



Advice for people who are homeless about their rights to accommodation and support under the Children Act 1989

Most homeless people will go first to the Council's homelessness department for help. However, if you are not eligible for homelessness assistance or the homelessness department have decided that they do not have a duty to help you *and* you have children who live with you, then social services may have a duty to help you.

Social Services have a duty to protect children in need within their area. They have the power to do this by providing their family with accommodation (if they are homeless or at risk of harm in their home) or financial support (if they have no other money).

Child in Need Assessment

To decide what duty they have Social Services should complete a **Child in Need Assessment**. This involves asking questions about why you are homeless or without money, whether anyone has helped you in the past, whether anyone can help you in the future and what help you need to keep your children safe and well.

Human Rights Assessment

Children are never excluded from support because of their immigration status.

However, if you do not have immigration status in the country or your immigration status says that you are not entitled to public funds, then Social Services are also likely to complete a **Human Rights Assessment**. This is because the law says that Social Services cannot provide assistance to adults under the Children Act unless this support is required to avoid a breach of the adult or their child's human rights.

The Human Rights Assessment will involve asking questions about your immigration status to establish whether you are entitled to any other form of support or to see if there is any legal, practical or medical reason why you or your child need to stay in the UK. For example, if you or your child have a legal right to stay the UK, you have an outstanding immigration claim with the Home Office or any other reason why it would not be reasonable for you or your child to leave the UK.

It is important to remember that Social Services are likely to contact the Home Office for information about your status. They have a duty to notify the Home Office if they think you may be in the UK unlawfully or that you are a refused asylum seeker who has not complied with removal directions.

How to contact Social Services

Some Councils (e.g. Manchester) have a dedicated **No Recourse to Public Funds Team** at social services which you can contact directly.

For other Councils you may need to approach the relevant Social Service's Children's Team for your area.

You should be able to find out how to contact the correct team by using the Council numbers below:

Manchester:	0161 234 5000 (main Council number) 0161 227 3901 The "No Recourse to Public Funds: Team at 128 Gorton South Office, Mount Road, M18 7GS
Bolton:	01204 333 333
Bury:	0161 253 5353
Oldham:	0161 770 3000
Rochdale:	0161 253 6565
Salford:	0161 793 2500
Stockport:	0161 217 6111
Tameside:	0161 330 3818
Trafford:	0161 912 2000
Wigan:	01942 486386

If you need help urgently, Social Services should provide you with emergency support to make sure that you and your children have somewhere safe to stay and that you are able to meet your essential needs for food etc. Unless they have any reason to think that your child is not safe in your care then Social Service should not threaten to take your child into care or ask you to agree to your child being separated from you.

They can then go on to complete their assessments and make a decision about what help they will give you in the longer term.

The assistance that Social Services give you should be based on their Child in Need Assessment. The best interests of your child should be their main concern. You are entitled to see a copy of their assessment.

If you are refused assistance or do not think the assistance provided by Social Services is adequate, then you may be able to challenge the decision by making an application to the High Court for judicial review.

Legal Aid is available for homelessness advice and homelessness challenges and so you should always seek advice if you need help from a solicitor or legal advisor.