

**Nightstop under 16s feasibility study
Executive Summary**

Report commissioned by
Railway Children

October 2015

Every year approximately 100,000 children and young people across the UK find themselves in situations where they run away or are forced to leave homes that have become intolerable due to poverty, abuse, violence, neglect and trauma within or from outside the home. Approximately 18,000 of children and young people that run away will sleep rough or will find themselves with no option other than to stay in places that are unsafe and with people who may cause further harm and exacerbate risk. (Thompson, 2014)¹

Closure of refuge provision means that most young people under 16 will rely on local authorities to provide emergency accommodation, however the provision of safe accommodation within local authorities is compromised due to funding cuts (Thompson, 2014)² Austerity measures have further impacted on services, referral criteria for services has meant that only young people with high support needs can access certain services. Ultimately this means there is a gap in provision for young people who may require only a short term intervention, breathing space and family mediation. Railway Children propose that more flexible and creative ways of providing safe overnight accommodation for under 16s should be explored, suggesting that provision such as the existing Depaul UK Nightstop Model, could be utilized to help keep children safe. Nightstop services around the UK provide emergency night by night accommodation to homeless young people aged 16 and over in the homes of vetted, trained and approved volunteer community hosts.

Railway Children have commissioned Depaul UK, specifically Nightstop North East, to assess the feasibility of developing a Nightstop service for young people aged under 16 in the UK. A Nightstop service could provide a viable alternative and extra provision preventing young people from going missing / running away and the associated risks. The creation of a breathing space within the lives of young people and their families will allow for a period of reflection, short term action planning and signposting to resolve issues in the most safe and effective way. The study will determine whether a Nightstop service can work alongside existing provision to protect young people from harm, by reducing the need to sleep rough or use inappropriate accommodation, and prevent them from going missing in the first place.

The study focused on 4 key themes:

- Legal Considerations
- Buy in from Key Agencies
- Consultation with Young People
- Potential Provision for Service Delivery

The study focused on two key local authority areas in the North East: Newcastle and South Tyneside. Quantitative and Qualitative data were collated and analysed to provide a broad view of opinion. A total of 27 statutory (56%) and non statutory (44%) agencies took part in the study and either completed an online questionnaire or engaged in direct consultation.

A total of 22 young people engaged with the study, 17 responded to the online questionnaire and 5 took part in the focus group. There was an approximate equal split of female / male young people completing the study, aged 15 – 20, with a mean age of 15.

¹ Thompson Jane (2014) *Reaching Safe Places, exploring the journeys of young people who run away from home or care* : Railway Children

² Thompson Jane (2014) *Reaching Safe Places, exploring the journeys of young people who run away from home or care* : Railway Children

Legal Considerations

Legal considerations have been a central factor in determining whether a Nightstop service for under 16s is feasible.

All those consulted have responded positively to the proposal, however, they have either highlighted concerns or have requested information around how the model would meet lawful protocols for the permitted placement of children and young people in emergency accommodation. Here you will find the comments of study participants, followed by recommendations from Carolyn Hamilton, an expert in Children's Law at Coram Children's Legal Centre.

One local authority commented that they do not have legal issues with the placement of young people with parental consent, although should such a placement be facilitated or have direct or indirect involvement with Council officers, then that placement after 24 hours would mean that the host would become subject to the commencement of the foster carer approval process, however a further referral could be made to Nightstop after a break of 2 to 3 days, this would be considered to be a new occurrence and the 24 hour window could begin again.

Our interpretation of this is that a 24 hour window would facilitate crisis intervention for young people, allowing time for mediation between families or sourcing appropriate accommodation. Further, the new occurrence protocol acts as a protective factor for those with repeat incidences of running away.

While this does not sound like a long time it is highly significant, it would allow wrap around services such as SCARPA and Social Services to facilitate a return home if appropriate. In our experience of accommodating looked after children they are less likely to need long term placements with Nightstop because of the obligation for them to have the support of a social worker to sort out that aspect of their needs.

