

 Executive 4 January 2018		Agenda Item No. 6
Title	Homelessness initiatives and the new legislation	
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Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	1 st November 2017 Executive Minute no: 67	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	Yes Ref: 907
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Deputy Chief Executive	4/12/2017	Bill Hunt
Head of Service	30/11/2017	Lisa Barker
CMT	4/12/2017	Chris Elliott
Section 151 Officer	4/12/2017	Mike Snow
Monitoring Officer	4/12/2017	Andrew Jones
Finance	21/11/2017	Andrew Rollins
Portfolio Holder(s)	7/12/17	Councillor Peter Phillips
Consultation & Community Engagement		
Housing Advisory Group – 15 th November 2017 Meeting with voluntary sector agencies – 20 th November 2017		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. Summary

- 1.1 On 1st November 2017 Executive considered a report on the Severe Weather Emergency Protocol and resolved: "That a further report be brought to Executive setting out the range of current initiatives for homelessness prevention and relief, and setting out proposals for developing this work further in the context of implementation of the Homelessness Reduction Act from 1st April 2018." This report sets out the new legislation and funding for homelessness services, recommends proposals for implementation of the new statutory regime and proposes investigation of a range of new initiatives to prevent homelessness and support those threatened by or experiencing it.

2. Recommendations

- 2.1 That Executive notes the measures included in the Homelessness Reduction Act 2017 and the provision of New Burdens funding and Flexible Homelessness Support Grant (FHSG) provided by central government as set out in the report.
- 2.2 That Executive approves use of £212,500 from the FHSG to fund three new fixed-term posts and an additional Senior Housing Officer and notes that a report will be taken to Employment Committee on 31 January 2018 seeking approval for the posts.
- 2.3 That Executive approves the use of £92,850 from the FHSG for an IT application, consultancy support and ancillary costs as set out in paragraph 5.2.
- 2.4 That Executive approves the earmarking of £10,000 from the FSHG for bespoke work to prevent or alleviate homelessness as set out in paragraph 3.16
- 2.5 That Executive notes the range of current initiatives that are deployed in the district to tackle homelessness, as set out in Appendix One.
- 2.6 That Executive welcomes the results of consultation undertaken on potential additional initiatives, as set out in Appendix Two, and notes that officers will investigate these options in detail and bring a further report to a future meeting with proposals for spending the balance of the new funding.

3. Reasons for the Recommendations

- 3.1 The Homelessness Reduction Act 2017 ("the 2017 Act") passed through Parliament and became law in April 2017 with implementation from 1st April 2018. This introduces the most wide-ranging changes to the structure of homelessness legislation since it was first enacted in 1977.
- 3.2 The government also announced its intention to produce a new Code of Guidance on homelessness in the Autumn of 2017. A draft code was published in October.
- 3.3 Key measures provided by the Act include:
- The period over which an applicant is defined as "threatened with homelessness" is extended from 28 days to 56 days.
 - The definition of "threatened with homelessness" is extended to include private tenants served with a valid notice that expires within 56 days where the landlord intends to apply for possession.

