

## Report to Redditch Overview and Scrutiny Committee 6<sup>th</sup> December 2018

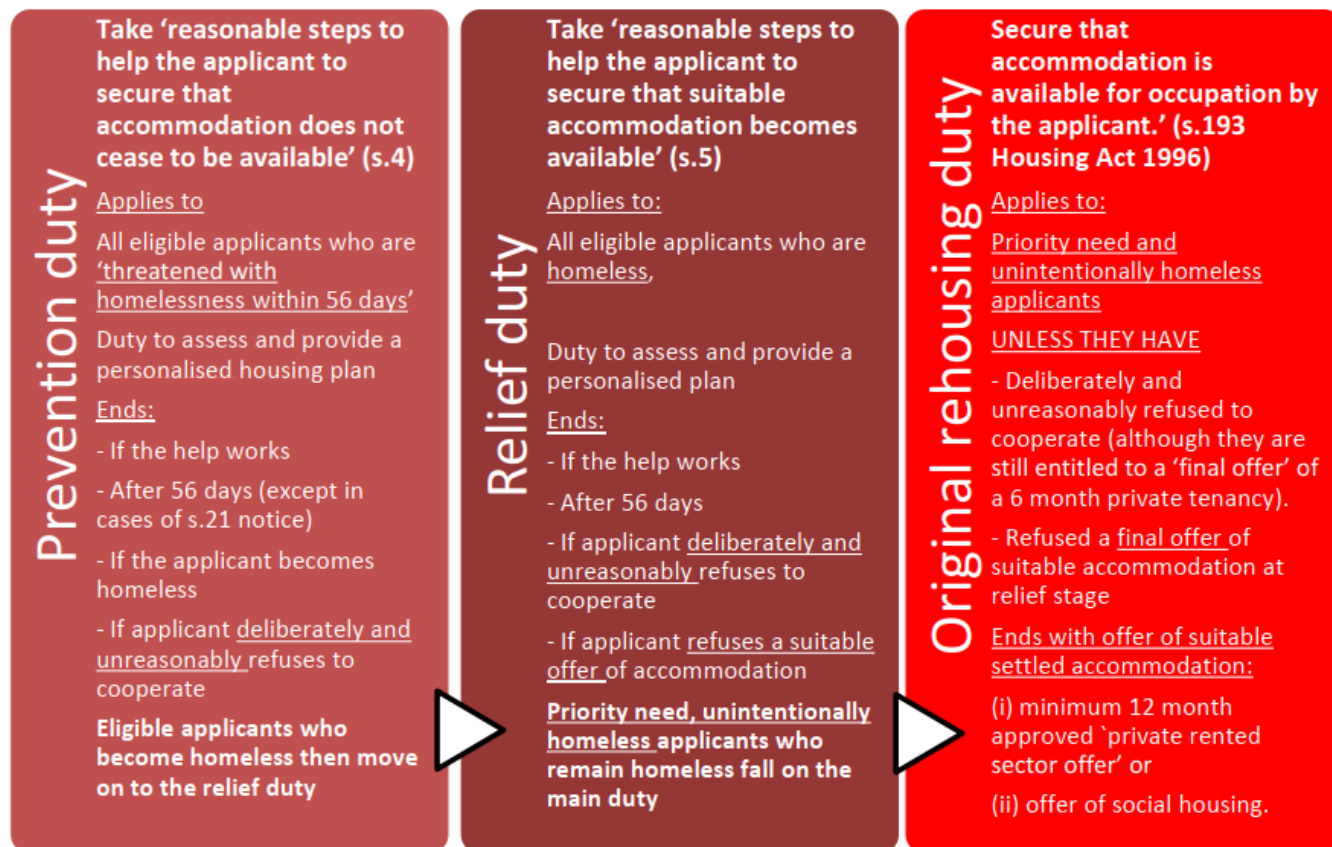
### The Homelessness Reduction Act 2017 and its impact in Redditch

#### Introduction

The Homelessness Reduction Act 2017 is widely regarded as the biggest change to the rights of homeless households in the last fifteen years, and places a much greater emphasis on local authorities intervening early to prevent and relieve homelessness in their areas. This report sets out the main changes introduced by the Act, and looks at its impact in Redditch. It is worth noting that the council's housing options service is currently being restructured, with due consideration being paid to the requirements of the Act going forwards.

#### The main changes introduced by the Homelessness Reduction Act

The Act effectively bolts 2 new duties onto the original statutory rehousing duty, so in short, councils are now legally required to attempt to prevent homelessness, or relieve it, before they assess households under the original housing duty as set out in the Housing Act 1996 (as amended in 2002). These 2 new duties apply to all eligible households, and there is no consideration of intentional homelessness or priority need, and the prevention duty does not rely on a local connection. The legislation is complex so is probably best summarised in a diagram:



The 2017 Act is also accompanied by a new code of guidance, and 2 sets of regulations.