It appears to us that agencies are working within their own interpretation of the legal framework, rather than there being a definitive common understanding of the law at present. Notwithstanding uncertainty around legal issues, agencies contacted would use Nightstop for under 16s, moreover one local authority have already identified that they could theoretically refer into the service by applying the 24 hour rule.

It appears that a Nightstop service for under 16s could be piloted using the above local authority responses, though the scope of the service would be limited in the first instance to one night only placements.

The above findings came about through consultation with the study participants. In order to ascertain a more comprehensive interpretation of Children's Law and how it might allow for the Nightstop model to be an option for meeting the emergency accommodation needs of homeless 14 and 15 year olds Depaul has sought the expert opinion of Coram Children's Legal Centre. The details on the following pages are their recommendations. As the legal aspects of this study are so crucial to the feasibility of the model being used for people aged 14 and 15 the recommendations appear in full, even in this summary document.

Legal Considerations for Nightstop providing services to the under-16s.

Under the Children Act 1989, parents³ have 'parental responsibility' for their child. Parental responsibility is defined as all the rights, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property.

The ability of a parent to control where a child lives continues until the child reaches the age of 16.⁴ Up until that age, the law regards it as part of a parent's right to determine where the child shall live and with whom, unless there is a court order which sets out living arrangements or the child is taken into the care of the local authority.

Providing short-term emergency care for a child under the age of sixteen who has left home is problematic due to section 2(1) of the Child Abduction Act 1984.

This provides that

A person commits an offence if, without lawful authority or reasonable excuse, he takes or detains a child under the age of sixteen –
(a) so as to remove him from the lawful control of any person having lawful control of the child; or
(b) so as to keep him out of the lawful control of any person entitled to have control over the child.

It might be argued that providing a safe place to stay to a child who is already out of his parent's care is not 'removing' him from lawful control of a parent, but it is highly likely to be regarded as 'keeping' him out of the lawful control of any person entitled to have control over the child.

Given the provisions of the Child Abduction Act 1984, it is difficult to see how Nightstop could lawfully provide a service for under 16s which involved placing children with accommodation in volunteer's homes without parental permission. While it is possible that the Nightstop service would not be prosecuted for abduction if it provided emergency accommodation to under 16s without anywhere to stay, the provision of accommodation would, on the face of it, be a criminal offence if it were provided without parental consent.

There are some measures that could be taken to circumvent this problem.

1. Nightstop could seek the consent of the child's parent to provision of accommodation. If parental consent is obtained, then there would be no legal

³ A mother and a married father, or an unmarried father who is named on the child's birth certificate, or has a parental responsibility agreement or a parental responsibility order. The same provisions apply for a second female parent (see section 4za Children's Act), and in relation to a parental responsibility agreement or order, to a step-parent (section 4A Children's Act 1989)

⁴ Section 9(7) Children's Act 1989.

impediment to the provision of Nightstop for children under 16. It is recognised, that some parents may withhold consent and this will mean that some children will have to be turned away. Additionally, children may be unwilling to provide information about the parent, or may be reluctant for Nightstop to phone the parent, or the parent may refuse to consent. If the child is under 16, and the parent cannot be contacted or refuses to consent, Nightstop would either have to turn the child away and refer him or her to the local authority .

2. A second option would be for Depaul to register as a Children’s Refuge under section 51 of the Children’s Act 1989. However, the volunteers under Nightstop would need to be registered as foster parents by the local authority or by Depaul and ‘certificated’ by the Secretary of State. This is likely to be a burdensome bureaucratic process, especially as each foster parent would need to be certificated.

4. A third possibility, which is rather more speculative, is to see whether agreement could be reached with the police and local authority to accommodate children under section 46 of the Children Act. This section of the Act allows the police to take a child into police protection if a *‘constable has reasonable cause to believe that a child would otherwise suffer significant harm.’* The police may then provide accommodation to the child. The circumstances in which this can be done are limited and are set out below:

Section 46

(1) Where a constable has reasonable cause to believe that a child would otherwise be likely to suffer significant harm, he may—

(a) remove the child to suitable accommodation and keep him there;

(3) As soon as is reasonably practicable after taking a child into police protection, the constable concerned shall—

(a) inform the local authority within whose area the child was found of the steps that have been, and are proposed to be, taken with respect to the child under this section and the reasons for taking them;

(b) give details to the authority within whose area the child is ordinarily resident (“the appropriate authority”) of the place at which the child is being accommodated;

(f) where the child was taken into police protection by being removed to accommodation which is not provided—

(i) by or on behalf of a local authority; or

(ii) as a refuge, in compliance with the requirements of section 51, secure that he is moved to accommodation which is so provided.

