

“It’s a personal thing”

What service users need from assessments
and personalised housing plans –
Homelessness Reduction Act 2017

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Introduction

The Homelessness Reduction Act 2017, which is due to come into force in April 2018, is one of the biggest changes to the rights of homeless people for 15 years.¹

The Act places a new duty on local authorities to 'take reasonable steps' to prevent the homelessness of anyone eligible and threatened with homelessness.² It also places a new duty to 'take reasonable steps' to help homeless applicants to secure suitable accommodation.

This is a big improvement on current homelessness legislation, which restricts council duties to provide assistance to where they are satisfied that a homeless and eligible applicant has a priority need and did not become homeless intentionally.

It means far more people will be entitled to statutory help, including 'single homeless' people (those without dependent children in their household who are not considered vulnerable), who are often turned away without meaningful assistance.³ And 'intentionally homeless' families (e.g. those who were evicted for rent arrears), who are not owed a rehousing duty and have to turn to social services for support.

At the heart of the legislation is a new duty to assess all eligible applicants' cases and agree a plan. The requirement for housing authorities to properly assess the circumstances and needs of all household members, including children, is a very positive step forward.

We drew on our unique position as a homelessness service provider to bring deep insight into how the new duties should be delivered. We took advice from an Expert Panel of our service users, who guided and supported this work. This report contains their recommendations to local housing authorities on how to implement these new duties and to DCLG on the Statutory Code of Guidance for local authorities.

We are grateful for the support and partnership of the Lingleigh Foundation in producing this briefing.

1 The last major change was the Homelessness Act 2002, which shifted the emphasis from responding to homelessness when it occurred to strategic prevention via new duties on local housing authorities to review the causes of homelessness in their area and publish a Homelessness Strategy.

2 The Act also amends the definition of threatened with homelessness in the [Housing Act 1996 \(s.175\(4\)\)](#) to cover people who are likely to become homeless within 56 days (previously 28 days)

³ Dobie, S., Sanders, B., & Teixeira, L., [Turned Away: The treatment of single homeless people by local authority homelessness services in England](#), Crisis, 2014

Summary of recommendations

Recommendations for local housing authorities

Service delivery

- Early advice and support are essential to avoid a crisis:
 - Housing authorities should actively encourage people to apply for help through promotion of the local homelessness service, and accept referrals from public authorities and other agencies, without people feeling they have to be pushy.
 - Homelessness applications should be considered where there is a risk of homelessness, even though this might not result in homelessness within 56 days. Early housing advice is crucial in preventing threatened homelessness.
- The way people are treated matters even if the outcome remains the same:
 - One of the most important factors for our Expert Panel is that people facing homelessness should be treated with empathy, dignity and respect. Housing authority staff should avoid compounding feelings of failure and shame.
 - Housing authorities should train staff in interview techniques and soft skills to ensure a culture shift away from a process-driven, tick-box approach towards the desired person-centred approach.
- Services should not involve lengthy waits to speak to an adviser:
 - In busy localities, people should not have to wait for lengthy periods at the local authority's offices but instead be given an appointment or be contacted by phone or email to let them know when help is available.
 - There should be clear timescales for reviewing plans and authorities should ensure that they make it easy for applicants to get in touch.
- Listen to people with lived experience
 - Housing authorities should consult with an expert panel of local people with lived-experience of seeking homelessness assistance in their area when planning how to implement their new duties.

Assessment of circumstances, preferences and needs

- Correctly assess and respond to homelessness:
 - People should be treated as homeless once a valid Section 21 possession notice has expired. No household in priority need should be advised to await eviction.
- Make a thorough assessment of preference and need:
 - Assessments should include a much fuller housing history than simply the cause of the current homelessness, to ensure that the personalised plan contains an appropriate response. For example, families who have experienced frequent repeat homelessness could be prioritised for stable social housing.
 - Personalised plans should be centred on the applicant's wishes and preferences, including on possible trade-offs, with the help offered aimed at achieving an outcome as close to this as possible.
 - The most important factor to most of our Expert Panel is the location of a home. Personalised plans should be realistic, but they should not simply assess prospects of finding a private rental in the area and instead should consider social housing options.

Reasonable steps

- Housing authorities should not use too rigid a template when setting out reasonable steps. Plans should be tailored to include specific, personalised housing advice and support.
- Advice on welfare benefits, debt and money management should be an essential part of homelessness advice. However, budgeting advice must be handled sensitively so that people on low incomes don't feel patronised.
- It is not reasonable to advise people to attempt reconciliation with family or friends where this option is likely to further damage family relationships, which will be important for future support, and certainly not where it might put people at risk of violence.
- Most of our Expert Panel were themselves trying hard to find a suitable private rental, but found landlords were unwilling let on housing benefit. Steps to support applicants to find a suitable private rental will need to overcome the barriers created by landlords' attitudes to claimants.
- In localities where the housing authority has its own housing stock, and could therefore choose to prioritise particular homeless households, or where suitable social housing is likely to be available within a reasonable timescale, it should be offered to prevent or relieve homelessness.

Recommendations for DCLG on the Homelessness Code of Guidance⁴

- We strongly support the proposed statutory guidance⁵ in confirming that it's unlikely to be reasonable for the applicant to continue to occupy beyond the expiry of a valid section 21 notice, unless for a reasonable period to provide an opportunity for alternative accommodation to be found.
- At this point they should be assessed as 'homeless at home' and the guidance should recommend housing authorities must take reasonable steps to avoid costly court action.
- We strongly support the proposed guidance⁶ that it is highly unlikely to be reasonable for the applicant to continue to occupy once a court has issued an order for possession. In our view, this is the latest point at which applicants should be offered emergency accommodation if no suitable alternative is available.
- We strongly support the strengthened proposed guidance⁷ that it should not be considered reasonable for an applicant to remain in occupation up until the point at which a court issues an eviction warrant, and that households in priority need should not be advised to await eviction. Eviction is stressful and damaging.
- The Government should commit to statutory regulations on whether it is reasonable to occupy beyond the service of a valid Section 21 notice if housing authorities continue to flout this strengthened guidance post-implementation.
- We strongly support the proposed guidance⁸ that the applicant's wishes and preferences should be considered and recorded within the assessment, whether or not the housing authority believes these can be met. This is a legal requirement in Wales.
- The most important factor to most of our Expert Panel is the location of a home. For the plan to be realistic, the guidance⁹ should not only require authorities to take account of local housing markets, by assessing prospects of finding an affordable private rental in the area, but also the prospects of finding suitable social housing in the locality.

