



National Practitioner Support Service

HOMELESSNESS STRATEGY TOOLKIT

PART 1: STRATEGIC CONTEXT

Version 4: November 2017

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Introduction

This toolkit has been produced in order to support local authority colleagues to develop preventing homelessness strategies that are fit for purpose; strategies that seek to deliver improved and improving services to anyone in the local area that is homeless or threatened with homelessness, regardless of whether they may be owed the main statutory homelessness duty or not.

Every local authority in England should, by law, have an up to date preventing homelessness strategy that sets out its plans to prevent and tackle homelessness¹. Local authorities' homelessness strategies should have a lifetime of no longer than 5 years, and local authorities should keep their homelessness strategy under review modify it from time to time in order to respond to new policy direction and comply with legal duties². This is particularly important in light of recent legislative change³.

The first versions of this toolkit were produced to take account of the welfare reforms introduced by successive governments from 2010. It was also developed in the context of the Localism Act provisions that came into force in 2011⁴, and to support local authorities in light of the introduction of s148 and s149 of the Localism Act 2011⁵, which came into force on 9th November 2012. The Homelessness (Suitability of Accommodation) (England) Order 2012 also came into force on 9th November 2012 and the "Supplementary Guidance on the Homelessness Changes in the Localism Act 2011⁶ and the Homelessness (Suitability of Accommodation) (England) Order 2012" was published the day before⁷.

Version 4 of this toolkit has been updated to take account of the Homelessness Reduction Act 2017⁸, the most significant change in the legislation governing homelessness for 20 years. The toolkit also has regard to the new Homelessness Code of Guidance for Local Authorities (currently in draft form)

The toolkit considers the 10 "Local Authority Challenges" set out in the government report "Making Every Contact Count: A Joint Approach to Preventing Homelessness"⁹ and how local preventing homelessness strategies can contribute to local authorities achieving 'Gold Standard' housing options services.

¹ s.1 Homelessness Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/7/section/1>

² s.3(8) Homelessness Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/7/section/3>

³ Homelessness Reduction Act 2017, Localism Act 2011, Welfare Reform Act 2012, Legal Aid, Sentencing and Punishment of Offenders Act 2012, Deregulation Act 2015

⁴ s.145, s.146, s.147, s.150, s.153 Localism Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/20/contents>

⁵ S.148, s.149 Localism Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/20/contents>

⁶ Supplementary Guidance 2012 - <https://www.gov.uk/government/publications/homelessness-changes-in-the-localism-act-2011-supplementary-guidance>

⁷ Homelessness (Suitability of Accommodation) (England) Order 2012 - <http://www.legislation.gov.uk/uksi/2012/2601/contents/made>

⁸ The second Ministerial Working Group report on homelessness, "Making Every Contact Count: A Joint Approach to Preventing Homelessness", August 2012 - <https://www.gov.uk/government/publications/making-every-contact-count-a-joint-approach-to-preventing-homelessness>

The toolkit has been split into three parts. This part covers broad strategic considerations, legal imperatives and provides advice on homelessness reviews, consultation and partnership working. It provides practical advice on how to go about developing a homelessness strategy.

The second part focuses on practical operational suggestions to support local authorities to develop 'Gold Standard' services and align their strategies and plans with the 10 'local authority challenges' set by government.

Part three provides a factsheet summarising the overall content of the toolkit, and includes some good practice examples.

Local authorities are encouraged to ensure robust preventing homelessness strategies are in place, and that they are delivered in partnership.

Please note that this toolkit represents the views of practitioners. It does not represent legal advice or opinion, nor does it represent statutory guidance or government. Local authorities are encouraged to seek specific advice to satisfy themselves on any issues or questions raised.

Changing context for homelessness services

Legislative amendments and The Homelessness Reduction Act 2017

The homelessness legislation is set out in Part 7 of the Housing Act 1996 and this provides the statutory framework and duties for local housing authorities to take action to prevent homelessness and provide assistance to people who are threatened with homelessness or who are actually homeless.

In 2002, the homelessness legislation was amended via the Homelessness Act 2002 and the Homelessness (Priority Need for Accommodation) (England) Order 2002. These amendments placed a requirement on housing authorities in England to formulate and publish a homelessness strategy based on the results of a review of homelessness in their district. They also strengthened the safety net for vulnerable people by extending the priority need categories to homeless 16 and 17 year olds; care leavers aged 18, 19 and 20; people who are vulnerable as a result of time spent in care, the armed forces, prison or custody, and people who are vulnerable because they have fled their home because of violence

The Homelessness Reduction Act 2017 significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to every household who is homeless or threatened with homelessness, and not just those who are considered to be in 'priority need'. These duties include:

- a. an extension to the period that a household is considered to be threatened with homelessness in, from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage;
- b. a new duty to take reasonable steps to prevent homelessness for every single household that is threatened with homelessness. This duty can generally take effect for a period of up to 56 days.
- c. a new duty for those who are already homeless so that housing authorities will take steps support households to relieve their homelessness by helping them to secure accommodation. This duty can generally take effect for a period of up to 56 days.

The Homelessness Reduction Act 2017 is expected to come into force in April 2018. The commencement date will be confirmed in regulations laid as secondary legislation.

Wider change and reform

Since May 2010, successive governments have implemented a programme of change and reform. The national reform agenda has meant local homelessness

services needed to adapt quickly to deliver services more efficiently, and to mitigate potential homelessness impacts arising from welfare reforms¹⁰.

