

Doncaster Council Homelessness Reduction Act briefing

The Homelessness Reduction Act 2017 – A summary for Doncaster partners

The Homelessness Reduction Act received Royal Assent in 2017 and with it comes a range of additional measures which seek to prevent, 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 free general advice and information about: how to secure accommodation, prevent homelessness, an individual’s rights, the duties of the authority, help that is available and how to access that help. The Act requires that services are designed to meet the needs of the following groups:

- (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
- (g) Any other group that the authority identify as being at particular risk of homelessness

Details of the changes are detailed below:

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 could be Private Rented Accommodation. Living with family members, or their own home. 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. Households do not have to have a local connection at this point.

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. Private Rented Sector is encouraged for use at this stage. Assisted bidding is also encouraged at this stage.

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 will be made in agreement with the applicant. The applicant will receive an online version of the plan and any updates made to the plan due to changes in circumstance. The plan will remain under review as the applicants circumstances change.

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

Doncaster, 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. Other Authorities can also refer back into Doncaster where there is a local connection.

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 Doncaster is only awarded if the applicant (or their household) has: a priority need, are not intentionally homeless and do have a local connection to Doncaster. Reasons for a priority need are 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 (as defined by law). Discharge into the Private Rented Sector has been reduced from 12 months to a 6 months tenancy.

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 Doncaster 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 (for a continuous period of at least 2 years). 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

- prisons
- youth offender institutions
- secure training centres
- secure colleges
- youth offending teams
- probation services (including community rehabilitation companies)
- Jobcentre Plus
- social service authorities
- emergency departments
- urgent treatment centres
- hospitals in their function of providing inpatient care

The Secretary of State for Defence is also subject to the duty to refer in relation to members of the regular forces. The regular forces are the Royal Navy, the Royal Marines, the regular army and the Royal Air Force

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.