- The duty to provide advice and information on housing and homelessness is strengthened.
 - There are new duties to all applicants regardless of priority need or intentionality, to:
 - agree a personalised plan with the applicant
 - help to ensure that suitable accommodation does not cease to be available for the applicant (the “prevention duty”)
 - help to secure accommodation for all applicants who the authority is satisfied are homeless and eligible for assistance (the “relief duty”)
- 3.4 The Act allows councils to give notice to applicants whom they consider to have deliberately and unreasonably refused: to cooperate with the above duties; or to take any step set out in the personalised plan. People in this position are not entitled to the full homelessness duty even if they are in priority need. However, the council is required to accommodate priority need applicants until they are made a final offer of accommodation (which must be at least a 6 month tenancy).
- 3.5 Taken together these measures fundamentally change the approach of local authorities to homelessness with an emphasis upon early intervention, prevention and negotiation: working with customers rather than crisis management, assessment and rigid decision-making.
- 3.6 This new approach is welcome but does however bring an increasing workload because the extension of the time frame potentially means more households will approach the council, while the extension of the duties means that considerably more work will be required with each and every household that appears to be at risk of homelessness. It also brings the potential for unintended and unexpected consequences that will require the ability to respond swiftly and flexibly where necessary and beneficial.
- 3.7 The government committed to providing “New Burdens” funding for local authorities to cover the additional costs of implementing the new measures.
- 3.8 A three-year settlement was announced in October 2017 giving the following sums for Warwick district: £21,219 for 2017/18, £19,436 for 2018/19 and £27,653 for 2019/20. The government expects that additional costs will be temporary and will drop out of the system as the new approach becomes embedded and levels of homelessness fall in response.
- 3.9 In April 2017 the government also announced a new funding stream for local authorities – Flexible Homelessness Support Grant. The grant was not specifically connected to the Act, but it is ring-fenced and may only be used to prevent or deal with homelessness. The allocations for Warwick district for 2017/18 and 2018/19 are £274,908.85 and £301,333.46 respectively. The statement added that funding for 2019/20 would be announced later in 2017/18 but this is still unknown at the time of writing.
- 3.10 An initial plan to use a proportion of the money for a short-term pilot of a new way of working was approved by CMT under delegated powers. This allowed new management arrangements to be introduced amongst existing staff which has achieved some improvements, including bringing Willes Road into use as temporary accommodation, maintaining the downward pressure on bed and breakfast use, and greater consistency of decision making in the team. However the plan to engage a new Housing Advice Officer, on a twelve month fixed-term contract, to focus on prevention work and allow learning to be fed

into our response to the Act once the Code of Guidance was published has proved problematic. As at mid-November it has not been possible to recruit to the post, even from employment agencies so we have not been able to trial the new prevention focus.

- 3.11 At the operational end of the team, based upon levels of enquiries in the district in recent years and experience from Wales, where a similar system was introduced in 2014, and analysis of work processes, it is calculated that three new members of staff doing prevention casework will be needed in the Housing Advice and Allocations Team. Discussions are underway with Human Resources about the mechanics of this. Costs have been estimated on the basis of grade G posts but formal Hay evaluation will be required. A report will be taken to Employment Committee on 31 January 2018 seeking approval for three new fixed-term posts and an additional Senior Housing Officer at an approximate cost of £212,500 to be funded from FHSG.
- 3.12 At this stage it is impossible to predict whether the government's expectation of reducing levels of homelessness in the longer term will materialise. It is therefore considered prudent for the posts to be offered as fixed-term temporary two year posts with an option to extend.
- 3.13 The new legislation brings with it a need for new procedures, new stationery and training for staff. Short term consultancy support is proposed to assist with the work to prepare for implementation and embed this into the team.
- 3.14 At the same time the DCLG is introducing a new set of reporting requirements, to be required from 1st April 2018. In place of the current quarterly statistical datasets that have been required for many years (known as "P1E returns") the new requirement involves reporting on case level data and will be known as H-CLIC. The possibility of being able to report this using a spreadsheet has been trialled and found to be unworkable. We have also assessed whether it would be possible to add some functionality to the existing housing management system and while this might be possible it was not ideal and would carry considerable risks.
- 3.15 Consideration is therefore being made of available third-party solutions, of which there are a limited number. Discussions are underway with ICT Services to ensure due consideration of functionality, compatibility and cost. A three quotes procurement exercise will be necessary, alongside an assessment of the ability of the systems to deliver by 1st April.
- 3.16 It is proposed that a modest sum is set aside to broker bespoke solutions which resolve the homelessness or prevent homelessness for individual clients. This might involve providing additional security measures to enable women fleeing domestic violence to remain in their own homes; secure a settled home in the private rented sector for those currently sleeping rough on our streets or to facilitate reconnection with other districts or countries.
- 3.17 There is a range of current services in the district for homeless people and those threatened with homelessness and these are set out in Appendix One.
- 3.18 A combination of officer research and the targeted consultation with appropriate voluntary sector organisations recommended by the Overview & Scrutiny Committee has identified the range of potential new initiatives that could complement the introduction of the new system. The outcomes of these workstrands are set out in Appendix Two. Subject to approval of the

