

Homelessness Reduction Act – 12 Month Review

1. Background

- 1.1 The Homelessness Reduction Act 2017 ('the Act') came into force on 3 April 2018. The Act did not replace existing homelessness law but modified and extended it by:
- requiring housing authorities to improve advice and information provided about homelessness and its prevention;
 - doubling the period a household is considered to be 'threatened with homelessness' from 28 to 56 days (including when a valid section 21 notice has been served and is due to expire within 56 days);
 - introducing new duties to prevent and relieve homelessness regardless of priority need and intentionality, including support to help prevent homelessness for people not locally connected;
 - introducing assessments and personalised housing plans, setting out the actions housing authorities and individuals will take to secure accommodation; and
 - introducing for public bodies¹ a new 'duty to refer' to a housing authority any consenting individual they come across who is homeless or threatened with homelessness.
- 1.2 Ministerial comment and a subsequent code of guidance made clear that the Act was intended to bring about both a procedural and a cultural change in the way authorities approach homelessness, especially for those people who pre-Act were entitled to little by way of assistance.

Against this background, this document reviews the local impact of the Act in the first year since implementation and considers, in particular, how well we have responded to the challenges and opportunities it has presented.

2. Resourcing the Act - Staffing and organisational changes

- 2.1 While it is the case that this authority was already committed pre-Act to doing more to assist non-priority individuals (for example by introducing in 2013 a dedicated service for single homeless people not in priority need), the experience of housing authorities in Wales (which introduced the Act a year earlier than England), and from English pilot authorities, demonstrated that the Act brings with it significant additional burdens in terms of the volume of applications, the time spent on each case and general case administration and reporting.

Accordingly, a further six full-time staff members were recruited as follows:

¹ Including prisons; young offender institutions; secure training centres; secure colleges; youth offending teams; probation; Jobcentres; social services; emergency departments and hospitals.

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- **Housing advisors.** Four further housing advisors were employed to deal with the anticipated increase in applications and case complexity.
- **Housing advice service co-ordinator.** A coordinator was employed to assist with the increased administrative requirements of the Act. An equally important part of this role is to take charge of the choice-based lettings administrative function.
- **Accommodation finder.** A second accommodation finder was employed to deal with the anticipated rise in the number of families seeking, or likely to be offered, a homelessness solution in the private rented sector.

In addition to this, a senior housing advisor was designated a specialist role, nominally for half his time, concentrating on private sector tenancies ending as a result of a section 21 notice being issued. (This is the current single largest cause of households presenting as homeless to the Council).

A further change has been the enhancement of the former home visiting officer role (renaming it more accurately as the 'homelessness prevention officer') principally to deal with the duty to refer.

- 2.2 Each of the six additional staff members have been employed on a permanent contract. The decision to do this was based on an analysis that the Act would place a premium on trained advisors and support professionals and that good staff would not be induced to leave permanent employment for a fixed-term position.
- 2.3 Resourcing the Act has also meant restructuring the housing advice service offer to customers. In terms of people presenting to the customer service centre (CSC), this has meant joint training to ensure CSC advisors ask an enhanced range of questions at initial presentation stage to better identify specific and immediate need. It has also meant introducing a new appointment system offering up to 1 hour 45 minutes per customer to allow for the intensive analysis, advice and negotiation necessary to produce with the customer the agreed 'personal housing plan' (PHP). The pre-existing system of two duty officers being available as the second arm of the triage, and to deal with cases of immediate homelessness, remains in place .

In addition, the homelessness pages on the Council's web site have been thoroughly overhauled and rewritten, to include:

- the creation of a 'triage' tool, that identifies eligibility for assistance and the likelihood a household may be found to be homeless (or threatened with homelessness). This is linked from the website and sits in front of the self-referral tool. This ensures applicants are directed to us quickly, if circumstances merit it;
- a new leaflet with comprehensive information for applicants found to be ineligible;

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- leaflets for people falling within specific needs groups (i.e. prison leavers; leaving care; domestic abuse; veterans of armed forces and relationship breakdown);
- an updated 'Homeless in Cambridge' leaflet relating to homeless applications, and our duties to prevent or relieve homelessness;
- our procedure in the event of applicants failing to co-operate with their PHP; and
- an updated policy document relating to sourcing accommodation in the private sector.

These web pages were described by Anna Whalen, then the senior adviser at the Ministry of Housing, Communities and Local Government (MHCLG) for the eastern counties, as 'the best she has seen' .

3. The impact of the Act

3.1 It remains early days for the Act and still too soon to judge what may be the long term impact of the changes. The following Table 2 summarises the main trends over the period the Act has been in force relative to 2017-18.

