing adequate welfare benefits	66	34
10 Anti-social behaviour by the family	63	37
11 Private landlord ending tenancy (not due to family behaviour)	55	45
12 Child behavioural problems including youth offending	47	53
13 Community harassment of the family	39	61

Table 4: Have social housing shortages of the following kinds affected families with whom you have worked?

	Yes %	No %
1 A lack of social housing for larger families (4+ bedrooms)	82	18
2 Inability to access social housing due to Universal Credit roll out or No Recourse to Public Funds (NRPF)	79	21
3 A lack of adapted social housing properties for families affected by physical disability	61	39

There was unanimous ‘agreement’ or ‘strong agreement’ to statements that: ‘it should be clear agency policy that local authorities must fully explore all alternative options to children being placed in state care when homelessness or acute housing problems are one of the major factors in the family’s difficulties.’ This comment was illustrative:

Homelessness should never be the sole reason for a child to come into the care of the local authority. (R 23, Locality Manager)

There was majority agreement (66%), with a statement that ‘It is part of an allocated child and family social worker’s role to support families in their application for temporary accommodation’ (see Figure 2, below). In open text comments there was a mixture of views. Some saw advocacy with housing providers as part of the social work task:

We would always be advocating for the family with housing and telling them about the impact on the children of any housing problems. (R,14, Social Worker)

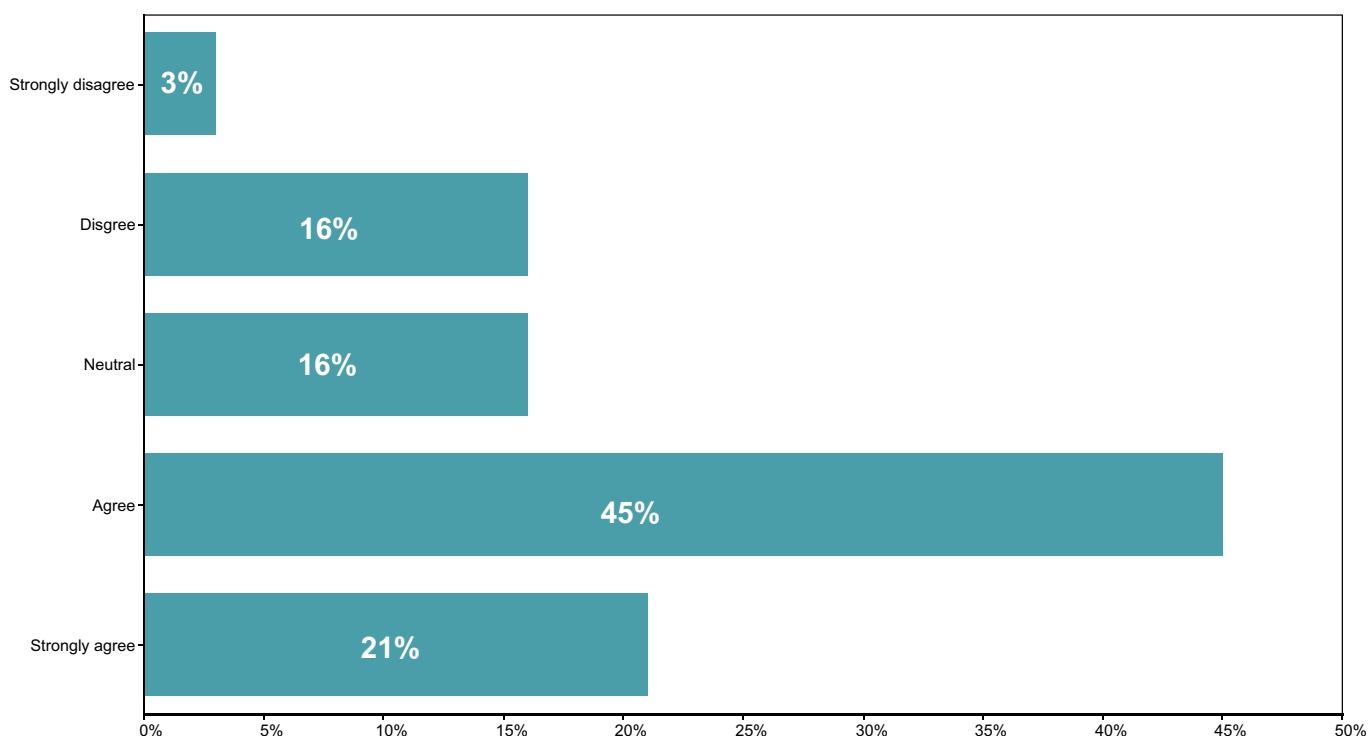
By contrast, the most common theme in related open text comments – across respondents who both agreed and disagreed with the statement – was that this was not a core part of a child and family social worker’s role. Nonetheless, it was one that some social workers reported undertaking due to the lack of alternative support mechanisms for homeless families:

