

Homelessness Reduction Act – CMT Briefing

Introduction

The Homelessness Reduction Bill received Royal Assent and therefore became an Act of Parliament on the 27 April 2017. The new acts puts more emphasis on prevention activities by placing new legal duties on local authorities to provide meaningful support to everyone who is homeless or at risk of homelessness, regardless of whether they are in priority need or ‘intentionally homeless’, as long as they are eligible.

This briefing summarises the main changes and measures being introduced as part of the Homelessness Reduction Act 2017 and the opportunities and challenges to be faced by Dacorum Borough Council as part of implementing the act.

Proposed timescales for implementation

A new Homelessness Code of Guidance is due to be published later this year which will provide practical guidance on how the legislation and related policies should be implemented and commencement of implementation is expected in 2018.

Details of the Homelessness Reduction Act 2017

‘Threatened With Homelessness’

Current legislation (Housing Act 1996 as amended by Homelessness Act 2002) defines that a person is considered to be threatened with homelessness if it is likely that they will become homeless within 28 days. The Homelessness Reduction Act 2017 doubles the number of days from 28 to 56, including those who have been served with a valid Section 21 notice. A section 21 notice, is the legal notice that must be served by a landlord notifying the tenant that possession of the private sector property is required. Anyone accepted by the Council as being threatened with homelessness will be owed the new prevention duty and we must take ‘reasonable steps’ to help them avoid becoming homeless. This could include placing them into temporary accommodation.

Providing Advisory Services

The Housing Act 1996 stipulates that local authorities must ensure advice and information around homelessness and preventing homelessness is available free of charge to everyone in their district. The new act will require a more robust approach to advisory services with the need to provide information and advice on:

- Preventing homelessness;
- Securing accommodation if homeless;
- The rights of people who are homeless or threatened with homelessness, and;
- Any other support (provided by the local authority or any other local organisations) that is available for people who are homeless or likely to become homeless as well as how to access that help.

Local authorities will also need to ensure that advisory services can be tailored to meet the needs of particular groups who are at increased risk of becoming homeless i.e. care leavers (who are now considered to have a local connection to an area if they were looked after, accommodated or fostered there for a continuous period of at least 2 years), prison leavers, armed forces, domestic abuse victims, hospital leavers and those suffering with a mental health illness.

To summarise the act currently states:

Duty of local housing authority to provide advisory services.

(1) Every local housing authority shall secure that advice and information about homelessness, and the prevention of homelessness, is available free of charge to any person in their district.

(2) The authority may give to any person by whom such advice and information is provided on behalf of the authority assistance by way of grant or loan.

(3) A local housing authority may also assist any such person—

(a) by permitting him to use premises belonging to the authority,

(b) by making available furniture or other goods, whether by way of gift, loan or otherwise, and

(c) by making available the services of staff employed by the authority.

By direct comparison the new Act requirements will be as follows:

Duty of local housing authority in England to provide advisory services

- (1) Each local housing authority in England must provide or secure the provision of a service, available free of charge to any person in the authority's district, providing information and advice on –
- (a) preventing homelessness,
- (b) securing accommodation when homeless,
- (c) the rights of persons who are homeless or threatened with homelessness, and the duties of the authority, under this Part,
- (d) any help that is available from the authority or anyone else, whether under this Part or otherwise, for persons 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.
- (2) The service must be designed to meet the needs of

- (a) persons released from prison or youth detention accommodation,
- (b) care leavers,
- (c) former members of the regular armed forces,
- (d) victims of domestic abuse,
- (e) persons leaving hospital,
- (f) persons suffering from a mental illness or impairment, and
- (g) any other group that the authority identify as being at particular risk of homelessness in the authority's district.

(3) The authority may give to any person by whom the service is provided on behalf of the authority assistance by way of grant or loan.

(4) The authority may also assist any such person –

- (a) by permitting the person to use premises belonging to the authority,
- (b) by making available furniture or other goods, whether by way of gift, loan or otherwise, and
- (c) by making available the services of staff employed by the authority.

