

Report to the Cabinet



Report reference: C-028-2017/18
Date of meeting: 7 December 2017

**Epping Forest
District Council**

Portfolio: Housing
Subject: Homelessness Reduction Act 2017 - Grant Funding
Responsible Officer: Roger Wilson (01992 564419)
Democratic Services: Gary Woodhall (01992 564470)

Recommendations:

(1) That in order to assist with meeting the additional duties introduced under the Homelessness Reduction Act 2017, a new Post of (1 FTE) Homelessness Strategy Officer be created on a temporary contract for 2 years and 8 months from April 2018 at cost of around £134,000 (£50,300 per annum) based on Grade 9 of the Council's Pay Structure at mid-point subject to Job Evaluation including on-costs, funded from the total amount of the Government's Homelessness Reduction Act Grant.

Executive Summary:

Due to the additional burdens being placed on authorities under the Homelessness Reduction Act 2017 and the associated Homelessness Code of Guidance (in draft form at the time of writing), the Government has now provided authorities with financial support to help meet with the consequences of the new duties. The Council has been informed that it will be receiving around £134,000 in Government grant over a three year period.

It is recommended that a new Post of (1 FTE) Homelessness Strategy Officer is created on a temporary contract for 2 years and 8 months from April 2018 funded from the total amount of the Homelessness Reduction Act Grant.

The duties of the Post will include:

- Responsibility for undertaking some statutory homelessness reviews subject to the capacity of the previously appointed external company
- Reviews on other homelessness cases as set out in Paragraph 11 of the report
- Dealing with increasing numbers of MPs and Member enquiries on homelessness casework
- Liaising with the Customer Relationship Officer on the legal aspects of Step 1 and Step 2 Complaints and cases referred to the Ombudsman Service around homelessness
- Reviewing the Council's Homelessness Strategy and monitoring its Action Plan
- Training the Council's Homelessness Team on changes in legislation and policy
- Managing contract arrangements with B&B Hotels and other organisations providing temporary accommodation to homeless applicants
- Other duties related to the Post

Reasons for Proposed Decision:

In order that the Cabinet can consider the use of the Government's Homelessness Reduction Act Grant funding which has been provided in order to assist the Council with meeting the new duties under the new Homelessness Reduction Act 2017, and the associated Homelessness Code of Guidance, which will commence from April 2018.

Other Options for Action:

The main alternative options appear to be:

(i) Not to consider the use of the Government's Homelessness Reduction Act Grant funding in order to assist the Council with meeting the new duties, under the new Homelessness Reduction Act 2017 which will commence from April 2018.

(ii) To agree alternative options for the use of the Government's Homelessness Reduction Act Grant funding.

Report:

1. At its meetings on 15 June 2017 (Minute 10 refers) and 12 October 2017 (Minute 54 refers), the Cabinet agreed the use of the Government's new Flexible Homelessness Support Grant.

2. The Cabinet were advised that the Government are working towards commencing the new homelessness provisions under the Homelessness Reduction Act 2017 (the Act) from April 2018, which will include re-writing the associated Homelessness Code of Guidance.

3. Under the Act, and the associated Homelessness Code of Guidance (in draft form at the time of writing) there will be considerable additional duties placed upon authorities nationally to prevent and reduce homelessness.

4. The main proposed additional duties are (in summary) as follows:

- The period that a person can be considered to be threatened with homelessness or it is likely that they will become homeless is extended from 28 days to 56 days
- An applicant is threatened with homelessness at the point the Section 21 Notice (which is the standard notice period provided by private landlords to tenants and is recognised as the single biggest cause of homelessness), has been served as opposed to at the end of the notice period, also preventing councils to advise applicants to remain in occupation beyond expiry
- Placing an emphasis on services preventing homelessness from occurring strengthening the duties on local authorities to provide advice, securing accommodation and other help available (referred to at Paragraph 5 to 8 below)
- Ensuring services meet the needs of groups at particular risk to reflect their complex needs and vulnerabilities
- A duty to carry out an assessment of an applicant's case notifying the applicant of the assessment in writing and the provision of a Personalised Housing Plan in order to provide effective support (referred to at Paragraph 9 below)
- The applicant's right to a Review of their assessment (referred to at Paragraph 11 below)
- The ending of the homelessness duty if the applicant "is unreasonably refusing to co-operate"
- The requirement to secure accommodation (under the new "Relief Duty") for at least 6 months for all applicants who the authority is satisfied are eligible for assistance

5. Due to the additional duties being placed on authorities, the Government has now provided financial support to help meet with the implications of the Act. The Council has been informed that it will be receiving the amounts in grant set out in the table below:

2017/2018	2018/2019	2019/2020	Total Grant
£45,038	£41,255	£47,413	£133,706

Prevention of Homelessness

6. Under the Act, and the associated draft Homelessness Code of Guidance, authorities have a duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness free of charge. The Council's Homelessness Prevention Team is an integral part of the Housing Options Service. The team is led by the Assistant Housing Options Manager (Homelessness), assisted by 2 part-time Senior Homelessness Prevention Officers and 7 full-time Homelessness Prevention Officers. Their work has proved highly effective and has brought a huge reduction in the level of homelessness acceptances and led to a high number of people being able to remain in their current homes.

