

## **Submission to UN Special Rapporteur on Extreme Poverty and Human Rights ahead of country visit to the United Kingdom**

14 September 2018

Submitted by:

**Consortium for Street Children**

Lizet Vlamings – Advocacy and Research Manager  
lizet@streetchildren.org / +44 207 549 0218

## 1. Introduction

Despite a well-established welfare system and a continued reduction in the poverty rate in the United Kingdom (UK) over the past 20 years, 1 in 5 people in the UK live in poverty (equivalent to 14.3 million people), of whom 4.1 million are children.<sup>1</sup> For the first time in 20 years, the child poverty rate has increased; it is projected that the number of children in relative low income households will increase significantly over the next couple of years.<sup>2</sup>

One of the manifestations of childhood poverty in the UK is youth homelessness. It is estimated that in 2016/17, between 86,000 and 150,000 young people approached their local authority for help due to homelessness or a risk of homelessness.<sup>3</sup> However, a study by the London Assembly Housing Committee found that only one in five young people affected by homelessness in England and Wales reach out to their local authority for homelessness support, further estimating that thirteen times more people are 'hidden homeless' than sleeping rough in London.<sup>4</sup> They estimated that in 2014, 225,000 young people in London stayed in insecure or unsafe places because they had nowhere safe to call home.<sup>5</sup>

## 2. Links between poverty and youth homelessness in the UK

Though there are complex links between the structural and individual causes that drive young people into homelessness, research reveals that compared to other age groups, young people are more than three times as likely to have experienced homelessness in the last five years due to poverty-related factors.<sup>6</sup>

The main driver of youth homelessness in the UK is family relationship breakdown (49%) resulting from financial hardship, welfare benefit restrictions and overcrowding, all factors closely related to household poverty.<sup>7</sup> Financial hardship is often exacerbated when

---

<sup>1</sup> The number of persons living in relative low income households after accounting for housing costs. Feargal McGuinness, Briefing Paper - Poverty in the UK: statistics, House of Commons Library, 2018, p. 3, available at: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN07096#fullreport>; Department for Works and Pensions, Households Below Average Income: An analysis of the UK income distribution: 1994/95-2016/17, National Statistics, UK Government Department for Works and Pensions, 22<sup>nd</sup> March 2018, p. 8. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/691917/households-below-average-income-1994-1995-2016-2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691917/households-below-average-income-1994-1995-2016-2017.pdf)

<sup>2</sup> In particular, the introduction of the two-child limit in tax credits and Universal Credit will have a substantial impact on incomes of poor households with three or more children. Feargal McGuinness, Briefing Paper - Poverty in the UK: statistics, House of Commons Library, 2018, p. 3, available at: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN07096#fullreport>

<sup>3</sup> Homeless Link, young & homeless 2018, Homeless Link, April 2018, p. 11. Available at: <https://www.homeless.org.uk/sites/default/files/site-attachments/Young%20and%20Homeless%202018.pdf>; End Youth Homelessness survey: <https://www.eyh.org.uk/en/news/uk-public-underestimate-youth-homelessness/>

<sup>4</sup> According to the study by the London Assembly Housing Committee, young people who experience hidden homelessness do not reach out to authorities because either they are not aware about advice services, don't think those services will help them, or have had negative experiences with such services in the past. London Assembly Housing Committee, Hidden Homelessness in London, September 2017: [https://www.london.gov.uk/sites/default/files/london\\_assembly\\_-\\_hidden\\_homelessness\\_report.pdf](https://www.london.gov.uk/sites/default/files/london_assembly_-_hidden_homelessness_report.pdf)

<sup>5</sup> Ibid.