The list of developments in national policy contained in the box below pick out some of the key changes that have had - and will have - a direct impact on the way in which local housing authorities deliver allocations, lettings and homelessness services to their communities

- Emergency budget - 22 June 2010
- Comprehensive Spending Review - 20 October 2010
- Localism Bill -13 December 2010
- Affordable Homes Framework – 15 Feb 2011
- New Homes Bonus scheme design - 17 Feb 2011
- Welfare Reform Bill -17 Feb 2011
- Budget - 23 Mar 2011
- No Second Night Out in London – 1 Apr 2011
- No Second Night Out Nationwide – 6 Jul 2011
- Localism Act 2011 – 15 Nov 2011
- Laying the Foundations: A Housing Strategy for England – 21 Nov 2011
- Allocation of accommodation: Guidance for local housing authorities in England – Consultation - 5 Jan 2012
- Welfare Reform Act 2012 – 8 Mar 2012
- Social Justice – Transforming Lives – 13 Mar 2012
- Legal Aid, Sentencing and Punishment of Offenders Act 2012 – 1 May 2012
- Homelessness (Suitability of Accommodation) (England) Order 2012 – Consultation – 31 May 2012
- Allocations Code of Guidance – 29 Jun 2012
- Supplementary guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012 – 8 Nov 2012
- The Homelessness (Suitability of Accommodation) (England) Order 2012 - 9 Nov 2012
- The Housing Act 1996 (Additional Preference for Former Armed Forces Personnel) (England) Regulations 2012 – 30 Nov 2012
- The Universal Credit (Transitional Provisions) and Housing Benefit (Amendment) Regulations 2013
- The Benefit Cap (Housing Benefit) (Amendment) Regulations 2013
- The Universal Credit Regulations 2013
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014
- Addressing complex needs: Improving Services for Vulnerable Homeless People – 26 March 2015
- Deregulation Act 2015 – coming into force in stages

- Making Every Contact Count – 16 Aug 2012
- The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 - 24 Aug 2012
- from 1st April 2015¹¹
- Comprehensive Spending Review – 25 November 2015
- Retaliatory Eviction and the Deregulation Act: Guidance note – 1st October 2015
- Housing White Paper “Fixing our Broken Housing Market” February 2017
- Supported Housing Funding Consultation
- Homelessness Reduction Act 2017
- Draft Code of Guidance for Local Authorities October 2017

The list contained in the box below outlines seven key sections in Part 7 (Housing) of the Localism Act 2011 that are directly relevant to the provision of allocations and homelessness prevention services:

- **Section 150** - Tenancy strategies need to be in place by 15th Jan 2013 (15th Jan 2012)
- **Section 153** – Relationship between schemes and strategies (7 June 2012)
- **Section 145** – Allocation of housing accommodation (18 June 2012)
- **Section 146** – Allocation only to eligible & qualifying persons: England (18 June 2012)
- **Section 147** – Allocation Schemes (18 June 2012)
- **Section 148** – Duties to homeless persons (9 November 2012)
- **Section 149** – Duties to homeless persons (further amendments) (9 November 2012)

The key changes to homelessness legislation contained in sections 148 and 149 of the Localism Act 2011¹² commenced on 9th November 2012¹³, alongside a new statutory suitability order¹⁴ and supplementary statutory guidance. These changes were considered in the NPSS “*Access to the Private Rented Sector and Developing your Private Rented Sector Offer Policy*” which can be downloaded from our website at www.npsservice.org.uk

¹² s.148 Localism Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/20/section/148>

s.149 Localism Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/20/section/149/enacted>

¹³ Localism Act 2011 Commencement Order 2 - <http://www.legislation.gov.uk/uksi/2012/2599/made>

¹⁴ The Homelessness (Suitability of Accommodation) (England) Order 2012 - <http://www.legislation.gov.uk/uksi/2012/2601/made>

When developing new preventing homelessness strategies, local authorities should always have regard to the national agenda and to specific legislative changes. Local authorities will need to take into account the additional duties introduced by the Homelessness Reduction Act 2017 whenever they conduct a review of homelessness and start to formulate a new strategy.

Preventing homelessness strategies; the legal imperative

Section 1 of the Homelessness Act 2002¹⁵ places a duty on local authorities to formulate a homelessness strategy by carrying out a homelessness review for the district. Section 2 of the Homelessness Act 2002¹⁶ prescribes the considerations that local authorities should undertake in conducting a review of homelessness and the purpose of the review in terms of informing a future preventing homelessness strategy.

The Homelessness Act 2002 determines that local authorities must formulate and publish a homelessness strategy based on the results of that review – the life of the strategy should be no more than 5 years, and when the strategy expires or is due for expiry, the authority must publish a new homelessness strategy.

There is a further duty on local authorities to keep the strategy under review – and they may modify it from time to time – however, any modifications must be published and before adoption of a homelessness strategy, or prior to modifying an existing strategy, the authority must carry out consultation¹⁷.

Schedule 7 of the Local Government Act 2003¹⁸ amends the Homelessness Act 2002 - this amendment means that if a local authority decided to meet the requirements of the Homelessness Act 2002 by including its homelessness strategy within the same document as a housing strategy), there is no obligation to publish the whole of that document. Nevertheless, the local authority may find it beneficial to publish the entire document on housing related matters.

Section.29 of the Deregulation Act 2015 removed the requirement in s.87 Local Government Act 2003 for local authorities to publish housing strategies, however – publication of a homelessness strategy remains a ***stand-alone statutory requirement***. Local authorities can choose to incorporate it into other strategies such as the Housing Strategy or the Sustainable Communities Strategy, as long as it can still be separately identified within that strategy and is published. There may be risks associated with this approach, which include;

- *Detracting from the priority specifically attributed to tackling homelessness locally*
- *Disengaging those with a vested interest in homelessness services where consultation around local housing issues may be undertaken in a broader context*
- *Undermining local partnerships' ability to monitor the homelessness aspects of the strategy effectively*

¹⁵ s.1 Homelessness Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/7/section/1>

¹⁶ s.2 Homelessness Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/7/section/2>

¹⁷ s.3(8) Homelessness Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/7/section/3>

¹⁸ Schedule 7 Local Government Act 2003 - <http://www.legislation.gov.uk/ukpga/2003/26/schedule/7>

- *In a county-wide or sub-regional context, reducing the focus on specific local nuances, pressures and needs*

Wherever possible, it is recommended that local authorities ensure a specific and distinct local strategy for tackling homelessness is produced, and that it is monitored by a partnership such as the local Homelessness Forum or equivalent group, with local partnership sign-off and clear links into the authority's corporate framework including other local strategies.

