

Piloting the Homelessness Legislation

Flintshire County Council and Shelter Cymru -working together

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Part One: Introduction

Background

The Housing Act Wales (2104) includes the most fundamental change to homelessness legislation since 1977 and has significant implications in how local authorities will be expected to tackle homelessness from April 2015. For example, the Act will place a new duty upon local authorities to help anyone threatened with homelessness within the next 56 days, irrespective of priority need status and local connection to a local authority and a duty to provide help to any homeless person to help them secure a home.

The intention behind the new prevention duty is to try to avoid the negative impacts homelessness has on a person's health, education, employment and social well-being. Furthermore, successful homelessness prevention interventions are not only beneficial to those threatened with homelessness; they also result in direct cost savings for local authorities and other public services.

Local authorities are expected to consider the most appropriate range of intervention, or interventions, on a case-by-case basis, which are deemed most likely to result in a successful outcome. Within the new legislation, there are more decision-making points and subsequently more potential for a local authority to face legal challenges from applicants exercising their right to review decisions.

The Pilot

The pilot aims to produce examples of how this will work in practice and share learning and experiences. From April 2014 the Housing Options Team started to deliver services within the 'spirit of the legislation' by providing a full homelessness prevention service to anyone at risk of homelessness approaching the local authority, irrespective of their priority need status or local connection. A Shelter Cymru worker is now based part time within the team. The team develops case studies illustrating which reasonable steps were taken, what challenges were faced and where necessary agree on when prevention has failed and when a homeless application needs to be taken.

What are the Expected Outcomes?

They are:

- ✓ The team are prepared for changes
- ✓ Services improved through external challenge
- ✓ customers are supported and provided with external advice throughout the process, helping them to address the causes of homelessness and make informed decisions on finding solutions to their housing problem
- ✓ a stronger emphasis on multi agency working
- ✓ Good practice shared with other Local Authorities

What are the Expected Findings and Learning?

- ❖ Evidence of improved customer experience
- ❖ Impact on level of successful outcomes
- ❖ Objective information on the impact on capacity and resources
- ❖ Case Studies to evidence Good Practice and Challenges
- ❖ The experience for staff and stakeholders in terms of culture change and different working practices
- ❖ Impact on homeless prevention performance
- ❖ Learning to share with other Local Authorities

The team will develop a full report at the end of the pilot but were keen to share some early learning from the pilot.

Part Two: Summary of Pilot

Summary of Pilot

Joint interviews undertaken	14
Other referrals from housing options and income team	22
Total cases consulted on to date	36
Total Presentations	552
Homeless Applications	87
Prevention Rate from Closed Cases	88%

Housing Options Demand

2013/14 Qtr 1 & 2 536 people seen	84% prevention
2014/15 Qtr 1 & 2 552 people seen	88% prevention

At the outset of the pilot, we expected that this approach would have an impact on our performance figures as it would be difficult to maintain the same level of prevention when more intense work was being focussed on a wider group of households. The figures above show that this year has seen a small increase in numbers presenting to the Housing Options team and that the high level of prevention activity has been maintained.

It is interesting to note that within the first six months there has been no reduction in the number of homeless applications. It has been important for the team to still acknowledge that there remain some cases that cannot be prevented and homeless applications must be taken. It is reasonable to assume that once this approach is embedded then homeless cases may drop but certainly for a transition period there is additional prevention activity to be carried out and the same pressure managing full homeless cases remains.

The performance figures for the first six months of the year also demonstrate a marked improvement in reducing the time spent in B&B accommodation for families and single households despite there being more homeless households needing to be placed in such accommodation.

Prevention Resources

In preparation for the new legislation, the pilot has sought to quantify the additional time required in preventing homelessness for those who would not be priority need and those with no local connection. Currently, these households would be entitled to advice and assistance only.

Additional Prevention Time – No Priority Need

A review of a random sample of case files demonstrates the average amount of additional time spent on cases which previously would only have been entitled to advice and assistance. An analysis of **one quarter** shows the following breakdown of presentations:

294 Total presentations

114 No priority need

The 114 cases under current legislation would be entitled to 'advice and assistance' which could vary from anything from an hours work in total to a longer period of time assisting with options.

