

## Issue 122 February 2018

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### Housing matters

*Housing matters* is produced by Shelter for the NHAS and aims to provide a source of up-to-date housing and homelessness news, focus on important case law, cover key legal issues, and produce information for public use.

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### National Homelessness Advice Service

The National Homelessness Advice Service (NHAS) is a partnership between Shelter and Citizens Advice funded by the Ministry for Housing, Communities and Local Government.

The service aims to prevent homelessness and remedy other housing problems through increasing public access to high-quality housing advice in England, including online information on the NHAS website at [www.nhas.org.uk](http://www.nhas.org.uk)

**The NHAS provides the following to local authorities, local citizens advice and around 100 other advice agencies in England:**

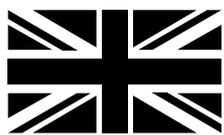
- a national telephone housing advice consultancy service for local authorities, local citizens advice and around 100 other advice agencies in England. Call **0300 330 0517** 9am–6pm, Monday to Friday, or send in an enquiry using the online enquiry form available on the members' areas of [www.nhas.org.uk](http://www.nhas.org.uk)
- housing debt casework – specialist support for cases relating to mortgage arrears and other problems with housing affordability, including welfare benefits issues. Call **0300 330 0517** or use the online enquiries form (see above for details)
- free basic housing advice training courses to develop housing advice skills, covering the main housing advice presenting issues and how to advise households effectively on homelessness prevention options
- written briefings, articles in *Housing matters* and *Adviser*, information on housing issues and other written materials
- support in the implementation of new homeless prevention initiatives.

### Contact details

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For general enquiries about the NHAS service, please email [nhas@shelter.org.uk](mailto:nhas@shelter.org.uk) or call **0344 515 2268**.

Alternatively, please use the 'contact us' page at [www.nhas.org.uk](http://www.nhas.org.uk)



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# What's new?

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## Homelessness Reduction Act 2017

This bumper *Housing matters* issue focuses on the Homelessness Reduction Act 2017 (HRA), and includes:

- a flowchart illustrating the duties that will apply to local authorities
- accounts from four local authorities of how they are using Trailblazer funding to prepare for the changes brought about by the Act
- an explanation of personalised housing plans and local connection referral rules.

Most of the HRA is expected to come into force on 3 April 2018. Details of free [NHAS webinars](#) on the Act can be found on the NHAS website.

## Universal credit

The [Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018](#) SI 2018/65 will bring into force a number of changes to universal credit (UC).

From 14 February 2018, changes include:

- abolition of seven days wait before UC entitlement begins
- changes in UC legislation will affect a claimant from the beginning of their first assessment period following the change.

From 9 April 2018, there will be an uprating of three per cent to work allowances.

From 11 April 2018, other changes include:

- two weeks' housing benefit (HB) can be paid at the start of a UC claim without affecting UC when someone moves from HB to UC
- the assessment period may be changed if the date of claim changes (eg due to a successful backdate request)
- people aged under 21 who get the Armed Forces Independence Payment will be entitled to UC housing costs
- the period in which a claimant has to supply evidence will be reduced to 14 days (from one month) in cases where they request a reconsideration and their UC would increase
- some foreign pensions and payments from the Pension Protection Fund will be counted as unearned income for UC purposes
- UC claimants in temporary accommodation will have to claim HB instead of UC.

## Rogue landlords

(1) The Mayor of London's office has launched an [on-line database](#) containing details of private landlords and letting agents who have been prosecuted or fined for housing related offences. Currently only 10 London boroughs have entered data. The database can be accessed by the general public.

(2) Under the Housing and Planning Act 2016, the government has the power to create a national database of landlords guilty of a banning order offence. The proposed banning order offences are laid out in [draft regulations](#). The national rogue landlord database is expected to be available from 6 April 2018. Only local authorities will be able to search it.

## Energy efficiency regulations

From 1 April 2018, under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 SI 2015/962, it will be unlawful for a landlord in the private rented sector (PRS) to grant a new tenancy or renew an existing one, unless the property has a minimum rating of 'E' on its Energy Performance Certificate ('EPC'). Note that a tenancy granted by a landlord in breach of the requirement will be a lawful tenancy, but the landlord may be fined. A landlord will be exempt if, for example, there is no government funding available to make the changes necessary to ensure a property is rated at least 'E'. [Guidance for landlords](#) can be found on Gov.uk, including guidance on how to register any exemption that applies.

## Support for mortgage interest loan

As support for mortgage interest (SMI) changes from a grant to a loan from 6 April 2018, Citizens Advice has warned that housing and debt advisers should not recommend whether or not a client accepts a loan, as this may constitute regulated financial advice. Useful information is available on the [Money Advice Service](#) website.

## Self-employed EEA nationals

The Court of Justice of the European Union has held in [Gusa v Minister for Social Protection \(Ireland\) Case C- 442/16](#) [2017] that a self-employed EEA national who becomes 'involuntarily unemployed' can retain her/his status (and her/his right to reside) in the same way that a worker can.

# Homelessness Reduction Act 2017

**Ros Palmer provides a flowchart to illustrate the key duties and powers that will apply after the Homelessness Reduction Act comes into force. The flowchart content is developed on this page.**

**Ros Palmer is a trainer with the NHAS.**

The [Homelessness Reduction Act](#) (HRA) amends Part 7 of the Housing Act 1996 to introduce new duties and amend certain current duties.

The flowchart opposite gives an overview of how the new legislation will work. The new and amended duties are explained below. The sections refer to the amended Housing Act 1996.

## **Box A: advisory services (s.179)**

The local authority must provide free information and advice on:

- the rights of homeless people,
- the authority's duties under Part 7
- help available from the authority and other sources
- how to access that help.

The advisory service should be designed to meet the needs of those in the authority's district, including the needs of categories of people specified in s.179(2), such as care leavers and victims of domestic abuse.

## **Box C: public authority referral (s.213B)**

Certain public authorities in England, to be specified in regulations, will be under a duty to notify a local housing authority (where the person consents to this) of a person using their service who they think may be homeless or at risk of homelessness.<sup>1</sup>

## **Box E: interim accommodation (s.188)**

If there is reason to believe that an applicant may be homeless, eligible for assistance, and in priority need, the interim accommodation duty arises.