(4) As soon as is reasonably practicable after taking a child into police protection, the constable concerned shall take such steps as are reasonably practicable to inform—

(a) the child’s parents;

(b) every person who is not a parent of his but who has parental

responsibility for him; and
(c) any other person with whom the child was living immediately before being taken into police protection,
of the steps that he has taken under this section with respect to the child, the reasons for taking them and the further steps that may be taken with respect to him under this section.

A police protection order only lasts 72 hours. Going down this route would mean informing the police of under 16s who asked for accommodation. Children may not agree to Nightstop informing the police and the criteria may not be fulfilled. In addition, children might not want their parents informed.

In conclusion, provision of accommodation with parental permission would be lawful.

Carolyn Hamilton
Coram Children's Legal Centre
15th December 2015.

Agency Response

Agency Information

Responses from both statutory and voluntary agencies were collated, a total of 27 key agencies responded to the study.

Issues Faced by Young People

All agencies work with young people who are vulnerable and in need of support and present with diverse needs.

Participants were asked to identify antecedents related to accommodation issues for young people; factors identified are in line with previous research (Rice, Hugh, Smith & Francis, 2007)⁵, family breakdown remains the foremost reason for accommodation issues at 38%, with drug/alcohol and mental health issues accounting for 15%.

Current Provision and Expected Outcomes

Agencies reported that when young people are in need of emergency accommodation the following options are available:

- Return Home
- Access accommodation with family/friends
- Placement in short term / emergency foster placements,
- Placement in Children's Residential Assessment Centres
- Placement in local authority run children's homes
- 'Out of area' placement; foster care and children's homes
- Placement in privately run children's homes

⁵ Rice B, Hugh J, Smith J & Frances M (2007) *Reaching out: a consultation with street homeless people 10 years after the launch of the rough sleepers unit Shelter*

Agencies were asked if current short-term provision satisfied the needs of their clients. The responses demonstrated that agencies believe current provision does not offer enough choice or appropriate options relevant to need, highlighting that only those deemed a high priority were offered accommodation, possibly due to austerity measures. Similarly, time frames for sourcing accommodation were considered by some respondents to be unsatisfactory, with the average time to source accommodation being a few days (50%). Agencies also reported that this can take a few weeks (25%).

Out of Hours Provision

Agencies highlighted the need for an out of hours service for young people at risk of running away; SCARPA a service for children and young people under 18 who go missing or who are at risk of sexual exploitation, report that young people are reported missing predominantly on a weekend between 10 – 11pm, presumably issues have occurred before this time that underpin the intention to not return home. Statutory agencies report that young people present with accommodation issues after hours and usually on a Friday with high volumes of referrals occurring after school hours. Safe at Last, a former children's refuge, highlights that referrals occurred at the end of the school day, when peers had returned home for the night, this is usually precipitated by the realisation that they do not want to return home or feel it is unsafe to do so. Northumbria Police missing data found that missing reports occur most frequently between 9pm and 11pm, Tuesday to Sunday.

Scale of need

Agencies reported that there is a need for emergency accommodation for the under 16 age group; few were able to report exact numbers, however agencies stated that there are 'too many' presenting with issues that place them at risk of running away or going missing.

Responses from SCARPA, West End Women and Girls Centre and Newcastle City Council Intensive Support Service suggest that approximately 323 young people are at risk of running away from where they live.

