



Homeless Link response to DCLG's consultation paper on the Homelessness Code of Guidance for Local Authorities

Homeless Link is the national membership charity for frontline homelessness agencies and the wider housing with health, care and support sector in England. With around 800 members, we work to improve services and campaign for policy change that will help end homelessness and ensure that everyone has a place to call home and the support they need to keep it.

Homeless Link is a member of the Making Every Adult Matter Coalition (MEAM), alongside Clinks and Mind, formed to improve policy and services for people experiencing multiple needs. People with multiple needs face a combination of problems including homelessness, substance misuse, contact with the criminal justice system and mental ill health. They are likely to live in poverty and experience stigma, discrimination, isolation and loneliness. It is estimated that 58,000 people face problems of homelessness, substance misuse and offending in any one year. Within this group, a majority will have experienced mental health problems. The MEAM Approach, which helps local areas to design and deliver better coordinated services for people with multiple needs, is currently being used by partnerships of statutory and voluntary agencies in 15 local areas across England.

Homeless Link was part of an independent panel of experts, from across the housing and homelessness sector, which reviewed the current homelessness legislation and worked with others to draft alternative legislation. The panel found that under current homelessness legislation it is common for local authorities to offer extremely limited support to people who do not meet priority need criteria, even if they are at immediate risk of sleeping rough. We support the ambition of the Homelessness Reduction Act to reduce homelessness and, the potential the Act has to drive a culture shift within local housing authorities towards offering meaningful, personalised support, to all eligible individuals to prevent or resolve their homelessness.

Overview of our response

There is much to welcome in the draft Code of Guidance which we have highlighted in our response. However, we believe that in its current form some sections of the guidance do not go far enough in promoting the shift towards universal preventative work the Act intends, and could lead to local authorities adopting a tick-box approach and minimal standards which the independent panel of experts highlighted as a key issue with previous legislation.¹ We have further concerns that the holistic, individualised support that some people may require will not effectively be identified; and that the joined-up response to preventing homelessness may not be achieved with the current wording of the guidance.

We have worked with a number of organisations in producing this response. Expert Link, a peer-led network which aims to amplify the voices of people who have experienced severe and multiple disadvantage, co-produced a focus group discussing the Code of Guidance with people with lived experience of severe and multiple disadvantage. Homeless Link also ran a forum with policy staff from member agencies, and ran sessions across England with front-line staff from member's projects.

Our response focuses on how the guidance can ensure that the *new duties* arising from the Homelessness Reduction Act can be discharged effectively. Many of our members have innovative practice around working with people experiencing homelessness who will now be covered by the additional duties, and have adopted different ways of working in response to changing demands such as reductions in resourcing.

Although our response does not comment on all parts of the guidance, this should not be taken either as endorsement or disagreement with those sections not referenced.

¹ See [The homelessness legislation: an independent review of the legal duties owed to homeless people \(2015\)](#)

Personal information

Q1: Are you responding as (please tick one):

- A private individual?
- ✓ **On behalf of an organisation?**

Q2: If you are responding as a private individual, is your main interest as:

- A individual with experience of homelessness?
- An individual who delivers a homeless service?
- Other? (Please specify)

Q3: If you are responding on behalf of an organisation, is the interest of your organisation as (tick all that apply):

- A local authority?
- A private registered provider?
- ✓ **A homelessness charity?**
- A private landlord or organisation representing private landlords?
- An organisation providing legal services?
- A supplier of management and/or other services to local authorities?
- A health agency?

- A social care agency?
- A children's service?
- A criminal justice agency?
- Other (please specify)?

Content of the Homelessness Code of Guidance

Q12: Taking chapters 1-5 of the Homelessness Code of Guidance which provide guidance on definitions to help inform decisions on the areas of statutory duty.

a) Having read these chapters are you clear what local authorities' responsibilities are? No

Chapter	Page and paragraph number	Change/add/remove	Comment
2	2.51 page 25		This section will be added following announcement of the Government's response to the consultation on supported housing. We recommend that, given the critical importance of supported housing as a response to homelessness, that sufficient time is given for experts to comment on the draft wording of this section.
2	2.9 page 17	<p>Add additional description that consulting with service users and specialist agencies is likely to bring about improvements to the authorities response to homelessness, through identifying issues and solutions which are not captured through other mechanisms.</p> <p>Add additional description that local authority staff may need to undertake training to ensure</p>	Homeless Link's policy, research and innovative practice work is informed by our Expert Panel of people with lived experience. We welcome the expectation that " <i>housing authorities will also wish to consult with service users and specialist agencies that provide support to homeless people in the district</i> " as our work benefits from adopting this approach. As this approach is not adopted across all local authorities, we would recommend a short description of the benefits of consulting with service users is included. Further, as this process requires a new way of working for some authorities, staff may require training to ensure that this new approach is effective. It may be helpful to cite learning from the Southwark Trailblazer as an example, where people with lived experience have been employed throughout the housing authority,

