

## **Coventry Frontline Network response to: HRA call for evidence July 2019**

This response provides the views of frontline homelessness workers, primarily based in Coventry.

We would be happy to provide more information if needed; please contact: Zoe Titchener on [ZTitchener@Coventrycab.org.uk](mailto:ZTitchener@Coventrycab.org.uk)

### **Question 1: Since implementation of the Act in April 2018 can you identify:**

#### **A. What has improved in service and outcomes for families and individuals who are homeless or at risk of homelessness?**

More people are eligible for homelessness assistance, and at an earlier stage. This has led to an increase in people accessing homelessness services.

Funding of homelessness services has enabled some customers to access accommodation they might otherwise have been prevented from accessing, or to keep tenancies they might otherwise have lost, via the funding of deposits, clearing of rent arrears etc.

#### **B. What has not improved/ got worse?**

Addressing homelessness is still reliant upon affordable housing options being available, which is a challenge. Affordability is inhibited due to caps on the Local Housing Allowance, making it insufficient to cover local rents; suppressed benefits levels, welfare reform including the benefit cap and under-occupancy charges, as well as the prevalence of low wages, insecure work and zero-hours contracts.

The minimum five-week wait for Universal Credit claims often leads to rent arrears, increasing the risk of homelessness and making landlords reluctant to offer tenancies to affected clients, reducing the supply of properties in which to re-house people accessing homelessness services.

Using homelessness funding and discretionary housing payments to “top up” rent payments is a temporary and unsustainable measure.

Applicants assessed as non-priority need are still not owed a housing duty, leaving them at risk of street homelessness.

Homelessness duties need to be funded correctly so that the LA has capacity to deal with approaches in a timely manner. Increasing the period in which someone can access help does not result in the expected benefits unless they can be seen by the local authority in time to take meaningful action.

The recording of the reasons for homelessness show a large proportion of Section 21 evictions. We feel this hides underlying reasons for eviction, often due to rent arrears/unaffordability. Without more detailed information about S21 evictions it is difficult to identify what further actions could be taken to address systemic problems. Better recording and reporting of all circumstances including financial values of any rent arrears would be helpful.

Personal housing plans do not fully capture the customer’s housing history, current needs and wishes. This information is held in the assessment, which is recorded electronically. Information from the assessment should be provided to the customer, but the PHP is often a summary document that fails to include full details. This leads to an incomplete picture for supporting agencies.

We welcome the intention of instigating a culture change in homelessness services, but feel that without customer input and adequate funding, services are not necessarily designed around the customer. Locally, all reviews of HRA processes have been carried out internally within the LA, without any third party input. Third sector and other interested parties could contribute to reviews and bring a different perspective.

### **C. What are the enablers or barriers to achieving positive outcomes?**

The HRA service overall requires adequate funding, capacity, training, and quality assurance processes.

There needs to be good awareness within the public that the service is available and that the HRA has extended eligibility for homelessness assistance. This is not always widely known even in voluntary organisations in the sector, with continuing references to requiring local connection or a priority need to access services.

Applicants need to feel that the service is accessible and easy to understand, with a clear outline of what to expect throughout the process. Official decision letters may need to include legal definitions and specific language, but would benefit from containing easy to read summaries, or being accompanied with simple leaflets that outline the process and how to challenge any decisions if required.

The low barriers of proof for initial acceptance are important and should be adhered to. Applicants who need to prove eligibility should be given a reasonable amount of time to source it and have a variety of ways to provide this to the LA. We are aware of cases where applicants who do not provide supporting information within certain timescales, eg 10 days, have their cases closed with no further action. More clarity around these requirements and reasonable timescales would be helpful.

It can be difficult to dispute the refusal to accept a homelessness application at the initial enquiry stage, as there is no legal need for a decision letter. An obligation to provide a decision letter to every applicant, while onerous, would provide more transparency about decision making.

The service needs to be open to partnership working, carrying out consultation and communication when making changes to operational processes.

There needs to be good awareness of the reviews process to enable challenges to be raised. Advice agencies see clients who have been allocated unsuitable accommodation and wish to challenge it, so the process for requesting reviews needs to be visible and accessible.

### **D. What impact has the Act had on the use of temporary accommodation for your local housing authority?**

TA figures have increased although it is hard to identify direct impacts of the act; homelessness may have increased more without the HRA. It might be expected that more people now approach the HRA service as the eligibility has widened, perhaps leading to more people being accepted for TA. Locally we understand that increased focus on homelessness has led to more accurate figures being held on TA use.

