

# The Homelessness Reduction Act 2017

## Frequently Asked Questions

### Why has the Act been passed by Parliament?

Statistics show that homelessness in the UK is on the increase. Nationally rough sleeping increased 134% between 2010 and 2016 whilst homelessness acceptances increased 33% during the same period.

In Tewkesbury Borough, the number of residents approaching the council in housing difficulty has also risen. The council's increased emphasis on early advice and homeless prevention activity, however, has lowered the impact of national trends locally. The new legislation will increase the period of time during which all local authorities must assist residents.

### What is the purpose of the Act?

The homelessness charity Crisis highlighted a number of issues with the way the current law was working in practice:

- A lack of meaningful advice and assistance which in some areas was not tailored to the individual's needs.
- Some local authorities were only helping at crisis point.
- Prevention work was being done but it was outside of the legal framework.
- There is little protection for single people who do not have priority need.

The Act is designed to address these issues. It encourages early action by Tewkesbury Borough Council and ensures people can access help before they become homeless.

### What will the Act mean?

It places a new duty on Tewkesbury Borough Council and other public authorities to reduce homelessness. It aims to reduce homelessness by:

- Improving the quality of the advice provided.
- Refocusing local authorities on prevention work.
- Increasing protection for single people.
- Joining up services to provide better support for people especially those leaving prison/hospital.

### When was the Act passed and when will it come in force?

The Act was passed on 27 April 2017. The Government has decided it will come into operation on 3 April 2018.

### When will more information be available?

The Government has released a draft code of guidance for consultation. This can be found at: [www.gov.uk/government/consultations/homelessness-code-of-guidance-for-local-authorities](http://www.gov.uk/government/consultations/homelessness-code-of-guidance-for-local-authorities)

The consultation ended on 11 December 2017. Tewkesbury Borough Council will ensure that further information is produced once the final guidance is issued.

### Who will be covered by the Act?

Applicants will qualify for assistance if they are homeless or going to be homeless. Going to be homeless means applicants will have nowhere to live or it is not reasonable to stay in their existing accommodation at some point in the next 56 days. The hope is that people will ask for help early but failing to get early help will not prevent support being provided.

## What are the key provisions of the Act?

### Improving advice

The Act requires Tewkesbury Borough Council to give free information and advice on:

- Preventing homelessness and securing accommodation when homeless.
- The rights of people who are homeless or threatened with homelessness.
- How to access the help if you need it from Tewkesbury Borough Council or others in our area.

The duty to provide advice applies to everyone and there is no requirement to meet eligibility criteria.

The kinds of issues the council is required to give advice on includes tenants' rights, rights to benefits, advice on debt, rent and mortgage arrears, help for people at risk of violence and abuse, and how to obtain accommodation in the social sector and private rented sector.

### Prevention duty to stop people becoming homeless.

The Act requires the council to work proactively with anyone who is threatened with homelessness within 56 days. This new duty – 'the prevention duty' - is designed to ensure that the barriers that people face in resolving their housing issues are removed so that they can:

- Stay in current accommodation or;
- Secure new places to live.

This prevention duty will mean the council will assess each applicant's needs fully, and identify reasonable steps to be taken by both the council and the applicant to try and resolve their housing situation. These steps will be set out in a personalised housing plan and will be tailored to applicants' individual circumstances.

This duty, along with the relief duty, will only apply to those who are eligible – i.e. the applicant must be eligible for recourse to public funds.

### Relief duty to help those who become homeless.

Tewkesbury Borough Council must take reasonable steps to secure accommodation for anyone who is homeless. This is not a guarantee to get an individual

accommodation. A further 56 days of homeless relief support are provided and will end when a person gets housed or if all reasonable steps have been taken to secure accommodation.

The types of support which will be offered will include things like: referring applicants to housing providers, helping them to find private rented accommodation, or supporting them to access mediation and/or debt advice.

The aim is to be innovative and use a broad range of tools. Any housing solution must provide accommodation for at least six months.

### Personalised housing plan

There will be a duty on Tewkesbury Borough Council to assess all cases and develop a personalised housing plan. The plan must be agreed with the individual and must aim to ensure that the person can stay in their current accommodation or secure new suitable accommodation.

This plan will be tailored to the individual's housing and support needs and its actions must be reasonable and achievable. When producing the plan the wishes and preferences of individuals should be considered, along with an assessment of whether there is a reasonable prospect of accommodation being available to meet those wishes and preferences.

If an individual does not co-operate once the plan has been developed and actions are not met then the individual will lose their entitlement to support from Tewkesbury Borough Council.

### Duty to refer by public bodies

Under the Act public authorities will have a duty to notify Tewkesbury Borough Council of those who are homeless or may become homeless. This is to ensure that wider public services consider individuals' housing situation. Consent from the individual for a referral to be made must be secured. How these pathways work will be decided within Tewkesbury and Gloucestershire. Local agreements will be put in place with organisations. One example would be establishing notifications for people who are being released from prison. The definition of public body is not yet available. This part of the Act will come into force on Monday, 1 October 2018.

### **How will Tewkesbury Borough Council make sure that the key steps set out in the personalised housing plan are things an applicant can achieve?**

As part of the applicant's assessment, Tewkesbury Borough Council will have to look at the particular circumstances and needs of the applicant including the reasons for their homelessness or threatened homelessness and the support they need to be able to find and retain suitable accommodation. Following this assessment Tewkesbury Borough Council must work with the applicant to agree the actions to be taken by both parties.