		that consulting with service users is safe, accessible and meaningful.	including, front of house staff, contributing to a positive culture change within the service and an effective response to people approaching the authority.
2	2.67 page 28	Add reference to 16.42, which provides a description of Housing First. This description should be amended as per later suggestion.	Homeless Link runs the Housing First England project, which aims to create and support a national movement of Housing First services, improving the lives of, and support for, some of society's most excluded people. We welcome the explicit reference to Housing First as a service to be considered when reviewing local authorities arrangements. Some commissioners may not be aware of the differences between Housing First and housing-led services, so a description of Housing First should be included here, or a reference included to an amended description in 16.42
2	2.62-2.74 pages 26-29	Add heading 'Support for young people' before para. 2.69 Add additional section on 'Support for people experiencing multiple disadvantage' "People experiencing multiple disadvantage face a combination of problems including homelessness, substance misuse, contact with the criminal justice system and mental ill health. They are likely to live in poverty and experience stigma, discrimination, isolation and loneliness. It is estimated that 58,000 people face problems of homelessness, substance misuse and offending	Currently, para2.69 on young people is within a broader section Homeless Link is a member of the Making Every Adult Matter Coalition (MEAM), alongside Clinks and Mind, formed to improve policy and services for people experiencing multiple disadvantage. Currently, a lack of coordination between services means that: <ul style="list-style-type: none"> – people are turned away from services because their needs are judged either too mild to meet a threshold, or too severe to be manageable – organisations don't communicate with each other to ensure that people's full range of needs are met – local areas fail to manage crucial transitions, for example from childhood to adulthood, or as people leave institutions such as the care system or prison. The MEAM Approach, which helps local areas to design and deliver better coordinated services for people with multiple needs, is currently being used by partnerships of statutory and voluntary

		<p>in any one year. Within this group, a majority will have experienced mental health problems.</p> <p>To effectively support this group, each area should adopt an approach that brings together different agencies to prevent and respond to multiple needs. Commissioners, services and people with lived experience of multiple disadvantage should be involved to design the best solutions to the problem, and ways of measuring success. This may include, for example, Housing First (see 16.42)</p>	<p>agencies in 15 local areas across England.</p> <p>Strategies to prevent homelessness can be a key mechanism to encourage effective co-ordination between services. We therefore recommend that additional paragraphs should be included within the section 'Formulating a strategy to provide support' around support for people experiencing multiple disadvantage. This should include reference to Housing First, which is already described under section 16.42 as an effective response for people experiencing multiple disadvantage.</p> <p>We would welcome working further with DCLG on this if required.</p>
3	3.2 page 30	<p>Include additional paragraph under 3.2 about accessing help.</p> <p>For example,</p> <p>'Information on accessing help should be comprehensive but should include opening times and whether particular organisations cater for specific groups. Local authorities should work with other agencies to ensure the information provided is up-to-date.'</p>	<p>Further detail will need to be included around accessing help. We are aware currently of situations where people are provided with inaccurate, out of date information, and so are directed to organisations that are already closed for the day, or who cater only for specific groups. This was highlighted by the panel of experts who reviewed the previous homelessness legislation.</p> <p>Given the duty to refer, and the collaborative working required for preventing homelessness strategies, this would be an apt place to stress the importance of working with other agencies to ensure that information provided is up-to-date.</p>

3	3.3 page 30	<p>Replace ‘through authorities websites and other channels’ with ‘through authorities websites, statutory and voluntary agencies in the local area, and other channels.’</p> <p>Add initial bullet that information provided should be ‘Accessible, in plain English, with translations dependent on local need.’</p>	<p>Detail currently provided about information puts too much emphasis on local authorities’ websites, which will not be accessible to people who do not have regular access to the internet (e.g. rough sleepers). This section should be amended to align with the requirement of the Act to ensure information is accessible to people in the local district. This may require contracting out parts of the function to other agencies who have records of effective engagement with particular groups who are homeless or threatened with homelessness (as highlighted in 3.5).</p>
3	3.4 page 31	<p>Add additional detail within 3.4, that other groups may include young people, people experiencing multiple disadvantage, and victims of modern slavery.’</p>	<p>Section 179 (2) states that housing authorities must design information for ‘any other group that the authority identify as being particularly at risk of homelessness in their district.’ Given reference throughout the guidance to particular groups that are at particular risk, it would aid people using the guidance if these were mentioned here. This would include, for example, young people, people experiencing multiple disadvantage, and victims of modern slavery.</p>
3	3.5 page 31	<p>The paragraph currently outlines that ‘In some circumstances tailored advice and information will be best delivered in a targeted and planned way when it is most likely to be needed.’</p> <p>Add detail that:</p> <ul style="list-style-type: none"> — Authorities may wish to work with people with lived 	<p>Detail currently provided about ensuring information is tailored to individual needs requires further details to ensure it effectively represents the Act.</p> <p>Although later sections of the guidance highlight that local authorities may work with people with an offending history to develop tailored information, this is not replicated here or extended to other groups. Further, a criticism of the implementation of current homelessness legislation, identified by the panel of experts, was that information was frequently out-of-date, and that people had a negative experience of engagement with staff within</p>

