

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	7 NOVEMBER 2017	5
<b>HOMELESSNESS REDUCTION ACT 2018</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

#### This report provides

- a. An overview on the introduction of the Homelessness Reduction Act. The Homelessness Reduction Act (HRA) gained Royal Assent on 27th April 2017 and will be implemented by Local Housing Authorities across England from 1<sup>st</sup> April 2018. The HRA will significantly reform England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have 'priority need'.

These include:

- a. An enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage;
- b. A new duty for those who are already homeless so that housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation.
- c. The financial support available to local authorities to support the wider statutory responsibilities created by the Act and the new initiatives that Fylde Council has, or is proposing to, put in place to support its new range of statutory responsibilities.

### RECOMMENDATIONS

1. To note the new provisions within the Homelessness Reduction Act 2018 and, in particular the extended range of statutory homelessness duties the Council is obliged to perform under the new Act.
2. To note the new initiatives Fylde Council are intending to introduce with the additional financial support that has been made available by Government to support Local Housing Authorities in implementing the Homeless Reduction Act 2018.
3. To recommend to Council approval of a fully-funded revenue budget increase for the total sum of £122,900. £98,862 funded by DCLG Flexible Homeless Grant and £26,038 funded by DCLG New Burdens Funding.

## SUMMARY OF PREVIOUS DECISIONS

None

## CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	√
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	√
Working with all partners ( <b>Vibrant Economy</b> )	√
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	

## REPORT

### The Homelessness Reduction Act 2017

1. The Homelessness Reduction Act (HRA) 2017 gained Royal Assent on 27th April 2017. The Act follows the introduction of similar legislation in Wales and places new responsibilities on local authorities to provide advice and assistance to prevent and endeavour to relieve homelessness, regardless of priority need, at an earlier stage.
2. The HRA will significantly reform England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have 'priority need'. These include:
  - a) An enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage;
  - b) A new duty for those who are already homeless so that housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation.
3. On 16<sup>th</sup> October 2017 the Draft Homelessness Code of Guidance was issued by the Secretary of State for Communities and Local Government for consultation to local housing authorities in England under section 182 of the Housing Act 1996. In accordance with section 182 (1) of the 1996 Act, housing authorities are required to have due regard to this statutory guidance in exercising their functions relating to homelessness and prevention of homelessness.
4. In 2016/17 Fylde BC completed 84 homeless applications and all of these households were found to be homeless or threatened with homelessness within 28 days. Prior to taking a Homeless Application households would have worked with the Authority through the preventative housing advice route to avoid the need for a homeless application. In 2016/17 we dealt with 355 cases for housing advice. Of these households, homelessness was prevented in 31 cases as they were able to remain within their own home and 31 households were assisted to find alternative accommodation prior to becoming homeless.
5. At the end of Quarter 2 2017/18 we have dealt with 132 requests for housing advice and taken 37 applications from households applying to the local authority as homeless.

### Homelessness Services introduced by the HRA 2018

6. National Practitioner Support Service has been working with local authorities in advance of the HRA and have produced a diagrammatic chart of support provided to Customers. The chart is available in Appendix 1. The key points to note are as follows:

