

 Brent	Cabinet 12 March 2018
	Report from the Strategic Director of Community Wellbeing
Homelessness Reduction Act 2017	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Open
No. of Appendices:	None
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This report provides information on the implementation of the Homelessness Reduction Act 2017, and the potential impact it will have in Brent, and seeks approval that the statutory duty to agree a Personal Housing Plan for single homeless households (and childless couples) can be delegated to the Single Homeless Prevention Service.

2.0 Recommendations

- 2.1 That Cabinet:
- Note the potential impact of the implementation of the Homelessness Reduction Act 2017 on both single people and families, and
 - Agree that the statutory duty to agree a Personal Housing Plan for single homeless households (and childless couples) can be delegated to the Single Homeless Prevention Service

3.0 Background

- 3.1 The Homelessness Reduction Act 2017 (the Act) significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, irrespective of whether or not a service user has priority need or may

be intentionally homeless, both as defined by the Housing Act 1996 Pt VII. Key measures in the Act include:

- An extension of the period during which an authority should treat someone as threatened with homelessness from 28 to 56 days, and clarification of the action an authority should take when someone applies for assistance having been served with a section 8 (1) or section 21 (2) Housing Act 1988 notice. These provisions represent a shift in focus to early intervention, and aim to encourage local housing authorities to act quickly and proactively.
- A new duty to prevent homelessness for all eligible service users threatened with homelessness, regardless of priority need. This will predominately extend the help available to single people, and childless couples, who would not meet the statutory threshold of vulnerability (in priority need), as defined by current homelessness legislation.
- A new duty to assess all eligible applicants' cases and agree a plan
- Local Housing Authorities will be required to prevent homelessness for this cohort, by supporting them to either remain in their accommodation or help them find somewhere to live.
- A new duty to relieve homelessness for all eligible homeless service users, regardless of priority need. This help could be, for example, the provision of a rent deposit or debt advice.

4.0 Impact of the Act in Brent

4.1 It is expected that the implementation of the Homelessness Reduction Act 2017 will increase the number of homelessness applications received by the Housing Needs Service, especially from single people.

4.2 This is for a number of reasons:

- Misunderstanding of what the new duties are, leading to false expectations that the Council has a duty to accommodate all households.
- Increased publicity around the Act.
- An increased window during which a household is considered threatened with homelessness (up from 28 days to 56 days).
- Returning cases who were previously found to be Intentionally Homeless.
- Changes to welfare reform, such as Universal Credit and the Overall Benefit Cap.
- There will be a new duty on certain public bodies, e.g. social services, to refer cases to the Housing Needs Service (Implementation October 2018).

4.3 The Housing Needs service has created separate teams to deal with demand from families and single households. This is because single homeless people who approach the Council tend to have a degree of vulnerability, above and beyond the fact that they are homeless or threatened with homelessness.

These vulnerabilities range from issues with mental health, drug and alcohol abuse or being ex-offenders. Dealing with single homeless households therefore requires a different, more tailored response than homeless families, the majority of whom are in housing need due to issues of affordability.

Single Homelessness

- 4.4 In 2016 the Council commenced an Outcomes Based Review (OBR) to consider the housing needs of vulnerable single people. The OBR was carried out because it was acknowledged that the homeless service was not meeting the needs of single homeless people who did not meet the statutory thresholds to be eligible for services provided under the existing homelessness legislation. Another driver for the OBR was the Homelessness Reduction Bill (the Bill), which was introduced in the House of Commons in June 2016, was a Private Members' Bill, that attracted the support of the Government, as well as the main political parties represented at Westminster.
- 4.5 The data collected during the OBR showed that approximately 2,300 single people with at least some level of vulnerability, and who are homeless or at risk of homelessness, approach the Council each year and attend a face to face interview.
- 4.6 The OBR confirmed the gap in service to single people who are homeless or at risk of being homeless but do not meet the vulnerability threshold in the homelessness legislation, and confirmed the groups most at risk. It also became clear that the Private Members' Bill, was being fully supported by all political parties and therefore very likely to be enacted, introducing additional duties to prevent and relieve homelessness for all households, who are homeless, threatened with homelessness and eligible.
- 4.7 Therefore work started on responding to this unmet need as it was clear that this would all be excellent preparation for the anticipated implementation of the Act. A twelve month pilot commenced in September 2016, where the former Care & Support Team in Housing Needs started to deal with all service delivery aspects for single homeless people and childless couples.
- 4.8 The Team was formally restructured in December 2017, which has resulted in the Council now being well positioned to deal with the implications of the Act, having already established a specialist Single Homeless Team.
- 4.9 The Housing Needs service also established the Single PASS (Prevention and Sustainment Solutions) trailblazer scheme, following a successful bid to the Ministry of Housing, Communities and Local Government (then DCLG), which secured £0.9M of funding. The implementation, and match funding, of this service was agreed at Cabinet on 16 January 2017, and is being delivered in the Civic Centre by the SHPS (Single Homeless Prevention Service).
- 4.10 The SHPS team is a consortium of the voluntary sector organisations Thames Reach and St Mungo's, who receive referrals from the Single Homeless Team, of households who are homeless or threatened with homelessness, eligible