		<p>experience to develop information that is tailored to particular groups</p> <ul style="list-style-type: none"> — advice and information services should be provided in a non-judgemental manner to all applicants — every reasonable effort should be made to ensure information provided is accurate — advice may need to be delivered through local voluntary and statutory agencies who work effectively with particular groups. 	<p>local housing authorities. Guidance should respond to this by detailing requirements to provide information in a non-judgemental manner, and work with other agencies to deliver information where required. Learning from Plymouth Community Connections could be included or cited.</p>
3	3.6 page 31	<p>Include additional examples, such as those from 2.63, within list of potential information to be provided.</p>	<p>The Act requires information to be provided on:</p> <ul style="list-style-type: none"> a) preventing homelessness, b) securing accommodation when homeless, c) the rights of people who are homeless or threatened with homelessness, and the duties of the authority, d) any help that is available from the authority or anyone else for people in the authority's district who are homeless or may become homeless (whether or not they are threatened with homelessness), and e) how to access that help. <p>Currently, the only examples included in 3.6 relate to b). Homeless Link is concerned that a tick box approach may be adopted by some local authorities, where this list is taken as all the information</p>

			that is required to provide people. Additional examples should be included to mitigate this, such as those found in 2.63 around housing-related support.
4	Pages 33-35	Add specific examples when public bodies subject to the duty have been determined	<p>Although regulations have not been laid determining which public bodies will have a duty to refer, some details could have been provided where it is clear that <u>processes used by</u> public bodies can result in someone being threatened with homelessness (for example the Home Office teams managing asylum accommodation (NASS) and the Home Office teams in Immigration detention centres). The guidance would benefit from examples which reference these public bodies.</p> <p>Homeless Link recommends that a further opportunity to comment on this will be required to ensure it benefits fully from the expertise of those responding to the consultation.</p>
4	4.2, page 33	<p>Change</p> <p>‘Public authorities are not expected to conduct housing needs assessments as part of the section 213B duty to refer.’</p> <p>To</p> <p>‘Although public authorities are not expected to conduct housing needs assessments as part of the section 213B duty to refer, some may do so as part of their agreed local arrangements. Public authorities should take appropriate</p>	<p>Although public authorities are not expected to conduct housing assessments, their responsibilities do not end with a duty to refer. The aim of the Act is for local protocol to be developed so that voluntary and statutory agencies work together to prevent and relieve homelessness. This should be conveyed in the language here, particularly given that some voluntary and statutory agencies will be involved in developing housing needs assessments, for example mental health agencies who are involved in assessments of ‘vulnerabilities.’</p>

		action to assist someone who they have identified as being homeless or at risk of homelessness ’	
	4.3-4.6, page 33	<p>Add paragraph outlining:</p> <p>“Local arrangements may include:</p> <ul style="list-style-type: none"> — Developing an agreed methodology for identifying individuals — Developing pro-forma around information included in a referral (see 4.8) — Agreed approaches to what each agencies role is beyond referral — Protocol on how a local authority will respond to an agency that refers, and the timeframes for responses from local authorities (see 4.11)” 	<p>Although we agree that local arrangements should be developed to effectively discharge the duty to refer, examples should be included on what these should include. This would retain the emphasis on local arrangements, whilst mitigating the danger that agencies will not adopt processes to improve identification, and may abdicate responsibility after a referral has been made (a concern identified by the panel of experts). It would also increase the confidence of the agencies making referrals that their referral would be acted upon, encouraging greater cooperation between the range of organisations operating in the local area to work together to identify and prevent homelessness.</p>
4	4.11 page 34	<p>Change</p> <p>“The housing authority may wish to contact the individual via a phone-call, email or letter in accordance to the contact details provided in the referral. If direct contact is not made the authority should provide information on accessing advice and assistance including the housing authority’s website, opening hours, address</p>	<p>For referrals relating to relieving homelessness, it is likely that many people will be rough sleeping. They are likely to have limited and sporadic access to post, internet services or mobile phone credit. We echo the position of St Mungo’s, that in cases where rough sleeping is known or suspected, authorities should make additional efforts to make contact with potential applicants.</p>

