



Community and Wellbeing Scrutiny Committee

14 March 2022

Report from the Strategic Director of Community Wellbeing

Community Engagement for Homeless Families Services

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| Wards Affected: | ALL |
| Key or Non-Key Decision: | Non Key |
| Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small> | Open |
| No. of Appendices: | None |
| Background Papers: | None |
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1.0 Purpose of the Report

- 1.1 To update Community and Wellbeing Scrutiny committee on community engagement for homeless families services.

2.0 Recommendations

- 2.1 That the committee note the information provided in this report about the community engagement for homeless families in the borough who are homeless, or at risk of becoming homeless.

3.0 Introduction

- 3.1 The Housing Options Team, within the Housing Needs Service, support families who are homeless or threatened with homelessness. A separate team within the Service specialise in supporting single people, and couples without children.
- 3.2 The team work within the legal framework of The Housing Act 1996, Part 7 (the Act). The Homelessness Reduction Act 2017 (HR Act); implemented on 3 April 2018, places new duties on housing authorities to intervene earlier to prevent homelessness and to take reasonable steps to relieve homelessness

for all eligible applicants, not just those that have a priority need under the Act. The HR Act does not replace the previous legislation but 'bolts on' new duties, to the main housing duty.

- 3.3 However, prior to the enactment of the HR Act, the service was already very prevention focused. Therefore, although the HR Act imposed a legal duty to prevent homelessness, the team was already intervening at the earliest possible stage, to support people to retain their current accommodation, and avoid homelessness. By preventing a household from becoming homeless and remaining in their home, they avoid the disruption of having to go into emergency accommodation, and then on to Temporary Accommodation (TA), which is often in another part of the borough or outside of the borough. If it is not possible to keep a household in their current home, the service will help them to secure alternative accommodation, before they become actually roofless
- 3.4 The service has received an average of 5,700 homelessness applications a year, over the last two years, 55% of whom were from single homeless people, or couples without children. Our prevention-focused approach has contributed to only 17% of homeless households, who approached the Council since April 2021, being accepted under the main homelessness duty. This low level of homelessness is because the majority of issues are resolved through the prevention or relief stage on an application, and is a major contributing factor to the Council's success in reducing the number of homeless households currently living in TA.
- 3.5 In 2012, Brent had 3,176 homeless households living in TA, which was the largest number in the country. By 2018, this number had reduced to 2,450, which was the 7th highest. The current figure (as at January 2022) is 1,625, so we are now the 18th highest user of TA, having achieved a reduction of 34% since 2018. This is the second highest decrease across all London Councils, and only 9 London Councils have achieved any decrease in their TA usage, with the remaining Councils increasing their TA by an average of 30%.

Duty to prevent homelessness

- 3.6 The Housing Options team support families who are at risk of losing their home as soon as they are threatened with homelessness within 56 days, by helping them to remain in their current accommodation, if the property is suitable and reasonable for them to continue to occupy.
- 3.7 The type of support that families receive to prevent them from becoming homeless is tailored to their individual circumstances. The main reason for homelessness is eviction from the Private Rented Sector. Officers engage with the owner to determine why they are evicting the tenant and intervene to negotiate and identify a solution.
- 3.8 For example, if the tenant is being evicted due to rent arrears, the officer will determine what caused the arrears to accrue. This may have been due to a specific incident, such as the tenant losing their job or it may be that the rent is too high, and so the property is not affordable. If it is determined that the

property is affordable going forwards, but arrears have accrued due to a one off incident, then the officer will negotiate with the owner to clear the arrears, in return for a new 12 or 24 month tenancy being granted. However, if the property is not deemed affordable, then the officer will support the family to secure alternative accommodation that is affordable, before they are evicted.

- 3.9 If the tenant is being harassed by their landlord or has been illegally evicted, a free Tenancy Sustainment Service is available, provided by Hodge, Jones and Allen (HJA) Solicitors. HJA provide advice and support, and if necessary write to landlords, warning them about their conduct and their tenant's legal rights. HJA receive an average of 17 referrals per month. The most common enquiry concern tenancy matters, or general housing advice, with 48% of enquiries and 22% of the enquiries were in relation to Unlawful Eviction/Threatened with unlawful eviction. 50% of referrals were successfully resolved, with the remainder either ongoing or closed due to clients securing alternative accommodation or loss of contact.
- 3.10 Another main cause of homelessness is Domestic Abuse. The Housing Options Team, have a dedicated service, which provides housing, financial, practical and emotional advice and support to female, male and transgender victims (both families and singles) of domestic abuse. Officers ensure that the service response is appropriate to the needs of the individual and in line with good practice to provide safe accommodation. The goal is to provide personalised housing options and additional support services for victims/survivors of DA. The service ensures that the right help and support is available so that fewer victims and their children reach crisis point, and the harm caused by DA against everyone is reduced.

Duty to take steps to relieve homelessness

- 3.11 This duty is triggered when a family are already homeless. The team provide advice and assistance to help people find suitable accommodation in the private rented sector for themselves and their families. Families are supported to find their own accommodation, and if it is suitable, and affordable, the team will assist by paying the owner an incentive payment, to secure the property.

