

## HOME POLICY DEVELOPMENT GROUP 13 AUGUST 2019

### HOMELESSNESS

**Cabinet Member(s):** Councillor Simon Clist  
**Responsible Officer:** Mrs Claire Fry, Group Manager for Housing Services

**Reason for Report:** To provide an overview of how the Council works to prevent and manage homelessness

#### **RECOMMENDATION: Members to note the report**

**Financial Implications:** The prevention and management of homelessness is accounted for within the general fund and there are budgets set aside to support this work. The Ministry of Housing, Communities and Local Government (MHCLG) has provided additional funding to the Council in relation to this in recent years but this funding is not guaranteed going forward. The Council has recently been involved in successful bids for monies from Ministry of Housing, Communities and Local Government associated with initiatives to reduce rough sleeping.

**Legal Implications:** The housing functions relating to the prevention and management of homelessness are statutory obligations. The Housing Act 1996, as amended by other legislation including the Homelessness Act 2002 and the Homelessness Reduction Act 2017, applies.

**Risk Assessment:** Failure to meet statutory obligations relating to the prevention and management of homelessness could result in judicial review which could prove costly. Such an outcome also has the potential to impact the reputation of the Council in a negative way. In addition, housing applicants may ask a housing authority to review certain aspects of their decisions, and, if they remain dissatisfied following this, they can appeal to the county court on a point of law.

**Equality Impact Assessment:** As stated, the Council has a number of statutory obligations arising from the Homelessness Reduction Act 2017 and therefore all those presenting as homeless to the Council must be assessed regardless of the section of society from which they come to see whether or not the duties apply. Failure to treat homelessness clients fairly could result in judicial review. The Council requests diversity information from clients but this is not always forthcoming.

**Relationship to Corporate Plan:** Work to prevent homelessness is a priority for the Council

**Impact on Climate Change:** Officers sometimes have to respond to emergencies associated with the prevention and management of homelessness. In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