In addition to legislative requirements, under s182 of the Housing Act 1996¹⁹, the Secretary of State can issue statutory guidance that housing authorities are required to have regard to, in exercising their functions under Part 7 of the Housing Act 1996 (as amended).

A draft Homelessness Code of Guidance for Local Authorities has been published in order to take into account the Homelessness Reduction Act 2017. A copy of the draft code can be viewed here:

<https://www.gov.uk/government/consultations/homelessness-code-of-guidance-for-local-authorities>

The code is current in draft form, with a consultation on it running until 11th December 2017. A final version of the updated code is due to be published in spring 2018.

The draft code includes detailed information and guidance for local authorities to have regard to when conducting homelessness reviews and formulating a homelessness strategy. Chapter 2 of the code of guidance covers this in detail.

An important point to note in the draft code of guidance is that local housing authorities should consider the benefits of cross-boundary co-operation, and that authorities may wish to collaborate to produce a joint homelessness strategy covering a sub-regional area.

A cross-boundary co-operation approach will also support local authorities to manage and respond to referrals from specified public bodies under the s.213B duty to refer, and develop effective joint working relationships that are able to successfully prevent homelessness.

¹⁹ s.182 Housing Act 1996 - <http://www.legislation.gov.uk/ukpga/1996/52/section/182>

Links to other strategies and plans

It is essential that the homelessness strategy should link with other strategies and plans that aim to address the wide range of factors that could contribute to homelessness in the local area. It will be important to consider how these strategies and plans, which could encompass aspects of local health, justice or economic policy for example, can help achieve the objectives of the homelessness strategy.

Local authorities should ensure that their homelessness strategy is co-ordinated with and links in to the Health and Wellbeing Strategy. Each local authority now has a legal duty under the Health & Social Care Act 2012 to take such steps as it considers appropriate for improving the health of the people in its area, and this includes people experiencing homelessness or at risk of homelessness.

The new s.213B duty to refer in the Homelessness Reduction Act should also be incorporated into the homelessness strategy. This duty will require specified public bodies to notify a housing authority whenever they come into contact with a person who is homeless or threatened with homelessness. Local authorities should have clear regard to this in their homelessness strategy, and establish local agreements and joint working arrangements with all specified public bodies in regard to referrals.

The additional duties to prevent and relieve homelessness within the Homelessness Reduction Act 2017 will require consideration within the local authority's allocation scheme. The Act allows for a prevention duty or a relief duty to be met via an offer of accommodation via a Pt 6 allocation scheme, so it may be necessary to review the scheme in light of the homelessness reduction Act changes, and consider any additional categories of reasonable preference.

- People owed the prevention duty are owed a duty under s.195 and so they will be entitled to reasonable preference;
- People owed the relief duty are homeless and so they will be entitled to a reasonable preference under s.166A(3)(a);
- When the relief duty comes to an end, if the person remains homeless and is accommodated under s.190(2) or s.193(2) duties, he or she will be entitled to a reasonable preference under s.166A(3)(b)

Section 153 of the Localism Act 2011²⁰ came into force by commencement order on 7th June 2012 and prescribes the relationship between schemes and strategies that local authorities must have regard to in developing or modifying their local preventing homelessness strategies:

153 Relationship between schemes and strategies

²⁰ s.153 Localism Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/20/section/153/enacted>

In section 3 of the Homelessness Act 2002 (homelessness strategy) after subsection (7) insert —

“(7A) In formulating or modifying a homelessness strategy, a local housing authority in England shall have regard to—

*(a) its current allocation scheme under section 166A of the Housing Act 1996,
(b) its current tenancy strategy under section 150 of the Localism Act 2011, and
(c) in the case of an authority that is a London borough council, the current London housing strategy.”*

s.153 enshrines in legislation the relationship between the local authority homelessness strategy and the allocations policy and tenancy strategy.

As part of the approach to reviewing homelessness, local authorities who are considering moving to a ‘managed waiting list’ approach (by restricting the existing qualifying criteria for their local housing register), are encouraged to consider carefully the meaning of paragraph 3.19 of the *“Allocation of Accommodation: Guidance for Local Authorities in England [2012]”*²¹:

“Housing authorities are encouraged to adopt a housing options approach as part of a move to a managed waiting list. A strong and pro-active housing options approach brings several benefits: people are offered support to access the housing solution which best meets their needs (which might be private rented housing, low cost home ownership or help to stay put); expectations about accessing social housing are properly managed; and social housing is focused on those who need it most. A lower waiting list can also be a by-product.”

The delivery of comprehensive housing options at the first point of customer contact is a relevant consideration for local homelessness strategies – where managed waiting lists have been introduced or are under consideration, planning for how local services will respond to front of house demands in future will be important in light of the 2012 statutory guidance on allocations. Local authorities should consider any revised allocations policy in relation to local connection criteria alongside any policy they adopt concerning ending the main housing duty with a Private Rented Sector Offer (PRSO) (a policy is a requirement by virtue of paragraph 14 of the 2012 supplementary statutory guidance²²).