This does happen however this is not because I feel that it is the role of the SW but because there is no other service that would support with this, therefore [it] becomes part of the role which is not really the expertise of the SW. (R,19 Social Worker)

It is part of a social worker’s role to advocate for the families to be supported to have appropriate temporary housing. However, it should ultimately be the role of housing to identify and support with these applications. (R 37, Social worker)

Yes- but there is so much for LA SW teams to do, they need support to make this achievable. Better relationships between housing and SW teams could make this more straightforward and joined up. (R7, Children’s Guardian)

Figure 2: It is part of an allocated child and family social worker’s role to support families in their application for temporary accommodation



Similarly, there was minority disagreement with a statement that ‘child and family social workers should make use of statutory family support measures (s.17 Children Act 1989) to assist homeless families’ (76% agreement). In one open text response, a student social worker who disagreed erroneously stated that s.17 statutory family support funds could only be used ‘for providing accommodation to kids. The family accommodation issues can’t be addressed’ (R,30). The error may have reflected the respondent’s student status, but it is consistent with evidence that social workers are incorrectly gatekeeping families’ eligibility to statutory family support (Farmer, 2017; Dickson et al., 2020). Other respondents’ who disagreed suggested that, while sympathetic to the use of statutory family support funds to address family homelessness, there were organisational barriers which would prevent them doing so, commonly a lack of managerial agreement and children’s social services’ budget shortages.

A similar tension was evident in comments about NRPF. There was unanimous agreement that social workers ‘should seek to do all they legally can to support families subject to no recourse to public funds to avoid children being placed in care where a safe alternative exists’. Despite this agreement, a few of the open question responses illustrated how some respondents felt children’s services were constrained from providing these by the wider legal and policy landscape. The following response, for example, was left by a senior manager:

Ethically it is wrong to remove children due to NRPF. However, the home office system is often the cause for delay in families receiving a timely assessment. Housing depts should be made to have a legal duty to provide accommodation to families and this should not be solely down to children’s [services] (R3)

Relationships with social housing providers were commented on positively in respect of social work-housing joint work around jointly acknowledged child protection issues, and in housing providers finding housing for families where there were agreed priority housing needs matching providers’ criteria. For example:

I consider as a [child protection] conference chair that housing is well represented in our meetings at conference and are attendees at children in need and child protection core groups. They are open and supportive and provide written reports for families to explain any actions they need to follow or has been implemented. Whilst social housing [need] remains high I feel we are trying to work together as multi-agencies to resolve the hardship for families and seek solutions. (R 17, Conference Chair)

Much more problematic were situations where housing difficulties rather than homelessness *per se* combined with particular other family difficulties. A practitioner contrasted these responses as follows:

Our council housing service are usually willing to bend rules to help families to not be homeless. The help is far worse (highly inadequate) in relation to moving families who are at risk due to domestic abuse or CCE [Child Criminal Exploitation], doing repairs for families who have breached their tenancy in some way (even where not doing that is impacting on the children's health but it's the parents' fault), and parents being made homeless after their children have been removed by social care. All those areas are very common concerns and are a big problem. (R14, Social Worker)

The connection between CCE and the failure to provide alternative housing leading to children's placement in care was also mentioned as a service gap by another practitioner:

I have worked with families where their child was groomed and [via] CCE this caused conflict and risk to the rest of the children. I feel that more needs to be done surrounding Contextual safeguarding, in particular when parents feels that the only way that they can help keep their child safe is to agree to s.20 (R20, Social Worker)

Another social worker raised similar concerns about families being deemed to be 'intentionally homeless' after refusing an offer of re-housing they believed be unsuitable for legitimate reasons:

Families can be found intentionally homeless for refusing properties in areas where they fear experiencing harassment, including racial harassment/hate crimes. This needs to be challenged and addressed as a cause of homelessness (R5)

Concerns were also specifically raised about the poor quality of temporary accommodation offered to those families fleeing domestic violence and its role in increasing family stress and parenting difficulties:

Often I see mothers (and fathers) who have fled DV being placed in inadequate temporary accommodation, with isolation and lack of facilities adding to the stress & trauma they have already experienced. This can contribute to the inadequate parenting for the child. Housing can be impossible to work with in addressing these issues (R2, Social Worker).