		<p>and 24-hour contact details.”</p> <p>To</p> <p>“The housing authority may wish to contact the individual via a phone-call, email or letter in accordance to the contact details provided in the referral. If direct contact is not made the authority should provide information on accessing advice and assistance including the housing authority’s website, opening hours, address and 24-hour contact details. In cases where rough sleeping is known or suspected, authorities should make additional efforts to make contact with potential applicants.”</p>	
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Q12: Taking chapters 6-10 of the Homelessness Code of Guidance which provide guidance on definitions to help inform decisions on the areas of statutory duty.

a) Having read these chapters are you clear what local authorities’ responsibilities are? No

Chapter 7: Eligibility

- We echo the position of Crisis that the way this chapter is currently worded may lead to a tick box approach to determining support, which is out of step with the intention of the new legislation. To ensure that local authorities are clear that their responsibilities should move beyond the minimum requirements of the legislation this chapter should:
 - open by reiterating that everyone is entitled for some form of assistance, even if this is only advice and information.
 - confirm that local authorities can use their discretion to accommodate people who are ineligible for assistance.

b) Would you suggest any additions, deletions or changes to these chapters?

Chapter	Page and paragraph number	Change/add/remove	Comment
8	8.25 page 60	<p>Additional information should be included so that the section reads:</p> <p>“Assessment of vulnerability due to mental health problems will require cooperation between housing authorities, social services authorities and mental health agencies. Housing authorities should consider carrying out joint assessments or using a trained mental health practitioner as part of an assessment team. Joint assessment and co-operation is likely to be required for a range of other conditions, such as learning difficulties and dementia, and processes should be developed with other agencies to facilitate this joint</p>	<p>We welcome the current comment that assessment of vulnerability will require cooperation with other agencies. There are a range of conditions outside of those listed where this approach would also be required, and these should be referenced to ensure authorities assessment processes are tailored to individual’s needs.</p>

		working.”	
8	8.35 page 60	Include detail of domestic abuse as per Chapter 21.	Currently, this paragraph is focused on physical violence or the threat of physical violence and does not acknowledge that domestic abuse is not limited to physical violence and can include a wide range of controlling, coercive and threatening behaviour. Details from Chapter 21 should be included here, and throughout the guidance, where there is reference to violence. This will ensure that the intention of the guidance relating to domestic abuse is not lost by people who use the guidance and do not refer to Chapter 21.

d) When considering ‘Chapter 10: Local Connection’ does the guidance provide sufficient clarity about when and how a referral can be made? Please note if there is anything more you think could be provided to help housing authorities interpret the legislation

Homeless Link agrees with the position of Crisis that the Chapter as currently drafted focuses on circumstances where a local authority could refer an applicant to another area, and the measures that must be proved for an applicant to demonstrate they have a local connection. However, the Act is clear that a local authority *may* refer to another local authority (i.e. are discretionary), but it does not have to (as made clear in section 10.19); this should be made clear at the outset of the Chapter to ensure that the intention of the Act is met. This point was strongly emphasised in current guidance (paragraph 18.4) and this should be translated to the new guidance.

Q13: Taking chapters 11-14 of the Homelessness Code of Guidance which focus on the prevention and relief duties consider the following questions:

- a) **Having read these chapters are you clear what local authorities’ responsibilities are? No**
- b) **Would you suggest any additions, deletions or changes to these chapters?**

Chapter	Page and paragraph number	Change/add/remove	Comment
	11.8 page 82	<p>Change</p> <p>‘will need applicants to provide all relevant information to inform their assessment.’</p> <p>to</p> <p>‘will encourage applicants to provide all relevant information to inform their assessment, although some applicants may have very limited information as to previous addresses.’</p>	<p>People can present with limited information to their previous addresses. A lack of information in these circumstances should not be a barrier to providing assistance, and local authorities should have protocols in place to effectively gather evidence in a timely manner in these cases. This will enable local authorities to effectively meet the requirement to ensure assessments are personalised and take into account individual’s needs, as outlined throughout the rest of the Chapter.</p>
	11.9 page 82	<p>Change section as below:</p> <p>“Applicants should be encouraged to share information without fear that this will reduce their chances of receiving support. For example, people may have an underlying and entrenched condition which is impacting their decision to</p>	<p>Homeless Link welcomes the emphasis given that some people will appear reluctant to disclose information. Our previous research² has found that 80% of homeless respondents report experiencing a mental health issue, and researchers have also found a high prevalence of personality disorder amongst people who are homeless.³ People experiencing complex trauma are likely to have problems sustaining stable relationships due to their history. Individuals are more likely to have feelings of shame and lack trust in others which can have an impact on how they engage in relationships that are there to help and support them. They are also</p>

² Homeless Link (2014) The unhealthy state of homelessness: Health audit results. Homeless Link. www.homeless.org.uk/sites/default/files/site-attachments/The%20unhealthy%20state%20of%20homelessness%20FINAL.pdf

