

Public

# Birmingham City Council

## Report to Cabinet

11 December 2018



**Subject:** Update on the Implementation of the Homelessness Reduction Act

**Report of:** Acting Corporate Director - Place

**Relevant Cabinet Member:** Councillor Sharon Thompson, Cabinet Member Homes and Neighbourhoods

**Relevant O &S Chair(s):** Councillor Penny Holbrook, Housing and Neighbourhoods Overview and Scrutiny Committee

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005495/2018		
Is the decision eligible for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

### 1 Executive Summary

- 1.1 To provide a 6 month position statement following the implementation of the Homelessness Reduction Act 2017. The Act came into effect on 3rd April 2018.
- 1.2 The report will provide information relating to the number of cases presenting as homeless since the introduction of the Act, the needs of our customers and how well we are meeting these needs.
- 1.3 The report will also highlight areas for further improvement and identify key risks.

## **2 Recommendations**

- 2.1 No decision will be required as the report is for information only; however it does have significant community impact across 2 or more Wards in the City.

## **3 Background**

- 3.1 The Homelessness Reduction Bill received Royal Assent on 27 April 2017. It came into force on 3 April 2018 and placed new legal duties on English councils to ensure that everyone who is homeless or threatened with homelessness and eligible for assistance has access to meaningful help, irrespective of their priority need status. This has broadened the citizen groups who are owed a duty and also introduced a legal duty to provide advice and carry out prevention work to support citizens to remain in their current homes.
- 3.2 Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002, set out the duties owed by English Local Authorities (LAs) to someone who is homeless or threatened with homelessness. The new Act extends the number of days that a household should be deemed as threatened with homelessness from 28 to 56 days, to provide more time to carry out prevention and relief work. In addition, people who have received a valid notice under section 21 of the Housing Act 1988, will be treated as being threatened with homelessness.
- 3.3 The key requirements of the Act include:
- As part of the housing needs assessment, a Personal Housing Plan is prepared with the customer which is bespoke and personalised to the customer's individual circumstances. The plan sets out steps that both the customer and the officer will take to retain or secure suitable accommodation and a copy is given to the applicant. The plan is drawn up with the customer and actions and solutions are suggested and agreed. This is a significant change from the previous approach which prioritised the homelessness duty assessment process and was very transactional in nature and led by officers.
  - The local authority must provide information and advice to a range of people with varying levels of housing need, on preventing homelessness and/or securing accommodation. This required changes to our current customer contact centre and a review of information held in offices and on the city council's website.
  - A new referral duty means that specified public authorities must make a referral to the local authority where they consider a person to be homeless or threatened with homelessness. This duty came into effect from 1st October 2018.
  - The assessment duty means that all customers who are homeless or threatened with homelessness and are eligible for assistance, are offered an assessment of their housing circumstances and are notified of the assessment in writing. This initial assessment is focussed on understanding the underlying or real issues that have created the housing/ homelessness need. By understanding the real issues to solve, we are better able to design personalised solutions to the problem that are both effective and sustainable. Through identifying the common issues that exist, we are able to design services that mean we can start to support people

much earlier in the process and in turn prevent them from needing housing or homelessness help in the first place.

- The remit of ‘threatened homelessness’ has expanded under the Act, whereby a person is now threatened with homelessness if it is likely that they will become homeless within 56 days. The local authority then has a duty to take reasonable steps to prevent the homelessness by helping the applicant to remain in their accommodation or secure alternative accommodation.
- The Relief duty arises where the local authority is satisfied that the applicant is homeless and eligible, and reasonable steps must be taken to help the applicant secure accommodation with a ‘reasonable prospect’ of the accommodation lasting for at least 6 months. The new act legislates that the city council can discharge their relief duty by securing a 6 month assured shorthold tenancy within the Private Rented Sector
- Failure to co-operate by an applicant for assistance – This provision places a requirement on all applicants to cooperate with local authorities’ attempts to comply with their prevention and/or relief duties. If a local authority considers that an applicant has ‘deliberately and unreasonably refused’ to cooperate or take any of the steps set out in the personalised housing plan, they can serve a notice on the applicant to notify them of their decision as long as the notice explains what the consequences of the decision are and that they have a right to request a review of the decision.
- Final Accommodation Offer – One of the prescribed conditions is the ending of the duty if a final accommodation offer is accepted or refused.
  - A final accommodation offer is of an assured shorthold tenancy of at least 6 months term made by a private landlord.
  - A final Part 6 offer is an offer of social accommodation under Part 6 (Allocation of Housing).

