

# Shelter response: The Kerslake Commission on Homelessness and Rough Sleeping

## 1. Thinking about the response to rough sleeping during the pandemic, which measures, policies, practices or joint working do you think worked well and why?

In March 2020, we welcomed the decisive action to protect street homeless people via the Everyone In approach. This is estimated [by UCL](#) to have prevented 21,000 COVID-19 infections and 266 deaths in the first wave.

Everyone In accommodated far more people than the government initially anticipated. In Autumn 2019, [4,266](#) people were recorded as sleeping rough on a single night. The government [claim](#) that by January 2021 over 37,000 people had been supported, with over 11,000 still in emergency accommodation and over 26,000 moved on into 'settled' or 'supported' accommodation.

In terms of what worked well:

- **Cross-party political will:** 'Everyone In' demonstrated what can be achieved when all parties and levels of government are united in doing whatever it takes to accommodate street homeless people.
- **Clear government policy:** There was initially a clear instruction to councils to accommodate everyone. On 26 March 2020, Minister Luke Hall [instructed](#) councils it was *"imperative that rough sleepers and other vulnerable homeless are supported into appropriate accommodation by the end of the week"*. However, this approach was watered down in [May](#) and [late June](#).
- **Expert leadership:** 'Everyone In' was led by Dame Louise Casey, who has a great deal of experience in what works in getting people off the street, and the challenges faced by local housing authorities.
- **Provision of MHCLG funding:** the dedicated funding pots to procure accommodation and support demonstrated how critical covering housing costs is to ending homelessness. Many of those accommodated (around half in London) were on the street because they had no recourse to public funds (NRPF).
- **Availability of suitable accommodation:** most emergency accommodation was initially provided in budget hotels. This was only possible because hotels were unable to open to most guests (other than key workers) during lockdowns.
- **Adequate support:** Some regional government, e.g. the GLA, block-booked hotels and commissioned support services, turning them into de-facto homeless hostels. Support is vital to ensure people remain in accommodation when they have high support needs.

## 2. In contrast, which measures, policies, practices or joint working do you think have not worked well and why?

**Lack of clarity on who should be accommodated:** The ‘Everyone In’ direction was not followed by robust and transparent guidance from government stipulating exactly who councils were expected to accommodate.

In addition, our advisers reported that councils were requiring verification from Streetlink that people were actually sleeping rough (i.e. bedded down) before offering accommodation. We advised a number of people who were too afraid to bed down, even though they were street homeless, or whom Streetlink didn’t reach to verify for several days.

This led to confusion, resulting in a lottery effect across the country, with some people accommodated and others refused, even within the same council area.

Since the beginning of the Spring 2020 lockdown, our advisers were contacted by people at risk of the streets who were turned away by councils without emergency accommodation. Even in cases where Shelter challenged the decision, councils maintained they had no legal duty to accommodate.

Following the original instruction to get ‘everyone in’ by 29 March 2020, as the first national lockdown began to ease, MHCLG appeared to water down their ‘Everyone In’ approach:

- In late May, a further [letter](#) from Luke Hall “*restated the government’s position*” on eligibility for homelessness assistance (e.g. immigrants with NRPF conditions were not eligible for assistance) and
- in late June, MHCLG updated the statutory [guidance](#) (paras 8.44-8.45) to local authorities, confirming that ‘priority need’ status (which gives rights to accommodation) was only extended to those identified as ‘extremely clinically vulnerable’ to COVID-19 or with a history of rough sleeping.

This created further confusion as to who, and under what legal powers, councils should be accommodating – and indeed whether some people could be refused. Our advisers reported cases where a council housing officer asked us what legal powers we expected them to use.

People were increasingly turned away from councils, and some of those who had initially been accommodated were asked to leave because there was no legal duty to accommodate.

Shelter recently intervened in a High Court case ([Ncube v Brighton and Hove City Council](#)), which ruled in March 2021 that councils can and should be using specific powers to provide accommodation to those not usually eligible for homelessness assistance during the pandemic. However, the government has not updated its guidance to councils in light of this ruling.

**The government must publish robust guidance to councils that everyone at risk of the street should be accommodated for the duration of the pandemic, regardless of national lockdown restrictions.**

**Lack of adequate support:** Some local authorities offered budget hotel rooms without providing any support staff. In some cases, this left inexperienced hotel staff dealing with people with very high support needs, including people dealing with mental health emergencies or drug/alcohol withdrawal. We advised a number of people who had left, or been asked to leave, hotels for these reasons, when a support worker could have helped avoid this. Advisers also reported that this led to some hotels refusing further bookings in the second national lockdown.

### 3. Please describe the specific challenges, and opportunities, in the next phase of the Everyone In programme and helping people to move on from hotel accommodation.

