

REPORT TO: JOINT COMMISSIONING BODY

REPORT FROM: Devon Children's Trust and Devon's Children and Young People's Services

DATE: 14th SEPTEMBER 2009

For the Joint Commissioning Body (JCB) to consider proposed actions in the light of the House of Lords ruling on R(G) v Southwark LB.

BACKGROUND

1.1 The recent House of Lords ruling on the case R(G) v Southwark LB has led to a significant change in the way 16/17 year olds who are in need of housing and support are managed.

1.2 The ruling confirmed that local authorities should presume that any lone homeless child should be provided with accommodation under s20 of the Children Act 1989, unless the child is not in the local authority's judgment a child "in need" (based on an initial screening assessment). In nearly all cases the impact of a child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the child's welfare, that the child *will* be assessed as a child "in need". Where the criteria for s20 have been met, Children and Young People's Services (CYPS) do not have the discretion to use s17 powers in order to provide alternative forms of accommodation, unless the child declines to come into care. The effect of providing accommodation under s20 is therefore that the child becomes "looked after" within the meaning of s22 of the Act.

ISSUES

2.1 CYPS is a member of the Joint Commissioning Body and a stakeholder in Supporting People (SP) funded services. The recent House of Lords ruling creates a significant financial impact for CYPS.

2.2 Without partnership support CYPS will be challenged in fulfilling its duties following the ruling, which could have a negative impact upon service providers and service users alike.

2.3 Aside from SP, the Districts may in any case have reason to charge additional costs such as rent to CYPS.

PROPOSALS

1. SP will not seek to use the House of Lords ruling to increase recharges to CYPS.
2. By using the DCC contracting infrastructure, SP can help provide CYPS with management information on the Child in Care/Care Leavers population in SP

Funded Services, which will be essential in managing the impact of the Southwark ruling.

3. With regards to possible charges to CYPS from the Districts, a separate paper will be prepared by CYPS to be submitted to the DHSG for consideration.

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