Data provided by M-SET (Missing, Sexual Exploitation and Trafficking), a sub-working group of Newcastle Safeguarding Children Board, provides the most comprehensible information around the scale of need. The data provides comparable rates of children and young people aged under 17 reported missing and the number of episodes in all Northumbria Police area commands. Definition of missing is not specific to time frames a child/young person has been missing for; as such data includes any missing episode reported to Northumbria Police.

Northumbria Police

- Northumbria Police reports show a 21% increase in children reported missing across all 6 area commands from 1290 (2010) to 1656 (2015). South Tyneside saw an increase of 25% in children/young people reported missing, Newcastle saw a 46% rise in the number of children being reported missing, as well as having the largest number of children/young people reported missing (509 in 2014/15).
- Comparative to other command areas Newcastle consistently has a higher rate of children reported missing per 10,000 with a notable increase from 64 per 10,000 in 2013/14 to 93 per 10,000 in 2014/15.
- Number of and rate per 10,000 of children reported missing (episodes) has risen, episodes of children reported missing increased by 38% across all area

commands; there has been a significant increase in rate of missing episodes per 10,000, with an increase from 137 per 10,000 in 2013/14 to 190 per 10,000 in 2014/15, again Newcastle rates when compared to other forces are consistently higher, South Tyneside rates have also significantly increased.

Newcastle

Missing figures specific to Newcastle show a significant rise in the numbers of children reported missing as well as missing episodes. Particularly:

- 27% of all children who were reported missing in 2014/2015 were looked after Children (LAC) generating 759 episodes, these accounts for 45% of all reported missing episodes.
- LAC accounted for 64% of those that were reported missing on more than one occasion, whereas Non LAC accounted for 29.9%. This correlates with previous research that suggests that LAC are particularly vulnerable, young people who have frequent missing episodes and are living in care are at increased risk of sexual exploitation (Rees, 2011)
- Age at episode of reported missing shows that higher numbers of all missing episodes occurs at age 15 (23.5%). Non-LAC episodes were highest at age 13 with 216 episodes. Episodes of LAC reported as missing increase with age. In Newcastle there were 195 episodes for 15 year olds and 252 episodes for 16 year olds.
- A child concern notification (CNN) was submitted in 42.9% of all missing episodes, CCN submissions were made for 23.6% of LAC missing episodes
- 45.3% of children stated that they stayed with friends whilst they were away; this implies that nearly half of all children reported missing stayed in potentially unsafe locations. Research suggests that staying with friends often means that children and young people are introduced to wider friendship networks that could lead to different forms of exploitation (Rees, 2011)⁶. Staying with family and friends may further exacerbate risk, as family/friends may have their own vulnerabilities and or have chaotic lifestyles (Rees, 2011)⁷

M-SET data for Newcastle (2014/15) found that

- The majority (82.3%) of all missing episodes are less than 24 hours.
- 50.6% last 9 hours or less and 16% of all episodes are between 1 and 2 hours.
- 87 missing episodes lasted 1-2 days.
- 29 episodes lasted 5 days or more.

Whilst the majority of all missing episodes last 24 hours or less it is important to note that research has suggested that length of missing episode does not dictate level of risk whilst away, missing episodes for any duration can coincide with exploitation (Barnardos, 2011)

Agencies taking part in the study stated that they would use Nightstop as:

- It would provide young people with more choice, current provision is not diverse enough to suit individual need.
- There is a gap in provision for teenagers – services are sometimes geared toward younger children.
- Provides a timely intervention allowing issues to be resolved without the need for becoming ‘looked after’

⁶ Rees, G (2011) *Still Running 3: Early findings from our third national survey of young runaways* London: The Children's Society

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- Placing young people in children's homes can be overwhelming for some young people who have had no experience of looked after institutions, where they may be living with young people with a plethora of issues such as challenging behavior, self harm or substance misuse.
- Staying with volunteer hosts who provide the service because they care may have a positive impact and generate hope in young people who may have had negative experiences with those that previously cared for them and feel no sense of community and belonging.
- The cost to local authority for placements is a factor, austerity measures implemented have impacted on the referral criteria for services; only those young people with high support needs can access certain services. Ultimately austerity measures mean there is a gap in provision for young people who may require a brief intervention, breathing space and mediation for a short time only.
- Youth offending services highlight that Nightstop could be used as PACE provision (custody of young people under the Police and Criminal Evidence Act 1984) - avoiding the need for young people to stay in police custody overnight or at weekends.

