




New Housing Duties

Information for Providers



August 2015



Conwy Housing Solutions and the Supporting People Team have produced this information leaflet to clarify the new housing duties faced by the Local Authority and its partners from April 2015. It also looks at timescales in relation to stays in Bed & Breakfast.

Main changes which have occurred due to the new Act are also discussed in this document.

It should be distributed to all team members for their attention.

1. Housing (Wales) Act 2014 Part 2

Housing (Wales) Act 2014 Part 2 is focussed on prevention of homelessness and provision of support to sustain tenancies. The new legislation marks a change in culture to provide a customer centred service by assessing individual needs. It clarifies the duty on all public services to provide a co-ordinated and joined up approach to the prevention of homelessness.

A person can apply for housing advice and assistance at any time and an initial assessment will determine if they are homeless or threatened with homelessness within the next 56 days

Housing Services will consider the following duties:

- Duty to assess their housing need - If the applicant is eligible and homeless or threatened with homelessness within 56 days. The assessment considers the cause of homelessness, any support needs and the outcome required. This assessment will help the Officer and applicant to consider and agree reasonable steps to prevent homelessness
- Duty to prevent homelessness - By carrying out the reasonable steps agreed and reviewing the clients housing plan
- Duty to help secure accommodation - If the applicant is homeless now, or the work to prevent homelessness has not been successful
- Duty to provide interim accommodation - For those who are eligible, homeless and have a priority need for housing
- Duty to relieve homelessness – To continue working to secure alternative accommodation for 56 days
- Duty to secure accommodation - The final and absolute duty for applicants who are eligible, homeless, have a priority need for housing and are unintentionally homeless

2. Main changes in Housing (Wales) Act 2014 Part 2:

Homelessness

The definition of homelessness remains the same as under current legislation, but an applicant is threatened with homelessness if it is likely they will become homeless within 56 days, which has changed from 28 days.

Introduction of the duty to assess, prevent and relieve

By carrying out a holistic assessment, agree and carry out reasonable steps by both Officer and applicant

Priority Need

Two changes have been made to the priority groups:

- Domestic violence and violence is now referred to as domestic abuse and abuse.
- An amendment to the wording of priority need for former prisoners: “a person who has a local connection to the area and who is vulnerable as a result of being in custody.” This duty extends if an ex offender settles into their own accommodation following release and it is deemed he lost that accommodation due to a vulnerability caused by his initial imprisonment

Local Connection

The definition of local connection has not changed but is not a consideration when carrying out duties to assess and duty to prevent homelessness

Discharging homeless duty

The homeless duty could only previously be discharged into social housing. Housing (Wales) Act 2014, Part 2, allows discharge into suitable private rented sector accommodation.

3. Partnership working

- 3.1 The Housing (Wales) Act 2014 Part 2, confirms the duty on statutory and non-statutory services to co-operate and assist the Local Authority in preventing homelessness. Conwy Housing Solutions adopts an open approach and recognise there will be a broad range of organisations operating in fields other than housing, including, for example, health, education and employment, whose activities may help to prevent homelessness.
- 3.2 Co-operation between Local Authorities and their partners is a core theme of the Housing (Wales) Act 2014. The Act strengthens the duty to co-operate on specified public bodies. In addition to this particular change, the new statutory framework is predicated upon highly developed collaboration between Local Authorities and their partners to achieve its objectives on early intervention and assistance to find the best available solution as quickly as possible.
- 3.3 This partnership approach requires mutual collaboration, within a local planning framework led by Local Authorities.
- 3.3 The new s.95 is a significant strengthening of the duty to co-operate under the Housing Act 1996, and covers both strategic and operational functions. The presumption is now placed clearly on the relevant service to co-operate unless it can demonstrate that the proposed action would be incompatible with its duties. Their reasons would have to be given in writing and it would not be sufficient to say that there were other priorities that had to take precedence.
- 3.4 This means that the default position will be that the partner organisation will co-operate to meet a request for assistance. Local Authorities and partners will be

expected to have established mechanisms for ensuring collaboration and addressing any areas of difficulty before the need for the legislation to be invoked.

4 Working with Supporting People Providers

- 4.1 Authorities will need to consider how best to maintain a strong relationship between the homelessness strategic functions and the operational planning tasks of local Supporting People teams. Local Authorities are expected to focus Supporting People services on the objective of preventing homelessness, and the monitoring of the impact of these services should be linked to homelessness prevention monitoring. As stated above, Regional Collaborative Committees should reflect this focus in their work, and prioritise resources accordingly.
- 4.2 Supporting People Regional Collaborative Committees comprise a range of service providers and commissioners who are working with people who are homeless or at risk of homelessness. The Regional Collaborative Committees are responsible for advising support commissioners on the pattern of preventative services within the local and regional areas and as such are a forum which will need to be consulted and informed by the local homelessness strategy.

5 Reviews

- 5.1 Housing Solution have a number of notifications and at each stage we need to re assess, which involves progressing any actions for Officer and client and re assessing the clients circumstances.
- 5.2 Welsh Government emphasised the need to carry out regular assessments and confirmed the responsibility for ensuring any referrals have been actioned lay with the Housing Solutions Officer. It was made clear that referral to a service is not enough and must be followed up. This review is to identify any changes that may lead to the original s.62 assessment being amended or duty discharged if applicable.
- 5.3 The need for quick move on for those in B&B and subsequently the many emails and calls to chase up is due to a number of things:
- Requirement to limited time in B&B; those with children 2 weeks and those without 6 weeks.
 - The cost of emergency accommodation to the Authority such as B&B
- 5.4 **Timescales to consider:**
- Up to and no longer than 2 weeks in B&B for families
 - Up to and no longer than 6 weeks in B&B for single people
 - s.60 to s.62 = 10 days
 - s.66 to s.73 = 56 days
 - s.73 to s.75 = 56 days

5.5 The relevant Code of guidance is:

Keeping the s.62 assessment under review

The duties owed to applicants who are homeless or threatened with homelessness under the Housing (Wales) Act 2014 can change as their circumstances change see s.62(9). For this reason, an applicant's assessment must be kept under review.

For some applicants there will be at least a two-stage assessment if the steps taken under s.73 do not relieve the homelessness. Firstly, an assessment will be made to see if a duty is owed under s.73 duty to help secure accommodation and if this duty is concluded under the reasons set out in s.74(2) and s.74(3) a review of the assessment will be required to decide if the s.75 duty to secure accommodation is owed.

Where applicants have been assessed to see if the section 66 duty to help prevent homelessness is owed and unsuccessful action is taken to prevent homelessness, if they then become homeless their assessment will need to be reviewed in order to inform what further reasonable steps can be taken under the s.73 duty to help secure accommodation.

Should an applicant request interim accommodation whilst they are owed the s.73 duty to help secure accommodation the assessment will need to be reviewed in order to determine if they have reason to believe the applicant is in priority need and therefore entitled to it.

It is important to note that an applicant cannot be assessed on first contact for the s.75 duty to secure accommodation, since they will always need to be assessed for the s.73 duty to help secure accommodation duty first and in some cases an assessment for the s.66 duty to help prevent homelessness will have also been carried out.

The assessment process and the form used (paper or electronic) will be key to ensuring that officers are not repeating assessments but are able to build on information and decisions already made. It is essential that the Authority has a clear process in place for their officers to follow and a comprehensive assessment form which allows information gathered and decisions reached to be recorded, plans to be clearly laid out and the assessment to be reviewed at the key stages. “