These comments, then, suggested a marked difference between respondents' positive experiences of social housing providers finding a tenancy for a homeless family who met priority housing criteria, and a refusal to re-house families, desist from evicting them or facilitate essential repairs where parents did not. The increased family stress leading to further parenting concerns arising from the wait for adequate and secure housing is clear from Respondent 2's comment, though the explicit connection to children's entry into care is not made. Another two respondents did make that connection, reflecting that, in their practice experience, a lack of pre-emptive support for families to address housing issues had led to a child subsequently being placed in out-of-home care. In the words of one of them:

Families are often at the point where they have no choice but to voluntarily accommodate their children. This should not be because of homelessness which very often is not their fault. (R, 18, Social Worker)

Concluding Comments on the Survey

In this small survey sample of children's services practitioners' views and experiences, family homelessness and housing need was a notable factor in children's entry into care, but more often a contributory than a primary factor. Survey respondents unanimously agreed that children's social services should explore all alternatives to placing a child in care where family homelessness was a substantive issue. The survey data did not provide evidence that children are being placed in care only due to homelessness or housing need in respondents' own practice experience. However, respondents open text answers did suggest pathways by which housing need could, indirectly, lead to children being placed in out-of-home care. These were on the one hand situations where the housing department did not view families as being in priority need for re-housing, or where the temporary accommodation offered was inadequate. Respondents identified that there were considerable difficulties in securing family housing moves when Child Criminal Exploitation and Child Sexual Exploitation were issues; and, also when families were living in damaged properties, where the family was deemed culpable for the damage. Families being refused alternative offers of re-housing after refusing an initial housing offer due to fears of racism or other harassment, and families fleeing domestic violence being placed in inadequate temporary accommodation that increased family stress were also raised as service shortcomings for families with housing needs. Respondents who raised these issues identified that the failure to provide better housing support in such circumstances increased family stress and parenting difficulties. A small minority also expressed that such stress and difficulty could lead to children's later placement in care.

Case Studies

Case Study 1 – Family homelessness, UK citizens

Qiraat and Tariq live in a 3 bedroom privately rented property with their 4 children – girls aged 15 and 4, and boys aged 10 and 5. They are all UK citizens. They have lived there for six years. Both parents work in poorly paid, temporary employment in the service sector, interspersed with periods of unemployment. When both parents are out of work, their housing benefit is £200 per month short of their rent. This has led the family to accumulate close to £2000 in rent arrears in the last year. Approximately 18 months ago, the property started to show problems with severe damp in the girls' shared bedroom, leading to respiratory problems for both children. Repeated informal requests to the landlord failed to resolve the issue. The landlord would often hang up the phone claiming that they could not understand the parents' accents. However, the parents did not wish to pursue a formal complaint given they were in rent arrears and feared eviction. As a result, the children are now all sleeping in one bedroom. The family have made a homeless application to their local authority on the basis that they are overcrowded and that their current accommodation is uninhabitable due to damp. They received a "not homeless" decision from the local authority housing department who state that they have a secure tenancy which is suitable for the family's needs and that if they are claiming the property is uninhabitable they need to formally follow up any complaints in respect of their landlord, and provide written evidence of their landlord's failure to address the damp problem. A local authority child and family social worker from the Children with Disabilities Team has recently become involved with the family following the health visitor's concerns that their youngest child, Fatimah, who has Down's syndrome, was not being properly fed. She is in the lowest decile for the height and weight of children in her age group, and was recently diagnosed as being anaemic. The health visitor's referral had included the view that Fatimah was being neglected.

How should children's services respond? The information below, presented using the *Communication, Action, Advocacy, Support and Recording (CAASR)* may be helpful in thinking this through.

Communication

The parents clearly recognise the unsatisfactory nature of their current accommodation and their reluctance to make a formal complaint against their landlord should be explored with them. They may not be aware that their landlord cannot simply evict them. The landlord must first either issue a 'section 21 notice' if the family's fixed term tenancy is coming to an end, or a 'section 8 notice' where the landlord has other grounds for eviction, such as rent arrears. Where a landlord issues a 'section 8 notice', the family have the right to dispute it, and were they do so, the landlord could only regain possession of the property after gaining a court order.

