



Homelessness Snapshot July 2015

Ten lessons based on emerging findings from Shelter Cymru casework

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Introduction

At the end of April this year, Wales introduced its own distinct way of dealing with homelessness. The Housing (Wales) Act 2014 created new duties for local authorities to help prevent homelessness for anyone who asks for help.

The philosophy of this new approach is based on partnership working with other agencies and with people facing homelessness. The aim is to involve people in designing their own solutions, looking not just at immediate housing problems but also at any underlying issues, intervening early wherever possible to prevent people's situations escalating out of hand.

At the same time the Housing Act created other major changes in the rights of people facing homelessness, by removing automatic priority need for prison leavers, and allowing local authorities to discharge homelessness duties with an offer of private rented accommodation without the consent of the applicant.

Agencies are being encouraged to work together rather than in opposition. Independent advisors are being brought closer into some local authority teams, while social landlords have new legal duties to cooperate in the prevention of homelessness.

These are fundamental changes. Inevitably it will take time to embed new ways of working. However, it is crucial that people facing homelessness should not have to suffer poor service because their housing crisis happens to fall during a period of transition.

This report looks at how services have responded in the critical first two months. It draws on Shelter Cymru casework evidence to define ten learning points to show where things have worked well and where there is room for improvement. Our aim is to highlight good practice and nip poor practice in the bud, to ensure that services are delivered in the spirit of the 2014 Act.

Lesson one: Put the plan in place

We've seen a few examples of local authorities not putting Personal Housing Plans in place or letting people know what steps are being taken to prevent homelessness. But mostly, authorities have embraced the new legislation and are developing plans in partnership with their customers.

We have had really positive feedback from some of our clients. It's clear that people like the Personal Housing Plan approach. Some authorities are going into a lot of detail and the plans are clear and easy to understand. We recommend Pembrokeshire's approach as a particularly good example.

Lesson two: Prevention money can be used in innovative ways

We have seen very positive examples of homelessness prevention money being used to assist people with nowhere else to turn for help.

Many authorities are using their funds to help clear arrears and raise rent in advance. But we've also seen money being used in innovative ways. Some authorities are clearly open to using prevention funds in whatever way is likely to secure a good outcome for the customer.

For example, we asked one local authority to pay the £525 fee for our client to declare bankruptcy and avoid losing her home. Our client had a Suspended Possession Order which was preventing her downsizing to more affordable accommodation, and although she was trying hard to address her arrears they were still growing.

We highlighted what it would cost the local authority if she and her children had to present as homeless, and the authority agreed to pay the fee. The same authority also paid a Debt Relief Order fee to help another family stay in their home.

Lesson three: A stitch in time saves nine

Unfortunately, a few authorities still haven't caught on to the idea that early intervention prevents problems escalating out of hand.

One city authority turned away an individual who had received a Notice Seeking Possession from their privately rented home, telling them they were not homeless or threatened with homelessness. The authority took the view that the person would only be threatened with homelessness once court proceedings had been issued.

One of the main reasons why the Housing Act extended the definition of 'threatened with homelessness' to 56 days was to ensure that authorities didn't do this anymore. By this time, it's usually too late to prevent homelessness and an emergency move is inevitable. It also means that the individual has to pay hefty court fees on top of the costs of the move. This is really poor practice, particularly since all authorities have had training in the new approach.

Lesson four: Listen to people and don't pressure them into accepting unsuitable accommodation

One of our main concerns with the new legislation was that people would feel pressured into accepting accommodation that they didn't agree was suitable. Unfortunately we have already seen this happen.

In one authority in the south, an older disabled woman received a 'no fault' eviction notice from her private landlord. She wanted to go into local authority sheltered accommodation but the local authority offered her a standard six-month assured shorthold private tenancy. Because the authority were paying the bond and rent in advance she didn't feel that she could say no.

Although it was positive that her homelessness was resolved before she ever lost her accommodation, the outcome wasn't what the individual needed. This was a lost opportunity to reach a more sustainable housing solution. We are now working with her to try to increase her points on the waiting list in order for her to get sheltered accommodation.

