

The National Assembly for Wales

Housing Research Summary

Review of the implementation of homelessness legislation by local authorities

HACAS Chapman Hendy was commissioned by the Welsh Assembly Government to carry out a review of the implementation of homelessness legislation by local authorities. The review covered all aspects of the statutory duty set out in the Housing Act 1996, as amended by the Homelessness Act 2002 and secondary legislation issued by the Assembly.

The objectives of the review were to:

- establish how local authorities are currently implementing the law and how this compares with their policies and procedures, and with statutory obligations;
- identify the main reasons for the law not being implemented as intended;
- identify any groups experiencing particular difficulty in obtaining their rights to local authority homelessness services;
- advise how the statutory guidance should be amended to clarify and aid the proper implementation of the law;
- make recommendations for any other action which would help ensure that the law is put into effect as intended;
- identify existing good practice by Welsh local authorities, and
- ascertain the views of stakeholder agencies and review any evidence of the views of applicants for assistance under the homelessness legislation.



The main findings of the review are that:

- The changes to the legislation on homelessness have been broadly welcomed by all organisations and that there are significant areas of good practice, innovative and effective projects in place to prevent and tackle homelessness. These are not uniformly available to homeless people across Wales;
- The statistical analysis of homelessness shows that there are increasing levels of homelessness, especially in the new priority need categories, which place extra pressure on local authorities, particularly in the context of declining social housing stock;
- There is a need for coherent approaches which place homelessness policies in a wider strategic context. Homelessness is a problem which needs a multi-agency response at both national and local levels;
- A number of local authorities recognised that the quality and availability of advice they provide is insufficient to inform enquirers of all possible housing options and does not fully meet the legal requirements of Homelessness Act 2002 to provide a greater level of advice and assistance to persons for whom there is no duty to secure housing;
- The research carried out by Shelter Cymru to produce their publication, First Contact, indicates that a combination of poor reception services and a poor standard of advice provided by some authorities may result in people being denied the opportunity to access the assistance to which they are entitled. The review findings show that homeless people have differing experiences of the homelessness presentation and assessment process. This varies by location, the nature of the client group into which they fall, and the eventual decision;
- In certain instances local authorities are unable to meet the requirement to complete enquiries within 33 days. All local authorities comply with the requirement to provide a Section 184 notification letter, though there is scope to provide a fuller explanation of reasons in some instances;
- Some authorities are unable to discharge their duty to individuals or households because no suitable accommodation is available. Temporary accommodation is in limited supply in some areas and for specific client groups, e.g. ex-offenders, or people with substance or alcohol addictions;
- There is a growing use of Bed and Breakfast; an unsuitable form of accommodation for vulnerable homeless groups. Use of out-of-borough placements is rising, with the consequent problems of people losing touch with local support networks and support services;
- There is a need for improved communication between local authorities and RSLs to address the concern by authorities that RSLs are using exclusion policies to limit the number of homeless people housed permanently;
- The use by some local authorities of their exclusion policies to prevent homeless households being housed permanently within their own stock is a cause for concern;
- Authorities experience significant problems in arranging suitable temporary accommodation and finding appropriate permanent accommodation and support for 16- and 17-year olds;
- There is evidence that local authorities are not following the Code of Guidance in their assessments of persons vulnerable due to domestic violence and ex-offenders. There is

a particular concern that local authorities are setting arbitrary time-limits within which ex offenders and ex armed services personnel have to apply as homeless;

- There are possible inconsistencies of approach between local authorities in assessing other reasons for vulnerability and intentionality due to each case being assessed on its merits.

RECOMMENDATIONS

The recommendations have been developed in the context of a number of current policy developments extending beyond homelessness. Recommendations are set out for the Assembly, its partners, local authorities, and other agencies. Topics for further research are set out at the end.

