

Caught in the Act

A review of the new
homelessness
legislation

April 2020

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EXECUTIVE SUMMARY

Has the Act achieved its aims?

The Homelessness Reduction Act (HRA) was introduced across England in April 2018 as a response to persistent and growing homelessness.

The Act set out to reform the help provided by councils so that it:

- offers help to more people
- is responsive to households' needs
- provides help sooner, preventing people from losing their home in the first place
- and ultimately, reduces homelessness.

We conducted research to monitor the impact of the Act. This included:

- Detailed analysis of Shelter clients' cases who had accessed support under the HRA
- Review of personalised housing plans collected by advisers
- Interviews with Shelter's hub managers
- A survey of Shelter frontline workers
- Analysis of government statistics

Can more people access meaningful help?

The new homelessness duties apply regardless of whether the applicant is deemed to be in 'priority need' (i.e. having a pregnant woman, dependent children or person more vulnerable to homelessness in the household) or 'intentionally homeless'.¹

It is clear that some people, who were previously being turned away, are now being assessed by councils. For example, government statistics show that in 2018/19 85,260 single people were found to be homeless.² This compares with only 13,790 single homeless households in 2017/18.³ This increase suggests that, rather than being told they are not in 'priority need' for rehousing,⁴ single people are being assessed and recorded.

However, our analysis of cases shows that some people are still being wrongly turned away without being allowed to make an application for assistance. Crucially there is evidence that even where people are able to access to help, it is not translating to improved outcomes for all groups. Half (50%) of homeless households are not helped to secure a home.⁵ The majority of these households

¹ The intentionality test excludes people from rehousing if they are deemed to be at fault for their homelessness. This means that households who would be found 'intentionally homeless' at the main duty stage are entitled to assistance through the Act's new duties.

² MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Initial assessments of statutory homelessness duties owed, Table A5R

³ MHCLG, Live tables on homelessness, [Discontinued tables](#), Acceptances and decisions, Table 780

⁴ Dobie, S., Sanders, B., Teixeira, L., (2014) [Turned Away: The treatment of single homeless people by local authority homelessness services in England](#), Crisis

⁵ We have included households for whom the 56 days have elapsed, households the council have lost contact with and households who refused the final accommodation. 40% of households were helped to secure a home and 9% of households were no longer owed a relief duty for various reasons. MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Statutory homelessness relief duty outcomes, Table R1

are likely to be people who could not previously access help.⁶ Indeed, over half (54%) of Shelter advisers didn't feel that the councils they worked with were assisting more single homeless people to find housing.⁷

Do people in need have access to a more responsive and effective system?

The Act aims to “revolutionise the culture in local authorities and housing offices that provide a service”⁸ by creating a system that is more responsive to people's needs. Our research found that there have been some positive changes to how assistance is provided, particularly in terms of how people are being treated by housing officers.

However, some councils are still putting barriers in place that are preventing people from accessing help. This includes overly onerous requests for proof of homelessness and identity, requiring people to make an application online and referrals not being accepted until crisis point (e.g. prison release day). Despite the new duty to provide personalised assistance, almost half (48%) of Shelter advisors surveyed felt that personalised housing plans (PHPs) are rarely tailored to clients' needs.⁹ Many plans fail to recognise people's support needs, and instead provide information about how unaffordable the local area is.

Are people being prevented from becoming homeless?

The Act requires councils to assist households earlier – shifting from imminent homelessness (threatened with homelessness within 28 days) to earlier prevention (threatened with homelessness within 56 days). This has led to the potential for earlier intervention. However, only a fifth (21%) of households threatened with homelessness were able to stay in their existing home. In another fifth (19%) of prevention cases, the assistance failed entirely, and the household became homeless.¹⁰ Our Consultancy Service's audits of housing authorities' homelessness services¹¹ and our review of case notes¹² found that some housing officers are actually continuing to wait until a household has an eviction date before providing help.

Are fewer homeless people stuck in temporary accommodation?

The overall objective of the Act is to reduce homelessness, with a particular focus on reducing the growing number of homeless households provided with temporary accommodation. Although it is early to tell, this form of homelessness has not decreased. Since the introduction of the Act, the number of households living in temporary accommodation has increased by 8% and the number of households provided with temporary accommodation in another area has

⁶ We know that 71% of households found to be homeless under the relief duty are single person households, many of whom would not have been able to access assistance before the implementation of the HRA. MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Initial assessments of statutory homelessness duties owed, Table A5R

⁷ Shelter, Survey of 63 Shelter services staff, online, December 2018 – February 2019

⁸ Hansard, [28 October 2016](#), Volume 616, Column 543

⁹ Shelter, Survey of 63 Shelter services staff, online, December 2018 – February 2019

¹⁰ MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Statutory homelessness prevention duty outcomes, Table P1

¹¹ Shelter Consultancy services carried out six audits of councils' homelessness services. These audits include a combination of file assessments, mystery shopping and/or stakeholder workshops.

¹² In August and September 2019 we carried out analysis of 20 cases to understand the client journeys of people who had been supported by Shelter.

increased by 9%.¹³ The length of time people spend in temporary accommodation has also increased.¹⁴

What are the barriers to achieving outcomes?

The Act has only been in force for two years, and it may be that as housing authorities move out of the initial implementation phase, further cultural change, good practice and innovation will follow.

However, it is clear that the Act on its own is not sufficient to meet the homelessness emergency that England faces. While we supported the legislation, we argued from the outset that legislation alone cannot reduce homelessness. The Act's sponsor, Bob Blackman MP, also acknowledged this, stating: "The Bill does not deal with supply, but that is an important issue. It is clear that we need to increase the supply of affordable homes right across the country."¹⁵

Homelessness will only be reduced when people can keep or find a suitable home they can afford. Our research suggests that the major barrier to the Act succeeding is the lack of access to homes people can afford.

Chronic shortage of social housing

Over three quarters (77%) of housing authorities identified that a lack of access to social housing affects their ability to meet their homelessness applicants' needs.¹⁶ 2019 research for Crisis reinforces this, revealing that very few local authorities believe that existing social housing provision in their area is commensurate with homelessness needs. There are now more than 1.15 million households on social housing waiting lists in England.¹⁷ Many of the PHPs we reviewed refer to the lack of social housing in the local authority area.

Inadequate LHA rates

As a result of this chronic shortage of social housing, many homeless households are advised to look for a private rental. Housing benefit is the most important tool in preventing homelessness, because people being unable to afford a home in their local market is a primary driver of homelessness. Inadequate Local Housing Allowance (LHA) rates mean that private rented housing is inaccessible for many, putting thousands of families at risk of homelessness. In 2019/20 LHA rates did not cover the cost of a modest family home in 97% of areas in England.¹⁸ This means it has been very hard for councils to find homes that people can afford.