Table 1

	2017-18	2018-19	increase/decrease (%)
No. of approaches (incl. 'advice only')	963	1482	54
Volume of prevention/relief work	613	619	1
'Advice only' cases	350	863	147
Average caseload per officer	74	87	18
Average homelessness cases per officer	47	36	-23
Successful prevention / reliefs	237	261 ² (345) ³	10 (45)
Full S193 duty accepted	103	65	-37
Average statutory case length (days)	61	74	21

3.2 As can be seen, the changes pre and post-Act are considerable. The key differences are:

- **Number of approaches.** As mentioned, it was fully anticipated that the Act would result in more presentations, but it is not clear why there has been such a large increase in recorded approaches from people not yet threatened with homelessness within 56 days ('advice only' cases). Likely reasons include greater public and agency awareness generated by the

² The comparison with the position pre-Act should be treated with caution, however. Please see Table 2.

³ The figures in brackets include effective preventions in cases where a section 21 notice was successfully challenged and homelessness prevented. Under present MHCLG rules these cannot be recorded as statutory preventions. Please see 3.3.

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introduction of the Act; the ‘duty to refer’, and perhaps better recording of pre-statutory presentations.

- **Workload per officer.** As mentioned, despite the increase in the number of housing advisors, the number of cases (including advice only) per officer has increased by approaching one-fifth. Simultaneously, as can be seen from the average case time figure, cases are in general more complex and, with increased administrative and recording burdens, can be time-consuming even when more straightforward. (This observation also holds good for the advice-only cases).
- **Successful homelessness prevention and relief.** 42 per cent of cases opened as a prevention or relief and closed within 2018-19 have had a successful outcome . The comparison in Table 1 between successful recorded prevention and relief outcomes pre and post-Act is not a true one and is provided to be broadly indicative only. Table 2 summarises the differences in counting methodology, of which the third is perhaps the most significant in terms of impact on the figures.

Table 2

Pre-Act	Post-Act
A homelessness prevention can be claimed only if a household was enabled to remain in the existing home	A successful prevention can be any action preventing homelessness, including finding alternative accommodation, providing there is no intervening period of homelessness
A relief outcome can only be claimed if the applicant is homeless and not in priority need.	A successful relief outcome can be counted for priority and non-priority cases alike.
An authority might include any positive action by a partner organisation that demonstrably results in a prevention or relief.	An authority may only include actions it itself carries out under its statutory prevention and relief duties.

- **Fewer ‘full duty’ cases.** The corollary of better prevention and relief of homelessness is that fewer household will go on to be owed the full homelessness duty and so the 37 per cent reduction in such cases is to be welcomed.

3.3 **Section 21 notices.** One clear and hugely beneficial element in the advice-only category of our work is the test of the validity of section 21 notices ending an assured shorthold tenancy. While not essentially arising from the HRA, we have taken the opportunity provided by the restructure of the service, and the Act’s increased emphasis on homelessness prevention, to put more resources into this area.

In the year there have been 150 presentations from households receiving a section 21 notice, relative to only 23 in 2017-18. Of the 150, only eight notices were found to be valid at first presentation. Of the 142 found to be invalid:

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- in 42 cases, negotiation by an officer achieved an agreement that the tenant could remain until they found a new home;
- in 14 cases a new AST was issued by the landlord; and
- in 28 cases the tenancy was allowed to continue on existing terms as a periodic AST.

(Please note these are interim figures as cases received later in the year have yet to be concluded).

As previously indicated, only a handful of these section 21 preventions can formally be recorded as such as the notice needs to be valid in order for the household to be considered at risk of becoming homeless. If these section 21 'preventions' are factored in the number and percentage of households whose homelessness has been prevented changes significantly. (Please see the figures in brackets in Table 2).

3.4 Demand for temporary accommodation. In the run-up to the introduction of the Act it was debated what effect it may have on demand for temporary accommodation (TA). On the one hand it can be seen that better preventative work might have the effect of reducing TA demand. On the other hand, the 56 day relief duty has the potential to extend the period a household may spend in TA, especially in intentional cases where the decision would not become effective until the relief period ends, after which the usual reasonable notice would need to be given.

Differences in recording practice due to changing software provider in the past year make it difficult to compare pre and post-Act TA figures, so a full analysis of the impact the Act on TA will need to await the current year's figures, but on the face of things there has been little change in the numbers of people using TA. There has perhaps been a slight increase in the duration of the average stay in TA, and this may be seen as a positive thing if it is to ensure that a customer leaves TA for a secure home but, again, further research will be required.

4. Financing the Act

4.1 As was set out in the September 2017 report to housing scrutiny committee, the additional staffing cost (estimated then at £235,392 per annum) would initially come from the flexible homelessness support grant (FHSG). However, it should be noted that the FHSG is an annual grant. An award of £457,336 has been made for the current year but there is no indication that awards will continue to be made into the future.