<sup>6</sup> Watts, B., Johnsen, S., & Sosenko, F, Youth homelessness in the UK: A review for The OVO Foundation, November 2015, p. 5. Available at: <https://www.ovenergy.com/binaries/content/assets/documents/pdfs/ovo-foundation/youthhomelessnessbriefing.pdf>

<sup>7</sup> Homeless Link, Young & Homeless 2018, Homeless Link, April 2018, p. 24.

caregivers stop receiving Child Benefit.<sup>8</sup> It is not uncommon that young people are forced to leave the household or experience family breakdown as a result.<sup>9</sup>

The aspect of financial strain within families has also been mirrored in other research conducted in the UK, confirming that childhood poverty is a key driver and predictor of homelessness later in life.<sup>10</sup>

## 2.1 UK welfare reforms

Welfare benefit restrictions have been shown to be one of the key drivers of family breakdown and youth homelessness. This section looks at Universal Credit and wider welfare reforms in recent years, and how this has affected young people in particular.

### Universal Credit

Universal Credit was introduced in April 2013 and implemented by a national staged roll-out which is still ongoing. Its aim is to simplify the benefit system by combining certain working age welfare benefits into one single payment. However, several studies conducted by organisations providing services for homeless people, including young people, show that administrative changes and delays under Universal Credit have negatively impacted young people's access to housing.<sup>11</sup>

Delays in Universal Credit payments can cause individuals to fall into rent arrears and be evicted from their homes. In a study by Homeless Link, 92% of service providers noted that delayed payments were having an impact on "young people's ability to access and sustain accommodation".<sup>12</sup> Other changes introduced by Universal Credit, such as housing costs paid directly to claimants, monthly payments in arrears and digitalisation also had a significant impact on young people's ability to access and sustain accommodation.<sup>13</sup>

One particularly detrimental change for young people was the removal of the entitlement to the housing cost element of Universal Credit for unemployed 18-21 year-old claimants.<sup>14</sup> Though the UK government has acknowledged the increased risk of youth homelessness caused by the removal and in March 2018 stated their intention to reinstate housing costs for

---

<sup>8</sup> Usually when children turn 16 but are not enrolled in full-time education or training.

<sup>9</sup> Homeless Link, Young & Homeless 2018, Homeless Link, April 2018, p. 24.

<sup>10</sup> Glen Bramley & Suzanne Fitzpatrick (2017) Homelessness in the UK: who is most at risk?, *Housing Studies*, Vol 33(1), pp. 96-116, available at:

<https://www.tandfonline.com/doi/pdf/10.1080/02673037.2017.1344957?needAccess=true>

<sup>11</sup> Centrepont, Homeless Link, Shelter, St Mungo's, Homelessness and Universal Credit, September 2017,

<https://www.homeless.org.uk/sites/default/files/site-attachments/Briefing%20on%20Universal%20Credit%20and%20homelessness%20Sept%202017.pdf>

<sup>12</sup> Homeless Link, Young & Homeless 2018, Homeless Link, April 2018, pp. 29-31.

<sup>13</sup> Ibid., p. 29.

<sup>14</sup> There are exemptions for vulnerable claimants, those in work or who have recently left work, and the policy applies only to those who can reasonably be expected to live in the parental home but choose not to do so.

Department of Work & Pensions, Removal of automatic entitlement to housing costs for 18-21 year olds in Universal Credit, 11<sup>th</sup> January 2018, p. 1, available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/712119/removal-of-automatic-entitlement-to-housing-costs-for-18-to-21-year-olds-in-universal-credit-ad-hoc-statistics.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712119/removal-of-automatic-entitlement-to-housing-costs-for-18-to-21-year-olds-in-universal-credit-ad-hoc-statistics.pdf)

these claimants, the relevant regulations have yet to be amended and the impact of the removal continues.

### Wider welfare reforms

Universal Credit is not the only welfare reform that has caused concern among organisations addressing homelessness in the UK. The Welfare Reform Act 2012 increased conditionality and imposed a harsh benefit sanction regime. Research has demonstrated that homeless young people face a disproportionate risk of being affected by benefit sanctions and Local Housing Allowance capping: nearly one third of homeless Jobseeker's Allowance (JSA) claimants are sanctioned, compared with an average of 3% of non-homeless JSA claimants.<sup>15</sup>

## 3. Human Rights Violations

### 3.1 The right to adequate housing and shelter

Under section 193 of the Housing Act 1996, UK housing authorities owe a duty, known as the 'main housing duty', to make accommodation available to those individuals who are considered statutorily homeless. Statutorily homeless individuals are those who are both 'unintentionally homeless' and who have a 'priority need' for accommodation.