In response to the COVID-19 pandemic, the government has taken the decision to restore LHA rates to cover the bottom 30% in every area in line with government policy. Although this is an incredibly welcome announcement, this

¹³ MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Households in temporary accommodation, Table TA1

¹⁴ Local Government Association (2019) [Homelessness Reduction Act: Survey 2018 – Survey Report](#)

¹⁵ Hansard, [28 October 2016](#), Volume 616, Column 543

¹⁶ Local Government Association (2019) [Homelessness Reduction Act: Survey 2018 – Survey Report](#)

¹⁷ MHCLG, [Local authority housing statistics 2018-19](#), Section C – Allocations

¹⁸ Kleynhans, S. Weekes, T. (2019) [From the Frontline: Universal Credit and the broken housing safety net](#), Shelter

change does not cover average rents so many will be unable to pay their rent, and unable to move due to the lockdown, quickly accruing huge debts.

We also welcome the government's announcement to halt all possession proceedings during the COVID-19 pandemic but are concerned that this temporary measure will simply delay a huge number of evictions down the line as people go into rent arrears due to LHA shortfalls.

Conclusions and recommendations

The Act has led to more people being assessed as needing help at an earlier stage. It has been in force for two years, and it is possible that further cultural change and innovation will follow.

However, we continue to see people who have been denied their rights to assistance ('gatekeeping' practices), particularly households who are unlikely to be entitled to rehousing if prevention and relief assistance should fail. More importantly, outcomes remain poor for homeless households.

It is clear that legislation alone cannot reduce homelessness. Our research suggests that the major barrier to the Act succeeding is the lack of affordable homes. The government will only meet its renewed manifesto commitment to "end the blight of rough sleeping"¹⁹ by 2024 if it ensures that people who can't afford their local housing market can access suitable homes. This will require much more social rent housing to be built, which provides a stable home that has low rents linked to local incomes.

Until people can access a home they can afford, people will simply be caught up in the processes of the Act, and homelessness will remain the defining social justice issue of our time. The government will only reduce homelessness by implementing the following recommendations:

Social housing

- The government must commit to building much more social rent housing to provide an affordable, secure home for those who are homeless and others who need it.

Local Housing Allowance

- During the COVID-19 pandemic, Local Housing Allowance (LHA) rates must be lifted, as an emergency measure, to cover average rents (the 50th percentile) across every local market to ensure people do not feel they have to take an unsafe step to move to a cheaper home during the pandemic, and can cover their rents for this period.
- LHA must continue to be recognised as a vital tool to prevent homelessness. Rates must be kept in line with at least the bottom 30th percentile of local rents in every area in perpetuity.
- There needs to be a robust mechanism to keep LHA rates in line with at least the 30th percentile of local rents, regardless of fluctuations in private rents.

¹⁹ The Conservative and Unionist Party, [Manifesto 2019](#), page 30

INTRODUCTION

The Homelessness Reduction Act was introduced across England on 3 April 2018 as a response to persistent and growing homelessness. It is one of the biggest changes to the rights of homeless people in England for 15 years.

The Act places new duties on councils to ‘take reasonable steps’ to help anyone²⁰ who approaches them who is threatened with homelessness or is already homeless, to find accommodation. We support the Act. It entitles more individuals and families to homelessness assistance, requires that help is offered sooner to those threatened with homelessness, expects the help to be tailored to the applicant’s support and housing needs, and gives other statutory agencies a role to play in connecting people with the help they need.

Most importantly, the overall objective of the Act is to reduce homelessness, with a particular focus on prevention and reducing the number of households living in temporary accommodation. We know that more responsive, effective and meaningful help to more people at an earlier stage has been sorely needed and has a critical role to play in ending homelessness.

Every day, our advisers and support workers help individuals and families who are either at risk of homelessness or are already homeless, including those with accommodation that is so unaffordable, sub-standard or overcrowded that it is unreasonable for them continue to occupy it – deeming them ‘homeless at home’.

Our experience also makes us wary of the power of legislation alone to reduce homelessness. The legislation will only be able to help people keep their home or find a suitable alternative if the homes are there to help them into – either cheaper social-rented housing or a stable private rental. Without this, the government will not be able to meet its renewed manifesto commitment to end rough sleeping by 2024.²¹

Until people can access a home they can afford, people will simply be caught up in the processes of the Act, and homelessness will remain the defining social justice issue of our time.

In the first section of this report we assess whether the Act has been able to achieve its desired aims. We find that more people can now access help, including single people and families who would have been found ‘intentionally homeless’. Although more people are being seen and assessed, barriers to accessing homelessness assistance remain and the help provided to homeless households hasn’t really changed. This includes assistance not being adequately responsive to households’ support and housing needs.

Most importantly, outcomes remain poor for homeless households. Only a fifth (21%) of households threatened with homelessness are able to stay in their

²⁰ Eligibility criteria based on immigration status applies.

²¹ The Conservative and Unionist Party, [Manifesto 2019](#), page 30

existing home²² and half (50%) of homeless households are not being helped to find a new home.²³ Despite the intentions of the Act, the number of households living in temporary accommodation continues to increase, as well as the length of time people spend in temporary accommodation.

In the second section of this report we look at why the outcomes of the Act remain poor for homeless households. It is clear that the Act on its own is not sufficient to tackle the homelessness emergency that England faces. Our research shows that the major barrier to the Act succeeding is the lack of genuinely affordable homes. The chronic shortage of social housing, inadequate Local Housing Allowance rates and 'no DSS' discrimination are undermining local authorities' and clients' ability to find a home.

Methodology

This report shares the findings of a six-month multi-method research programme on the operation of the Homelessness Reduction Act (HRA) conducted by Shelter. It includes research with Shelter's frontline services, interviews and focus groups with people who have experience of the Act, and analysis of case notes, audit reports and government data:

- We carried out analysis of 40 cases to produce client journeys. These are maps of homeless clients' experiences whilst they are supported by Shelter.
- Shelter commissioned the independent research agency Groundswell to carry out focus groups and interviews with 18 people who received help under the legislation, including 13 single people and four families with children.
- We reviewed 36 personalised housing plans from 25 different local authorities across six regions.
- Shelter Consultancy services carried out six audits of housing authorities' homelessness services from April to September 2019. These audits include a combination of file assessments, mystery shopping and stakeholder workshops. The audits were carried out in London, the South East, the East Midlands and the North West.
- We carried out interviews with the managers of our twelve Shelter Service hubs. These provided insight into how the Act is being implemented across the country in both cities and more rural areas.
- We received in-depth written responses to a set of structured questions on the processes and impact of the Act from the National Homelessness Advice Service (NHAS).
- We carried out a survey with 63 Shelter advisers to explore their experiences of the implementation of the HRA, including the new duties and whether these have had an impact on client outcomes. The most common job roles of survey respondents were helpline advisers (29%), advice, support and guidance workers (25%) and support or resettlement workers (19%).
- We analysed sources of government data, drawing heavily on the Ministry of Housing Community and Local Government's homelessness statistics.

²² MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Statutory homelessness prevention duty outcomes, Table P1

²³ We have included households for whom the 56 days have elapsed, households the council have lost contact with and households who refused the final accommodation. 40% of households were helped to secure a home and 9% of households were no longer owed a relief duty for various reasons. MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Statutory homelessness relief duty outcomes, Table R1

HAS THE ACT ACHIEVED ITS AIMS?

The Homelessness Reduction Act (HRA) aims to reduce homelessness, with a particular focus on prevention. The government backed the Act because it would 'ensure that more people get the help they need to prevent them from becoming homeless in the first place'.²⁴

The Act set out to reform the help provided by councils so that it:

- offers help to more people
- is responsive to households' needs
- provides help sooner, preventing people from losing their home in the first place
- and ultimately, reduces homelessness.

Our analysis and research have found that the Act has met its aims in the following areas:

- People in need have better access to help
- More homeless people are being assessed and recorded

However, our service hubs report a mixed national picture of improvements to access and the service received:

- Barriers to accessing assistance remain
- Assistance is not adequately responsive to people's needs

And, even where access and service provision has improved, outcomes are poor:

- Prevention assistance is not preventing the loss of the home in the majority of cases
- Many households without a home are not being helped into one at the relief stage
- There has been no reduction in the number of homeless households living in temporary accommodation

In this section we explore the early outcomes of the Act in turn, to assess whether the HRA has been able to achieve its aims.

²⁴ MHCLG, [Government to support new legislation to reduce homelessness](#), October 2016

Can more people access meaningful help?

When the Homelessness Reduction Bill was being considered by Parliament, the Government highlighted that a key reason it was supporting the Bill was because it would “make a real difference” because “it offers support to a much wider group of people who need it than the existing legislation”.²⁵

A major benefit of the Act is that it confers a right to help to a wider group of people. The new prevention and relief duties introduced by the Act apply regardless of whether the applicant is deemed to be in ‘priority need’ (i.e. having a pregnant woman, dependent children or person more vulnerable to homelessness in the household) or ‘intentionally homeless’.²⁶ This means that for the first time, non-priority households, commonly referred to as ‘single homeless’ people, must be helped by local housing authorities.

The prevention duty is also blind to the ‘local connection’ rule. This means that any local authority has a duty to prevent homelessness irrespective of whether the applicant has a connection to the local authority.

More homeless people are being assessed and recorded

At first glance, the Act appears to have improved the service provided to ‘single homeless’ people. Government statistics show that in 2018/19 72,430 single adults without dependent children were owed a prevention duty and 85,260 single adults were owed a relief duty.²⁷ This compares to 13,790 ‘single homeless’ households accepted as being owed a rehousing duty in 2017/18.²⁸

Although these duties are different, and therefore caution should be taken when comparing them directly, the statistics certainly show a big increase in the numbers of single homeless people being told that the housing authority is duty-bound to assist them.

The majority of households (71%) found to be homeless are now ‘single homeless’ households.²⁹ This compares with only around a quarter (24%) of homeless households in 2017/18.³⁰ This is encouraging and shows that the Act is being effective in helping to tackle the problem of ‘single homeless’ people being routinely turned away from local housing offices without any application for assistance being taken.³¹

²⁵ Hansard, [28 October 2016](#), Volume 616, Column 606

²⁶ The intentionality test excludes people from rehousing if they are deemed to be at fault for their homelessness. This means that households who would be found ‘intentionally homeless’ at the main duty stage are entitled to assistance through the Act’s new duties.

²⁷ These figures cannot be combined because some single people may move from the prevention duty to the relief duty if their homelessness is not successfully prevented. MHCLG, Live tables on homelessness, [Statutory homelessness](#), Initial assessments of statutory homelessness duties owed, Table A5P and A5R

²⁸ MHCLG, Live tables on homelessness, [Discontinued tables](#), Acceptances and decisions, Table 780

²⁹ Since the implementation of the Act, ‘found to be homeless’ refers to households who have been owed the relief duty. MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Initial assessments of statutory homelessness duties owed, Table A5R

³⁰ Prior to the implementation of the Act, ‘found to be homeless’ referred to households who had been owed the main duty. MHCLG, Live tables on homelessness, [Discontinued tables](#), Acceptances and decisions, Table 780

³¹ Dobie, S., Sanders, B., Teixeira, L., (2014) [Turned Away: The treatment of single homeless people by local authority homelessness services in England](#), Crisis

There is evidence that this change is also leading to more ‘single homeless’ people coming forward for help. A 2019 survey of local authorities found that two-thirds (65%) saw the Act as having positive impacts for single people by bringing forward more presentations for assistance.³²

The statistics show that single people who were often previously excluded from meaningful help are now being seen and assessed. In some cases, they are being directly accommodated. For example, Shelter services have reported some evidence of transformation in support for these groups. For example, our service hub in the North East reports that a nearby local housing authority now generally ignores the ‘priority need’ test and offers temporary accommodation in nearly every case.

There are similar findings for other groups who now have a right to assistance. Both the prevention and relief duties are blind to whether a household is found to be ‘intentionally homeless’. Both the National Homelessness Advice Service (NHAS) and some Shelter service managers report that some applicants who are in priority need but likely to be found intentionally homeless are now receiving assistance from local housing authorities under the Act. For example, our Dorset hub reports that the main service improvement they have seen is the provision of interim accommodation and relief assistance to intentionally homeless applicants, and this has given some households breathing space to find alternative accommodation.

The new duty to prevent homelessness applies regardless of whether the applicant has a local connection with the local housing authority to which they apply. In other words, if an applicant applies to the London Borough of Westminster, the authority has a duty to assess them and prevent their homelessness even if the applicant has no local connection whatsoever to the borough.