### 3.4 Implications regarding the implementation of the Homelessness Reduction Act:

The work undertaken within Housing Options service leading up to implementation of the Act identified a number of challenges, issues and changes that were needed to ensure the service was fit for purpose from April 2018, when the Homelessness Reduction Act came into effect:

- The day to day work and operations in Housing Options needed to change from a transactional service, to case management and coordination of support.
- Demand within Housing Options was projected to increase (by up to 50%) as both the timescales within which people can present for support and the cohort who should be assisted, was expanded under the Act.
- There were additional data and IT burdens placed upon all Local Authorities.
- Good quality and effective support would be needed to support the Personal Housing Plan delivery and to carry out effective prevention work.
- New processes, supporting paperwork and IT solutions were needed to enable staff to deliver in line with the Act and to improve the quality of service to customers.

The Housing Options Service has had a comprehensive Phase 1 Programme Plan in place to ensure legal compliance by 3 April 2018 and deliver against the immediate requirements of the Homelessness Reduction Act. This plan had a number of work streams around preparing the front line staff for delivery; addressing accommodation issues; training and developing staff; raising awareness of the Act and its impact on others; improving the IT available to staff and improving the current Temporary Accommodation.

The Phase 1 plan progressed well and at the time of writing this update 80% of the c300 actions have been completed which ensured that we were fully legally compliant by 3 April 2018. The remaining actions are to ensure that we embed new ways of working. The plan consisted of seven key project themes which are summarised below:

1. Housing Options Interim Design: Pilot

This focussed on ensuring that the processes, procedures and practices at the Housing Options Centre were fit for purpose and support the customer in meeting their needs. This work designed the personal housing plan and new Housing Needs Assessment paperwork which started to help us understand what support we need from other services and providers to deliver solutions for customers. It is the information collected through this work that has started to identify the real issues to solve around homelessness.

2. Housing Options whole system redesign – post April 2018

This work stream was focussed on learning from and extending the first pilot to consider how the wider housing options service and partners needed to change to deliver effective services to the customer and meet the Act requirements in full. This has involved reviewing the Allocations Policy to reflect customers in prevention and relief stages, reviewing the data collected around effective commissioning of services and exploring other options for customers to contact us for support and advice, including the provision of web chat. This also saw us exploring opportunities for closer working with partners and identifying who could carry out some of the work on our behalf for specific client groups.

3. Awareness and Training

Awareness and training sessions were delivered for a range of different groups across the Council including in depth training for Housing Options Staff, and briefing sessions for Members. There were two different awareness and training sessions held for Members both pre and post elections with over 12 sessions arranged. The service also held awareness sessions for partners and over 250 representatives attended. This stream has helped develop the next stages of the partnership working within the phase 2 plan and the service will begin to deliver bespoke training and awareness sessions in line with the lessons we are learning from the first quarter implementation. For example, there are specific issues emerging around statutory providers sending people to present as homeless at too late a stage in the process to enable any real effective prevention work. Alongside the briefings, there has been an extensive communications and awareness plan that has seen regular briefings and updates to partners through the Homelessness

Partnership Board and with internal corporate partners through the Corporate Homelessness Reduction Act Steering Group.

#### 4. IT

The IT programme focussed on ensuring that we had the right equipment and software in place to support the Act's new way of working and the new government data requirements. A new Northgate module was procured, however delays meant it wasn't ready by the 3 April 2018. An interim IT solution was developed by making use of Web Forms to complete Housing Needs Assessments with customers. The interim IT solution is still being utilised, it is anticipated the new IT system will be in place during January 2019.

#### 5. Accommodation

To ensure we had sufficient space to support the expected increase in demand and the associated staffing increases, we sourced additional accommodation at Ladywood Neighbourhood Office; which is now utilised for pre-booked appointments. Ladywood has been fully set up to initially accommodate 12 staff covering 36 assessments per day. The service is slowly increasing the number of days Ladywood operates as additional staff are recruited.

#### 6. Communication

The communication plan set out how we were going to communicate the new Act and its requirements with a range of different audiences including customers, internal staff, members, partners and agencies. This stream was connected to the training and awareness work and involved ensuring that all of the customer contact channels are updated with the new referral pathways and legislative changes.

