

## **Appendix 2**

**Part 1 summarises the relevant local authority duties and responsibilities**

**Part 2 references the relevant responsibilities to currently funded provision**

### **Part 1 A summary of statutory provisions concerning homelessness and related local authority duties**

**Housing Authority duties: Housing Act 1996** In summary a housing authority's core responsibilities are

- (a) to provide interim accommodation (including pending review or appeal);
- (b) to prevent and relieve homelessness ( including a power to provide accommodation);
- (c) to secure accommodation for applicants who are homeless, eligible for assistance, have priority need and are not intentionally homeless (the main housing duty).

#### **Duty to provide interim accommodation**

Housing authorities must secure that accommodation is available for an applicant if they have reason to believe that the applicant may be homeless, be eligible for assistance; and have a priority need, even where the applicant may not have a local connection. The duty ends when applicants are notified of certain decisions in relation to their application.

An applicant who the housing authority has found to be not in priority need within the 56 day 'relief stage' will no longer be owed an interim duty to accommodate, but will continue to be owed a relief duty until that duty ends or is found not to be owed. In circumstances where an applicant is found not to be eligible for assistance, the housing authority must provide, or secure the provision of, information and advice. If interim accommodation has been provided, notice periods should take account of the needs of the applicant and the time required for them to access assistance.

On reaching a decision that an applicant has priority need and is intentionally homeless, the housing authority must secure accommodation for a period of time that will provide a reasonable opportunity for them to find their own accommodation.

#### **Discretionary powers to secure accommodation**

Housing authorities have powers to secure accommodation for certain applicants who request a review of certain decisions on their case, and to certain applicants (where not disqualified) requesting accommodation pending determination of a court appeal.

## **Powers to secure accommodation to prevent or relieve homelessness**

Housing authorities have duties to help prevent and relieve homelessness for eligible applicants who are threatened with becoming homeless within 56 days, or are homeless. The prevention duty requires authorities to take reasonable steps to help the applicant to secure that accommodation does not cease to be available to them, and the relief duty requires housing authorities to take reasonable steps to help the applicant to secure that suitable accommodation becomes available to them for at least 6 months. Housing authorities might use the power to deliver accommodation services for groups that are at higher risk of homelessness.

## **Duty to secure accommodation under the 'main housing duty'**

Where an applicant is unintentionally homeless, eligible for assistance and has a priority need for accommodation, the housing authority has a duty under to secure that accommodation is available for their occupation ('the main housing duty'). The accommodation secured must be available for occupation by the applicant together with any other person who normally resides with them as a member of their family, or any other person who might reasonably be expected to reside with them.

## **Homelessness Reduction Act 2017**

Every housing authority must carry out a homelessness review and formulate and publish a homelessness strategy based on that review. Housing authorities are required to publish a new homelessness strategy, based on the results of a homelessness review at least every five years (commencing on 1 April 2017). The review is an assessment by the local housing authority of the levels, and future levels, of homelessness and the activities which are carried out, or contribute, to:

- Preventing homelessness,
- Ensuring accommodation is available for people who are or may become homeless, and
- Providing support for people who are or may become homeless, or who need support to prevent them becoming homeless again.

The review needs to take account of the resources available to the housing authority, the social services authority, other public authorities, voluntary organisations and any other people who carry out or contribute to these activities.

Housing authorities are encouraged to involve all relevant partners in developing a strategy that involves them in earlier identification and intervention to prevent homelessness. Housing authorities should ensure that it is consistent with other local plans and is developed with, and has the support of, all relevant local authority departments and partners. An area-wide joint approach is important in non-unitary areas, where housing and homelessness services are provided by the district authority whilst other key services, such as social services, are delivered at the county level. Each local authority has a duty under the [Health and Social Care Act 2012](#) to take such steps as it considers appropriate for

improving the health of the people in its area. This includes people experiencing homelessness or at risk of homelessness. Housing authorities should ensure that their homelessness strategy is co-ordinated with the Health and Wellbeing Strategy, and that their review of homelessness informs and is informed by the Joint Strategic Needs Assessment.