²¹ Allocation of Accommodation: Guidance for Local Authorities in England [2012] –

<https://www.gov.uk/government/publications/allocation-of-accommodation-guidance-for-local-housing-authorities-in-england>

²² Supplementary guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012 -

Where allocations policy local connection criteria becomes more stringent than the criteria outlined in s199 of the Housing 1996 (as amended)²³, households not accepted under the new allocations criteria, may be owed the main duty under homelessness legislation²⁴ (and the authority - having chosen to consider local connection factors – has been satisfied that the household can demonstrate a local connection²⁵). In such cases the PRSO Policy may need to reflect that these households need to be made one or more PRSOs in order for the main duty to be ended.

Section 153 of the Localism Act 2011²⁶ states local tenancy strategy considerations regarding local provision such as affordable rented accommodation and flexible tenure, should feed into the local preventing homelessness strategy, and vice versa.

When modifying a local preventing homelessness strategy, local authorities will wish to incorporate the local approach to ending the main duty into the Private Rented Sector through the use of PRSOs. This will be to ensure that any local PRSO policy is taken into account in future plans for preventing and tackling homelessness. On 9th November 2012, Sections 148 and 149 of the Localism Act came into force, which introduced new powers to enable the main housing duty under s193 of Housing Act 1996 to be ended with offers of accommodation in the private rented sector that do not require the applicant's consent. For further information regarding s148 & s149 and working with the PRS & developing PRSO policies, please see the NPSS "*Access to the Private Rented Sector and Developing your Private Rented Sector Offer Policy*" which can be downloaded from our website at www.npsservice.org.uk

Local authorities should ensure that wherever possible the strategy links to local partner Registered Provider homelessness action plans, along with all other local strategies and plans that may be appropriate – for example, the local authority Housing Strategy, Welfare Reform and Financial Inclusion strategies, Empty Homes Strategy, corporate aims and objectives, Domestic Violence Strategy, Youth Strategy, DAAT, Health and Wellbeing Strategies, Learning Disability Strategy, Community Safety Strategy (this list is not exhaustive). The strategy should have appropriate corporate buy in and support to ensure that all relevant departments are committed to homelessness prevention and to supporting the delivery of the strategy.

<https://www.gov.uk/government/publications/homelessness-changes-in-the-localism-act-2011-supplementary-guidance>

²³ s.199 of the Housing Act 1996 - <http://www.legislation.gov.uk/ukpga/1996/52/section/199>

²⁴ S.193 of the Housing Act 1996 (as amended) - <http://www.legislation.gov.uk/ukpga/1996/52/section/193>

²⁵ Paragraph 18.4 of the Homelessness Code of Guidance for Local Authorities [2006]: "*Referrals are discretionary only: housing authorities are not required to refer applicants to other authorities. Nor are they, generally, required to make any inquiries as to whether an applicant has a local connection with an area*"

²⁶ s.153 Localism Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/20/section/153/enacted>

Benefits of preventing homelessness strategies

Homelessness has a detrimental effect on individuals, families and communities and can undermine social cohesion. Homelessness can be linked to alcohol and drug abuse, poor physical & mental health, crime and anti-social behaviour, poor educational attainment, debt, unemployment and the breakdown of support networks. Tackling the effects of homelessness can be costly to the public purse when compared to the costs associated with proactively seeking to prevent homelessness in the first place²⁷.

The DCLG continues to recognise the importance of preventing homelessness and set out 10 “Local Authority Challenges” in the recently published “*Making Every Contact Count: A Joint Approach to Preventing Homelessness*” report²⁸.

Developing effective local strategies in partnership, to prevent & tackle homelessness *proactively* is a positive step towards achieving the “Gold Standard” represented by the 10 challenges. The challenges emphasise the importance of robust local preventing homelessness strategies, and a comprehensive housing options offer to people who are homeless or at risk of homelessness. One of the challenges specifically relates to effective local homelessness strategies to meet emerging need²⁹.

The **ten local challenges** the government has posed to the sector are to:

1. adopt a corporate commitment to prevent homelessness which has buy in across all local authority services
2. actively work in partnership with voluntary sector and other local partners to address support, education, employment and training needs
3. offer a Housing Options prevention service, including written advice, to all clients
4. adopt a *No Second Night Out* model or an effective local alternative

²⁷ Department for Communities & Local Government “Evidence Review of the Costs of Homelessness”, August 2012 - provides an overview of evidence held by government and other organisations relating to the financial costs to government of homelessness. The footnotes within the report signpost a range of research and evidence supporting the need to prevent and tackle homelessness effectively –

<https://www.gov.uk/government/publications/costs-of-homelessness-evidence-review>

²⁸ The second Ministerial Working Group report on homelessness, “Making Every Contact Count: A Joint Approach to Preventing Homelessness”, August 2012 - <https://www.gov.uk/government/publications/making-every-contact-count-a-joint-approach-to-preventing-homelessness>

²⁹ “*have a homelessness strategy which sets out a proactive approach to preventing homelessness and is reviewed annually so that it is responsive to emerging needs*” - “*Making Every Contact Count: A Joint Approach to Preventing Homelessness*”, August 2012

5. have housing pathways agreed or in development with each key partner and client group that includes appropriate accommodation and support
6. develop a suitable private rented sector offer for all client groups, including advice and support to both clients and landlords
7. actively engage in preventing mortgage repossessions
- 8. have a homelessness strategy which sets out a proactive approach to preventing homelessness and is reviewed annually so that it is responsive to emerging needs**
9. not place any young person aged 16 or 17 in Bed and Breakfast accommodation
10. not place any families in Bed and Breakfast accommodation unless in an emergency and then for no longer than 6 weeks

There is a body of evidence that demonstrates investment in local homelessness prevention services saves significant amounts of public money, across statutory agencies including housing, health, criminal justice and community safety. In August 2012 the government published a report bringing together the costs of homelessness which can be downloaded using the link below:

<https://www.gov.uk/government/publications/costs-of-homelessness-evidence-review>

When seeking to make the case for future investment in front line homelessness prevention services, local housing authorities are encouraged to make use of the free tools available on the NPSS website, including the Diagnostic Peer Review toolkit

Investment in front line services is critical to supporting our most vulnerable households. The local preventing homelessness strategy should be used as a vehicle to promote this. It should seek to identify funding sources across a range of partnerships and emerging opportunities throughout the life of the strategy.