⁴ [Homelessness code of guidance for local authorities](#), DCLG, 17 October 2017

⁵ Paragraph 6.36c

⁶ Paragraph 6.37

⁷ Paragraphs 6.38 – 6.39

⁸ Paragraph 11.10

⁹ Paragraph 11.20

New duties to assess and agree a plan

The Homelessness Reduction Act introduces a number of new duties to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness, and agree a personalised plan.

The legislation doesn't specifically require a personalised plan to be provided, but this is certainly the intention. The legal minimum requirement is for an assessment of housing and support needs of the entire household, thereby including any children, to be made.

The housing authority must work with the applicant to agree the actions to be taken by both parties to ensure the household has, and is able to retain, suitable accommodation.

Of these actions, DCLG expect¹⁰ that there will be a small number of key steps the individual will be required to take. These steps should be tailored to their needs and be those most relevant to securing and keeping accommodation. These actions must be *reasonable* and *achievable*.

These written records are already commonly referred to as **personalised plans** or **personalised housing plans**.

¹⁰ [Policy Fact Sheet: Duty to assess all eligible applicants' cases and agree a plan](#), DCLG, February 2017

Table 1: New duties to assess and agree a personalised plan under Section 3, HRA17

Subsection under new Section 189A Housing Act 1996	New duty
(1)	The authority <u>must make an assessment</u> of the applicant's case
(2)	This assessment <u>must include an assessment</u> of— (a)the <u>circumstances that caused</u> the applicant to become homeless or threatened with homelessness, (b)the housing needs of the applicant including, in particular, <u>what accommodation would be suitable</u> for the applicant and any household members, and (c) <u>what support would be necessary</u> for the applicant and any other relevant persons to be able to have and retain suitable accommodation.
(3)	The authority <u>must notify the applicant</u> , in writing, of the assessment
(4)	The authority <u>must try to agree</u> with the applicant: • any steps the applicant is to be required to take to have and retain suitable accommodation • the steps the authority are to take
(5)	If the authority and the applicant reach an agreement, the authority <u>must record it in writing</u>
(6)	If the authority and the applicant cannot reach an agreement, the authority <u>must record in writing</u> : (a) why they could not agree, (b) any steps the authority consider it would be reasonable to require the applicant to take and (c) the steps the authority are to take.
(7)	The authority <u>may include in a written record produced under (5) or (6) any advice for the applicant</u> that the authority consider appropriate (including any steps the authority consider it would be a good idea for the applicant to take but which the applicant should not be required to take)
(8)	The authority <u>must give to the applicant a copy</u> of any written record produced under subsection (5) or (6)
(9)	Until such time as the authority consider that they owe the applicant no duty, they must keep under review— (a)their assessment of the applicant's case, and (b)the appropriateness of any agreement reached

Learning from Wales on assessment and plans

The Homelessness Reduction Act is heavily based on new homelessness legislation implemented in Wales in 2015.¹¹

DCLG plan to apply learning from how personalised plans are working in Wales, and some English local authorities, to develop detailed practice guidance¹² on how this measure should be implemented in England.

No legal requirement

While the Welsh Act doesn't explicitly require personalised housing plans, the Welsh Government strongly recommends in statutory guidance¹³ that the outcome of the homelessness assessment is used to inform a 'housing plan', detailing the applicant's desired outcome, their housing support needs, and an agreement on the reasonable steps the applicant and the local authority, or an organisation working on its behalf, are expected to undertake.

Interim findings show common use

Interim findings of an evaluation¹⁴ into the implementation of the Welsh legislation report that almost all local authorities are using personalised housing plans. Thirteen out of twenty local housing authorities found the plans 'very useful' and a further five reported they were 'quite useful'.¹⁵

Culture change

The Welsh Government evaluation reports that housing sector stakeholders felt the Act had engendered a change in the culture of local authority homelessness services.¹⁶ Many felt that the positive change in culture has resulted in a person-centred, rather than a process-driven, approach and consequently people are being treated with more respect and receiving more support.¹⁷

Collaborative working

There is greater emphasis on Housing Options staff working in partnership with service users, allowing them to exercise agency to help themselves, rather than being merely recipients of services. However, the evaluation concluded that for some service users (for example, those with

¹¹ [Housing Act \(Wales\) 2014](#) (Part 2)

¹² The Homelessness Reduction Act (Section 11) gives the Secretary of State a power to issue a statutory code of practice if it becomes apparent that standards are not being met

¹³ Welsh Government, [Code of Guidance for local authorities on the allocation of accommodation and homelessness](#), paragraphs 10.19, 10.33 and 12.17-12.19, March 2016

¹⁴ Ahmed A., Wilding M., Gibbons A., Jones K., Rogers M., Madoc-Jones I. [Post-implementation evaluation of the homelessness legislation \(Part 2 of the Housing Act \(Wales\) 2014\) Interim Report](#), Sustainable Housing & Urban Studies Unit, The University of Salford, 8 August 2017

¹⁵ Para 5.28

¹⁶ Para 4.3

¹⁷ Para 4.11 and 4.13

additional vulnerabilities) being a more active 'partner' is not always straightforward and achievable.

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Those consulted as part of the research¹⁹ were very positive about personalised housing plans, citing them as the mechanism which embeds a partnership and person-centred approach in addressing homelessness and improved relationships between local authority staff and service users.

Conclusions from service users in Wales

While the evaluation didn't report on service users' specific experience of assessment and use of housing plans, the need for support and regular communication was highlighted as being important.

