

REPORT TO: PEOPLE SCRUTINY COMMITTEE

Date of Meeting: 7 June 2018

Report of: Richard Crompton – Interim System Lead, Housing Needs.

Title: Implementation Plan and Impact of the Homelessness Reduction Act (Progress report)

Is this a Key Decision?

No

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

Executive.

1. What is the report about?

This report summarizes the main changes and measures being introduced as part of the Homelessness Reduction Act 2017 (which came into effect on 3rd April 2018) and updates on the implementation of measures, challenges and impact for the Council in meeting the legal requirements of the act (HRA 2017) to date.

2. Recommendations:

That Committee notes the progress and actions undertaken to date and further plans to develop the service in accordance with the Act.

3. Reasons for the recommendation:

To ensure members are informed of the operational, legal and financial implications of the Act upon the Council and the implementation of measures to meet these new obligations and improvements for the delivery of homelessness services to customers

4. What are the resource implications including non-financial resources?

There are no new resource implications. A restructure of the Housing Needs department with additional staffing resources was approved by Executive in February 2018 and recruitment is underway at present. Whilst the restructure and recruitment process is drawing on management time simultaneous to the implementation of the HRA 2017 a completion date for recruitment is anticipated by mid-July.

Additional staffing resources are being subsidized through the diversion of money from the Resettlement Strategy, savings from changes to temporary accommodation, and DCLG grant funding. These savings remain on track so no additional resources are anticipated at present.

The Government has also provided short-term funding to aid local authorities to prepare and implement for HRA 2017. The allocation of “new burdens funding” to Exeter City Council is £124k over a three year period (£41.3k pa). The funding awarded to Exeter is ring-fenced in terms of a requirement to spend to alleviate additional service delivery costs in homelessness and housing advice. There are no specified prescriptions for spending these funds although MHCLG have stated they intend to audit expenditure and most authorities are expected to use the funding to increase frontline staffing. The Council has already allocated the funds to

staffing resources built into the current housing needs service restructure).

MHCLG has also provided a capital fund component of £9k specifically for I.T. enhancements. The money has been committed to paying for the necessary HRA 2017 upgrade to the current homelessness database CDP Hoams.

5. Section 151 Officer comments:

There are no additional financial implications arising from this report.

6. What are the legal aspects?

Please note the legal implications are set out in more detail in paragraph 8.4 below.

The right to appeal the Council's decision operating previously remain largely the same and intact under the new legislation. However, under HRA 2017 the number of review points has more than doubled, thereby likely to increase the number of appeals received as well as increasing the number of complaints received by the Ombudsman.

7. Monitoring Officer's comments:

The in house legal team deal with all housing appeals that are received. Given the number of appeals are anticipated to increase, the level of legal support may need to be reviewed accordingly. Otherwise, this report raises no issues for the Monitoring Officer.

8. Report details:

Background

The Homelessness Reduction Bill received Royal Assent and therefore became an Act of Parliament on the 27 April 2017. The new acts puts more emphasis on homelessness prevention activities by placing new legal duties on local authorities to provide meaningful support to everyone who is homeless or at risk of homelessness, regardless of whether they are in priority need or 'intentionally homeless', as long as they are eligible for assistance.

Exeter City Council has adopted a preventative approach to service delivery over recent years, which is assisting with the transition to the new requirements. However, the change in law contains a new suite of assessments and a new pathway which requires the service to adapt its processes and procedures as well as adopt new templates of work.

Details of the Homelessness Reduction Act 2017:

"Threatened With Homelessness"

Current legislation (Housing Act 1996 as amended by Homelessness Act 2002) defines that a person is considered to be threatened with homelessness if it is likely that they will become homeless within 28 days. The Homelessness Reduction Act 2017 doubles the number of days from 28 to 56. Anyone accepted by the Council as being threatened with homelessness will be owed the new prevention duty and we must take 'reasonable steps' to help them avoid becoming homeless.

This could include activities to help retain accommodation such as mediation or arrears management plans or assisting them to access new accommodation through the private rented sector, social housing or supported accommodation.