Tenants asked to leave hostel accommodation generally receive 14 days' notice. Staff had noted a case where a tenant in receipt of this notice tried to make a homelessness application but was refused and asked to return after the 14 days had elapsed, ie once they were "homeless on the night." This can mean missing chances to prevent homelessness. This again shows the need to record all approaches along with a reason for refusal, as it was difficult to trace the approach being made.

## **Question 2: In relation to processes of the Act:**

### **A. Please identify any elements of the Act that you believe work or do not work well in assisting you and any partner agencies (both statutory and non-statutory) to prevent and relieve homelessness.**

#### Works:

More customer are eligible to access the support, and at an earlier stage. This provides more time than previously to plan how to prevent homelessness.

The assessment and personal housing plan should provide a comprehensive overview of a customer's needs, and should provide a record that customers can provide to partner agencies.

The aim of including partner agencies in delivering the services is welcome.

The Duty to Refer provides a route for statutory agencies to raise concerns, and should highlight the need for these agencies to consider homelessness within their roles.

Within our LA area, the extension of the duty to refer to third sector agencies is welcome, although it has not been clearly communicated to all parties.

#### Doesn't work:

Addressing homelessness is still reliant upon affordable housing options being available, which is a challenge.

As noted above, the lack of decision letter provided to potential applicants who are not initially accepted makes it difficult to monitor decision making and quality of service, especially in monitoring the low bar of proof required.

The methods for accessing HRA support have changed in our local area. Online applications were available from April 2018 but have since been withdrawn, leaving clients the options of a telephone enquiry or a visit in person to the LA. While we welcome non-digital options and support various methods of application being available, we are surprised that online processes are not currently used.

The Act says that an applicant should be provided with a written copy of their assessment and a personal housing plan. It is unclear how the assessment information is being provided to applicants. In cases we see, the PHP is generally a summary document which does not always capture housing history, current wishes or medical needs, all of which would need to be considered when making further decisions. We have been told that any such additional information can be retrieved via a Subject Access Request. It should be clarified in legislation or guidance how much information from the assessment is to be provided to an applicant as standard procedure.

Responding to Duty to Refer applications takes too long, with customers often waiting a number of weeks to be contacted by the LA and with no published timescales within which they might expect a response. Agencies can feel it is better to direct clients to make an approach in person for more urgent cases. Backlogs are linked to lack of capacity and funding, but might also benefit from a prioritising process.

Referrals made via the online Jigsaw portal generate a reference number, but agencies have found that this is not then recognised by the LA's homelessness team. Any references generated should remain attached to a case and allow the LA to track the approach.

Friday prison and hospital discharges lead to particular problems for people released with No Fixed Address, who have very little time to access HRA (and other) services upon release before they close for

the weekend. The Duty to Refer should be used to plan for these instances, to ensure clients can access support when they need it at this critical time.

We feel there is scope to embed wider support in the HRA process. Rather than only focussing on housing need, there needs to be a more holistic view taken including eg employment, training needs, benefit checks, income maximisation, budget management and debt advice. We are unclear about the expected routes for applicants to access this support within the HRA process locally.

**B. Please provide any suggestions of areas of the Act that you feel should be amended, being as specific as possible as to what alteration you would recommend.**

A decision letter should be provided to every applicant, even where no duty is perceived. This would help monitor overall demand on the service, ensure the correct application of the level of proof expected to accept a case, and improve general decision making processes.

Clarification of the requirement to provide full assessment details to an applicant. This would help ensure applicants, and any supporting agencies, have the full information upon which the LA based their decisions.

Consideration should be given to clearer links and interactions with any JCP claimant commitments and other action plans such as mental health support. Applicants should not be overloaded with demands at a time of vulnerability, and should expect plans to be coordinated between statutory bodies.

Better data sharing agreements with partners under GDPR would increase the ability of partners to work together.

We are not aware of the Act or the Code of Guidance detailing any time limits during which applicants must provide supporting information to ensure their case is not closed, other than the Refusal to Co-operate process. Clarification of expectations would be useful.