This duty continues alongside the relief duty.

## **Box F: threatened with homelessness**

Prevention duties arise if the authority is satisfied that an applicant is:

- eligible for assistance, and
- 'threatened with homelessness' - this means that the applicant is likely to become homeless within 56 days, or the applicant has received a valid s.21 notice which will expire within 56 days.

## **Box G: assessment and PHP (s.189A)**

Where an authority is satisfied that an applicant is threatened with homelessness or is homeless (**box K**), it must assess her/his

- circumstances
- housing needs
- support needs.

The applicant must be given a copy of this assessment. The authority and the applicant should then try to agree a personalised housing plan (PHP) based on the assessment.

The assessment and PHP should be kept under review while homelessness duties are owed. Where the authority has not been able to prevent homelessness, a PHP should have been in place from the prevention work. It should be reviewed if the applicant becomes homeless.

## **Box H: preventing homelessness (s.195)**

The authority must take reasonable steps, based on the assessment, to help prevent the applicant from becoming homeless – either through retaining their current accommodation or by obtaining suitable new accommodation.

## **Box L: relieving homelessness (s.189B)**

If the authority is unable to prevent homelessness (**box J**), the relief duty arises. If at this point there is reason to believe the applicant may have a priority need, the interim accommodation duty also arises (**box E**), and runs alongside the relief duty.

The authority must take reasonable steps, based on the assessment, to help an applicant secure suitable accommodation.

Where the applicant has no local connection with the authority, there is a new power at the relief duty stage to refer to an authority where there is a local connection (s.198(A1)).

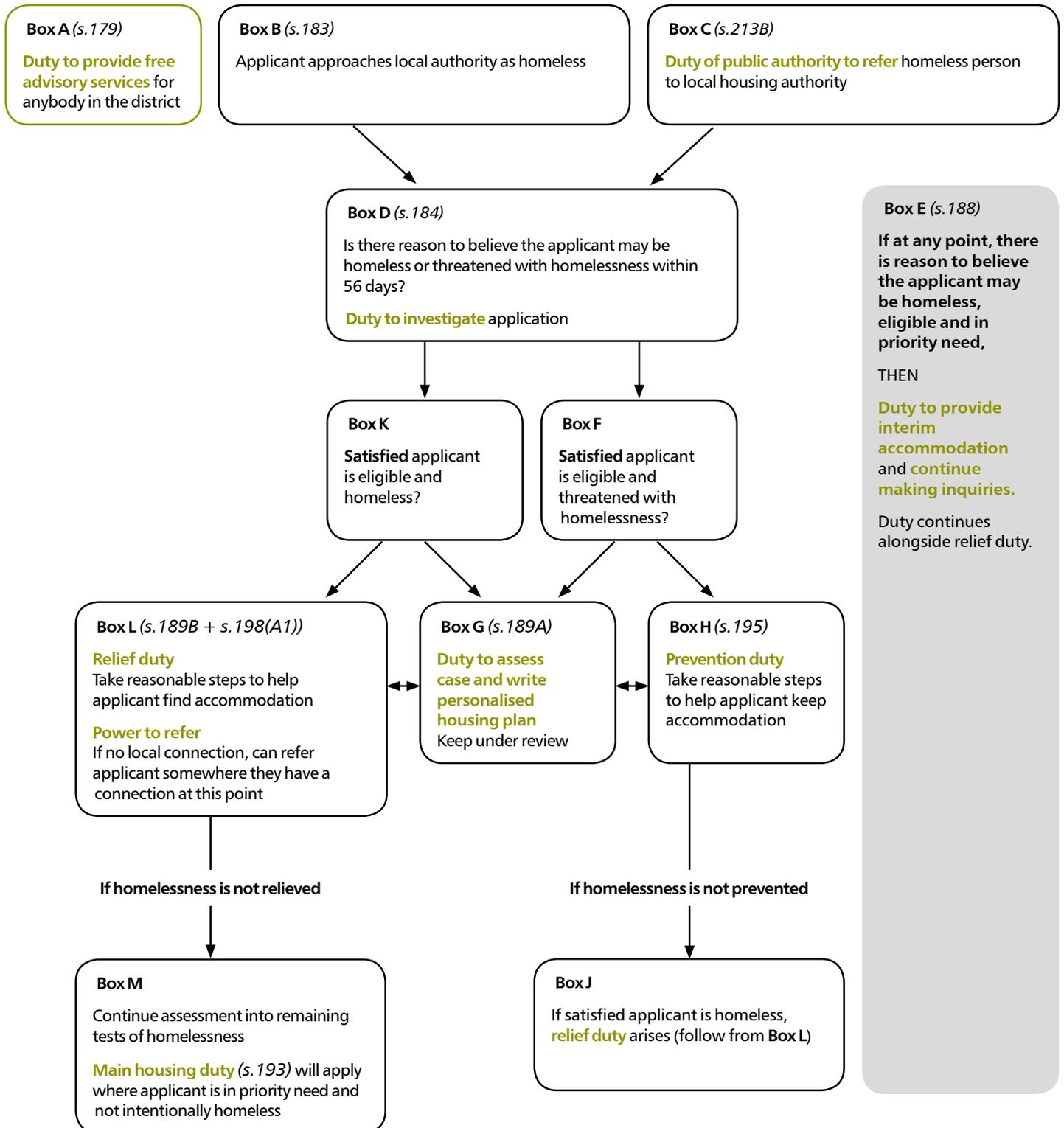
## **Box M: homelessness not relieved**

If the authority is unable to relieve homelessness, and the applicant passes the first four tests of homelessness, the main housing duty (s.193) arises as usual.

## Footnotes

<sup>1</sup> This duty is due to come into force later than other duties, probably in October 2018.

# Homelessness Reduction Act 2017: key duties and powers



# Getting personal

**In this article, Deborah Garvie explains how Shelter views the new duties to assess applicants and provide a personalised plan.**

**Deborah Garvie is Policy Manager at Shelter.**

It's now less than two months until local housing authorities will have new legal duties to homeless households under the Homelessness Reduction Act 2017 (HRA).

The legislation has the potential to transform statutory assistance to homeless people, moving from an approach whereby the local housing authority assessment focusses on whether a household is unintentionally homeless and in priority need, to a renewed focus on taking practical steps to prevent or relieve homelessness.