Building the case for investment in homelessness services should form one vital element in the development of successful local homelessness strategies, not least in the current economic climate.

With this in mind, the local preventing homelessness strategy should include an explicit commitment from the lead elected member for housing to early intervention across all client groups and to maintaining investment in front line services. Including a clear statement in the preventing homelessness strategy foreword will support ongoing corporate investment in local homelessness services, encourage buy-in, and demonstrate the local authority publicly recognising that preventing homelessness represents a local priority; it is both better and more cost effective than seeking to assist households through statutory homelessness provisions or by bringing them inside from sleeping rough on the streets.

Preventing homelessness grant

In September 2012, the Government confirmed the continued investment in local authority Preventing Homelessness Grants for the following two years. This grant funding continued in 2015/16 and it has been confirmed that the grant allocation will continue until 2020, with indicative figures provided for each year till then. The grant funding information can be downloaded here (the prevention grant amount for each LA is set out in column E)

<https://www.gov.uk/government/publications/core-spending-power-visible-lines-of-funding-2017-to-2018>

The prevention grant funding allows local authorities to commission and deliver essential homelessness prevention services and it is hoped these considerations will feed into local preventing homelessness strategies.

This grant funding is now rolled into the Business Rate Retention Scheme (BRRS)³⁰. This is a change to the funding *mechanism* and not the grant itself. Moreover, the government has determined not to change the allocation method as a result of Homeless Prevention Grant being rolled into BRRS. It is not yet clear what the mechanism for the grant will be post 2020, as the BRRS scheme will be scrapped, with the intention that all local authorities will collect and retain their own business rates. Any homelessness strategy with a lifetime longer than 2020 should have regard to the potential impact locally of this change to the funding mechanism.

It will continue to be vital that local housing authorities are proactive about ensuring the homelessness prevention grant funding is being identified for the purposes of supporting the prevention of homelessness locally. The government is clear that this vital resource is intended to support the most vulnerable households in our communities.

Local authorities are encouraged to direct their Preventing Homelessness Grant allocation to support the development of 'Gold Standard' homelessness prevention services. The NPSS Diagnostic Peer Review toolkit is available free on our website (www.npsservice.org.uk/) and should be used to support local authorities to improve through structured peer reviews and bite size reviews that focus on effective service improvement plans. The Diagnostic Peer Review Toolkit will also support local housing authorities in developing the local case for ongoing investment in prevention initiatives.

³⁰ The technical details of how the Government proposes to move Preventing Homelessness Grant into the BRRS were consulted on – this consultation closed on 24th September 2012:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11400/21825021.pdf

Key factors to consider when undertaking homelessness reviews

- Ensure that a review of homelessness³¹ underpins the strategy and that it is robust and meaningful. It should consider all available evidence, including up to date statistical information³², and involve partner agencies, organisations and the local private rented sector³³.
- The review should incorporate comprehensive needs assessment, service mapping and a review of resources available to tackle homelessness in the local area³⁴. In this way the review should ensure that the local strategic response to homelessness is undertaken with demonstrable awareness and inclusion of all advice and support provision in the area, and considers how it is funded where it supports and contributes to the prevention of homelessness. It should also involve consultation, which is explored in more detail in the following '**Consultation Approach**' section of this toolkit.
- The review should assess the impact of the Homelessness Reduction Act 2017, and carefully consider any additional resource requirements needed as a result, particularly the additional duty to prevent and relieve homelessness in all cases, the s.213B duty to refer and effective partnership working to help early intervention and prevention. Elements of a prevention strategy should consider how the local authority will;
 - Ensure the provision of advice and information on preventing homelessness and accessing help when homeless to all residents in the district.
 - Adopt an early identification approach to maximize prevention opportunities, including pre-crisis intervention
 - Prevent recurring homelessness and identify applicants who are at most risk repeat homelessness.
 - Work in partnership to prevent homelessness and improve outcomes for customers.
- The expanded data collection and performance monitoring and reporting requirements in the H-CLIC statistical data returns should also be considered.

³¹ As required by s.1 & s.2 of the Homelessness Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/7/contents>

³² The Homelessness Advisors' Self Diagnostic Toolkit includes a "Statistical Compiler" that can generate basic benchmarking and performance statistics across a range of activity – www.nhas.org.uk

³³ See Part 3 of the Homelessness Advisors' "*Working with the Private Rented Sector and Developing a Private Rented Sector Offer Policy*" Toolkit for further advice on consulting private landlords – www.nhas.org.uk

³⁴ As required by s.2 of the Homelessness Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/7/section/2>

- Consider the 10 “Local Authority Challenges” or “Gold Standard” with reference to the review - to focus the local preventing homelessness strategy on supporting attainment of the “Gold Standard”³⁵.
- Peer reviews using the NPSS Diagnostic Toolkit will support local authorities to develop clear continuous improvement plans and analyse the customer journey – the results of undertaking diagnostic peer reviews should form the basis for local Preventing Homelessness Strategy action plans. In addition, use of the “*Diagnostic Peer Review Toolkit*” will allow for local authority applications for ‘Gold Standard’ status. This will trigger support from the regional Local Area Practitioner, where a peer review has been undertaken by 3 or more local authorities and the local housing authority is awarded an overall score of 60% or more by its peers within the “*Diagnostic Peer Review Toolkit*” score card.
- The review should carefully consider local historical trends and seek to sensibly predict what future pressures may arise - taking into account emerging factors such as welfare reform and economic change.
- Review how the service is capturing data as part of the review process and ensure that any relevant information captured outside the statutory homelessness framework is included in the review. Where there are gaps in strategic information available, the local authority may wish to consider setting up appropriate mechanisms by which to capture and report this data in future.
- Ensure equality and diversity issues are actively considered and any disproportionate impacts on specific groups are identified and fed into the strategy. The Local Government Association (LGA) revised its Social Housing Equality Framework³⁶ and its Equality Framework for Local Government³⁷ in September 2015. These frameworks aim to assist Council’s undertaking reviews of allocations and other policies to ensure that they are meeting the requirements of equalities legislation (Equality Act 2010)³⁸.

