

WEST OXFORDSHIRE DISTRICT COUNCIL

ECONOMIC AND SOCIAL OVERVIEW AND SCRUTINY COMMITTEE:
THURSDAY 25 JANUARY 2018

HOMELESSNESS REDUCTION ACT IMPLEMENTATION

REPORT OF THE GROUP MANAGER FOR REVENUES & HOUSING SUPPORT

(Contact: Jon Dearing, Tel: (01993) 861221)

1. PURPOSE

To consider the report on the Council's response to the implementation of the Homelessness Reduction Act which is being presented to Cabinet in February and, if desired, make comments for consideration.

2. RECOMMENDATION

That the Committee considers this report and the recommendations to be made to Cabinet and decides whether it wishes to support the proposals and/or make any comments for Cabinet to take into account.

3. BACKGROUND

Recommendations to Cabinet

3.1. The report to Cabinet will be recommending:

- That approval is given to vary the Publica contract sum as detailed in paragraph 5.1 below, with the additional costs being funded through New Burdens Grant and therefore cost neutral to the Council;
- That the services provided by Publica are updated to include the additional homelessness prevention work as set out in this report; and
- That approval is given to pool the one-off new burdens funding of £9,000 with the seven Homeseeker Plus partners to ensure the best value for money enhancements to the digital systems

3.2. The remainder of this report contains what will be included in the Cabinet report.

The Homelessness Reduction Bill/Act

3.3. The Homelessness Reduction Bill received Royal Assent and therefore became an Act of Parliament on 27 April 2017. The Homelessness Reduction Act 2017 will place new legal duties on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help, irrespective of their priority need status, as long as they are eligible for assistance. The Act amends part VII of the Housing Act 1996 and will come into force on 2 April 2018.

3.4. The overarching aim of the Act is to improve the legal framework to prevent and tackle single homelessness more effectively in England, without undermining the rights that people currently have under the existing system.

Definition of homelessness/ threatened homelessness

3.5. Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002, sets out the duties owed by English Housing Authorities (for the purposes of this report 'the Council') to someone who is homeless or threatened with homelessness. Section 175 of the 1996 Act defines that a person is threatened with homelessness if it is likely that they will become homeless within 28 days. The Homelessness Reduction Act 2017 extends the number of days from 28 to 56. In addition, people

who have received a valid notice of eviction under section 21 of the Housing Act 1988, and the expiry date is within 56 days, will be treated as being threatened with homelessness (when they are currently not).

Duty to provide advisory services

3.6. Currently, section 179 of the 1996 Act places a general duty on the Council to ensure that advice and information about homelessness, and preventing homelessness, is available free of charge to everyone in their district. Under the 2017 Act, the Council will be specifically required to provide free services to give people in their area information and advice on:

- preventing homelessness,
- securing accommodation if homeless,
- the rights of people who are homeless or threatened with homelessness, and
- any help that is available for people who are homeless or likely to become homeless as well as how to access that help.

3.7. The Council will also be required to ensure that services are designed to meet the needs of particular groups that are at increased risk of becoming homeless including (but not limited to); care leavers, people leaving prison, people who have left the regular armed forces, victims of domestic abuse, people leaving hospital and people suffering from a mental illness or impairment.

New duties

3.8. Currently the Council is required to make inquiries to establish what duty, if any, is owed to someone seeking homelessness assistance. As part of the Council's investigations, we must determine if an applicant has a 'priority need' for homelessness assistance. Categories of priority need are as follows:

- Pregnant and/or have dependent children
- Homeless due to an emergency (fire, flood etc.)
- Aged 16 or 17 (or aged 18-20 with time spent in care)
- 'Vulnerable' due to old age, physical or mental illness or disability
- 'Vulnerable' due to time spent in hospital, prison or the armed forces
- Aged 21 or over and 'vulnerable' due to time spent in care, or
- 'Vulnerable' due to violence/abuse/harassment

3.9. Those who are found to be in priority need and unintentionally homeless are owed what is referred to as the 'full housing duty' meaning that the Council is obliged to secure that applicant suitable accommodation. However non-priority need households, which are most likely to be single people without children, or childless couples, are owed the 'advice and assistance' duty only. The 2017 Act changes that and puts a legal obligation on the Council to assess and provide more meaningful assistance to all people who are eligible and homeless or threatened with homelessness, irrespective of their priority need status.

Duty to assess all eligible applicants' cases and agree a plan

3.10. The first step in the amended framework is for the Council, once they are satisfied someone is homeless or threatened with homelessness and also eligible for assistance, to carry out an assessment of the applicant's case. These assessments should include the circumstances that have caused homelessness and the housing and support needs of the applicant and their household. The Council must aim to reach an agreement with applicants on a personalised plan which must be recorded and should set out the steps the applicant and the Council are required to take to ensure accommodation is secured and/or retained. Applicants' assessments and agreements

must be kept under constant review until the Council has determined that no other duty is owed to the applicant under part VII of the 1996 Act.

The prevention duty : In cases of threatened homelessness

- 3.11. If the Council is satisfied that an applicant is threatened with homelessness and is eligible for assistance, they must take 'reasonable steps', with reference to the applicant's assessment, to help them avoid becoming homeless. Once triggered, the prevention duty would continue for 56 days, or longer if a valid section 21 notice has expired and no alternative accommodation has been secured, unless it is brought to an end via one of the prescribed conditions. Applicants will have a right to request a review of a decision to end this duty.

