

# EXECUTIVE SUMMARY

Section 17 of the Children Act 1989 ('section 17' throughout this report) is a statutory provision that provides a lifeline for thousands of otherwise destitute children every year. This safety net provision ensures that children living in the UK, irrespective of their immigration status or background, have their basic needs provided for. Predominantly, the need is for accommodation but there can also be a need for financial assistance to pay for food and other essential living expenses.

Support under this provision comes from the Children's Services of local authorities. Children's Services are under a duty to 'safeguard and promote the welfare' of children within their area who are 'in need'. The duty applies to any child, regardless of their immigration status. The support is not focussed solely on children in migrant families. However, migrant families are especially vulnerable to being destitute and having no access to any financial support or accommodation. British families will be entitled to welfare benefits and social housing and support under homelessness duties. Although the children in migrant families may be British, they cannot claim benefits on their own behalf until they are at least 16 years old.

The section 17 duty should be seen in the context of a raft of child protection legislation and guidance which has developed in the UK over the past 200 years in response to, or influenced by, the tragic deaths of children.

Housing is a key issue in child protection and poor housing and homelessness have featured in a significant number of Serious Case Reviews, undertaken when a child has died or suffered serious harm.<sup>v</sup> Evidence collected in the course of this study suggests that almost two thirds (64 per cent) of the properties provided to children in need are unsuitable and fall short of meeting the practical and emotional needs of the children and their principal carers, usually mothers. This

is contrary to a local authority's domestic and international legal obligations.

Some of the key issues around housing and the likely or possible consequences explored in this report are:

1. No provision for, or restricted access to, cooking facilities leading to children going hungry or receiving an inadequate diet;
2. Accommodation located away from the family's previous environment impacting on a child's social and educational development;
3. Severe overcrowding, infestations of vermin or insects, damp or mouldy conditions resulting in psychological problems and in the onset or exacerbation of respiratory problems such as asthma or wheezing;
4. Frequent moves, uncertainty and the lack of a stable home resulting in stress, anxiety or depression; and
5. Being accommodated in bed and breakfast accommodation or other shared accommodation with a high turnover of guests is detrimental to child welfare, especially where, some of the guests could pose a serious danger to the family.

Psychiatrist Dr Roger Kennedy stated that these problems can result in a child suffering from physical neglect at the hands of the state. In the worst cases this neglect could result in tragedies, which are precisely what child protection measures are intended to prevent. Dr Kennedy stated:

*'the usual definition of physical neglect occurs when there is a failure to provide for the development and needs of the child and this is likely to cause impairments to the child's physical and mental, moral and social health and development.'*<sup>vi</sup>

**Almost two thirds of the properties provided to families failed to meet the practical and emotional needs of the children.**

