

North Hertfordshire Council Preparing for the Homelessness Reduction Act

Andy Gale

andygalehousing@outlook.com

07770221294

Homelessness Reduction Act

- * Royal assent given and biggest change in homelessness since the 1977 Act
- * Very likely to be enacted 1st April 2018
- * Amends existing homeless legislation rather than replacing it and not retrospective so applications up to 31st March under old framework
- * The Government wants all prevention of homelessness work to be carried out under a statutory duty triggered by a homeless application

North Herts Homelessness Figures

Excellent performance in managing homeless pressures

76 households owed a statutory duty 16/17 based on 150 applications. Down from **90** accepted cases 15/16 despite 'London fall out'

1.34 per 1000 compared to 2.54 England and 5.03 London

Temporary Accommodation up (end March 2017)

0 in Bed and Breakfast

24 in hostels

45 in social housing stock

1 other

70 households in TA in total

North Herts Prevention Figures

Prevention Performance in 2016/17

79 cases prevented to remain where they were

84 cases homelessness relieved by helping to find something else

163 cases in total giving a figure of 2.87 per thousand compared to all England figure of 8.59 per thousand

More work to be done on prevention leading up to the enactment of the HRA Act

By how much are homeless applications likely to rise?

Wales 26% rise but North Herts could see applications double.
Why?

1. Higher pressures compared to Wales
2. Duty on specified public authorities to refer – most will trigger a homeless application. No such duty in Wales
3. Continuing impact of welfare reform and especially ending of private sector tenancies and uncertainty over impact of Universal Credit
4. Likely to be launched with a huge publicity campaign by Gov and charities
5. Plus code likely to stress, as it did in Wales, prevention work should be undertaken under a statutory homeless application - If in doubt it triggers an application

What do DCLG say they will do to help authorities to prepare?

- * A new team of Specialist Advisors has been recruited by DCLG to support councils. Should be in post by Sept 17
- * There will be an extensive training program for Councils and it is assumed the voluntary sector
- * DCLG will consult on, then issue anew Statutory Code of Guidance in early autumn
- * DCLG will extensively change the statistical return to Government

Where is the money to implement it?

The external funding you receive for homelessness:

1. Your standard Homelessness grant paid as a named line in Revenue Support Grant – £86,451 - 17/18
2. A share of £61 million transitional funding for 2 years. New burdens money to implement the Act - *likely to be ring fenced and £70K a year paid from early 2018*
3. From 1st April North Herts received a new 'ring fenced' grant for homelessness – The Flexible Homelessness Support Grant (FHSG) -£124K (17/18) £140K (18/19)*set against a projected spend of 13k*
4. Discretionary Housing Payment Fund – *more money for North Herts £217K in 16/17 has gone up to £283K in 17/18 and updated flexible guidance issued by DWP in Dec 16 on using it for preventing homelessness e.g. for rent deposits, rent in advance issued December 2016*

More information on the FHSG Grant

- * The TA Management Fee (£60 a week) paid by DWP through HB to local authorities for each placement in some types of Temporary Accommodation (mainly under a lease) will be replaced by a new grant with increased overall funding giving you greater flexibility in managing homelessness pressures
- * From April 2017 every Council has received the Flexible Homelessness Support Grant - <https://www.gov.uk/government/publications/flexible-homelessness-support-grant-2017-18-to-2018-19>
- * The HB/Housing Costs element will continue to be paid by DWP. This will move to standard Local Housing Allowance rates as Universal Credit rolls out.
- * £196 million 2017/18, and £617 Million over next 3 years

You could look to add other sources of money to the 'resources' pot

- Section 106 Affordable Housing Pot – May be able to be used to pay for staffing and revenue costs to access private rented accommodation
- If there is access to any supporting people funded 'floating support' service this could be re-commissioned or used to provide an intervention team to prevent targeted at AST or social housing tenants facing possession and cases at risk of homelessness from parents or relatives
- North Herts Private Sector Housing Team could support work with landlords to access to PRS for prevention

How should you use the Money

One big pot of money to prevent and Tackle Homelessness and for costs of managing TA. Use the expanded total Pot of Money to commission what you need:

- Extra Staffing
- Rent in Advance/Rent Deposits – (pay from DHP Grant)
- Rent Top Ups – DHP and Homeless Prevention Fund
- Rent Arrears ‘Deals’ – Homeless Prevention Fund (can’t use DHP for this)
- Prevention Fund for Prevention Actions
- Landlord Incentive Deals to access the PRS in the numbers required
- New accommodation schemes

Start to prepare now – need to change your structure?

