

<b>6 February 2018</b>		<b>ITEM: 7</b>
<b>Housing Overview &amp; Scrutiny Committee</b>		
<b>Homelessness Reduction Act Update</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non Key	
<b>Report of:</b> Lorrita Johnson, Housing Solutions Manager		
<b>Accountable Assistant Director:</b> John Knight , Assistant Director of Housing		
<b>Accountable Director:</b> Roger Harris, Corporate Director Adults, Housing & Health		
<b>This report is Public</b>		

### **Executive Summary**

Following the report to the Housing Overview and Scrutiny board on 17<sup>th</sup> October 2017, there have been a number of further developments affecting the implementation of the Homelessness Reduction Act 2017 (HRA17), which takes effect from April 2018.

As set out in that report the HRA17 originated as a private member's bill tabled by Bob Blackman MP, based on changes made to the Welsh homelessness legislation in 2016, and was fully endorsed by government during its passage.

The thrust of the Act is to create a series of new duties for Councils to prevent homelessness wherever possible through early intervention, working with applicants to arrive at a Personal Rehousing Plan, and brokering solutions with private sector landlords, the voluntary sector and others to resolve the housing problems of applicants without accepting the full range of rehousing duties associated with previous Acts (temporary accommodation followed by permanent social housing). The new duties apply to all applicants who are homeless or threatened with homeless, while the more substantive existing duties still only apply to households who are a) in priority need and b) not intentionally homeless.

Since the previous report there has been confirmation of the 'new burdens funding' allocation for Thurrock, and the publication of a new draft Homelessness Code of Guidance for consultation, to which we have contributed.

This report provides a summary of the updates generated from central government, and the Housing Solutions service's progress in preparing for implementation through a re-modelling of the service, the acquisition of a new bespoke system for casework and statutory returns, work to strengthen existing partnerships, data

analysis and staff training and analysis to ensure the service is fit for purpose at implementation.

## **1. Recommendation(s)**

### **1.1 That the Committee comment on the information provided on the introduction of the Act and the continued work of the Housing Solutions Service in preparing for implementation.**

## **2. Government updates**

2.1 Thurrock has received our individual allocation from the total of £72.7 million transitional 'new burdens' funding given to authorities in England to support the implementation of the Homelessness Reduction Act (HRA17). The total sum allocated to Thurrock is £242,544. This will be distributed as follows:

£81,700 -2017/18

£74,837- 2018/19

£86,007- 2019/20

An additional grant of £9,202 (one off payment) has been awarded in year one to cover the upgrade of IT systems. The 'new burdens' funding is ring-fenced to specifically resource the provision of homelessness prevention services.

2.2 Thurrock has also provided an individual response to the consultation of the draft revised Homelessness Code of Guidance. This consultation closed on 11 December 2017 and the final version of the Code is expected to be published in spring this year. The draft Code provides some helpful clarification on the range of new legal duties established by the Act, and fleshes out some of the government's expectations around the provision of an effective prevention service, including the creation of a personal rehousing plan for all applicants who are eligible and homeless or threatened with homelessness.

2.3 The 'trailblazers' projects in a number of local areas, which were awarded £20m by the Ministry of Housing, Communities and Local Government (formerly DCLG) to pilot the new prevention duties, have completed a year of trialing the prototype service. Southwark Council as a trailblazer borough has been sharing its experience to inform other local authorities at a number of workshops days, one of which was attended by managers and staff from the Housing Solutions service in Thurrock.

## **3. Housing Solutions Team - Update**

3.1 The Housing Solutions service pilot in Thurrock continues, and has given an insight into how the service can be further re-designed to meet the new anticipated demand and apply the new ways of working created by the Act. The current service model offers a clear division between the prevention and statutory homelessness enquiries functions.