³ Maguire, N.J., Johnson, R., Vostanis, P., Keats, H. and Remington, R.E. (2009) Homelessness and complex trauma: a review of the literature. Southampton, UK, University of Southampton

		<p>accept help. It is important to consider undiagnosed mental illness or autism which may not be obvious on initial interactions or if staff are not qualified to recognise it.</p> <p>Questions should be asked in a sensitive way and with an awareness that the applicant may be reluctant to disclose personal details. This may require different ways of working with individuals, for example people who are entrenched rough sleepers might need slower, more persistent, not very authoritative engagement over a longer period of time.</p> <p>Housing authorities should ensure staff have sufficient skills and training to conduct assessments of applicants who may find it difficult to disclose their circumstances, including people who have experienced trauma and people at risk of domestic abuse, violence or hate</p>	<p>more likely to experience overwhelming emotions, have difficulties controlling fear and anger, and may have other mental health needs such as depression and anxiety. These complex and interrelated issues can be highly challenging for support services.</p> <p>It is therefore welcome that the guidance references the need for training. Homeless Link would recommend explicit mention is made of Trauma Informed Care (TIC) to improve awareness of trauma and its impact, to ensure that the services provided offer effective support and, above all, that they do not re-traumatise those accessing or working in services. We have developed specific information about this approach and how it can be adopted <u>by services providing support to people experiencing homelessness</u>, which could be referenced.</p> <p>In addition to training of staff, Homeless Link recommends that specific reference is made to how the environment can be developed to ensure they are psychologically informed. Psychologically Informed Environments (PIE), are designed and delivered in a way that takes into account the emotional and psychological needs of the individuals using them. Specific guidance on PIE for homelessness services was published by the Department for Communities and Local Government in 2012 which should be referenced.⁴</p> <p>Our panel of experts with lived experience highlighted how advocates will be required for some people to support the assessment process. This part of the guidance provides an opportunity to re-iterate that local authorities can commission</p>
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⁴ Keats, Helen, Maguire, Nick, Johnson, Robin and Cockersell, Peter (2012) Psychologically informed services for homeless people. Southampton, GB, Communities and Local Government (Good Practice Guide) www.rjaconsultancy.org.uk/6454%20CLG%20PIE%20operational%20document%20AW-1.pdf

	<p>crime. <u>Adopting Trauma Informed Care (TIC)</u> can improve awareness of trauma and its impact, to ensure that the services provided offer effective support and, above all, that they do not re-traumatise those accessing or working in services.</p> <p>Training should also focus on positive and empowering relationships, and improving wellbeing through support provided to both service users and providers. Potential resources to support training for staff around identifying underlying causes include <u>mental health interventions for people who sleep rough and autism and homelessness.</u></p> <p>Consideration should be given to how the environment can be designed and delivered in a way that takes into account the emotional and psychological needs of the individuals using them. Specific guidance on developing Psychologically Informed Environments for</p>	<p>services to help deliver particular duties under the Act to ensure they are effectively discharged, and that this may require commissioning advocacy support so that assessment processes are tailored to individuals' needs.</p>
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		<p>homelessness services sa been published by the <u>Department for Communities and Local Government</u></p> <p>Housing authorities may need to engage advocates to ensure that the assessment process is effective. This could be considered as part of a local authority’s commission arrangements for meeting homelessness legislation.”</p>	
	<p>11.11, page 82</p>	<p>Housing authorities will wish to adopt assessment tools that enable staff to tease out particular aspects of need, without appearing to take a ‘checklist’ approach using a list of possible needs. Examples of an effective approach to teasing out ‘particular aspects of need’, can be found [link to work of Hart and Rushmoor Homelessness Prevention Trailblazer]</p> <p>Some applicants may be reluctant to disclose their needs, for example if they have experienced trauma, and will need sensitive encouragement to</p>	<p>It is welcome that the guidance explicitly outlines that assessments of peoples’ support needs should be holistic, and that ‘Housing authorities will wish to adopt assessment tools that enable staff to tease out particular aspects of need, without appearing to take a ‘checklist’ approach using a list of possible needs’. Reference should be made that assessments will require sufficient time/resources to ensure they are comprehensive.</p> <p>Simple changes, for example changing terminology from ‘Assessment’ to ‘Information gathering,’ can contribute to a less confrontational approach. We are aware of positive examples of an effective approach to teasing out ‘particular aspects of need’, such as the Hart and Rushmoor Homelessness Prevention Trailblazer, which adopted a ‘How are you?’ approach to assessment to replace the adversarial approach. The guidance would benefit from referencing work of this Trailblazer.</p> <p>This section could also stress that assessment tools could be co-produced with people with lived experience of homelessness to</p>