Services users indicated that the local authority had listened, understood their situation, and was in regular communication about their case.²⁰ Most reported that local authority staff treated them with dignity and respect and showed empathy for their situation, although some felt that staff were not empathic and appeared to have negative views about them, which was thought to impact negatively on outcomes.²¹

This supports the findings of earlier Shelter Cymru research²², which found that the factors that made a difference to service users were:

- Clarity of information given
- Feeling staff understood and sympathised with their situation
- Being able to have their say in making plans and agreeing reasonable steps
- Whether an agreed plan of action was established
- The frequency of on-going contact from Housing Solutions officers.

One specific area of concern was the lack of support available to people with mental health conditions. Although those service users with the most serious conditions appeared to be receiving appropriate support, for many others, their mental health needs did not appear to have been properly addressed.²³

¹⁸ Para 4.14

¹⁹ Fifteen interviews were conducted with national stakeholders including Welsh Local Government Association, Chartered Institute of Housing Cymru, Homelessness Network and Shelter Cymru

²⁰ Para 6.141

²¹ Para 7.17

²² Evans, R., [*Reasonable steps: experiences of homelessness services under the Housing \(Wales\) Act 2014*](#), Shelter Cymru, 2016

Learning from the experience of service users in England

Our Expert Panel

We wanted our work on personalised housing plans to be informed by people who really know what's needed – people who have personal experience of facing homelessness and going to the local authority for help.

An Expert Panel of twenty-four Shelter service users advised on this project. They took part in two focus groups in Manchester (July 2017) and London (October 2017):

- Four men and three women attended in Manchester. Most had been alone (often referred to as 'single homeless') when they last experienced homelessness, even though some had dependent children in the past. Most had personal experience of being street homeless.
- Four men and five women attended in London. Most had experienced homelessness with dependent children, although two were 'single homeless'.

These experts shared their experiences, then workshopped some common scenarios, coming up with ideas for what the household and assisting authority could do to prevent or relieve homelessness, as well as identifying the challenges with each approach.

The focus groups were complemented by telephone interviews during September and October 2017 with service users in a variety of locations from the South West to the North East. These were used to delve deeper into understanding their experiences, what happened at each stage and the kinds of help they felt would have made a difference.

The experts wanted to be involved with this work in the hope that it will result in improvements to local housing authority services for people facing homelessness:

Oh, I hope that doesn't happen to anyone else, standing outside the council wondering where they're going to go.

I know I'm not alone with it. At the time, you do think it's a personal thing, that it's personal.

The experience of our Expert Panel

The experts we consulted had a range of experiences seeking advice and support to prevent them becoming homeless, or helping them to find a suitable alternative home. However, their experiences show that change is needed.

An antagonistic experience at a difficult time

The Expert Panel shared how facing homelessness or destitution is an intensely stressful time.

I wouldn't wish what happened from the past...year on my worst enemy because it's just horrible. I just wouldn't want anybody to go through it.

However, many felt that their interaction with the local housing authority heightened this, rather than reassured them:

From the council place to the hostel managers or the workers at the hostel, you get the same approach. Negativity.

Most didn't have very high expectations of the help they would receive:

I didn't even have a clue to be honest. Just advice and that.

They reported how feelings of shame at having to ask for help were compounded by a sense that they were being judged for causing their own homelessness:

Some of them, kind of, talk down to you and yes, so it's not, kind of, a situation that I'd been in before. So I found it quite upsetting... you'd end up in tears. Me with two kids, kind of, trying to fight on our own... They've not been in that situation.

A number felt the assessment felt combative and the housing authority was looking for reasons not to help:

Well, that's their first question, "Are you in rent arrears?" and I said, "No", and he sort of smiled as if to say that he wished I was.

Many experts reported that they had only received meaningful help following advocacy from a third party:

The [day] centre spoke to exactly the same person I spoke to, told him exactly the same thing that I told them and got somewhere in two days.

My MP as well, I tried to contact with her, and she was really brilliant. Really brilliant woman because she spoke with them face-to-face and she fought for a solution.

Well I went to Shelter and they helped out a lot. They got onto them and nagged them. I'm not much of a talker, like, expressing myself. They really helped out a lot.

Delay in receiving help, leading to stress, missed opportunities and financial hardship

Experts facing landlord repossession had generally sought advice quickly while trying hard to find an alternative home themselves. But most were advised to go through costly repossession or eviction. This caused further stress as well as financial hardship:

I said “Don’t make me go through this, don’t make me have to pay these charges, because my landlord is charging, like, the £600 now, I’m not going to get my deposit back, because they’re charging me the court fee”. [But local housing authority said] “We’re not doing anything until the bailiffs come.”

Being expected to wait for a bailiff eviction was bewildering and distressing, especially for children who felt settled in their homes and neighbourhoods:

The first thing my son said, when we found out we’re going to have to move out, was, “I don’t want the bailiffs round,” because obviously he’s seen that, ‘Can’t Pay, We’ll Take It Away’ you know, people got kicked out... I had to try and, kind of, keep it away from him.

Some reported the process exacerbated health problems. In two cases, a panel member, or member of their household had seriously self-harmed because of the stress caused by their situation.

Our London-based experts had to wait unreasonable amounts of time at the local authority’s office even when they had nowhere to stay and children in tow. This was stressful for the families involved:

They made me wait for the whole day and at the end of the day... everyone was just leaving anyway, they just gave me a sheet where I’m supposed to go, they said, “You have to sign it, you’ve got no other choice. Either you take it or it shows that you’re not homeless at all.” I had to sign it.

(Mother of toddler whose husband had broken his back)

Most of our panel were grateful for the help they eventually received but felt they needed some autonomy over where they would live:

I’m really grateful that I’m not on the street, so I’m not totally ungrateful. I would like to make it quite clear to them...I’m not being selective or being picky... I just want somewhere that I like living, you know? I’ve lived in a bedsit for the last nine years and I loved it, you know?

(Disabled man in 50s)

A common theme was a lack of ongoing communication from housing authorities. This left people feeling confused and unsure what their next steps should be.