## 1 Introduction/Background

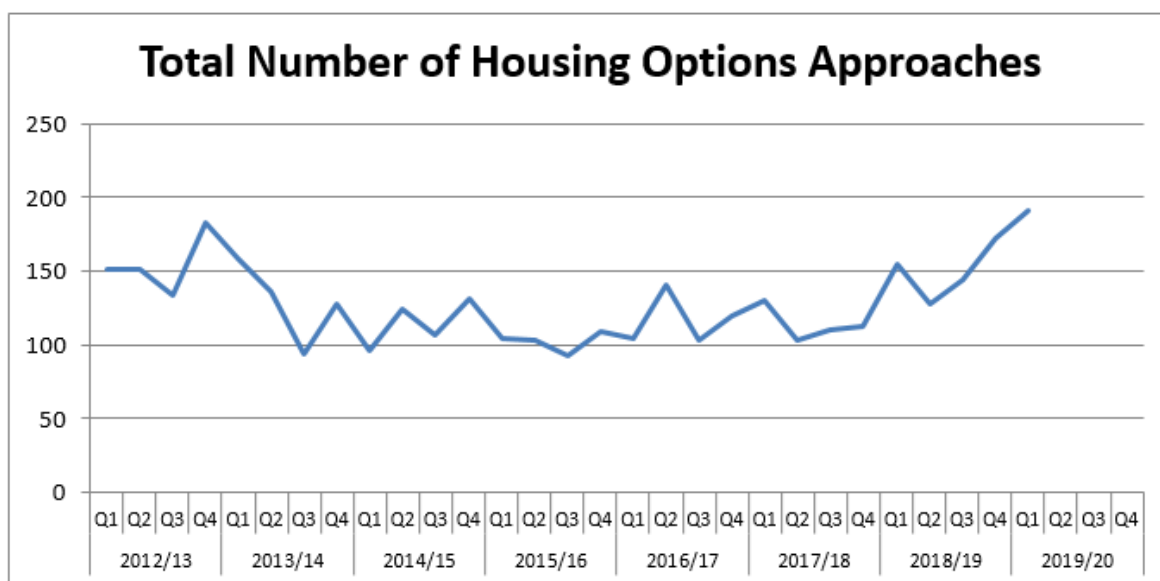
- 1.1. The Homelessness Reduction Act 2017 was implemented with effect from April 2018 and brought about significant changes to the way that homelessness must be prevented and managed.
- 1.2. The existing legislation arose from the Housing Act 1996 which was amended by the Homelessness Act 2002. In accordance with this, anyone who was homeless could approach the local authority for advice. The Council was obliged to provide accommodation to those in a priority group which included those who were vulnerable due to age or medical issues, or those with dependent children. There was no obligation to provide accommodation to those who did not fall into one of the priority groups.
- 1.3. In accordance with the provisions of the Homelessness Reduction Act 2017, the Council is duty bound to make investigations if someone at risk of becoming homeless approaches for assistance. If it is established that there is a threat of this, then the Council has a statutory obligation to work with that person for 56 days in order to prevent them from becoming homeless. This may include helping them to find alternative accommodation.
- 1.4. After the expiry of the 56 days, and if the household becomes homeless, the Council is obliged to work to relieve the homelessness for a further 56 days. The new legislation was introduced with the aim of ensuring that more prevention work is undertaken and therefore there is a duty on local authorities to work with clients to develop personal housing plans. These plans set out what both parties need to do to ensure that the client moves on to settled accommodation. These plans may include reference to the liaison required between the Council and the existing landlord, for example. However, they may also include actions for the client such as the need to contact local lettings agencies in order to find suitable alternative accommodation in the private sector. The Council may end the duty to the client if they fail to do what is required of them in line with the personal housing plan.
- 1.5. The Homelessness Reduction Act 2017 also introduced a “duty to refer” which means that certain external agencies must refer people or households which they believe to be at risk of homelessness. In accordance with this, registered providers of social housing will refer cases where possession action is pending or where there is an eviction date in the diary to enable the Housing Options team to work to prevent that homelessness.
- 1.6. The new legislation also introduced more opportunities for homeless clients to appeal decisions made in relation to their cases.
- 1.7. Responsibility to prevent and manage homelessness lies with the Group Manager for Housing Services. The Housing Options Manager has direct line management responsibility for the work and the Officers in the Housing Options team offer a holistic service with the emphasis firmly on prevention.
- 1.8. There are 4.04 full time equivalent (FTE) Housing Options Officers and one Young Person’s Support Worker, who works 18.5 hours per week (0.5 FTE). Work relating to young people and the prevention of homelessness of people in this age group is part funded by Devon County Council.

1.9. The Council implemented new software to help deliver the new duties and Officers use this to record all action taken. The software contains a reporting mechanism and Officers pass back relevant information as required to the Ministry of Housing, Communities and Local Government.

## 2 Budgetary Pressures

2.1 The new duties associated with the Homelessness Reduction Act 2017 have significantly increased the workload of the team. There has also been a subsequent knock-on effect on our expenditure on temporary accommodation. The Council has a number of units of accommodation in the retained stock which have been set aside for use as temporary accommodation. However, if this is unavailable, due to the numbers of people already being accommodated, Officers are obliged to book clients into bed and breakfast accommodation. Notwithstanding the cost, using this type of accommodation is very much a last resort.

### 2.2 Homelessness Approaches



## 3 The Housing Service runs a Deposit and Advance Rent Scheme (DARS).

3.1 The DARS enables Officers to provide an interest free loan, repayable on a monthly basis until the debt is cleared, as an option to those who are either homeless or at risk of homelessness. A loan made using the DARS often provides a cheaper option than placing someone into temporary accommodation. The average DARS loan is around £1,200 and this is repayable over five years.

3.2 It should be noted that it can be difficult to recover monies owed by clients who may sometimes be very vulnerable and who may be experiencing financial distress for a variety of reasons.

3.3 When someone applies for assistance because they are about to become, or are, homeless, the priority for Officers in the Housing Options team is to work to assist the household concerned to remain in their existing home. This may involve

negotiating with the landlord and offering mediation, or repayment plans, if they are in rent arrears. In addition, Officers will offer the applicant access to the DARS, if necessary, because this has the potential to enable them to secure alternative accommodation. However, the current unrecovered debt associated with the DARS scheme is in excess of £250,000 and as such DARS is under review. There can be no assumption of its future use or availability as it is a cost pressure to the General Fund.

