



Advice for homeless people aged 16 or 17 or care leavers under 21 about rights to accommodation and assistance under the Children Act 1989

Section 20 Children Act 1989 – The accommodation duty

If you are homeless, aged 16 or 17 and cannot live with your family (e.g. due to family breakdown or because you have come to the UK to claim asylum without your family), you can ask Social Services to help you find accommodation under section 20 of the Children Act 1989.

They will generally give you accommodation with foster carers, in a children's home or in young persons supported accommodation.

Section 23 and 24 Children Act 1989 – The leaving care duties

If you are aged 16 or 17 and were looked after by Social Services on or after your 16th birthday and for a period of at least 13 weeks since you were 14, Social Services owe you leaving care duties until you are 21, or 25 if you are still in education.

This means that if you are under 21 and are homeless, do not have recourse to public funds or the Council have decided they have no duty toward you, *or* you need accommodation with more support than they can provide, then Social Services are likely to have a duty to help you with accommodation (as well as other support).

If you are an asylum seeker aged between 18 and 21 who was in care for a period of at least 13 weeks (and the period began after you reached the age of 14 and ended after you reached 16), Social Services have a duty to give you accommodation and support and you should you not be entitled to asylum support.

It is important to remember that in certain circumstances Social Services may be required to treat you as though you were accommodated by them for 13 weeks and therefore as if they

owe you leaving care duties, even if you were not. A common example of this would be if you tried to ask for help during this time but they wrongly refused to provide it.

If you want to find out more Coram Children's Legal Centre have some very good guides and resources about Care Leavers rights and entitlements.

https://coramvoice.org.uk/sites/default/files/Sorted%20Supported_Full.pdf

<https://coramvoice.org.uk/young-peoples-zone/am-i-care-leaver>

Challenging Age Assessments

If you are a young person who has come to the UK to claim asylum on your own and either the Home Office or Social Services don't believe you about your age, you have the right to challenge their age assessment.

Greater Manchester Immigration Aid Unit can help you with this. You can contact them on 0161 740 7722, info@gmiau.org or by calling into their offices at

1 Delaunays Road, Crumpsall Green, Manchester, M8 4QS.

How to contact Social Services Children's Services or Leaving Care Teams

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)
Bolton:	01204 333 333
Bury:	0161 253 6565
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 you have somewhere safe to stay and that you are able to meet your essential needs, for food etc.

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 assessments and plans and you are entitled to see a copy of these documents.

If you are refused assistance or you do not think the assistance Social Service is providing is adequate to meet your needs, 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 so if you need help you should always seek advice a solicitor or legal advisor.