

Report to Housing and Homes O&S Committee
20th February 2018
Homelessness Reduction Act 2017 – Implementation Plan

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| <p>1. Purpose of Report</p> <p>This report provides an overview of the Homelessness Reduction Act, outlines the key service changes needed and a high level summary of the implementation plan.</p> |
| <p>2. Background</p> <p>The Homelessness Reduction Act 2017 comes into force on 3rd April 2018, and a draft Code of Guidance was issued at the end of 2017. The City Council responded to the draft guidance but we are awaiting publication of the final document. It is clear however that this new legislation will require a fundamental change to the way we deliver our statutory services and how we commission prevention and advisory services in future.</p> <p>The Act places new legal duties on English local authorities so that everyone who is homeless or at risk of homelessness will have access to meaningful help, irrespective of their priority need status, as long as they are eligible for assistance. 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.</p> <p>Previous legislation set out the duties owed by English local housing authorities to someone who is homeless or threatened with homelessness and defined that a person is threatened with homelessness if it is likely that they will become homeless within 28 days. The new Act extends the number of days from 28 to 56 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 and the expiry date is within 56 days, will be treated as being threatened with homelessness</p> |
| <p>3. The Homelessness Reduction Act</p> <p>The key requirements of the Act are:</p> <ul style="list-style-type: none"> • To act as an advisory service, the local authority must provide information and advice to a range of people with varying levels of need, on preventing homelessness and/or securing accommodation, making a homeless application and how to access available help. This will require changes to our current customer contact centre. • A new referral duty means that public authorities may make a referral to the local authority where they consider a person to be homeless or threatened with homelessness. This referral should be incorporated into local authority homeless strategies and referral procedures should be set up with local agencies. This duty comes into effect from October 2018. • The assessment duty means that all customers who are homeless or threatened with homelessness and are eligible for assistance, will be offered an assessment of their housing circumstances, regardless of priority need status, and be notified |

of the assessment in writing. This initial assessment should be face-to-face where possible and will be focussed on understanding the underlying or real issues that have created the housing/ homelessness need. By understanding the real issues to solve, we will be better able to design personalised solutions to their problem that are both effective and sustainable.

- As part of the housing needs assessment, a Personal Housing Plan will be prepared with the customer which is bespoke and personalised to the customer's individual circumstances and addressing the real issues to solve. The plan will set out steps that both the customer and the officer will take to retain or secure suitable accommodation and will be based on solutions put forward by the customer. This is a significant change from the current approach which prioritises the homelessness duty and is very transactional in nature. Previously, the prevention opportunities available to us were limited and most solutions were fixed and inflexible. As we switch to the new model, solutions will be developed by the customer and will need to be much more flexible and responsive.
- The Personal Housing Plans should be reviewed and kept up-to-date, and applicants can submit reviews/ appeals around their Personal Housing Plans.
- 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. Written notice must be given if the local authority is satisfied that the prevention duty has ended i.e. because they have secured accommodation.
- The Relief duty (homeless application) arises where the local authority is satisfied that the applicant is homeless and eligible, and the local authority should take reasonable steps to help the applicant secure accommodation with a 'reasonable prospect' of 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 short hold tenancy within the Private Rented Sector. We will need to ensure that this is not just a short term solution and that there is a plan for this tenancy to be sustained beyond 6 months. If this is not done, there will be repeat presentations every 6 months.
- The Relief duty can be ended due to 'deliberate and unreasonable refusal to cooperate' by the applicant. The Act contains significant provisions around non-cooperation and refusal of offers of accommodation which enable the local authority to give warnings and service notices to applicants ending their duty to assist.
- Failure to co-operate by an applicant for assistance – This provision will place 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 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.

4. The Implementation Plan

To ensure that the City Council is compliant with the Act by April a comprehensive programme plan has been developed to deliver the required changes. The plan consists of the following key projects:

- Redesign of the Housing Options Service – an initial review (up to April) will ensure that the organisational structure, systems and processes need to be ‘fit for purpose’ to deliver personalised housing plans and prevention and relief activity. A wider review (post April) will then be undertaken of all service functions i.e. housing applications, allocations, temporary accommodation to ensure that we are fully compliant with the Act. This wider review will also focus on starting to develop and commission new service provision, designing services to effectively to deliver the required outcomes for customers.
- Awareness and Training – a full training and awareness plan is being developed for staff and elected member briefings are planned. In depth “in the work” training is commencing for the staff at the Housing Options Centre and the plan sets out training content, methods and schedule.
- IT – we are working with systems providers and the Council’s IT function to ensure that we have the correct equipment and software in place. There are some delays to the proposed longer term software solution so we are working up alternative short term solutions. Staff need the right IT solutions to ensure that the maximum time is spent supporting customers and reducing administrative burden.
- Accommodation – we will require additional accommodation for the staff working within Housing Options. We have plans to extend the interview space in the current Housing Options Centre and are looking at short to medium term additional accommodation to use for pre-booked appointments.
- Communication – a full communications plan will be required for various audiences. This plan looks to target the right information to a range of stakeholders from members and customers to providers and services.
- Temporary Accommodation – this is focused on developing our provision in the short to medium term and will require a comprehensive review of the current service. The review will set out the Temporary Accommodation Strategy and medium term plan with the aim of reducing the use of TA and in particular Bed and Breakfast.

5. Financial / Legal Issues:

Legal

The Homelessness Reduction Act is the largest change in the statutory approach to homelessness since the 1977 Housing Act, and will commence 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 to prevent homelessness will result in savings for Local Authorities in the long-term and reduce the levels of homelessness across the Country.

Financial

The Housing Options Centre had some high level data that enabled us to estimate what current unmet need may look like when applied under the new Act requirements. These numbers were then uplifted by 50% to allow for higher than expected demand increases, consisting of the 30% national estimate and the unmet need identified during the review of the Housing Options Centre. This provides more capacity for the period of transition, training, development and embedding the act/ new ways of working.

The £1.76m allocation of new burdens funding that Birmingham City Council will receive over 3 years , from the Ministry of Housing Communities and Local Government (MHCLG) DCLG will assist us to implement the new legislation, but it is not expected to fully cover the extensive work we need to do. It is expected that post 2019, local authorities are to mainstream the new legislation.

We will have to purchase a new IT system; commission new services to ensure adequate prevention tools are available; engage and incentivise the private rented sector; provide extensive training for our existing staff and ensure that adequate support is provided to those presenting as homeless.

Our plan is to seek additional funding if the opportunity is available to us.

6. Recommendations

The scrutiny committee notes the requirements of the Act and supports the key changes required to enable us to be legally compliant by 3rd April 2018

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