Lesson 5: Partnership working makes life easier for everyone

It's been a long journey but it seems that most of the various homelessness agencies in Wales are making good progress on working more closely together.

More authorities are consulting our caseworkers in advance of making decisions about what duty is owed to an applicant. One authority called us into their office to discuss whether a particular individual, who was living in a tent, should be considered priority need. Following this discussion the person was offered emergency accommodation, thus avoiding a legal challenge.

Two authorities now have Shelter Cymru caseworkers embedded in their teams and are consulting them regularly in order to ensure they make the right decisions at the outset and avoid difficulties later on.

Carmarthenshire Council has redesigned their services following a Vanguard review and has set up some well linked services in respect of housing advice, mediation, the private rented sector, and independent debt advice provided by Shelter Cymru at the council office. This is enabling the service to help people in a more coordinated and efficient way. The Housing Officers often refer clients to us for independent housing advice, particularly if they have failed to engage with the council and are at eviction stage. This has led to some successful outcomes.

Recently a disabled Carmarthenshire tenant was in arrears due to bedroom tax and not engaging with his support worker. He had literacy issues and had been issued with a possession warrant on his specially adapted home. The day before his court hearing the council specifically asked if we would represent him. He engaged well with us, and we assisted him to apply for Discretionary Housing Payments which significantly reduced his arrears, enabling the warrant to be suspended.

Carmarthenshire Council has recently agreed to refer every tenant who is issued with notice seeking possession to us for independent advice, and is looking at how they can do this.

In a significant move Shelter Cymru, The Welsh Government and the Welsh Local Government Association have agreed a 'National Protocol' setting out the working arrangements between local government and Shelter Cymru advice services.

The protocol provides a framework for local agreements to be developed to maximise the expertise and resources to help people facing or experiencing homelessness. Crucially the protocol sets out expectations over effective collaboration and information sharing while at the same time re-confirming the importance of an independent service and the appropriateness, when necessary, of constructive challenges.

Lesson six: Gatekeeping is supposed to be a thing of the past

Although many authorities have readily adopted new ways of working, some are finding that old habits die hard. Some of our clients have been advised that the local authority doesn't owe them any duty as they are not in a priority need category. In these cases we have stepped in to remind the authority of its new duty to help to secure accommodation. One client was told that the prevention duty didn't apply yet, even though their landlord had obtained a 14 day Possession Order.

These are isolated examples, however, and many authorities have taken on the spirit of the new legislation with enthusiasm. We're hoping that these are nothing more than teething troubles.

Lesson seven: Some social landlords could do a lot more to prevent homelessness

The Housing (Wales) Act created new duties on registered social landlords (RSLs) to cooperate with local authorities in the prevention of homelessness. But what does this look like in practice?

It's been a difficult year financially for landlords as well as tenants, and that isn't good news for homelessness prevention. We recently reported on a 12 per cent rise in social housing possessions during 2014¹.

We know that a lot of landlords are working hard to engage with their tenants and build financial resilience to enable them to avoid homelessness. Some landlords are very good at referring cases to us, particularly when tenants aren't engaging. But at the same time, we can't ignore the bad practice examples that come through our casework. And we're seeing regular examples of some RSLs rushing to court far too quickly.

One major south Wales RSL seems to have got into a habit of taking tenants to court for very low levels of arrears – less than £300 – which lands the tenant with £250 court costs, doubling the debt. The landlord then insists that the tenant pay off the arrears PLUS the court costs within 28 days, or face eviction.

In another case, a mother of two with a mental health condition contacted us for help due to rent arrears possession action. She had already lost her owner-occupied home and was in a starter tenancy with a south Wales RSL. The arrears accrued due to Housing Benefit delays. She still had equity in her owner-occupied home and was waiting for the lender to sell, which would enable her to clear the arrears.

Because of her condition she didn't engage until quite a late stage. However, when she spoke to us we contacted the local authority Housing Options team who provisionally agreed to pay half the arrears. We also obtained proof that the client's equity would clear the other half. The Housing Benefit department confirmed with us that her claim would shortly be reinstated in full.