In terms of the new duties there are 3 particular areas of focus – assessing and agreeing a plan, preventing homelessness and relieving homelessness. The key elements of these are set out below:

Subsection under new Section 189A Housing Act 1996	New duties to assess applicants and develop a personal plan
(1)	The authority <u>must make an assessment</u> of the applicant's case
(2)	This assessment <u>must include an assessment of—</u> (a) the <u>circumstances that caused</u> the applicant to become homeless or threatened with homelessness, (b) the housing needs of the applicant including, in particular, <u>what accommodation would be suitable</u> for the applicant and any household members, and (c) <u>what support would be necessary</u> for the applicant and any other relevant persons to be able to have and retain suitable accommodation.
(3)	The authority <u>must notify the applicant</u> , in writing, of the assessment
(4)	The authority <u>must try to agree</u> with the applicant: <ul style="list-style-type: none"> <li>• any steps the applicant is to be required to take to have and retain suitable accommodation</li> <li>• the steps the authority are to take</li> </ul>
(5)	If the authority and the applicant reach an agreement, the authority <u>must record it in writing</u>
(6)	If the authority and the applicant cannot reach an agreement, the authority <u>must record in writing:</u> (a) why they could not agree, (b) any steps the authority consider it would be reasonable to require the applicant to take and (c) the steps the authority are to take.
(7)	The authority <u>may include in a written record produced under (5) or (6) any advice for the applicant</u> that the authority consider appropriate (including any steps the authority consider it would be a good idea for the applicant to take but which the applicant should not be required to take)
(8)	The authority <u>must give to the applicant a copy</u> of any written record produced under subsection (5) or (6)
(9)	Until such time as the authority consider that they owe the applicant no duty, they must keep under review— (a) their assessment of the applicant's case, and (b) the appropriateness of any agreement reached

Subsection under new Section 195 Housing Act 1996	New duties when an applicant is threatened with homelessness within 56 days
(1)	<p><b>Who it applies to:</b></p> <p>Where the local housing authority are satisfied that an applicant is—</p> <p>(a) <u>threatened with homelessness</u>, and</p> <p>(b) <u>eligible</u> for assistance.</p>
(2)	<p><b>What the authority must do:</b></p> <p>The authority must <u>take reasonable steps to help the applicant to secure that accommodation does not cease to be available</u> for the applicant's occupation.</p>
(3)	<p>In deciding what steps they are to take, the authority <u>must have regard to their assessment of the applicant's case</u></p>
(5)	<p><b>How the duty comes to an end:</b></p> <p>If any of the circumstances in subsection (8) apply, the authority may give notice to the applicant bringing the duty to an end.</p>
(8)	<p>The circumstances are that the authority are satisfied that—</p> <p>(a) the applicant has <u>suitable accommodation available</u> for occupation, <u>and a reasonable prospect of having suitable accommodation available for occupation for at least 6 months</u>, or such longer period not exceeding 12 months as may be prescribed</p> <p>(b) the authority have complied with the duty under (2) and the <u>period of 56 days beginning with the day that the authority are first satisfied as in (1) has ended</u> (whether or not the applicant is still threatened with homelessness) - unless a valid s.21 notice has been served and has expired or will do so within 56 days</p> <p>(c) the applicant has <u>become homeless</u>,</p> <p>(d) the applicant has <u>refused an offer of suitable accommodation</u> and, on the date of refusal, (a) applied</p> <p>(e) the applicant has <u>become homeless intentionally</u> from any accommodation that has been made available under (2),</p> <p>(f) the applicant is <u>no longer eligible for assistance</u>, or</p> <p>(g) the applicant has <u>withdrawn the application</u>.</p>
(10)	<p>The duty under (2) can also be brought to an end under sections 193B and 193C (notices in cases of <u>applicant's deliberate and unreasonable refusal to co-operate</u>).</p>