(5) In this section –

“care leavers” means persons who are former relevant children (within the meaning given by section 23C(1) of the Children Act 1989);

“domestic abuse” means –

- (a) physical violence,
- (b) threatening, intimidating, coercive or controlling behaviour, or
- (c) emotional, financial, sexual or any other form of abuse,

where the victim is associated with the abuser;

“financial abuse” includes –

- (a) having money or other property stolen,
- (b) being defrauded,
- (c) being put under pressure in relation to money or other property, and
- (d) having money or other property misused;

“hospital” has the same meaning as in the National Health Service Act 2006 (see section 275(1) of that Act);

“regular armed forces” means the regular forces as defined by

section 374 of the Armed Forces Act 2006;

“youth detention accommodation” means –

- (a) a secure children’s home,
- (b) a secure training centre,
- (c) a secure college,
- (d) a young offender institution,
- (e) accommodation provided by or on behalf of a local authority for the purpose of restricting the liberty of children;
- (f) accommodation provided for that purpose under section 82(5) of the Children Act 1989, or
- (g) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for the purposes of detention and training orders).³

Duty to Assess and Agree a Plan

The Homelessness Reduction Act 2017 stipulates that the support offered to eligible applicants is to be more robust than currently required. Once a local authority is satisfied that someone is homeless / threatened with homelessness and eligible for assistance an assessment should be carried out which includes;

- The circumstances that have caused homelessness / potential homelessness;
- The housing and other support needs of the applicant and their household;
- A personalised plan, setting out steps for the applicant and the Council to take to ensure accommodation is secured and/or retained.

An applicant’s assessment and plan must be kept under review and updated as necessary, until the local authority has determined that no further duty is owed.

Duty to Relieve Homelessness

Under the Homelessness Reduction Act 2017, the Council will have a duty to help **all** eligible homeless applicants to secure accommodation for a period of at least 6 months, regardless of whether they are ‘intentionally homeless’ or in priority need. Those in priority need will be provided with interim accommodation whilst steps are taking place to secure future accommodation.

Failure to Co-operate

This new provision within the act will place a requirement on all applicants to cooperate with the Council's attempts to prevent or relieve their homelessness. If the Council considers that an applicant has deliberately or unreasonably refused to cooperate or take steps agreed as part of their assessment plan, a notice can be served to the individual informing them of the Council's decision, the consequences of it (e.g. ending of prevention / relief duty) and their right to request a review. This notice can only be served if a warning has been given to the applicant beforehand and a reasonable time period has elapsed since the warning was given.

Right to Review

The Homelessness Reduction Act 2017 gives applicants the right to request a review of any decision made by the local authority (in addition to those laid down in current legislation) regarding:

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

Public Authority Duty to Refer

Under the Homelessness Reduction Act 2017, "specified public authorities" e.g. NHS services, will be required to refer details of people who they consider being homeless or threatened with homelessness to their local authority (if the person agrees to the notification being made). The Council will then need to make contact with this individual for assessment.

Impact to the Council

- Potential advice and prevention case load will increase – DCLG estimate this will be approximately 26% but has the potential to be greater.
- Due to increased duties, the Council needs to be aware of the risk of exploitation and collusion
- Increased demand for temporary accommodation (current stock is maximised and at full capacity)
- Increased time spent in temporary accommodation due to extended duties
- New Burdens funding is not ring-fenced and not directly accessible within budgets
- Projected increase of 50% for review requests, in line with new duties
- Service administration costs will rise – DCLG estimate is 2% each year but this seems a gross underestimate
- Increased footfall to the Customer Service Unit (CSU)
- Additional service costs to upgrade the Abritas system to meet new requirements

Co-ordinating the Council's response to meet the requirements and address challenges

Over the past year, the Council has been proactive in improving its homelessness services and ensuring we have begun to prepare the service for the changes introduced by the Homelessness Reduction Act 2017. The majority of this has been through the service commitment to achieving the Gold Standard National Practitioners Support Service (NPSS) Award for excellence in front line homelessness services. To date the service has achieved the Bronze Standard and is close to achieving silver in the next coming months.

In addition to this the service has been proactive in delivering against its continual improvement programme with the development of a new Homelessness Strategy and implementation of policies such as the No Second Night Out, which detail our approach to tackling rough sleeping in the borough. Dacorum have led the relaunch of The Homelessness Forum whereby the forum is responsible for the delivery of the strategy and preparing a coordinated response to legislative changes such as the Homelessness Reduction Act. In line with our commitment to working in partnership the forum has appointed a voluntary sector Chair and all involved partners have agreed the forum service standards. The Group Manager, Strategic Housing has also recently been appointed the Chair of the Hertfordshire Heads of Housing Group, this group meets quarterly to ensure a coordinated approach to tackling issues across the housing sector including the prevention of homelessness across the County. The Group Manager will be working closely with local authority partners to adopt formal terms of reference for the group and agree communication channels with the Hertfordshire Chief Executives Group.