7. This proactive approach by the Council ensures that any unnecessary homeless applications no longer occur. However, despite this "gate keeping" approach, the Council ensures that all its statutory duties are met under the Housing Act 1996 PT VII as amended and will always arrange for a homeless application to be received from a person who requires that safety net.

8. Homelessness Prevention Officers provide a comprehensive service with a range of initiatives at their disposal to assist them with resolving the housing difficulties of clients they are seeking to serve. In 2016/2017 625 applicants formally presented as homeless with 568 (91%) being prevented. This does not take into account hundreds of other approaches being made for general advice and assistance.

9. Although the service generally meets with the requirements of the Act in terms of homelessness prevention from April 2018, all applicants must now be given written notification of the Council bringing its Prevention Duty to an end with applicants having a right to request a review of the decision. Furthermore, the Council is now required to meet with its prevention duties in **all** cases including those who do not have a local connection. In such cases, if homelessness cannot be prevented they would be referred back to their host authority although a written assessment must be undertaken and provided to the applicant and their host authority.

Personalised Housing Plans

10. Under the Act, and the associated draft Homelessness Code of Guidance, from 1 April 2018 the Council will have a duty to carry out an assessment of an applicant's case. The assessment will be a written document and must be shared with the applicant. Following the assessment a Personalised Housing Plan will be developed to provide a framework for the Council to work together with the applicant to identify the "reasonable steps" tailored to the applicant and the Plan, and it should be realistic for the Council and other appropriate agencies to prevent or relieve the applicant's homelessness. The Plan will take account of the applicant's particular needs and make all reasonable efforts to engage their co-operation. Those who fail to co-operate will, after 2 warning notices, be advised that they are no longer owed the full homelessness duty.

The Relief Duty

11. The “relief duty” requires authorities to help people who are homeless to secure accommodation. The duty applies when the Council is satisfied that the applicant is both homeless, eligible for assistance and has local connection. Reasonable steps, in accordance with their Personalised Housing Plan must be taken to help the applicant secure accommodation with a reasonable prospect that it will be available for their occupation for at least 6 months.

Reviews of the Council’s Decision to end the Prevention and Relief Duty

12. Applicants have the right to request a review of their case in certain circumstances. Reviews must be completed within 3 weeks of being requested, or 6 weeks if the applicant has legal representation. Any applicant can seek a review of:

- The steps the applicant is to take in their Personalised Housing Plan
- The steps an applicant is to take in their Personalised Housing Plan following the relief duty
- Bringing the Relief Duty to an end when the Council is satisfied that the case has been resolved in accordance with the legislation
- Giving notice to bring the Prevention Duty to an end when the Council is satisfied that the case has been resolved in accordance with the legislation
- Giving notice in cases of deliberate and unreasonable refusal to co-operate

Statutory Homelessness Reviews

13. At its meeting on 2 February 2017 (Minute 130 refers), on the recommendation of the Finance and Performance Management Cabinet Committee, the Cabinet agreed a CSB Growth Bid of £9,000 per annum from 2017/2018 to fund an external company to undertake Homelessness Reviews. Following the receipt of the Flexible Homelessness Support Grant (separate from the Homelessness Reduction Act funding) the Cabinet subsequently agreed at its meeting on 15 June 2017 (Minute 10 refers) that this, along with a number of other homelessness initiatives be funded from this Grant.

14. The Council has since appointed Housing Reviews Limited to undertake statutory homelessness reviews. During the period July 2016 to October 2016, sixteen reviews have been referred.

15. Prior to Housing Reviews Limited being appointed, between January and July 2017 the Housing Options Manager undertook 30 reviews and the Assistant Director (Housing Operations) undertook 15 Reviews. The Reviews include intentionality, priority need and suitability of accommodation. This has freed up more time for the Housing Options Manager in particular to concentrate on the increasing demands of front-line services.