Subsection under new Section 189B Housing Act 1996	New duties when an applicant is homeless
(1)	<p><b>Who it applies to:</b></p> <p>Where the local housing authority are satisfied that an applicant is—</p> <p>(a) <u>homeless</u>, and</p> <p>(b) <u>eligible</u> for assistance.</p>
(2)	<p><b>What the authority must do:</b></p> <p>Unless the authority refer the application to another local housing authority (to which they have a local connection), the authority <u>must take reasonable steps to help the applicant to secure that suitable accommodation becomes available</u> for the applicant's occupation.</p>
(3)	<p>In deciding what steps they are to take, the authority <u>must have regard to their assessment</u> of the applicant's case</p>
(4)	<p><b>How the duty comes to an end:</b></p> <p>Where the authority are satisfied that the applicant <u>has a priority need, and are not satisfied that the applicant became homeless intentionally</u>, the duty (2) comes to an end at the <u>end of the period of 56 days</u> beginning with the day the authority are first satisfied as mentioned in (1).</p>
(5)	<p>If any of the circumstances in subsection (7) apply, the authority <u>may give notice</u> to the applicant bringing the duty to an end.</p>
(7)	<p>The circumstances are that the authority are satisfied that—</p> <p>(a) the applicant has <u>suitable accommodation available</u> for occupation, <u>and a reasonable prospect of having suitable accommodation available for occupation for at least 6 months</u>, or such longer period not exceeding 12 months as may be prescribed</p> <p>(b) the authority have complied with the duty under (2) and <u>the period of 56 days</u> beginning with the day that the authority are first satisfied as in (1) <u>has ended</u> (whether or not the applicant has secured accommodation)</p> <p>(c) the applicant has <u>refused an offer of suitable accommodation</u> and, on the date of refusal, (a) applied</p> <p>(d) the applicant has <u>become homeless intentionally</u> from any accommodation that has been made available under (2),</p> <p>(e) the applicant is <u>no longer eligible for assistance</u>, or</p> <p>(f) the applicant has <u>withdrawn the application</u>.</p>
(10)	<p>The duty under (2) can also be brought to an end under sections 193B and 193C (notices in cases of <u>applicant's deliberate and unreasonable refusal to co-operate</u>).</p>

## **Duty to refer**

In addition to the changes outlined above, the other important development introduced by the Act is the 'duty to refer', which places a duty on certain other public bodies such as hospitals and prisons to refer potentially homeless residents (with their consent) to the local authority for help. This was implemented slightly later, in October 2018. In Worcestershire all the district councils have agreed to promote the duty to refer amongst all partners, rather than limiting this to organisations named in the Act which are:

- prisons and young offender institutions
- secure training centres and secure colleges
- youth offending teams and probation services (including community rehabilitation companies)
- Jobcentres
- social service authorities (both adult and children's)
- emergency departments, urgent treatment centres and hospitals in their function of providing inpatient care
- Secretary of State for defence in relation to members of the regular armed forces

## **The impact of the Act in Redditch**

In advance of the introduction of the Act in April 2018, a number of actions were taken to prepare the housing options service (and associated teams/policies and procedures) in readiness for its implementation. Some of these were examined in detail in a report submitted to the Executive Committee in January 2018, and are summarised here:

- Various training events for housing options staff on the incoming legislation
- Council's housing allocations policy updated to incorporate new prevention and relief duties
- IT system introduced to meet new national data reporting requirements
- IT system also generates new decision letters and personalised housing plan for officers
- 2 new career-graded staff successfully recruited
- Email alert system implemented to enable duty to refer accompanied by local communications campaign publicising duty to refer
- Enhanced partnerships via creation of a new Homelessness Forum/grant application approach for agencies working on homelessness

- The new Flexible Homelessness Support Grant has been utilised to increase outreach support provision with Nightstop and provide 24 hours support at St Basils so that they can accommodate more complex cases
- Pathways for vulnerable client groups (for example care leavers and the First Home Scheme, young people, mental health) have been developed in line with the new homelessness code of guidance

### **Data set April 2018 to 22/11/18**



If practice is in line with the new legislation we should see prevention and relief activity levels well above those associated with accepting a full homeless duty and the data set bears this out - since April 2018 only 2 households have been accepted as homeless with the majority of the team's casework resulting in prevention or relief of homelessness. By way of contrast, Redditch Borough Council accepted a full homelessness duty to some 100 households in each of the previous 3 years.

The data set above is a 'real time' snapshot of all casework and the provider is currently working on creating ways of analysing this in more detail. The 308 closed cases will comprise of a number of outcomes, including prevention and reliefs, so we are awaiting further technical support in order to be able to provide historical analysis of the team's caseload as well as this current overview. All the strategic and operational housing related measures on the dashboard are currently being reviewed with any changes being made by the end of the year.

## **Challenges and risks going forwards**

Although the housing options service has successfully implemented the Homeless Reduction Act at a local level, it is probably too soon to be certain that pressures won't build up in the system over time, and these risks are around:

- The additional administrative requirements associated with the Act can lead to backlogs in casework and lengthen waiting times for appointments
- Accommodation options haven't increased to cater for the greater focus on prevention and relief so the increase in duties has not been accompanied by an increase in resources
- Recruitment issues can impact on provision of service - high turnover rates of temporary staff can be particularly challenging with a national shortage of experienced staff driving up the rates of pay

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November 2018