The new prevention duty is clearly having an impact in removing this barrier to assistance. Half (51%) of housing authorities have reported an increase in households being assessed as being owed homelessness prevention assistance even though they have no local connection.³³

Gatekeeping practices remain

However, frustratingly we found evidence that people are still being turned away without help. One adviser reported that ‘gatekeeping’ practices have extended to the prevention and relief duties:

“Front line staff still aren’t aware of how to perform their duties under the HRA – so that clients are still sent away, not provided with basic information or with any practical support. Gatekeeping in my experience has not diminished since the introduction of the HRA it has just changed to incorporate the duties of the HRA.”

Adviser, London

³² Fitzpatrick, S., Pawson, H., Bramley, G., Wood, J., Watts, B., Stephens, M. & Blenkinsopp, J. (2019) [The Homelessness Monitor: England 2019](#). London: Crisis.

³³ Local Government Association (2019) [Homelessness Reduction Act: Survey 2018 – Survey Report](#)

The persistence of gatekeeping practices is most common for ‘single homeless’ people. Some single people we spoke to were still struggling to access services despite the implementation of the HRA, reporting being turned away by the housing office before being assessed.³⁴

“Told me because I am a single person... there is nothing they can do.”

Single man, South West

Shelter advisers often encounter cases where ‘single homeless’ people who are eligible are not being given the opportunity to apply for assistance. As one case we analysed shows, even persistent calls for help can lead to no support, and a refusal to even engage people in the process.

Case study 1: Refusal to assess single homeless case

Shelter supported a single young man who had been street homeless for a month and prior to this was sofa surfing. He had nothing to live on for several weeks as his Job Seekers Allowance (JSA) had been stopped. The young man approached the housing authority 3-4 times a week in search of homelessness assistance. Each time he was sent away with no help and nothing in writing. The housing authority has a duty to relieve his homelessness, but they denied him help.

North East

Gatekeeping practices also persist for households who would be found intentionally homeless at the main duty stage. Some hub managers still see cases where housing authorities are refusing to even accept a prevention or relief duty to intentionally homeless families.

Evidence from our services suggests that some applicants are being denied assistance (‘gatekeeping’) on the basis they have no local connection. In one case we analysed, this resulted in a devastating impact on the help provided to a household in need.³⁵

Case study 2: help denied on the basis of local connection

Shelter supported a family who were threatened with homelessness but denied assistance due to being deemed as having no local connection. The woman and her three children were passed between two housing authorities – both refusing to accept a homelessness duty because they believed the family had applied to the other housing authority first. The family were due to become homeless in three weeks’ time and should have had ‘reasonable steps’ taken to prevent their homelessness, yet they were left without help.

London

³⁴ Shelter commissioned the independent research agency Groundswell to carry out focus groups and interviews in London, the South West, the West Midlands and the North East. These were carried out in September 2019.

³⁵ In August and September 2019 we carried out analysis of 20 cases to understand the client journeys of people who had been supported by Shelter.

Recommendation 1:

We recommend that the Homelessness Code of Guidance should be strengthened so that there is an expectation that the authority to which the applicant applies should still carry out an assessment and provide a brief, initial plan detailing this and what steps will be taken next, before referring back to the authority where there is a local connection. If the receiving authority does not provide a plan, but only refers back to the local connection authority, the applicant may be unclear as to what will happen next, or how they might cooperate, and risk being passed from pillar-to-post.

More homeless people are being processed but outcomes remain poor

Even where more homeless people are being seen and assessed (i.e. processed), this does not necessarily mean they receive meaningful help. There is stark statistical evidence that access to assistance is not translating to an improved outcome for all groups.

In the last year half (50%) of homeless households left the new relief duty without being helped to secure accommodation. This means that over 68,000 households either left the system without being helped to secure a home or were accommodated under the main rehousing duty, which predated the Act.³⁶ Although this figure refers to all households, the majority of these households are likely to be people who could not previously access help.³⁷

Only two-fifths (40%) of homeless households were helped to secure accommodation for at least six months and 9% of homeless households were no longer owed a duty for various reasons, including no longer being eligible due to immigration status, or becoming 'intentionally homeless'.³⁸

Reason relief duty ended	Number of households whose relief duty ended	% of households whose relief duty ended
Secured accommodation for at least 6 months	55,490	40%
56 days elapsed	49,570	36%
Contact lost	17,370	13%
Withdrew application / applicant deceased	8,140	6%
Refused final accommodation	1,650	1%

³⁶ We have included households for whom the 56 days have elapsed, households the council have lost contact with and households who refused the final accommodation. MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Statutory homelessness relief duty outcomes, Table R1

³⁷ We know that 71% of households found to be homeless under the relief duty are single person households, many of whom would not have been able to access assistance before the implementation of the HRA. MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Initial assessments of statutory homelessness duties owed, Table A5R

³⁸ We have included households who withdrew their application or died, those who are no longer eligible, those who had a local connection referral accepted by another local authority, those who became intentionally homeless from accommodation provided and those who received a notice due to refusal to cooperate.

Reason relief duty ended	Number of households whose relief duty ended	% of households whose relief duty ended
No longer eligible	1,630	1%
Local connection referral accepted by other local authority	1,260	1%
Intentionally homeless from accommodation provided	1,230	1%
Notice served due to refusal to cooperate	510	0%
Not known	200	0%
Total not helped to secure accommodation	68,590	50%

Table 2 The outcome of the relief duty ending, October 2018 to September 2019³⁹

This is particularly the case for ‘single homeless’ people. Over half (54%) of Shelter advisors surveyed felt that housing authorities were not helping more single people to find housing.⁴⁰ Our service hubs report that, while in some areas single people are receiving more attention sooner, in others the advice given to many ‘single homeless’ people has not significantly changed since before the Act was implemented. Applicants continue to be given a list of local letting agents, many of whom – upon enquiry – say they don’t accept housing benefit claimants.

For example, our London hub reported that while authorities are taking applications for assistance, applicants are told to look for a private rental, and to come back in three weeks, with the personalised housing plan simply advising them to take steps to find a private rental.

Many intentionally homeless families continue to see poor outcomes. Our survey of advisers found that the majority (59%) did not think that councils are housing more intentionally homeless families.⁴¹

Although more people can now access homelessness assistance and are being processed by local housing authorities, gatekeeping practices have extended to the new duties and outcomes remain poor for homeless households.

³⁹ MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Statutory homelessness relief duty outcomes, Table R1

⁴⁰ Shelter, Survey of 63 Shelter services staff, online, December 2018 – February 2019

⁴¹ Shelter, Survey of 63 Shelter services staff, online, December 2018 – February 2019

Do people in need have access to a more responsive and effective system?

