

Homelessness Reduction Act 2017: new responsibilities

In addition to existing statutory duties, from April 2018 **housing authorities must:**

- **Extend the period of prevention duty.** Housing authorities should extend the period during which they offer help to those *threatened with homelessness* to 56 days (this has increased from 28 days). They must also help to prevent homelessness among any UK citizen or person with the right to reside who is at risk of homelessness, regardless of priority need even if they are intentionally homeless.
- **Extend the period of relief duty.** Housing authorities must extend the period during which they *offer assistance to people experiencing homelessness* to 56 days. They must offer assistance to any UK citizen or person with the right to reside and who is homeless, regardless of priority need¹ even if they are intentionally homeless.
- In addition to their existing statutory duties, certain public bodies² including: prisons, hospitals, job centres and councils with responsibility for social services will have a **duty to refer** those they come into contact with who are at risk of homelessness to housing authorities.

Homelessness review and strategy

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. 'Excellent' authorities had been exempted from this requirement, however, this was revoked by the Local Audit and Accountability Act 2014, and all housing authorities are required to publish homelessness strategies as of 1 April 2017.³

Homelessness review⁴

The homelessness review underpins the housing authority's Homeless Strategy. 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;

¹ This includes those who in the past were not considered as being in priority need – typically single adults without children.

² For a full list see Annex D

³ <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-2-homelessness-strategies-and-reviews>

⁴ Shelter https://england.shelter.org.uk/_data/assets/pdf_file/0007/1494871/Homelessness_HRA17_Implementation_Briefing_FINAL.pdf

- 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.

Once the review is completed, the results must be made available for public inspection without charge, and copies made available on payment of a reasonable charge.

A Statutory Code of Guidance for local authorities in relation to the range of statutory homelessness functions published by MHCLG and last updated in February 2018 provides a comprehensive overview of the legislation and offers guidance to which all authorities must have regard when exercising their functions relating to people who are homeless or at risk of homelessness.

https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_code_of_guidance.pdf

Homelessness strategy⁵

All housing authorities must have a Homelessness Strategy. This must be renewed every five years, but can be reviewed and published more frequently if circumstances change.

Why the 2017 Act means HAs need to refresh their homelessness strategy

Housing authorities are encouraged to **involve all relevant partners** in developing a strategy that involves them in earlier identification and intervention to prevent homelessness. For a homelessness strategy to be effective, 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. Corporate and partnership involvement in identifying strategic objectives will help to ensure all relevant departments and agencies are committed to supporting their delivery. **A county-wide approach will be particularly important in non-unitary authorities**, 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. **Housing authorities may wish to collaborate to produce a joint homelessness strategy covering a sub-regional area.**

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

⁵ For further detail see: <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-2-homelessness-strategies-and-reviews>

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, section 1(2) of the 2002 Homelessness 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. **Since a proportion of people who are homeless or at risk of homelessness are likely to have social care needs or have children in their care, it will always be necessary to seek assistance from the social services authority to formulate an effective homelessness strategy.** In two-tier authority areas it will be necessary to engage the upper tier authority, which will have responsibility for commissioning housing related social care services in identifying resources available to meet support needs across all cohorts that are at high risk of homelessness.

Annex A provides a table that sets out the published positions of each West Sussex District and Borough with regard to undertaking a homelessness review and publishing a homelessness strategy.

Annex A Current status of West Sussex Housing Authorities' Homelessness Reviews and Strategies: published documents

Housing Authority	Last Homelessness Review	Homelessness Strategy?	Summary	RAG
Adur & Worthing Councils	2017	Adur and Worthing Community Homelessness Strategy 2017 - 2022 in place.	<ul style="list-style-type: none"> • 3 Priorities: <ul style="list-style-type: none"> ○ Priority 1 - Maximising opportunities to prevent homelessness through an enhanced housing options provision by building resilience in the community by increasing the opportunities individuals and families have to access advice and assistance to prevent homelessness. ○ Priority 2 - Creating strong partnerships to tackle homelessness. Identify those at risk of homelessness as early as possible and work with them to remove or reduce this risk. This requires more agencies being involved in identifying the risk of homelessness among those they support and work collaboratively to manage such risk. ○ Priority 3 - Reduce the risk of single people sleeping rough. Eliminate the need for anyone discharged from an institution needing to sleep on the streets and reduce the risk of vulnerable people sleeping rough. • Reflects the changes in the Homelessness Reduction Act, but no reference to amended statutory guidance • Developed and overseen via the Adur and Worthing Homelessness Forum • Identifies the strategy contributes to the West Sussex Joint Health and Wellbeing Strategy 	
Arun District Council	2011	No current strategy. Arun Housing Services Homelessness Strategy 2012 - 2016 expired, and is under review.	<ul style="list-style-type: none"> • No current strategy • Does not reflect the Homelessness Reduction Act requirements or amended Statutory Code of Guidance 	
Chichester District Council	2015	Chichester District Council Homelessness Strategy 2015 - 2020 currently in place.	<ul style="list-style-type: none"> • 5 key objectives: <ul style="list-style-type: none"> ○ Develop the tools to increase choice for customers and to prevent homelessness. ○ Assist households to resolve their housing issues ○ Implement a policy framework that prioritises homelessness prevention. ○ Review the provision of temporary accommodation. ○ Ensure that appropriate support is available for vulnerable groups (assumes delivery via WSCC supported housing contracts). • Does not reflect the changes in the Homelessness Reduction Act and 	