I had no contact back from the housing whatsoever at all. Nothing. I had contacted them all of the time and that’s when I went to Shelter.

Recommendations from our Expert Panel

1. Improvements to service delivery

In terms of the overall service offered by the local authority, our Expert Panel identified a number of key areas for improvement.

(a) Make sure people are actively encouraged to apply for initial assessment

The new legislation means that housing authorities will no longer be able to turn people away. Every person applying for assistance from a housing authority stating that they are homeless or threatened with homelessness will require an initial assessment to determine whether they are eligible for assistance.

Housing authorities should actively encourage people to apply for help through promotion of local homelessness services, and accept referrals from public authorities and other agencies, without people feeling they have to be pushy.

(b) Promote and provide trustworthy, timely advice to prevent homelessness

Many of our experts highlighted the difficulty in accessing information, advice or moral support when needed, or frustrations at receiving what they felt was misleading advice:

Under the new legislation, housing authorities continue to have a duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness, free of charge.

We support the proposed guidance²⁴ in encouraging housing authorities to take a flexible approach toward applications for assistance where there is an evidenced risk of homelessness, which might not necessarily result in homelessness within 56 days. Rather than advise the applicant to return when homelessness is more imminent the housing authority may wish to accept a prevention duty and begin to take reasonable steps to prevent homelessness.

A number of our Expert Panel had asked for homelessness assistance then they were at risk of losing their home, even if not legally defined as threatened with homelessness. It's more efficient and cost-effective to provide early advice, e.g. on how to avoid arrears resulting from sudden drops in income, rather than wait until arrears have accrued and a notice has been served by the landlord.

(c) Significantly improve the way people are treated

All our experts emphasised the need for everyone who provides assistance to treat them with respect, dignity and empathy:

²⁴ Paragraph 11.6

I think they look down on people like me, I really do. I do get that impression, there's no empathy there at all, you know what I mean? You want sympathy because, as I said, you know, it's quite a traumatic experience.

I know they'll have loads of people but they just act like they don't care.

Being treated with empathy, dignity and respect are vitally important to service users facing homelessness, even where the outcome remains the same. Experience from Wales shows service users valued staff understanding and sympathy.

(d) Make sure advisors have strong inter-personal skills

A number of experts recommended that homelessness staff are trained to have strong communication, listening and interpersonal skills.

Good people with people skills. Don't just brush people off, you know...because you're getting evicted, you know.

[What advice would you give the applicant if you were the officer]: I would tell [the applicant] not to worry because obviously the stress of losing her home, we all know that one don't we? Basically, tell her not to worry, "We've got your back, you're either going to stay there...or we're going to find you somewhere else, but it's not your fault."

This was important for two reasons. First, it diffuses a naturally stressful situation. Second, it helps to win the trust of the applicant, and to ensure that both the applicant and service provider work together.

We therefore support the proposed guidance²⁵ that housing authorities should ensure staff have sufficient skills and training to conduct assessments of applicants who may find it difficult to disclose their circumstances, including people at risk of domestic abuse, violence or hate crime.

To ensure a culture shift away from a process-driven, tick-box approach towards the desired person-centred approach, housing options staff should receive training in interview techniques and soft skills. They should have a supportive manner, maintain eye contact, actively listen and check understanding and avoid compounding feelings of failure and shame.

(e) Use the expertise of those with personal, lived experience

Some experts indicated that people with personal experience, or a good understanding, of homelessness should be involved in the services provided because they would understand how people felt:

Everyone should have people who have gone through these things because for them it is easy because they know what they're going through.

Like, to actually have the sort of person that [would] put yourself in the person-needing-help's shoes. Not thinking, "Well, I'm alright. I've got my own house. This is just my job." Basically, employ everyone that works at Shelter because they seem to actually

²⁵ Paragraph 11.9

understand and care. It's sort of like their main job is to look after people and they actually do that without question and just going above and beyond.

One of our experts had been involved in developing personalised housing plans with Manchester City Council as a direct result of the Manchester Homelessness Charter. She felt strongly that this was a positive approach and indicated that it should be taken up by other authorities.

We recommend that all local authorities should consult with an expert panel of people with personal experience of seeking homelessness assistance in their area when planning how to implement their new duties to assess and agree a plan.

(f) Don't ask people to wait lengthy periods for emergency accommodation

One of the biggest problems identified by our London-based experts was having to wait for a very long time at the local authority's office for emergency accommodation, even when they had children in tow:

The first night when I was homeless with my two kids was really horrible because we had an appointment at ten o'clock. We stayed there all day without result. At 5pm or 5.30pm when it closed they say, "Thank you, bye. You have to go on the street," and I said, "Excuse me, what about my two kids?"

Such practices result in gatekeeping of support because they are extremely onerous for people who need to be at work, collect children from school or care for relatives.

This practice should stop if authorities honour their duties by accepting people as homeless at the expiry of a valid Section 21 notice, and helping them into alternative accommodation quickly thereafter, and certainly once the court has ordered possession.

Our experts recommend that people should not have to wait for such lengthy periods at the local authority's offices but should instead be given an appointment or be contacted by phone or online once help is available:

I had my little daughter with a high temperature because I was not allowed to leave because they said, "You can't get the place." Come on, you've got the phone, we're not living in the forest. You can call or you can email us.

2. Improvements to assessment of circumstances and needs

Applicants who are eligible and homeless or threatened with homelessness must have an assessment of their case, which includes assessing:

- a. the circumstances that have caused them to be homeless or threatened with homelessness,
- b. their housing needs, and what accommodation would be suitable for them, their household and anybody who might reasonably be expected to live with them and
- c. the support that would be necessary for them, and anybody who will be living with them, to have and sustain suitable accommodation.