## More help for more people

At the heart of the legislation is a new duty to assess all eligible applicants' cases and agree a personalised housing plan (PHP). The new duty is owed to all those who are eligible and either homeless or threatened with homelessness, regardless of intentionality or priority need. As a consequence, households to whom the main accommodation duty is not owed – such as single homeless applicants, couples without vulnerabilities and intentionally homeless households – should receive more assistance from the local housing authority.

## Redefining 'threatened with homelessness'

The HRA extends the definition of 'threatened with homelessness' so that:

- duties to those threatened with homelessness are owed for 56 days before they are likely to become homeless, instead of 28
- the most common trigger of homelessness is included. Where a valid section 21 notice has been served to an assured shorthold tenant and is 56 days from expiry, homelessness will be threatened. This means that duties will be owed almost immediately after notice has been served, allowing more time to intervene to save the home or to find a suitable alternative.

The expanded definition of 'threatened with homelessness' should end the practice of the housing authority advising people served with a section 21 notice to return when either the court has granted possession or there is a date for the bailiff.

The [draft Homelessness Code of Guidance](#), published for consultation in October 2017, is clear that it is unlikely to be reasonable for the applicant to continue to occupy beyond the expiry of a valid section 21 notice where the landlord is unlikely to be persuaded to allow the tenant to remain. It is highly unlikely to be reasonable for the applicant to continue to occupy once an order for possession has been issued.

## Duty to assess

The HRA requires the housing authority to assess the:

- circumstances that caused the applicant to become homeless or threatened with homelessness
- housing needs of the applicant including, in particular, what accommodation would be suitable for the applicant and her/his household
- support needs of the applicant and any other relevant persons in relation to them having and retaining suitable accommodation.

This requirement to properly assess the needs of all household members, including children, is a very positive step forward.

By carrying out more thorough assessments, housing authorities should be able to collect richer data on the causes of homelessness and the needs of applicants to inform their homelessness reviews and strategies.

Combined with the [Government's project](#) to overhaul how homelessness statistics are collected, this gives potential for more comprehensive national data to enable policy makers to better understand the causes of homelessness and the housing options and support frameworks needed to tackle it.<sup>1</sup>

## Utilising people with lived experience

Last year, we worked with an expert panel of Shelter service users, who shared their experiences to help us identify common themes in what they were hoping for from statutory homelessness services. Their recommendations are contained in our [briefing on personalised housing plans](#) which we hope will be of use to housing authorities as they gear up for their new duties.

In our view, when planning how to implement their new duties to assess and provide PHPs, housing authorities should consult with panels of local people who have personal experience of using homelessness services.

### **Encourage early advice and support**

Our expert panel reported that obtaining early advice and support was key in preventing a housing problem turning into a homelessness crisis. Those facing landlord repossession had generally sought advice quickly while trying hard to find an alternative home themselves. But most were advised to go through costly repossession and eviction, causing them further stress as well as greater financial hardship.

Therefore, it's important that authorities actively encourage people to apply for help, by advertising their housing options services as widely as possible. In addition, applications should be considered where there is a risk of homelessness which might not result in homelessness within 56 days. Both measures are in line with guidance in the draft Code.<sup>2</sup>

### **Provide a person-centred service**

Our expert panel explained that facing homelessness, particularly when responsible for children, was a shameful and stressful experience. They emphasised the importance of treating people facing homelessness with empathy, dignity and respect, even where the outcome remains the same. The experience from the implementation of comparable legislation in Wales also shows how much service users value staff understanding and sympathy.<sup>3</sup>

The HRA has the potential to address this issue by shifting the response to homeless applications away from a process-driven, tick-box approach towards a more person-centred approach in which individuals are listened to while they explain their circumstances, and are involved in formulating plans to address their needs.

We recommend that authorities train staff in interview techniques and soft skills such as listening and effective communication.

### **Make preferences the starting point**

The new duty to assess is very similar to the duty to assess in Wales. But in Wales, the law requires housing authorities to identify the outcome the applicant wishes to achieve with the authority's help, and how they could contribute to this.

Our expert panel felt that households should be flexible in the steps they are prepared to take to find a suitable home. But they strongly recommended that housing authorities need to listen to applicant's views and preferences and respond to them. It is disappointing that the English legislation doesn't include such a requirement.

The draft Code, however, is of more help, recommending that the applicant's wishes and preferences be considered and recorded within the assessment, whether or not the housing authority believes there is a reasonable prospect of accommodation being available that will meet them.<sup>4</sup>

This could be useful particularly in relation to the location of alternative accommodation. Many people saw remaining close to their current neighbourhood as a priority, because of its importance to health, education and well-being.

When considering whether a neighbourhood is affordable, it's important that housing authorities specifically assess the prospects of the applicant finding suitable social housing in their desired area, as well as affordable private rented accommodation.

### **Tailoring plans to the individual**

The housing authority must work with the applicant to agree the actions to be taken by both parties to help ensure the household has, and is able to retain, suitable accommodation. These actions should be included in the PHP. The expectation is that the applicant is provided with her/his PHP.<sup>5</sup>

Of these actions, the [government expects](#) there will be a small number of key steps the applicant will be required to take. These actions must be reasonable and achievable. The steps should be tailored to their needs and be those most relevant to securing and keeping accommodation.<sup>6</sup>

A personalised approach means that a standard form PHP, based on too rigid a template and amended with just a few pieces of personal information, is unlikely to be sufficient and may lead to reviews by applicants. The PHP will need to include housing, welfare benefits or debt advice as appropriate for the particular applicant.

Shelter is working with experts on a personalised housing plan tool '[Advice Aid](#)' which allows advisers to use 'snippets' of advice relating to different housing issues to create a tailored plan.

### **Footnotes**

<sup>1</sup> See the Government Statistical Service for the [DCLG Homelessness Statistics User Forum](#)

<sup>2</sup> paras 3.3 and 11.6 Draft Code of Guidance on Homelessness, DCLG, October 2017.

<sup>3</sup> See Shelter Cymru's report - Reasonable steps: experiences of homelessness services under the Housing (Wales) Act 2014 and the Welsh Government's Interim Report – Post-implementation evaluation of the homelessness legislation (Part 2 of the Housing Act (Wales) 2014.