for assistance, but who would not meet the vulnerability threshold in homelessness legislation. The SHPS team develop and agree a Personal Housing Plan with the household on how they will work together to prevent or relieve their homelessness. The SHPS team then receive payment for outcomes achieved.

4.11 The outcomes the council pay for are:

- To develop and agree a Personal Housing Plan for all households referred to SHPS (which will become a statutory requirement from April 2018 and for which this report seeks appropriate delegation)
- Evidenced prevention or relief of homelessness
- Evidenced sustainment of accommodation for 8 months

4.12 The SHPs service commenced on 19th September 2017 and for the period up to 31st December 2017, 136 households have been referred, with 117 Personal Housing Plans completed. There have been 27 successful outcomes, where prevention or relief of homelessness (new accommodation secured) was achieved.

4.13 It is important to note that the actions taken by the Housing Needs Service, since the OBR up until the reorganisation of the whole front line service, has put the Council in a firm position to fulfil its responsibilities under the new legislation, where many other authorities remain unclear on what to do.

4.14 The key difference from 1 April 2018 is that the services being provided by SHPS change from being a local preventative project to a nationally publicised statutory service, which has been specifically designed to deal with the anticipated increase in demand. Feedback from trailblazer authorities who have piloted the Act, reported that the footfall from single households who are homeless or at risk of homelessness has increased by 40%.

4.15 It is therefore necessary for this report to Cabinet because the Personal Housing Plan which the SHPS team produce, becomes a statutory document. It is therefore recommended that Cabinet approve the delegation of the statutory duty under Section 3 of The Homelessness Reduction Act 2017 - Duty to assess all eligible applicants' cases and agree a plan.

4.16 The Council's Housing Needs Service, will continue to deliver all other services, functions and duties under the Act directly.

Family Homelessness

4.17 The Housing Options team is responsible for providing advice and assistance to families in housing need. This includes the prevention of homelessness as well as the assessment of statutory homelessness applications. It also deals with all statutory reviews and appeals of decisions made, and has a team that is responsible for ending the main homeless duty into the Private Rented Sector

- 4.18 The prevention of homelessness is a core function of the Housing Needs service and makes a significant contribution to Demand Management, one of the strategic priorities of the Council as defined in the Brent 2020 vision, to manage down the pressure on needs led budgets.
- 4.19 As the main reason for homelessness in Brent is households being evicted from the Private Rented Sector, (PRS) the majority of prevention of homelessness is achieved by assisting households to secure alternative accommodation in the PRS before they are evicted. This is primarily achieved using the Find Your Home scheme, which is a service provided by the Housing Options Team, who proactively work with households who are threatened with homelessness, to help them to secure accommodation in the PRS, before they become homeless.
- 4.20 The Find Your Home Scheme was initially launched as a pilot in September 2015, before becoming a mainstream service in August 2016, as part of the Housing Options team restructure. Specialist homelessness prevention teams were created to concentrate resources on prevention work, including the Find Your Home service, as opposed to the statutory homelessness assessment.
- 4.21 The main purpose of the Find Your Home service, is to prevent homelessness and is designed to achieve a better outcome for households who are threatened with homelessness, by avoiding the need for them to have to access emergency bed and breakfast accommodation, and rely on the council to secure accommodation for them. Households are able to access support and resources to secure a property in the PRS, which they are able to choose for themselves, before they actually become homeless. Although the scheme started well before the Homelessness Reduction Bill was introduced in June 2016, it is also in line with the new statutory duty to prevent homelessness, being implemented under the Homelessness Reduction Act 2017.
- 4.22 The prevention of homelessness achieved through the Find Your Home Scheme makes a significant contribution to the overall number of preventions achieved, which became a Key Performance Indicator for the Housing Needs Service in 2016/17 and will be required as part of the new homelessness statistical report 'H-CLIC', required by Government
- 4.23 The total number of households who we prevented becoming homeless through the Find Your Home scheme in 2016/17 was 296. A further 221 households have been successful in securing accommodation accessing the support provided under the Find Your Home scheme, in the first 3 quarters of 2017/18.
- 4.24 The average cost of securing accommodation through the Find Your Home Scheme, is £3,300 (equivalent to 8 weeks Local Housing Allowance rent) This is a one off payment made to the owner of the property to prevent the household from being made homeless. The early intervention means there is no further costs for would-be acceptances, this is because we do not have to place the household in costly emergency Temporary Accommodation, nor go

through the costly process of completing an investigation in further duties that apply