During this quarter, the prevention cases for these 114 (average 9 per week) were open for an average of 45 days. Taking on a full prevention case for this many households within one quarter will require considerable additional resource. The amount of time spent within the period the case is open varies considerably. However, after reviewing cases with Shelter it has been identified that some of the cases offered assistance through the provision of a deposit Bond may be subject to a formal review in terms of 'all reasonable steps' after April 2015.

"We need to be sure that these are not advice and assistance cases packaged as prevention" **Shelter Pilot Worker**

Moving forward, the pilot will explore and challenge further this definition of 'reasonable steps'. However, it is clear that local authorities need to be prepared for additional staff time to be provided.

Additional Prevention Time – No Local Connection

In the same **quarter** there were **17** cases with no evident local connection. It is these cases that have caused some concern for the team. It is also likely these numbers could increase after April 2015.

There were concerns raised by staff about the work with people with no local connection. Flintshire has not advertised widely that it has been conducting this pilot but has still seen an increase in presentations from England. The team feel it is hard to collate the necessary information:

"Local connection can prove problematic regarding verification of circumstances, e.g. cases from Holmes Chapel, Blackpool, etc. Asking another local authority to assist with home visits is unlikely due to their own priorities and staff willingness. There is also the criminal element of local connection which is unknown – reliance on another LA's police force/probation service in order to obtain information, if disclosed at all."
FCC Housing Options Worker

Case Study

CM had no connection to Flintshire and was staying with a friend he knew in the area. His local connection was to the Chester area. He was single and demonstrated no apparent priority need. He approached housing options for assistance. Under current legislation CM would be provided with advice and assistance and signposted back to the area where he has a local connection.

Action: *Prevention case opened and options explored for CM to return to Chester. CM offered a bond and details given for a number of house shares and bedsits on the bond properties board. CM has now secured a room in a shared house and a deposit bond has been paid by Flintshire.*

Outcome: *Individual assisted to find suitable and affordable accommodation where he **wanted** to live.*

Reasonable steps –

- *Given a full prevention case and offered a bond to secure accommodation in the area despite having no priority need status or local connection.*
- *Exactly the sort of case that would not be dealt with under the current legislation.*

Additional Prevention Resource - Prevention Funding

Prevention spend has remained at a similar level to last year. It was expected that this would increase. It is possible that an earlier proactive approach from staff focused upon keeping people in their current homes means there is less demand for homeless prevention spend associated with last minute prevention to move someone to alternative accommodation.

However, it is likely that with the support of the Shelter Worker, the team will pilot more innovative prevention solutions and this will lead to some more case studies and an increase in homeless prevention spend over the next six months.

Areas for Improvement – Prevention at Home

The numbers of households assisted to remain in their own home was 96, which represents 21% of total prevention figures. Enabling an individual to remain at home especially where they have a secure tenure is a more positive outcome than a prevention move to the private sector which would provide less stability. It is hoped that an outcome from earlier intervention is that a household can remain in their current accommodation. However, a large proportion of cases dealt with are Section 21 notices from within the private sector so this remains a challenge. The team will continue to monitor this outturn and aim to increase the number prevented from needing to move.

The main reason for failed prevention over the initial six month period is:

1. **Loss of contact with household** - this may not necessarily mean prevention has failed contact may have been lost due to a person securing accommodation and not requiring assistance anymore. However, it cannot be recorded as a successful outcome.
2. **Homeless Application Triggered** - 56 days passed and a homeless form was triggered. This again does not necessarily signal a failed prevention as prevention activities continue alongside the homeless investigation.

“One of main positives is prevention success rate is very high. I think a number of innovative practices have been utilised and that most people approaching Flintshire for assistance are getting a very good service. I think we have also made great strides in joint working and linking in with other Flintshire departments such as the Income Team in particular.”