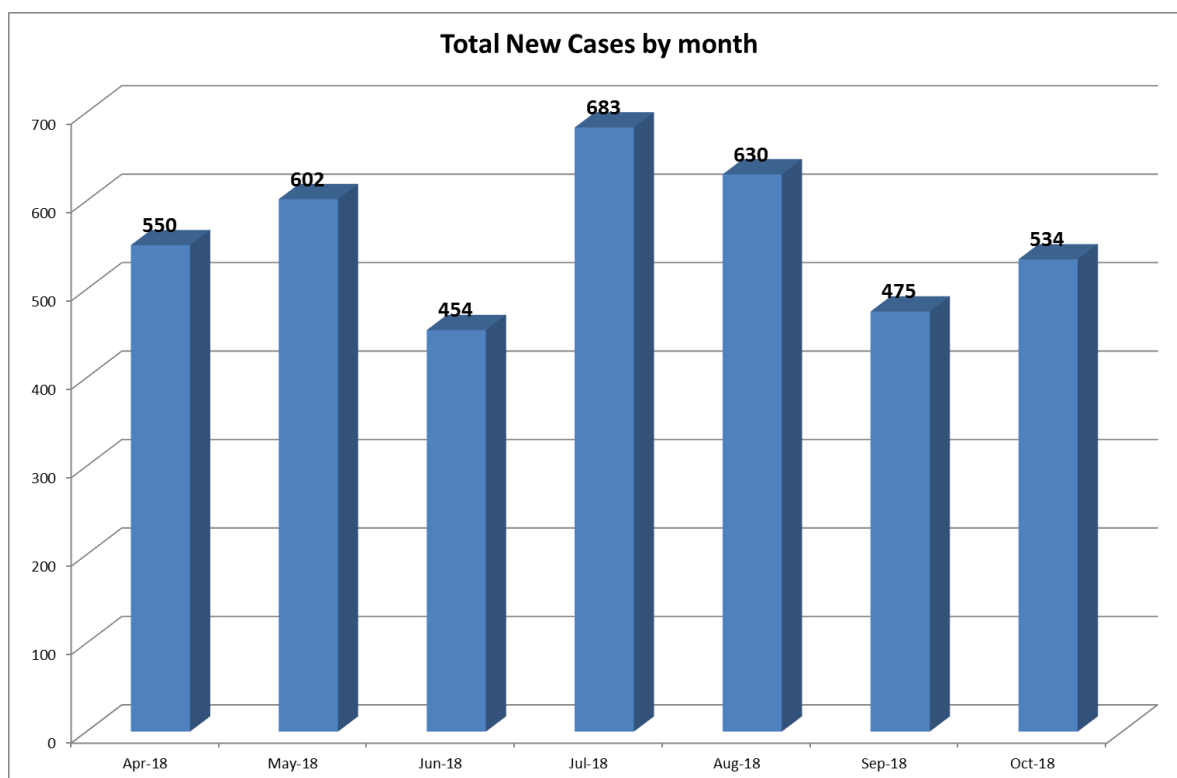
#### 7. Temporary Accommodation

This area focussed on developing our current provision of and approach to the use of Temporary Accommodation; with an aim to increase our own provision and minimise the use of Bed and Breakfast. An in-depth review of Temporary Accommodation was undertaken to inform future development plans and develop a set of recommendations. There is a comprehensive Temporary Accommodation Reduction Plan in place and we are seeing the number of people placed in bed and breakfast reducing.

### 3.5 **Demand to date**

The Act has been in effect since 3rd April 2018 and up to the end of October 2018 the service has seen 3928 new cases, all of which have had a housing needs assessment and a personal housing plan completed. The average time taken to carry out the assessment and personal housing plan process is at present around 2 hours per case.

