

Appendix 1

Homelessness Reduction Act: Impact and Risk Matrix

Amendment Description	Current provisions	Impact	Risks
<p>Threatened with Homelessness</p> <p>An extension of the period during which an authority should treat someone as threatened with homelessness from 28 to 56 days.</p>	<p>The current period during which an authority should treat someone as threatened with homelessness is 28 days.</p>	<p>It will be very easy to trigger a homeless application given that virtually any applicant with a housing problem that may bring about a risk of homelessness may be at risk of losing their home within 56 days.</p>	<p>Increase in use of temporary accommodation and storage costs, and lengths of stay likely to be longer.</p>
<p>Action on ending of Assured Shorthold Tenancy</p> <p>Clarification of the action an authority should take when someone applies for assistance having been served with a section 8, or section 21 notice of intention to seek possession of an assured shorthold tenancy.</p>	<p>Current advice given to applicants is to remain in the accommodation where it is reasonable and safe to do so, until the notice expires. Some cases go through the court to Possessions Order stage and beyond.</p>	<p>This duty will have a significant financial impact on local authorities if these changes are agreed. The loss of an AST now accounts for nearly 40% of all full duty homeless acceptances in England, and as this will reduce the ability of a LHA to negotiate a solution with the landlord, LHAs will need to place in TA a lot earlier than currently.</p>	<p>Increased length of time for officers to manage cases.</p> <p>Additional temporary accommodation and storage costs as placements made earlier and for longer.</p> <p>Significant risk of serious shortages of TA provision.</p>
<p>Extended Housing Advice Duty</p> <p>New duty requiring services designed to meet the needs of certain groups through, for example developing 'pathway plans'. This duty applies to:</p> <ul style="list-style-type: none"> a) persons released from prison or youth detention; b) care leavers; c) former members of the regular armed forces; d) persons leaving hospital; 	<p>LHAs are already under a general duty to ensure that advice and information about homelessness, and preventing homelessness, is available to everyone in their district free of charge.</p> <p>For non-priority groups, including some that fall within the adjacent categories, this is often simply details of landlords and agents within the Borough.</p>	<p>Developing pathways requires support from other agencies that are also facing serious resource challenges.</p> <p>This enhanced new duty will require skilled Housing Advisers/ Housing Options officers spending considerably more time with customers until their housing needs are met.</p>	<p>Risk of appropriate support from other agencies not being made available.</p> <p>Lack of additional experienced staff required to manage increased workload.</p> <p>Additional cost not covered by new burdens funding.</p>

<p>e) victims of domestic abuse;</p> <p>f) persons suffering from mental illness; and</p> <p>g) any other groups identified as at particular risk of homelessness within the authority's area.</p>			
<p>New prescribed Homelessness Code of Practice</p> <p>This clause inserts a new section into the 1996 Act that enables the Secretary of State to produce codes of practice dealing with LHAs functions in relation to homelessness or prevention. The clause sets out a list of areas that might be covered by any code of practice.</p>	<p>There is currently no statutory code of practice. There is a Code of Guidance, which sets out the requirements for developing the statutory homelessness strategy and review, and implementation of the 2002 Homelessness Act.</p>	<p>This clause would give the Secretary of State power to issue codes of practice in relation to the performance of LHA homelessness duties, including staff training and monitoring of LHA homelessness functions. The code of practice would sit alongside a new statutory Code of Guidance.</p>	<p>The requirement to reach prescribed service and performance standards may require an investment in staffing and staff training.</p>
<p>Duty to assess all eligible applicants' cases and agree a plan</p> <p>This clause inserts a new duty into the 1996 Act, where if the LHA are satisfied that an applicant is homeless or threatened with homelessness, and eligible for assistance, they are required to carry out an assessment of the applicant's case, looking at the circumstances that caused the applicant's homelessness, their housing needs, and the support they need to be able to have and retain suitable accommodation.</p> <p>The LHA must then work with the applicant to agree, in writing, the</p>	<p>Currently the level of assessment undertaken within this new duty is only applied to a homelessness application as part of the homelessness investigation.</p> <p>Housing plans are currently not routinely carried out.</p>	<p>The duty is very prescriptive, requiring several notifications and introducing a bureaucratic process for keeping Personal Housing Plans, and a requirement to keep each step contained within that PHP under review.</p> <p>The duty is priority-neutral, and therefore <i>all</i> customers approaching LHA as homeless would require an Assessment and PHP, rather than only those in Priority need.</p> <p>This duty would require more time spent with a greater number of customers in agreeing and managing the PHP, and in administering the</p>	<p>As levels of homelessness rise the number of cases owed this duty will increase.</p> <p>Additional staff will be required to meet this increased need.</p>

