



Meeting: Housing Rental Company Committee Date: 21 February 2018

Wards Affected: All

Report Title: Homeless Reductions Act

Is the decision a key decision? No

When does the decision need to be implemented?

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Homeless Reductions Act

This report sets out the changes and new duties in the Homeless Reduction Act 2017 (HRA), and their potential impact.

The approach undertaken and allocation of the Flexible Homeless Support Grant (FHSG) and burden funding should enable the Council to prepare and implement the necessary service changes to meet the demands of the HRA. However, this will need to be reviewed closely to assess the effectiveness of the approach

Report prepared by Tara Harris
February 2018

Homeless Reduction Act

1. Background Information

1.1 The Homelessness Reduction Act (HRA) is due to come into effect from 3 April 2018. It sets out a framework for the biggest changes to homelessness legislation since 1977, imposing several new duties, many of which will require a change in working practices and additional resources.

Brief Overview of HRA

1.2 The HRA transforms the help Councils are expected to provide to all homeless people. It aims to ensure provision of new support to people who aren't entitled to help under the current system. It requires Councils to try and prevent people from becoming homeless in the first place, intervening early and encouraging other public-sector bodies to actively assist in identifying and referring those at risk of homelessness.

1.3 The key provisions include:

- (a) **A prevention duty:** A new duty for Councils to try and prevent the homelessness of people who are at risk of becoming homeless in the next 56 days, provided they are eligible for assistance based on their immigration status. This duty will arise irrespective of their connection to the area. This also includes help to secure accommodation for all eligible applicants, regardless of priority need.
- (b) **Duty to provide advice:** This clause strengthens and extends the general advice duty, requiring the Council to design a service that meets the needs of certain groups at risk of homelessness. These include;
 - Persons released from prison or youth detention
 - Care leavers
 - 16 and 17 year old homeless cases
 - Former members of the regular armed forces
 - Persons leaving hospital
 - Victims of domestic abuse
 - Persons suffering mental illness
 - And any other groups identified as a particular risk of homelessness within the district.
- (c) **A relief duty:** A new duty for Councils to try and resolve the homelessness of people who are already homeless. To qualify for help they must be eligible for assistance based on their immigration status and have a connection to the local area, otherwise they can be referred to another local authority.
- (d) **Measures to incentivise cooperation:** People being helped under the prevention and relief duties will be expected to take reasonable steps to resolve their own homelessness. This will also be through new duties

	<p>placed on the Council to carry out assessments and agree a personal housing plans with each client.</p> <p>(e) A duty to refer: A new duty on other public services to refer people to the local housing authority if they are working with people who are homeless or at risk of homelessness. Due to be enacted in October 2018.</p> <p>(f) Continued temporary accommodation protection for families: Councils are required under existing law to accommodate homeless families, if they meet a number of tests and the HRA maintains these protections in cases where Councils are unable to help families under the new prevention and relief duties.</p>
<p>2.</p> <p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>How is the local authority preparing for the changes? Homeless Reduction Act – Service Response</p> <p>Officers have been exploring options to prepare for the Act and enhance our homelessness advice and prevention offer.</p> <p>It has been necessary to review the roles and services within the Housing Options and Youth Homeless Prevention Services. To ensure the Council can meet its new duties. As a result, the following service adaptations have been or are being made:</p> <ul style="list-style-type: none"> (a) Employment of two new Housing Advice Officers – early help offer to triage and ensure appropriate support and advice is given at the earliest opportunity to prevent homelessness. (b) Employment of Housing Development Officer – to act as a point of contact with landlords and agents to develop and facilitate access to the private rented sector to prevent homelessness and provide appropriate move on from temporary accommodation. (c) Complex Needs Prevention Plus Service – the Vulnerability and Complex Needs Officers based in the ASB team link in with statutory agencies including mental health to holistically assess and dynamically assess risk to enable housing solutions. (d) Debt Advice Service – provided free by Plymouth Credit Union at Paignton Library. (e) Development of web based advice resources – aim to provide tailored interactive tools, media clips and standard letters to help people take reasonable steps to resolve their own homelessness. (f) Increased appointment capacity - at Paignton library to meet obligations under personal housing plans. (g) In-house redesign and build of Civica – required to ensure statutory returns can be provided. (h) Family based emergency accommodation provision <p>The following provision will also be considered and assessed based on resource, need and potential effectiveness once the initial phase of implementation has been undertaken:</p> <ul style="list-style-type: none"> (i) A Family Housing Solutions Officer - address housing needs amongst complex families facing a host of social issues. The post will

	<p>provide an early intervention/prevention service to support families in housing need including a full family assessment promoting holistic intervention planning, linking to Early Help teams and voluntary and community sector partners. The officer will help reduce duplicate assessments, ensuring 'every contact contacts' where there is a need for additional agency involvement.</p> <p>(j) Youth Homeless Prevention service – a reassessment of the resources required to undertake effective mediation through this service. It is currently considered that changes to service delivery may provide some additional capacity.</p>
<p>3.</p> <p>3.1</p> <p>3.2</p> <p>3.3</p>	<p>How does this proposal contribute towards the Council's responsibilities as corporate parents?</p> <p>Local Connection of Care Leaver</p> <p>The Act states that all care leavers who are owed continuing duties under section 23c of the Children Act 1989 are deemed to have a local connection in the local authority that owes them those duties.</p> <p>Where a care leaver has lived in a different area to the above for at least two years, some or all of which falls before they turned 16, they also have a local connection with that district until they are 21.</p> <p>The Local authority is required to ensure that it provides a service that has additional focus on this client group. (see 1.3 (b) above)</p>
<p>4.</p> <p>4.1</p> <p>4.2</p>	<p>How does this proposal tackle deprivation?</p> <p>The links between housing, poverty and material deprivation are well documented. Good, affordable and stable accommodation is therefore key to facilitate the better life choices and outcomes for all.</p> <p>The act is therefore design to place prevention activities on a statutory footing within Local Authorities to help end the cycle of homelessness.</p>
<p>5.</p> <p>5.1</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>The Council has participated in several working groups with other statutory bodies including the Ministry of Housing, Communities and Local Government and Devon and Cornwall Housing Options Partnership (DCHOP) to understand how the act will be implemented, how it will affect other statutory bodies and how to ensure service users of the service benefit from the changes.</p>