One flaw with the current homelessness legislation is that in creating, quite rightly, a very housing-focused response to homelessness, support needs are not always addressed.²⁶

We have long argued for a housing and homelessness assessment interview for any household facing housing difficulties, including those who may be ineligible for assistance, comprising a holistic examination of the individual's background, current situation and support needs.²⁷

At the very least, there should be a thorough assessment of the household's status in housing law and any potential need for additional practical or emotional support for either adult or child members of the household. This would strengthen the quality of the advice and assistance given by housing authorities, and would ensure that all possible efforts are made to prevent homelessness.

(a) Assessment of homelessness

By far the most common problem identified by our Expert Panel was being served with a Section 21 notice and not being offered any help until after a court had ordered possession or their eviction was imminent.

This is in breach of the current statutory guidance²⁸, which states it is unlikely to be reasonable for the applicant to continue to occupy the accommodation beyond the date given in the Section 21 notice.

(i) Threatened with homelessness on service of notice

We strongly support the new legislation²⁹ in clarifying that people who have been served with a valid Section 21 notice, which expires within 56 days, are threatened with homelessness and are entitled to help.

(ii) Homeless at expiry of notice

²⁶ [Evaluation of English housing policy 1975 – 2000, Theme 1: supply, need and access](#), ODPM, 2004

²⁷ O'Hara, E., [Rights and Wrongs: the homelessness safety net 30 years on](#), page 29, Shelter, 2007

²⁸ [Homelessness code of guidance for councils](#), paragraph 8.32, DCLG, 2006

²⁹ [Homelessness Reduction Act 2017](#), Section 1(3)

We strongly support the proposed statutory guidance³⁰, which confirms it's unlikely to be reasonable for the applicant to continue to occupy accommodation beyond the expiry of the Section 21 notice, unless the housing authority is taking steps to persuade the landlord to allow the tenant to continue to occupy the accommodation for a reasonable period to provide an opportunity for alternative accommodation to be found.

We also strongly support the proposed guidance confirming that it would be highly unlikely to be reasonable for people to remain in their homes after the court has ordered repossession and it is not reasonable to expect people to remain in their homes until the court issues an eviction warrant.

Draft Homelessness Code of Guidance for Local Authorities

6.37 The Secretary of State considers that it is highly unlikely to be reasonable for the applicant to continue to occupy once a court has issued an order for possession.

6.38 Housing authorities should not consider it reasonable for an applicant to remain in occupation up until the point at which a court issues a warrant or writ to enforce an order for possession.

6.39 Housing authorities should ensure that homeless families and vulnerable individuals who are owed a section 188 interim accommodation duty or section 193(2) main housing duty are not evicted through the enforcement of an order for possession a result of a failure by the authority to make suitable accommodation available to them.

The Government should commit to statutory regulations on whether it is reasonable to occupy beyond the service of a valid Section 21 notice if housing authorities continue to flout this strengthened guidance post-implementation.

(b) Assessment of circumstances that caused homelessness

The proposed statutory guidance advises that, when assessing circumstances, housing authorities should enquire into an applicant's accommodation history at least as far back as their last settled address, and the events that led to them being threatened with homelessness, or becoming homeless.

Having discussed with our experts, we recommend that to develop an appropriate response, assessments should include a much fuller housing history, rather than simply the causes of their current homelessness. This would establish whether applicants have previously experienced:

- homelessness or frequent unwanted moves and housing insecurity, especially where there are children in the household
- traumatic housing problems, such as landlord harassment, eviction, dangerously poor housing conditions, domestic abuse or threats of violence from fellow residents or neighbours
- homelessness resulting from relationship breakdown with parents or other extended family members

³⁰ Paragraph 6.36c

- problems in keeping a home because of lack of support with finances, benefit claims, or nuisance being caused to or by fellow residents or neighbours.

This should help to identify what type of tenancy, accommodation type, neighbourhood and support is likely to be most appropriate to reduce anxiety, promote well-being and avoid repeat homelessness. For example, it may be unreasonable to expect an applicant to seek accommodation with family members if such arrangements have previously broken down in the past, or to help a household with children into a six-month private rental if they've experienced repeat homelessness, numerous frequent moves or repeatedly poor conditions.

(c) Assessment of housing needs and what accommodation would be suitable

The new duty to assess is very similar to the duty to assess in Wales.³¹ But it's disappointing that the new English legislation doesn't include any requirement to identify what outcome the applicant would like. In Wales the law requires housing authorities to identify the outcome the applicant wishes to achieve from the authority's help, and how they could contribute to that outcome.³²

We therefore strongly support the proposed English guidance³³, which states the housing needs assessment should include an assessment of the size and type of accommodation required, any requirements to meet the needs of a person who is disabled or has specific medical needs, and the location of housing that is required.

We strongly support the proposed guidance that the applicant's wishes and preferences should also be considered and recorded within the assessment, whether or not the housing authority believes there is a reasonable prospect of accommodation being available that will meet those wishes and preferences.

(i) Take people's preferences into account

The Expert Panel felt that households should be flexible in the steps they are prepared to take to find a suitable home. However, they knew that what is suitable for one household, may not be suitable for another. Housing authorities need to listen to people's views and preferences and respond to them. This needs to be handled sensitively:

If you're asking someone to lower their expectations you say it in a way like, in a way – you shouldn't have to – but the reality is that if you want to stay in the area you might have to look at something that you may not be happy with.

(ii) Take people's preferences on location into account

Certain factors were seen as vital to well-being. The most important factor to most of our Expert Panel is the location of accommodation. Many people saw remaining close to their current neighbourhood as a priority when finding a new home, because of its importance to health, education and well-being:

³¹ [Housing \(Wales\) Act 2015](#), Section 62: Duty to assess

³² [Housing \(Wales\) Act 2015](#), Section 62: Duty to assess (6)

³³ Paragraph 11.10

I was missed by neighbours; you know? They missed me, you know? I want to be back in that area, you know, because I know everything better and I'm very close, I'm very close to that community. I loved being part of a community, you know what I mean? Honestly, I miss that so much, like, they would always come for a cup of tea, you know? The shop people I knew, I loved them all, you know what I mean? My doctor was just a few doors down the road.

