

# Prevention Legal Duties Review Group

18 November 2019

## Ending Homelessness Together Action Plan:

*“We will work with public bodies, housing providers and other partners to develop a new duty on local authorities, wider public bodies and delivery partners for the prevention of homelessness.”*

# Our task

“The working group will develop recommendations to the Scottish Government for a legal duty or duties on Scottish local authorities and wider public bodies to prevent homelessness.”

## **A new typology of homelessness prevention**

***Universal prevention*** – across the population at large

***Targeted prevention*** – upstream prevention focussed on high risk groups

***Crisis prevention*** – preventing homelessness likely to occur within 56 days  
(in line with legislation on ‘threatened with homelessness’)

***Emergency prevention*** – those at immediate risk, especially sleeping rough

***Recovery prevention*** – prevention of repeat homelessness

# The Housing (Wales) Act 2014: legislating for homelessness prevention

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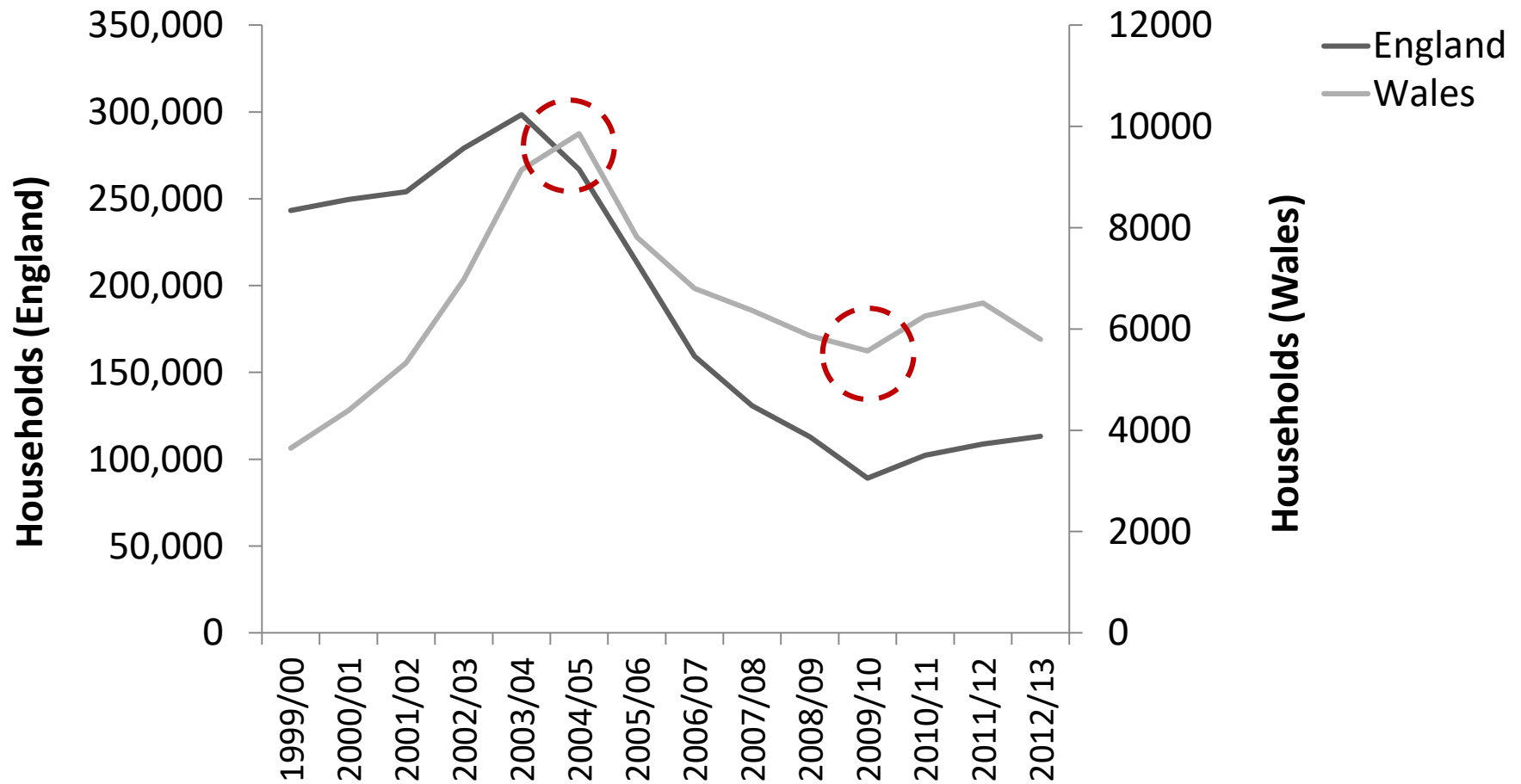
# Overview

1. Homelessness prevention in Wales prior to the Housing (Wales) Act 2014
2. The Housing (Wales) Act 2014
3. What has worked well?
4. How might the Housing (Wales) Act 2014 be improved?



