



Homelessness Reduction Act 2017 Call for Evidence

About the DCN

The District Councils' Network (DCN) is a cross-party member led network of 191 district councils. We are a Special Interest Group of the Local Government Association (LGA), and provide a single voice for district councils within the Local Government Association.

District councils in England deliver 86 out of 137 essential local government services to over 22 million people - 40% of the population - and cover 68% of the country by area. District councils have a proven track record of building better lives and stronger economies in the areas that they serve. Districts protect and enhance quality of life by safeguarding our environment, promoting public health and leisure, whilst creating attractive places to live, raise families and build a stronger economy.

The District Councils' Network welcomes the opportunity to respond to the call for evidence on the Homelessness Reduction Act 2017. District Councils are the local housing authorities for their areas and have therefore been directly responsible for implementing the new Act.

Consultation Response

Some of the questions in the consultation are seeking specific feedback and details of the local impact of the Homelessness Reduction Act 2017. The DCN Member local authorities will respond individually to these questions.

1. Since the Implementation of the Act in April 2018 can you identify:

A. What has improved in service and outcomes for families and individuals who are homeless or at risk of homelessness?

B. What has not improved/got worse?

In response to both A and B, the DCN fully supports the principles of the Homelessness Reduction Act 2017 in seeking to ensure that all members of society who are facing homelessness receive the advice, help and support that they need. District Councils are at the forefront of delivering statutory homelessness services in their areas and understand the challenging and often traumatic impact that homelessness can have on individuals and families. DCN recognises that the timely prevention or relief of homelessness brings huge benefits to all of the parties and agencies involved. Most importantly, it provides the most positive outcome for the health and wellbeing the household that is affected.

DCN member authorities have reported a range of positive impacts and benefits arising from the implementation of the Act. In general, there have been strong outcomes from one-to-one working with clients (underpinned by the Personal Development Plans introduced by the Act) and excellent examples of improved cross agency working to tackle homelessness. However, the picture does vary from area to area and many Councils are reporting that the

provisions in the Act have contributed to an upturn in homelessness applications which, in turn, have placed significant demands on the service. Many District Councils have responded to this by putting additional staffing in place (funded from the New Burdens Funding and the Flexible Homelessness Support Grant awards).

C. What are the enablers or barriers to achieving positive outcomes?

In many areas, District Councils are finding that LHA (Local Housing Allowance) rates and other welfare reform issues (including Universal Credit) are working against the Council being able to prevent or relieve homelessness. In these locations, the Council is unable to secure affordable private rented housing for many clients on low incomes. Alongside the limited availability of social rented housing, this means that the Council will often have no option but to place the household in temporary accommodation. The particular barrier created by current LHA rates has been highlighted by a recent National Housing Federation report which highlighted that only 10% of private rented sector homes across the country would be affordable to households reliant on Local Housing Allowance and that this figure was less than 1% in some locations.

DCN member authorities have also reported that some Registered Providers are becoming increasingly risk averse in deciding who they will or will not offer tenancies to. This is resulting in some Councils finding that nominations are being turned down by Registered Providers due to concerns about affordability, tenancy sustainability and/or a poor tenancy history. The refusal of a nomination may mean that a Council is unable to prevent a household from becoming homeless or to relieve their homelessness within a short timescale. In particular, for those Councils who have undertaken stock transfers, there is a significant reliance on social housing tenancies with Registered Providers to help meet local housing needs and to secure accommodation for homeless households. If providers will not accept nominations because they deem a homeless client to be too high risk and local LHA rates mean the private rented sector is unaffordable, then the Council is left with very few options to secure accommodation for a homeless client.

The ability of homeless clients to be able to afford and secure tenancies in the private rented sector and/or the registered provider sector will need to be addressed if we are to achieve more positive outcomes.

D. What impact has the Act had on the use of temporary accommodation for your local authority?

This question refers to local arrangements and DCN member authorities will respond individually to this.

2. In relation to processes of the Act:

A. Please identify any elements of the Act that you believe work or do not work well in assisting you and any partner agencies (both statutory and non-statutory) to prevent and relieve homelessness.