I mean my son is at school, so I couldn't really go too far. He's just gone into year four now, so his second year of middle school...but he's taken [time] to properly settle into school.

Several of our experts indicated that they would rather compromise over the accommodation than the location it is in:

It doesn't matter the condition, you know, because I can paint and whatever, I just want a property close to the school. I needed nothing more. I spoke to the temporary accommodation team who have a responsibility, you know, for the kids, especially for the kids. I don't care about me because there is a huge distance to my workplace as well. If I start at 6:00, I have to wake up at 03:40.

This is at odds with the proposed guidance³⁴ which suggests that it is unlikely to be reasonable for a plan to limit an accommodation search to a small geographic area if there was little prospect of the applicant finding housing that they could afford'.

The guidance suggests that 'the plan might instead enable the applicant to review accommodation prices in their preferred areas as well as extending their home search to more affordable areas and property types. In their interactions with applicants, housing authorities are encouraged to provide sufficient information and advice to encourage informed and realistic choices to be identified and agreed for inclusion in the plan'.

While we support the DCLG view that the personalised plan should be realistic, we would like to see this guidance amended to explicitly recommend that housing authorities specifically assess the prospects of the applicant finding suitable social housing in their desired area, and provide information on this within the plan. Otherwise, there is a risk that housing authorities will only assess the prospects of finding affordable private rented housing in the area.

If the freeze to local housing allowance continues, over four-fifths of local authority areas will be unaffordable to LHA claimants by 2020.³⁵ Therefore, steps to improve access to social housing will be an important part of personalised plans.

³⁴ Paragraph 11.20

³⁵ Spurr, H. [Shut out: the barriers low income households face in private renting](#), Shelter, 2017, page 4

At the very least, the guidance should highlight the 2012 Suitability Regulations³⁶ and associated guidance, which clearly set out what is deemed suitable in terms of location of accommodation, along with the outcome of the *Nzolameso* judgment³⁷ on location of accommodation.

If people are likely to have to consider an out-of-area move, then we suggest housing authorities include within the plan help with this.³⁸

If applicants' preferences are taken into account, they are far more likely to agree to their personalised housing plan, and this will improve the likelihood that the plan will be successful in preventing or relieving homelessness, as recognised by the proposed guidance.³⁹

(d) Assessment of support needed to access and sustain accommodation

Several of our experts identified the need to make sure that people receive adequate additional support:

Try to find out if she had any other issues, like drug or alcohol use or mental health problems.

Maybe the best place for her to go was Mind. That is an organisation that works with people who have mental health issues and she would be given an allocated support worker.

People are likely to find support needs difficult to disclose to someone they've never met. We therefore strongly support the proposed guidance that housing authorities will wish to adopt assessment tools that enable staff to tease out particular aspects of need, without appearing to take a 'checklist' approach using a list of possible needs. Some applicants may be reluctant to disclose their needs and will need sensitive encouragement to do so, with an assurance that the purpose of the assessment is to identify how the housing authority can best assist them to prevent or relieve homelessness.

We believe that a thorough assessment is important for all applicants, even those who may not be eligible. Where the local housing authority decide they owe no legal duty to assist the household, either because the applicant is not eligible or no longer entitled to assistance, the assessment of housing and support needs should then be passed on to social services, with the applicant's permission, to avoid the need for applicants to have to undergo another housing needs assessment when applying for social services support.

³⁶ [The Homelessness \(Suitability of Accommodation\) \(England\) Order 2012](#)

³⁷ *Nzolameso v City of Westminster*, [2015] UKSC 22 (Supreme Court, 2 April 2015). See Garvey, K., [Offering temporary accommodation out of area](#), Shelter, 2015

³⁸ Garvey, K. and Pennington, P. [Home and Away: the rise in homeless families moved away from their local area](#), Shelter, 2015

³⁹ Paragraph 11.29

3. Agreeing on 'reasonable steps' to prevent or relieve homelessness

The Government's proposed guidance⁴⁰ expects the type of reasonable steps a housing authority might take to prevent or relieve homelessness to include, but not be limited to, the following, irrespective of whether the applicant may have a priority need or be homeless intentionally:

Reasonable steps (paragraph 11.23)

- a. attempting mediation/conciliation where an applicant is threatened with parent/family exclusion,
- b. assessing whether applicants with rent arrears might be entitled to Discretionary Housing Payment,
- c. providing support to applicants, whether financial or otherwise, to access private rented accommodation,
- d. assisting people at risk of violence and abuse wishing to stay safely in their home through provision of 'sanctuary' or other measures.
- e. helping to secure or securing an immediate safe place to stay for people who are sleeping rough or at high risk of sleeping rough.

Our expert panel provided insights which we urge local authorities to take into account when deciding whether such steps are reasonable as a means to prevent or relieve homelessness for at least six months.

(a) Obtaining impartial and sensitive housing, welfare and debt advice

When asked what they would advise in particular scenarios, a number of our experts recommended that advice on housing rights or obtaining legal representation is important in preventing homelessness:

Guidance on minimal legal standards: someone from the council, someone with a bit of knowledge about what the law is, what it states.

Obtain independent advice, e.g. from Shelter.

Obtain legal representation.

We recommend that advice on welfare benefits and income maximisation, debt and money management should be an essential part of homelessness advice. However, budgeting advice must be appropriate and handled sensitively so that people don't feel patronised:

They do treat you a bit like a child. As soon as you go in here they tell you to go to money management... and I'm thinking, "I haven't got a money [management] problem. The only problem is I don't get enough of it and I'm trying to budget on pennies rather than pounds".

⁴⁰ Paragraph 11.23

Then they did like a table-style thing which they wrote down my wage, which was before I was pregnant [and on Statutory Sick Pay], so like £250 a week, my partner's wage, all our bills and said that we had x amount of money left over. I was like, "Yes, that's great but... instead of £250 [I now get] £88 max".

(b) Family conciliation

A few of our experts had been told they were intentionally homeless because they didn't remain living with family members and this either led to destitution or rent arrears (where they had asked a violent family member to leave):

I was sofa surfing with family, family homes... it come to an end, I was using drugs me. So I went to the town hall and I wasn't eligible for emergency services, I'd made myself homeless, even though I didn't have a home.

