1. Introduction

Tackling homelessness is complicated.

This is the case for two reasons: Firstly, people may be homeless or threatened with homelessness due to a variety of different reasons\(^1\), and these may require different solutions. Secondly, the legal basis for Council action is wide-ranging and complex, and must be followed taking into account:

- additional government guidance
- our own objectives and circumstances
- fluctuating levels of resources

Because of the importance and complexities of tackling homelessness we have developed a detailed strategy. This can be found [here](#).

The law describes different ‘types’ of homeless need and uses some terminology. In order to understand the Council’s actions in preventing and tackling homelessness it is helpful to be familiar with some of this terminology.

2. Homelessness Terminology

A full list of the relevant homelessness legislation and guidance is in Appendix 1. The main terminology used is as follows:

‘Homeless / Threatened with Homelessness’

When is a household actually homeless? Households are said to be homeless not only if ‘sleeping rough’ but also if they currently have a home but cannot reasonably be expected to stay there.

The law states that homelessness occurs if:

- there is no accommodation that the applicant is permitted to occupy, for example at the end of a tenancy.
- it is unreasonable to continue to occupy accommodation, for example for financial reasons
- continued occupation may lead to harm through violence
- the accommodation is mobile, for example a caravan, but there is no suitable site available.

\(^1\) Such as relationship breakdown, domestic violence, drug and alcohol mis-use, mental ill-health, or financial problems.
‘Eligibility’

Some persons from abroad are ‘ineligible’ for housing assistance which means that Housing Options Service cannot spend money to provide accommodation for them. This may include people who have no permanent right to live in the UK, such as asylum seekers. (In certain circumstances Social Services may provide financial support for ineligible families in order to prevent destitution).

‘Priority Need’

Some homeless people may be considered to be in greater need than others. For example an unemployed single person with major health issues who is responsible for a young child is likely to be in greater need than a healthy person with a steady job, good income and no children.

The law recognises this distinction and describes certain groups of people as being in ‘priority need’. This includes various vulnerable groups such as care leavers, young people and people with dependent children. For a full list see Appendix 2.

‘Intentionality’

A person is ‘intentionally homeless’ if they have deliberately done or failed to do something which causes them to be homeless. An example is the loss of a tenancy due to persistent and severe anti-social behaviour.

‘Statutory homeless’ and ‘Non-statutory homeless’

A person is said to be statutorily homeless if they meet four conditions:

- They are homeless or likely to become homeless in the next 28 days
- They are in ‘priority need’
- They are not ‘intentionally’ homeless
- They are ‘eligible’ for assistance.

Households that are homeless but do not meet all of these four conditions are said to be ‘non-statutory’ homeless. Households that are statutorily homeless are usually entitled to more assistance from the Council than those that are not - more details in 3 below.

3. The Council’s Duties to Homeless Households

All Council’s are required to provide advice and information about homelessness, and the prevention of homelessness, free of charge to any person in their district.

This applies to all households whether or not they are statutorily homeless; i.e. whether or not they are eligible, unintentionally homeless and in priority need.
**Statutorily Homeless**

However, where a household is statutorily homeless the Council has the legal responsibility to provide permanent housing and also temporary accommodation in the interim if needed. (This is subject to the household having a ‘local connection’ i.e. that they have now, or in the past lived, worked or had family associations in the area. If the household has a local connection elsewhere but not in Derby they will be referred to the Council where they have the connection).

**Non-Statutorily Homeless**

The action taken by the Council here will depend on the reason the household is homeless but not statutorily so. Where it is due to ‘intentionality’ and provided the applicant is in priority need, the Council has a duty to provide temporary accommodation for a reasonable period, while the applicant arranges their own more permanent accommodation. In practice this ‘reasonable period’ will be for around 28 days. Groups such as rough sleepers may fall into this category.

Where there is no ‘priority need’ Council assistance may be limited to advice and information.

4. **What Happens When a Person Approaches the Council Who is Homeless or at Risk of Homelessness?**

**The Process**

If the Council has reason to believe that an applicant may be homeless or threatened with homelessness, it has an obligation to make enquiries to find out:

(a) Whether the applicant is eligible under the rules in ‘eligibility’ above and
(b) If so, whether any duty, and if so what duty, is owed according to the law. That is, the Council tries to find out whether they are statutorily homeless or not, whether they are in priority need etc.

During the process of making these enquiries (which can take just a few hours but sometimes may take a week or even months) the Council has a legal duty to provide interim accommodation if the household is or is likely to be in priority need.

Once these enquiries are complete the Council will carry out any additional duties as described in 3 above.