<sup>4</sup> para 11.10 Draft Code of Guidance on Homelessness, DCLG, October 2017.

<sup>5</sup> para 11.24 Draft Code of Guidance on Homelessness, DCLG, October 2017.

<sup>6</sup> [DCLG Policy Fact Sheet](#): Duty to assess all eligible applicants' cases and agree a plan.

# Brighton and Hove: early intervention

**In this article, the housing options team at Brighton and Hove explain how they plan to provide a responsive service that works collaboratively with homeless applicants to find solutions to housing problems.**

The Homelessness Reduction Act 2017 is a game changer for Brighton & Hove City Council (BHCC). Following implementation, there must be a change in how local authorities engage with households who are facing housing difficulties.

## Background

Since 2004, 11,000 households have been prevented from becoming homeless under BHCC's 'prevention agenda'. Much of this has relied on a private rented sector (PRS) that could provide the housing. However, as in many areas, accessing the PRS has become increasingly difficult.

There is a huge imperative to tackle rising homelessness in the City – rough sleeping alone rose from 14 in 2010 to 178 in November 2017.<sup>1</sup> In addition, changes to the way government funds temporary accommodation (TA) require us to cut our use of TA by half.<sup>2</sup>

## Trailblazer funding

The main causes of homelessness in our area are family/relationship breakdown and loss of PRS accommodation. The Trailblazer project<sup>3</sup> has enabled us to look critically at our services to target resources on these issues. Much of our Trailblazer work has been based on an early intervention model. It has given us an insight into how to approach the HRA and how much cultural change is necessary.

## Strategic aims

Our key strategic aims are to:

- find solutions to housing problems at the earliest possible stage
- work collaboratively to sustain accommodation where possible
- establish a culture of planning for housing need within households, and make planning a part of the support provided
- establish links with statutory, third sector and community partners so that effective advice can be given at the time it is needed. Where necessary, early referrals can be made when more intensive support is required.

## Initial mapping and insights

Based on what we know of our local situation, we anticipate a:

- 50% rise in presentations
- 300% increase in caseloads.

At BHCC we are embracing the implementation of the HRA as a very significant culture change. We have been gradually embedding insights from Trailblazer work into our existing service. We will need to accelerate this process towards April 2018. So far, we have been able to:

- develop and trial personalised housing plans (PHPs) and new ways to engage with customers to get the best outcomes
- work with partners to effect a change of approach across all of the City's advice and support agencies
- make contacts in the wider community to establish a housing advice and planning agenda within voluntary and community groups.

## Home visits promote engagement

Home visiting has been long recognised as an important element in homelessness prevention. Our response to the HRA will be to provide a more responsive service based on what we have learned from the visiting officer role. Visiting officers provide engagement at the crucial time it is needed.

It seems obvious but it works. A council officer assessing an applicant at their home can encourage more meaningful disclosure than through an office-based, process-driven approach. A home visit also gives us an insight into the problems the applicant is describing.

This means that we can help applicants put their options in context when agreeing a PHP. For example, we can provide information about local housing conditions to help the applicant to assess whether moving from their current home is in their best interest. We can explain that alternatives within the current rental market may mean less space, less attractive locations and higher rents.

## Assessment and personalised plans

We anticipate that PHPs will form the basis of a more positive work practice.

We are working on standard forms for PHPs, the assessments on which they are based, and notifications and decision making so far as possible. However, the crucial issue is the way we engage with our customers as individuals. The paperwork should be a record of how we assess and make plans with each customer, not an end in itself.

There are undeniable tensions between customers' expectations and how far we can meet them. But conversations about solutions can be more meaningful when they are not driven by the processing of a homelessness application. Try engaging positively with a household facing homelessness after you've told them they're likely to have caused this situation intentionally!

Of course, this may be wishful thinking. We have concerns about legal challenges and the additional pressure on our reviews service. We are also concerned about how we prove that an assessment is acknowledged and a plan agreed by an applicant. If we undertake most assessments and plans on visits we need document signature technology that will evidence agreement by the applicant, bearing in mind that if s/he does not agree with the plan, we will need to take the further step of recording the reasons for this.

We are not sure yet how we will tackle the issue of 'non-cooperation' with actions in the plan.<sup>4</sup> Our options for making suitable offers are limited by high local rents, so if applicants don't comply with the steps outlined for them we may need to discharge duty. We have concerns that by warning of this possibility, we will lose the kind of positive engagement which underpins our early intervention approach and the success of the HRA.

## Early intervention a priority

Our first focus must be to encourage early applications, and to prevent homelessness through sustainment of existing accommodation. Where an applicant has already become homeless and the relief duty applies, accommodation secured must be affordable. Given that almost all private sector housing in BHCC is too costly for those on low and medium incomes, and that our duty involves taking into account the wishes and preferences of the applicant,<sup>5</sup> success in complying with the HRA will rely on achieving early positive engagement.

## Changing role of the caseworker

Engaging our customers from the very start will require a considerable change in how our caseworkers do their jobs. Officers' roles will need to incorporate a more coaching-centred approach than the traditional processing of applications to reach decisions on accommodation duties. Of course, we will still have to decide on those duties in many cases, but across our applicant cohorts, including non-priority and intentionally homeless households, prevention and relief duties must be applied.

## Collaborative working

Trailblazer has enabled us to develop and/or enhance collaborative work, for example:

- social workers work with our housing duty teams to provide quick and holistic interventions when they're needed
- working relationships with existing partners such as Sussex Nightstop and Brighton & Hove Mediation Service have been enhanced. Equinox is being funded to intervene where substance misuse or addiction may be causing homelessness
- Sussex Central YMCA, another existing partner, is working in schools to increase awareness of homelessness
- we are building joint working practices with Southdown Support<sup>6</sup> to enhance their existing early intervention practice.

We need to go beyond understanding service remits and having effective referral pathways to developing joint approaches to mutually agreed outcomes.

## Conclusion

There will be a lot to be learned while the HRA is implemented. The new Act does not address housing supply but we are committed to using the changing landscape around homelessness prevention to make the biggest impact we can by preventing homelessness using early intervention. If successful, we envisage our existing service changing from Housing Options to a Housing Solutions service. Certainly, our services must prioritise prevention in a way we have not seen before, and, together with our partners, we must work on building resilience to housing problems and bring about a culture of planning with regard to housing.