³⁵ As set out in “*Making Every Contact Count: A Joint Approach to Preventing Homelessness*”, August 2012

³⁶ Further detail regarding the Social Housing Equality Framework can be viewed here:
http://www.local.gov.uk/equality-frameworks/-/journal_content/56/10180/3476545/ARTICLE

³⁷ Further detail regarding the Equality Framework for Local Government can be viewed here:
http://www.local.gov.uk/equality-frameworks/-/journal_content/56/10180/3476575/ARTICLE

³⁸ Equalities Act 2010 - <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Consultation approach

Who to consult:

Section 3(8) of the Homelessness Act 2002 states that before adopting or modifying a homelessness strategy, local authorities shall consult such public or local authorities, voluntary organisations or other persons as they consider appropriate³⁹. Within this parameter, it is a decision for the local authority as to whom it shall consult.

In addition to broad measures taken to consult with stakeholders and partners, the local authority should consider specific consultation exercises with local strategic groups, including the local Health and Wellbeing Board⁴⁰, so that the strategy contributes to the integration of local service delivery across a range of partnership activity. Local DWP partners such as Job Centre Plus may be approached in light of ongoing welfare reform and economic changes.

The scope of those who will be consulted could also include service users across a range of local services. The value of consulting service users has been demonstrated in a number of areas through the innovative engagement of current and ex-service users to identify weaknesses in local responses and what is working well. The value of recommendations provided by service users with experience of local homelessness services can be demonstrated by the comprehensive set of recommendations developed by a committee of people with experience of sleeping rough, working with registered charity 'Groundswell'⁴¹.

It is likely that for most local authorities, sustaining tenancies in the private rented sector, and sustaining access to private rented sector tenancies, will form two fundamental aspects of the local strategy to prevent and tackle homelessness. Local authorities should consider involving private rented sector landlords in their homelessness strategy consultation so that they are involved in developing and framing local plans that are being designed to attract them to work with local homelessness services in future.

For a local authority preventing homelessness strategy to be robust, it is recommended that participation is sought from a wide range of partner agencies (statutory and voluntary sector), stakeholders, elected members, service users - and staff within the local authority itself.

³⁹ s.3(8) Homelessness Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/7/section/3>

⁴⁰ Department of Health information on Health & Wellbeing Boards - <http://healthandcare.dh.gov.uk/hwb-guide/>

⁴¹ The "*Homeless People's Commission Full Report*" can be downloaded here: <http://www.groundswell.org.uk/hpcfullreport.pdf>

Including the views of front line operational staff can be invaluable when seeking to target elements of the service so that they work more effectively to support and assist people at risk of homelessness. Operational staff may already know first-hand where there are gaps in the local response and may already have a 'wish-list' of improvements and quick wins that could make a positive contribution to the local strategic approach. It may be useful to consult front line staff in focus groups using scripted prompts to tease out views on the current service and identify areas for improvement⁴².

Ultimately, the local authority decision on whom to consult is unlikely to be susceptible to challenge provided it is 'reasonable' in the '*Wednesbury*' sense – that is, with regard to the test of reasonableness set out in the case of *Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948)*⁴³.

Nevertheless, it is good practice to seek broad participation in preventing homelessness strategy development to deliver robust and effective strategies. This approach will support the local authority to satisfy local challenge 8 of the Gold Standard Programme⁴⁴, to "*have a homelessness strategy which sets out a proactive approach to preventing homelessness and is reviewed annually so that it is responsive to emerging needs*"

⁴² The Homelessness Advisors' Self Diagnostic Toolkit contains a range of interview prompt sheets, including for focus groups with local authority staff, and meeting with partner agencies to gauge views on local service provision – www.nhas.org.uk

⁴³ The case of *Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948)* – <http://www.bailii.org/ew/cases/EWCA/Civ/1947/1.html>

⁴⁴ As set out in "*Making Every Contact Count: A Joint Approach to Preventing Homelessness*", August 2012

Planning and consultation timeline

Consultation requires careful planning; allowing sufficient time for stakeholders and partners to respond to consultation will improve the quality of responses. In July 2012 the government published new guidance on consultation principles - this guidance does not have legal force and does not prevail over statutory or mandatory requirements - however, it provides useful advice on the principles of consulting⁴⁵.

In light of the complexity of preventing homelessness strategies, and that the interested parties in any given area will be diverse - it is recommended that local authorities consult on their homelessness strategies for a minimum period of 12 weeks.

Basic principles for successful consultation:

In addition to the considerations outlined above, local authorities may wish to reflect on the bullet points below when framing their homelessness strategy consultation:

- Formal consultation should take place at a stage when there is scope to influence the strategy, the delivery plan and any proposed changes to local service delivery, and should provide adequate time for responses to be formulated to achieve full and meaningful participation across those agencies and individuals being consulted.
- Consultation documents should be clear about the consultation process, what is being proposed within the local preventing homelessness strategy, the scope of the consultation including time frame, and the scope for participants to influence the strategy. Where appropriate, local authorities should highlight any anticipated costs and benefits of specific proposals within the preventing homelessness strategy.
- The consultation should be accessible and targeted at those people it is intended to reach – this may mean the consultation exercise will need to be undertaken across a range of mediums and approaches if it is to be effective.
- Local authorities may wish to consult with the local private rented sector in addition to statutory and voluntary sector partners - the local private rented

⁴⁵ The Consultation Principles Guidance can be downloaded here:

<http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

sector should play a vital role in supporting the local approach to preventing and tackling homelessness⁴⁶.