1. Ministry of Justice possession statistics

We then wrote to the RSL asking them to suspend the possession warrant. Unfortunately though, the landlord was not sympathetic even though we had demonstrated the arrears would be cleared. Our client was evicted and she and her two children ended up in a hostel. This is a terrible outcome for the children who had to endure yet another move and disruption to their schooling.

We think it's worth the Welsh Government looking into cases like these, where RSLs are using 'no fault' section 21 eviction powers for rent arrears in starter tenancies. This denies tenants the chance to defend their actions and their home. If the RSL had gone down a different route, and used discretionary grounds, they could have obtained a suspended possession order and the family could have stayed put. This option is already outlined in Welsh Government guidance² - perhaps it's time to revisit to ensure that RSLs are clear on what best practice is?

Lesson eight: Customer service standards help to drive culture change

One of the key themes of the new Welsh approach to homelessness is the 'person-centred service': listening to customers, treating them with respect, keeping them informed, and working with them as partners in designing their housing solution. This is a pretty fundamental shift of focus compared with the old system.

In January we published the Equal Ground Standard, a tool that we hope will assist local authorities in developing more person-centred services. The Standard was endorsed by the Code of Guidance on the Allocation of Housing and Homelessness:

*'Services should be designed around the needs of users, so that they are accessible, flexible and responsive to the needs of each homeless household. This means that service users should be involved in the planning of services and how they are delivered. The Welsh Government is supporting the development of good practice in this area, including the **"Equal Ground" Standard** developed by Shelter Cymru.'*

Earlier this year we met with 20 out of 22 local authorities to discuss whether they wanted to take the Standard forward. The meetings included members of the Take Notice project, a group of people who have had past experience of homelessness and are now involved in evaluating homelessness services as well as going into communities and changing public mindsets about homelessness.

We felt that the meetings were productive, with authorities showing a good level of enthusiasm for the Standard. Some already have their own initiatives for ensuring they get a service user perspective on their services and others had clear ideas about how they want to improve this area of their practice.

Take Notice members are planning a major evaluation of one authority's service this year, and are also undertaking a number of smaller evaluations of advice letters and leaflets.

Adopting Equal Ground is a multi-stage process and can't be achieved just by signing on a dotted line. However, we're pleased with local authorities' initial responses and we're looking forward to working with them to take this work further.

2. Welsh Government Circular RSL 016/09

Lesson nine: Dealing with prison leaver homelessness just got a lot more complicated

Ever since the Welsh Government first announced its intention to remove priority need for prison leavers, we have been warning of the dangers of removing the safety net without putting the prevention service in place first.

In theory, the new prevention service has the potential to be more effective than the old system, which relied heavily on dealing with homelessness post-release. We know that the Welsh Government has made it a high priority to work with all the different agencies with responsibility for resettling offenders to put in place a pathway for addressing housing issues early on in sentences, as well as 12 weeks prior to release.

The difficulty is that getting the prevention service right relies on many different agencies working in a coordinated way, including the prisons themselves, the Probation Service, local authorities, various support agencies and the Community Rehabilitation Company responsible for resettlement services in Wales. Most of these agencies are currently dealing with a lot of upheaval, and this is not good news for the people who need the services.

We're finding that it is currently very challenging to work with all these agencies during this period of transition. New staff based in one prison have still not had basic training on the Welsh legislation. Referrals from that prison to our Prison Link Cymru service have dropped by around one-third.

Resettlement staff in another prison say they are having significant problems getting local authorities to communicate their decisions on whether they owe a duty to particular prisoners. Authorities are supposed to inform them of the decision ten days prior to release but in many cases this is not happening, which is making it much harder for them to secure alternative accommodation arrangements.

Many prisons are dealing with backlogs and this means that many prisoners are not having their resettlement arrangements put in place in a timely way. We are concerned about how this may affect reoffending rates and levels of rough sleeping.

There is only so much that the Welsh Government can do to influence how all these agencies act. It's a very positive step that the Government has put in place transitional money to help local authorities to accommodate prisoners until the new system is in place. However, local authorities have discretion about whether they do this and in some cases may be reluctant to assist in case it sets a precedent.