## For more information

Contact [bob.proctor@brighton-hove.gcsx.gov.uk](mailto:bob.proctor@brighton-hove.gcsx.gov.uk)

## Footnotes

<sup>1</sup> [MHCLG Rough Sleeping Statistics Autumn 2017](#), 25 January 2018.

<sup>2</sup> The change from Temporary Accommodation Management Fee to flexible homelessness support grant (FHSG) was announced in the government's [Autumn Statement 2015](#) and brought in with effect from 1 April 2017. Under FHSG a fee for temporary accommodation is only paid for households accepted as homeless.

<sup>3</sup> Trailblazer funding award was £1.3m April 2017 – March 2019. See [Gov.uk](#) for details of successful bids to the Homelessness Prevention Programme.

<sup>4</sup> The HRA introduces the concept of reasonable steps to be taken, with or without the applicant's agreement, in order to prevent or relieve homelessness. A failure to do so may result in discharge of the main housing duty. At BHCC we are seeing this in a similar context as the 'claimant commitment' in Universal Credit but wishing, at first point of contact and as a principle of work practice, to enable a collaborative approach to resolving housing problems for applicants.

<sup>5</sup> para 11.10 Draft Code of Guidance on Homelessness, DCLG, October 2017.

<sup>6</sup> Southdown Support provides floating support under the umbrella of Southdown Housing.

# Leeds: culture change and the HRA

**In this article, Bryan Wagner-Adair explains how Leeds Housing Options sees the HRA as an opportunity to build on its current culture and practice.**

**Bryan Wagner-Adair is Principal Housing Advisor in the Housing Options team.**

The Homelessness Reduction Act 2017 (HRA) is the biggest shake up to homelessness legislation since 1977. In Leeds, we have welcomed the Act as codifying and extending our current culture and practice. However, we are not complacent about the challenges the HRA will present in terms of procedural change and workload.

## Homelessness in Leeds

Leeds has a population of around 781,000 people. Leeds Housing Options sees around 100 people per day in its city centre office, and around 50 more through outreach. The last published figures show that Leeds has 32 households in temporary accommodation (TA) and 27 rough sleepers. This is significantly fewer than might be expected in the current climate, where households in TA and sleeping rough are increasing nationally.

We believe that the changes we have made over the last five years to the culture within Leeds Housing Options are the reason for our performance.

## Preparing for the HRA

The first step we took to prepare for the HRA was to get all of our managers in a room with a copy of the Bill. Then we read it. It may sound trivial, but making time to read the legislation and the [accompanying materials](#) was an important step.

As a team, we discussed our understanding of the legislation and its impact on us. We wrote up six case studies - reflecting the most common types of case we see – with a ‘what would happen’ summary for each one under the existing rules. We then wrote the same brief for each case under the new rules. This helped us to get our heads around what was different, practically, under the HRA.

We attended any courses that we could find on the subject, and with each training course, each seminar, and each new article we went back to our case studies and rewrote our ‘what will happen under the new rules’ summary.

When we weren’t sure of something (eg could we make a section 184 decision before

the relief duty had ended?) we wrote the questions down and took them to the next training/conference to ask.

By the end of this period we had six fully worked out examples with detailed explanations of how these would resolve under the new rules. In so doing, we, as a management team, got our heads around the HRA.

## Cultural aspects

We had heard that a ‘significant culture change’ would need to take place post-HRA. No longer would local authorities send ‘not in priority need’ customers on their way with a smile and some good wishes. Now that we had got our head around the procedural and legal aspects of the HRA, we focused our attention on the cultural aspects.

At its core, the HRA aims to force local authorities to do two things:

- provide assistance to everyone, regardless of their priority need/intentional homelessness status
- make the resolution of housing needs a joint process, with the council and the customer both taking responsibility. This is done in the context of an increasingly bespoke approach to the assessment of need – both housing need and more generally those needs which, when unmet, contribute to homelessness.

## What needed to change

Five years ago, if you came in to Leeds Housing Options we would have done two things (badly): we would have forced you down a legislative route to housing (are you homeless? Yes – section 184 assessment/ no – go away) and we would have told you a long list of reasons why you could not have the thing you wanted.

This didn’t work well, and was reflected in our numbers in TA at that time.

## Changing our approach

With a change of management, a new approach swept through our dusty halls.

Firstly, we encouraged our staff to start thinking in terms of 'housing needs' and 'housing outcomes'. What caused the need in front of you and what can you do to assist the person to resolve that need? The focus moved beyond just 'priority need', 'intentional homelessness' and 'decision' to making 'prevention' a first consideration.

Secondly, we stopped saying 'no'. Rather than say 'no, you can't have a council house in the highest demand area of the city', we rather said 'yes', that is an option, here are its advantages and disadvantages. Let's also talk about your other options and the advantages and disadvantages of those'.

It seems simple, but not saying 'no' upfront and acknowledging the right of a customer to self-determine puts the entire interaction on a different footing. No longer does the customer feel that you are trying to deny them. They begin to feel that this is a collegiate endeavour and you are making a plan together – a personal housing plan if you will.

These changes, along with cultural changes within our management team, have had a massive impact.

### **Our culture and the HRA**

The culture we have worked hard to embed over the past five years is very closely aligned with the culture now demanded by the HRA. For us it will be augmented and complemented by the HRA.

It is evident how a culture of joint endeavour and a focus on prevention fit well with the new duties under the HRA. Sitting down with someone, identifying the reasons they are at risk or have become homeless and, together, coming up with a plan to resolve the immediate housing need as well as tackling the reasons for that need - this is the 'bread and butter' of Leeds Housing Options.

While there may be more paperwork, a lot more reviewable decisions and a new framework to learn, the essence of the HRA is already well embedded in the culture here. That has made preparing much easier.

### **Challenges**

There are some challenges for us associated with the implementation of their HRA that we have yet to work out. Two challenges in particular are:

- *administering the HRA*
- *more reviews*

### *Administering the HRA*

We have heard from colleagues in Wales and Southwark that we can expect our 'back office' functions to increase by around a quarter or more. One of the biggest elements of this will be the need to keep personalised housing plans (PHPs) under continual review.