- Look at your structure and start to consider changes now. The focus will be on prevention and less focus on some of the part 7 tests we currently apply
- Tests of Eligibility and Homelessness will still be up front as will be whether the applicant has met an interim accommodation duty on the basis that they might be eligible, might be homeless and might be in priority need
- However, the tests for whether a full and final TA accommodation duty is owed if an applicant is in priority need and not intentionally homeless is ‘parked’ to much later in the process until the outcome of the relief duty is known

Start to prepare now – need to change your structure?

3 Blocks of Work Structure model

Work Block 1 – Delivering the 3 assessment duties following a homeless application

- a) Assessment 1: Are you eligible and homeless or threatened with homelessness
- b) Assessment 2: Your housing needs, circumstances, any support needs and what accommodation would be suitable
- c) Assessment 3: Discussion re the steps reasonable for the Council and applicant to take then issue the PHP

Notification of duty owed or not and if owed the outcome of assessment 2 and assessment 3 – section 184 notification needed

Start to prepare now – need to change your structure?

Work Block 2 – Prevention and Relief Casework

Either specialisms for Prevention or Generic?

Specialisms: Section 21 and possession cases and social housing possession

Family friend exclusions

Relationship breakdown

Debt

Relief casework – Accommodation finding service working with you – Think ‘Personal shopper’ idea

Start to prepare now – need to change your structure?

Work Block 3: Accommodation Procurement and TA

Nature of TA changes – need short term, fast turnover whilst 6 months accommodation sourced

Less stage 2 TA needed to meet a main statutory duty as fewer will be owed that duty

Accommodation, accommodation, accommodation needed for singles and families

Use replacement management fee flexibly for top ups

Structure Post HRA Models

The Models to consider

Delivering the new Initial Assessment and casework

Model 1: Generic Options Team undertake Block 1 and Block 2

Pros – *Continuity, one case officer responsible beginning to end of application*

Cons – *May be get 'bogged down' in block 1 work leaving not enough time for block 2 prevention casework*

Model 2: A separate initial assessment and advice team for block 1 freeing up options caseworkers for block 2 prevention work

Pros – *More targeted resources to do the prevention and relief work*

Cons – *handover of case and personal plan from team 1 to team 2*

Structure Post HRA Models

Delivering the Prevention and Relief Duties Models:

Model 1: New duties only delivered by the Housing Options Team

Specialist Prevention work streams or generic one team for all prevention and relief work

Model 2: New duties split e.g. Single homeless 3rd sector body contracted to deliver prevention and Relief duties for singles (all or those not likely to be priority need)

Families with Housing Options who will make any decisions on ending duties, interim duty and accepting a final main duty

Structure Post HRA Models

The potential Role of commissioning the 3rd sector to deliver part of the new prevention and relief duties?

1. Taking applications?
2. Undertaking the new assessments and delivering the Personal Plan?
3. Accepting a prevention or relief duty?
4. Carrying out casework?
5. Accepting an interim accommodation duty?
6. Ending a duty where that is negative and issuing the statutory notification?