- Participation in the consultation should not be too onerous for people to be able to fully engage in the process, or so that participating in the preventing homelessness strategy consultation becomes overly burdensome.
- Responses should be collated and analysed carefully, with feedback to participants built in to the consultation process.
- Practical considerations concerning timing of the consultation should form part of the planning process - for example, if consultation will be held over the summer holiday period, or over Christmas, it may be appropriate to extend the length of the consultation.
- Remember, when seeking views on the local preventing homelessness strategy, it is important to seek views of local authority staff responsible for the delivery of existing services, alongside other stakeholders and partners in the local strategic response to tackling homelessness. Involving front line operational staff in framing the strategy should get them to 'buy into' the future delivery plan and understand how their role will contribute to the overall success of the new strategy.
- Review ongoing customer feedback and invite customers' views as part of the consultation process.
- It is important that the consultation is robust and contributes to the local review of homelessness

⁴⁶ See Part 3 of the Homelessness Advisors' "*Working with the Private Rented Sector and Developing a Private Rented Sector Offer Policy*"

Practical considerations

What should the strategy look like?

- Local authorities are encouraged to develop a preventing homelessness strategy that represents a working document that will drive forward improvements to local service delivery and that will be responsive to local needs. In this context, it is important to focus on the delivery plan and minimise any narrative. The published review and consultation results will show the evidential context. The delivery plan must be specific, measurable, achievable, realistic and time-framed (SMART); this will support local partnerships to be clear about by whom, how and when specific plans will be delivered. Make the strategy 'live', meaningful and part of the agenda for every local Homelessness Forum (or equivalent) meeting.
- Consider what the appropriate lifespan of the strategy should be. This may be a decision to take as part of the consultation, or as a result of the outcome of the consultation and homelessness review. Depending on the scale of local priorities, it may be sensible to either develop a strategy with a shorter life than 5 years that will tackle specific key priorities, or to develop a strategy that covers a longer time frame (up to a maximum of 5 years) with all local priorities included, and reviewed on a regular basis (this could be annually or bi-annually).
- Local authorities may consider that in light of ongoing welfare reforms it is sensible to focus on shorter, more focused, strategic plans.
- Section 1(4) of the Homelessness Act 2002 contains the provision that local authorities shall ensure that a new homelessness strategy is published within the period of 5 years beginning with the day on which their last homelessness strategy was published⁴⁷. This means the life of a local preventing homelessness strategy cannot be more than 5 years.
- If the local authority opts to publish a 5 year homelessness strategy, there should be clear and regular mechanisms by which the strategy can be reviewed to ensure that it remains responsive, current and to incorporate sufficient flexibility that plans can be altered to accommodate emerging trends and changes to the national agenda on homelessness.

⁴⁷ S.1(4) Homelessness Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/7/section/1>

- The strategy should identify short term aims, medium term aims, and long term aims. Longer term aims may be more or less susceptible to the changing environment but should be based on key elements of the homelessness review.
- The local preventing homelessness strategy should concern itself with *all* client groups. It should seek to promote the delivery of improved and improving services to both statutory and non-statutory homeless people in the local area⁴⁸. This is vital if the local authority is going to successfully prevent, reduce and tackle rough sleeping, and deliver a local No Second Night Out response⁴⁹. Without focusing on developing a housing options response for all service users the local authority will be unable to meet all 10 “Local Authority Challenges” that have been set out in the “Making Every Contact Count” report, which actively encourages local authorities to develop robust responses to single homelessness⁵⁰ alongside the statutorily homeless.

Who should support the local preventing homelessness strategy?

The Homelessness Act 2002 is very clear that partnership working is important to developing and delivering local homelessness strategies⁵¹.

- s.1(2) requires the Social Services authority for the district of the authority (where that is a different local authority) to give such assistance in connection with the development of the local preventing homelessness strategy as the authority may require.
- s.1(6) requires the Social Services authority to take the homelessness strategy for the district into account in the exercise of their functions in relation to that district.
- s.2(1c) requires that homelessness reviews consider the resources available to the authority, to the Social Services authority for their district, other public authorities, voluntary organisations and other persons involved in the delivery of local homelessness services.

⁴⁸ s.179 Housing Act 1996 “Duty of Local Authority to Provide Advisory Services” – every local authority has a duty to provide advice and assistance relating to homelessness and the prevention of homelessness, free of charge, to any person in their district. <http://www.legislation.gov.uk/ukpga/1996/52/section/179>

⁴⁹ Department for Communities and Local Government published “*Vision to End Rough Sleeping: No Second Night Out Nationwide*” in July 2011 - <https://www.gov.uk/government/publications/vision-to-end-rough-sleeping--2>

⁵⁰ As set out in “*Making Every Contact Count: A Joint Approach to Preventing Homelessness*”, August 2012

⁵¹ Homelessness Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/7/contents>

- s.3(3) suggests the homelessness strategy may include provision for specific action which the authority expects to be taken by any public authority with functions which are capable of contributing to the achievement of any objectives and/or by voluntary sector organisations or other persons whose activities are capable of contributing to objectives. *The inclusion in the local strategy, of provisions relating to other agencies and organisations, requires the approval of the body or person concerned.*
- s.3(5) requires the local authority to consider the extent to which any of the objectives associated with preventing and tackling homelessness can be achieved through action involving two or more bodies or other persons.