- 4.25 Although the Find Your Home Scheme has been successful in preventing homelessness, and has been a major factor in the decrease in the use of Temporary Accommodation (TA) in Brent, bucking the trend of an increase in TA across London, the implementation of the Act will lead to higher demand on services from homeless families. Feedback from trailblazer authorities who have piloted the Act, reported that the footfall from family households who are homeless or at risk of homelessness has increased by 30%.
- 4.26 The Housing Options team is therefore also being reorganised in order to comply with the new duties under the Act, and the anticipated increase in demand. New processes have been designed to promote more efficient and proactive ways of working and are better suited to provide outcomes in terms of the Act.
- 4.27 The reorganisation is necessary as whilst the current duties will still be statutory for Housing Options after April 2018, the emphasis and order of duties will be changed, therefore creating a significant burden on the service. An even greater focus will be placed on prevention and relief of homelessness, therefore alleviating pressure on the amount of full homelessness assessments which will need to take place.
- 4.28 A Homelessness Reduction Act Project Team was set-up for the Housing Needs Service to prepare for the implementation of the Act. The team has considered the impact of the new legislation on processes in Housing Options and Accommodation Services by mapping the end-to-end processes of each team within the current structures, alongside members of staff from those teams. Data collected showed that approximately 4,000 households who are homeless or at risk of homelessness approach the Council each year, not taking into account demand from single people and childless couples.
- 4.29 As the Homelessness Reduction Act excludes individuals who are not eligible and not homeless, as defined by the Housing Act 1996 Pt VII, approximately 17.5% of these households who approach the Council will not be owed a duty based on current data. Considering the duties determined by the Homelessness Reduction Act, the Council will owe a duty to all service users who are eligible and homeless or threatened with homelessness, so we can estimate that we will owe approximately 3,300 families per year a prevention or relief duty.
- 4.30 The Homelessness Reduction Act has increased the amount of reviewable decisions in the process significantly. There are now 44 occasions in the process which somebody can request a statutory review. Therefore, the combination of the increase in reviewable decisions and the increase in demand discussed earlier will result in an increase in staffing for the Reviews Team to satisfy this demand.

- 4.31 The Housing Needs Service does not have sufficient legal support to deal with the current amount of litigation resulting from homelessness demand. The need for legal support will be further increased when the Homelessness Reduction Act is implemented. Two dedicated in-house Housing lawyers are therefore being recruited and co-located within the Housing Needs Service. Approximately 10% of all decisions made by the Housing Needs Reviews Team are challenged in the county court under s. 204 of the Housing Act 1996. Given the anticipated growth of reviewable decisions, we expect to receive up to 90 legal challenges to statutory decisions under s. 204 as well as a further 150 challenges under Judicial Review (administrative) legislation.

5.0 Financial Implications

- 5.1 The current Single Homelessness Prevention Service (SHPS) is funded via a £0.9m grant from the Ministry for Housing Communities and Local Government (MHCLG) and £0.9m match funded by the Council. The grant conditions require the use of voluntary sector organisations to provide the service.
- 5.2 A decision to delegate the statutory duty to agree a Personal Housing Plan for single homeless households (and childless couples) to the Single Homeless Prevention Service does not result in any direct financial implication.
- 5.3 The overall costs of posts within the Housing department to comply with the new duties under the Act, as well as deal with the anticipated increase in demand is estimated at £1.3m per annum. A number of these additional posts have been created on 12 month fixed term contracts, to allow a degree of flexibility to reduce staffing levels should demand reduce.
- 5.4 The government has provided one off funding to local authorities to meet the 'new burdens' costs associated with the additional duties contained within the Act. Brent has been allocated on average £0.4m pa up to 2019/20. There has been no indication of this funding being extended after this point.
- 5.5 In addition, the council has been awarded £1.168m for 2017/18 and £0.832m as part of the package of support within the Flexible Homelessness Support Grant (FHSG) to be utilised to support the prevention of Homelessness. As per the new burdens funding, there is no certainty of the funding continuing after 2018/19.
- 5.6 So in summary, in the short term, the current funding streams available to the council are sufficient to cope with the anticipated increase in demands. However, in the medium to long term the funding for these new duties is less certain.