Action

There is a strong case that not only Fatimah, but all the children are 'children in need' under s.17, given the housing situation likely impact on all the children's health and development, as well as the fact that the older siblings have a sibling with a disability – the local authority must, at the very least, assess whether the older siblings are also 'children in need'. The health visitor's view about Fatimah's neglect requires further exploration to see what basis there is for this concern. This assessment could also be undertaken within the remit of statutory family support measures provided by s.17. Anti-poverty practice (see BASW and CWIP, 2019) indicates that the family's poverty and poor

housing, and the contextual influences on the parents' reluctance to take more formal action against their landlord, should be taken into consideration in shaping children's services initial responses to the family.

Advocacy

The family are entitled to all welfare benefits available to UK citizens and it would be worth referring the family to a welfare rights officer to ensure they are getting all the benefits they are entitled to, at the correct rates. At the time of writing, welfare benefits to which the family may be entitled include: Housing Benefit, Council Tax Benefit, Universal Credit and free school meals for all of the children. The parents may also be able to claim Disability Living Allowance to help with Fatimah's care and mobility needs. The social worker should support the parents to appeal the Housing Department's decision. The parents have an automatic right to request an internal review of the Department's initial decision, but only have three weeks to do so, so acting quickly is required. The family should be considered homeless by the Local Authority if it is 'unreasonable' for them to continue to occupy their accommodation (s.175 (3), Housing Act 1996). The question of whether it is 'unreasonable' is subject to interpretation. However, the family have a strong case. Given that there are two people over 10 years of age, of different genders, sleeping in the same room, the property is overcrowded by law, if it is accepted that the third bedroom is uninhabitable. There is also at least one 'child in need' living in the property, and therefore the local authority has a duty to promote and safeguard their welfare. Section 17.5 of the government *Homelessness code of guidance for local authorities* (DLUHC) (2021) states that housing authorities 'need to consider carefully the suitability of accommodation for households with particular medical and/or physical needs.' The allocated social worker making these points clear to the Housing Department, with the parents' permission, should assist the Housing Department when reviewing their initial decision.

Support

The social worker could assist the parents to access a Shelter team and/or other voluntary sector organisations, such as a Citizens Advice Service office and local law centres, which may be able to further assist the family with the issues relating to the rent arrears and housing appeal. The Citizens Advice Service may also be able to undertake a benefits check to ensure that the family is getting all to which they are entitled if this service is not provided by the local authority, or the parents prefer to access this service from outside the local authority. The social worker should also discuss what wider supports the family currently have with the parents. The social worker could, with the parents' consent, facilitate the family's links to community groups run by community members with whom the family may have some common connection – for example, these might be groups run by members of the same faith group, by community members of the same ethnicity, or support groups for parents of children with Down's syndrome. Such links could provide additional sources of social support and advice for the family.

Recording

The family's housing situation should be clearly recorded in case notes and any written assessments as an unmet need impacting on the children's welfare and the family's functioning. If consideration were later to be given to statutory measures of care or supervision for the children, then the issue of the family's housing should be highlighted as a highly significant contributory factor to the family's initial difficulties. Case files should be audited on a periodic basis to provide an amalgamation of presenting housing issues for families accessing support from the children's services teams in the local authority.

Case Study 2 – Family homeless where there is no recourse to public funds (NPRF), developed with input from Project 17

Lillian is originally from Nigeria. She came to the UK a decade ago on a student visa to study for a degree in computer engineering, and shortly afterwards met Peter, a Nigerian national, and started a relationship. Peter has no leave to remain in the UK. Nine years ago Lillian gave birth to Jennifer. Peter worked in manual jobs illegally to support the family financially. Lillian's student visa expired eight years ago. Lillian remained with Peter until the relationship broke down eighteen months ago, as a result of domestic violence. At this point, she and Jennifer moved into her close friend Diana's flat in Greenwich – Lillian and Diana met on their degree course. Jennifer goes to school in the neighbouring borough of Lewisham. They stay in Diana's one bedroom flat, which is already occupied by Diana and her two young children. Diana works in a decently paid job and gives Lillian £40 each week for food and other essentials. Last year Lillian sought immigration advice and applied to the Home Office for leave to remain on human rights grounds. The application has not yet been decided. Two months ago Jennifer's school became concerned. Her attendance had fallen to 65% and the School Attendance Officer reported they were unable to get hold of Lillian. Jennifer is academically bright, but when in school was found to be taking food from other children's lunch boxes and her form teacher was worried about her access to food outside of school. The head teacher referred Jennifer to children's services after Jennifer's form teacher made several attempts to speak to Lillian, but Lillian would refuse to engage with her. The social worker visits the family at Diana's home - it transpires that Diana and Lillian have fallen out. Diana has told Lillian that the flat is too crowded and that she needs to leave within the next month. Diana has also stopped giving Lillian money as she says she can no longer afford it. The social worker believes that, based on Lillian's presentation, she may be struggling with mental ill health.