FCC Shelter Pilot Worker

Flintshire County Council Income Team

Preventing a household from losing their social housing tenancy is important. This is often the most suitable, secure and affordable option for the household. The first six months of the pilot has seen a closer relationship developed between the Income Team and the wider Housing Solutions Team. Meetings are held at the earliest opportunity to prevent court action wherever possible.

Between April – September 2013:

93 Possession claims were put into court and 44 warrants of eviction applied for. Costs to FCC - £14,140

Between April – September 2014:

37 Possession claims were put into court and 18 warrants of evictions applied for. Costs to FCC - £11,230

The cost savings are low as the cost of applying for possession has risen significantly in 2014. Other factors will impact on the number of possessions and warrants but case files demonstrate the early joint working between the Shelter Worker, Housing Options, Supporting People and the Income Team has contributed to a reduction in evictions when prevention is possible.

Private Sector/ Bond Team

Most people threatened with homelessness lack finance which is the main barrier to re-housing so an effective in-house bond scheme is a vital homeless prevention tool. Over the six month period the Bond Scheme issued 98 bonds worth £30,500.

There is some additional work identified for Flintshire regarding the quality of some Bond properties. However, Flintshire does have a large number of landlords and agents who will accept a Bond and this has proved a really important prevention tool for non priority single cases.

The Shelter worker has noted that other Local Authorities have Bond Schemes but they have limited use and landlords are less keen to work with them. So even with a Bond Scheme in place it is of limited use as a prevention tool if landlords will not accept a bond.

The development of North East Wales Homes (Flintshire's housing company managing properties for landlords) has been in early development over the six month period. We have accommodated a couple of homeless prevention cases where market rents were unaffordable and expect these numbers to grow as the company builds its portfolio. Increasing the availability through the Bond and NEW Homes will remain a priority over the next months in order for Flintshire to have suitable and affordable properties available for when a household cannot stay in their current accommodation.

Welfare Rights and Advice Gateway

Involvement from the Welfare Rights Team and the Advice Gateway hosted by Flintshire Citizens' Advice Bureau continues to be an important part of preventing homelessness. The provision of timely advice and support on welfare benefit entitlements and income maximisation is a key aspect of successful homeless prevention as demonstrated within case files.

Case Studies

The following two case studies recorded during the pilot provides a practical example of how the teams work together to prevent homelessness.

RD is a FCC Council tenant with a secure tenancy. Living at the property with RD is his wife and four dependent children. A Suspended Possession Order was made in 2008. The household had fallen into rent arrears of just over £2,000 due to previous employment on a 'zero hours' contract. RD was receiving no hours during January 2014 to March 2014, and was advised he was not eligible for assistance from the Job Centre as he was being treated as employed and had no proof that he was not earning. RD has now secured a permanent, full-time job as an electrician on the minimum wage and is in receipt of Working and Child Tax Credits and Child Benefit.

FCC applied for a Warrant of Eviction as they were unaware of RD's circumstances. The Income Officer approached the Housing Options team to advise of the eviction due to there being 4 children in the household. RD's case was immediately taken on by Housing Options, Accommodation Support and the Shelter Advisor.

Action: *FCC Welfare Rights team assisted RD to make a Housing Benefit application and submitted a request to have the award of Housing Benefit backdated to January 2014 when RD had nil-income. The Shelter Advisor attended the RD's Court hearing where the eviction warrant was suspended on terms that RD paid his weekly rent plus £5 per week to reduce the arrears. The application for backdated Housing Benefit also reduced the arrears by £867. If backdate request had been unsuccessful, the Housing Options Service had offered to clear a sum off the arrears through the use of their homeless prevention funds.*

Outcome – *RD's homelessness prevented and kept in family home with strong security of tenure. FCC also benefit as arrears have been reduced by £867 and a large family have not had to access expensive temporary accommodation. This is a particularly good outcome in view of new Housing Act and not finding families to be intentionally homeless.*

Reasonable Steps:

- *Specialist advice utilised*
- *Referral to welfare rights to maximise in-work social security income*

- *Homeless prevention fund offer to clear some of the arrears (if HB backdate had been unsuccessful)*
- *Accommodation support offered*