The Act aims to “revolutionise the culture in local authorities and housing offices that provide a service”⁴² by creating a more responsive system, providing more personalised help and encouraging local partnership working.

A key way that the Act attempts to foster this is by encouraging culture change within local authorities so that homelessness services are responsive to people’s needs, rather than focused on rationing services. In other words, a move towards a “how can we help?” culture rather than “can you prove that you qualify for rehousing?”.

Another way that the Act attempts to make assistance more responsive is through a new duty for councils to properly assess the causes of homelessness of everyone seeking help, and to work with them to develop a personalised plan of the steps that will be taken to prevent or relieve their homelessness.

Finally, a new ‘duty to refer’ has been created to encourage more effective partnership working between councils and specific public authorities, such as prisons, social services, and Jobcentres. They are now required to refer people who they think may be homeless or threatened with homelessness to the local authority homelessness service.

We support the emphasis on culture change on the basis that it seeks to create more responsive and effective homelessness services. We evaluated whether these new duties and provisions are having the desired effect.

People are being treated better

There has generally been some culture change in how people are treated when they approach homelessness services. Shelter Consultancy Services audited the statutory homelessness assistance provided by six local authorities.⁴³ They found that advisers were often empathetic and helpful. It was common for mystery shoppers to experience empathy, very good listening skills and overall professionalism, particularly when making an enquiry by telephone.

There are still barriers to accessing help

Although the ethos of the Act is supposed to be “how can we help?” rather than “can you prove that you qualify for rehousing?”, our research identified that some people are still experiencing barriers in accessing homelessness assistance.

Our research participants talked about having to go to great lengths to prove their identity and homelessness status. As one woman told us:

“After bringing in my documents, like my passport and my medication I’m taking. And how many addresses where I used to live before. And loads of papers. Bring in my

⁴² Hansard, [28 October 2016](#), Volume 616, Column 543

⁴³ Shelter Consultancy services carried out six audits of councils’ homelessness services. These audits include a combination of file assessments, mystery shopping and/or stakeholder workshops.

doctors' details. Other organisations, my mental [health] and all the organisations I attended... For them to see that I am actually telling the truth."

Single woman, West Midlands

These barriers risk restricting access to help for people in need. For example, one man had been asked to provide a birth certificate in the assessment and did not have the means to purchase it. This meant he didn't return to the housing office and continued to be street homeless.

"They asked me for a birth certificate and how to get one. How I am supposed to get £30 to pay for a piece of paper... They wouldn't let me register homeless because I hadn't got a birth certificate."

Single man, West Midlands

Some examples we came across showed a worrying level of inflexibility. For example, in the case profiled below, the council acknowledged the applicant's situation, but refused to accept take his application and conduct an assessment unless he provided a document, which he was unable to. This is despite the Act requiring authorities to provide assistance if they have a 'reason to believe' an applicant is threatened with homelessness.

Case study 3: Gatekeeping by requirement of evidence

Shelter supported a young single man who sought homelessness assistance from a London borough after he was told by the housing office that he must leave the home that he was subletting because the tenancy was going to be terminated. He needed to find alternative accommodation but had no money for a deposit. The housing authority did not accept his homelessness application on the basis that he needed to provide 'proof of homelessness' in the form of a possession notice.

However, the housing office would not provide the applicant with a possession notice because he was not the legal occupant of the flat. Even when the local authority was questioned by the Shelter adviser about early prevention under the HRA, the applicant was told he was not owed a duty. The applicant was stuck in a Catch 22 – the housing office would not provide him with a notice while at the same time, homelessness officers refused his homelessness application due to there being no 'proof of homelessness'.

London

This includes the persistence of digital gatekeeping

In some local authority areas, we are seeing people being frustrated in their attempts to seek timely and personalised assistance because they cannot see an officer in person or by phone until they have made an online application.

Online portals have grown in use over the last decade, especially as a means to triage cases. Shelter hub managers report that since the introduction of the HRA, several authorities have moved towards online applications. In our view, they can constitute a breach of the legislation. At the very least, they can place another

barrier between an applicant and the help they need and can be at odds with the “how can I help?” spirit of the Act.

Applicants to one London borough reported to us that when they presented at the housing options office, they were met by banks of computers and security staff. The environment was immediately hostile, and there was very little human guidance and assistance at such a distressing and worrying time.

Our West Midlands Service hub reports that the ‘digital by default’ requirement to apply online creates barriers for service users who don’t speak good English or have literacy problems. This means that they are likely to struggle with online forms and therefore need an advocate to assist them. Our North West hub has also seen the use of online portals act as a huge barrier for clients.

As one case we saw shows (see below), very vulnerable people have faced an increased risk of street homelessness as a result of requirements for an online application.

Case study 4: Digital gatekeeping

Shelter supported a couple where the woman was 6 months pregnant. They had been asked to leave their friends’ house and had nowhere to go.

They presented to the housing authority but were told they could not be assisted because they had not completed an online application form. They completed the online form and returned to the housing office, but the offices were closing, and the authority refused to assist. It was only following our intervention that social services provided accommodation that night.

London

Recommendation 2:

The Ministry of Housing Community and Local Government (MHCLG) should strengthen the guidance to recommend that it is not satisfactory for an authority to restrict access to its homelessness services, for example, by the use of an online portal. A face-to-face service, or at the very least a telephone service, for applications should always be available.

Assistance is not adequately personalised

The new duty to provide personalised assistance seeks to encourage local housing authorities to be more responsive to clients’ specific needs and circumstances. Not only are authorities required to provide personalised advice, they are required to document it in a personalised plan (often referred to as personalised housing plans).

In 2017, to assist local authorities in implementing this new duty, we published the recommendations of an expert panel of homelessness service users on how

housing authorities should conduct assessments and provide personalised plans.⁴⁴

While some housing authorities have worked hard to develop a personalised service, we've found that many local authorities are still struggling to provide more person-centred homelessness assistance. Shelter Consultancy Services found that advisers didn't always ask about specific household circumstances, such as tenancy type, support needs and housing history, including the causes of homelessness.⁴⁵ Advisers tended to assume that an applicant had an assured shorthold tenancy and in some cases the tenancy status was not explored sufficiently to give the right advice.

The lack of personalised assistance was most apparent in the content of the personalised housing plans (PHPs) that our service users have shown to us and we've analysed. The legislation requires that PHPs must be tailored to the specific circumstances and needs of the applicant's household. But almost half (48%) of Shelter advisors surveyed found that PHPs are rarely tailored to clients' needs.⁴⁶

We reviewed a sample of 36 PHPs from 25 different authorities across England. The results were disappointing. Many provided generic advice that is not tailored to the individual needs of the applicant.

