

Locata Spring Conference
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A new Prevention of Homelessness
Duty for England?

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What the session will look at

- * The Welsh Prevention Legislation – How it might work in England and how to prepare for a new duty
- * Is it an opportunity or a threat?
- * How it will potentially completely transform the legislation and the approach to tackling homelessness
- * Local Authorities, Shelter, 3rd Sector will all have to compromise on what they want from the new duty
- * Why winning ‘hearts and minds’ for it is as important as the technical changes to the law
- * We will look at the early learning and the outcomes from the first 3 quarter statistics

Will it happen? – All the public evidence indicates not if but when

- * Communities Minister Marcus Jones - December 17th 2015 that he “We will work with homelessness organisations and across government departments to explore options, including legislation, to prevent more people from facing a homelessness crisis in the first place”.
- * DCLG select committee – focusing on it.
- * Crisis Panel report published and breakfast launch with Marcus Jones speaking
- * Stories appearing in the Sun, Times and the Guardian
- * Cross Party Support from Labour
- * PM questioned on it by Jeremy Corbyn at PMQs 5th May
- * Informal soundings Between DCLG and LAs next week

Options for introducing a Prevention duty

Options are:

1. Amend the current legislation and 'bolt in on' OR
2. Radically overhaul the current framework.

Lesson from Wales – they looked initially to bolt it on but found that was not possible to make that work within the current part 7 legal structure – so went back to basics and redrew the legislative framework for part 7

How the Welsh Legislation works?

The new prevention duty

- * There are 2 'prevention' duties 1) to prevent a person from becoming homeless and 2) a duty to relieve homelessness for 56 days for those that are already homeless
- * These duties are 'blind' to the question of whether the person might be in priority need
- * The prevention duty arises if the the council are satisfied that the person is at risk of losing their accommodation within 56 days.
- * The relief duty arises if the council are satisfied that the person is homeless. The duty to relieve is not longer than 56 days whatever the outcome for the person

How the Welsh Legislation works?

The end of gatekeeping?

Triggering applications and the end of gatekeeping accusations in Wales

- * It is even easier than in England to trigger a homeless application given that the application is triggered with a test of any risk of losing your home within 56 days
- * Unlike England an application is triggered for people who approach for help to keep what they have as well as people seeking help to find accommodation or are applying for accommodation
- * The Welsh code of guidance states take applications if you think there is a threat regardless of any notice
- * In reality therefore accusations of gatekeeping cannot be sustained as anyone with a housing problem that may risk homelessness in the next 56 days with a notice or not will trigger an application

How is it different to England?

- ❖ England – straight into the statutory tests – E,H,PN,IH,LC
- ❖ In Wales the duty is 1) are they eligible then 2) to assess the problem, any support needs and what the applicant expects as a solution? Then 3) is the applicant at risk of homelessness within 56 days or homeless?
- ❖ If eligible and TWH within 56 days or homeless a duty to prevent or relieve must be accepted.
- ❖ The duty is to take reasonable steps taking account the applicant's circumstances and the authority's resources
- ❖ Money given by the Welsh Gov for the new duty must be ring-fenced to prevention says the Code
- ❖ Other than the interim accommodation question – might the applicant be homeless if so might they be in priority need – the decision on the test of priority need and intentional homelessness are parked till the outcome of the prevention or relief duty

How the Welsh Legislation works? – More rights for applicants

- * Application triggered on 56 day risk bringing people into the application process and receiving statutory help
- * If then homeless or threatened with homelessness real help set by the new statutory duty
- * The help is real and is blind to the question of priority need
- * Intentionality softened as prevention or relief duty has to be assessed first and is not at that stage linked to intentionality
- * Longer time in TA for intentionally homeless households

But: More rights balanced by more flexibility to end any duty that recognises housing supply problems

- * Any offer of suitable accommodation of any tenure or kind that is likely to be sustainable for 6 months or more ends the prevention or relief duty – This recognises the problem of housing supply
- * An applicant whose prevention or relief duty has ended due to 1) Refusing a suitable offer or 2) not cooperation with the help offered cannot go on to be assessed as to whether the final accommodation duty is owed for being homeless and in priority need and not IH.
- * Applicants who through no fault of their own remain homeless when the 'relief duty' ends after 56 days will, as is the position in England, be owed a temporary accommodation duty if they are in priority need and not IH but that duty can be ended with a 6 month AST

Frequently asked questions

- * “Can’t people just keep coming back when the duty to prevent or relieve ends and just start again?”
- * “Can’t people just shop around from council to council?”
- * “What does reasonable steps mean? Is it in the legislation itself?”
- * “What if someone is clearly IH - does that mean I have to give them accommodation even though they might do it again?”
- * “Surely there are lots of legal challenges to the prevention duty”
- * “More cases mean more time – where will we get the time?”
- * “I can see it is meant to be balanced new legislation with more rights balanced with individual responsibility and greater flexibility to end the new duty but does it work?”

Learning 6 months on?