Recommendations for the Welsh Assembly Government

The Assembly should:

- Develop links between the National Homelessness Strategy and other Assembly strategies, e.g. Health, Social Care and Well-Being, Community and Children and Young People's Strategies, so that the prevention and management of homelessness has a higher profile and emphasis within the Assembly;
- Revise the Code of Guidance taking into account the findings of this review;
- Revise the National Homelessness Strategy taking into account the findings of this review;
- Review the ways in which housing, leaving home, and employment education can be built into the secondary school curriculum and into the work of the youth service;

- Recognise that to provide a person-centred (rather than service-centred) approach for the most damaged and demanding people is likely to be expensive in terms of time and resources;
- Be aware of the longer-term implications of the lack of growth in the budget allocation for social housing during the period 2003-2006, particularly in areas where housing choice is limited. Social housing stock across Wales is declining with the number of homes built by housing associations being less than the number of council and housing association homes sold through Right to Buy and Right to Acquire;
- Allocate additional ring-fenced resources for homelessness, including the prevention of homelessness, so that the quality of services, including support services, and the nature of accommodation best meets the needs of the most socially excluded;
- Provide resources for extra temporary accommodation and encourage schemes such as RSL/private sector leasing schemes which minimise the use of bed and breakfast;
- Assess whether it is possible to extend the duration of funding provided to the not-for-profit (voluntary) sector so that the constraints of short-term funding do not impact adversely on services;
- Assess the benefits and difficulties associated with bond schemes and alternatives, such as cash payments to landlords and, subject to the outcome, provide resources for bond-schemes and/or alternatives in every local authority area
- Support local authority initiatives to encourage private sector landlords to provide accommodation for homeless households, recognising the limitations of the private sector to fulfil this function;

- Work with transfer associations to ensure that sufficient housing is available post-transfer for homeless households;
- Review the collection of monitoring statistics, explain to local authorities the relevance of the statistics collected, and issue further guidance to aid consistency of returns. The statistics should capture information on prevention of homelessness, perhaps by differentiating between enquiries, formal presentations and acceptances;
- Ensure that there is a consistent national homelessness acceptance/ exclusion policy, not only with regard to local authority provision, but also with respect to other social housing providers;
- Take action with regard to recalcitrant authorities, prompted by statistical returns and the results of Audit Commission inspections, using available mechanisms for intervention under agreed protocols. This will include reissuing guidance about the role of members in lettings decision-making;
- Issue regular advice notes on legislative changes, desired outcomes, and best practice methods for achieving results to local authorities, voluntary organisations, and other housing and support providers;
- Organise a regular forum involving Assembly officers and homelessness practitioners from throughout Wales so that matters of concern can be discussed, problems raised, and effective practice shared;
- Commission training of local authority staff, and others, on specific aspects of homelessness, such as working with women who have experienced domestic abuse, so that a consistent approach is taken by all authorities and relevant organisations in Wales;
- Improve the collection and dissemination of project evaluation and good practice information arising from Section 180 projects, through a database on the Assembly website and possibly a programme of seminars.

Recommendations for the Assembly and its partners

The Assembly should:

- Work with the WLGA to develop an appropriate target for the prevention of homelessness to include in the next round of Policy Agreements. Such a target could focus on the reduction of homelessness against the main reasons for homelessness in any one area. The definition of prevention could be that used by the ODPM: 'activities that enable a household to remain in their current home, where appropriate, or that provide options to enable a planned and timely move and help to sustain independent living';
- Review national performance indicators for homelessness to consider including, for example, a measure of the level of prevention achieved. This could be the proportion of households presenting as homeless where the authority has intervened to prevent homelessness occurring. The Assembly should ensure that this falls within the scope of the Welsh Assembly Government's review of the performance measurement framework for Welsh local government;
- Work with Syniad and the WLGA to ensure that preventing and tackling homelessness features in the Excellence Wales Scheme's proposed mechanisms for identification and dissemination of proven good practice and innovative and emerging practice, and that homelessness is a recognised theme in its own right ;
- Work with the WLGA to develop a briefing incorporating the most important messages from the Code of Guidance and National Homelessness Strategy for members;