#### **4 Partnerships and Joined Up Working**

- 4.1 The Council works in partnership with other housing authorities in Devon in order to prevent homelessness and to reduce the number of rough sleepers.
- 4.2 The Devon and Cornwall Housing Options Partnership involves all authorities in Devon and Cornwall and delivers a consistent approach to the prevention and management of homelessness across the peninsula, and this also includes the Devon and Cornwall Rough Sleepers Partnership.
- 4.3 The Partnership has agreed joint protocols and policies and also arranges training to ensure that Officers have the appropriate skills, knowledge and understanding to enable them to work effectively.
- 4.4 The Council was involved in a successful bid to secure funding from the Ministry of Housing, Communities and Local Government, available for two years from April 2017, together with other neighbouring authorities, under the Trailblazers initiative. As a result, Julian House provided an outreach service to the District from April 2017 to March 2019.
- 4.5 In addition, the Trailblazers funding was also used to set up a project at Exeter and Channings Wood prisons to assist those people due for release with resettlement. An online service for those at risk of homelessness was also implemented to enable them to seek advice online. The funding also contributed to the development of a hospital discharge service at the Royal Devon and Exeter hospital.

##### **4.5.1 The Navigator Bid**

- 4.5.1.1 Five authorities, including the Council, were able to secure monies to support work with rough sleepers or those at risk of rough sleeping from the Rough Sleeper Initiative funding stream provided by the Ministry of Housing, Communities and Local Government. This funding is time limited and will only be available for this financial year, meaning that the Council has no certainty about the availability of further funding to support this work in the future, after 31 March 2020.
- 4.5.1.2 This will enable the continuation of the work previously undertaken by Julian House which was funded through the joint Trailblazer bid that ended on 31 March 2019. Prior to this new funding stream, Julian House investigated the reports received through the StreetLink service (discussed further in 4.7) by visiting the District once a week.

- 4.5.1.3 The Council is hosting a full time worker (a navigator) throughout 2019/20 to provide an outreach service for rough sleepers, or those at risk of rough sleeping, in the District.
- 4.5.1.4 The navigator will play a crucial role in the resettlement of rough sleepers, providing a comprehensive service to a caseload of clients who are currently sleeping rough or who have a recent history of rough sleeping in Mid Devon. The aim will be to build trust and to provide person centred advocacy and support, which enables clients to navigate pathways and to progress towards a life away from the streets, therefore reducing rough sleeping within the Mid Devon area.

#### **4.5.2 The Rough Sleeping Initiative bid**

- 4.5.2.1 Working with East Devon District Council, the Council obtained further grant funding to support work with those who are sleeping rough, or who may be at risk of sleeping rough. This funding was also obtained from the Rough Sleeper Initiative funding stream made available by the Ministry of Housing, Communities and Local Government. It is also limited to the financial year 2019/20 and currently there have been no announcements as to whether or not it will continue past March 2020.
  - 4.5.2.2 The aim of the bid was to secure additional monies to boost the service provided by the navigator and, in addition, to support those who may be at risk of rough sleeping.
  - 4.5.2.3 The challenge is to ensure that engagement is meaningful and that clients are supported to seek housing options which they will be able to sustain going forward.
  - 4.5.2.4 The funding has also been awarded to support the development of a service which provides extensive, tailored support to homeless people with complex needs. A key part of our approach will be to work with other agencies to ensure that clients are receiving all the support which they need to enable them to sustain a tenancy.
- 4.6 Officers also liaise with other agencies including the Department of Work and Pensions, which administers the Universal Credit scheme. Other advice agencies which support the work undertaken by the Housing Options team include Citizens Advice and Age UK.
  - 4.7 StreetLink is a non-profit organisation managed and delivered by Homeless Link in partnership with St Mungo's. It is principally funded by MHCLG with additional funding from other Government agencies. Streetlink operates a service which enables members of the public to report any rough sleepers. Streetlink alerts the Council to any incidences of rough sleeping and these are all investigated by our own staff.
  - 4.8 The Council funds a service, known as Wiser£money, which is based in Phoenix House and which is designed to provide local welfare assistance to those residents experiencing exceptional financial difficulty. Navigate Community Interest Organisation provides this service which is free, confidential and tailored to meet individual needs. There is provision for money and debt

advice, help with income maximisation and signposting and referral to other support agencies, as required. The Council has a contract with Navigate which will come to an end in April 2021. After that a decision will have to be made in relation to the continuation of the service and, if this is agreed, a procurement exercise will be required.