We have not yet settled on how we will do this. Will we text or e-mail people and ask them to contact us if there are any changes to their situation or, given that the client group with whom we work don't always have access to mobile phones or the internet, are regular meetings needed?

We will probably end up with a combination of both, with an emphasis on customers logging on to their 'PHP online' and keeping us updated of any changes to their situation, especially as Leeds, like most other local authorities, is increasingly moving towards online service provision.

### *More reviews?*

Under the HRA, the number of decisions that can be reviewed is increased. Until the Act goes live and local housing solicitors have had an opportunity to engage with clients, there is no way for us to know how many reviews we can expect, or the nature of such reviews.

While we will strive, for example, to agree the steps in the PHP with applicants, it is inevitable that some applicants will not agree to our proposed steps and the plan will have to be produced without agreement. How many of these applicants will then seek a review of the proposed steps? How 'light touch' can these reviews be? Will many of the reviews lead to applications for appeals until there is a body of case law? None of the questions can be answered until we go live.

### **Technical and other changes**

For Leeds Housing Options there is the additional challenge of the implementation of a new ICT system and a move to a new office, both scheduled to happen at roughly the same time as the HRA goes live.

It will, no doubt, be a busy few months for us!

### **For more information**

Contact

[bryan.wagner-adair@leeds.gov.uk](mailto:bryan.wagner-adair@leeds.gov.uk)

# Southend: planning for the unknown

**In this article, Phill Warren focuses on some of the uncertainties around implementing the HRA.**

**Phill Warren is Community Housing Manager at Southend-on-Sea Borough Council.**

Southend-on-Sea is a densely populated seaside town. Like most of the South-East, it has many private rented sector rents that far exceed the local housing allowance rates.

Increases in rough sleeping over the last year mean that our annual rough sleeper count puts us in the top 10 for numbers nationally.<sup>1</sup> A sobering thought for a small town like ours, particularly as single homeless people are the very cohort the Homelessness Reduction Act 2017 (HRA) was largely brought about to help.

## Preparing for the HRA

In preparation for the Act's implementation, my officers and I have been on the training courses delivered by NPSS<sup>2</sup> and others. We've been to see how the trailblazer project in Southwark is working and have no doubt exhausted the limits of Ian Swift's patience.<sup>3</sup> He must have been asked the same questions from other councils so many times that he hears them in his sleep.

We've been to conferences, had dedicated team meetings, pored through the draft Code of Guidance and set up our personalised housing plan templates.

We are in the process of revamping our information leaflets and website.

We're setting up pathway plans, reviewing our private sector offer and talking to all the agencies and providers we can think of.

And that's the easy stuff.

## Planning for the unknown

What's especially hard is preparing for the questions we don't know the answers to. You are probably asking them too:

*Numbers:* how many more people will access our service after the HRA comes into force, and will they arrive in a flood or a trickle?

*Stage of approach:* will we see more people at the prevention or relief stage?

*Single people or families:* will we get more approaches from single people?

*Process:* how will the additional review stages affect the process?

*Mind-set:* how will officers cope with the massive change of mind-set required?

*Initial reception:* is our current reception process the right way to deliver the service?

*Office space:* if our interviews are going to double in length (as Southwark's have), do we have enough interview rooms?

*IT:* can our IT system deliver on the new requirements?

*Funding:* will we really generate so many savings that our services will be self-funding within three years? (I'm pretty sure I DO know the answer to this one).

Without the answers, it's hard to decide how many staff to recruit and into which posts, or whether to totally restructure the team or just tweak it. I can't definitively argue the case for redesigning the 'front door' to the service or for spending tens of thousands of pounds on a new software solution.

## Building on what we have

Because the HRA introduces a raft of new duties and differs in key ways from the Welsh Act, I can't say with certainty what the impact will be on my service.

However, even though we move into an uncertain future, there are things I can be certain of. My officers deliver a fantastic service now and will continue to do so. My team want to help people and that's what they'll continue to do.

We'll carry on negotiating with landlords and family members to keep people in tenancies. We'll keep clearing arrears when it's the responsible thing to do. We'll keep giving people honest and meaningful advice on what they can do to help themselves. We'll continue to innovate as we did with our Housing First property for rough sleepers with complex needs.

If you're advocating for someone with a local authority come the HRA, just bear in mind that this is all new for us too.

## For more information

Contact [PhilWarren@southend.gov.uk](mailto:PhilWarren@southend.gov.uk)

## Footnotes

<sup>1</sup> [MHCLG Rough Sleeping Statistics Autumn 2017](#), 25 January 2018.

<sup>2</sup> [National Practitioner Support Service](#), which supports local authorities to prevent homelessness.

<sup>3</sup> Ian Swift is Group Services Manager for Southwark Housing Solutions. Southwark is the only council currently running a full Homelessness Reduction Act service.

# Lewisham: working collaboratively

Article

Lewisham council faces huge challenges in dealing with homelessness. The increasing demand on the service is mainly driven by a shortage of affordable homes.

Despite the pressure, we have seen only a small increase in the number of households living in temporary accommodation, and a significant reduction in nightly-paid accommodation. This is because we:

- recognise that early intervention is a cost-effective way of dealing with homelessness, which provides better outcomes for applicants
- have taken a multi-faceted approach to increasing the supply of permanent housing and more sustainable forms of temporary accommodation.

## Driving up supply

To help prevent homelessness, we have increased the supply of housing by:

- buying 100 properties on the open market
- converting a former care home into 21 units of temporary accommodation and an empty office block into 27 units of temporary accommodation
- creating **PLACE Ladywell**, an innovative 'pop-up' temporary housing village and community space for 24 families.

## Using council-wide data

Through our Trailblazing programme, and alongside existing digital transformation projects, we are combining data across council departments to identify households at risk of homelessness and developing support interventions to target these households.

## Rethinking service design

We are developing a prevention hub. The hub pulls together a range of services, both internal and external, and allows us to focus not just on homelessness prevention but also on addressing the root causes of homelessness. The hub will offer a:

- wide-ranging assessment that takes customers' personal circumstances into consideration

- bespoke range of services and options to help customers out of homelessness (or risk of homelessness) in the short term, and to become more resilient against potential causes of homelessness in the long term.

