

POLICY UPDATE

June 2017

This update has been prepared by Homeless Link's Policy Team. Please contact Paula Reid (paula.reid@homelesslink.org.uk) or Chris Brill (chris.brill@homelesslink.org.uk) for more detail on any item contained within the briefing.

1. KEY ANNOUNCEMENTS

General election

The announcement of a snap election on June 8th offered an opportunity for the homelessness sector to build on the momentum of the Homelessness Reduction Act and call for a national initiative to end rough sleeping. We worked on this call alongside our members and other stakeholders in the sector and were pleased to see a commitment to ending rough sleeping across the manifestos.

As we await news of new Ministers and the details of the Queen's Speech, you can read our blog on what the outcome of the election might mean for the sector here:

<http://www.homeless.org.uk/connect/blogs/2017/jun/09/what-election-result-means-for-our-sector>

Homelessness Reduction Act receives Royal Assent

The Homelessness Reduction Bill formally became an Act of Parliament. The Act places a new duty on local authorities to help prevent the homelessness of all families and single people, regardless of priority need, who are eligible for assistance and threatened with homelessness.

Key measures in the Act include:

- An extension of the period during which an authority should treat someone as threatened with homelessness from 28 to 56 days, and clarification of the action an authority should take when someone applies for assistance having been served with a section 8 or section 21 notice. These provisions represent a shift in focus to early intervention, and aim to encourage local housing authorities to act quickly and proactively, addressing some concerns that some previously only intervened at crisis point.
- A new duty to prevent homelessness for all eligible applicants threatened with homelessness, regardless of priority need. This extends the help available to people not in priority need, with local housing authorities supporting them to either stay in their accommodation or help them find somewhere to live and should mean fewer households reach a crisis situation.
- A new duty to relieve homelessness for all eligible homeless applicants, regardless of priority need. This help could be, for example, the provision of a rent deposit or debt advice. Those who have a priority need will be provided with interim accommodation whilst the Local Housing Authority carries out the reasonable steps.
- A new duty on public services to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless. It is hoped that this measure will ensure that a person's housing situation is considered when they come into contact with wider public services, and encourage public services to build strong relationships based on local need and circumstances.

English councils will receive a total of £61 million in funding across 2017/18 and 2018/19 to help them meet the costs of the legislation. Additional money may be made available for those

in high pressure areas to manage the transition as the new duties take effect. New duties on local authorities are likely to commence in 2018 (April).

There will be a review of the implementation of the Act, including the resourcing of it and how it is working in practice, after two years.

A statutory code of guidance will be developed for local authorities to support them implement their new responsibilities, and for other bodies to hold them to account.

2. POLICY UPDATES

Homelessness and housing

Joint Select Committee inquiry on the future funding of supported housing publishes its report

The joint Work and Pensions and Communities and Local Government Committee report on supported housing funding was one of a number of select committee reports published before the pre-election dissolution of Parliament. The report is critical of the previous Government's proposals and makes a number of recommendations that mirror concerns raised by Homeless Link and our members through the consultation period. Key recommendations include:

- Opposition to the Local Housing Allowance (LHA) rate as a basis for a sustainable supported housing sector and the recommendation of a Supported Housing Allowance that better reflects the costs of supported housing. The committees propose that this should be banded for different types of provision and that the Government should work with the sector to develop these bandings. Access to any local top-up fund would therefore be the exception, and not the rule.
- A set of national standards should be established and all providers should be registered with their local authority and subject to annual inspection, even if they are not commissioned locally. To access the Supported Housing Allowance, tenants would need to be living in a supported housing scheme registered for inspection by local authorities.
- Government should guarantee the ring-fence for the duration of the next Parliament and provide a clear steer for the fund to remain in the long-term. The level of funding should be reviewed regularly to ensure it matches costs and demand.
- Any new model should be piloted ahead of a phased implementation.
- The committees highlight the different views in the sector around defining short-term accommodation, for example by timeframe or purpose, and they do not take an explicit view. However, they do recommend that for very short-term, emergency accommodation, the Government should consider a system of grants to local authorities so they can commission emergency accommodation in their area and pay providers directly.
- The report also discusses the interaction with the wider welfare system, including work incentives and how the benefits system can be a barrier to people moving on from supported housing. Recommendations include extending the Shared Accommodation Rate exemption to younger tenants looking to leave supported housing and clear guidance on how 18-21 year olds leaving supported housing will be assessed under existing exemptions.