Providing Advisory Services

The Housing Act 1996 requires that local authorities must ensure advice and information around homelessness and preventing homelessness is available free of charge to everyone in their district. The new act will require a more robust approach to advisory services with the need to provide information and advice on:

- Preventing homelessness
- Securing accommodation if homeless
- The rights of people who are homeless or threatened with homelessness, and
- Any other support (provided by the local authority or any other local organisations) that is available for people who are homeless or likely to become homeless as well as how to access that help.

Local authorities will also need to ensure that advisory services can be tailored to meet the needs of particular groups who are at increased risk of becoming homeless e.g. care leavers, prison leavers, former armed forces personnel, domestic abuse victims, hospital leavers and people with mental health and / or substance misuse issues.

Duty to Assess and Agree a Plan

The Homelessness Reduction Act also stipulates that the support offered to eligible applicants is to be more robust than currently required. Once a local authority is satisfied that someone is eligible for assistance and homeless or threatened with homelessness an assessment should be carried out which includes;

- The circumstances that have caused homelessness / potential homelessness
- The housing and other support needs of the applicant and their household
- A personalized plan (PHP) setting out steps for the applicant and the Council to take to ensure accommodation is secured and/or retained.

An applicant's assessment and plan must be kept under review and updated as necessary, until the local authority has determined that no further duty is owed.

Duty to Relieve Homelessness

Under the new Act, the Council will have a duty to help all eligible homeless applicants to secure accommodation for a period of at least 6 months, regardless of whether they are in priority need or 'intentionally homeless'. This is a change from the current position where advice and assistance is required to this cohort. The new legislation requires that practical steps are taken to relieve the homelessness and advice alone is not sufficient. Those in priority need will be provided with interim accommodation whilst steps are taking place to secure future settled accommodation.

Right to Review

The Homelessness Reduction Act 2017 gives applicants the right to request a review of any decision made by the local authority (in addition to those laid down in current legislation) regarding:

- Steps set out in assessment plans;
- Giving notice to withdraw prevention or relief duties;
- The Suitability of accommodation offered.

Public Authority Duty to Refer

Finally, under the new act, a new 'public Authority Duty to Refer will be introduced in October of this year'.

Under this duty, “specified public authorities” e.g. other statutory services such as prisons, social services departments etc., will be required to refer details of people who they consider being homeless or threatened with homelessness to their local authority (if the person agrees to the notification being made). The Council will then need to make contact with this individual for assessment.

9. Impact of HRA 2017 to date

With it being only 6 weeks since the Act came into effect it is difficult to precisely predict the impact on service demand. However the Government predicted that homelessness prevention caseloads will increase by approximately 25%- 30%. The Council has not to date experienced a rise in numbers presenting for advice or to make homeless applications. This may be partly due to the low level launch of the Act coupled with the fact that there has been no additional funds to increase housing options and supply.

The profile of contacts has also not altered in terms of the number of enquiries and applications made either in person at the Customer Service Centre, over the phone or via email, or through community services and partner agencies. However presentation numbers and profiles continue to be monitored. It is reasonable to expect slight increases in the number of applications from out of area (e.g. anyone can now apply from any area of the country to any authority under the new prevention duty) and across local borders.

Under the duty to refer (due October 2018) it may also be that certain statutory services increase referrals to the Council. The housing needs department is liaising with those partner agencies in preparation for this new duty to streamline local protocols and ensure referral criteria and eligibility are clearly understood and expectations are managed.

Based on early adopters of the Act (e.g. Southwark Borough Council) the Government also estimated that there would be an increase of 50% for review requests (appeals) in line with the new duties. Again, it is too early to identify any changes; the Council receives approximately 25 review requests per annum regarding homelessness decisions and this number also remains constant at present. However this is likely to be influenced by case-law expected to emerge with larger authorities once some of the technicalities and nuances of the Act are examined in court.

10. Implementation Work

The Council devised a bespoke Implementation plan in collaboration with Teignbridge District Council back in September 2017 in order to prepare the ground for the new Act. This has focused on the following areas:

Frontline service delivery

- A suite of new template letters has been produced in order to account for all of the different sections of the Act and to maximize efficiency in producing letters to customers.
- Whilst the housing needs assessment is largely unchanged the new personal housing plan was piloted in March and introduced on 3rd April. As an extra recording tool devised for the purpose of clarifying the reasonable steps both the applicant and the Council agree to take in order to resolve the homelessness issue, experience to date is that it is positively received by the customer. However it does add on average an hour to the interview and follow-up process which means that average initial interview times for homeless applications have increased from 1 hour to 2 hours.