recommendations in this report detailed evaluation of these potential initiatives will be undertaken and a further report brought back to Executive with recommendations on which should be implemented, using the unallocated balance of the FHSG funding.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several key projects. The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all. Housing needs for all met. Impressive cultural and sports activities. Cohesive and active communities.	<u>Intended outcomes:</u> Area has well looked after public spaces. All communities have access to decent open space. Improved air quality. Low levels of crime and ASB.	<u>Intended outcomes:</u> Dynamic and diverse local economy. Vibrant town centres. Improved performance/ productivity of local economy. Increased employment and income levels.
Impacts of Proposal		
Services that increase homelessness prevention and relief activity have a direct positive impact upon meeting housing needs and contribute to improved health for those assisted.	If homelessness services can be developed in a way that reduces rough sleeping then this can help to improve public spaces and reduce crime and ASB.	None.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained. All staff have the appropriate tools. All staff are engaged, empowered and supported. The right people are in the right job with the right skills and right behaviours.	<u>Intended outcomes:</u> Focusing on our customers' needs. Continuously improve our processes. Increase the digital provision of services.	<u>Intended outcomes:</u> Better return/use of our assets. Full Cost accounting. Continued cost management. Maximise income earning opportunities. Seek best value for money.

Impacts of Proposal		
The 2017 Act is directed at culture change within homelessness services and, if implemented successfully, may make work in this policy area more rewarding for staff.	The proposed response to implementation of the 2017 Act will improve services for the homeless.	Better homelessness prevention measures should, all things being equal, lead to longer term reductions in homelessness and costs in delivering services such as temporary accommodation.

4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies. The council adopted the current Housing and Homelessness Strategy in April 2017. This includes an objective of providing suitable accommodation, information and advice for the homeless in an effort to prevent and reduce homelessness and an action of "Implementing the extension of our legal duties to the homeless, including single people under the Homelessness Reduction Bill."

4.3 **Changes to Existing Policies**

This report does not change existing policies but sets out how an existing action within the Housing & Homelessness Strategy is to be built upon and taken forward. Recommendation 2.6 would allow for delegated powers to make minor changes efficiently as implementation progresses.

4.4 **Impact Assessments**

An impact assessment has not been completed because the new regime provides for a greater level of service and support for the homeless and potentially homeless and should therefore have positive impacts upon recipients of the service.

5. **Budgetary Framework**

5.1 The government grants for FHSG and for new burdens have been set out in section three above and total £644,550.31 with a possibility of additional FHSG for 2019/20. Together these provide substantial resources for tackling homelessness, for the funding for the posts recommended by this report and for the ancillary work required to prepare for implementation of the 2017 Act.

5.2 The following costs are forecast for the current and next two years:

Item	2017/18 (£)	2018/19 (£)	2019/20 (£)
Additional senior officer	28,000	37,200	37,600
Additional operational staff	5,600	68,500	69,200
IT application	10,000	10,000	10,000
Consultancy support for implementation	10,000	0	0
Stationery	5,000	1,000	1,000
Training	5,000	5,000	5,000
Homeless prevention fund	10,000	10,000	10,000
Contingency (10%)	7,360	13,170	13,280
TOTAL	80,960	144,870	146,080

5.3 The total costs above are £371,910 for the period 2017-20 leaving an estimated uncommitted balance of £272,640 for the known FHSG allocation for

2017-19. If the future funding for 2019-20 materialises this would increase this balance which is available for use on new initiatives and innovative projects for the prevention and relief of homelessness, as mentioned in paragraph 3.17 above. Detailed investigations into the proposals set out in Appendix Two will be initiated if the recommendations in this report are approved allowing the further report to be brought back to a future Executive. .

