

17 October 2017		ITEM: 6
Housing Overview and Scrutiny Committee		
Homelessness Reduction Act Update		
Wards and communities affected: All	Key Decision: No	
Report of: Lorrita Johnson, Interim Housing Solutions Manager		
Accountable Assistant Director; John Knight , Assistant Director of Housing		
Accountable Director: Roger Harris, Corporate Director Adults, Housing & Health		
This report is Public		

Executive Summary

The Homelessness Reduction Act originated with a Private Members Bill introduced by Conservative MP Bob Blackman and received Royal Assent on 27 April 2017. The Act replaces the current duties detailed in Part 7 of the Housing Act 1996 as amended by the Homelessness Act 2002. Local Authorities are scheduled to commence operating within the new statutory framework from April 2018.

This report provides a summary of the new changes detailed within the Homelessness Reduction Act, and of the implications for demand and service delivery in Thurrock. The report also outlines preparation work undertaken by the Housing Solutions Service in readiness of commencement.

1. Recommendation(s)

1.1 That the Housing Overview and Scrutiny Committee comments on the information provided on a) the introduction of the Act and b) the progress of the Housing Solutions Service in preparing for implementation.

2. Introduction and Background

2.1 During the summer of 2015, Crisis, the single homelessness charity established an independent panel of field experts to assess the strengths and weaknesses of the current homelessness legislation in England. The panel made recommendations following the review which focused on two key issues within the current statutory framework.

2.2 First, the distinction between 'priority' and 'non priority' groups embedded in the 1977 Act Homelessness Act meant that most single homeless people

were entitled to only advice and assistance. In practice, as a mystery shopping exercise by Crisis had demonstrated, single people were often 'turned away' with little or no meaningful assistance being offered.

- 2.3 Second, the growing emphasis since 2003 on informal 'housing options' interventions by local authorities sat uncomfortably alongside the formal statutory framework, raising concerns about unlawful 'gatekeeping' in some areas. Equally, there were concerns that local authorities engaged in good-quality prevention work could be left exposed to legal challenge because their actions did not have a clear legal context.
- 2.4 The purpose of the independent review was to recommend legislative change in order to prevent and tackle single homelessness more effectively, while ensuring that the current entitlements for families and others who are assessed as in priority need and might be owed the main statutory homelessness duty were not undermined.
- 2.5 The key Panel proposals were incorporated into a Private Members Bill sponsored by the Conservative MP for Harrow East, Mr Bob Blackman, in June 2016. The Homelessness Reduction Bill subsequently received backing from the Government, the Communities and Local Government Select Committee, and peers and MPs from across the political arena.

3 Proposed timescales for implementation

- 3.1 A new Homelessness Code of Guidance is due to be published in autumn 2017 which will provide practical guidance on how the legislation and related policies should be implemented. Commencement of implementation is expected in April 2018.
- 3.2 The Government announced additional funding earlier this year as recognition of the 'new burden' demand the Act will create, which is currently estimated to be in the region of £40,000 p.a. for Thurrock. This funding is for two years only as the government believes that after that time the initial additional costs will be absorbed. The exact amounts for each borough will be confirmed before spring 2018.

4. Summary of the Homelessness Reduction Act

- 4.1 The Act introduces a common homelessness 'prevention' duty on local authorities, as well as a 'relief' duty to take 'reasonable steps' to help to secure accommodation for 6 months for all eligible homeless applicants, regardless of priority need or whether they are 'intentionally homeless'.
- 4.2 It also extends the definition of those considered 'threatened' with homelessness to include people likely to lose their home from within the present 28 days to 56 days. This would include those served with a valid Section 21 notice by a private landlord, notifying the tenant that possession is

required and preceding the necessary legal steps to obtain a Court Order for possession.