Individuals are deemed 'intentionally homeless' if they lose their home because of something that they have deliberately done or failed to do.<sup>16</sup> In England and Wales, persons defined as being in 'priority need' are:<sup>17</sup>

- pregnant girls and women;
- parents with dependent children;
- 16 and 17 year olds;
- care leavers aged 18-21; and
- people who are vulnerable due to:
  - old age;
  - mental illness, learning disability or physical disability;
  - having served in the military;
  - having been in custody;
  - domestic violence
  - 'any other special reason'.

This means that young people aged 16 and 17 who are deemed intentionally homeless (e.g. because they did not pay their rent despite being able to afford it, or because they were evicted for antisocial behaviour) do not enjoy the same right to adequate housing as those considered statutorily homeless. In England, Wales and Northern Ireland, most single young people over 18 are not deemed to be in priority need, meaning that if they become homeless through no

---

<sup>15</sup> Homeless Link, A high cost to pay: The impact of benefit sanctions on homeless people, Homeless Link, September 2013, available at: <https://www.homeless.org.uk/sites/default/files/site-attachments/A%20High%20Cost%20to%20Pay%20Sept%2013.pdf>

<sup>16</sup> Section 191 Housing Act 1996

<sup>17</sup> Section 189(1)(c) Housing Act 1996; Homelessness (Priority Need for Accommodation) (England) Order 2002 SI 2002/2051; *Hotak v Southwark LBC*, *Kanu v Southwark LBC*, *Johnson v Solihull MBC* [2015] UKSC 30; para 8.13 [Homelessness Code of Guidance](#), Ministry of Housing, Communities & Local Government, February 2018.

fault of their own they will fall outside the criteria for statutory homelessness and their local housing authority will have no obligation to secure suitable accommodation for them.<sup>18</sup>

Certain provisions in the Housing Act require local authorities to make temporary housing available to individuals who are in priority need or whose eligibility for long-term housing has not yet been assessed.<sup>19</sup>

## Recent reforms

In 2017, the Homelessness Reduction Act was introduced, creating a number of significant changes to the statutory homelessness scheme. Among these was the creation of two new duties upon local housing authorities which apply regardless of whether individuals are intentionally homeless or deemed in 'priority need': a duty of homelessness prevention (section 4) and a duty of relief (section 5). The 'prevention' duty requires authorities to take '*reasonable steps*' to help individuals who are threatened with homelessness within 56 days. The 'relief' duty requires authorities to take reasonable steps once an individual becomes homeless.

Unlike the 'main housing duty', the duty to take '*reasonable steps*' does not extend to a duty to secure suitable accommodation for the individual. The impact of the new legislation, therefore, is that a wider range of individuals are legally entitled to support from their local housing authority, but the class of individuals that are entitled to be provided with housing to live in remains the same.

As the Homelessness Reduction Act 2017 has been in force for under 6 months, the impact of the new duties on the situation of homeless or at-risk young people in the UK is unclear.

## Application of the statutory homelessness framework to children

It is important to note that the statutory homelessness framework will not normally apply to children. Instead, there are two key provisions in the Children Act 1989 which operate to address child homelessness:

- Children and young people under the age of 18 who experience homelessness will engage the local authority (Children's Social Care Services) duty to 'children in need'<sup>20</sup> under section 17 Children Act 1989. Under section 17, the local authority is responsible for enforcing a broader duty of safeguarding and promoting the child's welfare by providing an appropriate range of services to the child.
- Under section 20 Children Act, the local authority must provide accommodation where a child in need lacks a person with parental responsibility for them; is lost or abandoned; or where their carer has been prevented from accommodating or caring for them.