### **When does the prevention work with an applicant end?**

The prevention duty can only be ended in a number of ways:

- Successful prevention (accommodation sourced for six months)
- It can be brought to an end if the applicant unreasonably and deliberately refuses to co-operate with Tewkesbury Borough Council after a warning letter.
- If the prevention has not been successful and the person loses their home they will be owed a relief duty, ensuring they receive continuous help.
- It can also come to an end where Tewkesbury Borough Council has taken reasonable steps for 56 days to help the applicant to secure accommodation.
- If they cease to be eligible (i.e. lose their right to have recourse to public funds).
- If the applicant withdraws their application for support.
- If the applicant refuses an offer of suitable accommodation.
- If the applicant becomes intentionally homeless from the accommodation made available to them.

### **When does the relief duty end?**

The relief duty can be ended in a number of specific ways:

- That suitable accommodation has been secured and is expected to be available for at least six months.
- It can also come to an end where Tewkesbury Borough Council has taken reasonable steps for 56 days to help the applicant to secure accommodation.
- If the applicant refuses an offer of suitable accommodation.

- It can be brought to an end if the applicant unreasonably and deliberately refuses to co-operate with Tewkesbury Borough Council after a warning letter.
- If they cease to be eligible (i.e. lose their right to have recourse to public funds).
- If the applicant withdraws their application for support.
- If the applicant becomes intentionally homeless from the accommodation made available to them.

### **What happens if the relief duty ends after 56 days and the applicant is still homeless?**

The Homelessness Reduction Act has been put in place to increase the quality of support and the length of time assistance must be available before a homeless assessment for a full statutory homeless duty can be made by the council.

If the council has been unable to prevent or relieve homelessness whilst working with the applicant within the 56 day relief period, the council must assess whether there is a statutory main homeless duty to the homeless household. This assessment remains unchanged from the existing homeless legislation - which was introduced with the Housing Act 1996 (as amended).

If you would like to know more about homeless assessments for a full statutory homeless duty, information is available on our website.

### **What is the requirement for interim / temporary accommodation for those in priority need?**

Where Tewkesbury Borough Council has reason to believe that a person is homeless, eligible and has a priority need, they must provide interim accommodation. The duty to provide interim / temporary accommodation remains unchanged from the 1996 Housing Act.

### **Does the Act mean that the council will provide interim / temporary accommodation for more people?**

It is not necessarily the case that Tewkesbury Borough Council will provide accommodation for more customers once the Act is operational. One of the focuses of the Act is to ensure that more people get help earlier on therefore the hope is that fewer people will end up requiring temporary accommodation.

## What has Tewkesbury Borough Council done so far?

Tewkesbury Borough Council has increased homeless prevention activities on a non statutory basis - including to non priority single households - over the last two years to reduce homelessness in our area. Staff training on the increased support associated with the Homelessness Reduction Act is ongoing and will continue in advance of the Act coming into force.

Tewkesbury Borough Council is part of the Homeseekerplus choice based lettings partnership which will review its allocations policy for social housing and priority bands once the impact of the legislation is known locally.

## Will Tewkesbury Borough receive extra funding to do this work?

The Government are providing £72.7 million 'new burdens' funding across all local authorities to help them implement the Act.

## Has this homelessness prevention approach been piloted before implementation?

- The prevention duty has already been implemented in Wales. Homeless charity Shelter has reviewed this approach and found that:
- 65 % of people had homelessness prevented.
- 9% less people were placed in temporary accommodation.
- There was a significant increase in housing authorities' workload.
- There was a 45 % reduction in the use of B&B by local housing authorities.

The key to success was taking a person-centred approach to homelessness or threats of homelessness. The Shelter report recommended that local authorities focus on increasing the use of money advice and mediation services, and that time is also spent on ensuring co-ordination and joining up of services. The Government released some funding to a few 'trailblazer' councils in England in 2016. Information is just starting to come through from their experience of piloting the new ways of working.

## What happens if the provisions of the Act are not followed by the council?

Any negative decisions taken by the council can be reviewed under the new Act. This will extend what already exists to enable applicants to request a review of decisions under existing homelessness legislation. An applicant has a maximum of 21 days to request a review from the date they were notified of a decision made by Tewkesbury Borough Council.

The applicant must be informed in writing of the right to request a review. If an applicant isn't happy with the outcome of the review an appeal to the County Court must be brought within 21 days.

## How will residents access advice and if necessary homeless prevention or relief support?

By contacting the Housing Options Service on 01684 272212 or by sending an email to [housingadvice@tewkesbury.gov.uk](mailto:housingadvice@tewkesbury.gov.uk) to discuss your situation and make an appointment.

or; in person at Tewkesbury Borough Council, Gloucester Road, Tewkesbury, Glos, GL20 5TT.

We offer a housing advice drop-in service on:

Monday, Tuesday, Wednesday, Thursday: 9am - 5pm  
Friday: 9am - 4pm

Please note that you may have to wait at the drop-in service

**If you are homeless and have nowhere to sleep (outside of the office hours) please phone: 01452 614194.**

To report someone seen sleeping rough, please visit: [www.streetlink.org.uk](http://www.streetlink.org.uk) or telephone: 0300 500 0194.

## How can I find out more information?

You can contact the implementation officer by emailing [Paula.Baker@Tewkesbury.gov.uk](mailto:Paula.Baker@Tewkesbury.gov.uk)