<p>actions to be taken by both parties.</p> <p>Where a LHA deems an applicant to be intentionally homeless, they will be required to take account of the assessment carried when providing advice and assistance.</p>		<p>documentation to ensure that the process was legally compliant.</p>	
<p>Duty in cases of threatened homelessness</p> <p>This clause requires LHAs to take steps to help prevent homelessness for any eligible household threatened with homelessness. It places LHAs under a duty to take reasonable steps to help the applicant to secure that accommodation does not stop being available for their occupation for a period of 56 days from when the LHA is first satisfied that the applicant is eligible and threatened with homelessness.</p>	<p>While the prevention of homelessness is universal good practice and has been the focus of LHA homelessness services delivery for some years, it is not currently a prescribed duty.</p>	<p>This duty is also priority-neutral, and therefore increases the number of cases to whom a duty is owed, and the length of time required to be spent with each customer on an ongoing basis.</p> <p>This duty would require more time spent with a greater number of customers. We are carrying out further analysis as we believe that this would have a minimum 50% increase in case numbers at current levels.</p> <p>Local connection is not applied to applicants at the prevention duty stage.</p>	<p>As levels of homelessness rise the number of cases owed this duty will increase.</p> <p>Additional staff will be required to meet this increased need.</p> <p>There is a risk of ‘homelessness tourism’ increasing approaches, with applicants seeking advice and accommodation away from their own LHA area.</p>
<p>A new 56 day duty on local housing authorities to take steps to relieve homelessness</p> <p>Help would be provided for households regardless of whether they are in ‘priority need’.</p> <p>LHAs will be required to take reasonable steps that are likely to help the applicant to secure accommodation.</p> <p>Reasonable steps could include, for</p>	<p>Relief of homelessness is undertaken where homelessness cannot be prevented.</p> <p>However, this is currently only in Priority Need cases.</p>	<p>Authorities will have to take steps to assist applicants in securing accommodation for a period of 56 days. There would be no duty on the authority to actually source and secure accommodation itself.</p> <p>This Relief duty will come to an end after 56 days if the applicant is in priority need and not Intentionally Homeless. This is likely to result in many cases remaining open up to and after 56 days.</p>	<p>As levels of homelessness rise the number of cases owed this duty will increase.</p> <p>Additional staff will be required to meet this increased need.</p> <p>Risk of temporary accommodation placements and storage cost increasing to cover non-priority households.</p>

<p>example, providing a rent deposit or access to mediation to keep households together.</p>		<p>Clarity over whether the requirement to 'help the applicant secure accommodation' includes paying for the accommodation is being sought by LGA.</p>	
<p>Requirement for applicants to co-operate with the reasonable steps agreed</p> <p>Where a local authority owes a duty to prevent or relieve homelessness, a notice may be served on the applicant advising that they are considered to have deliberately and unreasonably refused to co-operate with the authority.</p>	<p>There are currently no such requirements on applicants.</p>	<p>This Clause places a duty on councils to offer applicants with priority need that do not cooperate a six-month AST.</p> <p>There would be a continuing duty to applicants in priority need to secure that accommodation is available for their occupation, but these applicants would <i>not</i> be owed a main homelessness duty, and therefore would have to be offered an AST of at least six months as a minimum.</p> <p>Those that are not priority need and do not co-operate with the LHA will not be entitled to this support.</p>	<p>As there is a shortage of private sector tenancies locally, so discharge of this continuing duty will be particularly challenging and resource-intensive.</p>
<p>Clarity of the circumstances under which care leavers should be treated as having a local connection with a local authority.</p> <p>This clause amends 1996 Act to provide that all care leavers who are owed continuing duties under section 23C of the Children Act 1989 are deemed to have a local connection in the area of the local authority that owes them those duties.</p> <p>Where the young person was looked after by a county council they will have</p>	<p>Local Connection of care leavers is currently a grey area often subject to review.</p>	<p>This extends the legal definition for residency rules for local connection.</p> <p>While this gives greater clarity, it will mean that care leavers formerly looked after by KCC can apply to any district within the County, regardless of which district they were placed in for care.</p>	<p>Potential for increased number of care leavers placed in other Kent districts by KCC to approach LHAs for housing assistance.</p> <p>There is currently an acute shortage of appropriate housing for care leavers within LHA areas. Therefore temporary accommodation placements and associated costs could increase.</p>

<p>a local connection to any district in that county.</p> <p>Where a care leaver has lived in a different area to the above for at least two years, some or all of which falls before they turned 16 they also have a local connection with that district until they are 21.</p>			
<p>Additional Rights of Review</p> <p>The clause adds rights of review in relation to new duties in the Bill. An applicant has the right to request a review when a local housing authority makes a decision as to:</p> <ul style="list-style-type: none"> (i) what duty is owed to an applicant under the new initial duty owed to all persons who are homeless; (ii) duties to applicants who have deliberately and unreasonably failed to cooperate; (iii) the steps they are to take to help the applicant secure suitable accommodation; (iv) give notice they will bring the duty to help secure accommodation to an end; (v) give an applicant notice that they have deliberately and unreasonably failed to 	<p>Current rights of review cover only the decisions made regarding the homelessness application and the suitability of accommodation.</p>	<p>This new set of review rights is potentially very onerous.</p>	<p>Significantly increased workload for senior staff.</p> <p>Ongoing legal training will be required at all levels.</p> <p>Potential requirement for housing law specialists to be recruited.</p> <p>Increased risk of challenge by homelessness charities, advocates, and the Ombudsman, as well as increased risk of judicial review.</p>

<p>cooperate;</p> <p>(vi) the steps to be taken where an applicant is threatened with homelessness and the LHA must take reasonable steps to help the applicant prevent homelessness;</p> <p>(vii) give notice they are bringing the above duty to an end; or</p> <p>(viii) the suitability of accommodation offered by way of a final accommodation offer.</p>			
<p>New Duty for public authorities</p> <p>This applies to all public authorities specified in regulations made by the Secretary of State, if they consider that a person in England to whom they exercise functions may be homeless or at risk of becoming homeless.</p> <p>The person may choose which LHA they wish to be referred to.</p>	<p>There is currently no such duty on other public authorities within current homelessness legislation.</p>	<p>As it stands this clause only amounts to a duty for other public agencies to refer to the LHA, and does not require the public authority to take any responsibility themselves for trying to prevent homelessness.</p>	<p>Potential for tension within essential partnership working as a greater number of cases are simply referred to the Housing Options Service.</p> <p>Potential increase in complex cases such as prison release, hospital discharge etc.</p>