The introduction of PHPs (Personal Housing Plans) has been a positive step in delivering consistency across local housing authorities and ensuring that all clients (both priority and non-priority) receive appropriate advice and assistance. However, it needs to be recognised that this has increased the amount of time and staff resources that are needed to undertake case management and to fulfil the prevention and relief duties introduced by the Act. There is a danger that the time spent on the administrative work that is required to fulfil the requirements of the Act (e.g. preparation of the PHP, letters to the client at key stages etc.)

can then limit the time available to officers to actually undertake practical tasks that focus on preventing or relieving homelessness. It is important that the correct balance is struck.

The introduction of the H-CLIC data collections system has created a significant additional workload for DCN member authorities alongside having to implement the new Act. This has been exacerbated by ongoing changes and amendments being made to the data collection process. The system now appears to be bedding down, but it is important to recognise the impact that data collection has on Council time and resources and to avoid regular changes or additions to the data that is being requested.

B. Please provide any suggestions of areas of the Act that you feel should be amended, being as specific as possible as to what alteration you would recommend.

The DCN would not propose any specific amendments to the Act. However, it is important to recognise that the Act cannot work in isolation to deliver effective homelessness prevention and relief.

As highlighted above, welfare benefit issues have a major impact on Councils being able to deliver the aims of the Act. The DCN considers that it is essential for the current LHA rates to be reviewed and updated so that they truly reflect local rent levels and can make more private rent tenancies affordable to persons who may otherwise be facing homelessness. Similarly, it is essential to ensure that Universal Credit does not work against clients being able to secure private rented tenancies due to landlord concerns about delayed payments, rent arrears etc.

Alongside this, a continuing supply of affordable housing plays a vital part in delivering accommodation that Councils can use to prevent or relieve homelessness (either via the Housing Register or directly in response to a homelessness application). For the majority of homeless households seeking assistance, social rent is likely to be the only option that will provide truly sustainable affordable housing in the longer term. Affordable housing programmes need to reflect this within the overall tenure mix.

C. Has your local housing authority amended its allocations scheme to reflect the duties in the Act and if so what changes have been made.

This question refers to local arrangements and DCN member authorities will respond individually to this.

D. If you have amended the policy, how has this affected lettings to homeless households?

This question refers to local arrangements and DCN member authorities will respond individually to this.

E. How could the data generated from H-CLIC help you to inform policy/resources?

Any data highlighting local trends in causes of homelessness and the types of household affected would be helpful in informing local policy and resource decisions. It would also be helpful if H-CLIC could identify authorities who are facing similar issues and dealing with similar demographics, as this could be used to set up peer-to-peer discussions between these authorities to share experience and good practice.

F. What more could be done to assist you in submitting and making use of data for your area?

DCN member authorities continue to highlight that the H-CLIC collection process still requires significant time and resources. Any measures to streamline and simplify the process will be welcomed. The Government also needs to start showing how the collected data is being used in a constructive and positive way to inform thinking and policy decisions.

G. Please add any further comments on the Act or the context in which it has been implemented that you think will be useful.

Overall, DCN member authorities have responded positively to implementing the requirements of the Act. However, it needs to be recognised that this has required Councils to commit significant additional resources (especially staffing) in order to deliver this. The effectiveness of wider prevention and relief work is also linked to the local housing market for each district. Those District Councils in areas of high housing costs and limited availability can face significant challenges in securing alternative housing options for clients.

3. Has your area developed or updated protocols and/or referrals arrangements with statutory and non-statutory agencies in relation to the duty to refer?

In many areas, District Councils have built on existing joint protocols and practices in response to the introduction of the Duty to Refer. There are a wide range of local protocols and referral mechanisms in place across DCN member authorities which demonstrate good practice in this area including local prison discharge protocols (Craven DC), countywide prison protocols (Essex) and hospital discharge protocols (including Great Yarmouth BC where an officer is based in the local hospital to support discharges).

4. Have pathways been developed or reviewed and updated to help specific cohorts of people?

This question refers to local arrangements and DCN member authorities will respond individually to this.

5. In relation to the public authorities subject to the duty to refer, please name any you would add (and why) and/or remove (and why)

The existing list of public authorities subject to the duty to refer is wide ranging and encompasses all of the main bodies that we would expect see on it. Individual DCN member authorities may have suggestions for additions based on local experience.