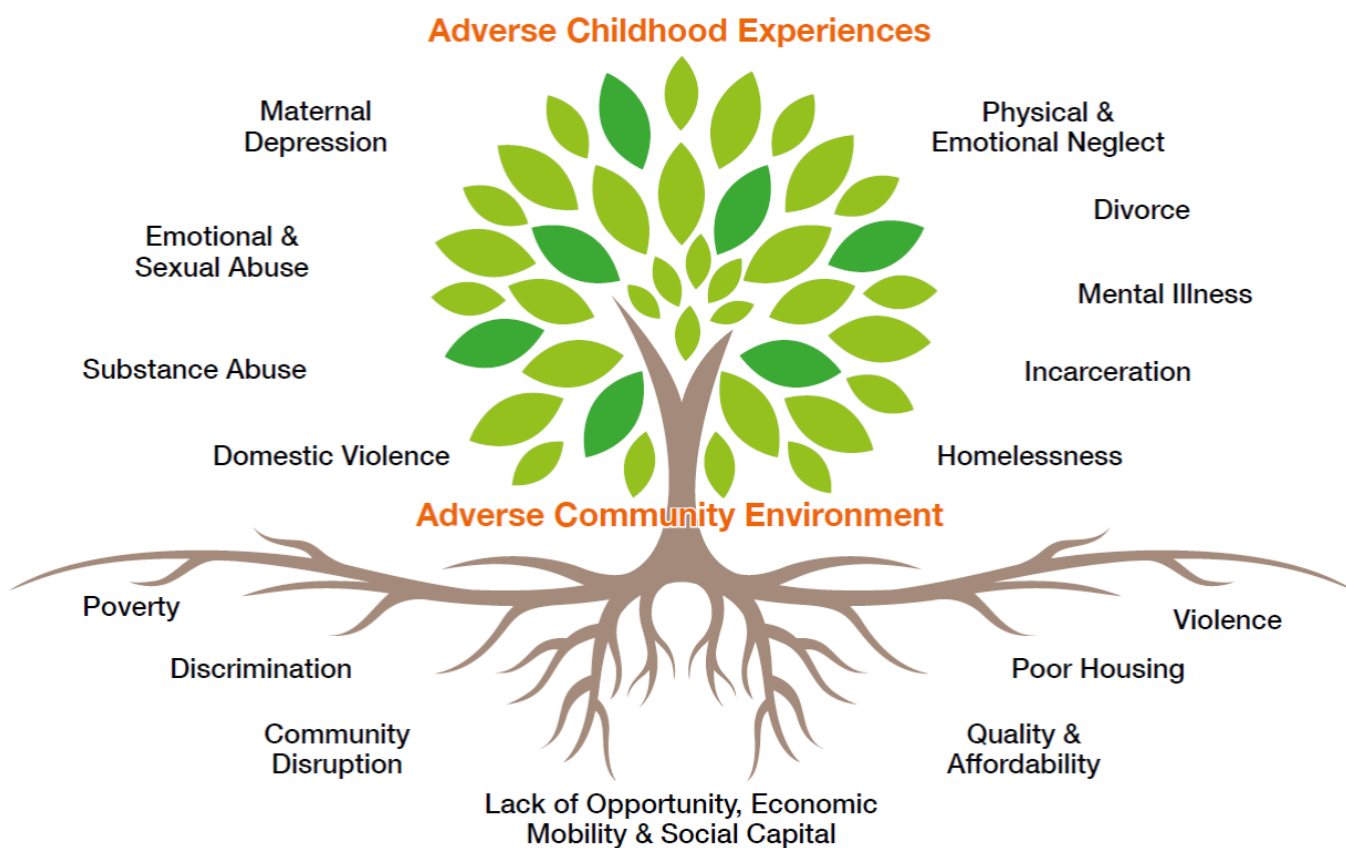
- 4.9 The Churches Housing Action Team (CHAT) is an important partner based in Tiverton. Advisors at CHAT liaise with the Housing Options team regarding clients they are supporting. CHAT runs the foodbank in Tiverton and working in conjunction with the Wiser£money scheme, delivers local welfare assistance and provides emergency food packs to rough sleepers. In Mid Devon, CHAT also assists rough sleepers with seeking accommodation and helping them to secure homes in the private sector. In addition, there is a shower available at their office and the charity will also wash clothes for those who have no other means of doing this. CHAT receives grant funding from the Council and the existing award covers the period to the end of March 2020.