- 3.2 Essentially the team currently operates in a two-function system where 60% of staff focus on the prevention of homelessness, carrying out initial assessments of the circumstances and needs of all eligible applicants who are homeless, or threatened with homelessness within 56 days, in accordance with the HRA17 framework. This extension from the previous specified period of 28 days is intended to provide more time for effective prevention casework (something Thurrock already undertakes on an extra-statutory basis), and aligns with the notice period for Assured Shorthold Tenancies in the private sector. During this period the Council must take 'reasonable steps' to prevent homelessness – again this puts into law the approach already followed by the service in negotiating with landlords, mediating with parents in 'family exclusion' cases, referring older people for sheltered housing, etc.
- 3.3 As the priority need and intentionally homeless tests in the legislation are not applied at this prevention stage, this also means that single applicants in particular must be provided with a meaningful casework service, rather than 'turned away' or provided with minimal information, on the basis that even if homeless they will not be entitled to direct provision of accommodation. Our 'offer' to single applicants with no apparent priority need will be enhanced to reflect this requirement.
- 3.4 The initial assessment by Options Advisors incorporates the circumstances leading to the customer's homelessness or threat of homelessness, their housing needs and wider support needs. Following the assessment a Personalised Housing Plan is drawn up setting out the 'reasonable steps' the authority and the applicant will take to assist in preventing the homelessness. Officers make real efforts to assist applicants to stay in their current accommodation; this often involves negotiations with the current landlords, mediation with friends/family, robust review of tenancies agreements/contracts, advising applicants of their security of tenure and close working with the Private Sector Housing team where harassment and/or disrepair has been alleged.
- 3.5 As an example of pro-active prevention, an enhanced partnership is in progress with Children's Services where families with children have received notice to leave their accommodation, either from the Council itself as a social tenant or from a private landlord, and are at risk as a result of being found intentionally homeless. Staff in the Multi Agency Service Hub ('MASH') with responsibility for children's welfare are now being notified at an early stage that a negative decision on a homeless application may be upcoming, allowing them to assess the need for a social services intervention at an early stage and avoid a late 'shuttling' of homeless families from one service to another. Similarly, joint working is being developed to utilise the skills of housing staff to identify suitable private accommodation where families can be placed under the Children Act if they have no right to be accommodated under homelessness legislation.

- 3.6 Where an applicant is homeless on approach, or all efforts at prevention of homelessness have been unsuccessful, the statutory homelessness assessments are conducted by the Homeless Caseworkers who carry out detailed homelessness enquiries within the guideline timescales, in accordance with the legislation, having regard to the Code of Guidance and relevant case law. On completion of assessments they issue formal homelessness decisions (section 184 notifications) and where an accommodation duty has been triggered they make the necessary recommendations for the provision of temporary accommodation.
- 3.7 A new Reviews Officer has been recruited on an interim basis to manage reviews and all initial legal challenges of section 184 decisions. This follows the winding-up of the previous arrangement under which a Reviews Officer in Basildon fulfilled this duty for Thurrock, but is still compliant with the legislation as the officer is senior to the officers making the 'first instance' decisions and has no involvement in those decisions, coming afresh to the case after a review has been requested.
- 3.8 Work is underway with St Mungo's outreach team and local faith groups to establish a Homelessness Forum in the borough which would include third sector and voluntary organisations to combine efforts to identify and tackle homelessness at earlier stages. This will steer the 'no first night out' agenda where rough sleepers are identified on the day of bedding down and provided with options to relieve their homelessness and eradicate the potential for an applicant to become 'entrenched' as homeless.
- 3.9 The Housing Solutions Team is also participating in a free trial of a new bespoke IT system which has been built and tailored to the requirements of HRA17. This will help to capture and accurately assess applicants at the first point of contact and also streamline the process for gathering data for the new quarterly statutory return, Homelessness Case Level Information Collection (H-CLIC) – this replaces the current 'P1e' return for homelessness statistics which is used to produce the government's 'statistical release' on homelessness. The first HCLIC return will be for the period from April to June 2018. The new system has been demonstrated to staff who have received it enthusiastically, and will interface with the main database so that all key transactions are reflected on both systems.
- 3.10 A full programme of internal staff briefings and training has been developed to provide awareness and knowledge of the new Act. The primary aim is to increase the cross-service prevention culture, highlighting each team's role in preventing homelessness. The additional "referring duty" of the HRA17 places a duty on public services to notify a local authority if they believe someone is homeless or likely to become homeless. This requires management of the interaction between a number of agencies and public bodies. In light of this, staff from Adult Social Care were included in training provided by the National Practitioner Support Service on the changes in the Act.