Examples of work facilitated by the hub are:

*Benefits:* we have tested how our housing benefit department's expertise can increase effective homelessness prevention.

*Employment:* in partnership with the DWP, we will be recruiting specialist advisers to help clients find sustainable employment.

*'Find a home' workshops:* these workshops support our customers to find PRS accommodation and arrange viewings. Letting agents often give advice and tips, and share details of available properties.

*Children's services:* a housing officer is based in Lewisham's multi-agency safeguarding hub to offer advice or earlier interventions. This helps make preventing homelessness a priority across the council.

*Deposits and loans:* Since November 2016 we have operated a rent deposit scheme using the credit union, which has helped 21 customers secure PRS accommodation. 20 per cent of these loans have already been repaid. We have also provided 100 prevention loans, and over half of these have been repaid.

## Rethinking initial contact

We are improving initial customer contact by offering interviews in different locations, such as libraries and a local credit union. We have changed the language we use away from more formal assessment and legal jargon, and we include questions that seek to understand the problem from the customer perspective. As part of this 'collaborative conversation' prototype, we make it clear that both parties have responsibilities by using the word 'we'.

Although appointments take longer, results are encouraging. This work has also fed into our trials of personalised housing plans.

## For more information

Contact [Lee.Georgiou@lewisham.gov.uk](mailto:Lee.Georgiou@lewisham.gov.uk)

**In this article, Lee Georgiou explains how Lewisham council is getting ready for the Homelessness Reduction Act by trialling new ways of working in order to improve homelessness prevention.**

**Lee Georgiou is Housing Needs and Refugee Services Manager at Lewisham council.**

# Local connection and the relief duty

**In this article, John Gallagher considers when a local authority may make a referral on the ground of local connection after the Homelessness Reduction Act comes into force.**

**John Gallagher is principal solicitor at Shelter.**

Local connection is often regarded as the fifth test in the series of tests which make up the 'main' housing duty owed by a local housing authority under Part 7 of the Housing Act 1996 to a homeless person. The first four tests<sup>1</sup> determine whether the main duty is owed. Only after a local authority has accepted the main duty can it consider which authority is to discharge the duty.

## The current position

In the following circumstances only, the first authority has the option of referring the applicant to the second authority, which will then be responsible for the main duty. The circumstances are that the applicant:

- has no local connection with the authority applied to, and
- has a local connection with a different local authority, and
- is not at risk of domestic or other violence in that area.

## Earlier referral under the HRA

But change is imminent. Under the Homelessness Reduction Act 2017 (HRA), local connection will be promoted into a more mainstream role. It can make its entry at a much earlier stage, when an applicant is owed the relief duty by the authority to which s/he has applied.<sup>2</sup> Effectively, it can be treated as the third test in the process, ie **after** the authority is satisfied that the applicant is homeless and eligible, but **before** it has considered priority need and intentional homelessness.

This development is brought about by the new section 198(A1), as follows:

*If the local housing authority would be subject to the duty under section 189B [the relief duty]... but consider that the conditions are met for referral of the case to another local housing authority in England, they may notify that other authority of their opinion.*

So, where an eligible applicant is already homeless, and local connection referral conditions are met, the first authority (Authority 1) can refer the relief duty to another authority (Authority 2).

## What happens on referral

A referral at the relief duty stage sets in motion the following procedure:<sup>3</sup>

### Notification to 2nd authority

As soon as Authority 1 notifies the applicant that they have notified (or intend to notify) Authority 2 of their opinion that the conditions for referral are met, Authority 1:

- no longer has a duty to provide interim accommodation for an applicant under section 188<sup>4</sup>
- is not subject to the relief duty.

However, Authority 1 must continue to provide accommodation under s.199A(2) to an applicant who may be in priority need until s/he is notified as to whether Authority 2 has accepted the referral.

### Notification to applicant

When the two authorities have reached a decision on whether the referral conditions are met, Authority 1 must give the applicant a notice under s.199A(3) of the decision and the reasons for it to the applicant. The notice must also inform the applicant that s/he has 21 days to request a review of the decision.

### 2nd authority rejects referral

If Authority 2 rejects the referral, and Authority 1 accepts that decision, Authority 1 must carry out the relief duty. The 56-day period<sup>5</sup> runs from the date of the s.199A(3) notification of the decision to the applicant. Where there is apparent priority need, Authority 1 must continue to accommodate until the relief duty comes to an end, or until the authority decides what other duty they owe to the applicant, whichever is the later.

### 2nd authority accepts referral

If Authority 2 accepts the referral, Authority 1 will owe no further duties to the applicant. The applicant is to be treated as if s/he applied to Authority 2 in the first place. Authority 1 must give Authority 2 copies of any assessment of the applicant's case which it has done (including a personalised housing plan (PHP) if the applicant was previously assisted under the prevention duty).

Where the applicant has requested a review of a decision that referral conditions are met, Authority 1 has discretion to provide accommodation for the applicant pending its review decision.<sup>6</sup>

Where the applicant is already homeless when s/he approaches Authority 1, and on an initial assessment it appears that s/he has no local connection with that authority, Authority 1 will still need to carry out an assessment of the applicant's circumstances and housing needs<sup>7</sup> pending notification that Authority 2 has accepted the referral. Following such notification, Authority 1 must give a copy of its assessment to Authority 2. Authority 2 will then be able to draw on that assessment in making its own assessment and in preparing the PHP.

### **Dispute between authorities**

Where the two authorities are unable to come to an agreement as to whether the referral conditions are met, the dispute may need to be referred to arbitration, according to the procedures set out in the Local Authority Agreement.<sup>8</sup>

### **No referral of prevention duty**

Where the applicant is threatened with homelessness, the prevention duty arises. This duty cannot be referred, even if the applicant's current accommodation is in the district of Authority 2. In this case, Authority 1 must assess the applicant under section 189A and prepare the PHP. The 'reasonable steps' in the PHP may include making contact with Authority 2, since that authority is likely to be in a better position to prevent homelessness in its own area.

But where prevention has failed, the applicant becomes homeless, and the relief duty arises, Authority 1 may then make a local connection referral (if the conditions are met) in the same way as if the applicant had approached Authority 1 when s/he is already homeless.