The chart below shows the number of cases per month:



- 3.6 This averages at around 140 cases per week under the Act. Whilst it is difficult to directly compare to the demand pre the Act, the service carried out around 110 homelessness interviews each week before April 3<sup>rd</sup>. It is important to note that there was additional support provided to the customer before April in the form of Housing Options interviews, which saw staff trying to prevent an escalation to full homelessness duty, however, these were not routinely recorded so a like for like comparison is difficult. Given the nature of the Act, there has invariably been an increase in the number of assessments and interviews under the statutory duties.
- 3.7 The Act and new supporting paperwork and corresponding data collection has brought increased insight and detail to the information we collect around the causes and problems facing people who are homeless or at risk of homelessness. This data allows the service to understand the real problems people need support in addressing to firstly prevent escalation and secondly to inform where the city council and its partners need to focus earlier intervention and prevention work to reduce the number of people who end up in the service.
- 3.8 When someone presents to the service as homeless staff have a discussion with the customer to understand their journey and the specifics of their current situation. This ensures that we understand all of the circumstances that have led to their current situation. This allows staff to develop personalised plans for prevention and relief.

The table below shows the learning to date from these conversations:

Category	Percentages
Domestic Abuse	15.29%
Landlord asking for property back	12.94%
Arrears/ affordability issues	11.76%
Breakdown of relationship with parent	10.59%
Overcrowding	7.06%
Property Conditions	7.06%
ASB	7.06%
Partner breakdown	5.88%
Unsuitable accommodation	5.88%
Mental Health	4.71%
Threat of violence	3.53%
Friends no longer supporting	2.35%
Drug and Alcohol	1.18%
Relationship Breakdown	1.18%
Released from prison	1.18%
Physical health	1.18%

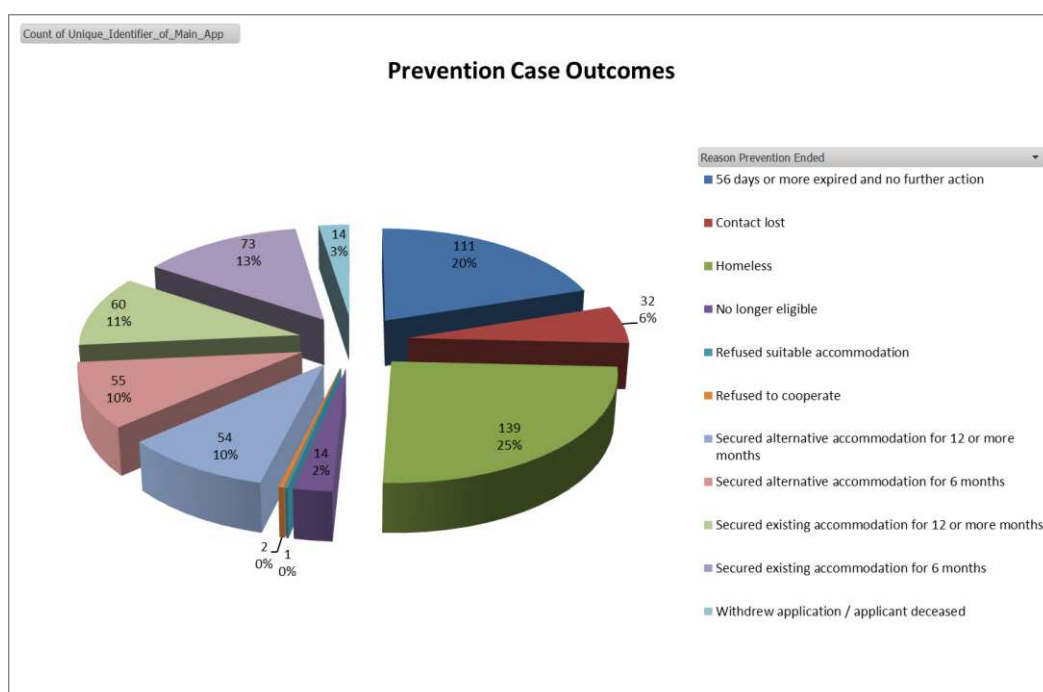
The data collected prior to the new Act showed that the ending of a private rented sector tenancy was the main reason for homelessness at 25% of the total cases. What is now understood from the data above is that in many cases the ending of a tenancy through a section 21 (landlord wanting the property back) was masking the real reasons the landlord was ending the tenancy. On discussion with the landlord's forum and in the drilling down of customer's journey/ experiences, there is a clear understanding that allowing a tenancy to reach its initial contract end was in some cases easier than dealing with the underlying issues of either rent arrears, tenancy breaches of ASB. The table above shows that a landlord wanting a property back accounts for 13% of the total cases.

The data above is being used to identify the additional support needed to deliver effective personal housing plans and to identify which partner agencies and departments have a critical role to play in addressing homelessness.

