

NORTH LANARKSHIRE COUNCIL

REPORT

To: HOUSING COMMITTEE		Subject: CHILDREN (SCOTLAND) ACT 1995
From: DIRECTOR OF HOUSING		
Date: 26 August 1996	Ref: GSW/PH/JM/2	

1 INTRODUCTION

- 1.1 Further to the report submitted to the Committee on 14 August 1996 by the Director of Social Work, the purpose of this report is to advise the Committee of the housing implications contained in the Children (Scotland) Act 1995.

2 BACKGROUND

- 2.1 The Children (Scotland) Act 1995 comes fully into effect on 1 April 1997. Part II of the Act specifies the duties, powers and responsibilities of local authorities to promote and safeguard the welfare of children in need.
- 2.2 The sections which relate to housing and homelessness are outlined below.

3 HOMELESSNESS

- 3.1 Section 25(1) of the Act places a duty on the local authority to provide accommodation for any child under the age of 18 if:
- no-one has parental responsibility for him/her;
 - he/she is lost or abandoned; or
 - the person who has been caring for him/her is prevented, whether or not permanently and for whatever reason, from providing him/her with suitable accommodation or care.
- 3.2 This will impact on the way local authorities deal with homeless 16-17 year olds. At present, not all local authorities class unintentionally homeless 16-17 year olds as automatically vulnerable and therefore in priority need. The Children Act will, in effect, oblige local authorities to accommodate homeless 16-17 year olds if they fall into any of the above criteria. In North Lanarkshire, all 16-17 year olds are classed as vulnerable and therefore the Act is unlikely to have an impact in terms of the way the Council deals with homeless 16-17 year olds.
- 3.3 Section 25(1) is likely to have a greater impact in terms of the way the Council deals with a homeless application from a person with children. At present, the Council may decide that a family is homeless and in priority need but not entitled to permanent accommodation because they are deemed to be intentionally homeless. The Children Act will require local authorities to accommodate the children.

3.4 Section 22 of the Act states that, wherever appropriate, the local authority must promote the upbringing of children by their families. Therefore, if the Council only accommodate the children, in effect splitting up the family, then it would be acting contrary to the terms of the Act.

3.5 The welfare of the children involved should always be the Council's top priority therefore close liaison between the Housing Department and the Social Work Department will take place in homeless cases where children are involved.

4 PROVISION OF SUPPORT

4.1 Where a child is looked after by the local authority, there is also a duty to ensure that the child's welfare is safeguarded and promoted. Clearly it is not sufficient to provide a 16 or 17 year old simply with a place to stay, adequate support must also be provided.

4.2 Again, close liaison with the Social Work Department will be required to determine the appropriate type of accommodation and support.

4.3 The Council has 107 supported accommodation places for young, single homeless people which help equip young people with independent living skills.

5 CHILDREN IN CARE

5.1 The term 'in care' is to be replaced by the term 'looked after'. The Act recognises the difficulties faced by young people leaving residential care. The Council will be required to provide after-care services to children formerly looked after by the Council up to the age of 19 (previously age limit was 18).

6 SERVICE PLAN

6.1 The Council will be required to produce a Children's Service Plan detailing the provision of services for children in the area. The first plan is required by 31 March 1998. The Social Work Department has been given the responsibility for co-ordinating the production of the plan but it is intended that the plan will be a corporate document and therefore the Housing Department will also have a key role to play in the preparation of the Service Plan.

7 YOUTH HOMELESSNESS STRATEGY

7.1 A joint working group has been established to produce a Youth Homelessness Strategy, incorporating the provisions of the Children Act, and this will be the subject of a future Committee report.

8 CONCLUSIONS

8.1 The Children Act will affect the way local authorities deal with homelessness application from 16-17 year olds and from families with children. However, in North Lanarkshire, many of the requirements of the Act are already being adhered to:

- Liaison with Social Work Department on homelessness cases involving children.
- Homeless 16-17 year olds are classed as vulnerable.
- Supported accommodation units for young, single homeless people.

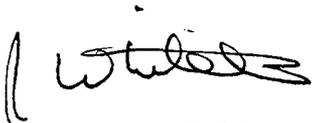
8.2 The Children Act will require a corporate approach to ensure that the provisions of the Act are fully implemented. The Housing Department will therefore work closely with the Social Work Department on the development of a corporate children's services strategy for North Lanarkshire.

9 RECOMMENDATIONS

9.1 This report is intended for information and discussion only and the Committee is asked to note the contents of the report.

10 BACKGROUND PAPERS

10.1 Available from the Housing Department.



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Director of Housing