

The Homelessness Reduction Bill

Everything you need to know to prepare for it

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Homelessness Reduction Act

- * Biggest change in homelessness since the 1977 Act
- * Royal assent April or May 2017
- * Enacted very likely April 2018
- * Amends Part 7 HA 1996 does not replace it but not retrospective so applications up to 31st March under old framework

The New Truth post HRA

“Homelessness applications are good”

“They have always been good”

“They have never been bad”

The new George Orwell reprint of 1984?

- Whatever has or hasn't happened in the past be in no doubt that under the HRA the Government wants all prevention work to be carried out under a statutory duty triggered by a homeless application.
- Virtually all households at risk of homelessness just may be homeless within 56 days

By how much are homeless applications likely to rise?

Wales 26% rise but England more likely to be 50% plus. Why?

1. Higher pressures in some part so England 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 AST and uncertainty over UC
4. Likely to be launched with a huge publicity campaign by Gov and charities
5. Plus code likely to stress as 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 next?

- * Support LA service development, starting with a best practice website ('Prevention Hub')
- * Will change radically the P1E. Piloting new P1E through the Trailblazers
- * Aim to make it easier for local areas to spot those at risk of homelessness by improving data collection and analysis
- * There will be a new team of Specialist Advisors recruited by DCLG to support councils
- * There will be an extensive training program for Councils and it is assumed the voluntary sector as well

What do DCLG say they will do next?

- * Established an LA working group to consult on the methodology to distribute the £61m 2 year 'new burdens' money
- * Working group to consider refreshing the Code of Guidance. Draft version of the Code not likely therefore to be consulted on before late summer with new Code early 2018
- * Disseminate learning from the Trailblazers: DCLG have awarded £20,310,521million to 28 projects, working in 86 local authorities in every region in England.

Where is the money to implement it?

The external funding you receive for homelessness:

1. Your standard Homelessness grant paid through Revenue Support Grant – Named grant in RSG budget
2. £61 million transitional funding 2 years to implement the Bill – *likely to be ring fenced? Paid from early 2018?*
3. From 1st April every Council receives a new grant for tackling homelessness – The Flexible Homelessness Support Grant (FHSG)
4. Discretionary Housing Payment Fund – More flexible and updated guidance on using it for prevention as well as rent deposits, rent in advance issued December 2016
5. Trailblazers money if you are one of the lucky councils to receive a share of the £20 million Trailblazers Pot

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 will receive 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

More information on the FHSG Grant

The new grant is an upfront flexible grant.

- * DCLG Email to Chief Exec March 16th - *“The grant is ring fenced for an initial period of two years and during that time may be used only to prevent or deal with homelessness”*

Funding formula:

- Relative homeless pressures
- Self-contained, nightly paid and privately managed
- Private sector accommodation leased by local authority or managed by a registered provider
- Preventions or PRSOs direct with a private sector landlord

Data from the financial year 2015/16 was used, and then this data projected this to 2017/18 by assuming a 12% annual increase, as in the previous 5 years.

Look to bring in other money and resources into 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 you have 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
- Private Sector Housing Team could support work with landlords to access to PRS for prevention

Securing the Money to Implement the HRA: Take action now!

Step 1: Make sure you keep the money!

- Make sure you know exactly how much money has been provided to tackle homelessness
- Establish your Homelessness Prevention amount which is named in the Revenue Support Grant. Is all that money being passed down
- Check Council's FHSG grant award figure – email that it is ring fenced
- Estimate your 2 year Transitional grant to help implement the new burdens of the Homelessness Reduction Act - £50-£70K per year over the 2 years
- Establish your Discretionary Housing payments Grant and seek to be allocated all or a percentage of that grant controlled by your service
- Establish the Revenue Funding for the service raised by Council Tax

Now make the case now to keep all of this by making the case to Chief Executive, Finance Director, Members as to the likely impact of the HRA

How should we 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

A) Initial Assessment and casework Model Options

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 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 – Toolkits Locata and other but new principle should be you 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 assessment 2 and discussions and issuing of Personal Plan – Pilot different models and record the time it takes. 1 interview, 2?
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

Getting used to a whole new way of working

- * The Act may (as in Wales) lead to a less confrontational approach as priority need and IH are ‘parked’ to the end of the assessment process.
- * The biggest complaint from local authorities is that they are “*drowning in paperwork and legal notification letters*”
- * But applicants must cooperate with Prevention help; a suitable offer will end the duty and it gives a clear message that being homeless is about a prevention response not social housing

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’
- * Any decision as to whether a full and final duty is owed re Intentional homelessness and priority need can only be made after the Relief duty (‘help to secure’ duty) has come to an end
- * 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*

The new act understanding casework

Turn to the casework Q and A covering duties for:

1. Taking of Homelessness applications
2. The new Assessment Duty
3. The Prevention Duty and how it ends
4. The Relief Duty and how it ends
5. The final stage – the main duty – what is it and how it ends
6. When do we take decisions on Priority Need, Intentional Homelessness and Local Connection