The sector had been expecting the previous Government to publish a Green Paper outlining next steps for the proposals and further consultation. This timetable has now been altered by the General Election and it is unclear if or when a new Government will publish anything further on plans for supported housing funding.

The joint committee's report is available at:

<https://www.publications.parliament.uk/pa/cm201617/cmselect/cmcomloc/867/867.pdf>

Government responds to the Communities and Local Government inquiries on homelessness

The Government responded to the Communities and Local Government Select Committee reports on “Homelessness” and “Homelessness Reduction Bill”. In total, the Government responded to 24 recommendations. In particular, it was stated that:

- The Government has no plans to review the LHA levels at the current time. However, 30% of the savings from the LHA Freeze measure will be recycled to create Targeted Affordability Funding which is available from 2017/18. It will be used to increase some LHA rates in areas with higher rental costs. More funding will be available for this purpose in subsequent years.
- There is an enhanced package of Discretionary Housing Payment funding, over £800 million over five years from 2016/17 to 2020/21, to support households affected by welfare reform.
- The Government has provided Shelter with £2.5 million to run the National Housing Advice Service in partnership with the Citizens Advice Bureau. This service is for frontline homelessness officers to help them navigate complex legal issues so they make correct decisions and maintain high standards.

The full response is available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604966/CM_9443 - Select Committee Response - Homelessness Print .pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604966/CM_9443_-_Select_Committee_Response_-_Homelessness_Print_.pdf)

Commons Library briefings on statutory homelessness and temporary accommodation

The House of Commons Library has produced two research briefings on homelessness. The first, on statutory homelessness, is available at:

<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01164> and a second on temporary accommodation is available at:

<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN02110>.

Welfare

Removal of automatic entitlement to housing costs for 18-21s

Regulations came in to force on April 1st 2017 which mean that 18 to 21 year olds are no longer entitled to the housing cost element of Universal Credit unless they can prove they meet an exemption.

This will only apply to people making new claims from April 1st 2017 in Universal Credit Full Service areas. There will be no immediate impact on funding of supported housing, which is currently paid through Housing Benefit.

People explicitly listed in the regulations as still entitled to housing cost includes:

- those not subject to work-related requirements
- victims of domestic violence
- care leavers
- people in temporary accommodation
- people in work, subject to minimum earnings requirement (see paragraph 24)
- people who have left work up to six months previously, subject to minimum earnings requirement (see paragraph 26)
- young parents
- those for whom ‘in the opinion of the Secretary of State, it is inappropriate to live with each of their parents.’

Examples of those for ‘whom it is inappropriate to live with each of their parents’ include homeless young people, specifically:

- those owed the statutory homelessness duty

- those helped under local authority housing operations services, the new prevention and relief duties of the Homelessness Reduction Bill (in England) or the Housing (Wales) Act 2014
- those moving on from temporary or supported accommodation
- those being supported by a third party
- rough sleepers or those 'sofa surfing'.

These exemptions remain while it is considered inappropriate for the claimant to live with their parents. Online guidance outlines full details of the time periods for each exemption.

To determine if a person is exempt because it is 'inappropriate for them to live with their parents,' young people will need to provide evidence during a conversation with a Job Centre Plus Work Coach. The DWP envisage that the evidence requirements will be light touch and that people will not be expected to provide documentary evidence.

The supporting evidence may also come from the local housing authority, or an appropriate third party organisation working in the local area. The form that this can take is flexible and will be determined at a local level.

Homeless Link is concerned about the feasibility of this policy operating in practice. Many young people will not want to disclose why they meet an exemption to a Work Coach, potentially leading to a number of young people disengaging with the process entirely and not receiving their housing cost entitlement.