RR is an assured short hold tenant with RSL since March 2014. RR is 19 with very limited life skills. RR has been in the property six months and already on a final warning for anti-social behaviour. There are allegations of friends staying in the property, making threats to other tenants in the buildings and use of weapons in the building. A section 21 is issued by the housing association but not expiring until March 2015 (end of the fixed term.) RR has an intensive support mentor who is of the opinion that RR cannot maintain a tenancy as he has no control over his friends, has a very young mind-set and has also accrued fuel debts as is unable to budget. There are no arrears as tenant receives full housing benefit. Incidents appeared to be escalating as friends now staying with him and housing association in the process of applying to court for an anti-social behaviour injunction excluding him from his home.

Action: *Discussions held with RR, intensive support mentor, housing options, Shelter Worker and the RSL.. All in agreement that the current tenancy is not sustainable; RR is not coping and causing distress to others in the building. Shelter legal opinion sought and advice provided that an injunction very difficult to defend based on evidence on ASB file. This young tenant would then be facing a limited duty from housing options and homelessness. All were aware that this could easily spiral into other problems and issues.*

Decision taken by housing options to refer RR for supported housing that could meet his needs. RR has now been offered a placement in a supported project. The RSL agreed to work with the service and not apply for the injunction for a further two weeks to allow time for the planned move. RR will surrender his tenancy so there are no exclusions from the housing list due to eviction or injunction for anti-social behaviour. The tenant is protected for future housing when he is ready to manage a tenancy independently.

Reasonable Steps and Outcomes:

- *Early prevention undertaken (did not make RR wait until he was homeless or at crisis point)*
- *Move to more suitable supported accommodation*
- *Planned move*
- *Prevented injunction and exclusions which would have rendered RR without options later on.*
- *Homeless Intentionality ignored by the service to achieve the best outcome*

Part Four: Learning and Challenges

A change in culture and working practices

The pilot has seen a change in focus for Housing Options staff from a role that is primarily focussed on the 'assessment' of someone's eligibility and interpretation of legislation to a more proactive role, helping to identify and implement solutions to resolve housing problems. . It is worthy of note that the team felt they did more than provide advice and assistance before the pilot so this was not so much of a major change as may be experienced where a council more strictly follows the current legislation's requirements.

An obvious concern for staff would be everyone's capacity to prevent when this activity will take more time and the need to continue to focus on those who have become homeless. In order to manage, teams need to be open to utilising the assistance that is available from other areas including the triage service, estate management staff, accommodation support, welfare rights, debt workers and social services. Within Flintshire, these teams are based within the same office and have improved their joint working throughout the pilot. However, the 'sharing of responsibility' is a change which Housing Options staff have had to come to terms with.

It is possible that recent training delivered across Wales may have provided mixed messages to staff. This training focussed very much on the legislation and the assessment and decision whereas part of the culture change we are trying to progress in line with the 'spirit of the legislation' is to ignore eligibility and priority needs status and prevent homelessness for everyone.

"Some officers are still concerned about prioritising contacting/ making appointments with traditionally priority cases but are getting better. Likewise, the 'spend to save' pot needs to be seen as a generic pot for all, not just priority cases."

FCC Shelter Pilot Worker

It is evident across wider staff teams that there is a perception of those who are more deserving. The disregard of intentionality and widening from 'priority need' can create frustrations around time spent with households or individuals who then do not follow up on any advice or assistance provided. Wider teams can also become frustrated with the assistance provided to households who they perceive have done nothing to help themselves Some of this frustration for the Housing Options Team is perhaps more prevalent within the pilot as they are unable to discharge into the private sector (without the applicants agreement) and as such struggle to engage those households who will not accept prevention activity, as they only want a council property.

A questionnaire was sent out to staff to ask their opinions on the experience of the pilot and the legislation. The general feedback from Housing Options

staff was that the prevention activity was positive and not concentrating on priority need was positive as this would deliver better outcomes for local people.

“Yes the prevention approach is better for customers. For those authorities who do not already provide this service, customers should be given more option and more choice in making decisions about their housing situation.”