For example, a PHP for an applicant who has a complex medical history with experience of street homelessness made no reference to this medical history, or any of the support services they were in contact with. Several PHPs stated 'no support needs identified' when applicants had diagnosed mental health issues.⁴⁷ As the case below illustrates, the failure to properly assess personalised needs and circumstances can undermine the effectiveness of homelessness assistance.⁴⁸

Case study 5: poor PHP and lack of personalised assistance

Shelter supported a single homeless woman in her 50s with mental and physical health problems. She was also dealing with the recent loss of her mother. She'd lived in the same home for 22 years, but the landlord had issued possession proceedings. She had a care coordinator and support worker. When she went to the local housing authority and was assessed as threatened with homelessness, she was given a PHP. It concentrated on finding a private rental and didn't recognise that she needed support and had a mental health coordinator.

South East

⁴⁴ Garvie, D. (2017) *"It's a personal thing" What service users need from assessments and personalised housing plans - Homelessness Reduction Act 2017*, Shelter

⁴⁵ Shelter Consultancy services carried out six audits of councils' homelessness services. These audits include a combination of file assessments, mystery shopping and/or stakeholder workshops.

⁴⁶ Shelter, Survey of 63 Shelter services staff, online, December 2018 – February 2019

⁴⁷ Shelter Consultancy services carried out six audits of councils' homelessness services. These audits include a combination of file assessments, mystery shopping and/or stakeholder workshops.

⁴⁸ In August and September 2019 we carried out analysis of 20 cases to understand the client journeys of people who had been supported by Shelter.

Some personalised housing plans we reviewed appeared to have been designed as an information leaflet rather than a way to assist people in need. It was common for a PHP to include a paragraph (and in some cases a diagram) explaining that the applicant is neither likely to receive an offer of social housing, nor be able to afford a private rental in the area because of inadequate Local Housing Allowance rates, so must therefore be prepared to move out of the area. Others simply told households ‘to look for private rented accommodation’.

If you become homeless, it is likely we will have to assist you to find accommodation in the private rented sector. It is difficult to find affordable accommodation in the borough because rents are high in [REDACTED] and housing benefit may not cover the rent.

As an example, the below diagram demonstrates the shortfall between the rent for a one-bedroom flat and the Local Housing Allowance

Allowance (maximum Housing Benefit):

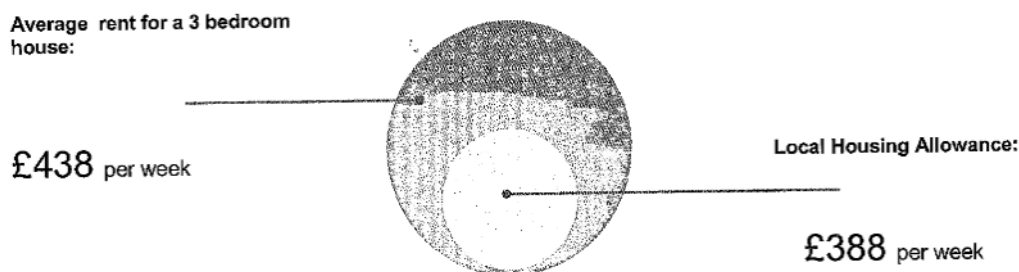


Figure 1 A personalised housing plan showing the shortfall between Local Housing Allowance rates and average private rents in a London borough

Our findings of a lack of personalised advice are supported by the Bureau of Investigative Journalism, which also found that many PHPs do not contain personalised information or advice.⁴⁹ One PHP laid out the steps the housing authority will undertake as:

“Provide you with the link to spareroom.com; Provide you with the link to the Rightmove website; Provide you with the Local Housing Allowance Factsheet.”

Effectively, some councils are using the PHP to inform people that they have little chance of a suitable home in the area, even with the assistance of the homelessness legislation. The advice provided to an applicant who has had to turn to the council for help is ‘find your own accommodation’. This reveals a total failure of housing policy to protect homeless people.

Some improvements to partnership working

Another key aim of the Act is to encourage partnership working between local authority homelessness services and other public bodies. The duty to refer requires specified public bodies, such as the NHS, to refer service users who they think may be homeless or threatened with homelessness to local authority

⁴⁹ McClenaghan, M. and Maher, C. (2019) [Locked out: New homelessness law brings delays, denials and dead ends](#), Bureau of Investigative Journalism

homelessness or housing options teams.⁵⁰ The aim of this new duty is to ‘help to ensure that services are working together effectively to prevent homelessness’.⁵¹

We found that some housing authorities have developed effective referral mechanisms with local public authorities. The National Homelessness Advice Service (NHAS) reports that some local authorities accept a simple referral with basic information, and then expect housing staff to conduct an assessment.⁵² Our South West hub reports that some public bodies have responded well to the duty, including a focus on staff training.

Challenges remain with the ‘duty to refer’

Other evidence from our services highlight problems with the implementation of the ‘duty to refer’ which limit its effectiveness. These challenges show that the new duty is not always helping to provide support that is more responsive to peoples’ needs.

Firstly, not all relevant public bodies are covered by the duty, including three key bodies: the police service, schools and colleges, and GP practices.⁵³ This is a significant oversight because these services regularly deal with people who are either already homeless or threatened with homelessness.

For example, our research shows that schools are often very aware of homelessness and housing problems because it often affects children’s ability to learn. Teachers also expressed that they often feel unsure of how to respond in this situation – giving even greater impetus to them being brought into a referral mechanism.⁵⁴

There is also evidence that GPs spontaneously identify housing issues when discussing factors involved in their patients’ mental health presentations.⁵⁵ A ‘social prescription’ of housing advice to prevent homelessness can be cost-effective for the NHS by treating the underlying cause of the health problem, reducing the need for medication to treat its symptoms.

We recommend that the duty to refer should be extended to other key agencies:

- Police services
- Schools and further education settings
- GP practices
- Secondary health care provision
- Community health care provision, including community mental health
- Social housing providers including housing associations
- All teams within DWP (e.g. Troubled Families) rather than just Jobcentre Plus

Even among the public authorities covered by the Act, knowledge of the duty to refer can be poor. One of the biggest problems appears to be referrals from the

⁵⁰ [Homelessness Reduction Act 2017](#), Section 10

⁵¹ MHCLG, [A guide to the duty to refer](#), September 2018

⁵² See Appendix I

⁵³ Although GP practices are not public bodies, legislation could be brought in which would effectively bring them under this duty.

