Q&As from Locata's National Users Group virtual webinar on February 17, 2022

Questions for Andy Gale

1. Andy, on affordability and expenses, can you please elaborate on what constitutes reasonable expenses now? Are there detailed guidelines available?

   It is important to look at the court decisions in *Paley and Waltham Forest (Feb 2022)*, and *Patel and Hackney (2021)* which provide a framework for affordability assessments post *Samuels v Birmingham UKSC 2019.* What constitutes reasonable other expenses is going to come down to the household's individual circumstances rather than an 'in or out set list'. In the Paley case it was considered reasonable to set aside an amount to pay 'Judgment debts' though it may be reasonable to expect an applicant to go back to the court to ask for a reduction in the weekly amounts they have to pay, even if only £5 or £10 a week.

2. RE: Ealing caselaw - is applying residency rule unlawful or is that still up for debate? In context of Reasonable Preference?

   Applying a residence rule is not unlawful and the decision in *Montero v Lewisham 2021* finds that *R(HA) v Ealing LBC [2015]* was wrong. The use of a qualifying criteria based on residence (Lewisham had a 5 year rule) is not fundamentally at odds with the need to give reasonable preference. You cannot disqualify whole groups owed RP and you should still have a policy to consider exceptional circumstances when applying a qualifying rule such as length of residency.

3. If they leave the bridging hotel, could they not be found intentionally homeless or intentionally homeless from their temporary accommodation?

   Technically the answer may be yes, but given the nature of the accommodation and the failure of the Home Office to move families on with the subsequent impact on schooling leaving families 'in limbo' an IH decision may be difficult to sustain

4. We can set up our PHPs on Locata to automate a lot of the tasks based on the info provided. They look similar to each other though - would that be an issue?

   Setting up example actions on Locata is not the problem as long as the steps in the PHP are specific to the presenting problem. For example, a PHP for a family who are at risk of exclusion from a parents' home because of tensions will need to have different steps from a family who have been issued with a ground 8 notice for rent arrears. Actions to help find alternative accommodation in case the actions to keep the family in their accommodation can look the same but not the preventative steps.

5. Lots of Shelter challenges when someone is evicted from interim for behaviour - do we need to reaccommodate elsewhere on the first occurrence of an issue?

The principle established by the Brooks v Islington caselaw is that the interim 188 TA duty is capable of being discharged. However, re behaviour there should be some evidence that either a) they had been warned that their behaviour was unacceptable or b) the incident that results in exclusion is clearly so unreasonable that they should have been fully aware of the likely consequences. There is nothing to say that the caselaw requires a person to be reaccommodated on the first occurrence of being evicted from interim.

6. What was the first training module please, Andy?

The 5 Core Modules that will be launched under the training Academy from the 1st April are:

   1) Applying the Part 7 tests

   2) All things Homelessness Reduction Act

   3) All things temporary accommodation including making suitable offers

   4) Practical Prevention Casework

   5) Understanding Part 6 - Applications and Lettings

7. Should assessment of an app's case in form of PHP be prepared if app's case considered for referral to another LHA and is made at point that RD would be owed?

It depends on whether it is situation 1 or 2 below:

Situation 1 – A relief duty has already been accepted and then after the date you accept the relief duty you decide they don't have a local connection and that you will refer to another council. Once the applicant is informed that you are referring them then the relief duty comes to an end. In this situation you may already have issued a PHP.

Situation 2 – You decide that the applicant is homeless but does not have a local connection and these enquiries all finish at the same time and you inform them that you will be referring them on the grounds of LC to another Council. In this situation no PHP needs to be prepared as the PHP assessment duty only 'kicks in' when you accept a relief duty and once you notify the applicant that you will be referring them no relief duty is owed. So, in situation 2 the relief duty never started.

8. Does an 18- to 20-year-old automatically have priority need if accommodated in interim accommodation by a local authority or other services such as youth justice system or probation or do they have to be a care leaver (s20 by children's services)?

Priority need would not be automatic just because they had come out of the youth justice system or being dealt with by probation. However, Care Leavers who were looked after by social services and become homeless and approach Housing Options before their 21st birthday would be automatically in priority need.

9. In the new 2022 letters pack - is there a letter ending s188 interim accommodation duty when an applicant abandoned TA or Voluntarily vacated TA?