Based on experience to date, the key issue is ensuring that the Duty to Refer is undertaken effectively. This means that:

- referrals must be made in a timely fashion and with sufficient notice to maximise the opportunity for the District Council to successfully prevent or relieve homelessness,
- full details and information must be given to the District Council regarding the client(s) being referred, and
- the referring agency must maintain involvement with the client(s) following the referral and work in partnership with the District Council and client(s) to secure a successful outcome to prevent or relieve homelessness.

DCN member authorities have experience of some or all of the above not happening in connection with a referral. This has then left the District Council with little prospect of achieving a timely intervention to prevent or relieve homelessness. There are particular

concerns around a possible upturn in homelessness amongst vulnerable groups such as persons with mental health issues or problems arising from substance mis-use if support services (both statutory and voluntary) do not have sufficient resources to provide clients with the help and assistance that they need to avoid homelessness and sustain accommodation. The Duty to Refer process will only work effectively if support agencies are properly resourced to provide the help that their clients need.

Although Registered Providers are not deemed to be public bodies, the DCN would welcome any measures which can bring them within the requirements of the Duty to Refer. Although the National Housing Federation has introduced a voluntary Commitment to Refer for Registered Providers this has been patchy in implementation and varies from location to location. There are examples of good local working arrangements between District Councils and Registered Providers in addressing potential homelessness cases, but there are also areas where this could be improved. This is likely to be particularly difficult for Registered Providers who have stock across a range of locations and consequently find that they have to work with a range of different homelessness protocols. It would be helpful for Government to issue a clear set of requirements for what Registered Providers are expected to do in respect of working with local housing authorities in preventing and relieving homelessness, including:

- how and when the RP (Registered Provider) should refer potential homelessness cases to the local housing authority (and what information should be provided),
- how the RP should consider both accommodating and supporting homeless clients who are perceived to be higher risk (rather than refusing a nomination from the authority), and
- how the RP should consider waiving requirements such as Rent in Advance which can act as a barrier to homeless persons securing a tenancy (and which can place pressure on local authority homelessness funds or Discretionary Housing Payment budgets if the authority has to meet this cost).

6. For public authorities with the duty to refer, has the new duty helped to prevent homelessness for your service users?

Not applicable

7. Has the duty to refer led to an improvement in outcomes for any particular groups and, if so, which?

DCN member authorities will respond individually to this.

8. Have there been any public authorities which have been successful in implementing the duty to refer – what have been defining success criteria?

DCN member authorities will respond individually to this.

9. What, if any, further legislative or government-led changes would improve partnership working to prevent and relieve homelessness?

DCN member authorities have reported that partnership working has been variable with some strong examples of good practice and other examples where there could be improvement. Communication between agencies can be problematic with some District Councils reporting problems with a lack of information being provided about a client or referrals being made too late to have a chance of preventing homelessness.

DCN would like to see

- All District Councils and public authorities having named a local lead contact for the Duty to Refer
- Clarification issued by Government relating to GDPR (General Data Protection Regulations) and clearly setting down what information public authorities are allowed to share under the Duty to Refer
- A clear requirement on public authorities to ensure that all relevant staff are given training on the Duty to Refer and how to make referrals
- A clear requirement placed on public authorities that they must continue their involvement with the client following the referral and work jointly with the Council and the client to help secure homelessness prevention or relief (DCN member authorities have experienced referrals being made and the referring public authority then closing the case)
- No restrictions on public authorities on how they can make referrals (e.g. In some District Councils, there are referral portals which provide a system for gathering key client information. However, some public authorities are restricted to making referrals by e-mail rather than using the portal.)

10. Has the Act led to more scrutiny and involvement from elected members?

DCN member authorities will respond individually to this

11. Has your local authority commissioned any external agencies to deliver part or all of the homelessness services in response to the Act?

This question refers to local arrangements and DCN member authorities will respond individually to this.

12. In what ways has the Act influenced the strategic direction of your local housing authority?

This question refers to local arrangements and DCN member authorities will respond individually to this.

13. For local housing authorities, has the Act led to an increase in quality of partnerships working with internal (within the authority) or external partners?

This question refers to local arrangements and DCN member authorities will respond individually to this.

14. For (non-local authority) partner agencies, has the HRA led to an increase in your contribution to preventing and relieving homelessness?

