
HOMELESS REDUCTION ACT

SUMMARY REPORT

Purpose of the Report

1. This report sets out the implications of the introduction of the Homelessness Reduction Act 2017 on delivering homeless related services.

Summary

2. The Homeless Reduction Act came into force on 3 of April 2018 and introduces a number of extensions to the homeless duty. There are thirteen new duties but arguably these are the most important:
 - (a) **Prevention duty:** a duty for Councils to try and prevent the homelessness of people who are at risk of becoming homeless in the next 56 days. This duty is irrespective of the applicant's connection to the local area.
 - (b) **Relief duty** (helping someone to secure accommodation): a duty to try and resolve the homelessness of people who are already homeless. To qualify for help the applicant must have a connection to the local area, otherwise they can be referred to another local authority.
 - (c) **Personal Housing Plan:** Everyone who approaches for assistance will have a personalised plan to provide a framework for the Council and applicants to work together to identify appropriate actions to prevent or relieve the applicant's homelessness.
 - (d) **Duty to refer** (*will come into effect from October 2018*): a duty on other public services to refer people to the local housing authority if they are working with people who are homeless or at risk of homelessness.
3. In recognition of the increased administration the Government have provided the Council with a total of £70,505 in additional funding spread over three years but this is unlikely to cover the true additional costs.
4. Members are asked to consider:
 - (a) The new duties the Homelessness Reduction Act places on local authorities and the actions being taken to address these.

- (b) That a further report be provided in a year that will set out the full impacts of the changes.

Ian Williams
Director of Economic Growth and
Neighbourhood Services

Background Papers
 Darlington Preventing Homelessness Strategy 2015-17
 Reducing Homelessness Act 2017

Pauline Mitchell: Extension 5832

S17 Crime and Disorder	There are links between homelessness and offending behaviour. The changes being introduced should reduce the risk of homelessness and therefore reduce the risk of crime
Health and Well Being	There are benefits to health by reducing the risk of homelessness
Carbon Impact	There is no direct Carbon Impact.
Diversity	There are significant issues concerning the vulnerability of those who may be affected by homelessness
Wards Affected	All wards
Groups Affected	Anyone who may be at risk of homelessness
Budget and Policy Framework	These proposals do not form part of the Council's Policy Framework as set out in the Constitution and therefore this report does not represent a change to the framework.
Key Decision	This is not a Key Decision
Urgent Decision	No
One Darlington: Perfectly Placed	The prevention of homelessness is a significant factor in the health and well-being of local people, improving "life chances" including access to training and employment, improving personal safety, and, reducing the likelihood of anti-social behaviour.
Efficiency	The homelessness preventative agenda reduces the damaging effects of homelessness to families, individuals and communities. Positively engaging with local people who are homelessness or are threatened with homelessness, can reduce the level of expenditure associated with homelessness and deliver positive results for customers.
Impact on Looked After Children and Care Leavers	There should be a positive impact

MAIN REPORT

Information and Analysis

5. As the Local Housing Authority, the Council has a duty to provide services to the homeless under Part 7 of the Housing Act 1996. The Homeless Reduction Act amends the existing homelessness legislation. There are 13 Sections that amend many of the existing duties and bring in a substantial number of new duties. The Chief Executive of Crisis has described the Act as “undoubtedly...one of the most important developments in homelessness for 40 years.”
6. The Homelessness Reduction Act requires council's to try and prevent people from becoming homeless, intervening early and encouraging other public sector bodies to actively assist in identifying and referring those at risk of homelessness. The Homelessness Reduction Act is intended to change the way councils are expected to support and guide homeless people and introduce support to those who were not entitled to help previously.

Homelessness Reduction Act – the key provisions:

- (a) **Prevention duty:** Requirement for the Council to carry out homelessness prevention work with all those who are eligible for help and threatened with homelessness within 56 days (previously 28 days). The Prevention Duty will apply regardless of priority need, intentionality or local connection.
- (b) In addition, there must be specific advice for groups who are more at risk of homelessness (those stated in the legislation are: care leavers; people leaving prison; former members of the armed forces; victims of domestic violence; people leaving hospital; people suffering a mental illness or impairment; and any other group identified as being particularly at risk of homelessness in the district).
- (c) **Relief duty:** Those who are assessed as being homeless are entitled to homelessness relief assistance for 56 days before a decision on what ongoing homeless duty is owed by the Council. This is regardless of intentionality, but local connection can be taken into account at this stage. If the household is believed to be priority need and is therefore eligible for interim accommodation pending a decision on their homelessness application, they will be provided with temporary accommodation whilst the relief duty is carried out. Therefore a decision about what duty is owed by the Council cannot be taken until after a priority need household has been in temporary accommodation for 56 days unless there has been an intervening event – chiefly an offer of accommodation.
- (d) A power to take reasonable steps to protect the homeless household's property is extended to include when a relief duty is owed so encompasses all eligible homeless whether or not they are priority need. Reasonable steps will depend on circumstances, however over a period of 56 days it is likely to include collecting and packaging the belongings, transporting them for

storage and then delivering them to the owner on termination of the duty. Termination of storage duties requires a notice period and variety of letters, so unless there is an address to deliver the belongings at the end of the 56 day period storage provision is likely to continue for longer than 56 days. The Council can charge for this service.