---

<sup>18</sup> Centrepoin, 'Beyond Statutory Homelessness', September 2015:

<https://centrepoin.org.uk/media/1648/centrepoin-youth-homelessness-databank-beyond-statutory-homelessness.pdf>

<sup>19</sup> Sections 188(1) and 190(2) Housing Act 1996. See further detail in the Ministry of Housing, Communities and Local Government Homelessness Code of Guidance for Local Authorities (February 2018) at

[https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness\\_code\\_of\\_guidance.pdf](https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_code_of_guidance.pdf)

<sup>20</sup> Defined under section 17(10) Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable standard of health or development, whose health or development is likely to be significantly impaired, or who is disabled.

There is a significant difference between qualifying as a 'child in need' under section 17 and meeting the narrower criteria under section 20. Section 20 gives the child 'looked after' status, meaning that when the child turns 18 they will be identified as a care leaver and entitled to additional support, such as the 'main housing duty'. Unlike section 20, section 17 does not confer 'looked after' status upon a child. Unfortunately, some children are offered a choice between being supported under section 17 or section 20 without the significance of their choice being fully explained to them; in some cases, children have been actively encouraged to choose section 17 because of the stigma attached to the label 'care leaver', despite that this could reduce their access to future support upon turning 18.<sup>21</sup>

Although people with dependent children are expressly listed as being in 'priority need' under the Housing Act, children *themselves* are not and so can only qualify for the 'main housing duty' if they are 16-17 years old or regarded as "vulnerable as a result of any other special reason" under section 18(1)(d).<sup>22</sup> As such, the Housing Act provisions described above apply only exceptionally to children.

Children who engage section 20 Children Act 1989 are explicitly excluded from the ambit of the Housing Act so that Children's Social Care Services cannot abdicate their duty to accommodate children to the local housing authority. Despite this, a 2014 study conducted by Coram Voice found that enforcement of the Children Act in practice was inadequate and that children and young people found the process of seeking support with their housing difficult and confusing.<sup>23</sup> The report details a range of negative experiences as reported by the study participants: poor communication by the local authority, failures to recognise when mental health issues or practical difficulties are affecting a child's participation or behaviour during the assessment process, and decisions not to pursue cases because children are 'difficult' or 'uncooperative'.<sup>24</sup> The report also explains that Children's Social Care services often see homelessness as merely a need for immediate housing, rather than a need for support across a range of services, such as education, finance and employment.<sup>25</sup>

## Vulnerable groups

Some groups are particularly vulnerable to violations of their right to adequate housing because they are unable to access government homelessness support. For instance, asylum seekers are particularly vulnerable, as they generally have no recourse to public funds and have an interest in staying hidden to avoid risk of deportation.<sup>26</sup>

---

<sup>21</sup> Coram Voice, 'The Door is Closed', 2014, p. 30, available at:

<https://www.homeless.org.uk/sites/default/files/site-attachments/Young%20%26%20Homeless%202018%20Executive%20Summary.pdf>

<sup>22</sup> *R (G) v LBC Southwark* [2009] UKHL 26, para 6

<sup>23</sup> Coram Voice, 'The Door is Closed' (2014), pp.18-19.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*, p.20.

<sup>26</sup> London Assembly Housing Committee, Hidden Homelessness in London, September 2017, p. 7: [https://www.london.gov.uk/sites/default/files/london\\_assembly\\_hidden\\_homelessness\\_report.pdf](https://www.london.gov.uk/sites/default/files/london_assembly_hidden_homelessness_report.pdf)

### Unaccompanied minors, homelessness and trafficking

According to a recent report by The Anti Trafficking Monitoring Group (ATMG), child trafficking cases reported to UK authorities have increased by 66% between 2016 and 2017, with 2,118 minors found to be victims of trafficking in 2017.<sup>27</sup> This corresponds to 40% of all potential victims reported to authorities.<sup>28</sup> According to the National Crime Agency, the increase is due in part to a rise in reports of criminal exploitation of unaccompanied asylum seeking children.<sup>29</sup>