He moved out after attacking us violently. I went to the council for help and they didn't listen. The housing officer found us intentionally homeless, didn't listen to the violence or the [under]occupation [leading to a cut in housing benefit], wouldn't help us to try and stay in the property.

In another case, a working couple with a baby on the way had given up their private rental to avoid arrears following a large drop in income, and moved in with family to get back on their feet, but the stress quickly damaged relationships:

I hadn't lived at home in a few years, it kind of, we'd got a very good relationship, but it just completely ruined it... I was constantly being ill. She was coming home and I'd been at home all day and it'd be like, 'Well, what are you doing?' So, she ended up asking us to move [out].

Family conciliation might be appropriate advice as an emergency option while alternative accommodation is found and, in some cases, may result in a sustainable solution.

We recommend that it would rarely be a reasonable step to advise people to attempt conciliation where continuing to reside with family members is likely to damage relationships, especially where they might be needed for support. It would certainly not be a reasonable step where it might put them at risk of violence.

(c) Support to keep an existing home

When asked what help they would give, some of our Expert Panel recommended that, in some cases, homelessness should be prevented by giving help with the rent and mediation with the landlord. It was recommended that this can be much cheaper than providing emergency or temporary following eviction.

Case study

One of our experts, a disabled man in his 50s who has difficulty walking, explained that he was evicted by a private landlord from the bedsit where he'd happily lived for nine years when he was moved from ESA to JSA. The landlord had a blanket ban on JSA claimants due to greater risk of sanctions and rent arrears. It's possible that the eviction could have been averted if he had been given advice to appeal the JSA decision.

Rather than take steps to negotiate with the landlord and perhaps offer a guarantee that the rent would be covered should any sanctions occur or arrears develop, the council instead advised him to wait for eviction and then gave him a hostel room an hour's bus ride away from his previous home and GP. He lost the entire contents of his home because, living on £30pw after shortfalls, he couldn't afford the £500pcm storage charges.

Advising the applicant to wait for eviction proved to be a false economy. His original bedsit had cost £80pw, £65 of which was covered by LHA. His emergency accommodation cost £200pw, and LHA and the housing authority covered all but £10 of this. So the costs to the state increased by almost £130pw.

(d) Support in accessing a private rental

Most of our Expert Panel had lost their homes because the landlord wanted the property back, so needed swift help in finding a suitable alternative home. They were trying very hard to find another private rental when they went to the council for help, yet the main advice from the council was to try contacting agents or to look on websites, even where this was likely to be fruitless.

As we recently identified⁴¹, people living on low incomes face a combination of barriers in accessing a private rental.

The people on our Expert Panel identified a range of similar barriers to why they were unable to prevent their homelessness. Many people struggled to find a landlord who would accept local housing allowance:

Oh, I was constantly, like, three or four times a day, going through, like, Zoopla and everywhere, trying to find something in my budget, and as soon as you say, "Look I'm on housing benefit", that was that. I had, like, a perfect record, I'd never been late at anything. I've never caused any damage, never done anything. At the time, my landlord, he was really happy to give me, like, a glowing reference.

Others struggled to find anywhere they could afford, as housing benefit was so low compared to the cost of renting.

I was going around but I was only paying like £900 a month where I was in that three-bedroom. Then, because I've been there a couple of years, the three-bedroom [had gone up to], like, £1,300 to £1,400 to rent a month. My allowance was only £1,000. So,

⁴¹ Spurr, H. [Shut out: the barriers low income households face in private renting](#), Shelter, 2017

one, I knew that I couldn't afford any more than that for my housing, because I'm on my own with the children.

Families found that landlords didn't want to take households with children:

I rang 36 properties. I wrote them down and everything. Nearly every one of them said that they did not want teenage boys. I said, "Well, they're at college and school all day, so they're not exactly going to be in." Another one was, 'Students only.' That's what I got a lot. Mostly, they only wanted students.

In other cases, they received conflicting advice:

I went [to housing authority] a few days later. Then they sat me down and told me, "Look there isn't going to be anyone that accepts housing benefit"... They gave me a list of the agents that take housing benefit and then we phoned every one. No-one, and [yet] they said that they accepted the housing benefit... and you've got to write a list of what were their reasons for not... they didn't ask for it [when she went back with the list].

We recommend that reasonable steps to support applicants will mean overcoming the particular barriers created by landlords' attitudes to housing benefit.

Our experts also suggested that, even where a private landlord willing to let to LHA claimants at an affordable rent could be found, further help was likely to be needed with the up-front costs of accessing a rental:

So, there's a deposit... was over £1,000. Obviously, if we can't afford £575 a month for rent, there is no physical way unless we won the lottery, we'd be able to afford a deposit. They've got a scheme where they sometimes help you putting down a deposit on a place. Stuff like that was what I was kind of hoping for, to be given that information.

(e) Recognising when a social rental might be appropriate

None of our Expert Panel had expected help into a social rent home but in some cases local housing authorities had recognised that they were unlikely to be able to help with a suitable private rental:

Yes, definitely [when asked if she'd be happy with help to find a suitable private rental]. [But council adviser said]: "I know for a fact, here and now, that you're not going to get one." He told me I wouldn't. Those were his actual words.

In more than one case, the council advised that a social rented home was the best option where help into a private rental was considered inappropriate, as was the case with a wheelchair user with two disabled children:

No, I mean, I didn't think I was going to get one [council house]. I wasn't expecting to get one. I knew of the waiting system, but [housing authority decided it was] the only way that we can settle, if you see what I mean...Nine times, we worked it out [they'd moved as private renters]. Nine times.

When allocating social housing, local housing authorities are legally required to give 'reasonable preference' to homeless households⁴². In localities where the housing authority has its own housing stock, and could therefore choose to prioritise a particular homeless household, or where suitable social housing is likely to be available within a reasonable timescale, it is a reasonable step to offer it to prevent or relieve homelessness.

