



Crisis' written evidence on the Homelessness Code of Guidance for the CLG Select Committee

December 2017

The Homelessness Reduction Act marks the most significant change to the homelessness legislation in 40 years and should ensure that thousands more people receive help to prevent their homelessness at a much earlier point. The Homelessness Code of Guidance for local authorities will play an essential role in helping to ensure that local authorities are able to put these changes into practice. The Act has the potential to drive a culture shift within homelessness services towards offering more meaningful, personalised support, focussed on working with households to identify the best solutions to prevent or resolve their homelessness. The guidance should encourage local authorities to see past the minimum duties and act to prevent homelessness wherever possible. For the Act to be successful this must go beyond the housing authority and homelessness prevention must be embedded into every relevant government department and public service.

Evidence from Wales indicates that the new legislative framework for homelessness has had an array of positive impacts, including reorientating the 'culture' of local authorities towards a more preventative, person-centred and outcome-focussed approach. The co-production model used to develop the Welsh Code of Guidance and a Welsh government funded training programme for front line staff, jointly delivered in partnership with Shelter Cymru and the Welsh Local Government Association are seen to have played a key role in achieving this change.¹ This highlights the importance of ensuring that the Code of Guidance sets the right tone to ensure the legislation achieves the positive change it was intended to bring about.

We have listed in this response a number of areas where we believe the guidance could be changed to better reflect the spirit of the legislation and encourage the culture change that is needed to ensure homelessness can be prevented at an early stage and everyone who approaches for assistance is treated with dignity, empathy and respect.

Chapter 2 – Homelessness strategies and reviews

The guidance should strongly encourage local authorities to work closely with other departments within the local authority and relevant local organisations when formulating a homelessness strategy to identify areas where homelessness can be identified and prevented at a much earlier stage.

Part b. of paragraph 2.28 should be expanded to encourage housing authorities to work closely with all relevant departments and agencies in the local area to identify the points where homelessness can be prevented. This will ensure that homelessness can be identified and prevented at a much earlier stage, which will only be possible with the involvement and cooperation of all relevant organisations working in the local area. The All Party

¹Fitzpatrick, S., H. Pawson, G. Bramley, S. Wilcox, B. Watts and J. Wood (2017) The homelessness monitor: Wales 2017. Crisis: London.

Parliamentary Group (APPG) for Ending Homelessness focused its first inquiry on three cohorts of people most at risk of homelessness: care leavers, prison leavers and survivors of domestic violence. They found that for all three groups there are clear points of intervention where homelessness can be prevented, however time and time again these people are getting lost despite, in many cases, receiving assistance from public bodies which should be a trigger to prevent their homelessness.² The guidance should strongly encourage housing authorities to take this opportunity to work with all relevant public and private organisations, including other departments within the local authority, to identify the points of intervention where homelessness can be prevented and put in place measures to ensure this happens.

This paragraph should also include a non-exhaustive list of the public agencies and social housing providers that should be engaging with the housing authority to assist with earlier identification of homelessness. This should include the NHS, drug and alcohol agencies, probation teams, debt advice services, children's services, mental health teams and housing associations.

Chapter 3 – Advice and information

Crisis supports the emphasis included in the opening paragraph of chapter 3, which states that advice and information about homelessness and the prevention of homelessness must be available to any other person in the district, as well as those who are owed further duties under Part 7. Good quality and easily available advice and information about homelessness and the prevention of homelessness will be essential to ensure the core aim of the new legislation, to prevent homelessness for many more households, is achieved. We recommend expanding this section to set out further detail about what this means in practice, to ensure that advice and information about homelessness is widely available and accessible to everyone who needs it.

An additional point should be included under paragraph 3.3 to highlight the importance of advice and information being available through other public agencies and social housing providers in the local area, such as housing associations and prisons. This will enable people to get advice about preventing homelessness at an earlier stage in places where they already live or visit, before they consider approaching the local authority for assistance.

To ensure that advice and information is truly available to every person in the district we recommend including an additional paragraph after paragraph 3.5 setting out what local authorities should do to ensure that advice and information is available and accessible to migrants, including people with no recourse to public funds, and people for whom English is not their first language.

Chapter 4 – The duty to refer cases in England to housing authorities

The successful implementation of the duty to refer will be critical to ensuring the new legislation has the impact intended, and enables thousands more households to receive help to prevent their homelessness at a much earlier point. An effective referral mechanism, accompanied by effective partnership working, will be crucial to ensuring that households at risk of homelessness are identified and can access support with housing at the earliest possible stage. Other agencies that may already be working with a household or individual

²APPG for Ending Homelessness (2017) Homelessness prevention for care leavers, prison leavers and survivors of domestic violence.
https://www.crisis.org.uk/media/237534/appg_for_ending_homelessness_report_2017_pdf.pdf

for another reason are likely to be in a better position to identify a risk of homelessness, before the situation becomes so critical that the person decides to approach the housing authority directly. The guidance as it is currently drafted does not encourage local authorities to develop meaningful referral processes and partnership arrangements with local agencies that will effectively prevent homelessness.

We recommend amending paragraphs 4.11 and 4.12 to strengthen the referral process. We believe a referral from a public agency under section 213B should trigger an application for assistance under Part 7 and this should be clearly stated here. This would compel local authorities to act promptly on receipt of a referral and ensure that appropriate action can be taken to prevent homelessness at an early stage. It would also increase the confidence of the agencies making referrals that their referral would be acted upon, encouraging greater cooperation between the range of organisations operating in the local area to work together to identify and prevent homelessness. Local authorities should also be required to respond directly to the individual being referred within a reasonable timeframe, depending on the urgency of the situation and at least in sufficient time to undertake meaningful prevention activity if this is still a possibility.