Whilst links between homelessness and trafficking have only recently been recognised in the UK – and evidence on these links are therefore limited – the ATMG and other organisations have seen an increase in trafficking linked to homelessness.<sup>30</sup> Furthermore, the overall increase of children in poverty has led to a rise in the number of children and unaccompanied minors who are extremely vulnerable to trafficking and exploitation.<sup>31</sup>

Cuts to public services have greatly contributed to the increased number of children at risk. Staffing numbers have reduced and services closed, whilst demand for services and the need for preventative work to tackle child trafficking has grown.<sup>32</sup>

Despite the Homelessness Code of Guidance for Local Authorities recognising that victims of trafficking or modern slavery “may have a priority need for accommodation” in line with Section 189(1) of the Housing Act (1996), this guidance is not statutory and fall short of an effective strategy to address the links between trafficking and homelessness.<sup>33</sup>

## 3.2 The right to health

For children in temporary accommodation, access to healthcare can be a challenge. Without a fixed address, it can be difficult to register with and use a GP surgery. Further, parents of children living in temporary accommodation are unable to receive important letters from the school’s health advisor, in particular information on inoculation.<sup>34</sup>

Shelter found that children in emergency accommodation cannot be considered as having a safe and secure home where they can grow and develop.<sup>35</sup> It has been associated with health risks, including dampness and mould, vermin infestations, poor heating, safety hazards and poor hygiene standards, which affect children’s health and development.<sup>36</sup>

<sup>27</sup> NSPCC, Child Trafficking – facts and statistics, 2018. Available at: <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-trafficking/child-trafficking-facts-statistics/>; Anti-Slavery Partnership, Facts and Figures, 2018. Available at: <https://www.aspartnership.org.uk/facts-and-figures>

<sup>28</sup> The Anti Trafficking Monitoring Group, Before The Harm is Done, 2018, p. 57. Available at: <http://www.antislavery.org/wp-content/uploads/2018/09/Before-the-Harm-is-Done-report.pdf>

<sup>29</sup> National Crime Agency, National Referral Mechanism Statistics – End of Year Summary 2017, 2018. Available at: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2017-nrm-statistics/884-nrm-annual-report-2017/file>

<sup>30</sup> The Passage, Understanding and Responding to Modern Slavery within the Homelessness Sector, 2017. Available at: <http://passage.org.uk/wp-content/uploads/2017/01/The-Passage-anti-slavery-document-for-web.24.01.17.pdf>

<sup>31</sup> The Anti Trafficking Monitoring Group. Before The Harm is Done, 2018, p. 47.

<sup>32</sup> Ibid., p. 48.

<sup>33</sup> Ibid.

<sup>34</sup> Kantar Public, Impacts of homelessness on children – research with teachers, 2017, p. 11. Available at: [https://england.shelter.org.uk/\\_data/assets/pdf\\_file/0011/1474652/2017\\_12\\_20\\_Homelessness\\_and\\_School\\_Children.pdf](https://england.shelter.org.uk/_data/assets/pdf_file/0011/1474652/2017_12_20_Homelessness_and_School_Children.pdf)

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.; Alex Rose & Bill Davies, Not Home: The lives of hidden homeless households in unsupported temporary accommodation in England, IPPR North, December 2014, p. 5, 20-22, 26-27 available at: [https://www.ippr.org/files/publications/pdf/not-home\\_Dec2014.pdf](https://www.ippr.org/files/publications/pdf/not-home_Dec2014.pdf)

According to Homeless Link, children who have been in temporary accommodation for more than a year are over three times more likely to experience mental health problems such as anxiety and depression compared to other children.<sup>37</sup> Up to 70% of homeless young people report experiencing mental health problems and 33% self-harm.<sup>38</sup>