- 4.3 Anyone accepted by the Council as being threatened with homelessness will be owed the new prevention duty, and councils must take 'reasonable steps' to help them avoid becoming homeless. This could include placing them into temporary accommodation whilst steps are undertaken to secure future accommodation.
- 4.4 The 2017 Act also specifies the need for enhanced advisory services. The Housing Act 1996 stipulates that local authorities must ensure advice and information around homelessness and preventing homelessness is available free of charge to everyone in their district. The new Act will require a more robust and targeted approach to advisory services with the specific duty to provide information and advice on:
- Preventing homelessness;
 - Securing accommodation if homeless;
 - The rights of people who are homeless or threatened with homelessness and; any other support (provided by the local authority or any other local organisations) that is available for people who are homeless or likely to become homeless, as well as how to access that help.
- 4.5 The Act stipulates that the support offered to eligible applicants is to be more robust than currently required. Once a local authority is satisfied that someone is homeless / threatened with homelessness and eligible for assistance an assessment should be carried out which includes;
- The circumstances that have caused homelessness / potential homelessness;
 - The housing and other support needs of the applicant and their household;
 - A 'personalised rehousing plan', setting out steps for both the applicant and the Council to take to ensure accommodation is secured and/or retained.
 - An applicant's assessment and rehousing plan must be kept under review and updated as necessary, until the local authority has determined that no further duty is owed.
- 4.6 In addition, a new provision places a requirement on all applicants to cooperate with the Council's attempts to prevent or relieve their homelessness. If the Council considers that an applicant has deliberately or unreasonably refused to cooperate or take steps agreed as part of their assessment plan, a notice can be served to the individual informing them of the Council's decision, the consequences of it (e.g. ending of prevention /relief duty) and their right to request a review. This notice can only be served if a warning has been given to the applicant beforehand and a reasonable time period has elapsed since the warning was given.

4.7 The Act gives applicants the right to request a review of any decision made by the local authority (in addition to those laid down in current legislation) regarding:

- Steps set out in assessment plans;
- Giving notice to withdraw prevention or relief duties;
- Suitability of accommodation offered.

4.8 In addition to duties for Housing services, the Act stipulates that “specified public authorities” e.g. NHS services, will be required to refer details of people who they consider being homeless or threatened with homelessness to their local authority (provided the person agrees to the notification being made). The local authority will in turn need to make contact with this individual for assessment.

5 Actions Undertaken Thus Far

5.1 The Housing Service has been proactive in improving its homelessness services and ensuring work is underway in readiness for the changes introduced by the Homelessness Reduction Act 2017.

5.2 The Housing Solutions Service Pilot was launched in August 2017. The service model has been redesigned into two discrete areas:

- Homelessness Assessments conducting the homelessness assessments functions (soon to include the new ‘relief’ duties)
- Housing Options casework, carried out for all applicants prior to the statutory assessment stage and delivering the full range of prevention functions (soon to be the new prevention duties for all applicants threatened with homelessness)

5.3 The new way of working seeks to:

- focus on early intervention and prevention to help keep people in their own homes or enable them to be self-sufficient
- provide good quality resident focussed services that aim to meet the needs of residents at the first point of contact through a telephone triage system
- develop tailored service for single applicants
- clearly define roles and responsibilities in the service
- facilitate closer working with adults and children’s social care services within the specialisms
- gain better control of enquiries through closer working with Customer Services to filter ‘contact slips’ effectively
- develop partnership work with private sector landlords and third sector organisations
- Implementation of the Housing First model to address single homeless rough sleeping in the borough. Housing First is an approach that offers permanent,

affordable housing as quickly as possible for individuals experiencing homelessness and provides the supportive services, connections to the community based support for people need to keep their housing and avoid returning to homelessness.

