

## Homelessness Reduction Act – call for evidence

### Submission from Expert Link, October 2019

#### Introduction

1. Expert Link is a national organisation with a network of people around the country, predominately with lived experience of multiple disadvantages, including homelessness, mental health issues, substance misuse, offending and domestic violence and abuse. We aim to champion models of expert citizen involvement, influence policy at all levels nationally and locally, and influence and improve practice by providing simple and smart solutions to problems experienced by people using (or trying to use) services.
2. Our organisation brings people together through a programme of training that aims to empower and inspire people involved with services, in a constructive and meaningful way that supports co-production. People who attend the training are not only those with lived experience of multiple disadvantages, but also Government officials, local authority commissioners, service managers and frontline staff. To date our training has been delivered in over 20 areas alongside 350 participants, with our wider network now benefiting from over 500 engaged members.
3. We welcome the Ministry of Housing, Communities and Local Government (MHCLG) focus on exploring the impact of the Homeless Reduction Act (the 'Act') in relation to pre-dating legislation. Our response focuses on the both the experience of receiving support, and the outcomes that people approaching local authorities achieve.
4. This submission has been developed by members from across the Expert Link network, many of whom have lived experience of multiple disadvantage, including those who have experienced first-hand the support provided by councils in relation to housing, and also those who support people to make homelessness applications. Through bringing together people with a range of experiences we aim to provide knowledge of how effective current support is in preventing and relieving homelessness to the many people across the UK who experience multiple disadvantages.
5. **Expert Link would welcome elaborating further on any of the information provided.**

## Context

6. There have been historic problems with pre-existing housing and homelessness legislation.<sup>1</sup> Historic problems existed. Narrow interpretations of vulnerability and wide interpretations of intentionality led to many people not being deemed 'priority need,' thereby being provided with limited information and advice generally deemed to be of poor quality. A limited window of time to support people to relieve their homelessness led to criticisms charged at local authorities who advised individuals to remain in their properties until crisis situations arose.
7. Although the Act received Royal Assent in April 2017, statistics provide no indication that there has been a reduction in homelessness since then, or that outcomes for people are improving. The Local Government Association have highlighted that 8 in 10 councils have seen an increase in homelessness presentations since the introduction of the Act, and 6 in 10 councils said it had increased the number of people being housed in temporary and emergency accommodation. The same number of councils say the length of time people spend in temporary and emergency accommodation has increased. 70,430 households were owed a homelessness duty between January and March 2019, 43.8% of whom were identified as having a support need, with the number of acceptances owing to mental health needs increasing 34% over the past 5 years.<sup>2</sup> Tragically, 726 homeless people in England and Wales died in 2018 (a rise of 22% since 2017) with two in five deaths related to drug poisoning.<sup>3</sup>
8. People who have experienced support from the council often cite that the primary driver for negative experiences relates to the quality and location of accommodation (including inaccurate descriptions supplied by landlords), rather than staff attitudes and procedures. Further, the vast majority of people across the UK who are supported through subsistence benefits now see a shortfall in their rent (and thereby should be deemed legally homeless), seeing increased reliance on the availability and ease of access of Discretionary Housing Payments. How much of this relates to housing legislation and its implementation is debatable.
9. However, the way that support is delivered by the council is crucial to the experience and outcomes for people experiencing homelessness. People often highlight how debilitating it is to be judged by staff and treated as a liar, and it is clearly in the gift of councils to ensure this does not happen. It is also clear that the lack of resources available to local authorities effects the support they are available to provide, regardless of the legislation.
10. Given this context, this response focuses on the clear experiences of people in relation to the changes in legislation. These experiences are a product of the practices of councils, the legislation, and the structural problems relating to housing quality, changes to welfare and access to mental health and drug and alcohol services, and should be considered as such.

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<sup>1</sup> (Crisis, 2016) The homelessness legislation: an independent review of the legal duties owed to homeless people

<sup>2</sup> (MHCLG, 2019) Statutory Homelessness, January to March (Q1) 2019: England

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/831246/Statutory\\_Homelessness\\_Statistical\\_Release\\_Jan\\_to\\_March\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/831246/Statutory_Homelessness_Statistical_Release_Jan_to_March_2019.pdf)

<sup>3</sup> (ONS, 2019) Deaths of homeless people in England and Wales: 2018

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/deathsofhomelesspeopleinenglandandwales/2018>

**Question 15: From the perspective of a homeless applicant in your area or from your experience: What has changed most for:**

- A. Single people / households without children?  
B. Families?**

11. When the Homelessness Reduction Act came into force, it was our hope that the Act would promote the shift towards universal preventative work that was its intention, and importantly that people approaching local authorities would be provided with holistic, individualised support.

*Advice, information and the Duty to Refer*

12. Under the Act, 'free advice and information on homelessness and how to prevent it' is provided to everyone, regardless of priority need. In our experience, although this has been available to some people, it is unclear whether this has had a positive effect, or any improvement to what was made available to people previously. The Duty to Refer, as well, does not seem to work in practice in areas, given that it does not automatically trigger a homelessness application.