		<p>do so, with an assurance that the purpose of the assessment is to identify how the housing authority can best assist them to prevent or relieve homelessness. Adopting a Trauma Informed Care (TIC) approach may be an effective way to engage with people who have experienced trauma (see para 11.9).</p>	<p>support their effective implementation. Examples of effective person-centred and strength based tools could be provided, for example <u>Practice Based Evidence</u>.</p> <p>This section should further reference the suggested amendment to 11.9, giving more explicit information about why people may be reluctant to disclose their needs or circumstances, and how adopting a TIC approach will support housing authorities to effectively discharge this duty.</p>
	<p>11.13, page 83</p>	<p>Change paragraph to read as below</p> <p>The Secretary of State considers an individual and interactive process will be required to fully and effectively assess circumstances and needs, for example through the use of advocates. Whilst advice and information services could be provided via an online process, Housing authorities could not rely solely on such means to complete assessments into individual circumstances and needs for people who are homeless or threatened with homelessness within 56 days. Housing authorities must not consider the individual circumstances and needs for</p>	<p>Our panel of people with lived experience highlighted how advocates will be required for some people to support the assessment process. This part of the guidance provides an opportunity to re-iterate that local authorities can commission particular duties under the Act to ensure they are effectively discharged, and that this may require commissioning advocates so that assessment processes are tailored to individual's needs.</p> <p>As currently drafted, this paragraph implies that information services could be provided solely online, which is in contrast to the chapter on information services. This implication should be removed.</p>

		people who are homeless or threatened with homelessness within 56 days.	
	11.14, page 83	<p>Change as highlighted</p> <p>“In most circumstances assessments will require at least one face to face interview. However, where that is not possible or does not meet the applicant’s needs, assessments could be completed on the telephone or internet or with the assistance of a partner agency. For example, an applicant who is in prison, hospital or in other circumstances where they cannot attend an interview, could have an assessment completed through a video link or with the help of a partner agency able to complete an assessment form, provide information and assist with communication where needed. Some individuals who have a history of ineffective engagement with the housing authority may also require assessments to be undertaken at different locations, including at voluntary agencies.</p>	<p>It is welcome that a range of assessment techniques is highlighted, and that meeting individual needs may require assessments to take place in different locations. Further examples should be given why this might be appropriate: not only why it might be physically impossible to attend an interview, but, for example, because trust needs to be developed due to historic disengagement between some groups and the local housing authority.</p>

	11.17, page 83	<p>Change</p> <p>“...in most cases housing authorities will need to supplement the information provided within a referral with their own assessment and enquiries.”</p> <p>With</p> <p>“Depending on local referral protocol, this may require housing authorities to supplement the information provided within a referral with their own assessment and enquiries.”</p>	<p>It should not be assumed that most cases will require additional information, as this is subject to how well organisations are working together as part of their strategies to prevent homelessness.</p>
	11.29, page 86	<p>Add:</p> <p>“Local authorities should take measures to ensure that individuals understand the information given and what they need to do. This may be a particular issue for those where English is not their first language, where literacy is an issues or due to disability, including dementia or acquired brain injury.</p> <p>It is recommended that the principle of the <u>Mental Capacity</u></p>	<p>The guidance should put an onus on local authorities to ensure that applicants have understood the information that is provided to them. Although this may be implicitly implied in paragraph 11.29 this should be spelt out in a preceding paragraph, with reference to existing duties under the Mental Capacity Act.</p>

		<p><u>Act</u> are adopted, whereby a local authority should ascertain that a person can:</p> <ul style="list-style-type: none"> • Understand information about the decision to be made. • Retain that information in their mind long enough to make the decision. • Use or ‘weigh-up’ that information as part of the decision-making process • Communicate their decision.” 	
	<p>11.36, page 87</p>	<p>Change as per below</p> <p>“Applicants have a right under section 202 to request a review of the reasonable steps the housing authority has included within their personalised housing plan within the prevention and relief stages. Housing authorities should encourage applicants to raise any concerns they have about their plan and work to resolve disagreements to minimise the occasions on which the applicant will feel the need to request a review. This may involve the use of advocates.”</p>	<p>Our panel of people with lived experience highlighted how advocates will be required for some people to ensure reviews are effective. This part of the guidance provides an opportunity to re-iterate that local authorities can commission particular duties under the Act to ensure they are effectively discharged, and that this may require commission advocates so that review processes are tailored to individual’s needs.</p>