Not applicable

15. From the perspective of a homeless applicant in your area or from your experience:

What has changed most for:

A. Single people/households without children?

This question refers to local experience and DCN member authorities will respond individually to this.

B. Families?

This question refers to local experience and DCN member authorities will respond individually to this.

16. Do you feel that the Act has enabled a more person-centred approach to the delivery of homelessness services?

This question refers to local experience and DCN member authorities will respond individually to this.

17. Has the Act resulted in earlier intervention and support to prevent or relieve homelessness where any applicant has been serviced with a valid Section 21 Notice?

This question refers to local experience and DCN member authorities will respond individually to this.

18. Cost information

This question refers to local arrangements and DCN member authorities will respond individually to this

19. Cost information

This question refers to local arrangements and DCN member authorities will respond individually to this

20. For non-local housing authority respondents, please comment on whether you consider sufficient resources have been deployed for implementation of the Act in your area.

Not applicable

21. Beyond funding for the Act, are there resources or funding stream considerations which impact (positively or negatively) of the ability to prevent or relieve homelessness?

On the broad question of funding, many of the DCN member authorities have utilised funding streams such as New Burdens Funding and Flexible Homelessness Support Grant to directly fund additional posts in order to meet the increased demands arising from the new Act. The New Burdens Funding was announced as a three year funding programme on the basis that from Year 3 (2019/20) onwards, the level of savings delivered by the provisions in the Act would be greater than the costs incurred as a result of the changes. The feedback from DCN member authorities is that this has not been the case and that the loss of New Burdens Funding from 2020/21 will have a significant and detrimental impact on service delivery with many authorities having to reduce staffing and/or reduce support for other services (e.g. funding for third party advice services). Future decisions on funding must fully take account of the wider impact on any cuts on homelessness services and cannot simply assume that any cuts will be offset by savings made within the service. If New Burdens Funding is to cease from 2020/21 then DCN would want to see this offset by an equivalent increase in the Flexible Homelessness Support Grant allocations to authorities.

Overall, the current short term financial settlements make it problematic for authorities to plan strategically to continue to deliver the Homelessness Reduction Act. Meaningful medium term financial settlements for homelessness would allow proper planning of services

as opposed to the current short term annual lump sums which are divided into various pots and often subject to time consuming bidding processes (and significant follow up work with monitoring reports etc.).

There also needs to be recognition that reductions in funding to related services also directly impact on delivering the aims of the Homelessness Reduction Act, including:

- Funding for rough sleeper initiatives
- Funding for DHP (Discretionary Housing Payments) to top up housing benefit assistance
- Funding for third sector advice and support services (including court desks)

Cuts in funding for these areas only leads to a cost shift that places more pressure on Council homelessness budgets because clients who might otherwise get timely intervention from other services areas will instead end up presenting as homeless to the Council. Any decisions on funding for the above should only be made with the full knowledge and understanding of the wider impacts on homelessness.

22. NHAS (National Homeless Advisory Service) services

This question refers to local arrangements and DCN member authorities will respond individually to this.

23. How effective have you found the service delivered by NHAS in supporting you or your team to carry out the new duties brought in by the Act?

DCN member authorities have reported that the NHAS has been very helpful in supporting them during the implementation of the new Act.

24. Do you think that the Act has had a disproportionate impact, either positive or negative, on any individuals, in particular those with “relevant protected characteristics” (i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy, maternity, paternity, race, religion or belief, sex, sexual orientation)?

The provisions in the Act should ensure that statutory homelessness assistance is accessible to everyone. The requirement for every client to receive a Personal Action Plan that directly reflects their personal circumstances should mean that relevant protected characteristics are fully taken into account during the assessment process. However, it is essential to recognise that a homelessness application is only the first stage in the process. A successful outcome for a vulnerable applicant will often mean that they need to be able to access support to manage their day to day living and sustain their accommodation. District Councils can address housing and homelessness issues, but the delivery of effective support to clients needs effective partnership working and commitment from other agencies. As highlighted in an earlier answer, a referral by another agency under the Duty to Refer should not be the end of that agency's involvement. Without ongoing support and assistance, many clients with relevant protected characteristics are likely to suffer detriment in the longer term even if their initial homelessness is resolved.

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