## **5 Rough Sleeping**

- 5.1 The Ministry of Housing, Communities and Local Government has set a target to reduce rough sleeping by half by 2022 and to end it completely by 2027.

## **6 Service Delivery**

- 6.1 Adverse childhood experiences may impact health in a negative way. It is important that those delivering services designed to prevent and manage homelessness understand the associations between these experiences and negative health outcomes. The risk of homelessness is increased for those who have had adverse childhood experiences and work to identify the risk of this and to mitigate it, is important with regard to delivering improved access to a range of opportunities for clients.



Adapted from Ellis, W., Dietz, W. (2017) A New Framework for Addressing Adverse Childhood and Community Experiences: The Building Community Resilience (BCR) Model. *Academic Pediatrics*. 17 (2017) pp.S86-S93. DOI information: 10.1016/j.acap.2016.12.011

- 6.2 Family breakdown, in particular, is considered to be a key contributor to homelessness and therefore the Housing Service is endeavouring to build better links with Social Services, which is a first tier local authority responsibility. Drug and alcohol issues, together with mental health factors, also appear to contribute. The Housing Options team has good working relationships with a range of other agencies which can help to support work with a wide range of clients. Information relating to the cause of the homelessness amongst those who present for assistance by the Council is shown in Annex A.
- 6.3 Our Housing Options Officers are trained to work closely with clients to enable them to fulfil the requirement to undertake a detailed assessment of each case. This engagement allows Officers to identify any adverse childhood experiences which may have impacted the adult or adults in the household, and also those which may be affecting any children. A multi-agency approach enables these negative impacts to be addressed and for appropriate support to be identified to ensure that the household is better able to sustain a tenancy going forward.
- 6.4 The Housing Options Team may discharge the duties to homeless clients by arranging accommodation for them in the private sector. Therefore, it is not the case that homelessness enables clients to gain higher priority for social housing. Under the Devon Home Choice scheme (DHC), which the Council uses to manage housing allocations, where it is possible and appropriate to find private rented accommodation for households who are assessed as being homeless, in priority need and unintentionally homeless (under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002) their applications will be placed in Band D. The DHC scheme has 5 bands, known as A to E. Those with

greatest priority for rehousing are placed into Band A. Bands B to E are used for other cases in descending need for priority.

- 6.5 Where it is not considered possible and appropriate to find private rented accommodation for households who are assessed as being homeless, in priority need and unintentionally homeless (under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002) their applications will be placed in Band B.
- 6.6 There are some exceptions as to why it might not be possible or appropriate to house homeless clients into homes in the private sector and these include where someone needs an adapted home; or where the household needs a home of a size or type not available in the private sector in the local area.

## **7 The Severe Weather Emergency Protocol (SWEP)**

- 7.1 The Council works in partnership with all the other authorities in Devon and Cornwall to agree a Severe Weather Emergency Protocol which has two aims. First, it is designed to ensure that no one dies on the streets due to extreme cold or severe weather. It should also ensure that every effort is made to engage with rough sleepers and to encourage them to work with support services during the winter months i.e. from 1 November to 31 March. Extreme cold is defined as when the Met Office has forecast that the temperature will be at zero or below for three consecutive nights. Severe weather is defined as when the Met Office issues a red warning for the local area in relation to rain, snow or wind. Local authorities may activate the protocol when there are amber warnings and the Council usually does in these circumstances.
- 7.2 The Council is therefore committed to providing shelter to rough sleepers during the winter months.
- 7.3 The protocol operates outside of the usual eligibility and entitlement frameworks which govern access to housing. In line with the provisions of it, we are obliged to identify and to target those who are rough sleeping.
- 7.4 If a rough sleeper cannot be persuaded to access accommodation, we must provide them with information about the health risks associated with sleeping out during severe weather. We must also monitor their wellbeing and continue to offer support, provisions and information on services available to assist them. We are also obliged to give consideration to their mental capacity working in partnership with the Police and other services.