5. **The Process in More Detail – Homelessness Services**

The Council’s homelessness service operates from two sites; at Housing Options in the Council House and Single Point of Entry at Milestone House, Green Lane.
Both sites are responsible for giving general housing advice and assistance (as well as advice relating to those at risk of homelessness) by carrying out a Housing Needs Assessment for each household presenting in housing need. The primary objective is to prevent homelessness if possible as this usually leads to a better outcome for households. It means that households are not moved from support networks, education, health facilities etc.

**The 28-day threshold**

If a household is threatened with homelessness that may occur more than 28 days in the future – for example if they have been given an eviction notice to leave their property in two months time - a standard housing needs assessment will be carried out.

However, if the household is ‘homeless tonight’ or is likely to become homeless in 28 days or less this triggers a formal homelessness approach and the duty of the Council to provide interim accommodation for those in priority need is activated. The threshold for this legal duty of the Council is low. That is, if the Council has any reason to suspect the household may become homeless and is in priority need it is immediately under this duty and must provide accommodation, sometimes at very short notice.

In these circumstances a ‘homeless statement’ will be taken and an investigation carried out by a housing advisor as in 4 (a) and 4 (b) above. Depending on the findings of these investigations, legal duties will apply as described in section 3 above.

The applicant has the right to appeal against a decision if they don’t agree with it. They also have the right to appeal if they consider the accommodation provided is not suitable.

6. **Service Provision Looking Forward - the Effects of Funding Cuts and Welfare Reform**

**Funding Cuts**

Measures to tackle and prevent homelessness are carried out by the Council and a wide range of partners including housing associations, the YMCA, and other 3rd sector organisations such as Derbyshire Housing Aid. In some cases these organisations are financially supported by the Council while some receive funds from elsewhere including from the government. But what is true across the board is that funding provision is being squeezed and homelessness services are being cut back.

The main sources of funding for the Council are from the government (though the Dept. of Communities and Local Government and sometimes the Home Office). The Council also supports provision by the use of its own resources.

‘Housing Related Support’ or ‘HRS’ (formerly Supporting People) is the single largest funding stream to support homelessness services. Funds targeted specifically at homelessness are part of a larger package of support which is intended to ensure that some of society’s most vulnerable people receive help to live independently. The
broader work further ‘upstream’ to promote independence amongst the vulnerable is also critical in keeping homelessness levels down in the long term.

Cuts to housing related support are likely to have a significant effect on our response to homelessness in Derby and this can only be worsened by cuts to other services, particularly Housing Options Centre budgets and the repossessions and eviction fund.

Nevertheless we continue to work innovatively to prevent homelessness and access additional funding whenever possible. A good example of this is the recent successful bid to the Homelessness Transition Fund. Riverside English Churches Housing Group has been successful in the bid for a street outreach team to cover Derby City and the eight District Council areas across Derbyshire. This supports work with rough sleepers and homeless people, preventing new occurrences through improved identification of rough sleepers and ensuring local accountability. It has an 18-month duration.

Welfare Reform

Cuts to housing benefit, the introduction of universal credit, and the end of direct payments to landlords will all contribute to making it harder for those on lower incomes to maintain their home. This is bound to impact on the need for housing advice and the risk of homelessness.
Appendix 1: Homelessness Legislation and Government Guidance

- Guidance for Rough Sleeper Services, 1997 (Rough Sleeper Unit established)
- Sustainable Communities: Settled Homes; Changing Lives – A Strategy for Tackling Homelessness (2005); which details the government’s national homelessness strategy
- Tackling Homelessness: Housing Associations and Local Authorities Working in Partnership (2006); which provides a blue-print for joint working between Councils and Housing Associations
- Independence and Opportunity (2007). This outlines how the Supporting People programme (now ‘Housing Related Support’) helps to reduce homelessness by providing support to enable households to remain in their own homes.
- No One Left Out – Communities Ending Rough Sleeping (2008); which sets out a series of measures for eliminating rough sleeping
- No Second Night Out (Applied in London 2010 and subsequently rolled out nationally)
- Making Every Adult Matter 2010
- The Homelessness (Suitability of Accommodation) (England) Order 2012
- Localism Act, 2012
- Making Every Contact Count: A Joint Approach to Preventing Homelessness, 2012

Appendix 2: Priority Need

The law states that a person who is homeless or threatened with homelessness has a ‘priority need’ for accommodation if they are in one of the following categories:

- A pregnant woman or a person with whom she resides
- A person with dependent children
- A person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason
- A person homeless or threatened with homelessness as a result of an emergency such as a flood, fire or other disaster.
- 16 and 17 year olds not accommodated by the Council under the Children Act
- 18 to 29 year old care leavers
- Vulnerable care leavers
- Vulnerable former members of the armed forces
- Vulnerable former prisoners
- Vulnerable due to fleeing violence