

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

DR ROBIN SEN, DR JOE SMEETON, PROF. JUNE THOBURN AND PROF. JANE TUNSTILL  
UNIVERSITIES OF EDINBURGH, SHEFFIELD, EAST ANGLIA AND ROYAL HOLLOWAY

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BASW England

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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

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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 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 accommodation 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!

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.

*Dr. Angie Bartoli, Vice Chair BASW England*  
*Dr. Andy Gill, Chair of BASW England*  
*Maris Stratulis, Director, BASW England*  
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 close consideration should be given to placing 16- and 17-year-olds 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 England 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.





# 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.





## 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](http://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](http://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](http://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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