Start to prepare now

1. Think about how to recruit. Everyone trying to recruit at the same time!
2. Structure your prevention work – Free Toolkits available to help you. The objective should be to structure prevention casework with a formal ‘offer to resolve’ to any landlord, parent excluder
3. Develop now your pathway plans for the singles and families where their homeless problem is more than a roof
4. Trial the new duties – the assessment duty, the issuing of Personal Plan – Pilot different models and record the time it takes.
5. Look for ‘Psychologically informed Training’ and delivery in a psychologically informed environment. This will only work if the staff have the skills set to make it work

Start to prepare now

- * Need to get your partners on board as they will be critical for helping you to prevent homelessness
- * Statutory and voluntary sector partners need to be fully committed
- * Inform the Homeless Forum and plan joint working through it
- * Develop an implementation plan for the HRAct
- * Update your Homelessness Strategy and most importantly the action plan in early 2018 to reflect the new duties
- * Look at the IT implications

Getting used to a whole new way of working

- * The biggest complaint from local authorities is that they are “*drowning in paperwork and legal notification letters*”
- * Every case will be open longer and require more extensive casework
- * The way the Government are likely to measure success will be the % of those owed the new prevention and relief of homelessness duties where the outcome was positive

Getting used to new way of working

- **Will need a big change in mindset** - no longer one application and one statutory decision on that application (section 184)

Will need to get used to concept of one application and several statutory decisions with a requirement to keep going back to the application and assessment

- **33 working days decision target thrown out of the window** – a case could be open for 112 days or more or for months if you decide not to take the power to end the duty
- **Change in ‘mindset’ – Many parts of Part 7 assessment relegated in importance - IH and Non priority decisions**
- * **Intentional homelessness – a thing of the past? – just 1.4% of total decisions (9% and rising in England)**
- * **Not in priority need just 4.4% of decisions in Wales (17% E)**

Impact – Learning from Wales

- * Successful outcome – 65% for prevention duty and 45% for the relief duty in Wales. Main duty acceptances down 69%
- * High drop out rate – Wales nearly 10% where a duty was ended through withdrawal or contact lost. *Similar*
- * Up to 50% or more of those helped are single people many of whom would have previously just received the basic non priority advice duty – *Will this be replicated?*
- * Only 23% preventions were keeping people in the home they are in – means 77% require other accommodation – not sustainable
- * Intentionality decisions down to 1% (currently 9%) Not in P need 4% (currently 18%). TA down 20%

How will the HRA impact on the type and number of TA units needed?

Current TA Model

- *Emergency TA whilst assessment of homeless application*
- *Then if main duty accepted – longer term – Stage 2 TA (more likely to be self contained) until social housing or PRSO to end duty*

Post HRA TA Model

- The type and number of TA Units change
- Nature of TA changes – need short term, fast turnover whilst accommodation with reasonable prospect of being available for 6 months to end prevention or relief duty sourced
- Less stage 2 TA needed to meet a main statutory duty as fewer will be owed that duty
- Fewer applicants go into TA due to prevention duty
- More applicants leave TA due to more flexibility to end Relief duty
- But non TA accommodation, accommodation, and more accommodation needed to successfully end the Prevention or Relief duties

Implications for Housing Applications and the Allocation Policy

- * Definition of reasonable preference is likely to include those applicants owed the a prevention or relief duties.
- * Will this drive up lettings to the homeless and those threatened with homelessness
- * What preference – band/points level to give? Where would they sit in your banding system
 - a) Prevention duty likely PN not IH
 - b) Prevention duty not likely PN or likely IH
 - c) Relief duty likely PN not IH
 - d) Relief duty not likely PN or likely IH
 - e) Full final duty

Should we embrace the Act or come on board screaming and kicking?

Over to you – it won't work unless everyone is committed to making it work

- It won't build produce one more unit of accommodation
- It won't reverse welfare reform

But

- It finally puts a statutory framework to the good preventative work local authorities do
- It will better protect Options Services from council financial cuts as it prevention will be a statutory duty
- It puts prevention of homelessness at the centre of the legal framework
- If we make it work it will last for a generation or more

More rights balanced by more flexibility on how to end the duty

- * Application triggered on 56 day risk bringing people into the application process and receiving statutory help
- * If then homeless or threatened with homelessness there is a duty to real help – ‘the reasonable steps’ – real help that is ‘blind’ to whether they are or may be owed a main duty
- * Rights to real help set out in a personal plan that has been developed to reflect that applicant’s needs and circumstances
- * What is currently the main housing duty or intentional homeless duty will only apply if the applicant remains homeless at the end of the Relief duty

