

The Homelessness Reduction Act 2017 – A summary for partner services in Salford

The Homelessness Reduction Act received Royal Assent in 2017 and with it will come a range of additional measures which seek to reduce and relieve homelessness, and which will come into force on 3rd April 2018. The main statutory duties are:

- **An earlier opportunity to seek advice and assistance:** A change to the meaning of “threatened with homelessness” means that the period when a person is defined as threatened with homelessness is changing from 28 days to 56 days. This means that the public can approach at an earlier stage in order to obtain housing advice and assistance.
- **Improved housing advice and information:** Currently the Housing Options Service provides general advice and information about: how to secure accommodation, prevent homelessness, an individuals rights, the duties of the authority, help that is available and how to access that help. This advice will be extended and tailored to certain client groups in order to meet the needs of:
 - (a) persons released from prison or youth detention accommodation,
 - (b) care leavers,
 - (c) former members of the regular armed forces,
 - (d) victims of domestic abuse,
 - (e) persons leaving hospital,
 - (f) persons suffering from a mental illness or impairment, and
 - (g) any other group that the authority identify as being at particular risk of homelessness.
- **56 day Prevention Duty:** Where households are threatened with homelessness within 56 days and the applicant is eligible (by immigration status/nationality) for housing assistance, the local authority will take reasonable steps to help the applicant to secure that accommodation does not cease to be available for their occupation. This is called a Prevention Duty and this duty lasts for 56 days. At the end of the Prevention Duty, if homelessness has been prevented or if the applicant has been supported to secure alternative suitable accommodation, then the housing duty will end. Alternatively, if they have then become homeless a 56 day Relief duty then applies.
- **56 day Relief Duty:** Where households are eligible (by immigration status/nationality) and are already homeless, or should they become homeless by the end of the 56 day Prevention Duty, then the local authority, the applicant and partner agencies are required to take all reasonable steps to help the applicant to secure that suitable accommodation becomes available to them for at least 6 months. This is called a Relief Duty and can last for a further 56 day period,
- **Detailed assessment:** For those applicants who are eligible and threatened with / or are homeless, local authorities will carry out a detailed assessment setting out the circumstances leading to the threat of / homelessness, the households housing support needs and what type of housing they require.
- **Personal Housing Plan:** The assessment will inform an individual personalised housing plan, which will detail all reasonable actions that should be undertaken by the applicant (and his household), the authority and partner agencies in order to try to prevent homelessness or to try to relieve homelessness. The personal housing plan should be made in agreement with the applicant. If they don't agree with the actions this, along with their reasons for disagreeing with the plan

actions will be recorded. The plan will remain under review as the applicants circumstances change. (N:B partner actions will only be included in the action plan after partners have been consulted).

- **Referral to another Local Authority:** During the period of the Relief Duty if it is found that the applicant (and his household) does not have a local connection to Salford, then the Authority can refer their case to the Local Authority where the applicant did last have a local connection. That Local Authority would then be required to continue to deliver the Relief Duty and the remaining requirements under the Homelessness Reduction Act, as appropriate.
- **Homelessness Decision:** Once the Relief Duty comes to an end, assuming the applicant has not secured suitable accommodation for a period of 6 months and they remain homeless, then a decision as to whether any further housing duty is owed to them will be enforced. A full housing duty to secure accommodation in Salford for a period of 12 months is only awarded if the applicant (or their household) has: a priority need, are not intentionally homeless and do have a local connection to Salford. There are lots of reasons why someone could have a priority need and this is set in law. If the applicant (and their household) are not in priority need or are intentionally homeless then there is no housing duty owed to them, other than the provision of advice and information. Temporary accommodation can be provided for a short period of time in specific cases (defined by law).
- **Deliberate and unreasonable refusal to co-operate:** The Act also contains a provision to bring the prevention and relief duty to an end where the local authority is satisfied that the applicant is both deliberately and unreasonably refusing to cooperate with the steps set out in the agreed personal housing plan. The applicant will receive a warning about this before the Prevention or Relief Duty is brought to an end and they will have the right to a review of this decision.
- **Right to a review:** The new Act brings with it a number of opportunities to request a review of a decision including a review of:
 - the decision that an applicant is either not eligible for assistance or not threatened with or are homeless
 - the steps considered reasonable to prevent or relieve homelessness
 - the decision that someone has deliberately and unreasonably refused to co-operate with the personal housing plan
 - the decision that a household does not have a priority need, is intentionally homeless, does not have a local connection to Salford or to refer the case to another local authority
 - a decision to bring any of the housing duties to an end – including the suitability of accommodation offered
- **Young people leaving care** will be deemed to have a local connection in the area of the local authority that is responsible for providing them with leaving care services under the Children Act 1989. Care leavers will also be able to demonstrate a local connection with the area in which they are placed and living temporarily. It is their right to choose where they make their homeless application.
- **Public duty to refer:** In October 2018, a further duty will come into force. This is a Public Duty to Refer. This is a statutory duty that applies to all public services (yet to be defined by further government guidance). This duty will mean that when an officer working in a public service becomes aware that someone may be threatened with homelessness/are homeless then they have a duty, with the persons consent, to refer them to the Housing Advice and Homelessness Service.

If your service/organisation requires a more detailed briefing please contact Jane Anderson (Service Manager Housing Options Service): jane.anderson@salford.gov.uk

HOMELESSNESS REDUCTION ACT 2017 - SUMMARY

Right to a review

Public Duty To Refer

Threatened with h/lessness within 56 days or currently homeless =
 Present at Wesley St – Housing Options Service
 or
 Home visit – for those unable to present

If not threatened with / or currently homeless (within 56 days) or not eligible for assistance =
 Advice & Info provided only

If threatened with homelessness within 56 days or homeless and eligible for assistance =
Detailed assessment:
 - Cause of homelessness
 - housing situation
 - housing support needs
 - what is suitable hsg?

56 Day Prevention Duty – if applicant threatened with homelessness within 56 days:
Personal Housing Plan – details reasonable actions required by applicant, their household, the L.A and partners, to try to prevent homelessness

56 Day Prevention Duty comes to an end:
 • Homelessness is prevented – duty discharged
 • Now currently homeless – 56 day Relief Duty commences

56 Day Relief Duty – if applicant is currently homeless:
Personal Housing Plan – (reviewed) details reasonable actions required by applicant, their household, the L.A and partner’s to secure that suitable accommodation becomes available to them for at least 6 months

Failure to co-operate:
 Warning provided.
 Prevention duty brought to an end: relief duty applies as appropriate
 Relief Duty brought to an end: see bullet point 3.

No local connection:
 Can refer to the L.A where the applicant has a local connection

56 Day Relief Duty comes to an end:
 Homelessness relieved with 6/12 tenancy – duty ended
 Remains homeless – s.184 homeless decision applies

s. 184 decision - can be either:

- Full housing duty awarded until duty discharged, or
- Full housing duty awarded with referral to another L.A, or
- Failure to co-operate awarded but in priority need & unintentional = duty to accommodate in 6 month tenancy or
- Full housing duty **not** awarded: housing duty ends - advice & info provided. Temp accommodation provided for short period of time in specific case