- 3.11 A service Team Plan has been developed to specifically target essential tasks and actions required in implementing the requirements of the new Act. This includes the development of robust policies and procedures for staff to refer to when assessing applications at the new 'prevention duty' stage.
- 3.12 A Landlord Forum has also been arranged on 31<sup>st</sup> January 2018 to build on our dialogue with private sector landlords and lettings agents as to how we can better work together and deliver in the new context of the Act.

#### **4. Further considerations on potential impact of the Act**

- 4.1 The HRA17 will place greater statutory obligations on local authorities to prevent homelessness for all families and single applicants from April 2018.
- 4.2 For local authorities, partnership working is essential to tackling homelessness. The assistance of a wide range of partners from the statutory, private and the third sectors through the provision of temporary accommodation, settled housing and access to diverse sources of advice and support is central to local efforts to tackle homelessness.
- 4.3 However, there are recent policy developments and market trends that risk undermining these activities and partnerships, including:
- An ongoing undersupply of social and other affordable as recognised nationally in the Housing White Paper (*'Fixing the Broken Housing Market', 2017*) and subsequent Budget announcements.
  - The ongoing need for efficiencies and savings in local government (although the new burdens funding for the Act will offset this general trend for the first 3 years)
  - Increased financial pressures on Housing Associations and stock-retaining local authorities as a result of the mandatory 1% rent reduction policy.
  - In the context of an increasingly deregulated environment, Housing Associations) are required to be more business minded and this may lead to
  - some reluctance to house people perceived to be high risk in terms of welfare
  - dependency and their ability to maintain a tenancy without ongoing/intensive support.
  - A tendency to "cherry pick" tenants who are perceived to be low risk also applies to a large proportion of private landlords. Recent research from the National Landlords Association (NLA) indicates that the proportion of landlords who say they are willing to let their property to Housing Benefit claimants fell to 20%, down from 34% at the start of 2013. This supports the view that Universal Credit, now being fully rolled out in Thurrock, may make private landlords more risk averse to people dependent on benefits.

- The Localism Act 2012 gave Local Authorities the power to discharge applicants into the private rented sector; many authorities continue to use their budgets to offer landlords cash incentives ranging from £2,000 to £6,000 in some cases.
- The effect of this on Thurrock has been an increase in ‘out of borough’ placements of applicants by other local authorities, particularly London boroughs exercising the power to discharge into the private rented sector. Geographically the location of Thurrock makes it a good target for London boroughs to meet its statutory duties as market rents are relatively cheaper, coupled with adequate amenities, and transport links connecting to London areas.

## 5. Local context

- 5.1 The estimated number of homelessness approaches in Thurrock – i.e. customers approaching with a new episode of actual or threatened homelessness in Thurrock - has been steadily rising in recent years. In 2013/14 the figure was 1252, rising to 2,600 in 2016/2017. As a result the number of households owed the full housing duty is also increasing, although in recent months it has reduced as a percentage of all applications as achieved preventions have increased. The increase is also reflected on the housing register where the level of agreed homeless priority cases, placed in band 3, as a percentage of all applications, has increased from 0.5% in 2013 to 2% in 2017.
- 5.2 It is envisaged that potential advice and prevention case load will increase- the London Borough of Southwark trailblazers pilot found an increase of approximately 50% in homelessness applications.
- 5.3 It is likely that Thurrock will experience a similar impact. It is estimated that if Thurrock did not effectively respond to the changes the number of homeless approaches could rise to over 10,000, the number of booked housing options and homelessness appointments could rise to over 2,040, and the number of homeless decisions could also increase to over 300.