Homelessness prevention in Wales  
prior to the Housing (Wales) Act  
2014

# Statutory homelessness decisions, 1999/00 – 2012/13



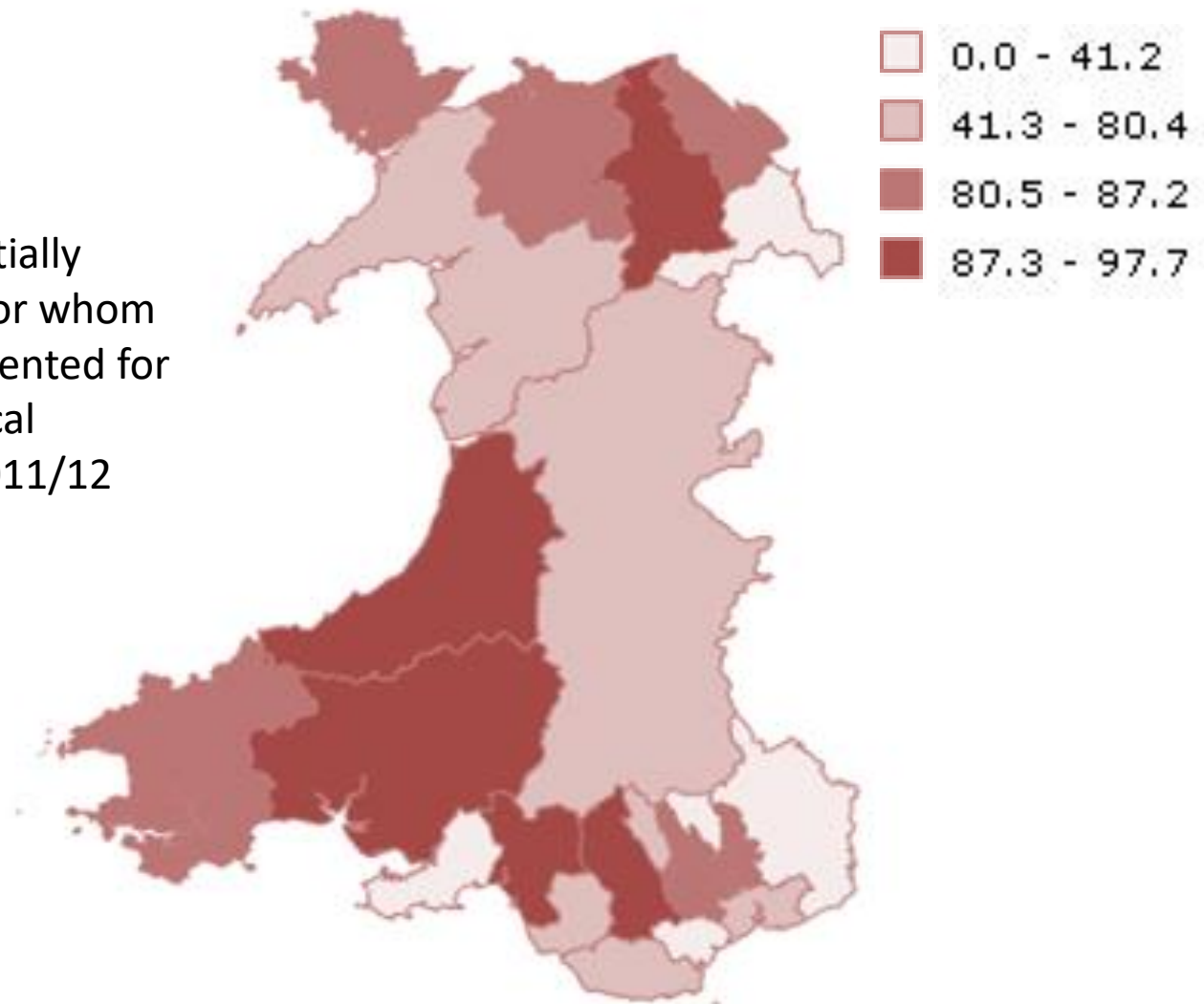


# Mismatch between legislation and practice

- Local authority staff **uncertain** whether or not to take a homelessness application
- Local authorities unable to embrace 'crisis' prevention, with limited innovation
- Evidence of deliberate **gatekeeping**:

# Geographical variation (and poor data)

Percentage of all potentially homeless households for whom homelessness was prevented for at least 6 months by local authorities in Wales, 2011/12



**Source:** Welsh Government, 2013, table HHA/013

# Selectivity

- Failure to intervene as successfully with single men. Homelessness is prevented in 36% of cases, compared to 50-60% of cases with most other household types
- Reflects a focus on priority need households



# The Housing (Wales) Act 2014

# The Housing (Wales) Act 2014

- Attempts to **prioritise homelessness prevention**, reorienting services, entitlements and funding
- Makes access to prevention services a **universal right** – challengeable through the courts.
- The **duty to assist**: local authorities must take ‘**reasonable steps**’ to **prevent** and **relieve** homelessness and should have recourse to a wide range of different mechanisms of assistance.
- Local authorities **should** consider the most appropriate intervention or range of interventions **for each person**
- Homelessness is prevented if accommodation is available for **at least 6 months**
- People are also expected to **cooperate**

