

Consultation event report

Meeting the best interests of children facing homelessness guidance

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Summary

- This report highlights the main points raised at a half-day event run by Shelter to consult on the Scottish Government's draft guidance on meeting the best interests of children facing homelessness.
- The event was well attended with 23 participants from across the housing, homelessness, health, advice, education and children's sectors.
- The group raised a range of suggestions and questions related to how to improve the guidance, which can be broadly grouped into the following themes (in no particular order):
 - Structure and layout of the guidance
 - Children are a diverse group with differing needs
 - Reinforce corporate responsibility and multi-agency approach
 - Greater focus on prevention
 - Role of parents in meeting children's best interests
 - Child protection
 - Working together and taking responsibility
 - Assessment
 - Information sharing and confidentiality
 - Taking children's views into account
 - Dealing with conflicts of interest
 - Provision of accommodation.

Introduction

In March 2009, the Scottish Government published guidance on meeting the best interests of children facing homelessness, in draft format. A final version will be produced following a consultation process that ends on 5 June, 2009.

Shelter, with the support of the Scottish Government, ran a half-day consultation event to provide an opportunity for staff from the housing, homelessness, social work, health and education sectors to comment on the draft guidance. The principle objective for the session was to form an opinion on how to ensure the guidance is a useful aid for staff in meeting their duties to act in the best interests of children facing homelessness. The session was well attended by 23 participants from a cross-section of public and voluntary sector services. A list of participants can be found in the appendix. It was a productive morning and in general there was a consensus of opinion on ways to improve and strengthen the guidance.

This report pulls out the main themes from the discussions, as understood by Shelter. It is not representative of any individual organisation's views.

How to improve the guidance

Structure of guidance

Target audience

The group felt that the guidance in the introductory section needs to clarify who the target audience is and who can help meet the best interests of children. It needs to more explicitly outline that the audience of the guidance reaches beyond housing and homelessness services, and that involvement from a wide range of local authority services, housing associations and other voluntary organisations is necessary to act in the best interests of children facing homelessness.

Purpose of document

The guidance would benefit from more information in the introductory section on the background and context of the guidance, for example state it is an addition to the Code of Guidance, include how it should be used by local authorities, and why additional guidance on the best interests of children is believed to be necessary. See for example the scope and purpose section of the Prevention of Homelessness Guidance.

Integrate examples

The guidance needs to focus more on *how* to implement local authorities' duties towards children by integrating practical examples into the relevant sections. These need to be examples that are known to work and be of a good standard.

While important to stress that work needs to happen at different levels to meet the best interests of children, rather than treat it as a separate issue (see paragraphs 48 – 50), it would be better to include examples of what is needed at the various levels to meet children's best interests under the sections on assessment, taking account of children's interests, preventing homelessness and provision of accommodation.

Main themes

This section highlights the main themes that were raised over the session.

Children are a diverse group with differing needs

- The guidance fails to take account of the diversity of children's lives and that children are not a homogenous group.

- Children's experiences of homelessness and what is in their best interests will vary due to factors such as age, stage at school, race, disability, religion or belief and reasons for homelessness.
- It does not acknowledge the need to take into consideration the way factors such as race and cultural issues can affect children's experiences. For example, when finding suitable accommodation for a black, minority and ethnic (BME) family with children it is necessary to consider whether its location meets their cultural needs and whether they will be at risk of racial discrimination.
- Another example would be the needs of a child whose parents are separated or divorced. The child should be able to stay with either parent meaning both parents should have accommodation that allows the child to stay over night.

Reinforce corporate responsibility and multi-agency approach

- The guidance needs to emphasise that meeting the best interests of children facing homelessness is a corporate responsibility for local authorities rather than just one for housing and homelessness services. It requires a multi-agency approach.
- There is a concern that because the guidance has arisen from housing and homelessness legislation it will not be taken seriously by other sections of the local authority, for example social work.
- More work needs to be done to ensure the guidance and the needs of homeless children are given greater consideration within the Getting It Right For Every Child (GIRFEC) agenda at Scottish Government and local authority level.
- The guidance needs to include more on the importance of including RSLs such as the role they can play in providing appropriate accommodation for families with children.

Greater focus on prevention

- Greater attention needs to be paid to the role prevention can play in acting in the best interests of children facing homelessness, in particular integrated and partnership working. Early detection of problems and preventative actions are key to working in children's interests. A simple example given was making sure rent arrears letters include information on independent advice services.
- Although the guidance picks up on a few points from the Prevention of Homelessness Guidance, there was concern that this may mislead readers into thinking that what is included in the document is the extent of the prevention work that is relevant to children.
- It would be useful to divide the prevention section into the three stages used in the Prevention of Homelessness Guidance: precautionary activity (early intervention), pre-crisis intervention and preventing recurring homelessness.
- The list of risk factors of relevance to children should include previous homelessness

- It should emphasise that the prevention of homelessness duty is everyone's responsibility.

Role of parents in meeting the best interests of children

- Throughout the guidance there is no mention of the role and responsibility of parents towards meeting the best interests of children facing homelessness.
- Similarly it does not refer to the importance of supporting parents in their role as child carers and the part they can play in promoting resilience in children. Neither does the guidance recognise that a child's situation needs to be understood within the context of their parents'/family situation.
- The guidance seems to focus on the individual rights of children which seems to represent a shift in emphasis from the Children (Scotland) Act 1995 and its focus on the role of parents.
- There was a feeling in the group that often the best outcome for the family is usually the same as the best outcome for children.

Child protection

- Paragraph 40 on child protection needs to be brought forward in the document and not placed under 'preventing homelessness'.
- It should make reference to the fact that local child protection policies and procedures need to be followed, rather than advising that a national helpline is accessed.
- All staff working directly with clients should be trained in child protection.