The 2017 Draft Code of Guidance for Local Authorities provides further guidance relating to partnership working. Chapter 2 of the code contains detailed information on homelessness strategies and reviews, and this suggests that the homelessness strategy should set out how partners will be involved in all activities taken to prevent and relieve homelessness, and should consider what practical arrangements are needed (for example, joint protocols and procedures) to ensure the continued commitment to joint working to prevent homelessness and improve outcomes.⁵²

“Section 170 of the Housing Act 1996 (“the 1996 Act”) provides that where an RSL has been requested by a housing authority to offer accommodation to people with priority under its allocation scheme, the RSL must co-operate to such extent as is reasonable in the circumstances⁵³. Similarly, s.213 provides that where an RSL has been requested by a housing authority to assist them in the discharge of their homelessness functions under Part 7, it must also co-operate to the same extent⁵⁴. Section 3 of the 2002 Act requires housing authorities to consult appropriate bodies and organisations before publishing a homelessness strategy, and this will inevitably need to include RSLs⁵⁵.”

“The most effective strategies will be those which harness the potential of all the organisations and persons working to prevent and alleviate homelessness in the district, and which ensure that all the activities concerned are consistent and complementary. It will be important for all such organisations to take ownership of the strategy if they strive to help meet its objectives.”

Local authorities should undertake a service mapping exercise across all statutory and voluntary sector partners, as part of the review of homelessness, to inform how the strategy can be effectively delivered in partnership - and to help identify where

⁵² Draft Homelessness Code of Guidance for Local Authorities [2017] – <https://www.gov.uk/government/consultations/homelessness-code-of-guidance-for-local-authorities>

⁵³ s.170 Housing Act 1996 (as amended) - <http://www.legislation.gov.uk/ukpga/1996/52/section/170>

⁵⁴ s.213 Housing Act 1996 (as amended) - <http://www.legislation.gov.uk/ukpga/1996/52/section/213>

⁵⁵ S.3 Homelessness Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/7/section/3>

the responsibility for delivering specific elements of the local delivery plan can be delegated to key partners (or groups of partners).

The Health & Social Care Act 2012 established Health and Wellbeing Boards. Health and Wellbeing Boards have prescribed membership requirements that are set out in s194(2) of the Health and Social Care Act 2012 - however, local boards are free to expand their membership to encompass wide ranging expertise including local housing and homelessness services, and representatives from the voluntary sector⁵⁶.

Section 195 of the Act places a duty on local boards to encourage 'integrated working' for the purpose of advancing the health and wellbeing of the people in its area⁵⁷.

Upper tier local authorities are encouraged to include local statutory homelessness services in the membership of Health and Wellbeing Boards. The local housing authority should undertake to engage local boards in the development and delivery of the local preventing homelessness strategy. This strategy should be delivered in partnership, and will directly contribute to the advancement of health (not least mental health⁵⁸) and wellbeing in the district – it is therefore crucial that the local board is engaged in the strategic response to homelessness across its membership.

⁵⁶s.194 Health & Social Care Act 2012 - <http://www.legislation.gov.uk/ukpga/2012/7/section/194/enacted>

⁵⁷ s.195 Health & Social Care Act 2012 - <http://www.legislation.gov.uk/ukpga/2012/7/section/195/enacted>

⁵⁸ Department of Health mental health strategy "No health without mental health: a cross government mental health outcomes strategy for people of all ages", February 2011, makes a very clear link between poor housing conditions, homelessness and the deterioration in mental health.
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_123766

Statistical links

The NPSS Diagnostic Peer Review toolkit includes a Statistical Compiler that will produce bespoke basic benchmarking reports at the click of a mouse. It can be found and used for free at <https://www.npsservice.org.uk/>

Undertaking desk top statistical reviews can support local authorities and their partners to develop a highly informed perspective on local pressures, trends and services. Statistical analysis can be used to target reviews of specific elements of local responses to understand why there may be performance issues and what could be improved.

Colleagues may find the following web links to some of the most recently published datasets helpful:

- ONS neighbourhood level statistics (demographics etc):
 - <http://www.neighbourhood.statistics.gov.uk/dissemination/>
- ONS Labour Market bulletins:
 - <http://www.ons.gov.uk/ons/publications/allreleases.html?definition=tcm:77-21589>
- Nomis Official Labour Market Statistics Local Authority level search engine:
 - <https://www.nomisweb.co.uk/reports/lmp/la/contents.aspx>
- DoE NEET figures:
 - <http://www.education.gov.uk/16to19/participation/neet/a0064101/16-to-18-year-olds-not-in-education-employment-or-training-neet>
- Home Office Crime Figures – Local Authority Level:
 - <http://data.gov.uk/dataset/local-authority-recorded-crime-data>
- For all DCLG statistics please use this link:
 - <https://www.gov.uk/government/organisations/department-for-communities-and-local-government/about/statistics>
- Forthcoming DCLG statistical release list:
 - <https://www.gov.uk/government/statistics/announcements?utf8=%E2%9C%93&organisations%5B%5D=department-for-communities-and-local-government>
- For P1E homelessness statistics please use this link:
 - <https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/homelessness-statistics#statistical-data-sets>

- For the DCLG live tables on homelessness please use this link:
 - <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>
- For DCLG rough sleeping figures please use this link:
 - <https://www.gov.uk/government/publications/rough-sleeping-in-england-autumn-2011>
- For DCLG prevention and relief of homelessness statistics please use this link:
 - <https://www.gov.uk/government/publications/homelessness-prevention-and-relief-england-2011-to-2012>
- For the latest Council of Mortgage Lenders press release please use this link:
 - <http://www.cml.org.uk/news/press-releases/>
- For the latest Ministry of Justice Court Possession Statistics please use this link:
 - <https://www.gov.uk/government/collections/mortgage-and-landlord-possession-statistics>
- For HCA Housing Statistics please use this link:
 - <http://www.homesandcommunities.co.uk/housing-statistics>