# Interventions local authorities ought to have in place

## Accommodation-based

- Options to facilitate access to the PRS
- Arranging accommodation with relatives & friends
- Access to supported housing
- Crisis intervention – securing accommodation immediately

## Advice

- Housing Options Advisors
- Specialist advice on benefits and debts
- Independent housing advice
- Employment and training advice

## Joint working

- Joint working between Local Authorities & RSLs
- Joint approaches with services such as Social Care and Health

## Specific population groups

- Welfare services for armed forces / veterans
- Options for the accommodation of vulnerable people
- Action to support disabled applicants
- Working in prisons prior to release
- Domestic abuse services

## Support

- Mediation and conciliation
- Intensive Family Support Teams
- Housing/Tenancy support
- Action to resolve anti-social behaviour

## Financial

- Financial payments
- Action to intervene with mortgage arrears



What has worked well?

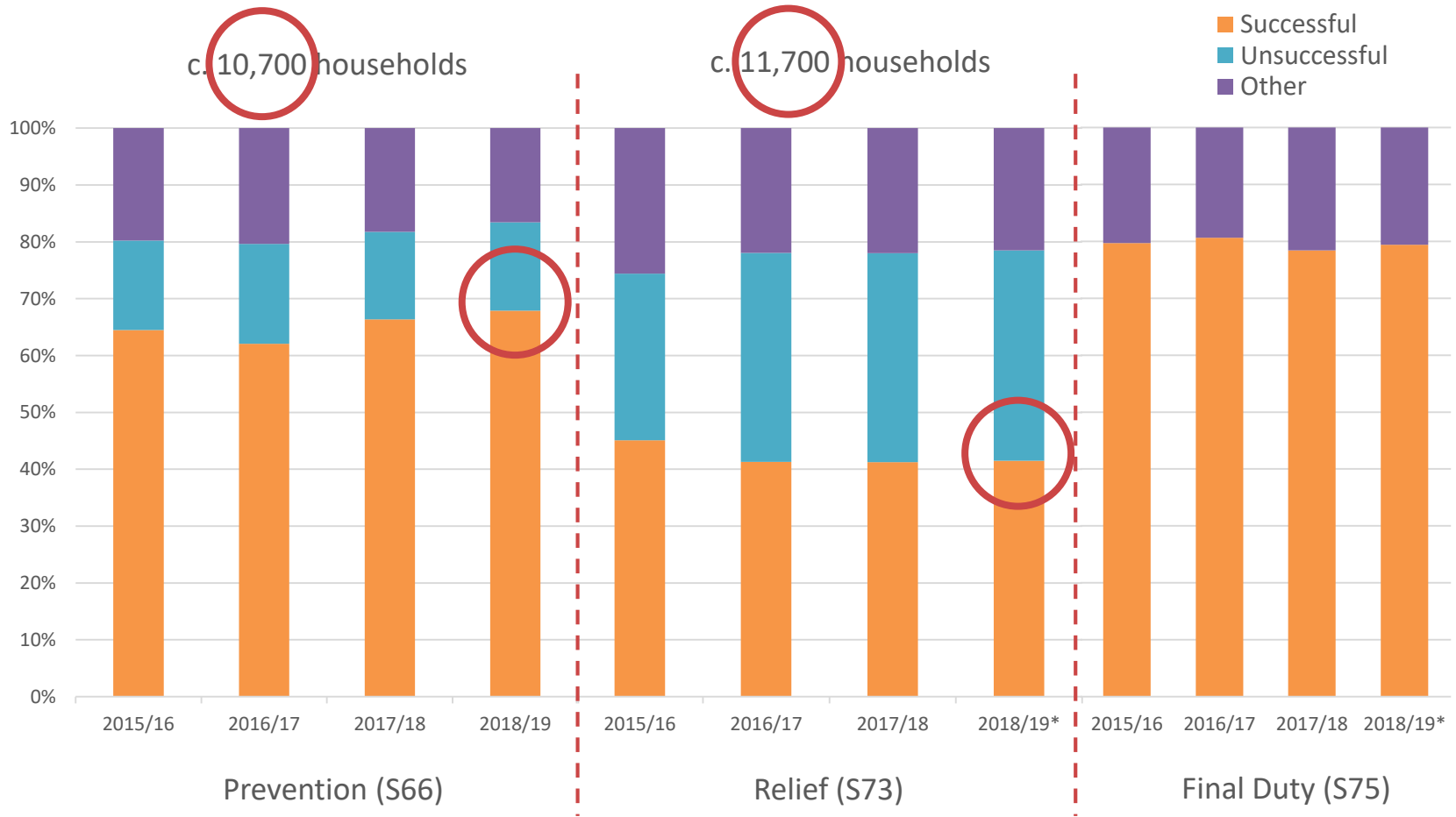


## Significant change

‘I think we thought it would be the same, but I think it has changed hugely. I think much more people are getting helped.’ (*Local authority interviewee, 2019*)