### **Referral after acceptance of main duty**

It is likely that, where Authority 1 has reason to refer the applicant to Authority 2 on local connection grounds, it will do so at the first opportunity, ie at the relief stage. If, however, it does not do so, and goes on to accept the main housing duty under s.193(2), it then has a second opportunity to refer the applicant to Authority 2, in the same way as under the existing law.

## **Practical issues**

(1) Can an authority make a referral immediately following an applicant's homeless application?

A referral can only be made where a relief duty is engaged. Before this, Authority 1 must be 'satisfied' that the applicant is homeless and eligible. So, in order not to sacrifice due process to speed, an authority may have to hold off on making a referral immediately following a homeless application if there is any doubt about either condition being met. In addition, if the applicant has been placed in interim accommodation, s/he will need reasonable notice before relocating.

(2) Section 21 and referral

Where an applicant is threatened with homelessness because s/he has been served with a valid s.21 notice, the prevention duty will continue beyond 56 days. But Authority 1, following the strong guidance in para 6.36 of the draft Code,<sup>9</sup> may decide to make a local connection referral after the expiry of the s.21 notice on the basis that the applicant is now homeless because it is not reasonable for her/him to continue to occupy. Authority 2 may, however, dispute the decision that the applicant is homeless.

(3) Non-priority need applicants left in limbo

There is no duty to provide accommodation to a person who is not in priority need. Where Authority 1 makes a local connection referral, neither Authority 1 nor Authority 2 will owe an applicant without an apparent priority need a relief duty until they have reached a decision on local connection. An applicant who is in priority need will be accommodated during the referrals process through s.199A(2).

## **Developing referral protocols**

A referral protocol between authorities should contribute to improving cooperation between authorities. Under a protocol, the 'receiving' authority (Authority 2) could agree to:

- respond to a referral within, say, 48 hours, and provide interim accommodation where appropriate
- accept a referral where a section 21 notice has expired so that Authority 2 (usually the authority where the home is located<sup>10</sup>) can pick up the relief duty at an early stage.

## **Footnotes**

<sup>1</sup> Under the first four tests, an applicant must be statutorily homeless or threatened with homelessness, eligible, in priority need and not intentionally homeless.

<sup>2</sup> Relief duty is under s.189B Housing Act 1996 as inserted by Homelessness Reduction Act 2017. See flowchart on page 3.

<sup>3</sup> s.199A Housing Act 1996 as inserted by Homelessness Reduction Act 2017.

<sup>4</sup> Where there is apparent priority need.

<sup>5</sup> The relief duty will normally last for 56 days (s.189B(7)(b)), unless brought to an end by one of the other means set out in s.189B(7) or (9).

<sup>6</sup> s.199A(6) Housing Act 1996 as amended by Homelessness Reduction Act 2017.

<sup>7</sup> s.189A(2) Housing Act 1996 as amended by Homelessness Reduction Act 2017.

<sup>8</sup> The Local Authority Agreement can be found in Annex 18 of the Homelessness Code of Guidance, DCLG, 2006.

<sup>9</sup> [Draft Code of Guidance on Homelessness](#), DCLG, October 2017.

<sup>10</sup> The current home could be in a third area (A3), but the applicant with a connection to both A2 and A3 may express a wish to be referred to A2. Or the applicant might run the risk of violence in A3, but has a local connection through family associations with A2.

# Universal credit: housing costs (renters)

**This leaflet is the second in a series on universal credit.**

**In this leaflet we look at help with housing costs for renters.**

Universal Credit (UC) can include a payment for housing costs.

## Claiming housing costs for your rent

Normally the tenant will claim for help with housing costs. In some cases, other people living in the property can claim instead, for example, the tenant's partner.

Fill in the details of your rent on the claim form when you claim UC. You will need to provide evidence, such as a tenancy agreement or a letter from your landlord.

## Who can't get UC housing costs

If you are aged between 18 and 21 you won't normally qualify for UC housing costs but there are exceptions.

If you live in some types of supported accommodation such as a hostel you will have to claim housing benefit instead of UC housing costs.

Some people can't claim UC at all. See the leaflet *Universal credit* for details.

## How it is paid

Help with your rent is normally paid to you as part of your total monthly UC.

However, sometimes the jobcentre will pay your housing costs direct to your landlord instead of to you. This is called a managed payment. You or your landlord can ask for this and the jobcentre will decide based on your circumstances. For example, claimants with addiction problems or serious rent arrears will normally be given a managed payment. Some claimants, such as those who are disabled or in temporary accommodation, can be given one.

## How much you get

If you rent your home from a private landlord, the maximum you can get is the local housing allowance (LHA) rate for the area you live in. Your LHA depends on the number of bedrooms the government says you need.

If you rent your home from the council or a housing association and you are of working age the calculation will start with your full rent. However, you may get less because of the bedroom tax if you're classed as having a spare bedroom.

Some charges for communal areas which are included in your rent, such as cleaning and heating, can be paid through UC. But others, such as payment for water or gas within your home, will be deducted. The amount of help with housing costs you can get may be reduced if:

- your income is above a certain level
- there are adult family members living with you ('non-dependants').

## Deductions from UC for rent arrears

If you have rent arrears, get advice as soon as possible on how to manage them. Some of your UC could be deducted and paid to your landlord which might cause you hardship.

## If you are away from home

You can get help with your rent even if you are away from home temporarily. This will be for a limited time, depending on your circumstances. For example, you must return within one month if you are going abroad.

You may be able to get help with the rent for two homes for a limited period, for example, if you are living in a refuge because of domestic violence but expect to return to your previous home.

## If you have a shortfall

If your help with housing costs is not enough to pay your rent, you can request a discretionary housing payment (DHP) from your local council (not the jobcentre). See the leaflet *Discretionary housing payments* for details.

If you have a spare room, you could take in a lodger. Check if you need your landlord's permission first. The income you receive from renting out a room should not affect your UC.

## Further advice

You can get further advice from Shelter's free\* housing advice helpline (0808 800 4444), a local Shelter advice service or local Citizens Advice office, or by visiting [shelter.org.uk/advice](https://www.shelter.org.uk/advice) or [adviceguide.org.uk](https://www.adviceguide.org.uk)

\*Calls are free from UK landlines and main mobile networks.

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**Note**  
Information contained in this leaflet is correct at the time of publication. Please check details before use.