Working together and taking responsibility

- Use the expertise of other workers such as those working with children and families. This means being able to signpost to appropriate services and not trying to be experts on everything - use experts that are there already and work together with them.
- The question was raised that while signposting is all very good where are the resources to make sure that services have the capacity to deal with the referrals?
- Joint training can lead to greater consistency of service for children, help with sharing skills and can help raise awareness of the impact of homelessness on children among participants.
- Care needs to be taken that shared responsibility does not mean no-one takes responsibility. Local authorities need to be clear about who will take the lead role when a family is faced with homelessness for example when a family is homeless due to domestic abuse should housing or the voluntary organisation working with them be responsible for organising meetings and which services should get involved and when?

- Local authorities need to have a clear outline of everyone's responsibilities towards children facing homelessness.
- Education needs to be involved, in particular awareness raising about the impact of homelessness and indicators of homelessness

Assessment

- Assessing the needs of homeless children requires compatible systems and recording procedures – how in reality do you do this?
- When is the right time to consider children's needs/best interests? For example it is difficult and probably not appropriate to do an assessment at crisis point when a family is moving into emergency accommodation due to fleeing domestic abuse.
- There are issues around what information should be shared, respecting confidentiality, how do you record information in a way that means it can be easily shared with other agencies, what do families believe is shared between staff and agencies versus what is actually shared?
- Who should do the assessment (see responsibility section)?
- Assessment also needs to consider the impact of homelessness of children's emotional well-being and general health.

Information sharing and confidentiality

- These issues are inter related with those raised around assessment
- Questions raised about seeking the consent of children to share information – at what age can a child consent to information sharing or be consulted on an issue; and related complications of trying to meet with each child or dealing with parents and children who have different opinions.
- There needs to be some examples of how this could work in practice. The Amber Mediation Service, for example, explains to parents and the young person that the content of what they say is confidential, while the process is not – it is still a difficult process to manage. It was noted that Highland has some good systems in place for information sharing.

Taking children's views into account

- The methods and challenges of involving and consulting with children facing homelessness was a focus of much discussion throughout the session.
- More guidance / examples are needed to illustrate how and when to involve children, for example there was a view that crisis point is not the best time; important to recognise that the method must be age and ability appropriate to the child; and that any participation must always be voluntary – a child can choose not to contribute

- Consultation with children must not be a tokenistic paper exercise – adults need to be honest and realistic with children and their families about the choices, options and likely outcomes to avoid unrealistic expectations. For example a set of siblings may not be able to move to the same school in a new area because of restrictions in class sizes – when seeking these children’s views how is it done in a way that is respectful, not tokenistic and manages children’s expectations?
- Need to consider how children’s views will influence decisions – will their views be taken seriously – how will a child feel if it seems their views are being ignored. An example given was about a child, who, despite saying on several occasions they did not want to see their father, had contact organised between him and his father.
- It is important to be clear that listening to children’s views and taking these into consideration when making decisions is not the same as sharing responsibility with children – solving problems related to a family facing homelessness must remain as adult responsibilities. Involving children should not mean children also feel a pressure that they are responsible for decisions which are adult responsibilities.
- There was some discussion about who is responsible for consulting with children and how workers develop these skills, possibly through training. There was also an acknowledgement that there are other agencies with staff who specialise in working with children and families and that their expertise should be utilised rather than repeating the development of these skills.
- Other concerns included how to deal with situations where a parent does not want their child to be involved; causing children unnecessary concern and worry by involving them in decisions; how to handle conflicts of interests that may arise (see section on conflicts of interest); and that local authorities need to focus on the speed and sustainability of the homelessness process before trying to take account of children’s views.

Dealing with conflicts of interest / interests of the child versus the interests of others

- Currently the guidance does not touch on dealing with competing interests. It needs to acknowledge that at times the interests of children may clash with those of adults, such as a parents’, and will create dilemmas. An example would be where a child may wish to have contact with an abusive parent but this may not be in the interests of the mother or indeed the child.
- At other times what is in a child’s interest may not be feasible or realistic due to resources available.

Provision of accommodation

- The section in the guidance on providing accommodation currently does not include anything on the need to support children and their parents to settle into new accommodation and similarly the need to immediately help children to maintain links with their communities such as school, family and friends. Where this is not possible children should be supported to build new networks.
- Suggested that it would be useful to have an information resource of all activities in the local area which can provide support to children and families.
- There needs to be some practical examples and details related to providing accommodation for example positive ways to assist families moving from temporary to permanent accommodation and pet fostering schemes that are available for families with pets.
- Should include the need to involve RSLs in the provision of accommodation (and in joint training and forums), the role Section 5 referrals can play, along with examples of private sector leasing schemes that have worked to house homeless families (the Good Practice Resource Pack for Working with Private Landlords was referred to here) and how Common Housing Registers can help to meet the best interests of children.
- The guidance needs to state that it is about making the best use of the temporary accommodation available, and making sure children's best interests are given serious consideration when local authorities are making decisions about the location, type and quality of temporary accommodation.
- It needs to be realistic about the housing options approach and that it can only offer what is available. Local authorities will need to manage families' expectations of how much a housing options approach can take account of the priorities.

Other

The link to the Early Years Framework should be a direct link to the Scottish Government rather than through Parenting Scotland's website (http://www.parentingacrossscotland.org.uk/publications/2008_EarlyYears.pdf).

Conclusion

The consultation event attracted practitioners and managers from a range of organisations working with and for children and young people facing homelessness. The suggestions and concerns raised by the group highlight both the importance of such guidance to protect and safeguard children's best interests but also that further work is necessary to strengthen the guidance, and to ensure it will be implemented across all relevant sectors.