Homelessness Reduction Act: an overview
Problems with current legislation

• Narrow interpretations of vulnerability, wide interpretations of intentionality

• Most single people only entitled to advice and assistance – instances that this is poor quality

• Short period of time to prevent homelessness leading to many people waiting until bailiffs arrive

• Most prevention and relief work conducted by LHA sits outside of the statutory framework

• Public bodies not working together effectively

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Five key ways...

1. Improving the advice and information available about homelessness and the prevention of homelessness

2. Extending the period ‘threatened with homelessness’ from 28 days to 56 days

3. Introducing new duties to prevent and relieve homelessness for all eligible people, regardless of priority need, intentionality (and local connection)

4. Introducing assessments and personalised housing plans, setting out the actions housing authorities and individuals will take to secure accommodation

5. Encouraging public bodies to work together to prevent and relieve homelessness through a duty to refer
Advisory services

Duty to Refer

Assessment and Personal Housing Plan

Prevention duty

Relief duty

Main duty
Advisory services

- Free information and advice to **anyone** in the LHA’s district:
  - Preventing homelessness
  - Securing accommodation
  - Rights
  - Available support and access
- Service must be designed to meet the needs of persons in the authorities district
- LHAs can outsource advisory services

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Advisory services - for who?

- Service must be designed to meet the needs of persons in the authorities district:
  - Released from prison or youth detention accommodation
  - Care leavers
  - Former members of the regular armed forces
  - Victims of domestic abuse
  - Persons leaving hospital
  - Persons suffering from mental illness or impairment
  - ‘Any other group that the authority identify as being at particular risk of homelessness in the authority’s district’

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Advisory services – Code of Guidance

• What information should the local housing authority provide?

• ‘Advice on the following issues may help’
  • tenants’ rights
  • rights to benefits including assistance with making claims as required;
  • how to protect and retrieve rent deposits;
  • rent and mortgage arrears;
  • how to manage debt;
  • grants available for housing repair and/or adaptation;
  • how to obtain accommodation in the private rented sector
  • how to apply for social housing.
  • how to access shared-ownership or other low cost home ownership schemes
Advisory services – Code of Guidance

- How should advice and information be developed/delivered to ensure it considers individuals needs/situations?

- Housing authorities will need to work with other relevant statutory and non-statutory service providers to identify groups at particular risk and to develop appropriate, accessible provision.

- Housing authorities may also wish to consult with particular groups, for example people in contact with the criminal justice system, before developing resources.

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Prevention and relief duties

• Threatened with homelessness: 28 – >56 days

• Prevention duty
  • All eligible households, regardless of priority need, intentionality, local connection
  • Reasonable steps to ‘help the applicant to secure that accommodation does not cease to be available…’

• Relief duty
  • Any eligible person who is homeless (can refer re: local connection)
  • Reasonable steps to help the applicant to secure that suitable accommodation becomes available…’
  • 56 days to resolve homelessness

• Must be satisfied that accommodation available for at least 6 months.

• Priority need provided with interim accommodation
Assessment and personalised housing plan

• Assessment of:
  • the circumstances that caused the applicant to become homeless or threatened with homelessness
  • what housing the applicant needs, and what accommodation would be suitable, and
  • whether the applicant needs support to obtain and keep accommodation

• Personalised housing plan:
  • Steps individual and council must take to get or keep suitable accommodation

• Housing authorities can contract out the assessments and personalised housing plans function to other organisations.

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• **How can we ensure an assessment is effective?**

• The assessment of an applicant’s support needs should be holistic and comprehensive.

• Some applicants may be reluctant to disclose their needs, and staff will need to have the sufficient skills and training to conduct assessments with these applicants.

• The housing authority can (with consent) involve other services the applicant is using to develop and agree the personalised housing plan.
• What direction is there as to what steps a local housing authority should take?

• ‘Reasonable steps’ (include but not limited too)
  • mediation/conciliation
  • assessing whether entitled to Discretionary Housing Payment
  • financial or other support to access private rented accommodation
  • ‘sanctuary’ measures for people at risk of violence
  • helping to secure or securing an immediate safe place to stay for people who are sleeping rough or at high risk of sleeping rough.

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Refusal to co-operate

- LHA may take certain actions if an applicant deliberately and unreasonably refuses to cooperate with the key steps in their personalised plan.

- Households in priority need would not be eligible for the main homelessness (rehousing) duty.

- Decision-maker must have regard to the applicant’s needs and circumstances.

- Should not penalise those who have difficulty co-operating.

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Refusal to co-operate – Code of Guidance

• How can you ensure that you don’t penalise people who find it **difficult** to cooperate?

• Be satisfied that applicant:
  • understands what is required of them
  • not refusing as a result of a mental illness or other health need, for which they are not being provided with support, or because of a difficulty in communicating,
  • refusal to co-operate was unreasonable in the context of their particular circumstances and needs
The duty to refer

• Some public authorities in England to notify LHA of service users they think may be homeless or at risk of homelessness

• Consent from individuals

• Service partners should decide how this will work in each local area

  • housing authorities may want to develop standard referral mechanisms or forms
  • public bodies may want to undertake training to support them in identifying people who are homeless or threatened with homelessness.

• Duty to come in October 2018
4.3 The public authorities which are subject to the duty to refer are specified in the Homelessness (Review Procedure etc.) Regulations 2018. The public services included in the duty are as follows:

(a) prisons;
(b) youth offender institutions;
(c) secure training centres;
(d) secure colleges;
(e) youth offending teams;
(f) probation services (including community rehabilitation companies);
(g) Jobcentre Plus;
(h) social service authorities;
(i) emergency departments;
(j) urgent treatment centres; and,
(k) hospitals in their function of providing inpatient care.

The Secretary of State for Defence is also subject to the duty to refer in relation to members of the regular forces. The regular forces are the Royal Navy, the Royal Marines, the regular army and the Royal Air Force.
Reviews

• Steps to prevent becoming homeless, or secure suitable accommodation;
• Duties owed to all eligible persons who are homeless or ‘threatened with homelessness’;
• To end the duty to help prevent homelessness,
• To end the duty to help secure suitable accommodation;
• Applicant has deliberately and unreasonably refused to cooperate
• Suitability of accommodation offered

In addition to the decisions an applicant can already request a review of, they will now have the right to request a review when an LHA decides:

• Applicant can appeal to the County Court on a point of law
  • Within 21 days of decision being notified to applicant
  • An applicant may apply to the County Court for permission to extend this time limit
Advisory services
All people in LHA’s district

Duty to Refer

Assessment and Personal Housing Plan
(All eligible)

Prevention duty
‘help the applicant to secure that accommodation does not cease to be available for the applicants occupation’
(All eligible, regardless of priority need, intentionality and local connection up to 56 days)

Relief duty
‘help the applicant to secure that suitable accommodation becomes available for the applicant’s occupation’
(All eligible, regardless of priority need, intentionality. Can limit to local connection up to 56 days)

Main duty
(Priority need, non-intentional, not if unreasonably refuse final offer)

Suitable accommodation
(Reasonable prospect of retaining for 6 months, extends main duty checks to PRS)

Temporary accommodation
(Priority need)

Final offer
(Priority need, not intentional, but unreasonably refuse final offer, homeless)
What is needed to make it work?

- Funding/Housing/Welfare
- Culture change:
  - Effective Communication, Active Listening, Motivational Interviewing
  - Trauma Informed Approaches and Psychologically Informed Environments (PIE)
  - Reflective practice and resilience
- Co-production:
  - Advice duty, recruitment
- Joined up working:
  - Deliver particular duties e.g. advice, assessments, PHPs
  - Referrals

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