## **8 Social Housing**

- 8.1 Social housing is limited in Mid Devon. The Council has approximately 3,000 units of accommodation and other Registered Providers (RPs) have approximately 1,289. During 2018/19, 270 general needs homes were let in Mid Devon and a further 40 accessible homes, which are those available to those people with vulnerabilities by virtue of age or other special need.



## **9 Supply of Homes in the Private Sector**

- 9.1 The Private Sector Housing Team, which reports to the Group Manager for Public Health and Regulatory Services, works to bring empty homes back into use. There are many complex reasons as to why homes fall out of use. These may include poor property condition, complex probate issues, a slow housing market or the location of the property in a rural location or on an unadopted road. If a property is empty for more than 2 years, it is deemed to be empty on a long term basis.
- 9.2 The Council can assist owners to bring their properties back into use and this includes facilitating a loan. There are also powers that enable the Council to purchase a home on a compulsory basis in extreme cases.

## **10 Disabled facilities grant – Better Care Funding**

- 10.1 The delivery of the Disabled Facilities Grant programme is mandatory and a statutory function of the local housing authority. The delivery of this function is governed by the Housing Grants, Construction and Regeneration Act 1996.
- 10.2 In 2015 the government introduced the Better Care Fund (BCF) in an attempt to bring health and social care together in an integrated way. The BCF is a combination of government funding from the Department of Health and the Ministry for Housing, Communities and Local Government and includes the grant allocation for Disabled Facilities Grants (DFGs).

## **11 Homelessness Strategy**

- 11.1 Local authorities are required to have homelessness strategies which contain a review of the situation in the local area and an action plan setting out how they will address any specific issues which exist in their areas. The Council's existing homelessness strategy is due for review and it is hoped that the revised draft will be brought to the PDG for discussion and decision later this year.
- 11.2 A number of stakeholders have been consulted and priorities identified as part of the review and this work will inform the future direction of the strategy.

## **12 Recommendation**

- 12.1 That Members note the report.

**Contact for more Information:** Mrs Claire Fry, Group Manager for Housing Services, tel: 01884 234920, email: [cfry@middevon.gov.uk](mailto:cfry@middevon.gov.uk)