- * More people are seeking help
- * The percentage of cases owed the prevention and relief duties that have that duty ended positively (something suitable and likely to be available for 6 months or more) is far higher than expected - incentive to get in early as more flexibility to meet and end the duty
- * Full duty acceptances are way down.
- * Less confrontational approach as priority need and IH only come at the end of the process.
- * Local authorities and the 3rd sector and Shelter all signed up to the approach rather than a 'them and us' situation
- * It is cheap to introduce, as less acceptances and less time in TA - the biggest compliant is the amount of paperwork

Success or failure – the Statistics 9 months on speak for themselves?

- * Acceptances down 63%
- * Prevention duty 70% successful outcome recorded
- * Relief duty 45% success recorded
- * Combining the 2 new duties – 58% successful outcome
- * Intentional homelessness – just 1.4% of total decisions (9% and rising in England)
- * Not in priority need just 4.4% of decisions in Wales (17% E)
- * For the prevention or relief successful outcome cases 51% were single person households – evidence of the non priority new deal
- * Only 10% duty ended through non-cooperation and only 2.7 of full duty cases ended for non-cooperation

Could it work in England?

Wales also has a:

- ❖ Lack of accommodation PRS options for families
- ❖ Lack of accommodation options for singles

- It can work and is likely to come in the question is when and what will the English version look like?
- It will put a statutory framework to preventive work
- It may better protect Options Services and 3rd sector services from council cuts as it will be a statutory duty
- It is a pathway to a better prevention and options service
- It would be a new burden so Government would have to provide additional funding

Devil will be in the detail!

The right legislative model could create a fantastically effective homeless framework for a generation – the wrong model could be a disaster.

Crisis Panel report plus Shelter, plus Housing Lawyers are clear what they want the new duty to look like

1. There should be a “nowhere safe to stay short term accommodation duty”
2. There should be no end of duty through non cooperation clause
3. Or it should only apply to the prevention or relief duty and not the any final full duty (193(2))
4. The full duty assessment should run in side by side with the prevention duty and not come at the end
5. The prevention and relief duty should require an accommodation offer of 12 months plus to end the duty and that has to be a tenancy

Making it work

- ❖ All sectors will need to accept some compromise if it is to be successful and if it is to win hearts and minds
- ❖ Don't underestimate just how much of the success in Wales has been built on goodwill and a new commitment to make it work right across local authorities and the 3rd sector
- ❖ More rights balanced by reality check of the different and difficult housing supply markets across England especially in London and other hotspots.
- ❖ And the alternative - we lose this opportunity for another generation

How might an English Model differ from Wales

- * When someone is homeless having been issued a section 21
- * Making Personal Housing Plans mandatory
- * Will the end of duty be 6 months or 12 months
- * Could there be a general duty to retain/sustain
- * Could intentionality be radically changed
- * Verified rough sleepers with a short term accommodation duty?
- * What might reasonable steps look like for single people? Shared accommodation schemes or lodging schemes

What you can do to start to prepare

- Make a commitment - Everyone should walk away with some the help that you can realistically give within the financial and accommodation constraints you face
- Start to pilot the new approach – Aim to make sure everyone receives a Personal Housing Plan (PHP) full of practical options and help
- Managing People expectations is critical so they are best able to make informed choices.
- Processes should be lean and effective
- Start to use the new toolkits/ self help packs and personal housing plans all have been pre set

Preparation: Triage is at the heart of the new prevention approach

- * Triage is the critical function around which prevention and part 7 casework will work
- * Triage – who needs to be seen; when do they need to be seen; how do they need to be seen/dealt with
- * New triage form for triage officer to complete
- * New consent statement that can be used for both telephone and face to face interviews
- * Move to e-form? Move to paperless files?

What you can do to start to prepare

Changes to your Options Structure are inevitable –

- * Generic or back to stand alone Prevention Officers?
- * Specialist prevention officers for home visiting and landlord interventions?
- * Closer working with 3rd sector agencies e.g. debt advice, Bond scheme, some floating to gain more resource and create a multi agency approach?
- * Personal Housing Plan approach to be adopted by all agencies?
- * Embedding 3rd sector agencies into the Options Service

What you can do to start to prepare

New technology and old fashioned technology can help you prepare

- * Delivering more of the work through more structured Housing Options telephone interviews - using informed consent forms for inquiries.
- * Government Digital Efficiency Report Nov 2012
Cost of interventions/interviews – Society of Information Technology Management case study
Face to Face - £8.62; Phone - £2.83; Digital on line - £0.15
- * Use of face time or similar software to conduct interviews
- * Ability to text out and receive texts in through your PC just needs low cost software – around 20% of councils have this facility already – others will have it but not be aware
- * Duty to inquire and duty to notify 184 decisions – e mail should be the standard notification tool and use of text for contact - smart phone if no PC text facility.

What you can do to start to prepare

New technology can help you to prepare

- * Delivering help through genuine on-line self help
- * These modules need to be revamped to give genuine prevention help and the ability to download or e mail self help packs – e.g. a pack for an applicant to work through with parents where genuine pressures at home.
- * On –line application forms – how long before they become standard?
- * The need to use casework modules to speed up decision making

Questions and contact details

Questions

For more details and a copy of the presentation
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