FCC Housing Options Worker

Capacity and Resources

The service has made changes to try and create additional capacity in preparation for piloting the legislation. The team has an additional 0.5 full time equivalent post compared to the same period last year.

The service has also attempted to create additional capacity by changing working practices and team remodelling. A triage service (previously housing application inputting team) started part way through the pilot. This new service model has all telephone calls and face to face enquiries directed to the triage service to provide initial advice and assistance on the same day and appropriately prioritise presentations. It also ensures Housing Options Officers are freed up to work on prevention and managing their homeless cases as opposed to managing phone enquiries. There is always one Housing Options Officer on duty who is passed the triage forms where there is a threat of homelessness. Other cases can be forwarded directly to the Private Sector Team, Bond Service, Support Gateway or Welfare Rights and have their issues dealt with more promptly than awaiting a housing options interview.

This is in the very early days of implementation and the team are not realising the full benefit whilst training and support for the triage team is still required. Once confidence is developed, we expect the triage service to resolve low level housing issues and create the additional time required for the officers.

Forthcoming training provided by Welsh Government will provide a great opportunity for the local authority to train staff from front line services who do not necessary have a direct responsibility for homelessness or the prevention of homelessness. This will give an insight and overview of what is expected from a ‘corporate duty to prevent homelessness’ and how important it is for services to work in partnership to *increase shared learning and make best use of available resources*.

Stakeholder Feedback

An important part of the Homeless Prevention Pilot will be the views and feedback from our customers and stakeholders. There are a range of internal

and external partners working alongside the teams delivering homeless prevention. Stakeholder surveys are being distributed to relevant partners and organisations to seek their views on the pilot and the outcomes. A full report on stakeholder feedback will be included in the final report. However, since starting the pilot we have received some informal feedback from partners.

‘Disregard Intentionality’ - As can be seen from the case studies, Flintshire has disregarded intentionality in a number of cases and in some instances for the same household repeatedly. Social landlords have questioned at what point a line would be drawn and discussed with us the difficulty disregarding intentionality may create in managing tenancies and collecting rents from a few difficult households if the threat of eviction means nothing to them as the Housing Options team would always assist such households and owe them a full homelessness duty. There have been discussions through the pilot about what happens when all opportunities have been exhausted.

‘No Local Connection’ – Flintshire has seen a small increase in inappropriate referrals from across borders (including England). This is with very little promotion that we will assist irrespective of local connection. It is a possibility that some Welsh local authorities with borders with England could see some increases. Staff feedback has also covered the difficulty of managing risk and collecting information.

‘Offenders not a Priority Need Group’ – Concerns raised by statutory and voluntary organisations who deal with offenders about how this will all impact on offenders. Reassurance has been provided about early intervention but it would appear some investment in this area will be necessary come April 2015.

Customer Experience Feedback

We have used a customer experience approach in the past. We will be selecting a number of households who have been through the service over the last 6 months to get an independent view on their ‘customer experience’. These findings will be included in the final report.

We have included customer comments from our routine customer feedback sessions offered to everyone who presents.

Part Five: An Independent Advice Worker in the Team

An important part of measuring the pilot is assessing how this arrangement has worked and whether this can speed up cases, improve customer service and reduce time spent on reviews of decisions.

In the last six months, Flintshire County Council has had only one review of its homeless decisions. A reduced level of reviews will save staff and management time and reduce delays in delivering a clear outcome for customers. There is however the potential for reviews to increase after April 2015 as there are more triggers to request a review within the new legislation. Therefore, any role that may keep reviews at a minimum level will reduce staff and management time and improve customer service.

Having an independent advice worker in the team has been a challenge and feedback from team members was mixed about the arrangement. Staff do appreciate the support and assistance they have received from the Shelter Worker and do feel that they have made better decisions. However, they feel that the role needs to be more clearly defined. The Housing Options Officers and the Shelter Worker felt one of the biggest challenges was maintaining 'independence'.