Although it is welcome that third party organisations can submit evidence, which can help mitigate this issue, information on how organisations can be deemed appropriate to provide information and the mechanism for providing this information is not yet available.

Concerns also remain on how young people will be able to secure a tenancy without first proving that they meet an exemption, which may in turn require proof of a prospective tenancy. There is no information yet available on how this issue is to be resolved.

Health and social care

Social care in the Spring Budget

The Spring Budget 2017 promised an additional £2 billion to English councils over the next 3 years to spend on adult social care services, with £1 billion coming in 2017-18 to encourage councils to take prompt action to increase access to social care services and relieve pressures on the NHS locally. The Budget document also committed to the introduction of a green paper to put social care on a more sustainable footing in the long term. The full Budget document can be accessed here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/597467/spring_budget_2017_web.pdf

(Please note, this was previous Government policy and any further developments on social care policy will depend on the outcome of the election)

Select Committee reports on social care

Two select committee published reports on social care this quarter. The first was the Communities and Local Government Committee report on Adult Social Care, published in March:

<https://www.publications.parliament.uk/pa/cm201617/cmselect/cmcomloc/1103/1103.pdf>. The committee raised concerns about the impact of funding pressures on adult social care, the barriers to integration and the need for increased resources for social care in the future. In April, the Public Accounts Committee published their report on integrating health and social care: <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmpubacc/959/959.pdf>. The

committee was critical of initiatives undertaken to date to drive integration, including Sustainability and Transformation Plans and the Better Care Fund and called for more transparency and better accountability around these processes.

Integration and Better Care Fund Policy Framework 2017-19

The Departments of Health and of Communities and Local Government have published the policy framework for the implementation of the Better Care Fund from 2017-19, designed to drive integration between health, social care and other services, including housing. There is some flexibility in how the funding can be spent, but areas must demonstrate how plans will contribute to delayed transfers of care, non-elective admissions (general and acute), admissions to residential and care homes, and effectiveness of reablement. The policy framework covers two financial years, although local areas will be expected to outline their plans to achieve further integration by 2020. The full document can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/605164/Integration_and_BCF_policy_framework_2017-19.pdf

Criminal justice

Legal aid and housing

When the Legal Aid, Sentencing and Punishment of Offenders Act was introduced in April 2013, there were changes to the scope of legal aid for housing issues, but some areas remain in scope. These include cases where there is serious disrepair or homelessness and possession proceedings. The most recent Ministry of Justice figures from Oct-Dec 2016 show a 12% decrease in legally-aided housing work, continuing a recent falling trend. The most recent legal aid statistics can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604003/legal-aid-statistics-bulletin-oct-to-dec-2016.pdf

Mental Health and Deaths in Prison: Interim Report

The Joint Committee on Human Rights has published a summary of their work to date in their inquiry into mental health and deaths in prisons as this has now been interrupted as a result of the election. One of the provisional themes emerging from the work so far is the importance of continuity of care and access to appropriate accommodation post-release for prisoners with mental health problems. The report can be viewed at:

<https://www.publications.parliament.uk/pa/jt201617/jtselect/jtrights/893/893.pdf>

Independent Advisory Panel on Deaths in Custody: Preventing the deaths of women in prison

The IAP on Deaths in Custody has conducted a rapid review of expert evidence on how to prevent the deaths and self-harm of women in custody and best keep them safe. One of the key themes in the report was the need for better preparation for release from prison, including ensuring access to appropriate housing. The report can be viewed at:

<http://iapdeathsincustody.independent.gov.uk/wp-content/uploads/2017/04/IAP-rapid-evidence-collection-v0.2.pdf>

Justice Select Committee report on the Prison and Courts Bill

The Justice Select Committee has published its report on Part 1 of the Prison and Courts Bill, which covers the introduction of a statutory definition of the purpose of prisons and placing the role of the HM Chief Inspector, HM Inspectorate of Prisons and the Prisons and Probation Ombudsman on a statutory footing. The legislation could not proceed in the previous Parliament due to the calling of an early election. The committee's report can be found at:

<https://www.publications.parliament.uk/pa/cm201617/cmselect/cmjust/1150/1150.pdf>