4. Drawing up a genuinely personalised plan

Overall, the expert panel were welcoming of the idea to introduce a less procedure-driven and more personalised approach. As one expert described, a change in approach could have helped her at a time when she needed help:

I think they just looked at me, and just read off a script. There was no understanding of the situation, as if every situation is exactly the same. I'm sorry, but every situation is different. It was just like ... they were following the procedure.

This means that a standard form plan, based on too rigid a template and amended with just a few pieces of personal information, is unlikely to be sufficient and may lead to reviews by applicants. The plan will need to be personally tailored to include appropriate housing, welfare benefits or debt advice, as these are key to prevention advice and support.

Shelter is working with experts on a personalised housing plan tool "Advice Aid" which allows advisers to use 'snippets' of advice to create a tailored plan.⁴³

5. Keeping in regular contact about the plan

Numerous members of our Expert Panel highlighted problems with keeping in regular contact with their homelessness adviser and how problems in making contact added to their frustration and anxiety.

Caseworkers were frequently difficult to get hold of and rarely gave updates. This was particularly stressful when people weren't clear what the process was, and whether they should be expecting updates or not.

In my case it took them nine months to complete my case... between that my caseworker left and no notice was given to me... Caseworkers go, they don't inform you. My caseworker got changed twice and I wasn't updated, so I'm calling these different departments just to get through to somebody that I can get an update from.

I've phoned them back to see what's going on. "I will get them to phone back". Never did phone back... didn't phone back again and again. It was just getting ridiculous. Most of the time that I phoned up, so they were busy or they get you to phone back later and it never happened, then I'd phone back, and she'd say, "They've gone home now".

⁴² [Housing Act 1996](#), Section 167(2)

⁴³ For more information, contact [Shelter Consultancy](#)

Assessments and personalised housing plans must be kept under review throughout the prevention and relief stages, and any amendments notified to the applicant.

We recommend that housing authorities ensure that they use email and phone, in addition to formal letters, to keep in touch with applicants about their case.

This reflects what has been learnt from the new legislation in Wales, where the frequency of on-going contact from Housing Solutions officers was cited as one of the factors that made a difference to service users.

Suggested personalised housing plan assessment

We saw you recently, as you have a housing problem and wanted our help.

We want to do everything we can to make sure you do not lose your home or, where this is not possible, you can find a suitable alternative and this plan confirms the actions that we have agreed to help resolve your housing issue.

Please show this plan, if you wish to, to your relatives, friends, or any other agencies that may be supporting you so that they are aware of how we are trying to help you.

If they know your problem and the actions we have suggested they might be able to help you resolve your housing problem.

What we've agreed to do before our next review

	ACTION	BY WHEN	BY WHOM
1			
2			
3			
4			
5			

How we can keep in touch with you

Your name:

Mobile number:

Email:

Current address:

Alternative reliable contact in case we have difficulty contacting you:

How you can keep in touch with us

Your adviser:

Phone:

Email:

Address:

Who to call in an emergency:

YOUR HOUSING HISTORY

Brief housing history

Have you asked for our help before?

Circumstances that caused current homelessness

Date you are likely to have to leave your home

YOUR HOUSING NEEDS

Other people who normally live with you

Number of bedspaces/bedrooms required

Usual method of transport

What places you need to be able to get to from your home (e.g. school, workplace, healthcare)?

Any special needs (e.g. no stairs)

What is your income so that we can help you assess what you can afford?

YOUR SUPPORT NEEDS

What support do you have from family and friends?

What support do you have from professionals (health, school, social services)?

What support you'd like?

YOUR PREFERENCES:

What help you'd like: emergency housing options

If you are already homeless (including where the notice has expired), what are your priorities for emergency options while we help you find another suitable home :

- Remain in your current home awaiting repossession
- Remain in your current home awaiting eviction
- Remain in your current home in poor conditions or overcrowding that render you homeless
- Remain or move in with family or friends
- Remain in accommodation you have no right to occupy or nowhere to site/moor
- Remain in the area in self-contained accommodation
- Remain in the area in shared accommodation (hostel, B&B, shared house, refuge)
- Move out of the area to self-contained accommodation in suitable location
- Move out of the area to shared accommodation (hostel, B&B, shared house, refuge)

The outcome you'd like: finding a suitable home

If you need to find a suitable alternative home what are your priorities (order by preference)

- Remain in the area in self-contained accommodation (6-12 month tenancy)
- Remain in the area in self-contained accommodation (5-year tenancy)
- Remain in the area in self-contained accommodation (permanent tenancy) – where locally applicable
- Remain in the area in shared accommodation (hostel, shared house, refuge) – families aren't required to prioritise this option as not suitable
- Move out of the area to self-contained accommodation in suitable location (6-12-month tenancy)
- Move out of the area to self-contained accommodation in suitable location (5-year tenancy)
- Move out of the area to self-contained accommodation in suitable location (permanent tenancy)
- Move out of the area to shared accommodation (hostel, B&B, shared house, refuge) – families aren't required to prioritise this option as not suitable

What help you'd like to keep your home

If you are threatened with homelessness and prefer to stay in your current home, what help do you need to keep it:

- Help to defend repossession
- Help to mediate with relatives or landlord to let you stay
- Help to pay rent/mortgage
- Help to clear rent/mortgage arrears
- Help to fulfil other tenancy conditions (e.g. avoid nuisance behaviour)
- Help to improve housing conditions
- Help to tackle overcrowding (e.g. extension)
- Help to deal with domestic abuse or violence
- Help to deal with problems caused by landlord, other residents or neighbours
- Help to get to essential services such as shops, education, healthcare, childcare or job centres
- Help to get to work

WHAT STEPS WE WILL TAKE TO HELP YOU

This section should be tailored and personalised to individual preferences, circumstances and needs

WHAT STEPS YOU SHOULD TAKE TO HELP US

This section should be tailored and personalised to individual preferences, circumstances, needs

When we'll review this plan

Regular review dates