How should children's services respond? The information below, presented using the *Communication, Action, Advocacy, Support and Recording (CAASR)* may be helpful in thinking this through.

Communication

It is apparent that Lillian is currently struggling. Exploring Lillian's support options with her, the concerns about Jennifer's well-being and her own mental health is important. If the social worker believes that there is clear evidence that Lillian may have a mental illness then they can refer Lillian to adult social work services for a needs assessment under the Care Act, 2014. Where an individual is homeless or destitute then emergency support may be provided whilst this assessment is being undertaken.

Action

Local authorities can provide accommodation and financial subsistence to families with children 'in need'. Notably, as the family does not have an income, Jennifer is missing out on meals and is unable to afford the transport costs to and from school. Jennifer is unable to maintain a reasonable standard of health or development without provision of services from the local authority and therefore should be considered as a 'child in need' under s.17. The family has been asked to leave their current accommodation. They are not entitled to access public housing as a family with no recourse to public funds. As they have no alternative housing options, the family will be left street homeless and destitute without support from children's services. Unless there are safeguarding concerns relating to abuse or neglect – and these are not evident from the case study description – then children's services support should be provided to the family together under s.17, and Jennifer

should not be taken into care via s.20 or a court order. It should be noted that Lilian is excluded from support under s.17 by Schedule 3 Nationality, Immigration and Asylum Act 2002 as she is present in the UK without leave to enter or remain. However, s.17 support can still be provided where it would breach the family's rights under the European Convention of Human Rights due to 'inhuman or degrading punishment', contrary to Article 3. The local authority should also consider whether any human rights breach could be avoided by supporting the family to return to their country of origin. In this case, as Lilian is waiting for the Home Office to decide on an application for leave to remain based on human rights grounds, there is in fact a legal barrier to the family's return. Where an urgent need for support is identified, interim support can be provided by children's services on a 'without prejudice basis', pending the outcome of the 'child in need' assessment. As the family will be homeless within a month and currently have no income, interim support should be provided.

Advocacy

Lilian has no right to work and no access to public funds. She has applied for limited leave to remain on human rights grounds. If the family were required to leave the UK, they would have to forfeit their immigration application. Notably immigration law is complex and only regulated immigration advisers are able to legally provide actual immigration advice, therefore the social worker facilitating Lillian to access a charity specialising in working with families with 'no recourse to public funds', and qualified legal advice, is important if Lillian has not already done so. People with NRPF can apply for legal aid funding to help with legal costs if this is available for the type of claim they want to make or matter that they need advice about. However, legal aid is available for very few immigration matters. At the time of writing, legal aid is available for the following issues: Asylum applications; detention; applying for indefinite leave to remain after relationship breakdown due to domestic violence or an EU citizen applying to stay after domestic violence; applying for leave to remain as a victim of trafficking; proceedings before the Special Immigration Appeals Commission (SIAC); and, applications for asylum support (if the application is for housing and financial support).

Support

The social worker should explore what other supports Lillian and Jennifer have in the wider community and consider supporting her to make additional links with relevant community groups or supports, should Lillian wish for this. Such links could provide sources of social support and advice. Children with NRPF can receive state school education whilst they are of compulsory school age. The social worker could liaise with the school, with Lillian's consent, to see if Jennifer is entitled to free school meals. These are available for all children in reception, year 1 and year 2. In some local authorities they are available for all children in primary education. They are also available for the children of adults in receipt of certain welfare benefits and asylum support. The social worker could also ensure Lillian has up to date information on her benefit entitlements from an individual or organisation with specialist knowledge of working with families with NRPF. At the time of writing, individuals subject to NRPF may still be able to access contributions-based benefits, such as the New Style Jobseekers' Allowance and New Style Employment and Support Allowance, as they're based on the national insurance contributions made over the previous two tax years. Someone else who has recourse to public funds could also claim child benefit on Lillian's behalf – this should be another adult that the child lives with, or someone who pays money or in-kind support for the child's care. At the time of writing, child benefit is £21.05 per week for the first child, and a further £13.95 for any other children claimed for. It may also be worth exploring whether Lillian wishes to pursue child maintenance from Jennifer's father. There are no restrictions on seeking child maintenance when both parents and a child are 'ordinarily resident' in the UK. In practice, non-voluntary child maintenance is very difficult to get without a National Insurance number, but it is possible.