- With the involvement of the WLGA and the Welsh Federation of Housing Associations, develop protocols for mandatory single nominations of homeless people to RSLs, and incorporate reference to this and the need for RSLs to work to prevent and tackle homelessness in the Regulatory Code for Housing Associations;
- With the involvement of Probation, develop model protocols for inter-authority arrangements for Schedule 1 offenders;
- Facilitate directly, or through another agency, such as Shelter Cymru, the development of a Welsh website containing a database of good practice guidance and documentation. This could predominantly take the form of links to existing sources of good practice;
- Continue to work with organisations assisting homeless people in monitoring and reporting on the delivery of local authority services.

Recommendations for local authorities

Overall:

Local authorities should:

- Implement the recommendations in Shelter Cymru's publication First Contact, and follow the WLGA Routemap for Improvement contained in the report.

Advice /prevention

Local authorities should:

- As part of the development, implementation and review of their homelessness strategies:
 - carry out audits of the provision of housing advice in their areas;
 - set out action to fill gaps identified;
 - ensure that the requirements of the Race Relations (Amendment) Act 2000 and the authority's own race equality scheme are met;
 - consider whether core housing management tasks, e.g. collecting rent, tenancy management, repairs, etc, contribute towards

or work against the prevention of homelessness;

- develop an action plan for revising housing management policies and procedures in order to aid the prevention of homelessness;
- identify where linking floating support to repeat homeless might prevent further homelessness, and use the opportunity of Supporting People to put such support in place;
- ensure that Supporting People Operational Planning mechanisms are used to address the support needs of homeless people;
- develop approaches to working with the private sector, including the use of exceptional housing benefit payments, to maintain tenancies;
- monitor the effects of exclusion policies and introductory tenancies on local homelessness.
- Ensure that housing advice provided meets the requirements of the Homelessness Act 2002, i.e. is targeted to the specific needs of the individual following an assessment of those needs;
- Support the provision of independent housing advice to assist with prevention, and provide assistance to organisations testing and challenging decisions made by the local authority on individual homelessness cases;
- Work towards the Community Legal Service Quality Mark for their housing advice service;
- Publicise housing advice services to all agencies, along with referral mechanisms to maximise prevention of homelessness;
- Develop a framework for evaluating the effectiveness of housing advice in preventing homelessness with recording systems that will enable cases where homelessness has been prevented to be identified;
- Publicise housing advice services;

- Take practical steps to ensure leaving home and housing options are covered as part of PSE in schools and/or discussed at youth clubs and facilities, e.g. incorporating 'HouseMate' and other educational materials produced by Shelter Cymru as part of the PSE curriculum;
- Fully explore the role of mediation in preventing homelessness and support the development of local mediation services.

Presentation/assessment/decision making/referrals

Local authorities should:

- Identify a training budget for homelessness staff and ensure they have adequate access to training, including on relevant case law;
- Consider inter-authority arrangements for the provision of out-of-hours services;
- Ensure that reception facilities for applicants are user-friendly, in appropriate locations for easy accessibility, and that all applicants are dealt with in a sensitive manner in and with appropriate privacy;
- Provide an easy-access guide to the legislation for partner agencies and the public;
- Follow the Code of Guidance when accepting applicants from ex-offenders and refrain from setting arbitrary timescales for the acceptance of applicants;
- Ensure that elected members perform an appropriate role, e.g. adhering to agreed strategic principles and not being involved in individual cases;
- Ensure that all Section 184 letters include full and clear reasons for the decision that has been reached and are written in plain language.