More rights balanced by more flexibility on how to end the duty

- * Therefore little point in making a decision on whether the main duty is owed (i.e. are they in priority need and not intentionally homeless) until you know the relief duty will be unsuccessful
- * Any suitable accommodation secured of any tenure with a reasonable prospect of being available for 6 months or more ends the prevention or relief duties –This recognises reality of housing supply in North Herts
- * Non cooperation with the help provided has a consequence as does refusing suitable accommodation made to resolve homelessness

New extended Advice Duty

Strengthened General Duty to provide an Advice Service

Much more prescriptive about the type of housing advice to be provided. The local authority must provide:

preventing homelessness

securing accommodation when homeless

What the rights are of homeless people

Set out the help that is available from the Council or other services in your area and how to access help

Must be tailored to meet the needs of specified groups

New extended Advice Duty

New extended advice duty is that your service must be tailored to meet the needs of vulnerable groups where there problems are 'more than just the need for a roof'

- Care leavers
- People released from prison or youth detention
- Former members of the regular armed forces
- Victims of domestic abuse
- People leaving hospital
- People suffering mental illness
- Any other group identified by the Local Authority as being at particular risk of homelessness

This is where the need to develop Pathway Plans comes in

Taking Homeless Applications

- ❖ Applications can be made in person or in writing or from a to be specified public authority
- ❖ Where the council has reason to believe that the applicant may be homeless or threatened with homelessness (TWH) within next 56 days (was 28 days)
- ❖ Then triggers enquires from the Council into whether the person is eligible and homeless or TWH within 56 days
- ❖ If they are a new duty to take reasonable steps to prevent their homelessness (if not yet out), or
- ❖ A new duty to take reasonable steps to resolve their homeless if the council is satisfied they are homeless

Duty to assess the applicants needs

If the Council is satisfied that the applicant is homeless or TWH within 56 days triggers a brand new duty to assess:

1. The circumstances causing homelessness
2. The housing needs of the applicant, and any household members
3. What accommodation would be suitable for the applicant to obtain or retain
4. Whether there are any support needs that should be addressed when considering what steps are reasonable to take.

The applicant must be notified in writing of the outcome of this assessment

Duty to issue a Personal Plan

Next the Council must discuss with the applicant and seek to agree:

- 1 The steps that the applicant should take to keep their accommodation or resolve their homelessness (depending on which duty is owed)
- 2 In deciding on the reasonable steps to take the Council must fully consider the assessment into the needs and circumstances that caused the problem and support needs
- 3 The reasonable steps must be confirmed in writing set out in a Personalised Plan
- 4 If the applicant doesn't agree the steps they can be 'imposed' but with a written justification
- 5 The plan and assessment must be kept under review until the duty ends

How long does the prevention or relief duty last?

- * Both the Prevention and the Relief Duties last for a minimum of 56 days unless any threat of homelessness is resolved, or the applicant accepts or refuses suitable accommodation, or in the case of the prevention duty they become homeless before 56 days ends
- * Prevention duty doesn't have to be ended after 56 days
- * Valid private rented section 21 notice cases the prevention duty remains until resolved or the tenant becomes homeless
- * Local connection does not apply during the prevention duty
- * Local connection can be applied at the relief duty stage
- * New type of referral – referral of the duty to relieve homelessness made to the Council where there is a local connection

Main ways the prevention or relief duty comes to an end

1. The Council decide that the applicant now has suitable accommodation with a reasonable prospect of at least 6 months. (This could be due to prevention work, or accommodation offered and accepted, or what the applicant has taken action themselves to find accommodation or to resolve any threat of homelessness)
2. 56 days has ended
3. The applicant has become homeless
4. The applicant has refused an offer of suitable accommodation The applicant has deliberately and unreasonably refused to cooperate with the actions they agreed to take
5. They have withdrawn their application or lost contact