7. Under current legislation local authorities have a duty to take a homeless application and consider its statutory duties to any household approaching the local authority for assistance who is threatened with homelessness within 28 days; under the new Act this period is extended to 56 days.
8. The new Act places a requirement for local authorities to support everyone to prevent homelessness and/or obtain alternative accommodation (homelessness relief) regardless of 'priority need' as defined by the existing legislation – Housing Act 1996 part 7 as amended by the Homelessness Act 2002. For those not in 'priority need', the current duty is for the authority is to use its best endeavours to provide accommodation but no formal duty to do so.
9. Local authorities will be obliged to agree a personal housing plan with **all** customers threatened with homelessness within 56 days. The plan will set out the action that need to be taken by both the authority and the customer to prevent and/or relieve homelessness. It will need to include an assessment of the applicant's support needs and tailor the plan accordingly.
10. The 56 days before the applicant becomes homeless is badged as the 'prevention phase' of the duty but, depending on what is agreed in the personal housing plan, this does not prevent the local authority and the applicant from agreeing that a homelessness relief option is preferable at this stage. Either way, the agreed solution should have a 'reasonable prospect' of being available for at least 6 months.
11. If, after the expiration of the 56 days, a solution has not been found and the applicant becomes homeless the 'relief' phase of the duty begins. Additionally some applicants will already be homeless when they first present to the local authority. The relief phase also lasts for a maximum of 56 days. For those in 'priority need' the authority will be obliged to provide temporary accommodation at the point of homelessness. The main way the authority can discharge the relief duty is to assist the customer to obtain suitable accommodation with a 'reasonable prospect' of being available for at least 6 months.
12. There are a number of additional ways in which a local authority's duties can be discharged at each stage of the process and these are outlined in the flow chart. One of these scenarios is where the applicant is notified that s/he has deliberately or unreasonably refused to cooperate outlined on page 6 and a s.193B decision can be made.
13. The prevention and relief phases of duty represent new statutory responsibilities for local authorities. If homelessness has still not been resolved and the duty has not been discharged by another means following the conclusion of these two phases, (page 3-4 Appendix 1), then the local authority is obliged to assess the application under the full homelessness duty.
14. The Act places significant additional administrative burdens on local authorities in exercising the new duties. There are potentially 10 to 15 stages in the new process where the local authority is required to issue a written decision and where these decisions are all subject to review.
15. In the flow chart at Appendix 1 each stage where a review is possible for the customer is highlighted with a red 'R'. Fylde BC currently receives on average one review per year to its homelessness decision. It is difficult to quantify how many reviews the Council is likely to receive under the new Prevention, Relief and Homelessness decisions from April 2018 and this will need to be monitored. Currently these are undertaken by a Senior Officer not involved in the original decision.
16. The process for homelessness data returns to government (The P1E) has also been overhauled and there is a significant increase in case level data required as a result.

#### **Funding provided by government to implement the HRA 2018**

17. **The Flexible Homelessness Support Grant (FHSG)** is a new source of funding announced by government in 2017. Local authorities have been awarded this grant for a two year period 2017/18 and 2018/19. This grant is not directly designed to cover the costs of implementing the Homelessness Reduction Act, however it will be of assistance in preparing services in readiness.
18. The FHSG is a direct replacement for the Temporary Accommodation Management Fee' (TAMF), which was distributed to local authorities by the Department of Work and Pensions until the end of March 2017. The fee made £60 available per week per eligible temporary accommodation unit operated by local authorities in

England. The formula for calculating FSHG allocations was based on levels of homelessness, family size and housing costs in the area.

19. The funding is ring-fenced for two years, after which it will be a named grant. From April under the previous TA subsidy system Fylde BC would have received £1.9k, instead under the new arrangements the Council was awarded £45,834. The new grant will empower councils with the freedom to support the full range of homelessness services. This could include employing a homelessness prevention or tenancy support officer to work closely with people who are at risk of losing their homes. Table 1 below details the additional services the Local Authority will provide with the FSHG.
20. **New Burdens Funding** was announced by Government on the 16<sup>th</sup> October 2017 at the same time the draft code of guidance was issued. The funding is an additional national funding of £72.7m to support all housing authorities in England in acknowledgement of the transitional support required by local authorities implementing new processes and systems to prepare for commencement of the new Act.
21. Fylde Borough Council has been allocated £26,038 over three years from 2017/18. Table 2 details how the grant will be used to provide an upgrade to the IT system within Fylde in preparation for the Homeless Reduction Act 2018.

Table 1 Flexible Homeless Grant	2017/18	2018/19	
Tenancy Support Officer – see Paragraph 27	£25,000	£25,000	£50,000
Debt Advice Service - see Paragraph 28	£18,835	£21,027	£39,862
Additional interim units provided by the YMCA – see Paragraph 29	£2,000	£5,000	£7,000
<b>Total</b>	<b>£45,835</b>	<b>£51,027</b>	<b>£98,860</b>

Table 2 New Burdens Funding – 3 year allocation £26,038	2017/18	2018/19	2019/10	
Upgrade IT system	£7,500	£9,000	£9,000	£25,500
<b>Total Annual allocation</b>	<b>£8,409</b>	<b>£7,703</b>	<b>£9,927</b>	<b>£26,038</b>

### **Fylde Trailblazer Funding**

22. In December 2016 Fylde BC, working jointly with Blackpool Council and Wyre Council were awarded two year Homeless Trailblazer funding from DCLG. The aim of the funding is to inform the development of policy and practice by local authorities in preparation for the Homeless Reduction Act. The funding will be used to develop innovative approaches to preventing homelessness by carrying out prevention activity earlier and work with a wider group of people and reduce the number of people who face a homelessness crisis in the first place.
23. This funding is assisting to change the Housing service at Fylde BC from a service that separates housing advice and homeless within 28 days with a focus on supporting households in priority need, to a service that focusses on the wider tenancy support needs of individuals. Ensuring tenancies are affordable and sustainable regardless of at what stage they have approached the local authority for housing advice, for example issues with anti-social behaviour, landlord complaints, housing benefit payment issues, section 21 notice served and initial support to source alternative accommodation.

