

# Government legal in permitting 16- and 17-year-olds in uncontrolled care, court guidelines

Campaigners are to appeal after a court ruled the federal government had acted legally by enabling councils to location looked-after kids aged 16 and 17 in “unregulated” lodging without care or guidance.

They had argued that legislation presented last year was inequitable since it needed regional authorities to supply minimum lodging requirements for kids in care aged 15 or under, however not for those who were older, leaving the latter group at threat of abuse.

About 6,000 kids in care are idea to live in unregistered lodging in England such as bedsits, shared homes, hostels, and in some cases caravans, boats or barges, raising worries this leaves them exposed to exploitation by gangs.

Critics state this type of lodging efficiently leaves susceptible looked-after kids to fend for themselves with very little assistance, and in typically unsuitable settings. Twenty-nine kids aged 16 and 17 have passed away in the past 5 years while living in unregistered lodging.

However, the judge, Mr Justice Holgate, ruled that in spite of “troubling examples” of kids suffering exploitation, it was the case that independent and semi-independent lodging was the “most suitable option” for some 16- and 17-year-olds.

On that basis it might not be unreasonable to draw a difference on the basis of age, he stated, concluding the education secretary was “legally entitled to take the view that uncontrolled lodging of a adequately high quality might continue [for 16- and 17-year-olds]”.

Carolyn Willow, the director of the project group Article 39, which brought the case, stated: “This is a extremely distressing judgment since of the extensive ramifications for kids in care. There is no concern that kids will continue to be positioned in completely inappropriate lodging.”

She included: “Ministers were pressed into taking action since of installing proof of the hurts suffered by kids in care living in residential or commercial properties that bypass regular care requirements. Instead of securing all kids, they chose to produce a two-tier system where kids in care aged 15 and under will constantly be cared for where they live, and those aged 16 and 17 can go without care in their house.”

The court heard that there was a nationwide lack of appropriately managed lodging. Barring 16- and 17-year-olds from uncontrolled houses would, according to the Department for Education (DfE), need 6,000 brand-new positionings in kids's houses or foster care to be developed at a expense of £500m.

The federalgovernment has stated it will present brand-new minimum quality requirements for all uncontrolled lodging. The bulk of companies are independently owned, and the average expense of an uncontrolled location is £948 a week, with average operating revenues of £330 a week, according to the Competition and Markets Authority.

A Department for Education representative stated: "We welcome this choice which keepsinmind that the department has acted relatively and legally.

"We have currently prohibited the positioning of under-16s in uncontrolled arrangement and are presenting necessary nationwide requirements and provider-level Ofsted evaluation of these positionings. The independent evaluation of kids's social care will likewise address growing pressures in the care system."

Source: [Government legal in enabling 16- and 17-year-olds in uncontrolled care, court guidelines.](#)