- (e) For the Prevention and Relief Duties, the Council will have to agree, with the applicant, a 'Personal Housing Plan'. This will set out the steps to be taken by the Council and the steps to be taken by the applicant to prevent or relieve their homelessness. This is a collaborative process that the applicant will be expected to participate in. The steps to be taken by the applicant must be 'reasonable', taking into consideration their individual circumstances and any support needs.
 - (f) **Cooperation:** people being helped under the prevention and relief duty will be expected to take reasonable steps to resolve their own homelessness.
 - (g) **Duty to refer:** a new duty on other public services to refer people to the local housing authority if they are working with people who are homeless or at risk of homelessness.
7. In addition to changes introduced through the Act the Government have taken the opportunity to change the way homeless statistics are recorded. This is a major change which introduces much more detailed and therefore accurate information.
8. The changes do not affect the Council's existing responsibilities to offer temporary accommodation but there are 2 primary operational changes:
- (a) Each homeless household is likely to be within the service, and in some cases temporary accommodation, for a longer period of time unless their homelessness is resolved.
 - (b) Every household, including non-priority households, needs to have a meaningful plan that has a reasonable prospect of success
9. Social housing that becomes available is already allocated to those most in need, and the numbers of homes becoming available to let are likely to be similar in the medium and longer term. At the moment there are 1580 applicants on the waiting list and about 20 properties (mainly apartments) per week become available for letting confirming that demand for social housing outstrips supply. The Allocations Policy is the means by which applications are prioritised. This is being revised by the partnership of Tees Valley Local Authorities and Housing Associations that administer it to reflect the new categories of homeless applicant created by the Act. Although there has been no noticeable increase in numbers in the short time the Act has been in operation careful monitoring will be required to see if there is any change in the numbers who need to be rehoused.

10. As shown in table 1 the numbers approaching the Council in 2017 and 2018 confirm that there has been no noticeable difference in numbers approaching:

Table 1: Homeless Presentations

April	2017	2018
Drop ins	27	25
Appointments	24	26
Emergency Presentations	67	67
Total	118	118

11. The requirement to take applications at an earlier point, i.e. within 56 days rather than 28 days, in combination with the requirement on public bodies to refer cases of homelessness will probably lead to an increase in formal applications. In Wales, where these new requirements have been in place since April 2015, there has been a 26% increase in Homeless Applications¹
12. The measures to prevent or relieve homelessness may include (but won't be limited to):
- (a) Mediation and dispute resolution with family members or landlords.
 - (b) Tenancy sustainment support with some possible impacts on the commissioned Housing Related Support services particularly concerning recording information.
 - (c) Referral to specialist support services for specific advice (e.g. domestic abuse, debt management, drug and alcohol support etc.) or supported housing.
 - (d) Assistance to access the Private Rented Sector (financial or otherwise).
 - (e) Assistance to maximise income, welfare advice, and budgeting advice.
 - (f) A Prevention Fund with officer discretion (within a framework) to make payments where these will prevent/relieve homelessness.
 - (g) Assistance to apply for Discretionary Housing Payments
 - (h) Assistance to apply for Community Support Grants (where relevant)
13. It is expected that the Prevention and Relief duties will most often be discharged by either resolving issues and enabling the applicant to stay in their current accommodation, or assisting them to access other accommodation. The main challenge however is likely to occur through the risk of increasing numbers who have to be offered temporary accommodation as a result of the extended requirements. The Council has a statutory duty to secure interim accommodation

¹ <http://locatahousingservices.org.uk/information/new-andy-gale-toolkits-prevention-homelessness/>

for a household it has reason to believe may be eligible, homeless and to have a priority need whilst the case is investigated and a decision is made. The decision will then give rise to further accommodation duties in most cases. In 2017/18 the Council placed 208 people in Bed and Breakfast and 33 families in temporary accommodation. The numbers going in to some form of temporary accommodation have been increasing in recent years as overall numbers approaching the Council for assistance has increased. The Homelessness (Suitability of Accommodation) (England) Order 2003 requires that households with family commitments should not be placed in Bed and Breakfast accommodation for longer than 6 weeks and the Council is currently generally able to comply with this.

14. Although there may not be any further increases in total numbers approaching for assistance we do anticipate a greatly increased workload in managing cases as a result of the enhanced requirements associated with the Personal Housing Plan. Again evidence from Wales suggested that 33% of cases were running to the full length of the prevention period, extending case management significantly. Also Applicants will have a right to challenge or appeal at more stages and this has the potential to lengthen the time that some cases are active.
15. The changes will also impact on consultation and coordination with other partner organisations. A review is taking place of the partnership arrangements that will be finalised once guidance on the duty to Refer is published. The Council will receive £70,505 up to 2019/20 (£20,327 for 18/19) in new burdens funding to support the delivery of new duties to the homeless. This is being used towards the costs of a full time front line member of staff to take account of the increased case management and to upgrade IT systems to support increased case recording and the changes in gathering statistical information.

Outcome of Consultation

16. No formal consultation has been carried out, but Officers have met with relevant partner agencies to formulate the planned services. However, changes to homeless procedures will form part of the consultation process associated with the finalisation of the new Preventing Homelessness Strategy. This will also include the development of a new consultative partnership to support the delivery of the strategy and the duty to refer.