### 3.9 Case Outcomes

3.10 This section summarises the current outcomes for cases at prevention and relief stage. It is important to note that limits of the current interim IT solution means that officers do not have direct access to scheduled reminders and case alerts to remind them to complete outcomes on the system. The customer is receiving support and cases are being dealt with but there are current data inputting challenges. The new IT module being implemented will address this but it does mean that the current outcomes data is likely to be under reported.

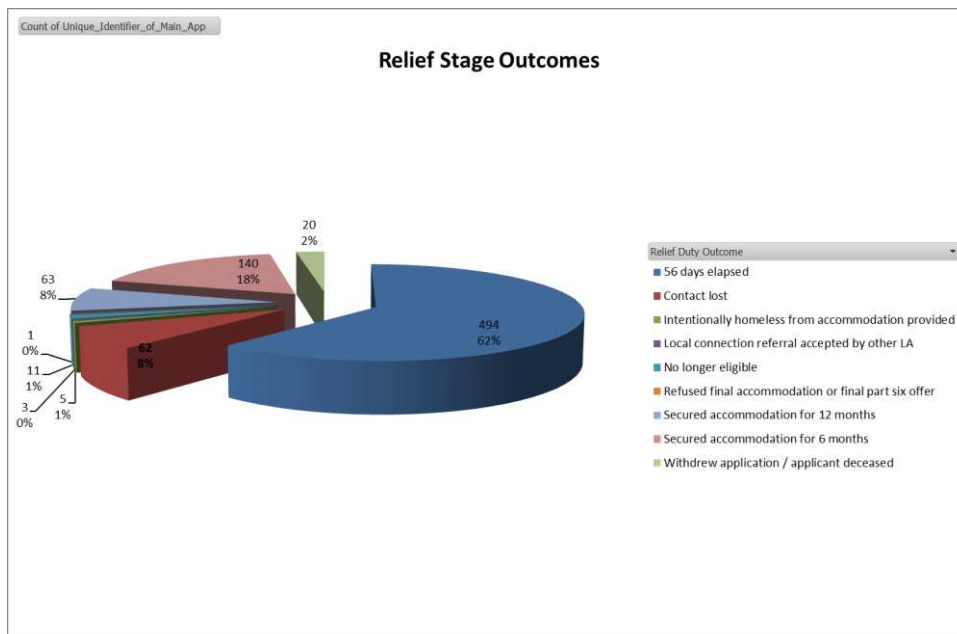
3.11 The chart below shows the closure status at prevention stage for the cases reaching the end of the prevention stage:



- This data shows that only 25% of cases at prevention are being escalated to the relief stage. This is a very positive step towards prioritising a prevention model and reducing the number of cases that escalate.
- 44% of cases saw customers secure accommodation for a minimum of 6 months
- 20% of cases saw the 56 days of prevention expire and no further action was required

3.12 The service is working hard to identify and put in place effective prevention tools for customers to access, and staff to utilise, to prevent homelessness situations from escalating.

3.13 The chart below shows the closure status at relief stage for the cases reaching the end of the relief stage:



- This data shows that of the cases ending relief stage, 62% are being escalated to the full duty stage.
- 28% of cases saw customers relieve their homelessness.

3.14 The main challenge in relieving homelessness is the availability of suitable housing options for people who are homeless. This work is being carried out through the Private Rented Sector and Registered Providers work streams in the phase 2 plan and looks to increase access to the private rented sector or to make better use of registered providers and council stock.

### 3.15 Phase 2 Programme Plan

The service has now developed and is implementing a Phase 2 Programme Plan which carries over some of the longer term actions from the first phase and is focussed on the following key streams:

### 3.16 Partnership Development

- Establishing a number of working groups to start to look at how our services interact and opportunities for earlier intervention and prevention.
- We are exploring opportunities to better integrate the work of the internal Private Rented Sector team and Housing Options.
- Working with key partners to start to act upstream and embed early intervention and prevention and address some of the common issues experienced today including hospital discharge, people with adult social care needs and how the service works with probation and children social care.
- Developing the duty to refer process – working in conjunction with the councils who make up the West Midlands Combined Authorities area.