The relief duty: In cases where the applicant is homeless

- 3.12. Under this clause, the Council must take 'reasonable steps', with reference to the applicant's assessment, to help all homeless eligible applicants to secure accommodation for at least the following six months unless the applicant is referred to another Local Authority due to having no local connection to the District they have applied to. Once triggered, the relief duty would continue for 56 days unless it is brought to an end via one of the prescribed conditions. Applicants will have a right to request a review of a decision to end this duty.
- 3.13. Interim accommodation duties owed to people under the existing provisions (section 188) continue to apply during this stage (the duty to provide accommodation to people who the Council have reason to believe may be homeless, eligible for assistance and in priority need) pending a decision on whether the Council is obliged to provide some form of longer term settled accommodation.

Failure to co-operate by an applicant for assistance

- 3.14. This provision will place a requirement on all applicants to cooperate with Council's attempts to comply with their prevention and/or relief duties. If the Council considers that an applicant has 'deliberately and unreasonably refused' to cooperate or take any of the steps set out in the personalised plan, they can serve a notice on the applicant to notify them of their decision as long as the notice explains, what the consequences of the decision are and that they have a right to request a review of the decision. Notice can only be served if the Council has provided a 'relevant warning' to the applicant and a 'reasonable period' has elapsed since the warning was given. Consequences of deliberately and unreasonably refusing to cooperate include the ending of the prevention and/or relief duties and in cases where the applicant would normally be owed the full housing duty (section 193), this duty would be limited to securing making accommodation available for their occupation for a temporary period until the applicant either:
- ceases to be eligible for assistance
 - becomes homeless intentionally from accommodation made available for the applicant's occupation
 - accepts an offer of an assured tenancy from a private landlord
 - decides to cease occupation of the accommodation made available to them, or
 - accepts or refuses a 'final' offer of accommodation
- 3.15. In deciding whether an applicant has deliberately or unreasonably refused to cooperate, the Council must take into account the applicant's particular circumstances and needs.

Care leavers

- 3.16. All care leavers under the age of 21 will be considered as having a local connection with an area if they were looked after, accommodated or fostered there for a continuous period of at least two years.

Public authority duty to refer

- 3.17. Where a “specified public authority” considers that someone they are working with is or may be homeless or threatened with homelessness, they must refer that person’s details to the Council but only if the person agrees to the notification being made.

Implications for West Oxfordshire District Council

- 3.18. The most significant impact of the new Act is the dramatic increase in households to whom the Council will have a duty (as this will, from April 2018, include those who are not in priority need). For the last year (1ST November 2016 to 30TH September 2017) the Council had 187 households ‘present’ as homeless. Of those 187 presentations the Council ended up establishing a legal duty to 83 households. The number of households to whom the Council has a legal duty (based on the last year’s data), under the new Act could have increased to the full 187. This is a significant increase of 225%; because we will have a duty to those not in priority need. These are only the cases where a formal homelessness application was made.
- 3.19. There are also likely to be additional presentations/applications generated by the new ‘duty to refer’. Other public bodies (e.g. Hospitals, GP’s, Job Centres, Prisons, etc.) will have a duty to refer individuals/households threatened with homelessness to the Council. This can only increase the volume of presentations to the Council.
- 3.20. At West Oxfordshire District Council, the Housing Service has always attempted to help anyone who asks for help; so the additional volumes will not be quite as significant an issue as in Councils where that has not been the case. However, there are significant additional administration, personal plan development, appeal and monitoring pressures imposed as part of the new Act; so the workload will definitely increase.
- 3.21. Therefore, there is a need to provide more (site specific) prevention resources and also to re-align existing resources to support a more prevention focussed approach. Hence the reason for the recommendation.
- 3.22. The introduction of the Homelessness Reduction Act, and the intensified focus on prevention, means that there is also a need to review the Council’s Homelessness Strategy. This will be subject of a further report and consultation early in 2018/19. The focus of the new proposed strategy will be threefold: Putting prevention first; the provision of support to those in need; and a strategy around the provision of settled homes.

4. ALTERNATIVES/OPTIONS

The Council can utilise the new burdens funding in alternative way, as long as it is directed at the prevention and relief of homelessness.

5. FINANCIAL IMPLICATIONS

- 5.1. The Council has been allocated new burdens funding as follows:

- £22,602 for 2017/18
- £20,704 for 2018/19
- £21,885 for 2019/20

- 5.2. Therefore, a total allocation of £65,191 over the three year period. The intention is to use all of this funding, plus some current vacancy budget, to provide an additional dedicated prevention officer at each site.
- 5.3. The Council's other Publica (Housing Service) partners have been allocated similar amounts and recommendations to all three Councils are aligned in terms of use of resources.
- 5.4. There is a further, one-off, allocation of a standard £9,000 per Housing Authority specifically for digital system compliance changes. If the recommendation is approved, this funding will be pooled across the seven Homeseeker Plus partners to ensure the best value for money enhancements to the digital systems. The £9,000 one-off new burdens funding is not a variation to the Publica contract sum, it will be paid directly from this Council.
- 5.5. There is no overall impact on the Council's budget as the recommendations are cost neutral to the Council.

6. REASONS

To ensure that the required implementation and administration of the Homelessness Reduction Act is properly resourced.

7. RISKS

There is a reputational risk to the Council if it does not effectively utilise this grant funding to prevent homelessness.

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Date: 20 December 2017

Background Papers:

None