**C. Has your local housing authority amended its allocations scheme to reflect the duties in the Act, and if so what changes have been made?**

Yes. A change was made to apply higher priority to all owed a Prevention or Relief duty. There has been uncertainty about whether this was later changed to apply only at officer discretion, possibly following advice from systems providers. Further discussions now suggest all applicants will be banded at the required priority, unless there are exceptional circumstances to show they are not engaging.

**D. If you have amended the policy, how has this affected lettings to homeless households?**

Demand via the allocations scheme outstrips supply. Applicants gain some additional priority but the likelihood of a successful bid is still highly dependent upon availability of a suitable property type, within the required area.

**E. How could the data generated from H-CLIC help you to inform policy/ resources?**

Data from HRA approaches should be a key driver of local policy, eg using demographic information to monitor youth homelessness or increases in domestic violence, with LAs commissioning services accordingly.

If H-CLIC categories are to be amended, other agencies could be involved in determining the most useful categories against which to record applications. It is difficult to understand the causes of Section 21 evictions without more detailed information about rent arrears and other factors, for example. (This may become less relevant if Section 21 processes are amended or abolished but our understanding is that any such change would be gradual and may not apply to all tenancy types.)

**F. What more could be done to assist you in submitting and making use of the data for your area?**

**G. Please add any further comments on the Act or the context in which it has been implemented that you think will be useful.**

As above, affordability and supply of appropriate housing remains a key barrier to reducing homelessness.

We welcome the Housing First pilot and Rough Sleeper Initiative funding in our LA area.

Better communication of the impacts of the HRA with third sector agencies and voluntary/faith groups would be useful, to ensure all are aware of the changes the Act entails.

**Question 3: Has your area developed or updated protocols and/ or referrals arrangements with statutory and non-statutory agencies in relation to the duty to refer?**

We are aware that statutory agencies have access to an online referral system.

Local councillors requested that the referral process be opened up to non-statutory agencies. This has been introduced to some agencies, but the LA did not issue formal communications to all agencies in the area, so its use is likely to be inconsistent.

There have been cases where a non-statutory agency has tried to make a direct homelessness application on behalf of a client, but was instructed to use the online referral system. This might be suitable in some cases, if there were a defined timescale in which the client could then expect contact from the LA, but we are not aware of such timescales. We also do not believe the Duty to Refer was intended to prevent an applicant from making a direct homelessness application if they wished.

**Question 4: Have pathways been developed or reviewed and updated to help specific cohorts of people? Please describe what these are.**

(HRA in general, not Duty to Refer:) We are aware of tailored advice leaflets for care leavers, ex forces personnel and other groups specified in the Code of Guidance. We are not aware of different pathways available once in the HRA service.

There is an initial triage to determine whether someone is “homeless on the night” ie has already lost access to their accommodation, and those applicants are usually seen immediately, while cases deemed less urgent may have a later appointment made.

**Question 5: In relation to the public authorities subject to the duty to refer, please name any you would add (and why) and /or remove (and why).**

Clarity would be useful about which staff within Job Centres have the duty to refer; discussions with some DWP staff have suggested that the duty is only applied to work coaches, and not all staff. Also to clarify whether DWP call centres eg Debt Management, and/or outsourced call centres delivering UC and benefits services, are subject to the duty.

There have been anecdotal reports of some LA areas where very few if any referrals have been received. There should be a lead contact in every statutory body to whom the duty applies, who can be contacted to discuss a lack (or excess) of referrals.

**Question 6: For public authorities with the duty to refer, has the new duty helped to prevent homelessness for your service users? If no, please say what the barriers have been to making the duty effective.**

Barriers are the timescales within which potential applicants can expect to receive contact from the LA after being referred, due to backlogs and a lack of capacity. More funding for HRA processes is needed to meet demand.

The overlap between statutory and non-statutory bodies means that a wide range of bodies need to be aware of the Duty to Refer, eg housing associations whose tenants move into hospital while facing eviction – HA need to understand what duties the NHS has to the tenant and how the HRA can support the tenant move into new accommodation in these circumstances.

**Question 7: Has the duty to refer led to an improvement in outcomes for any particular groups, and if so which?**

**Question 8: Have there been any public authorities which have been successful in implementing the duty to refer - what have been the defining success criteria?**

**Question 9: What, if any, further legislative or government-led changes would improve partnership working to prevent and relieve homelessness?**

We broadly support the proposals for Homelessness boards.

