

Press release | *for immediate publication

Court of Appeal win in test case on councils' housing duties

The Court of Appeal today gave judgment in a highly significant case on the duty of local authorities to provide accommodation under section 21 of the National Assistance Act 1948. Mr SL, represented by Pierce Glynn solicitors, had appealed against a High Court decision that the City of Westminster was not obliged to support him. He suffered from depression and post-traumatic stress disorder, had attempted suicide and had been in psychiatric hospital for four months. He had no accommodation to be discharged to, not being eligible for mainstream housing due to his immigration status.

City of Westminster Social Services assessed that on discharge he would need weekly meetings with his social worker, to see a "befriender" and for counselling services from gay support groups but said this did not amount to "care and attention" to qualify for housing under section 21 NAA. At first instance the High Court considered that the support fell short of care and attention since although Mr L needed to be kept an eye on, this did not amount to being 'looked after'. The Court of Appeal disagreed, commenting that the social worker was monitoring SL's mental state so as to avoid a relapse, and was doing this by the weekly meetings and by arranging the contact with counselling groups and the befriender. The Court of Appeal emphasised that support does not need to be particularly intense to constitute care and attention and nor is it limited to acts done by the local authority.

The Court of Appeal also ruled that local authorities must accommodate under section 21 unless it would be "reasonably practicable and efficacious" to supply the care services without giving housing. The Court said that given SL's mental health condition it would be "absurd to provide a programme of assistance and support through a care coordinator without also providing the obviously necessary basis of stable accommodation". The appeal was therefore allowed.

The Court took account of submissions from the Medical Foundation for the Victims of Torture and the mental health charity, Mind, who had intervened in the proceedings and supported the appeal because they were so concerned about these issues.

Joanna Thomson, the Appellant's solicitor, commented:

"This is a very significant and helpful decision which will particularly assist those with mental health problems to access accommodation and support. Before this judgment many local authorities were refusing to accommodate homeless people who did not qualify for mainstream housing but who needed housing due to mental health problems. This judgment should ensure that such vulnerable people are now housed".

/ Further information

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