### 3.17 Commissioning

- Developing new and improved prevention tools to help stem the number of homeless presentations and to better support people when they present.
- Reviewing the needs of our customers using the more enhanced data sets that are coming out of new Homelessness Reduction Act information.
- Using the information collected at the Housing Options Centres to improve our understanding of the real issues to solve and will be ensuring that the services procured and partners the council work with are tailored to the customer needs.
- Mapping is happening over the first half of 2018/19 with commissioning colleagues with a view to developing a re-commissioning plan for the year ahead.
- There is a clear need to join up the commissioning of services with operational practice and decisions. This is an action to be explored on the back of the commissioning mapping exercise and the best option for improving integration will be taken forward.

### 3.18 Private Rented Sector, Registered Provider Development and additional housing opportunities

- Focussed on building on the recent approval at Cabinet to allow discharge to the private rented sector to end homelessness duties.
- The city council is considering options to incentivise private rented sector providers to work with us and to build the marketplace ensuring quality and sustainability of tenancies.
- The development work has been influenced by a comprehensive feasibility study completed in March 2018 which will help to inform future work with the sector.
- Exploring options for creating a social lettings model to ensure access to additional stock specifically for city council use in addressing homelessness
- Explore community led housing models

### 3.19 New IT system is being designed to go live from January 2019.

## **4 Options considered and Recommended Proposal**

### 4.1 Not applicable as report for information only

## **5 Consultation**

### 5.1 The Homelessness Reduction Act is legislative in nature and as such we cannot amend or influence the Act however the City Council was one of a number of Councils who worked with MHCLG to influence the legislation prior to it receiving royal assent in April 2017. Additionally we provided consultation feedback on the published Draft Code of Guidance on 5 December 2017. It is important to note that the final confirmed version of the code was not released

until February 2018, with the Act coming into effect from 3 April 2018. We consulted extensively with key stakeholders on the programme/ delivery plans and implementation plan, and have a robust phase 2 plan in place to ensure we continue to improve how we deliver housing advice and homelessness services in the city.

## 5.2 Internal

The Homelessness Reduction Act programme plan phase 1 and 2 were developed alongside key internal stakeholders. The current iteration of the implementation plan for the Homelessness Reduction Act was developed by the previous Homelessness Reduction Act project board which included representatives from Housing, Neighbourhood Advice, Communications, IT, and the Press Office. The project implementation plan has been co-developed with input from service representatives. The phase 1 programme plan was shared with internal representatives at the Housing Options Transformation Board on Friday 26 January 2018. The programme plan contained key actions and activity between January and July 2018 and focussed on increasing awareness and communicating the requirements of the Act and service changes. We have developed the phase 2 plan to build on the prevention tools available to customers and to improve the partnerships between Housing Options, the wider city council and external partners. We are currently consulting on the content of the phase 2 plan through the Housing Options Transformation Board, the Homelessness Partnership Board and with the Cabinet Member for Homes and Neighbourhoods.

## 5.3 External

There are a range of external partnership boards that have fed into and receive progress updates on the Homelessness Reduction Act programme. A specific stakeholder group was established to consider the requirements of the Act, its impact upon stakeholders and how they can support the implementation. In addition the Homelessness Reduction Act and its implementation is a standing item on the multi-agency Homelessness Partnership Board. As the plan is delivered, there are various work streams that involve consulting and working with external providers and stakeholders to support the further implementation of the act.

# 6 Risk Management

6.1 There are a number of key risks and issues associated with continued successful delivery of the Homelessness Reduction Act. The service has a number of mitigating actions in place, not least of which is the activity included in the phase 2 programme plan.