# More prevention activity and greater prevention success

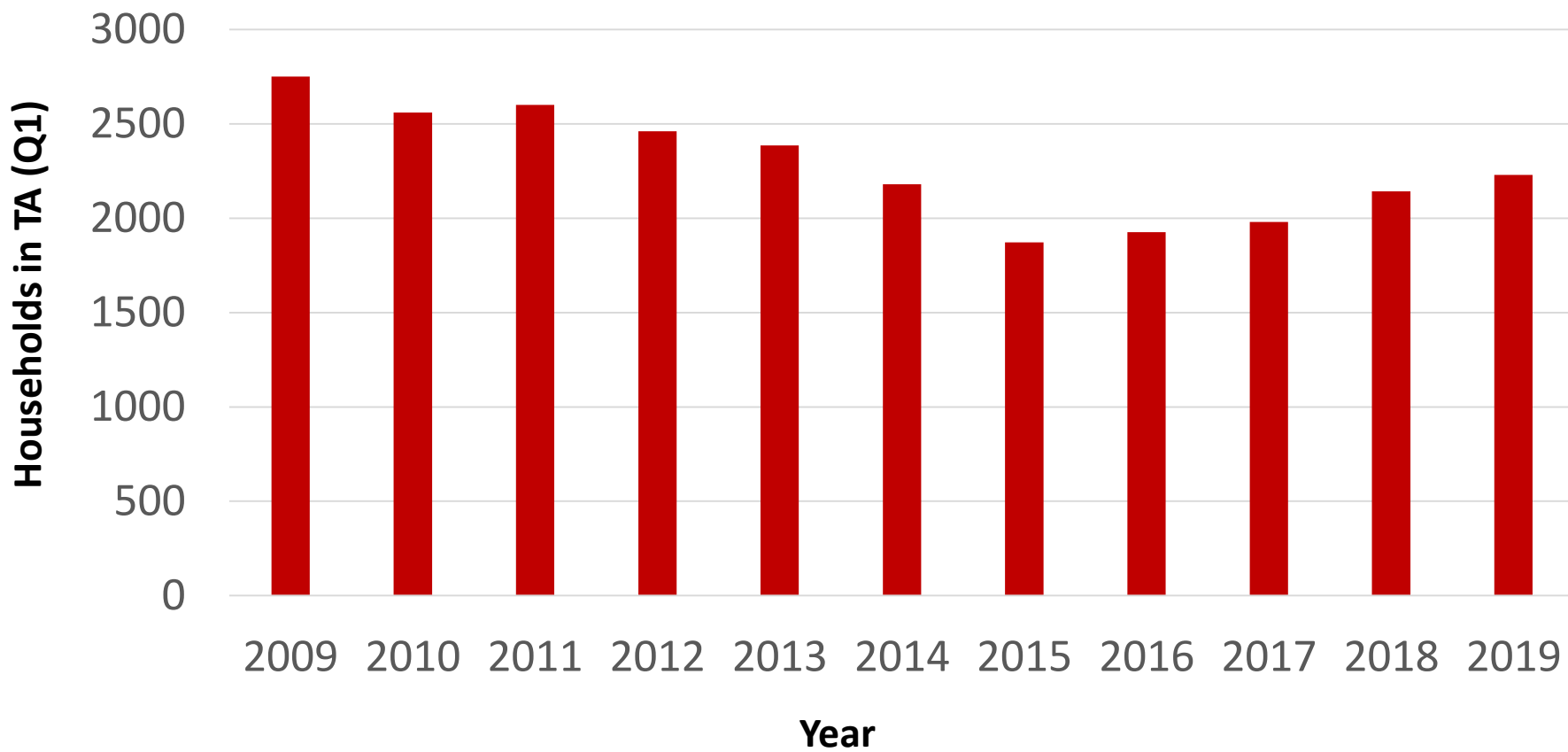


# Equal outcomes for single people and families (ALMOST!)

**Table.** Outcomes of Homelessness Assistance Provided Under the Housing (Wales) Act 2014 By Household Type, 2018/19

	Stage One		Stage Two	
	Help to prevent		Help to secure	
	Single	Family	Single	Family
Successful	66	69	39	44
Unsuccessful	14	16	36	41
Other	19	14	24	15

## Temporary accommodation use




## Services and service culture – staffing

*“I think what a lot of people did was... myself included, was to try and do what we’d always done but manoeuvred things around in the legislation... I think it was very, very difficult for people to visualise what the new Act would mean. I really think that during the last couple of years, there has been that gradual move to understanding exactly what it is we’re trying to do... Coupled with that is that there’s been a lot of change in staff throughout the whole sector, so you have staff who maybe couldn’t change, couldn’t go through that transition, and maybe found that they were no longer suitable for the job they were in and bringing in some new staff who would then start looking forward and I think that was something that really had to happen.” (LA interviewee, 2018)*

*Under the old Act, you wanted somebody who could read legislation, apply it, provide supporting evidence... and do everything they can basically in order to help someone in that sort of way. Whereas I need estate agents to source PRS, I need support workers, I need different skills. So, that’s what we’re doing. (LA)*

## Services and service culture – experiencing services

*‘This time round it has been totally different. Before I would have had to take my sleeping bag and my flask because you would be there for the duration of the day. The staff would have faces down to their asses, in and out of rooms moaning, you know. This time, totally different. They speak to you on a personal level, a better basis.’*



How might the Housing (Wales)  
Act 2014 be improved?