Exacerbating this problem, homeless young people often face significant obstacles accessing mental health services, including long waiting lists, slow referral processes and a scarcity of specialised services in certain areas.<sup>39</sup>

### 3.3 The right to education

Homelessness can have a detrimental impact on children and young people's ability to enjoy their right to education in the UK. Homelessness can impede access to school, increasing absenteeism rates; homeless families may struggle to afford school fees and associated costs; and homeless children and young people are more prone to bullying and discrimination.<sup>40</sup>

A 2017 study conducted by Kantar Public showed that children affected by homelessness often feel an overwhelming sense of displacement, leading to practical, emotional and behavioural challenges that affect their ability to perform well in school.<sup>41</sup> Practical challenges for homeless children included difficulties keeping track of possessions and uniforms and not having a quiet place to study. Emotional challenges increased children's anxiety and stress, affecting their learning ability and behaviour, with younger children often becoming more withdrawn and older children more aggressive.

Children in unstable housing situations often relocate to new areas, requiring them to change schools. Due to difficulties in the school transfer process, primarily due to accessing school places, absenteeism from school becomes more likely.<sup>42</sup> During their absence, their advancement in reading age stalls or regresses,<sup>43</sup> resulting in negative impacts on the crucial moments in a child's educational journey. These moments are particularly influential to their long-term educational abilities as children may find it impossible to make up for lost time.<sup>44</sup>

Among young people accessing homelessness service, the most commonly identified need for support related to education and skills development. Many homeless young people indicate that a lack of skills, confidence and experience pose barriers in accessing employment.<sup>45</sup>

---

<sup>37</sup> Local Government Association, The Impact of Homelessness on Health, A Guide for Local Authorities, Local Government Association, September 2017, p.8-9.

<sup>38</sup> Ibid., p.12

<sup>39</sup> Homeless Link, Young & Homeless 2018, Homeless Link, 2018, p. 23.

<sup>40</sup> Local Government Association, The Impact of Homelessness on Health, A Guide for Local Authorities, Local Government Association, September 2017, p.8.

<sup>41</sup> Kantar Public, Impacts of homelessness on children – research with teachers, 2017, p. 3.

<sup>42</sup> Local Government Association, The Impact of Homelessness on Health, A Guide for Local Authorities, Local Government Association, September 2017, p.8.

<sup>43</sup> The Centre for Social Justice, Home Improvements: A social justice approach to housing policy, 2016. p. 31. Available at: <https://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/Home-Improvements-full-report.pdf>

<sup>44</sup> Kantar Public, Impacts of homelessness on children – research with teachers, 2017, p. 10.

<sup>45</sup> Homeless Link, Young & Homeless 2018, Homeless Link, 2018, p. 19.



## 4. Conclusion and recommendations

In summary, UK residents - and children and young people in particular - continue to be impacted by poverty and homelessness, with poverty within households exacerbating the problem of youth homelessness, and homelessness among young people further perpetuating the cycle of poverty. This has detrimental impacts to their rights to adequate housing, health and education, limiting their ability to develop to their fullest potential.

Consortium for Street Children makes the following recommendations to the Special Rapporteur:

- Visit UK-based organisations focusing on homelessness, and organisations working to eliminate youth homelessness in particular, to learn in greater depth about the acute challenges faced by young people in accessing housing and welfare benefits;
- Speak directly to children and young people, boys and girls, affected by poverty and homelessness in order to hear their views and experiences and give them a voice;
- Encourage the UK Government to conduct or commission an independent review of the human rights impact of Universal Credit, benefit cuts and other welfare benefit reforms implemented in recent years, and reverse or revise those reforms that are found to have disproportionately interfered with individuals' rights to adequate housing, education and health;
- Urge the UK Government to renew its strategy to reduce child poverty, which expired in 2017, and to consider reinstating measurable targets for the eradication of child poverty with reporting requirements, as was previously mandated in the (since-repealed) Child Poverty Act 2010;