**Circulation of the Report:** Councillor Simon Clist, Cabinet Member for Housing, Leadership Team

**List of Background Papers:**



## Annex A – Homeless Approach Reasons (P1e Reporting for 2012-2017).

Homeless Reasons: All approaches)	2012/2013				2014/2015				2014/2015				2015/2016				2016/2017				2017/2018			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
0. Emergency	0	0	1	0	2	3	0	1	3	0	1	0	1	2	0	1	0	0	2	1	0	0	1	1
1. Parents no longer willing or able to accommodate	19	24	27	24	19	17	7	16	16	16	12	23	14	22	17	6	11	13	22	12	19	15	12	11
2. Other relatives or friends no longer willing or able to accommodate	22	16	10	17	20	20	16	21	7	8	14	17	10	7	4	11	6	10	6	7	7	8	12	5
3. Non-violent breakdown of relationship with partner	25	20	13	31	22	15	15	10	5	10	15	16	12	12	7	14	14	22	7	13	14	8	10	10
4. Violence																								
a. Violent breakdown of relationship involving partner	2	5	7	8	5	7	12	7	7	10	3	9	10	8	7	8	6	7	11	7	7	7	7	4
b. Violent breakdown of relationship involving associated persons	1	1	2	0	3	4	0	1	0	2	1	1	4	2	1	5	4	2	4	1	2	2	2	3
c. Racially motivated violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	0	0	0	2	3	0
d. Other forms of violence	1	0	1	0	0	0	0	2	1	0	1	1	1	1	3	2	1	0	2	1	1	4	4	2
5. harassment, threats or intimidation																								
a. Racially motivated harassment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
b. Other forms of harassment	1	0	0	1	0	1	1		0	1	2	4	2	0	0	0	5	0	0	6	4	0	0	5
6. Mortgage arrears (repossession or other loss of home)	4	7	2	11	5	4	2	2	1	1	2	1	0	4	2	0	0	0	0	0	3	0	0	0
7. Rent arrears on :																								
a. Local authority or other public sector dwellings	6	13	14	4	8	10	4	4	1	3	2	1	3	4	4	4	1	7	3	1	1	2	0	2
b. Registered Provider dwellings	1	1	6	1	2	2	0	2	0	0	1	2	2	0	1	4	0	1	3	0	0	0	0	0
c. Private sector dwellings	3	0	3	2	0	1	1	2	0	3	1	2	4	4	5	8	3	7	3	12	3	0	3	4
8. Loss of rented or tied accommodation due to :																								
a. Termination of assured shorthold tenancy	23	27	10	43	31	20	21	34	22	26	21	18	18	13	5	13	9	24	11	21	15	13	11	23
b. Reasons other than termination of assured shorthold tenancy	10	11	6	7	10	4	6	15	12	16	9	15	7	9	10	11	17	20	10	9	9	8	12	16
9. Required to leave acc. provided by the Home Office as asylum support	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10. Left an Institution or LA care:																								
a. Left prison/on remand	0	1	4	0	2	1	0	0	0	0	0	1	2	0	2	2	0	2	0	0	2	0	1	1
b. Left hospital	2	0	0	0	0	1	0	1	0	1	0	0	1	1	2	1	0	0	2	2	5	1	0	0
c. Left other institution or LA care	2	1	1	1	0	1	0	0	1	0	0	0	0	1	0	0	0	2	0	1	1	1	0	2
11. Other reason for loss of last settled home																								
a. Left HM Forces	0	0	0	0	1	0	1	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
b. Other reason	29	24	26	33	28	25	8	9	20	27	18	19	13	13	21	17	27	20	17	25	37	32	32	23
<b>Total</b>	<b>151</b>	<b>151</b>	<b>133</b>	<b>183</b>	<b>158</b>	<b>136</b>	<b>94</b>	<b>127</b>	<b>96</b>	<b>124</b>	<b>104</b>	<b>131</b>	<b>104</b>	<b>103</b>	<b>91</b>	<b>109</b>	<b>104</b>	<b>140</b>	<b>103</b>	<b>119</b>	<b>130</b>	<b>103</b>	<b>110</b>	<b>112</b>

## Homeless Approaches Main Reason for loss of Settled Accommodation.

	2018-2019				TOTAL	2019-2020	TOTAL
	Q1	Q2	Q3	Q4		Q1	
<b>Approaches During Quarter (Approach Date)</b>	155	128	144	172	599	191	191
<b>of which main reason for loss of settled home</b>							
Domestic abuse	12	10	8	14	44	14	14
End of private rented tenancy – assured short-hold tenancy	21	23	29	33	106	32	32
End of private rented tenancy – not assured short-hold tenancy	4	2	3	-	9	1	1
End of social rented tenancy	6	3	10	13	32	2	2
Eviction from supported housing	3	1	1	2	7	1	1
Family no longer willing or able to accommodate	15	13	18	20	66	14	14
Fire or flood / other emergency	1	-	1	-	2		0
Friends no longer willing or able to accommodate	3	1	1	4	9	4	4
Left institution with no accommodation available	3	2	1	-	6	1	1
Non-racially motivated / other motivated violence or harassment	2	1	1	-	4	1	1
Other	15	17	16	13	61	12	12
Property Disrepair	-	1	1	-	2		0
Relationship with partner ended (non-violent breakdown)	13	16	17	9	55	17	17
Mortgage Repossession	-	-	-	1	1	1	1
Not stated	57	38	37	63	195	91	91
					599		191