# Ensure more people are identified and assisted earlier

## Increase referrals

- Duty on all public bodies to refer (e.g. England)
- Require landlords to notify authorities when rent payment problems arise (e.g. Amsterdam and Sweden) and before an eviction (e.g. Vienna)

## Expand duties to other authorities/organisations

- Duty on all public bodies to prevent and relieve homelessness
- Zero evictions into homelessness (emerging in Wales)

## Earlier identification

- Upstream Cymru (e.g. Geelong, Australia)

## Improve support

- PIE
- More proactive (requires appropriate case loads for staff)
- Not time limited
- Reconsider expectations relating to co-operation



Monitor, regulate and share good practice



Thank you

Diolch yn fawr

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# The Homelessness Reduction Act: duties and implementation

Francesca Albanese, Head of Research and Evaluation, Crisis



**Together**  
we will end  
homelessness

## Homelessness Reduction Act

Introduced in April 2018 the new legislation includes:

- A prevention duty at 56 days for all eligible households regardless of priority need, intentionality or local connection
- A relief duty for any eligible person who is homeless to take 'reasonable steps to secure accommodation' that take no account of PN or intentionality
- Introduction of Personalised Housing Plans
- Duty to refer on public bodies (October 2018)



## Homelessness Reduction Act 2017

## Implementation of the HRA – awareness

- The HRA has substantially increased the number of people eligible for support from Housing Options through the new prevention and relief duties. Only 3% reported getting no support
- Still fairly low awareness of the HRA from people approaching as homeless - 14% of respondents reporting that they were aware of the introduction of the HRA
- Of those who were aware of the change in legislation 46% (36) said that it had encouraged them to attend Housing Options, this translates to only 7% of the overall total.