			amended Statutory Code of Guidance	
Crawley Borough Council	2014	Crawley Borough Council Homelessness Strategy 2014 - 2019 currently in place	<ul style="list-style-type: none"> • 4 Strategic objectives: <ul style="list-style-type: none"> ○ Provision of advice, prevention of homelessness and broader services ○ Supply of affordable housing ○ Temporary accommodation ○ Discharging the homelessness duty • Does not reflect the changes in the Homelessness Reduction Act and amended Statutory Code of Guidance 	
Horsham District Council	2013?	No current strategy. Horsham Housing Strategy 2013 - 2015 (Annual Review 2016 - 2017) Horsham Homelessness Prevention Action Plan 2013 - 2015 Horsham Homelessness Prevention Plan update - 2014	<ul style="list-style-type: none"> • No current strategy • Does not reflect the changes in the Homelessness Reduction Act and amended Statutory Code of Guidance 	
Mid Sussex District Council	2016	Mid Sussex District Council Homelessness Strategy 2016 - 2021	<ul style="list-style-type: none"> • 4 Strategic objectives: <ul style="list-style-type: none"> ○ Prevent homelessness wherever possible ○ Tackle homelessness amongst specific vulnerable groups ○ Engage with landlords to maximise access to private rented sector accommodation ○ Minimise the use of temporary accommodation where possible • Strategy pre-dates the Homelessness Reduction Act, but adopts a similar approach. 	

Annex B. New burdens funding

To cover the additional costs to housing authorities of these new statutory duties Government has announced £72.7M of new burdens funding over a three-year period.⁶ This is broken down as follows:

- Duties to help secure accommodation: £35m
- Duty to provide advisory services: £10.6m
- Right to request a review: £0.8m
- Suitability of accommodation: £10.3m
- Providing accommodation for cases being reviewed: £7m
- Providing assessments and personalised housing plans: £9m

Three-year new burdens funding within West Sussex breaks down as follows⁷:

Local authority	New burdens funding over three years (2017/18 – 2019/20)
Adur	£85,697
Arun	£204,854
Chichester	£113,386
Crawley	£146,658
Horsham	£99,518
Mid Sussex	£82,707
Worthing	£139,931
West Sussex	Total: £872,751

The full new burdens assessment can be found [here](#)

⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652195/New_burdens_allocation.pdf

⁷ Methodology for breaking New Burdens funding down by region = sum of the cost in that region divided by sum of the cost in England, = % of funding that region receives.

Annex C. Definitions

Homelessness definition

A person is homeless if they have no accommodation available for their occupation. A person is also homeless if they have accommodation but are unable to secure entry to it or it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place they are entitled or permitted to place it and reside in it⁸.

Prevention duty – what it means

The 56-day prevention duty supports those who are threatened with homelessness. During this period the housing authority aims to help people to sustain their current accommodation, resolving any issues with landlords or family and supporting clients to address financial or behavioral issues that may be putting their accommodation at risk.

56-day relief duty – what it means

A 56 day period during which housing authorities help those who are homeless to secure suitable accommodation.

⁸https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683009/New_bu_rdens_assessment_DTR.pdf

Annex D: Which public authorities have the duty to refer?⁹

The following services will be required to refer service users they consider may be homeless or at risk from October 2018:

- Prisons (public and private);
- Youth offender institutions;
- Secure training centres;
- Secure colleges;
- Youth offending teams;
- Probation services (community rehabilitation companies and national probation service);
- Jobcentre Plus;
- Accident and emergency services provided in a hospital;
- Urgent treatment centres;
- Hospitals in their capacity of providing in-patient treatment; and
- Social services authorities.

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.

⁹ For full detail see

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/682995/Final_Duty_to_refer_policy_factsheet.pdf

Annex E. Duty to refer - summary of new responsibility on social services authorities.

On the 1st October 2018 the duty to refer came into force. Social services authorities are likely to have a high level of interaction with individuals who are homeless or at risk, and will be required to refer (with consent) service users they consider may be homeless or threatened with becoming homeless within 56 days to a local housing authority.

Housing Authorities and social services authorities will work together to design the process for making and receiving referrals in each local area. In practice, it is likely that the duty to refer will be built into existing social services assessment processes or safeguarding and early help arrangements. The duty does not make further requirements beyond processing a referral to a housing authority. Referrals should be made if the authority finds that a household is homeless or at risk of homelessness during the course of their own activities.

The duty to refer will be a small addition to existing duty that social services authorities have to assist the housing authority, to ensure that Children's and Adult Services are working together with housing at an earlier point to prevent homelessness rather than at the point of crisis. Due to these existing duties, many housing authorities already have strong partnership arrangements and protocols with children services and adult social care. The duty will ensure that an individual's homelessness is always considered when they come into contact with wider support services within the local authority.

The Homelessness Reduction Act means that early referrals into the support process should prevent or relieve a family's homelessness sooner. This should stop them from needing to proceed to the main housing duty - at which point intentionality does become a consideration and there becomes a possibility that children services may have a duty to provide accommodation under the Children Act 1989.

The Care Act 2014 requires local 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. Evidence shows that experiencing homelessness has a detrimental effect on the health of individuals. The duty to refer would assist local 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. Therefore preventing scenarios which are likely to have had a detrimental effect on the individual's health which would increase their need for care and support.

For more information, please contact the Policy Team