The Main Housing Duty

- 3.12 After 56 days, the relief duty comes to an end if the family have not been able to secure suitable alternative accommodation. The team will then assess whether or not the main housing duty (under the Housing Act 1996) is triggered. The main housing duty is owed to those families who remain homeless after the relief duty, are in priority need and have not made themselves intentionally homeless. The Council will be under a duty to secure suitable accommodation for the household, which is likely to be in the private rented sector.
- 3.13 Although we do not have the same level of duty to families who have a priority need but are intentionally homeless, the team is committed to doing what we can to support them. The local authority has a less onerous duty to secure accommodation for those families for a reasonable period, generally a few

weeks to give them an opportunity to secure alternative accommodation; and provide them with advice and assistance in securing accommodation.

- 3.14 In addition, the local authority has a duty when a family is intentionally homeless and includes a child under 18, to offer to refer the case to social services, (the applicant must consent), and if the applicant has consent, share the facts of the applicant's case and the local authority's decision with social services, Social services has separate duties towards such children which includes the provision of housing so that the family does not become street homeless. Such intentionally homeless families will be referred to Children's Services through the Family Front door.

4.0 Community Engagement

- 4.1 In law, the duty to prevent homeless is only formally triggered if a family is threatened with homelessness within 56 days. This means that if a family are likely to become homeless within 56 days, there is a statutory duty for the council to intervene and try to prevent them from becoming homeless. However, the Council positively encourages people to seek assistance at the earliest possible stage, so even if they are not likely to become homeless within 56 days, officers will still engage to support the family. This is to allow as much time as possible to engage with the family and prevent them from becoming homeless.
- 4.2 It is therefore essential that people are aware of the services that are available and community engagement plays an important role in reaching out to families who are homeless, or at risk of becoming homeless, as set out below.
- 4.3 To help increase awareness and promote the use of available services, there is a dedicated homelessness prevention team, who proactively make contact with residents before they present as being threatened with homelessness. This is so that support and advice can be provided at the earliest possible stage. The team work with a range of voluntary sector and statutory services, to make them aware of the service and encourage referrals. Officers meet with community leaders, places of worship, foodbanks, the Brent Hubs, the DWP, as well as in-house services. The aim is to inform our partners about the service, to raise awareness and enable them to identify people who are struggling financially, or could be at risk of eviction, and so enable officers to intervene at the earliest possible stage.
- 4.4 Homelessness Services are also promoted at the Brent Homelessness Forum. The forum meets every two months, is chaired by Crisis, and attended by over 30 statutory and voluntary agencies. The Forum is also used by the service to coordinate and collaborate with partners serving families experiencing homelessness. Information about new council initiatives and services is provided at forum meetings, for agencies to disseminate to their communities and clients.
- 4.5 Services are also promoted through the Council's new website platform, as well as flyers advertising the homelessness prevention service and tenancy

sustainment service. An advert for homelessness services is also currently being aired on The Beat London 103.6fm (formerly known as BANG Radio). This is an urban community radio station, broadcasting live from Harlesden 24 hours a day, 7 days a week via 103.6fm, online via www.thebeat1036.com, and their Apps TheBeat1036 and the Tune In.

- 4.6 Input from families who are experiencing or have experienced homelessness will be sought through a customer satisfaction survey, as well as the Brent Homelessness Forum and the Temporary Accommodation Forum. A pilot customer satisfaction survey was conducted in 2020, and concentrated on people's experience of seeking assistance when homeless or threatened with homelessness. The survey was sent to 1204 people who had an assessment before August 2020. Unfortunately, only 88 people (7%) responded.
- 4.7 Therefore, a project commenced to integrate the survey into the CRM, so that it would automatically pop up at the end of an application, to encourage a higher response rate. To date, technical issues have prevented this from happening, so as an interim solution a link to the survey will be emailed to people at the end of their application. This will occur on a monthly basis from April.
- 4.8 Feedback from the experiences of Councillors, the Homelessness Forum, and Temporary Accommodation Forum as well as the pilot survey have been and will continue to be used to improve service provision. As the Homelessness forum is attended by over 30 organisations as opposed to individuals, we get the benefit of their reflections across everyone they are supporting. For example, one issue that repeatedly came up was people not being able to access the service quickly enough. Appointment slots have therefore been reduced from 90 to 60 minutes to create more capacity to see people earlier.
- 4.9 Families to whom the main duty has been accepted, and are living in settled TA, which is leased from private owners, attend the Temporary Accommodation Forum. Due to the long waiting times for social housing, these families can remain in these leased properties for many years. Temporary Accommodation Forums are therefore held to keep families informed of latest developments and to receive feedback about their experiences.
- 4.10 Barriers are identified through feedback from clients, advocates, other services and forums. The Brent Homelessness Forum plays a particularly important role due to having such a cross section of representation, who are able to identify issues and bring them to the Council's attention. Service design is then adapted to address these barriers.
- 4.11 A recent example of this is how vulnerable people, who may have underlying issues such as mental health, or with drug and alcohol abuse, access services, especially throughout the various lockdowns, caused by the pandemic. As services shifted to online and remote working, homeless people were identified as a cohort who may have more difficulty than most in accessing services. The homelessness service has therefore always been

available for face to face interviews at the Civic Centre, to enable more vulnerable people who may not easily be able to access a computer, to receive support.