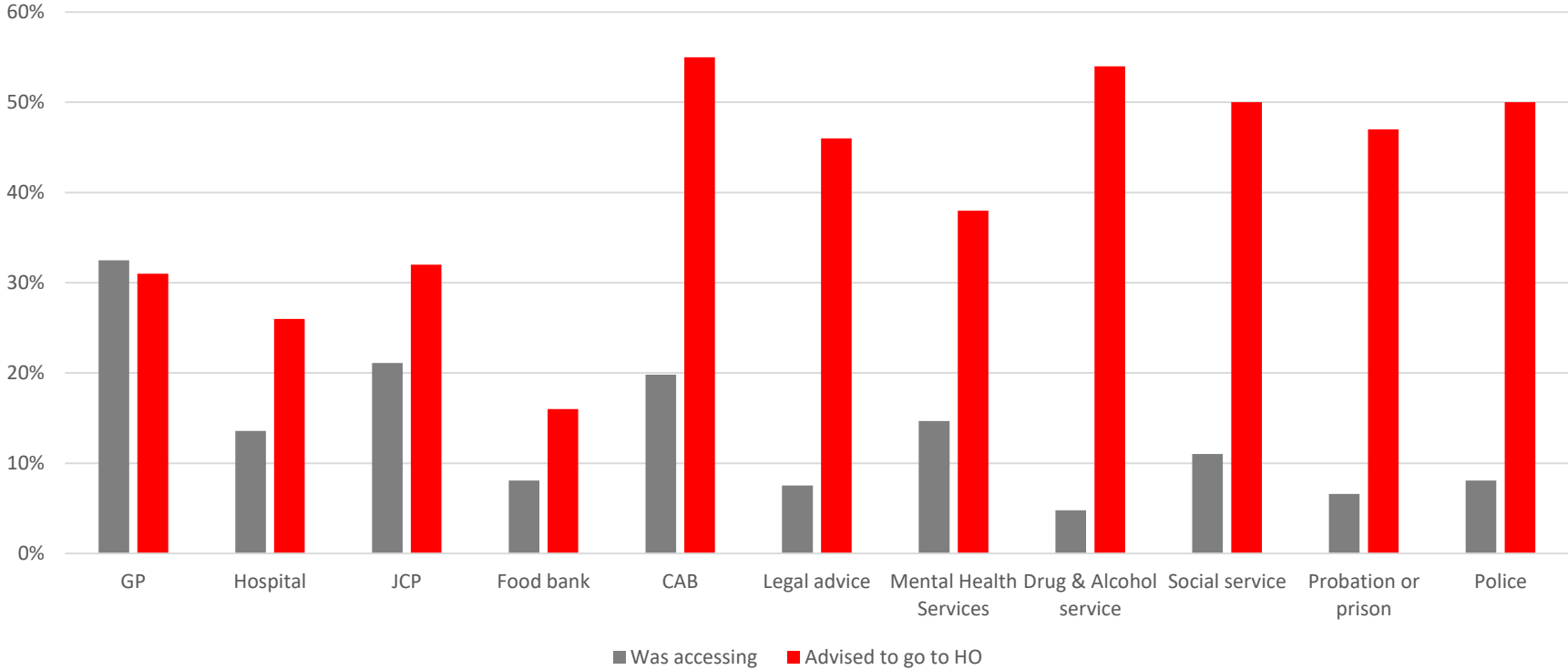
# Implementation of the HRA – culture

- LAs doing more on prevention:
  - 46% of LAs said the Act has prompted more effective prevention work
  - 58% LAs introduced new prevention and relief services as a result of HRA
- 62% (79% in London) said the Act has enabled a culture shift to a more person centred approach
- We are seeing varied practice and where the HRA is being delivered in the spirit it was intended we seeing much more positive outcomes
- On average of 51% stated that their experience with the LA had met their expectations

# Implementation of the HRA - Duty to Refer

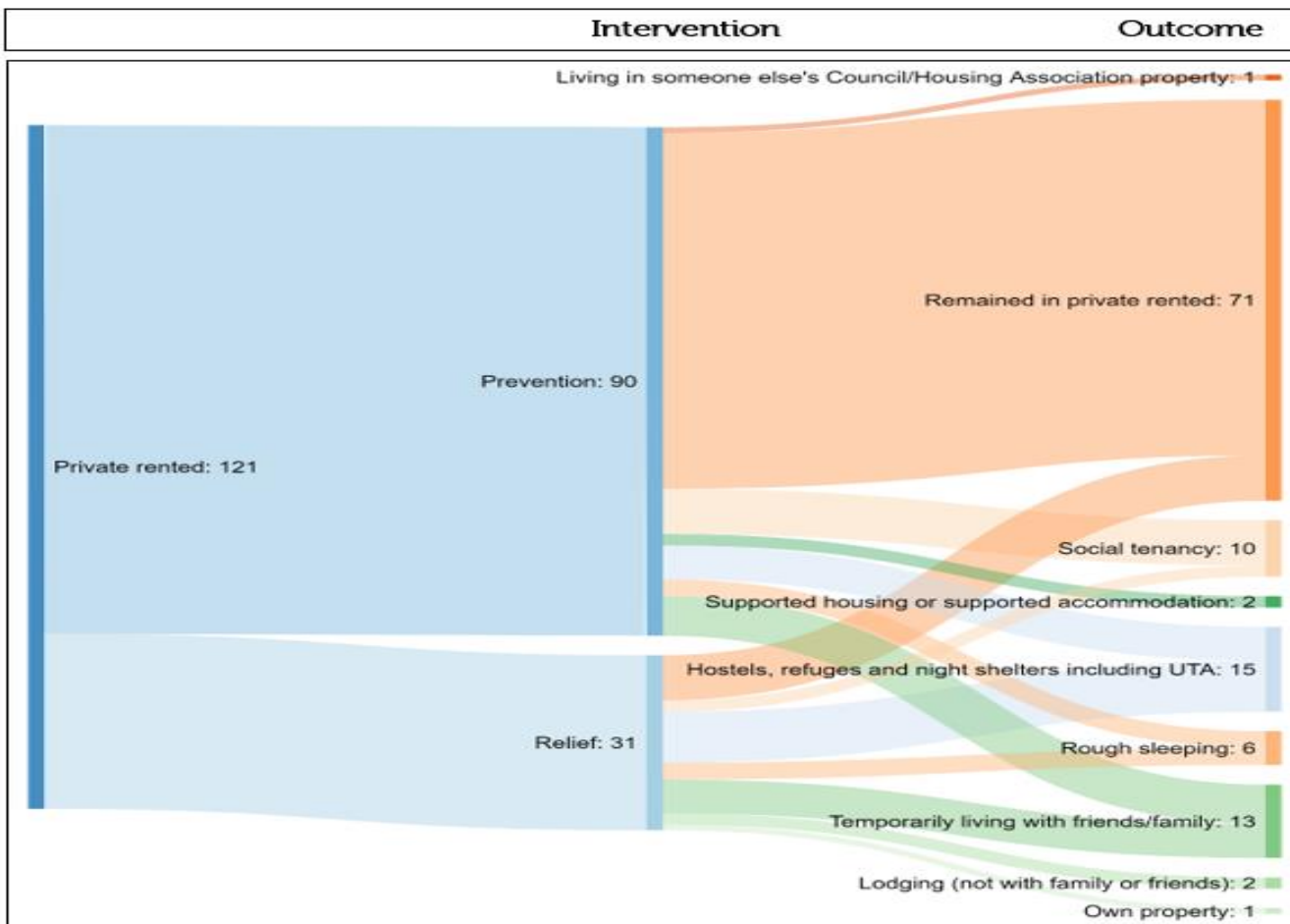
- Positive indication on joint working - 47% of LAs say the HRA will significantly improve joint working with public authorities subject to the duty to refer
- Lots of touch points where people could be referred - 65% of respondents were engaged with at least one other service at the time they presented to Housing Options
- Nearly a third of respondents had seen their GP but only 31% were advised to seek housing support
- Overall those services most likely to be working with individuals with higher support needs e.g. probation services were more likely to refer than those offering universal services e.g. GPs