Culture change needs to go beyond the housing authority itself and this section should encourage authorities to explore the potential for partnerships and new ways of working with other departments and organisations in the area that would help ensure the referral process works effectively. For example, paragraph 4.2 could be expanded to suggest ways that housing authorities could help other agencies to take a more proactive role in preventing homelessness. This could include increasing the presence of Housing Options staff in other agencies' workplaces, such as Jobcentres or prisons.

Chapter 7 – Eligibility for assistance

The guidance in this chapter currently focuses on applicants who are not eligible for assistance. While we appreciate it is necessary to provide this information, we recommend that wherever possible the guidance makes positive statements about what assistance people are eligible for. This would help to encourage a culture shift towards providing people who are homeless or at risk of homelessness with as much help as possible, within the confines of the legislation and available resources. For example, the emphasis in paragraph 7.11 could be reversed to confirm that some people subject to immigration control will be eligible for assistance, and then listing the circumstances where this will be the case.

To set a more positive tone that encourages local authorities to look beyond the minimum requirements of the legislation this chapter should open by reiterating that everyone is entitled for some form of assistance, even if this is only advice and information. This opening section should also include confirmation that local authorities can use their discretion to accommodate people who are ineligible for assistance.

Chapter 10 – Local connection and referrals to another housing authority

This chapter is another example where the guidance does not reflect the spirit of the legislation and encourage the culture change required for the Act to be a success. It is heavily focused on the circumstances where a local authority could refer an applicant to another area, and the strength of local connection an applicant must have to avoid this. We are especially concerned that some of the positive and helpful statements included in the current guidance have been removed in the updated guidance.

This chapter should open with a clear statement to say that local authorities are not required to refer applicants to another local authority or make enquiries as to whether an applicant has a local connection. Currently, this information is only included in paragraph 10.19, which primarily discusses the specific requirements for asylum seekers, and comes after all of the advice about how to assess local connection. This is strongly emphasised in the current guidance, which includes this information in highlighted text on the chapter's opening page (paragraph 18.4) along with the clear statement 'Referrals are discretionary only'. Removing this emphasis sends the wrong message to local authorities, when the new legislation should be encouraging a culture where local authorities seek to provide more not less assistance to people who approach them as homeless.

The updated draft guidance also puts less emphasis on the assessments a local authority must carry out before making a referral, whereas the previous guidance stated this clearly and in highlighted text on the opening page (paragraph 18.3). We recommend that this emphasis is retained in the updated guidance and a clear statement should be included to confirm that local authorities can only refer applicants to another local authority after they have carried out an assessment and are satisfied that the applicant is eligible for assistance and homeless, and are therefore owed the relief duty.

Chapter 11 – Assessments and personalised plans

We welcome the clear message at the start of this chapter that housing authorities should adopt a positive and collaborative approach to working with applicants to develop a personalised plan to help prevent or relieve their homelessness. This is a central part of the new legislation and getting this process right will be for the successful implementation of the Act. There are several opportunities in this chapter where small additions would help to improve the overall tone of the guidance and bring it more in line with the spirit of the legislation.

It is essential that applicants are treated with empathy, dignity and respect, and that Housing Options staff are able to effectively conduct assessments for all applicants, including those who are especially vulnerable. Research carried out by Crisis which used mystery shoppers to examine the quality of advice and assistance provided to single homeless people by local authorities' Housing Options and Homelessness services found that interactions with staff during the assessment process had a significant effect on how mystery shoppers felt and how easy it was for them to present their case. Where mystery shoppers felt that staff had taken an interest in them as an individual and shown empathy this lessened the impact of other negative elements of the visit, such as the office environment or the waiting time, and reassured applicants that they would not be treated as just another number.³ The Homelessness Reduction Act and the updated Code of Guidance is an opportunity to initiate a culture change in the way homeless people are treated when they approach public services for assistance. The Code of Guidance should emphasise this important point through a clear statement at the start of this chapter.

We recommend adding a sentence to paragraph 11.3 to confirm that if an applicant is believed to be homeless or threatened with homelessness following an initial assessment then it is very likely that they will be entitled to some level of assistance through either the prevention or relief duties. This would clearly highlight that under the new legislation the

³Dobie, S., B. Sanders, L. Teixeira (2014), Turned Away, the treatment of single homeless people by local authority homelessness services in England. London: Crisis.

majority of applicants will be entitled to some form of assistance, even if they are likely to not be in priority need or to be considered intentionally homeless.

Paragraph 11.28 provides advice about when a local authority can refer an applicant to another borough when the prevention duty ends and the relief duty begins. This is another example where the default position presented in the guidance is for the local authority to discharge duty, and the option of continuing to provide support where this would benefit the applicant is not mentioned. This paragraph should be amended to clarify that a local authority may want to use their discretion not to refer the case if it would be more beneficial for the applicant to continue being supported by the initial authority. For example, if prevention activity was ongoing that could still have a successful outcome then it wouldn't make sense to stop this and refer the applicant to another local authority.

It would also be helpful for the guidance to encourage local authorities to involve another local authority at an earlier stage if it is clear that they will be referring the applicant to that authority when the prevention duty ends. For example, this could be the case if the applicant is looking to find accommodation in the area where they have a local connection or if they have a better chance of having their homelessness prevented in another district.

Conclusion

Amending the Code of Guidance to include the suggested changes we have outlined in this response would help to ensure that the Code of Guidance reflects the intention of the legislation, and provides a positive and helpful starting point for local authorities to work from as they implement their new duties. This will help to ensure the Homelessness Reduction Act is successful in transforming the support given to people in England who are homeless or threatened with homelessness so that homelessness can be prevented for many more people.

For further information, please contact:

Ruth Jacob, Senior Policy Officer
Tel: 020 7426 3893
Email: ruth.jacob@crisis.org.uk