	14.41, page 91	<p>Change para 14.41 to make clear that this is an 'absolute last resort' and that all other avenues should be explored first</p> <p>Change para 14.41 to re-iterate that people who may find it difficult to cooperate should not be penalised.</p> <p>Change para 14.41 to re-iterate that local authorities should be positively engaging with individuals; those that may appear to be refusing to cooperate may have underlying issues, and local authorities should try a range of techniques to gain engagement. This message should be re-iterated in 14.48.</p>	See response to 13 (d)
		Add a paragraph highlighting that housing authorities should reflect on their communication practices to ensure they are tailored to the individual's requirements. This may require consideration of whether individuals have received the communications, whether they were delivered in an accessible way that is understood by the individual, and whether	See response to 13 (d)

		they may potentially be in a situation (e.g. crisis) that means they are unable to respond	
	14.48, page 100	Include detail that 'reasonable efforts to obtain co-operation' (14.48) could include the use of advocates or other services in the area who have been involved with the personalised plan.	See response to 13 (d)
	14.50, page 100	Extend the welcome example of 'street homeless' to include those who have difficulties in managing communications and appointments, for example people experiencing multiple and complex disadvantage.	See response to 13 (d)
	14.51 (a)	Include that steps should be 'communicated' as well as recorded.	See response to 13 (d)
	14.51 (c)	Extend "The applicant is not refusing to co-operate 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;" To include 'alcohol or drug dependency, limited English language skills, illiteracy, etc.'	See response to 13 (d)

	14.51, page 100	Remove the examples given under 14.51(d)	<p>The examples currently provided suggest that an applicant should be required to prioritise viewing a property above attending a Jobcentre or medical appointment or caring for a sick child, and if they failed to do this it could be considered deliberate and unreasonable refusal to cooperate.</p> <p>In the vast majority of circumstances this would not be sufficient to constitute a deliberate and unreasonable refusal to cooperate and encourages local authorities to set an inappropriately low bar when determining if duty should be ended on this ground. These examples should be removed.</p>
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c) When considering ‘Chapter 11: Assessments and Personalised Plans’ do you consider the guidance on ‘reasonable steps’ is sufficient, and is helpful?

The guidance is not currently sufficient in providing the level of information local authorities will require to discharge this duty legally and effectively. Homeless Link considers that the following specific changes should be incorporated:

- Paragraph 11.23(a) should be amended to clarify that it is not reasonable to advise people to attempt reconciliation with family or friends where this option is likely to further damage family relationships, which will be important for future support, and definitely not where it might put people at risk of violence.
- An additional paragraph is needed to reflect the requirement of local authorities to take into account the capacity and vulnerability of the applicant when considering what would constitute reasonable steps.
- Further examples of the types of ‘reasonable steps’ required should be given, which pay particular reference to the additional duties to refer to assessments of support needs. This could include, for example, the provision of particular types of ‘floating’ support, and how to obtain identification where required (e.g. where to get funds for the fees, legal advice available when necessary, supporting documents, etc)
- References to social housing should be included where there is currently only reference to housing in the private rented sector.

d) When considering ‘Chapter 14: Ending the Prevention and Relief duty’ would any additional information on applicants who deliberately and unreasonable refuse to cooperate be helpful?

The intention of the Homelessness Reduction Act is for prevention and relief duties only to be ended on the grounds of deliberate and unreasonable refusal to cooperate in exceptional circumstances and as a last resort after all attempts to engage the applicant have been exhausted. The Department for Communities and Local Government have made this clear in their factsheet on this part of the Homelessness Reduction Act, which states “The bar is set at ‘unreasonably refusing to co-operate’ so that it does not penalise those who have difficulty co-operating, for example because of poor mental health or complex needs.”

Homeless Link is concerned that the guidance as drafted may penalise those who have difficulty cooperating, for example because they have mental health problems or complex needs. Our research into sanctions has highlighted that people who are homeless are disproportionately sanctioned, with the primary reason being failure to make an appointment.

We have made suggestions as outlined in table 13 (b) and would welcome working with the Department for Communities and Local Government to ensure that a final draft of this section does not unintentionally penalise those who have difficulty co-operating.

Q14: Taking chapters 15-17 of the Homelessness Code of Guidance which focus on accommodation duties and powers consider the following questions:

- a) Having read these chapters are you clear what local authorities’ responsibilities are?**
- b) Would you suggest any additions, deletions or changes to these chapters?**

Chapter	Page and paragraph number	Change/add/remove	Comment
	16.42, page 118	Amend the following “Housing First is an approach to ending long term homelessness for people with complex needs. It has been developed specifically to meet the needs of the most challenging client groups who	Homeless Link runs the Housing First England project, working with projects across England in developing the core principles and effectively providing Housing First services. We therefore welcome specific reference to Housing First as a type of accommodation for particular groups. Highlighting that there are central principles is particularly welcome. However, the description provided is unfortunately deficit focussed (e.g. ‘challenging client

