

Chapter 6: Local authority support for children and families

- 1. Sheila contacts the children's services department because she has concerns about her 14-year-old daughter, Claire. Claire has been refusing to go to school because she believes that her mother needs her to help at home. Sheila, a single mother, has two-year-old twins and she cares for her elderly mother at home. What help can you offer the family?**

The local authority should consider whether to undertake an assessment of this family under section 17 of the Children Act 1989 to establish whether Claire is in need. The authority will need to consider the criteria for being in need. If she is in need the local authority should provide services. These services are likely to be associated with family support. In addition, Sheila is also a carer and is entitled to an assessment of her needs under s17ZD Children Act 1989. If the local authority is satisfied that Sheila has need of support it must determine what support to offer. Claire is also not attending school and it is likely the school will have been involved to ascertain why Claire is not attending regularly.

- 2. Fred contacts the children's services department. He wants you to assess the needs of his three children, all aged under 10, because he is about to be evicted by his housing association for non-payment of rent and the local housing department has found him intentionally homeless. On a brief consideration of the facts, you believe that Fred's children are not vulnerable. Is there any help your department can offer Fred?**

In the case of *R v London Borough of Barnet ex parte G* [2003], the court held that homelessness was a strong indication that a child was in need. The term 'vulnerability' is not a relevant concept. In need is defined in the Children Act 1989. If the local authority assesses Fred's children as in need then they should decide what support to offer. This would normally be done under s17 and might include payment of rent arrears or in extreme circumstances by housing the whole family. This is not likely to be a permanent arrangement and the local authority will be keen to ensure that Fred is able to take responsibility for his family's housing as soon as possible. The children maybe eligible for accommodation themselves under s20, but this could only be with Fred's real and voluntary delegation of his parental responsibilities. If he is not willing to delegate his responsibilities, the local authority may not be able to provide accommodation for the children since this would most likely breach the children's rights to a family life under Article 8 of the European Convention on Human Rights.

- 3. Jameel has been living with foster parents for two years, since he was 13. He was placed there following his mother's remarriage to a man who has in the past been violent towards**

Jameel. Jameel's mother has now left her husband and would like Jameel to return to her care. Jameel does not want to return. What advice can you offer?

The potential advice to Jameel's mother is that since he is looked after under s20 Children Act 1989, she is free to resume the care of Jameel at any time. Baroness Hale considered that parents delegate parental responsibility to the local authority when their child is looked after voluntarily. By implication they can withdraw that delegation when they chose to do so. That is the straightforward advice for Jameel's mother. However, Jameel should also be advised. At 15, the law assumes that he should increasingly be considered as having capacity to make decisions for himself. A lawyer should be able to assess Jameel's capacity to dissent from being removed from care. There is no formal process for a child to consent or dissent when it comes to accommodation but clearly if Jameel feels strongly that he wants to stay with his foster carers, the local authority should consider this carefully. It maybe possible that mediation between Jameel and his mother will help to resolve the issue.

4. If Jameel's wishes are ignored and he is returned home, can he make a complaint? If he can, explain the procedure to him and the help that is available to him.

Yes, he can make a complaint. Normally complaints are made in writing. Jamal may need assistance from an advocate not only to write his complaint but to support him through the process of complaining. Most complaints procedures are set out with two or three stages so that if Jameel is not satisfied with the local authority's initial response, he can escalate his complaint so that more senior managers and ultimately elected members may respond.