6. Risks

- 6.1 Failure to implement new legislation effectively would leave the council open to risks of legal challenges, financial risks in terms of legal costs and compensation for claims and complaints, and serious reputational damage. The recommendations in this report seek to mitigate against these risks.
- 6.2 New legislation inevitably brings uncertainty during implementation and the potential for unintended consequences both locally and nationally. The learning from the implementation of similar legislation in Wales in 2014 has been imported into the government's Code of Guidance and this will help to mitigate this risk. Nevertheless the first year of the scheme in particular will require careful scrutiny and monitoring and a need to be able to adapt quickly to circumstances as they arise.

7. Alternative Option(s) considered

- 7.1 The Homelessness Reduction Act is law and there is no option other than to implement the new obligations placed upon the council.
- 7.2 The new requirements are, self-evidently labour intensive and seeking to deliver this within current or reduced levels of staffing is not considered a viable option.
- 7.3 There is a possibility that the long-term effect of introducing the measures will lead to reduced levels of homelessness and the recruitment of fixed-term temporary posts will provide the necessary flexibility to enable this to be managed as the situation develops.

8. Background

8.1 Homelessness legislation

- 8.1.1 District and borough councils have had statutory duties in respect of homeless people living in their district since 1977. These duties were revised in 1996 and 2002 but the basic framework of homelessness law has been in place since that original legislation.
- 8.1.2 The law involves a number of "tests", the outcome of which determine the council's duty to the applicant. In particular the council needs to decide whether the household is:
 - homeless or threatened with homelessness;
 - eligible for assistance;
 - in a priority need; and
 - not intentionally homeless.

- 8.1.3 A further test then arises as to whether the applicant has a connection with another local authority and may therefore meet the conditions for a referral to that council.
- 8.1.4 The so-called "full duty" is owed to those who "pass" all of the tests and whose application is not referable to another council. This duty is to secure settled accommodation for the household and temporary accommodation if necessary while this is arranged. There are a number of different, lesser duties that are owed to those who do not meet all of the tests.
- 8.1.5 As set out in section three above, the provisions in the Homelessness Reduction Act 2017 fundamentally change this system.
- 8.2 Homelessness in Warwick district**
- 8.2.1 During 2016/17 (the last full financial year) a total of 588 households approached the council's Housing Advice & Allocations Team to make a homelessness application. Of these a full duty was owed to 136 households.
- 8.2.2 The main reasons for homelessness were: termination of an assured shorthold (i.e. private rented) tenancy (38%); violent relationship breakdown (18%); and parents no longer willing or able to accommodate (16%).
- 8.2.3 The most common priority need was dependent children in the household (74%). Other priority needs included pregnancy (9%); mental illness/disability (5%) or physical disability (4%).
- 8.2.4 The council carries out an estimate of the numbers of people sleeping rough each autumn and, in 2017 the figure for the district is 21.

Appendix One - Current initiatives for the homeless

There are a number of services for the homeless within the district, some of which are provided directly by the council and others through the voluntary sector, with or without local authority support.