The likely effects of the main changes in the new Act on levels of demand in Thurrock are as follows:

- I. The meaning of ‘threatened with homelessness’ extended from 28 days to 56 days – duty to attempt to prevent homelessness in every case

***Cases presenting at the Civic Offices earlier with a longer prevention window***

- II. Duty to ‘relieve’ homelessness for all eligible customers (not just those in priority need & unintentionally homeless )

***Homelessness applications to rise by up to 50% (estimate derived from experience in LB Southwark) as non-priority cases are newly eligible for support planning***

- III. Duty to assess and agree personalised housing support plans for all eligible cases

***Significant increase in casework, and need for closer working with other Thurrock Council departments, and public/community organisations***

- IV. Duty to give notice to people who do not cooperate or follow their agreed support plans.

***Requirement for extended casework times and longer legal processing of challenges (reviews) – although it is encouraging to note that Southwark’s reviews reduced from 106 in 2016/17 to 60 in 2017/18, partly due to the fact that they did not issue formal non-compliance notifications.***

- V. Duty of all public authorities to refer people to council housing services

***Increased levels of referrals in to the service – in Southwark’s case this impact was apparent but mitigated in part by the a partnership with certain external agencies tasked with completing Personal Housing Plans, helping to reduce the service volumes***

- VI. Duty to make reasonable efforts to help secure accommodation, regardless of priority need level or if intentionally homeless

***Significant increase in demand on service, officer time, and greater dependence on the private rented sector***

## **6. Reshaping the service post the Code of Guidance**

6.1 A further key feature of HRA17 is the duty placed on local housing authorities to make reasonable efforts to prevent or relieve homelessness for all applicants who are a) eligible for assistance and b) homeless or threatened with homelessness, irrespective of whether or not they may have a priority need for accommodation. If a housing authority is unable to prevent an applicant from becoming homeless, or to help them to secure accommodation at the ‘relief’ stage, they are required to reach a decision as to whether the applicant has a priority need for accommodation.

6.2 There is a case for aligning the current allocations policy with the HRA17 assessment framework. Currently, the banding structure means that agreed homelessness applicants are recognised for increased priority banding where a section 193 main housing duty is owed by the authority (‘reasonable preference’ must be given to this group under the Housing Act 1996). The new Act recognises and places a duty on the authority where an applicant is threatened with homelessness within 56 days, thus commencing the prevention duty. If unchanged there is a risk of not fulfilling the requirements of the HRA17 by creating a sub-set of homeless applicants favoured by the allocations policy, and excluding a large group of applicants who may be able to gain a tangible option through the housing register and/or an intervention to prevent them

becoming homeless. Subject to consultation it should be possible to award an equivalent priority to prevention cases so that they do not lose priority by not pursuing a homeless application.

- 6.3 The Housing Solutions Service has been preparing intensively for the challenges of the Act including the anticipated new levels of demand with a focus on early intervention, prevention and targeting of the key cohorts driving the demand.
- 6.4 In summary, as set out above the service is preparing for the range of potential impact through changes to the service structure, the acquisition of a bespoke IT, intensive work with landlords and other agencies assisting with prevention. The actual impact of the new framework will be actively monitored, and further initiatives will be considered as trends in demands and outcomes become known over the first 6 months from April 2018.

## **7. Reasons for Recommendation**

- 7.1 Required as part of statutory service to provide homelessness service, assessing needs and providing resolutions.

## **8. Consultation (including Overview and Scrutiny, if applicable)**

- None

## **9. Impact on corporate policies, priorities, performance and community impact**

- Review of the Allocations Policy as highlighted above.

## **10. Implications**

### **10.1 Financial**

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

The service intends to meet the majority of the increased demand through the new ring-fenced `new burdens; grant as set out in the main body of the report. As this is for a transitional period only work will be undertaken to ensure that reliance on this funding reduces over time. Following confirmation of the allocation of funds, the service will continue with the regular monitoring to ensure the viability of forecasts and spend.

### **10.2 Legal**

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



It is expected that the service would need 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.

It is expected that the service would need to be familiar and competent 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. It is prudent that Thurrock Council has recruited its own Review Officer to deal with additional legal challenges and casework that will be posed by the HRA 2017 when it comes in to effect.

### 10.3 **Diversity and Equality**

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

The new MHCLG 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.

### 10.4 **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.

### 11. **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

### 12. **Appendices to the report**

- None

**Report Author:**

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