<p>6.</p> <p>6.1</p> <p>6.2</p> <p>6.3</p> <p>6.4</p> <p>6.5</p> <p>6.6</p>	<p>What are the financial and legal implications?</p> <p>Financial Implications:</p> <p>From April 2017, additional funding has also been allocated from Government to local housing authorities to support the emerging new legislation.</p> <p>The Flexible Homelessness Support Grant (FHSG) replaces the Temporary Accommodation Management Fee (TAMF), providing local councils with an increase in funding compared to the previous TAMF. Funding allocations for Torbay, have been confirmed as: £318,000 for 2017/18 £332,000 for 2018/19.</p> <p>The FHSG funding has been allocated according to a formula which reflects homeless pressures, whilst at the same time aiming to protect local authorities which currently have high levels of temporary accommodation where their management costs were part funded by the TAMF.</p> <p>The FHSG empower councils with the freedom to support a full range of homelessness prevention services, including projects and additional staffing. Any unspent FHSG monies can be carried forward year on year.</p> <p>Transitional Funding ('burden fund') of £50,000 has also been awarded to recognise the new burden the HRA places on local authorities.</p> <p>Legal Implications:</p> <p>The HRA gives applicants the right to request a review of the Council's decisions at each stage of the assessment process and over any aspect of the personal housing plan that they disagree with. This will generate further workload for officers in terms of undertaking and issuing review decisions and potentially defending county court reviews.</p>
<p>7.</p> <p>7.1</p>	<p>What are the risks?</p> <p>General Risks</p> <p>The following general risks will impact all LHAs to a greater or lesser extent.</p> <ul style="list-style-type: none"> (a) New Burdens - funding is not adequate to meet the burdens associated with the new duties. (b) Upcoming welfare reforms - exacerbating the difficulties associated with homelessness and housing advice provision. (c) Predicted national shortage of experienced, qualified Housing Advice/ Options officers at every level. (d) Comprehensive changes required to Housing ICT systems. As there have been difficulties with Civica's response to the legislative changes and potential of new system required as current 'work around' will not be sustainable.

	<p>(e) Potential additional usage requirements for Paignton Library and other front-line provision.</p> <p>(f) Housing Allocations Policy will require amendment to accommodate any new provisions.</p> <p>Local Impact</p>
7.2	As a Council we have not in recent years had a good track record in preventing homelessness as resources have been drawn towards the immediate management of those presenting as homelessness tonight, as demand has increased.
7.3	Although the additional burdens being placed on local authorities are set out in the report, the Act is not without its opportunities to assist the Council in meeting its housing duties. The Act finally puts the valuable homelessness prevention work of Housing Options Teams on a statutory footing.
7.4	Indications suggest that once in force the changes will increase the workload of the Housing Options team by at least 50%, which is unachievable with the current staffing resource. This is due to the additional steps to be undertaken, including more detailed discussions, personalised housing plans, case management and reviews that will need to take place with each customer.
7.5	As a result, there will be a significant risk of increase in the use and cost of temporary accommodation as the length of time customers stay in temporary accommodation is likely to be longer, for example, the length of time which intentionally homeless households, but in priority need will have to be accommodated will double.
7.6	There is already a shortage of temporary accommodation available in the area due to the rising numbers of households who are in temporary accommodation and the lack of move on accommodation available.
7.7	With the levels of homelessness continuing to rise the number of cases owed the new duties will increase. The Council is already faced with a critical shortage of affordable housing options in the private rented sector and social housing.
	Other Impacts on Homelessness in Torbay
7.8	Universal Credit (UC) is due to be rolled out in Torbay in September 2018, including direct payments for housing costs. This increases the risk that more landlords will refuse to take households on benefits due to the housing element of UC being paid directly to the tenant. The tenant will now be responsible for ensuring their rent is paid.
7.9	The biggest impact is likely to come from further cuts to housing benefit through welfare reform. Accepted homeless cases due to the loss of rented accommodation has now risen nationally to 40% of all cases owed a full homelessness duty by local authorities.

8.	Further reporting and monitoring
8.1	Training will be provided to elected members and partners before the implementation of the legislation.
8.2	A Housing dashboard is currently being prepared to enable appropriate monitoring of the changes being implemented and an assessment of impact.
8.3	This will also include an assessment of demand. In 2016/17 700 homelessness applications were received. This is on top of requests for advice. It is estimated that the number of applications will increase to 1,350 for 2018/19.
8.4	Access to accommodation will be fundamental. It is becoming increasingly difficult both nationally and locally to house accepted homeless households into Housing Association properties. Devon Home Choice list has approximately 6527 households across all bandings. Last year 232 people were accommodated through this mechanism.
8.5	This month 68 households have been provided emergency accommodation by the local authority. In the short term it is expected that this will increase the impact of meaningful prevention taking place.