24. Within Fylde the funding has been used to employ a Tenancy Support Worker to support a case load of vulnerable tenants across all client groups who are at high risk of tenancy failure to maximise their independence and minimise the risk of tenancy breakdown within both the social and rented sectors and the homeless. The post delivers a support service and coordinating packages of support for customers with complex needs such as mental health, drug or alcohol misuse issues, offenders and rough sleepers.
25. In addition a Housing Options Customer Services Specialist has been employed to provide a first point of contact, information and advice on Housing Options in respect of Fylde BC Homelessness, Housing Advice and Private Sector services, aiming to deal with 80% of customers at the first point of contact.

### **Preparing for the Act – New Initiatives**

26. Table 1, paragraph 6 detailed the intentions Fylde BC have for the FHGS Funding Allocation. These plans have been directly informed by the new approach to working with customers enabled by the Homeless Trailblazer Funding and adopting an end to end approach to housing support.
27. A new **Tenancy Support Officer post with a focus on the Landlord Incentive Scheme** and clients accessing DFG funding. This post will be temporary for a 12 month period with the opportunity for further extension if funding is available to coincide with the ending of the Homeless Trailblazer funding. This post will need to go to the Job Evaluation Panel and be created as a new post within the authority. It is hoped the post will be awarded an apprentice levy to enable the post holder to develop within the position. A Chartered Institute of Housing qualification at Blackburn College has been identified. Learning from the Trailblazer tenancy support officer post is demonstrating the impact additional housing support for vulnerable clients can make in securing and sustaining accommodation.
28. The shared benefit service with Blackpool Council, Money Advice Service and CAB will be approached provide a **debt advice service** for households accessing the service that have debt issues. Initially the specification is for a 21 hour post for a two year period.
29. **Two additional interim units for Homeless Households** have been sourced through the YMCA. A one bedroom ground floor flat and two bedroom second floor flat. Prior to April 2017 and the changes to Housing Benefit the subsidy for Interim accommodation was 90% Local Housing Allowance (LHA) rates plus management costs of £60. Due to the changes with Housing Benefit regulations in April 2017 these properties are no longer eligible for management costs as this funding is being paid direct to Local Authorities through the Flexible Homeless Grant. Fylde BC also have access to ten units of Interim accommodation provided by Progress Housing Group. Currently these are classed as exempt accommodation and levels of housing benefit are paid without reference to the LHA rates, as long as the full rental and services are deemed reasonable.
30. It is anticipated there will be a carry-over of FSHG funding into 2019/20 required which will coincide with a review of the Housing Service informed by the learning outcomes from the Homeless Trailblazer project and initiatives brought in via the FSHG and the impact of these on:
  - a. The change in the Housing Service following the introduction of the Homeless Reduction Act
  - b. The improved engagement and length of tenancies offered within the PRS via the introduction of a Landlord Incentive Scheme
  - c. The reduction in overall reliance of B&B accommodation by the Authority for households facing homelessness
  - d. The outcomes of the debt advice service
  - e. The outcomes for the customer working with the local authority through the new approach as defined by the HRA.

IMPLICATIONS	
Finance	To recommend to Council approval of a fully-funded revenue budget increase for the total sum of £122,900. £98,862 funded by DCLG Flexible Homeless Grant and £26,038 funded by DCLG New Burdens Funding.
Legal	Introduction of the Homeless Reduction Act 2018 and Reviews to Statutory prevention, relief and homelessness decisions
Community Safety	None arising from this report
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
DCLG Draft Homeless Code of Guidance and New Burdens Funding	16/10/2017	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652343/Draft_Homelessness_Code_of_Guidance.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652343/Draft_Homelessness_Code_of_Guidance.pdf</a>
Flexible Homelessness Support Grant	15/03/2017	<a href="https://www.gov.uk/government/publications/flexible-homelessness-support-grant-2017-18-to-2018-19">https://www.gov.uk/government/publications/flexible-homelessness-support-grant-2017-18-to-2018-19</a>

#### Attached documents

Appendix 1 – National Practitioner Support Service diagrammatic chart illustrating the practical implementation of the Homeless Reduction Act.