⁵⁴ Kantar Public (2017) [Impacts of homelessness on children – research with teachers](#), Shelter

⁵⁵ McPhillips, M. (2017) [Research: The impact of housing problems on mental health](#), Shelter

NHS. Pathway reports that in many hospitals, staff are completely unaware of the Act and have no performance objectives to make referrals.⁵⁶ This can lead to huge costs to the NHS in the form of repeat A&E admissions and bed-blocking.

We found evidence that there are a number of problems with the duty on public bodies to refer applicants to the housing authority. These include:

- Insistence on standard forms and procedures
- Onerous amounts of information required
- Referrals not followed up
- Referrals not accepted until crisis point (e.g. prison release day)
- Unsuitable offers putting people off giving their consent⁵⁷

Although MHCLG guidance states that agencies can refer in any manner they wish⁵⁸, housing authorities often require them to be made using their own standard form, which is frequently online. This can cause problems for prison services, which have to make referrals to many different local authorities and struggle to keep track of which form to use. Our Transforming Rehabilitation (TR) Services in the North West report major problems. Our Humberside, Lincolnshire and North Yorkshire TR Service reports that after local authorities spent several months designing local protocols, they finally made headway, although they rarely see clients receiving a PHP in response.

Our service hubs report that some housing authorities insist on detailed mental health reports, but referring organisations are unable to persuade mental health teams to make an assessment or experience long delays. Meanwhile applicants' needs are neglected.

There is also a concern that referrals are not followed up. NHS staff have reported to NHAS that when staff have attempted to make referrals, on several occasions they have been told that there was nothing the housing authority could do. They subsequently had lost confidence in the referral system.

Sometimes the referral is not accepted until crisis point. One very concerning example is local authorities waiting until a prisoner's release day to make an assessment and start to offer help. Some of our prison services report that, although they make a referral as soon as they are aware that the applicant is threatened with homelessness (i.e. their release is likely to be within 56 days), the housing authority will not accept an application or attempt to assess until the applicant has been released and can present in person. By this time, the applicant is usually facing street homelessness. NHAS confirmed that prison services have also reported this to them.⁵⁹ This can have a devastating impact on outcomes, as one of our research participants testified.⁶⁰

⁵⁶ <https://www.pathway.org.uk/services/>

⁵⁷ The duty to refer requires the applicant's consent before public bodies can make the referral.

⁵⁸ MHCLG guidance, *A guide to the duty to refer*, paragraph 8.1

⁵⁹ Shelter advisers work on behalf of probation providers in Merseyside, Cheshire & Greater Manchester, Cumbria & Lancashire, Humberside, Lincolnshire & North Yorkshire and Northumbria as part of the Ministry of Justice's Transforming Rehabilitation programme. We help clients to find a home or to keep the place they already have, working with them to sort any finance and debt issues, and helping them to find accommodation and access benefits.

⁶⁰ Shelter commissioned the independent research agency Groundswell to carry out focus groups and interviews in London, the South West, the West Midlands and the North East. These were carried out in September 2019.

Case study 6: problems with duty to refer

“They told me at the reception [in prison] when you get released there will be an address for me to go to. I got my release, there is no address. No fixed abode and sent out [of prison].”

Single homeless man, West Midlands

There is even worrying evidence that the new duty is being used to deny people statutory assistance (by ‘gatekeeping’ services), rather than, as intended, promote them and make them more accessible. NHAS have received several calls from social services departments concerned that housing departments are using the duty to refer to deny help to care leavers and other young people, by stating they will not take a homeless application until their duty to refer procedure has been followed. This needs further, careful scrutiny to ensure that provisions designed to open up access to system are not having the opposite effect.

The duty to refer requires the applicant’s consent. This means it’s important that applicants have trust in the service helping them to find suitable accommodation, otherwise there is less chance they will consent. NHAS report that some prison resettlement officers find applicants are cynical about their prospects of being helped into suitable accommodation, believing they’ll only be offered a chaotic hostel on their release. Some have even suggested that they may reoffend to re-enter prison so they will feel safe.

This shows that the lack of suitable housing options can undermine joint working and the ability of local housing authorities to provide timely, preventative support that is responsive to personal needs. Even if the referral process runs smoothly, the lack of suitable housing options means that applicants will have no faith in the service and outcomes will remain poor.

Recommendation 3:

Extend the duty to refer to additional key agencies, such as the police, schools and colleges, and GP practices, which tend to pick up early whether people are homeless or at risk of homelessness.

Recommendation 4:

We recommend that the NHS is required to provide training on the Act to staff, including receptionists, and that the duty to refer is included within their staff objectives and data collection. If objectives are set, there is much more likelihood that local protocols will be developed.

Are people being prevented from becoming homeless?

Another key aim of the Act is to ensure that ‘more people get the assistance they need to prevent them from becoming homeless in the first place’.⁶¹

When introducing his Bill as private member’s legislation, Bob Blackman MP said, “The sad fact is that when someone is threatened with homelessness and goes to their local authority they will as likely as not be told, ‘Go home, wait until the bailiffs arrive and come back when you are literally on the streets’”.⁶²

The Act is intended to stop this from happening by requiring local authorities to intervene earlier to prevent homelessness. The Act has shifted the point at which they must assist from the point of imminent homelessness (within 28 days) to earlier prevention (within 56 days). Furthermore, the statutory guidance encourages authorities to offer assistance to applicants who are threatened with homelessness but not within 56 days, rather than delay providing assistance which may be effective in preventing homelessness.⁶³ This means that renters served with a no-fault eviction notice (section 21 notice), which expires in two months, should receive help as soon as the notice has been served.

The statutory guidance states that, where an applicant is threatened with homelessness, the first option to be explored should be enabling the applicant to remain in their current home, where suitable.⁶⁴ In many areas, if people lose suitable housing, especially if it is permanent social housing, it can be very difficult to find a suitable alternative, for example in the private rental market. So, helping people to keep their existing home is very important and avoids the need for costly and unsuitable temporary accommodation further down the line.