5. Evaluation summary

5.1 The Homelessness Reduction Act has been described as ‘the biggest change in housing law since the introduction of the Housing Act 1977’ – the Act which introduced the present-day homelessness framework. As such, it will take a number of years before the true scale and scope of its impact can be evaluated, both nationally and locally. Nevertheless, we can make some early meaningful observations about our local performance and this is the aim of this final section.

5.2 **Preparation.** Our preparation for the introduction of the Act was thorough, and was noted as such by senior MHCLG officers who wrote following a visit on 27 February 2018:

“Your progress on all aspects of preparation for the HRA is positive and it was clear to us that you have spent considerable time over the last few months planning in detail for the commencement of the new legislation, including your offer to single people”.

5.3 **Preventions and reliefs.** A major aim of the Act is to significantly increase the proportion of people threatened with homelessness who are prevented from actually becoming homeless, and to quickly relieve homelessness when it cannot be prevented or has already happened.

It is difficult to evaluate whether the 42 percent of statutory cases having a successful prevention or relief outcome is a good or disappointing result. (It is, it should be noted, an interim proportion as cases taken on later in the year will not all have been determined). As has been pointed out, comparisons with previous years have little meaning due to changes in counting methodology, and the quality of our performance, and prospects for improvement, will only become clear as national comparisons become possible and as we gather year-on-year comparative information. Nevertheless, in this first year we can consider certain indicators that we may be on the correct track regarding prevention and relief, as follows:

- **Private sector work.** Given the high proportion of people threatened with homelessness who are renting privately, our work in keeping people in their current private homes or finding them a suitable private sector alternative can be seen as an indicator of good practice. Accordingly, our work to challenge section 21 notices (see 3.3 above) should be seen as highly successful preventative work even if not currently recordable in the statutory prevention figures.
- **Assisted into PRS.** Similarly, we have achieved some gains in being able to assist a higher number of households to obtain a private sector home through Town Hall Lettings (our social lettings agency) and the single homelessness service (SHS) using tools like our rent-in-advance / rent deposit scheme and the HB+ top-up scheme. (See Table 4). As can be seen, there has been a welcome increase in the number of families who have been assisted to find a private sector solution, achieved against a background of the family

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accommodation finder (FAF) post going unfilled for two months during 2018-19. However, even for people threatened with homelessness who have been living in the PRS, a PRS solution remains for many households an unpopular outcome, especially where affordability determines that the offer is a property outside of Cambridge.

Table 4

People assisted into the PRS ⁴	2017-18	2018-19
Single person households	68	73
Families	19	41
Total	87	114

5.4 Rough sleeping. A second major aim of the Act is to make an impact on rough sleeping, but this is a complex area and it is difficult to disentangle the ordinary fluctuations in reported rough sleeping from the effects of the additional duties imposed on authorities by the Act.

Certainly there has been an increase in the number of rough sleepers presenting (generally with a support worker) and a further increase in the number of people presenting as threatened with homelessness having been issued with notice from a hostel for arrears, anti-social behaviour and other culpable behaviour. Many of these have been found not to be in priority need and so have not been offered temporary accommodation (TA). Of those offered TA, the usual outcome finding is that they are intentionally homeless and the TA offer is ended after 56 days (plus a reasonable period to find alternative accommodation).

But, as mentioned, while not often resulting in a statutory duty offer of permanent accommodation, these short periods of engagement with services will always result in a personal housing plan and, where TA is offered, the respite from the streets has bought time for services to work together, achieving some notable successes in a small number of very difficult cases

5.5 Types of intervention. Chart 1 shows the types of interventions that have led to our reported successful prevention and relief outcomes. As can be seen, the two largest categories (by far) are accommodation secured by the authority (council or housing association housing) and supported housing (largely hostel accommodation). In a sense this is the continuation of 'business as usual' in terms of housing options, but as formerly mentioned, that picture changes if we add in section 21 preventions. Our objective over coming years will be to increase the proportion of successful prevention and relief outcomes achieved outside of these two dominant categories.

⁴ Please note that these totals include non-statutory interventions not included in the prevention / relief figures provided in Table 1.

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5.6 **Officer perceptions.** Officers have generally welcome the new Act, but in researching for this review, some have reported being under pressure, and the case per officer figures would tend to bear out an increased intensity of work. Some officers have reported that the administrative requirements of the new service can be burdensome and some report that they do not feel fully able to deliver the cultural changes they rightly see the Act as requiring from a housing advice service. Others, meanwhile, report that they welcome expanded opportunities to deal earlier and more creatively with homelessness and threatened homelessness.