Appointment of a new Post – Homelessness Strategy Officer

16. It is recommended that a new Post of (1 FTE) Homelessness Strategy Officer is created on a temporary contract for 2 years and 8 months from April 2018 funded from the total amount of the Homelessness Reduction Act Grant. The Director of Resources advises that it is probable that the grant can be carried forward into 2020/2021 particularly bearing in mind it was received relatively late this year.

17. The duties of the Post will include:

- Responsibility for undertaking some statutory homelessness reviews subject to the capacity of the appointed external company (Paragraphs 12 to 14 above refers)
- Reviews on other homelessness cases as set out in Paragraph 11 of the report
- Dealing with increasing numbers of MPs and Member enquiries of homelessness casework
- Liaising with the Customer Relationship Officer on the legal aspects of Step 1 and Step 2 Complaints and cases referred to the Ombudsman Service around homelessness
- Reviewing the Council's Homelessness Strategy and monitoring its Action Plan
- Training the Council's Homelessness Team on changes in legislation and policy
- Managing contract arrangements with B&B Hotels and other organisations providing temporary accommodation to homeless applicants
- Other duties related to the Post.

18. It should be noted that statutory Homelessness Reviews and Reviews of Personalised Housing Plans must be carried out by an officer who has had no involvement in the original decision and who is senior to the officer who took the original decision. Seniority for these purposes means seniority in rank or grade within the Council's organisational structure. As a result the post would, subject to Job Evaluation, need to be at Grade 9 of the Council's Pay Structure as the officer currently signing off homelessness decisions is on Grade 8. The cost of a Post at Grade 9 mid-point including on-costs is £50,300 per annum. The total cost of the post over the recommended period is around £134,000 which represents the total amount of Grant available.

19. The Cabinet is asked to agree the Recommendations.

Resource Implications:

If the Recommendations are agreed the cost of 1FTE additional temporary post of Homelessness Strategy Officer for 2 years and 8 months from April 2018, at around £134,000 (£50,300 per annum based on Grade 9 mid-point including on-costs) subject to Job Evaluation met from the total amount of the Government's Homelessness Reduction Act grant funding of around £134,000.

There appear to be no Resource Implications on other Directorates.

Legal and Governance Implications:

Homelessness Act 1996 as amended by the Housing Act 2002.

Homelessness Reduction Act 2017 and associated draft Homelessness Code of Guidance.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

None.

Background Papers:

Homelessness Strategy 2015-2018.

Homelessness Reduction Act 2017 draft Homelessness Code of Guidance.

Risk Management:

Continuing to fund the additional Post beyond 2021/2022 should no further Government funding be received.

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an appendix to the report.

Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, i.e. have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:

- Factsheet 1: Equality Profile of the Epping Forest District
- Factsheet 2: Sources of information about equality protected characteristics
- Factsheet 3: Glossary of equality related terms
- Factsheet 4: Common misunderstandings about the Equality Duty
- Factsheet 5: Frequently asked questions
- Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: Homelessness

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: Homelessness Reduction Act 2017 Grant Funding

Officer completing the EqlA: [Tel:01992 564419](tel:01992564419) Email: rwilson@eppingforestdc.gov.uk

Date of completing the assessment: 7 November 2017

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? No
2.2	Describe the main aims, objectives and purpose of the policy (or decision): The appointment of a new Homelessness strategy Officer in order to assist with the requirements of the new duties under the Homelessness Reduction Act and the associated Homelessness Code of Guidance What outcome(s) are you hoping to achieve (i.e. decommissioning or commissioning a service)? As above
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? Yes Will the policy or decision influence how organisations operate? Yes
2.4	Will the policy or decision involve substantial changes in resources? Yes
2.5	Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes? The policy is associated with the Council's Homelessness Strategy and will provide support in meeting with the new legislation

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, e.g. service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>See 3.3 below</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>Other agencies with an interest in homelessness were consulted on the Homelessness Strategy and will be again next year when it is reviewed following the new duties under the Homelessness Reduction Act coming into force in April 2018.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>A consultation exercise will be undertaken next year as part of the review of the Council's Homelessness Strategy</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Positive as all equality groups who are threatened with homelessness will be assisted further as a result of the appointment of the new Post and the new duties under the Homelessness Reduction Act 2017 and the associated Code of Guidance	L
Disability	As above	L
Gender	As above	L
Gender reassignment	As above	L
Marriage/civil partnership	As above	L
Pregnancy/maternity	As above	L
Race	As above	L
Religion/belief	As above	L
Sexual orientation	As above	L

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
N/A	N/A	N/A

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: Alan Hall

Date: 8 November 2017

Signature of person completing the EqIA: Roger Wilson

Date: 7 November 2017

Advice

Keep your Director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, e.g. after a consultation has been undertaken.