6.2 The key risks and issues are summarised below:

- Demand is expected to increase as the timescales for support and the cohort who can approach is expanded under the Act. We analysed the number of cases in the service and estimated up to a 50% increase to allow for higher than expected increases. This consists of the 30% national estimate and the unmet need identified during the review of the current service. Whilst demand hasn't increased significantly to date, three of the first four months has seen a steady increase in the volume of cases. To enable us to deal with the increased demand and burdens, the service recruited around 20 new front line staff with all but four fixed term staff in post and one permanent vacancy. These posts have been appointed to, however, the service is waiting for the corporate panel to approve the appointments (through the current non-essential spend sign off process).
- The service currently encourages customers to consider and seek alternative accommodation within the private rented sector due to social housing stock not meeting the level of demand. Whilst we now have approval to discharge our duties within the private rented sector, there is significant work still needed to encourage the market to engage with us and to incentivise private landlords to provide housing to our customers. A feasibility study has been completed into the private rented sector and work is underway through the phase 2 plan to develop incentives and to encourage the sector to work with us in providing affordable accommodation.
- The new burdens funding is time limited and as such has to be used to deliver sustainable solutions that can be delivered through mainstream funding in future years. The key risk is that the desired outcomes of the Act do not deliver effective prevention and reductions in future years demand. It is not known yet whether the needs of service (as a result of the Act) will exceed the additional funding available.
- There are additional data and IT burdens for the service. Current IT solutions are not fit for purpose and the service requires a new case management system to support the switch to the new way of working. We are currently working with Capita to procure and implement a new module to support the work but this was not in place and live for 3 April and the interim IT solution is not as robust as the module in development. This was intended as a three month interim and is now likely to be in place for around 10 months.
- Good quality and timely support from other services and providers will be needed to help people deliver against the actions in their Personal Housing Plan. Some of the current provision will need to be changed and new services may need to be sought. We are currently collecting data and information from cases presenting at the Housing Options Centre to identify what this needs to be and the phase 2 plan commissioning work stream is starting to address these gaps in provision.

## **7 Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

The Homelessness Reduction Act 2017 implementation and delivery model supports the delivery of the Council Priorities:

**Outcome 2** – The negative implications of homelessness upon child health, disruption to their education and development is recognised. The purpose of the Homelessness Reduction Act drives the need for ensuring children and families have sustainable, affordable and suitable homes.

**Outcome 4** – The plan recognises the importance of sustainable, suitable and affordable housing solutions as part of preventing homelessness and supporting the recovery of people that are homeless. The plan is focussed on preventing homelessness and increasing the capacity within the private rented sector to meet housing need.

**Outcome 1** –The plan recognises the clear link between affordability and housing and people's employment aspirations and their housing choices and how this avoids people presenting as homeless or incidents of repeat homelessness. The prevention element of the act is heavily focussed on ensuring that we support citizens in a more holistic manner to ensure that current issues are addressed and any future risk of repeat homelessness are minimised.

**Outcome 2** – The plan recognises the health implications of homelessness during a person's lifetime and also considers the need for housing advice and support tailored to vulnerable groups such as adults with disabilities and people with mobility issues.

### **7.2 Legal Implications**

The Homelessness Reduction Act is the most significant change in the statutory approach to homelessness since the Housing (Homeless Persons) Act 1977, and commenced in April 2018. There are numerous additional duties placed upon Local Authorities under the Act with an increased focus on identifying those at risk of homelessness as early as possible and maximising the opportunities for preventing their homelessness. It is hoped that these new duties will result in savings for Local Authorities in the long-term and reduce the levels of homelessness across the Country.

The key requirements of the Act can be found at Appendix 1.

### 7.3 Financial Implications

The city council was awarded £1.76m New Burdens funding from Ministry of Housing Communities and Local Government (MHCLG) over three years to support the delivery of the Act. Although the funding was paid over a three year period MHCLG's New Burdens Formula clearly sets out that the Governments thinking is that the money is to be utilised during 2018/19 to 2019/20 and that during 2020/21 the formula will be reviewed. In Birmingham the funding was allocated as follows:

- Additional resources to implement and operationalise the new requirements - £1.2m
- New IT provision - £0.009m
- Training and Communication - £0.007m
- Additional Commissioning - £0.550m

The new burdens funding is paid to the Council as unring-fenced revenue grant, However MHCLG consider the funding to be time limited and as such expect it to be used to deliver sustainable solutions that can be delivered through mainstream funding in future years. The funding profile for each year is in the table below:

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Project Funding:	Allocation 2017/18	Allocation 2018/19	Allocation 2019/20	Total allocation
New Burdens:	£548,633	£502,547	£714,987	£1,766,167

Despite the New Burdens Funding, there are a number of key risk factors surrounding the financial status of the Housing Options Service:

- Due to a lack of suitable housing in the city, there is significant demand for temporary accommodation and we have a high proportion of Bed and Breakfast usage. This creates a budget pressure for us during the 2018/19 year that the service is working to mitigate.
- There are a range of savings approved or proposed for 2019/20 onwards for the service. These will reduce the baseline budget for the service at a time when increased levels of demand are emerging, which will need to be actively managed by the service to avoid financial pressures.