# Duty to Refer





# Prevention versus relief outcomes



## Conclusion

- There is positive signs of good prevention practice emerging from the HRA –still mainly crisis and emergency prevention activity
- The HRA has opened up access particularly amongst single people but LAs also see benefits to families and children too
- Creativity and a willingness to move beyond traditional approaches are seeing success against trying to interpret the HRA on to previous processes
- The case management nature of the HRA needs to be acknowledged and resourced appropriately
- The importance of the Duty to Refer is evident and this needs to be extended to a wider range of services - a duty to prevent homelessness is the optimal approach

# **Efficacy of homelessness prevention in Scotland**

## Prevention in Scottish legislation

### Section 32: Duties to persons found to be threatened with homelessness

Where a local authority

- is satisfied that an applicant is threatened with homelessness in the next two months, and
- is not satisfied that he became threatened with homelessness intentionally, then
- they shall **take reasonable steps to secure that accommodation does not cease to be available** for his occupation.

Housing (Scotland) Act

1987

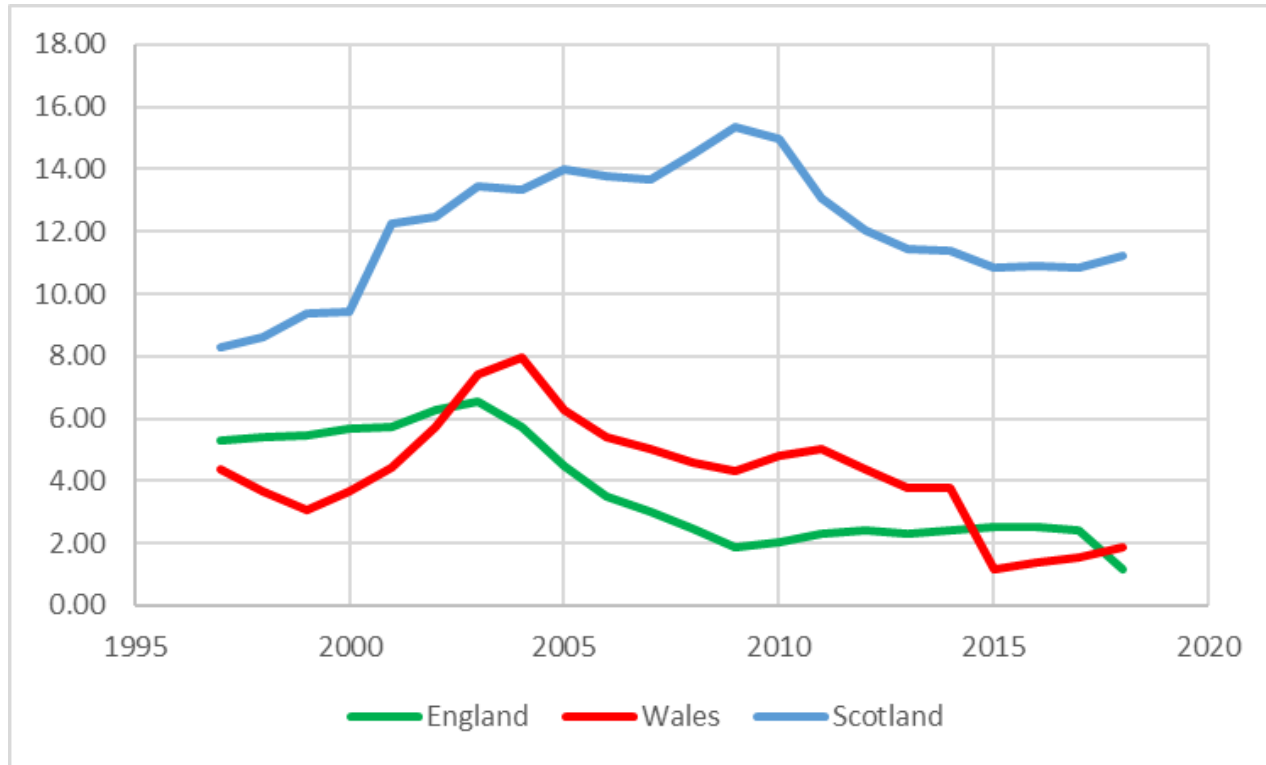
## Lack of clarity

- How to discharge duty to make sure accommodation is available, unless go through settled accommodation route?
  - Definition of reasonable steps?
  - What type and length of arrangement would be sufficient to consider threat of homelessness is ended?
  - Role of applicant choice in accepting preventative measures?
- How do a 'threatened with homelessness' application and the Housing Options approach sit together?