Securing temporary/permanent accommodation/appropriate support and role of RSLs

Local authorities should:

- Develop lettings plans to predict the amount of temporary and permanent accommodation needed and use this information to agree lettings targets with the housing department and RSLs;
- Through the homelessness strategy, identify shortfalls in temporary and permanent accommodation and ensure that an awareness of these deficiencies is fed through to the Local Housing Strategy and appropriate bidding mechanisms;
- Consider giving more choice to homeless households within the lettings policy;
- Work with local RSLs to develop adequate nomination arrangements and access to temporary and permanent accommodation for homeless people;
- Use bond schemes, or alternatives, to improve access to the private rented sector;
- Maximise the use of exceptional housing payments to enable access to, and maintenance of, private rented sector tenancies;
- Inspect temporary accommodation and set minimum standards for its quality;
- Maintain contact with households placed out-of-borough and advise the external authority of the placement;
- Identify through their homelessness strategies whether, and how frequently, they are unable to discharge their statutory homelessness duties due to lack of suitable temporary and/or permanent accommodation;

- Be aware of the specific needs of minority ethnic groups, e.g. for the accommodation of larger families;
- Develop enhanced joint working with statutory and voluntary agencies, drawing upon best practice guidance.

Funding/resources

Local authorities should:

- Review resources and adjust to changing demand for services in order to prevent and tackle homelessness;
- Assess the staffing required to develop preventative services, including mediation, working with the private sector and voluntary agencies.

Targets/statistics and monitoring

Local authorities should:

- Be consistent in the recording of statistical information, both within the authority and with other authorities, by ensuring that definitions set out by the Assembly are adopted and adhered to.

Corporate ownership and user involvement

Local authorities should:

- Work to raise the profile of homelessness across the authority, including with elected members;
- Ensure homelessness strategies feed into higher level plans and strategies, including the Local Housing Strategy and the Community Plan, so that there is corporate ownership of homelessness;
- Identify and make compatible agendas viewed as potentially conflicting, e.g. the rehousing of ex-offenders may be perceived as conflicting with the community safety policy;

- Develop and publicise, in conjunction with service users, clear service standards for homelessness.

Recommendations for other agencies

RSLs should:

- Co-operate with partner authorities in the development and delivery of their homelessness strategies;
- Consider secondments of staff between themselves and local authorities to aid mutual understanding and to enhance the role of RSLs as housing providers to homeless people;
- Set up a joint panel of local authority and RSL staff to review exclusion policies affecting homeless applicants;
- Agree lettings targets for rehousing homeless households with partner authorities;
- Develop and agree adequate nomination arrangements and access to temporary and permanent accommodation for homeless people.

Prison/probation services should:

- Co-operate with partner authorities in the development and delivery of their homelessness strategies;
- Make housing advice available to all prisoners well in advance of their release;
- Train prison/probation staff in dealing with housing benefit and liaison with landlords. (This could be provided by partnership working as is the case in Wrexham);
- Develop protocols with homelessness departments and appropriate voluntary agencies to enable an effective and timely response to the housing needs of individuals being discharged from prison.

Voluntary organisations should:

- Co-operate with partner authorities in the development and delivery of their homelessness strategies;
- Extend joint training initiatives with local authorities to update staff on legislation and guidance;
- Identify roles and responsibilities with respect to local authorities, drafting protocols to support actions and working relationships.

Local health groups and relevant health organisations should:

- Co-operate with partner authorities in the development and delivery of their homelessness strategies;
- Develop protocols with local authorities, e.g. for hospital discharge, timescales for provision of medical information, etc.;

- Ensure adequate access to health services for those who are homeless and/or rough sleeping.

Further research

The review identified the need for further research in these areas:

- Whether housing ex-offenders as a priority need category reduces the rate of re-offending;
- How and to what extent preventative work on homelessness saves public resources in the long run;
- Case studies to analyse the reasons for the wide variation in the rates of presentations and acceptances should further statistical analysis bear this out as an issue;
- Analysis of specific difficulties encountered when dealing with rural homelessness, particularly with regard to provision of accessible services.

The report **A Review of the Implementation of Homelessness Legislation by Local Authorities** and further copies of this summary can be obtained from:

Sarah Ballard

Housing Directorate
The National Assembly for Wales
Cathays Park
Cardiff CF10 3NQ

Tel: (029) 2082 3353

E-mail: Sarah.Ballard@Wales.gsi.gov.uk

Website: <http://www.housing.wales.gov.uk>