*"The duty to refer for me it's very clear there's a caveat in it. This doesn't trigger an application so in one sense I'm not sure what difference it would be to make." **Member of the Expert Link network***

*Assessments and Personalised Housing Plans*

13. In some areas, the assessment process has remained fundamentally the same, although some local authorities are adopting a detailed Universal Assessment document. Although positive, this could lead to lengthy interviews with individuals who may struggle to participate fully for this amount of time.

*"I can't see them doing that with every single person that presents themselves as homeless. On a Monday there's at least seven or eight people queued up when you're passing in the morning – there's no way in hell they're doing this form." **Member of the Expert Link network***

14. Further, councils have reported excessive levels of paperwork required by the Act. In turn people making applications have felt that waiting times are too long, leaving people feeling uncertain about how their situation is going to be handled.

*Engagement with applicants*

15. The Act intended to improve engagement with applicants through given local authorities longer to work with people, increasing preventative work, reducing 'gatekeeping' and facilitating a culture shift towards a more 'person-centred' approach.

16. Through our network we have heard examples of where increasing the time to support individuals and taking a preventative approach has had a positive effect, though it was questioned whether this was not possible within existing legislation.

*"Someone might be better off if they are intentionally homeless, and you know that from the start - it means they get another 56 days in accommodation before they can actually get evicted so it gives you a bit more of a realistic time to find alternative accommodation with them." **Member of the Expert Link network***

*"A lot of [the good work] is about rent arrears and people getting discretionary housing payments, and then explaining how much do you really want to spend, and doing a budget planner to help them move on." **Member of the Expert Link network***

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*“I think some local authorities have been quite good – where people can't afford the rent they make up the shortfall. A win-win, the local authority don't get one family hitting the TA list for a much cheaper price, and they can also get people from TA into private accommodation.” **Member of the Expert Link network***

*“The ability to actually speak to someone and do these plans up to three months before they were evicted - there was nothing stopping (local authorities) from doing that anyway.” **Member of the Expert Link network***

17. However, the increase in time that the local authority has to support people has led to a negative effect on some people's outcomes, leaving people in limbo, increasing pressure on temporary accommodation and preventing people from moving towards positive outcomes. This is deemed a particular failure where authorities are 'going through the motions' of providing a relief duty when they are already determined to be in priority need.

*“It kind of slows everything down, brings a lot more uncertainty. Whereas before your decisions can be met quite quickly now people are really left in this limbo.” **Member of the Expert Link network***

*“People are in temporary accommodation for longer; unless there's a lot more temporary accommodation out there somewhere along the line someone's not going to get a house as a result of it.” **Member of the Expert Link network***

*“I had a client- it was a given that the housing options officer had made his inquiries into homelessness and there was going to be a full duty to house her at the end. I said well you should be able to write a section 184 notification now he says ordinarily I would have been able to a year ago but now I can't because I have to wait until the relief duty is finished. There's a dead period where she's just remaining in TA until that 56 days is up, she's quite low in the banding on the housing register because she's still in that 56 day relief. It's lose-lose from the old system, he would have issued the section 184, she would have gone up a banding and secured social housing pretty much immediately through the bidding system. Now she has to wait 56 days in TA which was costing the council a lot more money - she's bidding still but has no chance.” **Member of the Expert Link network***

18. 'Gatekeeping' also remains a problem at local authorities, with many people still not receiving support when they approach the council. This has been attributed to lack of resources, and individuals resorting to 'old ways of working.'

*“Most of the reason people gate-keep is because they don't have the stock. I think without a massive increase in resources it's not going to change anything, all you're going to do is multiply the injustices that people experience rather than making anything better.” **Member of the Expert Link network***

*“There's actually less resources you know - you've just piled on the pressure on housing officers to not treat people lawfully you know. You basically make it even more in their interest to get people in and out as soon as they can and not really take seriously what they're saying.” **Member of the Expert Link network***

19. Some local authorities have moved much of their work to online platforms. However, people have raised that this may not work for some people and personal contact is considered to be very important. Further, people need a resource/budget to engage online which may not be available.
20. We have experienced instances where staff attitudes have been positive, with people treated courteously and with compassion, getting good outcomes in short periods of time, and ensuring assessments are thorough with a culture that supports people to disclose. This is critical, as many individuals are likely to have experienced trauma, and staff approaches should reflect this.

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21. However, there have been instances of inaccurate advice being given to individuals, reflecting pre-Act legislation. Further, it had been raised that there seems to be little incentive on local authorities to ensure their decision making is accurate.