6.0 Legal Implications

- 6.1 Pursuant to section 70 of the Deregulation & Contracting Out Act 1994, article 3 of Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 (the 1996 Order) permits the Council to contract out functions (other than excluded functions) under Part VII of the Housing Act 1996 (homelessness). Whilst Schedule 2 of the Order specifically excludes the Authority from contracting out any functions under s179 of the Housing Act 1996, section 2 of the Act replaces the old s179 with a new s179 in the Housing Act 1996. The new s179 provides that the Authority must provide or secure the provision of advisory services free of charge. The new s179 anticipates that this function may be contracted out. Further positive indication that the advisory function may be contracted out and/or provided in partnership with other organisations, is given in the Draft Homelessness Guidance for Local Authorities provided by the DCLG at paragraph 3.7. It should be remembered that the Act is not yet in force and any enabling regulations have yet to catch up with the provisions of the Act.
- 6.2 As mentioned in the body of the report, the main focus of the Act is on 'prevention' and 'relief' of homelessness. In respect of non-vulnerable single persons, priority need is no longer the threshold. The 'new' s179 duty is to provide a more substantial advisory service. The Table below summarises the changes the Act makes to the Housing Act 1996.

Section of Homeless Reduction Act 2017	Purpose	Amendment to Housing Act 1996
1	Extends definition of "threatened with homelessness" to 56 days	Amends existing s.175
2	Amends existing duty to provide advisory services	Substitutes a new s.179
3	Imposes a new duty to assess every eligible applicant's case and agree a plan	Inserts a new s.189A
4	Amends existing duty in case of threatened with homelessness to take reasonable steps to help the applicant to secure that accommodation does not cease to be available.	Substitutes a new s.195.

5	Creates a new “relief” duty for anyone who is homeless and eligible and makes new referral provisions. Unless refer (local connection), must take reasonable steps to secure suitable accommodation becomes for at least 6 months. Must have regard to s189A plan.	Inserts new s.189B and s.199A
6	Imposes new duties to help to secure accommodation	Inserts a new s.205(3)
7	Makes new provisions for failure to cooperate by an applicant for assistance	Inserts new ss193(A-C)
8	Makes new provision for local connection of a care leaver	Inserts a new s.199(8)-(11)
9	Extends existing statutory review duties	Amends s.202
10	Imposes a new duty on “public authorities” to refer cases to LHA	Inserts a new s.213B
11	Provides for a Code of Practice	Inserts a new s.214A
12	Further defines suitability of private rented sector accommodation	Amends Art. 3 of the Homelessness (Suitability of Accommodation)(England) Order 2012

- 6.3 The s189B relief duty ends for those eligible, homeless, in priority need and not intentionally homeless at the end of 56 days from when the authority is satisfied that the appellant is homeless and eligible. Otherwise: when the authority secures accommodation for the Appellant for at least 6 months; the appellant refused an offer of accommodation; the appellant becomes intentionally homeless from s189B accommodation; the appellant is no longer eligible; the appellant withdraws her application; the appellant refuses final Part 6 or final accommodation offer; the appellant deliberately and unreasonably fails to co-operate.
- 6.4 The s195 duty may be ended if: the appellant has suitable accommodation for at least 6 months; the authority has helped to secure accommodation and 56 days has elapsed since duty crystallised; the appellant becomes homeless; the appellant refused an offer of accommodation; the appellant becomes intentionally homeless from s195 accommodation; the appellant is no longer eligible; the appellant withdraws her application; the appellant deliberately and unreasonably fails to co-operate.
- 6.5 The range of s.202 statutory reviews has been extended to encompass reviews:
- of the steps the authority are to take in the their personalised housing plan at the prevention duty
 - to give notice to bring the prevention duty to an end

- of the steps the authority are to take in their personalised housing plan at the relief duty
- to give notice to bring the relief duty to an end
- to give notice under s.193B(2) in cases of deliberate and unreasonable refusal to co-operate.

Accordingly, the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999 are to be reviewed

6.6 The Homelessness Act 2002 brought in a duty to produce a 5 yearly homeless strategy for preventing homelessness in the district. The strategy will require revision due to the provisions of the Act.

7.0 Diversity Implications

7.1 The current legislation does not assist a substantial proportion of those seeking accommodation who are homeless. Currently the legislation owes a housing duty to those in priority need i.e. applicants with dependent children, applicants who are vulnerable as a result of medical/mental health issues, being in the armed forces, leaving institutional prison and who are elderly. The Homelessness Reduction Act lifts the priority need limitation to homeless applicants and opens the prevention duty to all members of the public who are eligible and threatened with homelessness. It is therefore anticipated that this change will have a **positive or neutral impact** on service users across all age group, particularly the single working age homeless group.

8.0 Consultation with Ward Members/Stakeholders

8.1 None.

Report sign off:

PHIL PORTER

Strategic Director of Community Wellbeing