The Nightstop model clearly has a good reputation and agencies are confident that the service would suit the needs of considerable numbers of their under 16 client group.

Ben Dickenson – Programme Manager for SCARPA North East- states, *"The Nightstop service offers more options for young people who are vulnerable and in need"*

Consultation with Young People

Gathering data about young people's experiences of running away is central to designing services that young people will access. Young people's views and opinions were gathered via an online questionnaire and a focus group held with SCARPA squad, a group of young people who have previously been helped by SCARPA to stop going missing. They understand the issues – and are committed to helping other young people too.

Experiences of Having Nowhere to Stay and Running away

Nearly half (40%) of young people had experienced having nowhere to stay, running away or sleeping rough. Family issues and arguments with parents were cited as the main factor for accommodation issues.

Accessing Support

Young people who responded to the online study were very satisfied (85%) with support that they had received to resolve issues, with 75% reporting that they knew where to go for help. The majority of young people would seek help from family or friends. Other sources included non statutory agencies such as SCARPA and statutory agencies such as Social Services.

However, some young people in the SCARPA focus group indicated that they would not approach social services for support, one young person stated, *"I don't trust social services, I would never go there"* and *"I wouldn't tell anyone, I can look after myself."*

Given that young people accessing SCARPA have issues with running away and sexual exploitation this feedback provides a key insight into how the service would need to be 'marketed' to young people, and also that referral routes for the under 16 age group

should also include services other than Social Services, in order to reach as many young people in need as possible. Similarly young people taking part in the study stated that young people should be made aware of services that can support them.

As one young person from SCARPA stated *“Young people don’t like to say there is a problem at home, so I think you should bring Nightstop into schools, so kids that do feel that will always know that they have someone to talk to if anything ever went wrong”*

Out of Hours Provision

Young People who responded to the survey informed that they contacted agencies for help within ‘office hours’, only one young person shared that they had asked for help after hours.

Nightstop Model

Young people were asked to share how they would feel about using Nightstop.

Information about the current Nightstop Model was provided in the questionnaire to elicit retrospective or possible future feelings about Nightstop

Generally young people acknowledged that using Nightstop may have a positive impact and might make them feel:

- 68.75% stated they would feel safe
- 76.47% stated being away from where they live would give them a chance to sort things out
- 78.57% stated they would like the chance to talk to people who are not involved with them
- 68.75% stated they would like breathing space to think things through

One SCARPA young person stated *“someone being kind to you is the best gift there is I would be kind back”*

Young people also had concerns around Nightstop:

- 76.47% stated they may feel nervous staying with people they do not know
- 56.25% stated their family may not want them to use Nightstop
- 42.86% stated they were worried that hosts may not understand them
- 61.54% stated the area a host lives may be somewhere they do not know

Young People completing the study were very clear around what would make them feel comfortable and safe before and during a Nightstop placement. Hosts should be friendly, approachable, confident, kind and caring and have experience working with or looking after young people. Young people suggested a visit to the host’s home beforehand would help and having someone that they know to take them would help overcome any anxieties, a number of young people felt that having other young people also staying would ease apprehension. The hosts’ homes were important to young people; homes should be clean, bright and airy.

Potential Provision for Service Delivery

Hosts and under 16s

Fifty current volunteer Nightstop North East hosts were asked to express their views on offering Nightstop to young people under 16. The vast majority of them would be willing to share their home to support vulnerable young people, on the proviso that additional training and support would be in place.

Additional Training

Agencies and young people taking part in the study have highlighted that hosts may require additional training to enable them to have insight around issues that may affect young people under 16, and ways in which to manage these issues safely should also be

incorporated. Protocols specific to working with under 16s will need to be included in training.