A number of teams have been able to make use of the 'independent expertise' on site and have been able to engage in meaningful discussion on prevention approaches and reasonable steps. Areas include, trying to 'buy' extra time at court and debating when a homeless application needs to be taken. Discussion and agreement on such issues, after April 2015, could prevent a review being submitted and avoid the additional cost and time responding to a review creates for a local authority (and for advice services). It is clear there is a benefit to the advice and joint work being given on the spot and this has enabled all teams and officers to progress as swiftly as possible to the best outcome.

We believe customers are getting a better service as they are able to see both Housing Options and Shelter on the same day, in the same venue and can leave knowing that something is being done and the advice given by both agencies matches. This can take away some of the worry or concern or time spent dealing with complaints or representations from other parties if the customer is confident that the advice and assistance they have received is correct and fair.

The challenge for the advisor and the team is maintaining that independence and clarity for the customer that the Shelter worker is not a Flintshire employee. Flintshire has seconded the Shelter worker for 21 hours a week for the purpose of the pilot. There is still an external independent Shelter Advice Worker in Flintshire. The experience of the pilot worker is that the work load at times has been high as the post tends to field questions and cases from the Housing Options Team, Bond and Supporting People on a daily basis and in addition now manages Income Team referrals.

"I believe cases are resolved quicker. I believe a lot of the work that I do also helps to reduce the Housing Options workload. This is through early intervention with local authority tenants/ court cases to resolve it thus avoiding the team needing to take it on and adding to their workload or referring out for advice. I hope that by asking for my advice on cases that the correct decisions are also being made, which again reduces the teams workload on reviews. Also, the increased information sharing can lead to a more informed decision."

FCC Pilot Shelter Worker

Part Six: Summary of Early Learning

Early findings from this pilot about preparation for the new Homeless Duty are detailed below. The pilot is in the early stages and there is some additional information that will be collated for future reports.

Prevention through Joint Working:

A clear thread through the cases reviewed is the role played by wider teams in successful prevention. The case studies nearly always include prevention services being delivered within a framework that incorporates a range of social welfare advice and support services. Therefore, a number of teams from the following list need to have strong working links with housing options:

- Debt advice
- Welfare Rights
- Estate management
- Income team
- Children's services
- Bond Scheme/ Private lettings
- Supporting People Gateway

In some cases it is the teams that will assist practically with prevention but in others it is being able to work together to agree actions. Within Flintshire, all the teams above are based in the same building and most within the same office and have built good working relationships. The numbers and additional prevention cases could not have been managed by the Housing Options Team alone.

Staff Resources

The first six months has shown that there is a need for additional staff capacity to manage full prevention cases for those currently owed only advice and assistance. So far in the pilot, there has been additional time spent on prevention for additional cases and we have seen no reduction in the numbers of homeless applications accepted or reductions in numbers in B&B. It is expected that over time this will happen but initially there is a need for more staff time on prevention whilst the same amount of time is still being given to managing homeless cases.

Concerns over the Local Connection Changes

There have been concerns raised about managing cases with no local connection and the risks associated by staff and stakeholders. There seems to be a real risk numbers may increase from April 2015 and the impact this may have on other statutory services.

Positive feedback for Prevention Approach

There will be more work carried out through the pilot but the general feedback is positive about the prevention approach and this providing a better customer service and improved job satisfaction for staff.

Triage Lessons

Learning would be that other Local Authorities set these up as soon as possible so they are up and fully functional and trained ahead of the homeless prevention duty. Investment in this area could form an important part of the transition funding.

Reduce Homelessness

Under the new prevention duty customers can no longer be told to wait until they have court papers/ eviction warrant and the homeless duty kicks in whilst in the interim no work is done to relieve the situation. By doing the prevention work this situation is largely avoided and it is likely that homeless applications will start to drop.

Customer Service

One of the most common complaints from customers threatened with homelessness is the feeling that the service is not doing anything and they become increasingly anxious as they wait for notice to be served or court papers to arrive. Many are left feeling they have to hit rock bottom or an emergency situation before any assistance is offered. Prevention should alleviate these fears as work will be done with them as soon as a notice is issued or they fall into arrears.