### 7.4 Procurement Implications (if required)

Not applicable

### 7.5 Human Resources Implications (if required)

Not applicable

## **7.6 Public Sector Equality Duty**

An Equality analysis was completed in February 2018 and uploaded to the system with the initial Cabinet Report in February 2018. This identified that there are no significant detrimental impacts on any characteristics or groups.

## **8 Background Documents**

## Appendix 1 – Legal Framework

The key changes to Homelessness Legislation are summarised below:

- **s.179 amends the existing duty to provide advisory services** - Acting as an advisory service, the LA must:
  - Provide or secure the provision of advisory services, free of charge.
  - Information and advice on preventing homelessness, securing accommodation, rights and duties under Part 7 Housing Act 1996.
  - What help is available and how to access it.

“Early application for homelessness assistance maximise the time and opportunities available to prevent homelessness. Information provided through websites and other channels should therefore a) help enable people to take action themselves where possible and b) actively encourage them to seek assistance from the authority in good time if they need it” as per Code of Guidance para 3.3.

- **s.175 extends the definition of “threatened with homelessness”.**  
If it is likely that they will become homeless within 56 days or if a valid Section 21 Notice has been given in respect of the only accommodation the person has and the notice will expire in 56 days. This should provide the Local Authority with more time to prevent actual homelessness from occurring.

- **s.189A introduces a duty to assess every eligible applicant and agree a plan.**

The assessment duty means that all customers who are homeless or threatened with homelessness and are eligible for assistance must be assessed in regards to their housing needs. The Local Authority should consider what support it can provide to ensure that the applicant has or retains suitable accommodation regardless of priority need status and must be notified of the assessment in writing. As part of this assessment, a Personal Housing Plan (PHP) should be prepared with the customer, which has to be reviewed and kept up-to-date.

- **s.195 amends existing duty in case of threatened with homelessness and sets out the prevention and relief duty.**
- Duty is to take reasonable steps to help the applicant to secure that accommodation does not cease to be available. Duty applies if the LHA is satisfied that the applicant is threatened with Homelessness and eligible for assistance.
- The Local Authority must have regard to section 189A assessment when deciding what steps to take.
- This is not a duty to provide accommodation but to help the applicant to help themselves. This is what both the LHA and the applicant can do to keep the accommodation they are currently in.

The act extends the prevention duty to 56 days, which places a duty on the LA to carry out more prevention work. The Relief duty arises where the LA is satisfied that the applicant is homeless and eligible, and the LA should take reasonable steps to help the applicant secure accommodation with a 'reasonable prospect' of lasting for at least 6 months. The new Act contains significant provisions around non-cooperation of the PHP and refusal of offers of accommodation which enable the local authority to give warnings and service notices to applicants ending their duty to assist; however they still have a right to request a review of this decision.

- **Section 193 (7AA) Extends the final offer to end homelessness to include a 6 month assured shorthold tenancy.**
- Where an applicant is unintentionally homeless, eligible for assistance and has a priority need for accommodation, the Council has a duty under section 193(2) to secure that accommodation is available for their occupation. This is commonly known as 'the main housing duty. The main duty can be ended with a 'Final Offer' and the Final Offer will include either an offer of Council Accommodation or an offer of a 6 month Assured shorthold tenancy. This tenancy may be in the Private Rented Sector. Advice from the Ministry of Housing Communities and Local Government provides a legal duty for this approach:
- In 2011, Government changed the law so that councils can house families in decent and affordable private rented homes. This means homeless households should not have to wait as long for settled accommodation, spending less time in temporary accommodation
- The Homelessness Reduction Act puts prevention and relief of homelessness through an offer of suitable private rented accommodation onto a statutory footing. Either duty can be brought to an end through an offer of suitable PRS accommodation let on an assured shorthold tenancy of at least 6 months duration.
- The Homelessness (Suitability of Accommodation) (England) Order 2012 sets out the requirements on suitability of privately rented accommodation offered to homeless households. The Homelessness Reduction Act extended the scope of these regulations to cover properties offered to applicants who have priority need to prevent or relieve their homelessness.
- Applicants have the right to request a review on the suitability of an offer of accommodation made to prevent or relieve homelessness, or to bring to an end the main homelessness duty.
- Legislation and the Code of Guidance provide safeguards to ensure suitable properties are offered, and that applicants needs and circumstances are taking into account