

The Homelessness Reduction Act 2017

Frequently Asked Questions

What is the purpose of the Act?

Homelessness charity research highlighted a number of issues with the way in which the current law works in practice:

- Minimal provision of advice and assistance in some areas
- No specific tailoring to meet the individual needs of a person
- Some local authorities only providing assistance at a person's point of crisis
- Prevention work being completed but outside of the legal framework
- Little protection offered to single households who did not have priority need.

The act is designed to address these issues; it encourages early action by Local Authorities and ensures people have the ability to access services before they become homeless.

What will the Act mean for Harrogate Borough Council?

It places a new duty on Harrogate Borough Council and other public bodies to reduce homelessness. It aims to reduce homelessness by:

- Improving the quality and breadth of advice provided
- Refocusing local authorities on prevention work
- Increasing protection for single people
- Promoting joined up services for people needing support especially those leaving prison/hospital/armed forces/care services

When will more information be available?

The Government released a draft code of guidance for consultation

www.gov.uk/government/consultations/homelessness-code-of-guidance-for-local-authorities

The consultation ended on the 11th December 2017 and it is hoped that the finalised document will be published spring 2018.

Who will be covered by the Act?

A person will qualify for assistance if they are homeless or going to be homeless. 'Going to be' means they will have nowhere to live or it is unreasonable for them to stay in their existing accommodation at some point in the next 56 days. The hope is that people will ask for help early, however failing to get help early will not prevent support from being provided.

Improving Advice

The Act requires Harrogate Borough Council to give free information and advice on:

- Preventing homelessness and securing accommodation when homeless
- The rights of people who are homeless or threatened with homelessness
- How to access help from Harrogate Borough Council or others organisations within the Borough

The duty to provide **advice** applies to everyone and there is no requirement to meet eligibility criteria.

The areas Harrogate Borough Council is required to give advice on includes:

- Tenancy rights
- Tenants' rights to benefits
- Advice on debt, rent and mortgage arrears
- Help for people at risk of violence and abuse
- Details on how to obtain accommodation in both the social sector and private rented sector

'PREVENTION DUTY' to stop people becoming homeless

The Act requires the Council to work proactively with anyone who is threatened with homelessness within 56 days. This new duty – **'the prevention duty'** - is designed to ensure that the barriers that people face in resolving their housing issues are removed so that they can:

- Stay in current accommodation or
- Secure new places to live

This prevention duty will mean that Harrogate Borough Council will assess each applicant's needs fully, and identify reasonable steps to be taken by both the Council and the applicant to try and resolve their housing situation. These steps will be set out in a personalised housing plan and will be tailored to each applicant's individual circumstances.

This duty, along with the **'Relief Duty'**, will only apply to those who are eligible – i.e. the applicant must be eligible for recourse to public funds.

'RELIEF DUTY' to help those who become homeless

Harrogate Borough Council must take reasonable steps to secure accommodation for anyone who is homeless. This is not a guarantee to get an individual accommodation,

56 days of support are provided and will end when a person gets housed or if all reasonable steps have been taken to secure accommodation.

The kind of support that will be offered will include things like:

- Referring people to housing providers (encouraging Housing Register applications)
- Helping people to find private rented accommodation through the Private Sector Officer
- Supporting people to access other services such as mediation and/or debt advice

The aim is to be innovative and use a broad range of tools.

Please note: Any housing solution must provide accommodation for at least six months.

Personalised Housing Plan (PHP)

There is a duty on Harrogate Borough Council to assess all cases and develop a personalised housing plan (PHP). The plan must be agreed with the individual and must aim to ensure that the person can stay in their current accommodation or secure alternative suitable accommodation.

This PHP will be tailored to the individual's housing and support needs and its actions must be reasonable, achievable and agreed by both parties. When producing the plan the wishes and preferences of individuals should be considered, along with an assessment of whether there is a reasonable prospect of accommodation being available to meet those wishes and preferences.

If an individual does not co-operate once the plan has been developed and actions are not met, then the individual will lose their entitlement to support from Harrogate Borough Council.

Duty to refer by public bodies

Under the Act public authorities have a duty to notify Harrogate Borough Council of those who are homeless or may become homeless. This is to ensure that wider public services consider individuals' housing situation and its impact on other areas of a person's life

Consent from the individual for a referral to be made must be secured.

How these pathways work will be decided within Harrogate and local agreements will be put in place with organisations, to ensure robust information sharing protocols.

The definition of public body is not yet available (however primary examples given are schools, hospitals, GP's, Prisons, Police and Probation). This part of the Act will come into force on Monday 1st October 2018.

How will we make sure that the key steps set out in the personalised housing plan are things an applicant can achieve?

As part of the applicant's assessment, Harrogate Borough Council will have to look at the particular circumstances and needs of the applicant including the reasons for their homelessness or threatened homelessness and the support they need to enable them to find and retain suitable accommodation.

Following this assessment Harrogate Borough Council must work with the applicant to agree the actions to be taken by both parties.

When does the prevention work with an applicant end?

The prevention duty can only be ended in a number of ways:

- Successful prevention (alternative accommodation sourced for 6 months or an extension of existing accommodation for a period of 6 months)
- If the applicant unreasonably and deliberately refuses to co-operate with Harrogate Borough Council after a warning letter has been issued

If the prevention has not been successful and the person loses their home they will be owed a relief duty, ensuring they receive continuous help.

- It can also come to an end where Harrogate Borough Council has taken reasonable steps for 56 days to help the applicant to secure accommodation
- If they cease to be eligible (i.e. lose their right to have recourse to public funds)
- If the applicant withdraws their application for support
- If the applicant refuses an offer of suitable accommodation
- If the applicant becomes intentionally homeless from the accommodation made available to them

When does the relief duty end?

The relief duty can be ended in a number of specific ways:

- If suitable accommodation has been secured and is expected to be available for at least six months
- If Harrogate Borough Council has taken reasonable steps for 56 days to help the applicant to secure accommodation
- If the applicant refuses an offer of suitable accommodation
- If the applicant unreasonably and deliberately refuses to co-operate with Harrogate Borough Council after a warning letter has been issued
- If they cease to be eligible (i.e. lose their right to have recourse to public funds).
- If the applicant withdraws their application for support
- If the applicant becomes intentionally homeless from the accommodation made available to them

What is the requirement for interim/temporary accommodation for those in priority need?

Where Harrogate Borough Council has reason to believe that a person is homeless, eligible and has a priority need, they must provide interim accommodation. The duty to provide interim/temporary accommodation remains unchanged from the 1996 Housing Act.

Priority need and intentionality will remain part of the assessment process for the Council when dealing with full homelessness applications if the new Prevention and Relief duties fail to resolve an applicant's homelessness.