		<p>have previously been unable to sustain housing. Although there are some variations in approach between different providers of Housing First, the central principles include providing a home without any requirement to engage with services, flexible support available for as long as needed, enabling individuals to have choice and control, and to reduce harm.”</p> <p>To read:</p> <p>“Housing First is an approach to successfully ending homelessness for people experiencing multiple and complex disadvantage It has been developed specifically for those who have ineffective or no engagement with current services.</p> <p>The overall philosophy of Housing First is to provide a stable, independent home and intensive personalised support and case management to homeless people with multiple and complex needs. There are no</p>	<p>group,’ ‘unable to sustain housing’), which is contrary to the ethos of Housing First, and does not stress the intensive nature of the support required.</p> <p>Our suggested amendment highlights the specific group that Housing First is appropriate for, the basic principles, and how fidelity to those will likely lead to better outcomes. Homeless Link would welcome further discussion with those drafting this paragraph if required.</p> <p>We would also recommend a further paragraph to encourage local authorities to commission Housing First provision based on an assessment of those qualifying for it in the local area.</p>
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		conditions around 'housing readiness' before providing someone with a home; rather, secure housing is viewed as a stable platform from which other issues can be addressed. “	

c) When considering Chapter 17: Suitability of Accommodation are you clear what local authorities' responsibilities are? Is there any further guidance required to help housing authorities assess affordability of accommodation, or the suitability of accommodation out of district?

As the guidance is now drafted, assessment of affordability has become a discretionary decision made by local authorities (with no reference to the applicable level of benefits), rather than a standard determined at central Government (i.e. through the level of income support). We are concerned that this will encourage local authorities to exert excessive resource on scrutinising people's income and expenditure to determine whether accommodation is affordable for them, and could lead to properties being deemed suitable which are unsustainable. Conducting this assessment is very unlikely to treat applicants with respect and dignity and compromises the culture change required for successful implementation of the Act. Homeless Link recommends that the wording of the guidance is reverted to the previous drafting.

Q16: Taking chapters 21-25 of the Homelessness Code of Guidance which focus on particular client groups consider the following questions:

a) Having read these chapters are you clear what local authorities' responsibilities are? No

The guidance is not currently sufficient in providing the level of information local authorities will require. Homeless Link has the following specific comments on how changes could be made to these chapters:

General

- Changes that Homeless Link has recommended around advisory services, assessment and personalised plans and the duty to refer should be embedded within these sections to ensure consistency across the guidance.
- Although it is positive to see specific chapters focused on particular groups, Homeless Link recommends all information contained within them is consistently embedded throughout the guidance. For example
 - The cross-government definition of domestic abuse or violence in chapter 21 is not reflected throughout the guidance. Currently the guidance focuses heavily on physical violence outside of this chapter, which could lead to many instances of domestic abuse being wrongly overlooked by housing authorities.
 - The inclusion of consultation with people in prison and those with an offending history is outlined in Chapter 23, and should be replicated in Chapter 23.
- Specific chapters may be required highlighting housing authorities duties in relation to those experiencing a mental health issue, people with drug and alcohol misuse issues and people experiencing multiple disadvantage.
- Each chapter should include a paragraph outlining that some people may experience multiple disadvantage, and that the chapter should not be read in isolation from others. We would recommend a specific chapter on people experiencing multiple disadvantage, and, as a member of the MEAM coalition, we would welcome working with the Department for Communities and Local Government to draft this.

Chapter 21: Domestic abuse

- Homeless Link supports the call from Crisis that housing authorities should establish referral arrangements with local police services. Housing needs of survivors of domestic violence are sometimes only considered if they are considered to be a high enough risk to be referred to a MARAC (Multi Agency Risk Conference), leading to discrepancies and poor decision making, as risk is not static but can change very quickly in domestic violence cases. We support the All Party Parliamentary Group for Homelessness recommendation that every case of domestic abuse which is brought to police officers' attention should be referred to the Housing Options or Homelessness team with the person's consent. This initiative aligns closely with the duty to refer and should be included in the Code of Guidance as an example of the procedures local authorities should put in place to identify abuse and prevent homelessness for survivors of domestic violence.
- Robust and comprehensive training should be put in place for all Housing Options teams so that any team member who may work with survivors at some point can do so safely and sensitively. Training should include all forms of domestic abuse, and special precautions should be made for survivors who are financially dependent on their abuser as they are likely to have a high need for housing support. We support the call of Stonewall Housing that staff should be recruited (or trained) to have specialist knowledge of LGBT issues.

Chapter 23: People with an offending history

- Homeless Link supports Clinks' recommendation that the guidance is strengthened to reflect the statutory requirement for housing advice to be made available to people before they are released from prison. As Clinks further highlight, we recommend that the guidance makes it clear which agency is responsible for providing the housing advice to people whilst they are in prison to avoid duplication and ensure each partner agency's role and responsibility is clarified.

Chapter 25: Modern slavery and trafficking

- Draft guidance in development by the London Working Group and the Human Trafficking Foundation should be included in the Code.