Housing authorities must consult public or local authorities, voluntary organisations or other persons as they consider appropriate before adopting or modifying a homelessness strategy. Housing authorities will also wish to consult with service users and specialist agencies that provide support to homeless people in the district. [Section 3\(4\)](#) provides that a housing authority cannot include in a homelessness strategy any specific action expected to be taken by another body or organisation without their approval.

Where the social services authority and the housing authority are different authorities, the Act requires the social services authority to give the housing authority such assistance as may be reasonably required in carrying out a homelessness review and formulating and publishing a homelessness strategy.

## **Social Care Responsibilities**

### **Adults**

The Care Act 2014 requires local social care authorities to provide or arrange services that help prevent people from developing needs for care and support or delay people deteriorating such that they would need on-going care and support. The Care Act responsibilities commence with a duty to assess. The needs assessments will include the assessment of a need for residential care as well as home care or other support services which may be identified to prevent a need for residential care arising.

The core duty requires the assessment of potential care and support needs against eligibility criteria and the settling of a care plan which defines the services that should be available or procured to meet the eligible needs. These may include various support services to meet specific needs that enable continued independence in the individual's home.

A duty to refer under the Homelessness Prevention Act arises and may be used to enable social care authorities to fulfil their requirements under the Care Act, as an early referral is likely to result in an individual receiving help to prevent or relieve their housing situation at an earlier point. In many cases this action will prevent them from reaching a homelessness crisis in the first place or provide quick relief where individuals are already homeless to prevent prolonged homelessness.

### **Children - Duties and powers towards a young persons or care leavers**

The County Council as the Children's Services Authority has responsibilities owed to young people and care leavers. Depending on the particular circumstances, young people aged under 18 (and homeless families with dependent children) may be eligible for assistance from both the Social Services authority and/or the Housing Authority.

Priority need for accommodation is given by the Housing Authority to those aged 16 or 17 except for those who are:

- Relevant children (defined in the Children Act 1989).
- Children in need who are owed a duty under section 20 of the CA 1989.

If a Local Housing Authority is uncertain as to whether the child is a relevant child, or one to whom a section 20 duty is owed, it should make inquiries of the children's services authority. The Local Housing Authority may provide interim accommodation while the children's services authority makes its decision.

### **Relevant child (16 or 17)**

A relevant child is a child who is aged 16 or 17, has been in care for a qualifying period and is not currently being looked after. They should be provided with, or maintained in, suitable accommodation unless the local authority is satisfied that their welfare does not require it. The Local Authority that last looked after the relevant child has the duty.

### **Former relevant children (18 or over)**

Defined as a young person who is aged 18 or above, and either has been a relevant child and would be one if he were under 18, or meets other specific criteria. The local authority that last looked after the young person must make various support services available through a pathway plan including expenses related to living near the place where he is, or will be, employed or seeking employment. The duties continue until the young person reaches 21 or, to the end of full time education or training.

For young people who pursue a programme of education or training there is a continuing duty (up to age 25) to provide assistance by way of advice and pathway planning and necessary financial support.

### **Child in Need (all ages)**

It is the general duty of every children's authority;

- a. to safeguard and promote the welfare of children within their area who are in need
- b. to promote the upbringing of such children by their families

Section 20(1) requires that every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of -

- a. there being no person who has parental responsibility for them;
- b. their being lost or having been abandoned; or
- c. the person who has been caring for them is prevented from providing them with suitable accommodation or care.

In addition every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide them with accommodation.

Whilst accommodated under section 20 the young person will not be eligible for welfare benefits, including housing benefits or housing costs under universal credit. Children's services will have a duty to maintain them, including meeting the cost of accommodation. Where a 16 or 17 year old is owed duties under section 20 of the 1989 Act, this takes precedence over the duties in the 1996 Housing Act in providing for children in need who require accommodation. These rules also apply to asylum seekers.

In any case, where a housing authority provides accommodation for a child in need, including where the young person has declined to be accommodated under section 20, children's services will need to consider the provision of services under section 17 of the 1989 Act, set out in a child in need plan, and continue to work with housing services to ensure the young person's needs are met.