6 Next Steps

- 6.1 Establish a Homelessness Forum in the borough which includes third sector, voluntary organisations to combine efforts to identify and tackle homelessness at earlier stages.
- 6.2 Working with current partners such as St Mungos and Family Mosaic to ensure alternative options to the Council are also available locally, especially for single people not currently deemed to be in priority need or to have significant support needs.
- 6.3 Establish stronger relationships with lenders, County Courts to ensure early intervention referral process is in place for households at risk of homelessness due to possession action
- 6.4 Maximise the use of digital communications (i.e. social media, the website etc.) The new Northgate Housing Options module will go live in November 2017; this will help customers to self-serve and offers signposting to the housing options toolkit of support. In addition, more development of the information on the website to help customers understand the assessment process is in progress.
- 6.5 Explore the feasibility of incorporating into the current system, the new National Practitioner Support Services Jigsaw casework management system which is tailored to the new Act.
- 6.6 Develop robust policies and procedures for staff to refer to when faced with a client failing to co-operate or requesting a review.
- 6.7 Recruitment of an in-house Reviews Officer to manage all review requests. (The current service provided by Basildon council is being terminated)
- 6.8 Work to develop a cross-service prevention culture, highlighting each team's role in preventing homelessness.
- 6.9 Implement essential awareness training for key staff and service areas
- 6.10 Carry out a review to ensure the impact on corporate services is understood (in particular for Customer Contact Centre)
- 6.11 Review the use of Discretionary Housing Payment to provide a greater emphasis on the prevention of homelessness especially for private tenants.

- 6.12 Review the deployment of the Flexible Homelessness Support Grant in assisting with the prevention of homelessness.
- 6.13 Develop new budgeting tools to help customers better understand what they can afford and a link to where those properties are likely to be.
- 6.14 Meet with Landlords/Private Rented Sector agents to understand their motives and how they can be influenced. The final offer to landlords would incorporate the recent proposal from the Secretary of State for Communities and Local Government which seeks to strengthen security and well-being of residents in the private rented sector. This would be a tool to increase the portfolio of reputable landlords working with the service to provide accommodation to nominated households, which in turn ends the Council's prevention and relief duties.

7 The potential impact of the Act

7.1

	2012-13	2013-14	2014-15	2015-6	2016-17
Total	1252	2342	3072	3759	6679

As shown in the table above, the number of homelessness approaches has been steadily rising; in 2012-2013 the figure was 1252, rising to 3759 in 2015-2016.

In addition there has been an increasing number of households owed the main housing duty, making over 50% of the overall statutory decisions. This is also reflected on the Housing Register where those with a homeless priority increased from 0.5% of all households in 2012- 2013 to 2% in 2016-2017. As band 3 cases these households have a much higher prospect of being rehoused quickly than applicants in bands 4 and 5 who make up the great majority of register cases.

- 7.2 The Department of Communities and Local Government estimate an increase of approximately 26% of potential advice and prevention caseload, but it is anticipated to be greater than this in Thurrock.

In summary it is expected that the service will see;

- single applicants entitled to increased services
- increased number of formal applications
- increased number of formal homelessness decisions
- Increased reviews and resources to manage these
- Increased number of duties to secure accommodation, especially for a limited period for non-priority households.

8. Reasons for Recommendation

- 8.1 The Committee's comments are sought as this is a significant new set of measures for statutory homelessness services and other services and partners.

9. Implications

9.1 Financial

Implications verified by: **Julie Curtis**
HRA and Development Accountant

The service intends to meet the majority of the increased demand through the new government grant. Following confirmation of the allocation of funds, the service will continue with the regular monitoring to ensure the viability of forecasts and spend.

9.2 Legal

Implications verified by: **Martin Hall**
Housing Solicitor/Team Leader

It is expected that the service would need to get to grips with the new duties in a relatively short time frame, effective training delivered to staff to be legally compliant and provide a robust service limiting successful lawful challenges will need to be provided.

9.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development & Equalities Manager

The new DCLG data collection is being set up to receive household level rather than aggregated local authority level data. It will cover a broader range of households, including all those who receive homelessness assistance from the local authority rather than, as now, focusing primarily on those that authorities are currently legally obliged to help under the statutory homeless definition.

The design of the new data collection has been shaped by the Homelessness Reduction Act and will collect data to enable the effects of the Act to be monitored. We will continue to monitor trends for adverse impacts the protected characteristics and review any deviance from local data.

We will ensure there are means of communication available for non-English speakers e.g. translations on web pages & application forms, translators available at interviews

Encourage minority groups to be represented on Homelessness forums.

9.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

Staffing levels may need to be reviewed to effectively manage any increased demand.

10. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

11. **Appendices to the report**

- None

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