The 'Everyone In' approach was replaced by the Protect Programme, [announced](#) by government as England went into a second national lockdown in November 2020.

**Lack of suitable move-on:** The government claim that as of January 2021 more than 37,000 people have been supported by 'Everyone In', including 11,263 people who remained in emergency accommodation and 26,167 people who had been moved into 'settled accommodation' or 'supported housing'.

Of those who have moved on, the government has not been clear about how settled this accommodation actually is and no further detail has been provided on type of tenancy or form of accommodation. Our local service hubs report that the move-on they are aware of consists of further temporary accommodation, such as rooms in supported or unsupported hostel accommodation or pop-up pods and other off-site constructed units.

The Secretary of State announced (May 2020), then [re-announced](#) (July 2020) £161m to deliver 3,300 units of longer-term, move-on accommodation in 2020/21. However, the Public Accounts Committee recently (17 March) [reported](#) that, *'owing to MHCLG's sometimes "disappointing evasiveness" it's uncertain whether its objective of providing 3,300 homes...by March 2021 will be met'* and *'contrary to its previous accounts to the Committee, [MHCLG] expects the majority to involve the leasing or purchasing existing buildings'* with units expected to be temporary, with stays of on average two years.

**No recourse to public funds:** The NAO [reported](#) (January 2021) that of the people still in emergency accommodation in November 2020, a substantial proportion had no recourse to public funds (NRPF): in London, around half of the 4,000 people still in hotels had NRPF.

Moving people with NRPF into settled accommodation is a significant challenge for councils, because they are not eligible for housing benefit, which makes securing accommodation in the private rented sector impossible unless the council covers the entire rent.

**The government must suspend the NRPF condition for the duration of the pandemic, to ensure everyone can access our welfare safety net in a time of need.**

**Inadequate housing benefit:** Before the pandemic, historically low housing benefit rates, coupled with the benefit cap, meant councils struggled to prevent or relieve homelessness. This was a major factor in why so many people were street homeless.

Many former street homeless people are likely to be benefit-capped, with large deductions made to their housing benefit. The benefit cap prevents councils from procuring settled move-on accommodation for people, particularly in areas where housing costs are high.

While the government's welcome realignment of Local Housing Allowance (LHA) to the 30<sup>th</sup> percentile of rents at the beginning of the pandemic opened up more move-on options, the rates have been frozen once again. Rents have continued to increase, making it difficult to secure affordable move-on. Our [research](#) shows, LHA currently fails to cover the cost of a modest 1-bedroom home in 67% of areas in England.

**The government should suspend the benefit cap for at least the duration of the pandemic and unfreeze LHA, to allow councils to find settled accommodation for all those that remain in emergency accommodation.**

#### 4. And finally, what do you think needs to be put in place to embed the good work that developed during the pandemic, or improve upon it?

'Everyone In' successfully demonstrated how much can be achieved when political will and commitment is united around a common objective. It also highlighted just how important covering housing costs is to lifting people out of homelessness.

But 'Everyone In' did not end rough sleeping: we advised people who were not accommodated due to the lack of clear guidance from MHCLG, and thousands remain in emergency accommodation and face an uncertain future.

If government is to meet its manifesto promise to end rough sleeping by 2024, it must increase the supply of permanent and genuinely affordable social-rented housing and support for people who struggle to live alone in the community. This will ensure:

- **No one is turned away by councils onto the street:** everyone who is street homeless, or at imminent risk, should have the guarantee of somewhere safe to stay in the form of emergency accommodation. This would protect people from the dangers of the street while they receive advice and support to find suitable accommodation. 'Everyone In' showed that this is possible if the political will and funding is available.
- **Street homeless people can quickly access suitable settled accommodation:** housing benefit must be made fit for purpose by realigning Local Housing Allowance to the 30<sup>th</sup> percentile, lifting the benefit cap, and suspending the No Recourse to Public Funds condition during the pandemic to ensure everyone can access housing support.
- **Street homeless people with high support needs have access to specialist accommodation and support:** there must be significant further investment in Housing First, so that it delivers new-build homes specifically for former rough sleepers, in a similar way to the 1990s Conservative government's [Rough Sleeping Initiative](#), which delivered 4,000 new homes. Housing First will be limited in impact if it relies on unaffordable and insecure private rentals or on existing general needs social housing stock, which is in acutely short supply.
- **So that the structural causes of homelessness are addressed for good:** government must invest in a new generation of stable, genuinely affordable social housing. Homelessness, in all its forms, including rough sleeping, is a symptom of our national housing emergency. At the core of this emergency is a simple reality: for 40-years we've failed to build the social rented homes needed for those who will never be able to afford to own their own home.