**Question 10: Has the Act led to more scrutiny and involvement from elected members? If so, what has the impact of this been?**

A little, members have attended the local Homelessness forum, which was set up when the Act took effect.

**Question 11: Has your local housing authority commissioned any external agencies to deliver part or all of the homelessness services in response to the Act? If so, please indicate any benefits in terms of outcomes for customers?**

We feel there is scope for agencies to make a larger contribution in this area. Feedback from other locations where third parties do deliver some HRA services indicates that this improves customer satisfaction and leads to agencies and LA feeling more “on the same side” and less adversarial.

**Question 12: In what ways has the Act influenced the strategic direction of your local housing authority? If so, has it been effective?**

Our local Housing and Homelessness strategy was released in March 2019. It focuses more on homelessness than it previously did.

**Question 13: For local housing authorities, has the Act led to an increase in quality of partnerships working with internal (within the authority) or external partners?**

**Question 14: For (non-local housing authority) partner agencies, has the HRA led to an increase in your contribution to preventing and relieving homelessness?**

Some local reporting suggests that more advice is now being provided about LA homelessness services, which might be expected as more applicants qualify for those services.

There is a strong focus on homelessness among local agencies, but more clarity about LA operational processes would be welcome. This would help agencies understand where they sit within the process, to avoid duplication and potential under-reporting of HRA demand, where third sector agencies take on homelessness activities that might otherwise be accepted under HRA duties.

**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?** Now eligible for more support where previously could access very little. Other initiatives such as Housing First and the Rough Sleeper Initiative should also have an impact but are not directly related to the HRA implementation.

**B. Families?** Key issues remain the availability and affordability of suitable properties, especially for larger families.

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

The intention is present in the Act and the Code of Guidance and we welcome this, but we find that in practice, lack of capacity and high demand mean that the service can be delivered in a process-driven way.

Applicants' assessment interviews can be carried out while the officer inputs responses directly to the system, which can feel impersonal.

There can be an over-emphasis on keeping someone in their existing property, without fully exploring whether it is suitable or safe to do so.

Accommodation sourced for applicants does not always account for their needs, not always considering distances from schools and other support networks, or the ability to travel.

**Question 17: Has the Act resulted in earlier intervention and support to prevent or relieve homelessness where an applicant has been served with a valid S21 notice?**

We believe so, but would like to see more support for tenants with invalid S21 notices, where the LA response is to return to the property as the notice cannot be enforced. We believe that S21 is often used by landlords where there are other issues, especially rent arrears, and tenants would benefit from earlier LA intervention where the landlord has expressed a wish to evict but has not yet completed the correct paperwork.

The relationship between tenant and landlord should also be explored, to ensure the tenant is not returning to an unsafe or threatening environment and feels comfortable speaking to the landlord themselves.

We would like to see better recording of the underlying issues for any S21 eviction. Better data on this would support the government's wish to change S21 process as it may become evident that S21 is used where S8 evictions may be more appropriate.

The specific reference to S21 notices in the HRA must be reviewed and amended if the S21 process is abolished.

**Question 20: For non-local housing authority respondents, please comment on whether you consider sufficient resources have been deployed for implementation of the Act in your area**

Estimated demand was much lower than actual takeup of HRA services, meaning it was difficult for applicants to access the service in a reasonable timescale. We welcome the increased resources that have been allocated since the HRA took effect but feel that demand still outstrips capacity.

**Question 21: Beyond funding for the Act, are there resource or funding stream considerations which impact (positively or negatively) on the ability to prevent and relieve homelessness, and if so, please describe these.**

**Please only answer the following questions if you're from a local housing authority, public authority with a duty to refer or a voluntary sector advice agency**

**Question 22: Which of NHAS services have you or your team used since April 2017 (ability to tick multiple):**

- a. Training
- b. Roadshows
- c. Advice Line
- d. Online information/resources (e.g. toolkits, webinars, factsheets or legal updates)
- e. None

All (note this is a combined response from frontline workers)

**Question 23: How effective have you found the services delivered by NHAS in supporting you or your team to carry out the new duties brought in by the Act?**

Helpful. Ability to discuss questions and get expert advice is very useful.

**Question 24: Do you think that the Act has had a disproportionate impact, either positive or negative, on any individuals, in particular those with 'relevant protected characteristics' (i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy, maternity, paternity, race, religion or belief, sex, sexual orientation)? Please provide evidence to support your response.**