- 4.12 The service is also participating in the pilot redesign of the Customer Service area, where new software is being tested, that will enable people who have come to the Civic Centre as homeless on the day, to be interviewed via a video link

5.0 Financial Implications

- 5.1 The Housing Needs service sits within the Housing General Fund. The budget for this service is provided through both Council funding and direct grant funding.
- 5.2 Housing Benefit income is received for eligible households. However, in most instances, this income is subsequently paid out to accommodation providers, so has no net impact on the budget.
- 5.3 Overall grant funding of £8.5m has been received in 2021/22. Most of this funding is derived from two grants from the Department for Levelling Up, Housing and Communities. The Homelessness Prevention Grant of £7.0m combines what were previously the Flexible Homelessness Support Grant and Homelessness Reduction Grant. The Rough Sleeping Initiative Grant of £1.3m provides support to prevent rough sleeping.
- 5.4 A variety of COVID-19 related grants were received in 2020/21, totalling £1.0m. This grant funding has not continued in 2021/22. However the funding from the core grants provided above has increased, which has led to overall grant income remaining constant at £8.5m in 2021/22.
- 5.5 The Council has continued to seek opportunities to provide services in a cost-effective manner. This has included securing in-house Temporary Accommodation, reducing reliance on external landlords. The Council has also joined Capital Letters, the pan-London non-profit company established by 21 London Boroughs, to co-ordinate the procurement of accommodation at lower cost.

6.0 Legal Implications

- 6.1 Under the Housing Act 1996 (HA 1996), as amended by the Homelessness Reduction Act 2017 (HRA 2017) all local authorities have statutory duties towards applicants for housing assistance and their households who are either threatened with homelessness under s,195(2) of HA 1996, “the prevention duty”; or homeless under s.189B(1) of HA 1996, (“the relief duty”) and are eligible for housing assistance. Under both duties there is an obligation to carry out an assessment under s,189A of HA 1996, of the reasons for their homelessness, their housing and support needs. They also need to agree with the applicant, the reasonable steps to enable them to secure that suitable

accommodation is available to them for at least six months. These steps are recorded in personalised housing plan, known as a PHP.

- 6.2 Both the prevention and relief duty are for a period of 56 days and they can be ended in the following circumstances:
- In the case of the prevention duty, if the applicant has been homeless, rather than just threatened with homelessness.
 - 56 days have passed and the authority has not yet made a decision or is satisfied that the applicant does not have a priority need or is intentionally homeless.
 - the applicant has deliberately and unreasonably refused to take a step in their PHP.
 - The applicant has suitable accommodation for at least six months.
 - The applicant has refused an offer of accommodation, include a final offer
 - The applicant has become intentionally homeless from the accommodation provided under the relief duty.
 - The applicant is not longer eligible
 - The homeless application has been withdrawn
- 6.3 Under s.188 of HA 1996, if homelessness has been confirmed and the local authority has reason to believe that an applicant or a member of their household may have a priority need, then, during the relief duty, there is a statutory duty to provide the applicant and their household with interim emergency accommodation, this is irrespectively of whether they have made themselves intentionally homeless.
- 6.4 In the case of families, there usually will be a priority need if the applicant has dependant children under the age of 18, in addition, there could be additional reasons for priority need in families if a member of the family is vulnerable due to a disability, and following the introduction of the Domestic Abuse Act 2021, the applicant or a member of their household is a victim of domestic abuse.
- 6.5 At the end of the relief duty, if the homelessness has not been relieved, then it is necessary to make a decision as to whether or not a main housing duty under s.193(2) of the HA 1996 is owed.
- 6.6 Unless the applicant has made themselves intentionally homeless, if the applicant's family contains a dependant child under the age of 18 or there are other members of the applicant's family household with care needs or disabilities, the applicant will have a priority need under s.189 of the Housing Act 1996 and the main housing duty will be owed.
- 6.7 If an applicant has made themselves intentionally homeless under s.191 of the HA 1996, then the main duty is not owed. However the local authority will still owe a lesser duty under s.190(2) to (a) secure that suitable accommodation is available for a reasonable period to give the applicant a reasonable opportunity to secure other accommodation (b) provide advice and assistance, based on the updated PHP to help them secure somewhere to live.

- 6.8. Local authorities also have duties towards families under s.17 of the Children's Act 1989, which places an ongoing general duty to safeguard and promote the welfare of "children in need" (and those of their families) in their area. This duty can include providing families with accommodation until the child in need reaches the age of 18.

7.0 Diversity Implications

- 7.1 A full Equalities Assessment has been carried out to determine which groups with protected characteristics under equalities legislation are over or under-represented in terms of being supported by services.
- 7.2 The "protected characteristics" are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also protected characteristics for the purposes of the duty to eliminate discrimination.
- 7.3 The outcome of these assessments confirms that the groups with protected characteristics being supported by services, generally matches the groups who apply as for services

Report sign off:

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