If they have abandoned their TA or Voluntarily vacated, then you would end the relief duty and don't need to separately end the interim TA duty. Use end of relief letter number 67 in the new 2022 pack.

10. How can we end RD & PD when we are aware the applicant has made multiple applications and is owed duty with another LA?

If they failed to tell you at the point they applied to you that they had a homeless case with another Council and was owed a duty by that Council then they are in breach of section 214 and you could reverse your decision to accept the P or R duty.

If they did tell you and you accepted a P or R duty knowing they were already owed a P or R duty with another council then it may be best to have a conversation with the applicant to say you do not believe they can have simultaneous P or R duties open with more than one council so which council do they wish to proceed with. Inevitably, there will be a legal challenge at some point to decide the question of simultaneous duties yes or no.

11. When another Authority has taken a Relief or Prevention duty - how do you close the homeless application?

If you had two applications open with two different councils and one has proceeded to accept a P or R duty the other should close it down technically with a not homeless decision but make sure to explain within that letter that the application is closed due to the other council having accepted a duty.

12. In the instance for those fleeing DA, will the definition of the intermediate accommodation rely on the "arrangement agreed" before applying?

That may be one way of considering the position. So, for example, I am homeless due to DA and go to stay with family for support and it is clear that the arrangement was only for a few weeks to provide that support. In that case example they are likely to still be automatically in priority need. In contrast if I am homeless due to DA and move into accommodation with family or friends where there was no restriction on the likely length of time then this could be a new cause of homelessness meaning the applicant would need to pass the vulnerability test. Inevitably, there will be caselaw on when intermediate accommodation means the automatic priority need category is not applied.

13. Historical abuse, perp not on application family remained in settled accommodation, now section 8 issued - historical abuse is it part of assessment?

Historic domestic abuse is relevant in the context of the Council needing to decide on the probability of future abuse if the applicant were to remain in their accommodation.

14. Affordability. Is there a tool for working out average expenses which can be altered to accommodate individual circumstances?

There is a tool that still needs work but may be a useful guideline to start with available free from myself.

15. Would it be possible to circulate Andy's Affordability Toolkit with the recording/presentation - to save him being inundated by separate email requests?

Has been provided to Locata to distribute to people who attended the webinar.

16. We have a prev PHP template and relief PHP template - should we be using the others in Locata? The family exclusion, sec21 etc?

I'm not sure what example PHP templates are in Locata.

17. Are there any new guiding laws in 2022 for re-housing ex-offenders?

Not that I'm aware of.

18. One of the challenges we have is DSS discrimination, is there more LA's can do in Law?

The law is clear on discrimination and outlawing the practice of stating 'no DSS' but I'm not sure what else Councils can do to enforce the position as landlords and agents can inevitably find ways of refusing people without being so blatant as to say no DSS.

19. DA act: Please can you advise on: The secure tenancy provision in the Act (s.79) will ensure that, where a local authority grants a new tenancy to a victim who has or had a lifetime tenancy (whether with a local authority or housing association landlord), the tenancy must also be a lifetime tenancy if:
    - the local authority is satisfied that the person is or was a victim of domestic abuse, and
    - the new tenancy is granted for reasons connected with that abuse

How is this applicable to as regards the homeless legislation discharge of duty and the allocations policies of LA's?

If a local authority is allocating a tenancy under Part 6 to an applicant who held a lifetime tenancy and either a) became homeless due to DA or b) did not necessarily become homeless but ended that tenancy for reasons connected with that abuse (for example the victim may have ended a joint tenancy due to the DA) then the new tenancy must also be a lifetime tenancy

20. Sorry, what is Andy's e-mail address again?

andygalehousing@outlook.com

Questions for Peter Riley

21. Can the new 2022 letters also be saved onto Locata in the format of an email, as this seems to be the more efficient way of contacting our clients?

   It's a work in progress but these should be available within a few weeks. This will be similar to the current CBL set-up.

22. Is the webinar recording available to view after today please? Some people weren't able to attend.

   Yes, the webinar link will be sent to all of those who registered.