The social worker could also ensure the family have up to date information on their health entitlements. Primary care, which includes GPs, NHS walk-in centres and pharmacists, can be accessed by everyone, regardless of their immigration status, hence this is available to Lillian and Jennifer. However, there may be charges for things like prescriptions and dental treatment, though this is dependent on income rather than immigration status. Some types of secondary healthcare are

also exempt from charging and are therefore provided free to everyone. These include: A&E services up until the point that the person is accepted as an in-patient; the "NHS 111" telephone advice line; and treatment of a physical or mental condition caused by torture, female genital mutilation, domestic violence or sexual violence when the patient has not travelled to the UK for the purpose of seeking such treatment. Since October 2017, NHS Trusts have been legally obliged to charge for other treatment. However, treatment which is urgent or immediately necessary must be provided without requiring payment upfront.

Recording

The family's housing situation should be clearly recorded in case notes and any written assessments as an unmet need impacting on Jennifer's welfare and the family's functioning. The reasoning for any decision not to provide s.17 support should be given. If any consideration were later to be given to statutory measures of care or protection for Jennifer, then the issue of the family's housing should be highlighted as a contributory factor. Case files should be audited on a periodic basis to provide an amalgamation of presenting housing issues for families accessing support from the children's services teams in the local authority.



Policy Recommendations

We refer the reader back to the start of this document for practice recommendations. In terms of wider policy recommendations:

- Firstly, we join Clarke et al. (2017) in calling for the Government to regularly upgrade Housing Benefit so that it keeps pace with inflation and local rent levels so that families on low incomes can access appropriate housing without amassing rent arrears.
- Secondly, we suggest that the Government should consider amending the 'SSDA903 - Children Looked after Return' and other national data returns on family contact with children's services in England (see DfE 2021a; 2021b) such that they capture family homelessness and inadequate housing as reasons for children's service contact and children's entry into care. For the SSDA903 return, this will entail allowing social workers to record multiple reasons as to why a child is entering care.
- Thirdly, we urge the Government to implement one of its Conservative predecessor's promises to end 'no-fault' evictions in England and Wales under s.21 of the Housing Act (1988). These evictions have been prohibited in Scots law since 2017. Such a development would help provide greater security of tenure for private sector tenants.
- Finally, we note that there is overwhelming evidence that a national strategy for housing is needed that seeks to address the current shortage of housing, particularly social housing, for those who need it. A priority within this should be to ensure that families with children are not housed in temporary Bed & Breakfast accommodation any longer than absolutely necessary.

Conclusion

This guidance reflects the fact that housing and family homelessness is an important but complex issue within social work practice - a finding supported by the practice experiences of a small sample of children's services practitioners in England. The survey data, alongside wider evidence, also suggest that the issue of family homelessness is currently neglected within contemporary social work research and policy development in the UK. Families who are homeless or in housing need are caught within the shadow of two overriding constraints: on the one hand a structural shortage of quality secure housing; on the other, the fact their needs are complex either due to their underlying social needs, or strict limitations to their social assistance entitlements as families with no recourse to public funds. Despite these twin constraints, social work practice has an important role to play. It can make a difference to families with housing needs by providing, or facilitating a pathway to, housing advocacy, advice and support. Most importantly of all, it can maximise families' access to s.17 statutory family support so that families can be supported to stay together wherever this is safely and practically possible.

Further sources of information and advice

The Citizens Advice Service provides a range of information including on benefits, debt and money, housing and immigration. Their services include in-person advice to members of the public. They have offices throughout England: www.citizensadvice.org.uk

The No Recourse to Public Funds (NRPF) Network is a national network set up to safeguard the welfare of destitute families, adults and care leavers who are unable to access benefits due to their immigration status. They provide a range of guidance, free resources on NRPF and specialist training for professionals: www.nrpfnetwork.org.uk

Project 17 works to end destitution among migrant children by working with families experiencing exceptional poverty to improve their access to local authority support. They offer specialist training to professionals and resources around NRPF. They also provide telephone advice lines for both professionals and members of the public. The advice lines are generally open Monday-Friday, 10am-5pm: www.project17.org.uk

Shelter is a large national charity that specialises in providing advice and supporting around housing need and homelessness. Their website provides a range of information, including on housing entitlements and law. In addition they offer an emergency phone line for those who are homeless, as well as an online housing advice service and web chat via their web site: <https://england.shelter.org.uk>



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