On call support

Agencies affirmed that young people often present with issues around emergency accommodation and risk of running away outside of agency core times. A Nightstop service for under 16s would need to take this into account and develop the project role accordingly as well as identifying out of hours support in house and from outside agencies.

Summary and Recommendations

As highlighted throughout the study there is a need for extra provision for young people who are experiencing issues around having a safe place to stay; 40% of young people completing the survey had experienced having nowhere to stay, slept rough or had run away. Numbers of young people at risk of running away as recorded by agencies suggest that approximately 323 people in Newcastle alone may be at risk. Information provided by Northumbria Police further emphasises need, 509 young people and children living in Newcastle were reported missing in 2014/15 and in South Tyneside 194 children were reported missing in the same 12 month period. All agencies that took part in the study affirmed that Nightstop would benefit their clients and that they would refer to the service should service level agreements be in place between Nightstop and said agencies.

Consultation with Young People remains central to the development of a Nightstop service for under 16s. Young people who may access the service might be experiencing a plethora of issues that will influence their view of the world. Services for young people need to reflect what they need and what they would feel safe and comfortable using. Young people taking part in the online survey and the focus group gave very clear opinions of what is necessary to design a model that will meet their needs and make them feel safe and respected. In the main they supported the idea and said they would use the service retrospectively and for the future.

Areas for development largely focus on what hosts could do to make them feel more comfortable, what type of person would make a good host and ideas about educating young people on accessing services. Nightstop North East has expertise in both areas, we have been hosting young people 16 years and over since 2008, our staff and hosts are experienced in supporting young people who are frightened and nervous about going into a stranger's home. Central to our work are Depaul core values; staff and volunteers alike work with young people because we care and that is translated in our work at all levels; operationally, organisationally and strategically.

Recommendations

To take the under 16s model forward the following need to be addressed:

- Draft a business plan that clearly states rationale, strategic objectives and operational procedures.
- Are there existing legal provisos that allow Nightstop to provide emergency accommodation for under 16s when there is a risk of a young person running away or placing themselves in dangerous situations without parental consent? If so, what legal framework would Nightstop need to adhere to?
- Would Nightstop be able to provide emergency accommodation for young people, when parents and young people both consent to the placement without the need for hosts beginning the process of becoming foster carers? If so, for how long could a young person access Nightstop without the placement being subject to statutory requirements?

- Can Nightstop provide emergency accommodation for young people who have social work involvement - 'in need' or are 'looked after' by the local authority - where young people and statutory services both agree to the placement without the need for hosts to begin the process of becoming foster carers?
- Develop joined up working protocols within each local authority with clear service level agreements.
- Determine level of all training requirements via consultation with local safeguarding boards. Source and cost all additional training required.
- Referral routes into a Nightstop service for under 16s need to take into account that there is some distrust of social services and young people are likely to approach other agencies for help in the first instance. Strong partnerships will be key to reaching all potential clients eg. Work closely with specialists such as SCARPA.
- Careful consideration of publicity materials that are client friendly and reach the right demographic of young people who would make use of the service.
- Target areas for sharing homelessness prevention/awareness sessions, and Nightstop information such as: schools that have high incidences of young people experiencing difficulties and running away, pupil referral units and detached youth work projects
- Arrange information sharing and focus group for hosts interested in hosting under 16s

This has been the first in depth study into the feasibility of the Nightstop model being used to meet the emergency accommodation needs of young people aged 14 and 15. The research undertaken has led the authors on a quest of discovery; broadening knowledge of the issues faced by young people as well as creating a stronger understanding of the pressures faced by both the statutory and non-statutory agencies providing their support. The belief in the Nightstop model shown by so many different agencies, the understanding they appear to share in the added value that a Nightstop service would give their young people, and the thoughts of the young people themselves all argues in favour of evolving the model of delivery to include the younger age group. The recommendations above outline that there is work to do to bring about such development, but the study provides concrete evidence that there is both the need for delivery of such a service as well as an appetite to improve the options available to young people in accommodation crisis. It appears that a Nightstop service for under 16s would be welcomed, and that it would result in improved outcomes for a considerable number of very vulnerable young people.