*“I think the kind of things the Act is trying to do is very top-down - trying to make housing officers do a better job. But you can't make someone do a good job if they don't have the kind of background and training.” **Member of the Expert Link network***

*“Those on the front line need more training.” **Member of the Expert Link network***

*“You could increase the penalties against councils when they are found to have gate-kept or have not followed processes. At the moment it is actually cheaper for councils to avoid housing people and then pay the fine than to actually house people. Where's the incentive really to kind of improve things?” **Member of the Expert Link network***

- 22. We are aware that at least one local authority is working with people who have used their service to encourage their views on what changes need to be made. This positive practice should be encouraged across the UK, with feedback incorporated into on-going staff training and development.**

## Outcomes

23. Although the process for securing support for families was 'easier' for one worker, many challenges still remain for this group, in particular the effect on schooling/support networks where people are moved out of area.

*“I'll give you an example. Mother, she's got five kids, she's been found intentionally homeless. She never was. Her youngest kid has been in five different schools in the last year. What impact is that going to have.” **Member of the Expert Link network***

24. Further, it does not appear that the support provided to people who are non-priority need has improved a great deal. Although individuals who are non priority need do get some advice, there is little from the legislation that could not have been provided prior to the Act.

*“I've not seen any discernible difference and what they were doing before is what they're doing now.” **Member of the Expert Link network***

*“I can't think of a client we've helped who were better off under the HRA than they would have been under existing housing law. I think in one sense it's allowed politicians to say they're doing something about homelessness when they're very clearly not.” **Member of the Expert Link network***

*“It looks as though they've added an additional law because the original law wasn't being followed properly, so they look to implement a law to make sure that it does. It's like saying if I break into someone's house and then the law it's not strong enough to convict me they create another law so that I do get convicted. You know it's a nonsense in my opinion, they've just added a supplement that lengthens the process out by another 112 days.” **Member of the Expert Link network***

25. Those local authorities who have changed have used the opportunity presented by a change in legislation to review and adapt the service that they provide.

*“[Places that are good] they look to the Homeless Reduction Act not so much as this legislation telling them what they've got to do, but that this new laws come out and we've not reviewed what we've done for many years. What can we do differently, we've got a hell of a lot less money so we need to be smart with it.” **Member of the Expert Link network***

**26. In summary, although the Act changed legislation, it is unclear how many of the changes were significant or could not have been achieved through the old legislation. The biggest changes in individuals experience relate to the time spent in temporary accommodation, which has increased since the introduction of the Act. Crucially, the practice of gatekeeping has not reduced. Expert Link recommends that local authorities adopt more 'service-user' involvement work to identify the changes they need to make to their practices.**

### **Question 16: Do you feel that the Act has enabled a more person-centred approach to the delivery of homelessness services?**

27. Expert Link welcomes the intention of the Act to provide a person centred approach to support. Many people approaching the council for support will have experienced complex trauma which may impact on how they engage in relationships that are intended to help and support them. The increasing number of people approaching the local authority with support needs is further indication of the importance that this approach is adopted.

28. However, there is a risk that a 'person-centred approach' is mis-interpreted, and instead of supporting people holistically it transfers blame away from the structural barriers and procedures and on to individuals. In turn, individuals are blamed for the situations they are in, with associated stigma placed on them.

*"You've got a whole load of systems which clearly don't work, and the fact they don't work is blamed on the clients. When they aren't housed they're useless and whatever else but in reality if the system does work people are quite capable of maintaining accommodation if they have the right situation."*  
**Member of the Expert Link network**

*"From our own experience as well we've seen people that on paper no one [at the council] would have predicted that they would have maintained their own property and they have."*  
**Member of the Expert Link network**

29. A truly effective person centred approach would require an effective assessment process which determines people's skills and aspirations, the support they may require and is sensitive to the structural challenges relating to housing, welfare and support provision. We have experienced examples where this is the case, with local authorities providing environments where people could disclose fully their circumstances. However, there are many examples where in spite of particular requirements being acknowledged, the outcome individuals received did not reflect their personal situation.

*"The interview process is fundamentally the same - the only thing that comes out of the interview is they come up with a personal housing plan. You could argue they might be personalized, because it's not about the council doing everything is about you looking for your own accommodation, so it's giving them a bit of autonomy over their stuff. But the stuff that they're basically asking the client to do is unrealistic stuff like look for accommodation in private sector which we all know is unaffordable so it's just it's all very very tick box."*  
**Member of the Expert Link network**

*"Someone mentions I drink alcohol or I use drugs - straight away you have to go and approach the local service. There's not any teeth to it, there might be very good reason why someone's not accessing mental health services because they might have bad experiences, but the formula says you need to go and do this now or we're not going to help."*  
**Member of the Expert Link network**

**30. In summary, we have had little evidence of a truly person centred approach being adopted by local authorities. There is clear scope in the Code of Guidance for more emphasis to be placed on this requirement, promoting local authorities to learn from people who have used their services what changes need to be made. This approach should be the driver behind person centred work, rather than placing all responsibility onto individuals.**

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**31. Expert Link would be glad to elaborate further on any of the information provided.**

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