One positive step the Welsh Government could take would be to extend the current transitional period until prisoners are able to access the resettlement service within 12 weeks as originally planned, and to ensure that local authorities are clear what the transitional money should be used for.

Lesson ten: It's hard preventing homelessness when other forces work against you

- Bedroom tax is still causing many problems and we are regularly seeing clients who were not in debt before the bedroom tax was applied.
- Universal Credit is causing difficulties for clients who have rent arrears. Deductions are calculated using percentages and can be for more than the court order, which is creating severe financial hardship. We're finding it difficult to get issues resolved as the Universal Credit helpline staff are not always that helpful, giving conflicting information or being unable to answer queries. The delays processing requests mean that some of our clients are having to depend on foodbanks.
- A single mother with five young children was evicted from her RSL home due to arrears caused by benefit sanctions. She didn't have her own computer, so to evidence that she'd been seeking work she had to attend the Jobcentre or library which was extremely difficult while caring alone for her children. On the final occasion her benefit was sanctioned she had been unable to evidence she'd been seeking work during a week when one of her children was off school sick with tonsillitis. She explained this to the Jobcentre but was told that this was of no concern and irrelevant. Since her eviction the local authority has now assisted her to find suitable alternative accommodation in the private rented sector.
- The high level of non-dependent deductions off one client's housing benefit very nearly cost her home. The client and both her children were all in work but on low incomes. The children were already paying their mother £250 a month each towards the bills, but it still wasn't enough. Luckily the local authority managed to find shared accommodation for one of her children, and we are working with her to manage her debts.
- In one south Wales authority, the Council Tax team decided to start court proceedings for only £120 of Council Tax arrears. This added court costs onto our disabled client's debt, which he couldn't afford to pay. We negotiated with the team to get the Court costs waived and arrange a payment plan for the client to avoid enforcement.
- In one west Wales authority, a sudden decision by the Housing Benefit department to review people's claims has caused some considerable distress. In some cases these reviews have led to people's benefit being cancelled or substantially reduced. We have challenged where necessary and managed to get a number of decisions reversed, but it has taken several months of hard work.
- Local authorities' Discretionary Housing Payments budgets are lower than last year, meaning a return to shorter award periods in some areas. This is leading to an increase in arrears, particular for clients subject to bedroom tax. We have submitted several appeals regarding DHP decisions and are awaiting the outcomes.
- Some of our vulnerable clients have been on the 'assessment phase' of Employment Support Allowance for over 12 months. Benefit is paid at the basic rate and individuals have to provide regular sick notes. The assessment phase is meant to last only 13 weeks, but there is a large back-log awaiting medical assessment by ATOS.

This caused one of our clients great financial difficulties and emotional stress. We had to fight hard to get him assessed, and then get the decision reconsidered – but he has now been awarded the correct benefit, is no longer highly anxious and is able to focus on building life-skills with sufficient income to budget.

- Although the DWP are assessing Personal Independence Payment (PIP) claims much more quickly, we are seeing far less generous outcomes. Particularly concerning is the apparent complete disregard of learning difficulties, mental health and Autistic Spectrum conditions. In two recent cases we have seen zero points awarded for anxiety and learning problems and Asperger's. Needless to say, we are seeking reviews of these decisions.

Conclusion

At Shelter Cymru we are in a unique position to monitor how Part 2 of the Housing Act is being implemented. Overall, we have been pleased to see local authorities and other agencies responding well to the challenge of the new legislation – particularly when resources are so tight and demand is so high.

But there's still a lot of work to be done to ensure that every agency plays their part. We are still concerned about transitional problems, particularly for very vulnerable or excluded people such as prison leavers. We're also concerned about applicants who are actually homeless, who need to be in a priority need group to access emergency accommodation – proving priority status may mean that the service they get is more driven by process than by addressing their housing needs.

We will continue to monitor these and other aspects of service provision. We want to hear from anyone with direct experience of how homelessness is being dealt with in practice.

If you'd like to discuss this work further, please contact Jennie Bibbings, Campaigns Manager, at jennieb@sheltercymru.org.uk.

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Registered charity no. 515902

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