There are a number of opportunities and recommendations for the service and the wider Council to consider in order for us to meet the requirements of the Homelessness Reduction Act 2017.

These are as follows:

Maximising the use of temporary accommodation

- Development of additional temporary accommodation on garage sites (i.e. extending beyond the agreed pilot scheme)
- Refurbishment of Leys Road temporary accommodation to make it more fit for purpose
- Review of existing 3 bedroom units of temporary accommodation and consider conversion to 1 bedroom shared units, which will assist in meeting demand for smaller units of accommodation and reduce need for utilising HRA stock
- A full review of The Elms contract to ensure good value for money and explore future opportunities
- Investigate the feasibility of implementing a Housing First model to address single homeless rough sleeping in the borough. Housing First is an approach that offers permanent, affordable housing as quickly as possible for individuals experiencing homelessness and provides the supportive services, connections to the community-based support people need to keep their housing and avoid returning to

homelessness. Ministers and DCLG are promoting this approach very strongly and have linked it very clearly with the roll out of the Act.

Development of advice services offered

- Increasing the range of support options available to those threatened with homelessness e.g. homeless prevention fund, rent deposit guarantee, mediation with family members / landlords, crash pad facilities
- Work is already being undertaken to clarify the roles and remits of the housing advice and options officers
- Working with forum partners such as CAD, Dens and Crisis to ensure alternative options to the Council are also available locally
- Establishing relationships with lenders, County Courts to ensure early intervention referral process is in place for households at risk of homelessness due to possession action
- Implementation of Homeless Forum sub-groups to undertake a task and finish approach to address key issues such as impacts of welfare reform and single non-priority homelessness
- Maximising the use of digital communications (i.e. social media, the website etc.) to keep people informed of their housing rights and where they can find support
- Development of new tools for creating personal housing plans with applicants
- Introduction of Tenant Academy (September 2017), which involves offering or signposting to free training opportunities to support tenants and applicants to develop new skills, improve their health and wellbeing, enhance their education and employability

Responding to failure to co-operate and right to review

- Development of robust policies and procedures for staff to refer to when faced with a client failing to co-operate or a review request
- Recruitment of an Independent Reviewing Officer

Addressing the impact on and of other services

- Work to develop a cross-service prevention culture, highlighting each teams role in preventing homelessness
- Implementing essential awareness training for key staff and service areas
- Carry out a review to ensure the impact on corporate services is understood (in particular for CSU)
- Review the operation of the Discretionary Housing Payment to provide a greater emphasis on the prevention of homelessness
- Develop a sustainable Tenancies Strategy to ensure tenancy sustainment and homelessness prevention is embedded across housing

Flexible Homeless Support Grant

A report and action plan to Cabinet in relation to the ring-fenced Flexible Homeless Support Grant, which it is intended will be utilised to prepare and resource the service for the implementation of the Act. The Council has received confirmation that the ring fenced grant award for 2017/18 is £375,000 and 2018/19 £400,000. The new 'flexible homelessness support grant' is a radical replacement of the tightly controlled funding currently given to source and manage temporary accommodation for homeless individuals and their families. Its' purpose is to provide flexibility to authorities in providing intervention services, moving away from exclusive funding for procurement and funding of temporary accommodation. The report to Cabinet will detail a number of proposals that the service considers essential to address the challenges faced by the implementation of the Act, this includes additional full time posts to provide vital resource to key areas of the team to implement the service action plan and the commitments within the 2016-2020 Homelessness Strategy.

Conclusion

The Homelessness Reduction Act 2017 is likely to have a significant impact on the way current services are shaped and delivered within Dacorum, it is vital that all statutory and voluntary services are bought in to working in partnership to enable the needs of Dacorum's residents to be met. Strategic Housing have been liaising closely with the NPSS practitioners to identify good practice and learning opportunities that can be implemented at the earliest approach, to ensure that we are prepared for the legislative changes. The service is continuing to work proactively to address the challenges locally and in the coming weeks a report will be presented to Housing Overview & Scrutiny Committee outlining the achievements since the introduction of the 2016-2020 Homelessness Strategy in October 2016. The service will also be submitting a report and action plan to Cabinet in relation to the ring-fenced Flexible Homeless Support Grant, which it is intending to utilise to prepare and resource the service for the implementation of the Act.