## What does homelessness prevention look like currently?

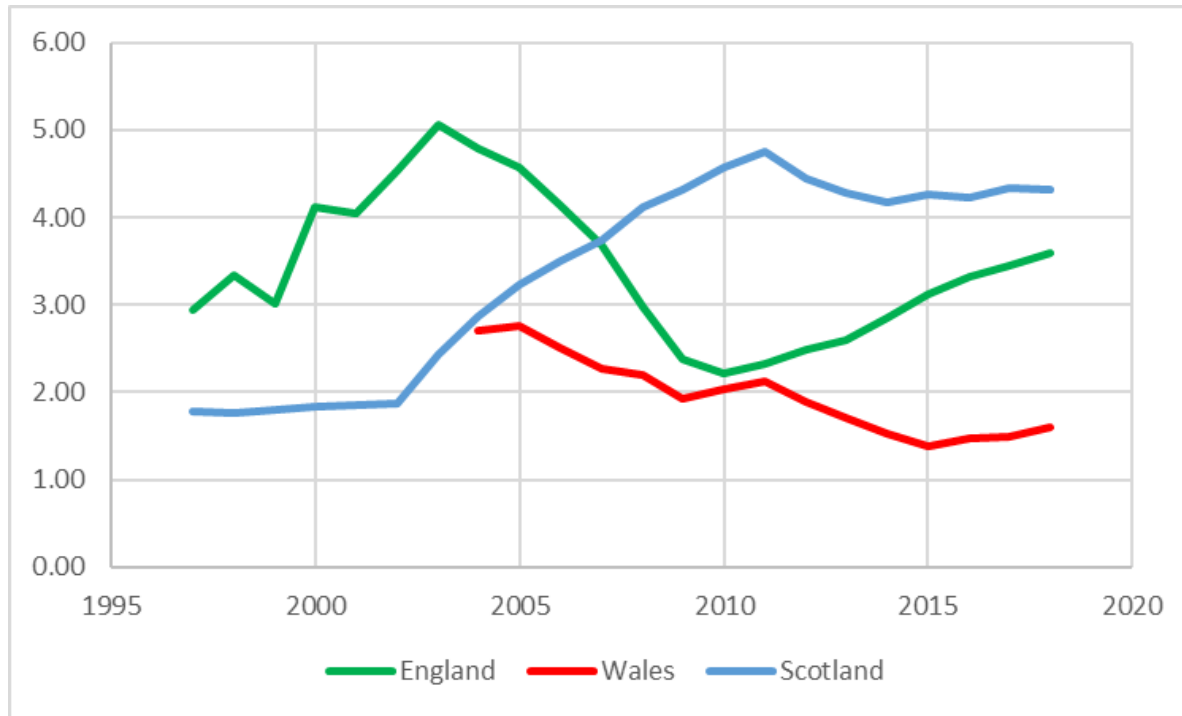
- 61,400 households make either a homelessness application or Housing Options approach
- 42,900 Housing Options approaches a year
  - 54% is signposting and information provision, 46% is case work
  - Half (21,400) go on to make a homelessness application
- LAs have been accused of “gatekeeping” if actions to prevent homelessness mean they take fewer homelessness applications
- Of homelessness applications, 1,800 found to be threatened with homelessness and 28,100 found to be homeless

***Homeless priority need acceptances per 1000 households by country, 1997-2018***



From Fitzpatrick and Bramley: Homelessness and Complex Needs: Comparing Policies and Outcomes Across Great Britain

***Homeless households in temporary accommodation per 1000 households by country, 1997-2018***



From Fitzpatrick and Bramley: Homelessness and Complex Needs: Comparing Policies and Outcomes Across Great Britain



# Outcomes from homelessness prevention work (1)

## Housing Options

- 22% (9,500) stay in current accommodation
- 5% (2,000) get a social tenancy
- 50% (21,400) Housing Options approaches result in a statutory homelessness application – but wide variation locally

## Outcomes from homelessness prevention work (2)

### Homeless applications

- 36,400 assessment decisions
- 5% (1,275) ultimately return to their current / previous accommodation but local variation.
- 71% (20,200) of statutory homeless households go on to settled housing, almost exclusively social housing (18,900)

## Prevention in Rapid Rehousing Transition Plans

Prevention an area of commonality – key to rapid rehousing and reducing dependence on temporary accommodation

Wide range of activities and approaches proposed, different stages of development:

- Service structures and capacity, allocations policies, social housing evictions procedures
  - Better engagement with social and private landlords
  - More proactive work to identify Housing Options, vulnerabilities and at risk individuals
  - A third refer to improved working with health and social care
  - Prevention pathways for predictable homelessness mentioned in most
- Not usually clear how prevention activities map to local causes of homelessness
- Significantly increasing social lets to currently homeless households (up to 75%)

## Discussion

- What is the problem we are trying to fix?
- What could legal duties achieve?
- Which Scottish public bodies need to be implicated for legal duties for effective homelessness prevention?

## Who might to contribute to homelessness prevention?

- Health and Social Care Partnerships
- GPs
- Public health
- Children's services where there are children in the household, and where young people are leaving home or care
- Schools and other education providers
- Police Scotland
- Scottish Prison Service
- Housing associations
- Private landlords

## **Duties on housing and homelessness bodies - discussion**

- What is the problem we are trying to fix?
- What could legal duties achieve?
- Who do we need to consult?