23. Do you have training on how to use Locata system for beginners?

   Yes, for up to 8 users at a time. There is:

   - Hourly training that is available for experienced users about specifics and is priced at @ £100 per hour
   - Intermediate training sessions for reminder sessions and beginners (AM or PM Sessions) and is priced at @ £375 per session
   - Daily customized training and is priced at@ £750 per day

   There is also the support centre which has a First things first | LOCATAPRO 3.9 (helpsite.com) section that beginners can work through.

24. How can we access the training once they are released?

   All training is done by our staff using a programmed approach including training the trainer sessions. Once completed all users in schemes have access to a test platform, this is used by staff to practice and use what they have learned on the system. Please contact your Project manager for details.

   There are also videos available on our website.

25. Locata training related - is there a training version of Locata where new starters can 'play' and practice?

   All Locata schemes have access to a test platform, this is used by staff to practice and use what they have learned on the system as well as a test system. Please contact your Project manager for details.

26. Are Andy Gale's templates going to be available as emails?

   Yes, it's a work in progress but should be within a few weeks

27. It is a real shame that we are not able to change questions on the online form. Some of the changes are very minor and don't impact on policy etc.

There are very few questions on the forms that do not impact on the policy or assessment rules and what seems like a small change in the form can have a large impact. Your Project Manager can always advise you. So please get in touch and discuss your needs with them.

28. Is there any ability when people write case notes on Locata to send an alert to another identified team member there has been a note added?

Sorry, there isn't. You can transfer tasks to other members of staff and this leaves a journal note but I think that's it.

29. When will the new Locata CBL system be available please?

We are hoping for the new system to be available in Early to Mid-2023, we will be testing in late 2022.

30. Locata changes - rough sleeper addition rolled out 2nd February? Are we all expected to have this automatically on our Locata systems by now?

Yes, the RSI outreach tasks have been deployed.

RSI Case Management | LOCATAPRO 3.9 (helpsite.com)

31. Will the new lettings platform allow us make changes to our online form?

No, the forms are a different kettle of fish. Tasks and question are primarily to allow workflow questions and information gathering.

32. Are bespoke developments from the current CBL system going to be carried over if we go for the new platform?

99% of developments will be carried over to the new Letting system. However, there will be some discussions to be had with some clients.

33. What is the cost of the rent account system?

The cost of the TA Rent Accounting is:

- HPA2 - Enhanced TA is £1500 support per partner per annum.
- Full TA Rent Accounting - £9,000 support per partner per annum (5k per import or export file).

34. Locata is significantly adding to the portfolio of systems that you offer and developing existing systems such as Lettings. Will customers be able to be pushed from one to another so that officers don't have to repeat information and where the customer can be linked across all of the different systems where they have a record?

Yes, it can - and you are correct, the process we use is called linking.

35. Will the new Lettings module provide users with a community forum in the same way that HPA2 does?

That's what we are working towards. It will be a forum to enable users to chat, communicate or share best practice amongst themselves.

36. £500k is a significant investment for a small company. Will this continue after the new Letting system is finished?

The investment will return to a more normal level after 2023. As a public sector owned company we will still be investing in our systems and infrastructure and our focus has been on absorbing and limiting costs to clients around Locata's network infrastructure. With those significant changes coming to an end, we felt it was now the right time to invest in our own systems.

37. The Locata Housing Management System is entering a crowded market - who is it aimed at?

We envision its use by growing number of smaller councils/RP's who are being squeezed by their current suppliers, as well as for those councils who use several different solutions to service their client base. This would allow them to use Locata HMS as a central portal to manage their data from.

38. Is the RSI task group and case functionality available to all Locata HPA2 schemes?

Yes, both the Rough Sleeper Outreach and Case management functionality has been rolled out to all schemes as directed by the Development group.

39. For those of us who are nervous about the new lettings system, will it slow down as I find the current system is quite fast and are there also plans to run the current system alongside if I don't want the newer system?

No, the new lettings system will be just as fast if not faster. Yes, we will be running the old and new system concurrently.

40. Is it possible to give a 3rd party access to HPA2 to certain applicants?

Yes. You can do this through the Housing Related Support system that pulls through certain tasks and questions and also allows Third Party Support of HPA2 customers within the HRS module. This way work done on either system is replicated. This is so that the council and their support organisation can work in tandem across several aspects of Housing Related Support.