- **Housing Advice & Allocations Team and out-of-hours-emergency**
The council's principal service for the homeless is delivered by the Housing Advice and Allocations Team, which gives advice to people with housing problems, carries out the statutory homelessness assessments, and secures accommodation for people owed the full duty. People who become homeless overnight or at weekends are dealt with through the council's out-of-hours service and booked in for the next available housing advice appointment.
- **Rent Deposit & Bond Scheme**
Subject to certain criteria the council can help people who are homeless or threatened with homelessness to find private rented accommodation by assisting with rent deposits and guarantees.
- **Severe Weather Emergency Protocol**
In severe weather conditions the council operates a protocol for getting rough sleepers into accommodation overnight.
- **Temporary accommodation**
The council has a modest stock of temporary accommodation that it uses for people who have been accepted as being owed the full duty while they are waiting for an offer of settled accommodation. From time to time Bed and Breakfast is used when no alternative temporary accommodation is available for example.
- **Chandos Court "emergency bed"**
An emergency bedroom has recently been created at Chandos Court, which can be used to accommodate a homeless older person on a temporary basis.
- **Preventing Homelessness Improving Lives (Phil)**
Officers co-wrote a bid for government trailblazer funding which secured £865,000 for this countywide service to try out new, more upstream approaches to preventing homelessness. Phil commenced operation in July 2017 and is now taking referrals from a number of agencies as well as self-referrals from customers.
- **Housing-related support services.**
A number of housing-related support providers, funded by Warwickshire County Council, operate in the district (and the county) providing both accommodation-based and floating support to people with support needs. The council is able to refer homeless people in to these services in appropriate cases.
- **Way Ahead Project drop-ins**
The Salvation Army's Way Ahead project in Leamington provides a drop-in facility and a range of support for people who are homeless or struggling with addiction. Officers from the Housing Advice Team do a weekly drop-in session at the project.
- **Young Person Protocol**
The district and borough councils have all signed up to a protocol with Warwickshire County Council Children's Services agreeing how homeless people younger than 18 will be dealt with. This is in the context of both tiers having

duties under the Housing Acts and Children Acts and seeking to avoid customers being passed back and forth between organisations.

- **Move-on protocol**

The district and borough councils have also signed up to a protocol with supported accommodation providers so that there is clarity around when and how homeless people in those schemes can be expected to have the opportunity of moving into more permanent accommodation through local housing registers.

- **Homelessness Services Directory**

Officers have been drawing up a directory to bring together in one place information about, and contact details for, all of the available services for homelessness people in the district. This will be available online imminently along with a poster campaign to publicise it.

- **Night shelters**

There are two night shelters in the district. These are run by volunteers and not currently supported directly by the council. However dialogue is ongoing with one of the organisations around the potential for them to lease premises from the council to provide them with a more secure, longer-term building from which to operate.

- **Other grant-funded services**

Executive will be aware that the council also provides grants to voluntary and community organisations, many of whose services benefit homeless people and those in housing need directly or indirectly.

- **Rough sleeping**

A meeting has been arranged for council officers with the housing related support providers, Outreach and Warwickshire County Council commissioners to go through the list of the 40 people who are on and off the streets with a view to seeking settled solutions for them wherever possible.

Appendix Two – potential new initiatives for further investigation

Research has been undertaken into homelessness prevention initiatives and a range of proposals came forward:

- Strengthening work with private sector landlords, with a specific homelessness focus;
- Additional funding for rent bond schemes;
- Funding work to bring empty homes back into use;
- Considering a “Housing First” partnership;
- Grant funding a health treatment room for street homeless people;
- Pre-tenancy training for prospective new tenants and other incidental financial inclusion work;

Officers have been in touch with organisations with experience of training vulnerable people to see if similar schemes would be practical in Warwick district for homeless people:

- Skills Republic, that has worked with a homelessness charity and London hotels to help train unemployed and homeless young people to join the hospitality industry;
- Pet-xi, a Coventry-based company specialising in educational training for youngsters who are struggling in mainstream education.

Consultation has also been carried out with the voluntary sector as suggested at the Overview and Scrutiny Committee on 31st October 2017. Suggestions brought forward were as follows:

- Creating/renting another unit of emergency-bed accommodation;
- Considering a reconnection policy within the local connection rules;
- Running an “Alternative Giving” campaign
- Reviewing the provision of targeted outreach services;
- Training practitioners about domestic violence;
- Reviewing how the support needs of single people and families can best be met;
- Exploring the need for a Sanctuary scheme in the district for people at risk of domestic violence.