**Part 2: Housing Related Supported Services: relevant statutory duties and**

<b>Service</b>	<b>Social Care</b>	<b>Housing</b>	<b>Impact of change/prevention</b>
Supported Housing for Young People (16-25):	<ul style="list-style-type: none"> <li>Accommodation duty for 16 &amp; 17 year olds who are homeless</li> <li>Support to care leavers using 'My Place' scheme</li> </ul>	<ul style="list-style-type: none"> <li>Accommodation duty to 18-25 year olds who have a 'priority need' and not meeting Children Act criteria.</li> </ul>	16 & 17 year olds in need of placements Increased use of temporary accommodation. Risk many deemed intentionally homeless.
Housing Related Support for Young Parents	<ul style="list-style-type: none"> <li>None (unless providing for a child in need)</li> </ul>	<ul style="list-style-type: none"> <li>Residents are owed an accommodation duty.</li> </ul>	some mothers might require a specialist mother & baby placement (Social Care) Use of TA/Rehousing (Housing)
Support in Homelessness Hostels:	<ul style="list-style-type: none"> <li>Only where qualify as young person through Children Act criteria.</li> </ul>	<ul style="list-style-type: none"> <li>Less likely to be owed a substantive rehousing duty unless priority need and not intentionally homeless</li> <li>Hostel accommodation avoids need for temporary accommodation pending a homelessness decision.</li> </ul>	Possible increase in requests for formal Care Act assessments and provision of services Some service users likely to be owed a temporary duty but deemed to be intentionally homeless and not owed a long term duty.
Domestic Violence Refuge:	<ul style="list-style-type: none"> <li>Child in need or at risk of harm (s.17 or s.47 investigation)</li> </ul>	<ul style="list-style-type: none"> <li>Accommodation duty owed to households homeless as a result of domestic violence</li> </ul>	Social care – services to support children in need Housing: temporary and likely permanent housing.

MAPPA scheme for Offenders: Scheme accommodates life prisoners being released on licence	<ul style="list-style-type: none"> <li>• None unless requiring Care Act assessment</li> <li>• Nominations to these schemes are exercised by the National Probation Service</li> </ul>	<ul style="list-style-type: none"> <li>• None unless qualifying as priority need</li> </ul>	Impact requires consideration jointly with probation service
<b>Services Provided under the West Sussex Homelessness Prevention Partnership and Resettlement Schemes in Arun and Mid Sussex</b>			
Co-located workers	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• roles support duty to prevent homelessness</li> </ul>	<p>Social care – risks where children in need within families found intentionally homeless (around 10% of homeless families who apply for housing).</p> <p>Housing: Increasing use and cost of TA as well as a duty to provide permanent housing.</p>
Resettlement Services	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• These roles support duty to prevent homelessness</li> </ul>	<p>Social care: Sustaining accommodation for vulnerable adults who may develop a need for care services</p> <p>Housing: reduced dependence on TA</p>
NHS facing services	<ul style="list-style-type: none"> <li>• Care Act duty to cooperate for timely discharge from hospital where assessed for care support.</li> </ul>	<ul style="list-style-type: none"> <li>• Services may cover needs to accommodate NHS patients who meet temporary or priority need on discharge.</li> </ul>	<p>Social Care: Increase in assessments for social care intervention.</p> <p>Housing: potential increase in unplanned/chaotic homelessness applications</p>

<p>Older Persons (Floating Support)</p>	<ul style="list-style-type: none"> <li>• Services may identify persons who have Care Act Needs</li> <li>• Support managing housing risks to current social care service users</li> </ul>	<ul style="list-style-type: none"> <li>• Limited, may assist in the prevention of homelessness or signposting to appropriate housing options</li> </ul>	<p>Social Care: potential increase in adults requiring long term care as a result of breakdown in housing/independence Housing: potential increase in unplanned/chaotic homelessness applications</p>
<p>Older Persons Accommodation Based</p>	<ul style="list-style-type: none"> <li>• Additional support to Care Act eligible residents</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<p>Social Care: potential reduction in ability of providers to accept residents with higher support (as opposed to care) needs</p>