- In order to manage this doubling of time the housing advice service has doubled the number of appointment slots in the weekly diary whilst still preserving the “emergency” duty service for households presenting as “homeless tonight”
- New advice guides have been written (and uploaded to the Council website) for general information as well as for relevance to specific groups of need / circumstance (e.g. prison leavers, young persons, hospital patients etc)
- A new pathway of decisions has been produced in order to enable customers and staff to better navigate their respective applications through the new duties and various stages of the Act
- The homelessness database system has been updated with HRA 2017 specific recording fields and case-management dashboards. Improvements have been funded by a one-off government grant of £9k. Further improvements in terms of a customer access portal are being explored.

Staff

- Staff (including managers) have received training from national trainers NHAS, and some staff have also received training from Homeless Link and Shelter. Further additional training is due to be delivered to all staff by a nationally recognized HRA expert on 17th May 2018. The training covers the new Code of Guidance and technical knowledge in depth and also includes cross-authority referrals and the duty to refer.
- As previously mentioned the restructure is running in parallel with the implementation plan and the service is being remodeled to incorporate an additional 9.0 FTE staff in housing advice and assessment, temporary accommodation access and management, and housing resettlement (move-on from temporary housing) into the private rented sector, social or supported housing. There are no redundancies within the re-structure.
- Specialisms for staff will also be developed once full recruitment is complete. Specialisms will focus on continuous service improvement with partner agencies whilst enabling better staff professional development.

Information & Learning Forums

- Information on the HRA 2017 has been shared with partner agencies through the revival of the homelessness forum. 3 events have been held to date with further dates planned.
- Partner agency staff have also received training in the form of assessments and referrals under the respective duties of the Act
- The personalized housing plans are being piloted by some agencies with a view to dissemination of practice (and reduction of duplication / inefficiencies).
- Advice guides have been co-designed with partner agencies and are being progressively reviewed for further improvements in terms of content and accessibility.

Public Information and Accessibility

Alongside the revision and expansion of online information on the Council website advice leaflets have also been produced and circulated amongst partner agencies and public services

A digital private rented housing access platform is under development at present in the form of a partnership project with Exeter CAB on an online housing tenancy passport to enable prospective tenants and landlords faster access to key information, training and funds to deliver tenancies

Housing Needs has also successfully been nominated as one of 5 authorities nationally to participate in a Local Government funded program to deliver an online triage, homelessness assessment and social housing application toolkit. This is a 6-12 month delivery project to enable households to self-diagnose and be signposted to appropriate services as well as remotely complete and submit information and evidence in support of homelessness applications and their ongoing management.

11. Impact on staff

(see Staff section above)

12. How does the decision contribute to the Council's Corporate Plan?

Delivery of the Homelessness Strategy, Reducing Rough Sleeping and Cost Effective Alternatives to Temporary Accommodation are corporate plan actions for the Housing Needs Team. The implementation of the HRA 2017 alongside the housing needs re-structure is designed to address these three areas.

13. What risks are there and how can they be reduced?

As per legal implications there is a risk of increased appeals against decisions on homelessness applications, especially whilst the new legislation is largely untested and interpretations of specific meaning are emerging. This carries both a reputational risk as well as financial risk in terms of potential legal fees and fines in the event of service errors or omissions. Case-monitoring will also be improved with an additional senior staff post and the improved I.T. database dashboard.

Another risk is reduced performance and low staff morale during the combined restructure and HRA 2017 implementation process. With recruitment currently underway and training programs having been delivered, staff have had the opportunity to trial-implement the new code of guidance without demand in terms of numbers of homelessness applications increasing as yet. Further training from external experts alongside internal procedural training will help to mitigate risk of malpractice and morale-related issues.

14. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

Homelessness affects many of the most vulnerable people in our community. The proposed changes enhance the service provided with greater attention upon a holistic approach to the individual.

15. Are there any other options?

n/a

Richard Crompton
Interim System Lead, Housing Needs

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:- None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275