Some authorities are making more efforts to prevent homelessness

We found evidence of some improvements in the way housing authorities are delivering services to prevent homelessness. For example:

- Our Greater Manchester hub reports that authorities are making better use of Discretionary Housing Payments to clear arrears and prevent eviction.
- Our Devon hub reports that one authority has re-designed its team around being proactive in preventing homelessness, including home visits to people who are at risk of homelessness.
- Our Thames Valley hub reports that, where the local authority is likely to have a duty to rehouse if the household becomes homeless, the Act has resulted in them being more proactive in negotiating with landlords, for instance by offering hardship payments to prevent repossession or eviction. In one case, this had resulted in an applicant who had been evicted by a social landlord being allowed back into the property. This is something they had not seen previously, and they believe it would never have happened before the Act.
- NHAS report that some housing authorities are taking the good practice approach of assisting applicants with an invalid section 21 notice (i.e. where

⁶¹ MHCLG Press Release, [Government to support new legislation to reduce homelessness](#), October 2016

⁶² Hansard, [28 October 2016](#), Volume 616, Column 540

⁶³ MHCLG, [Homelessness code of guidance for local authorities](#), paragraph 12.2

⁶⁴ MHCLG, [Homelessness code of guidance for local authorities](#), paragraph 12.4

the prevention duty is not triggered but the landlord clearly wants to gain possession).

Most households are not being helped to stay in their home

The starkest finding from our analysis is that the Act is not helping to keep most people in their homes. In the last year, only a fifth (21%) of households threatened with homelessness were able to stay in their home.⁶⁵ This means that in four out of five cases where people are threatened with homelessness, they are not helped to keep their home. Although it may not always be appropriate to remain in an existing home, only just over a third (37%) of cases were helped to find alternative accommodation. In another fifth (19%) of prevention cases, the assistance failed entirely, and the household became homeless.⁶⁶

Shelter's audits of housing authorities' homelessness services also found evidence that people are not always being helped to stay in their homes.⁶⁷ In several of the mystery shopping scenarios, prevention was only considered in the context of finding alternative private rented accommodation and by registering for social housing. There was very limited consideration of negotiating with the landlord to help people stay in their homes.

There is also worrying evidence that some of these households might not have had their homelessness prevented in a sustainable sense. Shelter hub managers have seen cases where households have been advised to stay in accommodation which it is unreasonable for them to continue to occupy. In many of these cases there are shortfalls between their housing benefit and the rent. This puts applicants at risk of accruing rent arrears and/or other debt or cutting back on essentials in a way that isn't sustainable. This is not successful prevention, as most of these households will remain at acute risk of homelessness.

Where there are shortfalls between the Local Housing Allowance (LHA) and the rent, local authorities have only limited scope to prevent homelessness. They can provide a discretionary housing payment (DHP) to bridge the gap, but it's rare that local authorities provide on-going DHPs – they are usually time-limited to allow the applicant to find time to move, even though there may be no suitable homes available within the LHA rate.

The problem is national housing benefit policy, which is undermining local attempts to prevent homelessness. Consequently, many local authorities feel that the Act has not made a difference to their prevention work. Only 46% reported that the Act prompted more effective homelessness prevention work.⁶⁸ Likewise, almost half (48%) of Shelter frontline workers surveyed felt that they have not seen a change in housing authorities assisting people earlier.⁶⁹

⁶⁵ MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Statutory homelessness prevention duty outcomes, Table P1

⁶⁶ MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Statutory homelessness prevention duty outcomes, Table P1

⁶⁷ Shelter Consultancy services carried out six audits of councils' homelessness services. These audits include a combination of file assessments, mystery shopping and/or stakeholder workshops.

⁶⁸ Fitzpatrick, S., Pawson, H., Bramley, G., Wood, J., Watts, B., Stephens, M. & Blenkinsopp, J. (2019) [The Homelessness Monitor: England 2019](#). London: Crisis.

⁶⁹ Shelter, Survey of 63 Shelter services staff, online, December 2018 – February 2019

The government must continue to recognise LHA as a vital tool in preventing homelessness, and must maintain the rates in line with the bottom third (30th percentile) of local rents.⁷⁰

The Act is yet to root out perennial issues

A major problem before the implementation of the Act was that renters served with a valid repossession notice (e.g. section 21 notice) were usually advised to return to the local authority once they had an eviction date, wasting time in the interim to assist with saving the existing home or finding a suitable alternative. For our services users, this was a major priority for change under the Act.

We therefore supported the statutory guidance, which recommends that it is unlikely to be reasonable for the applicant to continue to occupy their home beyond the expiry of a valid section 21 notice, unless the housing authority is taking steps to persuade the landlord to allow the tenant to remain for a reasonable period until alternative accommodation can be found.⁷¹

We strongly recommended that if housing authorities continued to flout this guidance, the Government should commit to statutory regulations on whether it is reasonable to occupy beyond the service of a valid Section 21 notice.⁷²

Despite the new legislation and guidance, we found evidence that some officers are still delaying intervention and waiting until an applicant has been evicted before assisting, rather than trying to negotiate with the landlord to keep them in their existing home or take immediate steps to find a suitable alternative.

Shelter's audits of housing authorities' homelessness services uncovered several examples of persisting poor practice.⁷³ Our review of case notes also uncovered many examples of inaction, and of the housing authority waiting until the applicant was evicted. This resulted in real, and possibly avoidable, hardship to homeless families.

Case study 7: no attempt to prevent eviction and homelessness

The applicant presented to the housing authority with a valid section 21 notice, but the duty to prevent homelessness was only accepted nine months later. The authority waited for the eviction warrant and no steps were taken to prevent homelessness. This resulted in the applicant, who had two disabled children, being evicted and then offered temporary accommodation consisting of a single room. The room was clearly unsuitable given the identified need in the personalised housing plan (PHP) for a three-bedroom home.

Shelter consultancy case

Although some authorities do seem to be putting more effort into preventing the loss of the existing home, the government statistics clearly show that prevention

⁷⁰ As a result of the COVID-19 pandemic, the government has temporarily lifted LHA rates to cover the bottom 30% of rents.

⁷¹ MHCLG, [Homelessness code of guidance for local authorities](#), paragraph 6.35

⁷² Shelter consultation response, [Draft Homelessness Code of Guidance for Local Authorities](#), page 26

⁷³ Shelter Consultancy services carried out six audits of councils' homelessness services. These audits include a combination of file assessments, mystery shopping and/or stakeholder workshops.

assistance is not helping people to remain in their homes in the majority of cases, and evidence from our services suggests that officers are still delaying intervention.

Recommendation 5:

We strongly recommend that the Government should commit to statutory regulations on whether it is reasonable to occupy beyond the service of a valid Section 21 notice. This is now needed to finally put an end to the practice of housing authorities expecting families to remain until they have an eviction date.

Are fewer homeless people stuck in temporary accommodation?

The overall objective of the Act is to reduce homelessness, with a particular focus on reducing the number of households living in temporary accommodation. Households are provided with temporary accommodation when they are found to be unintentionally homeless, eligible and in priority need by their local authority and the authority has been unable to assist them under the prevention and/or relief duty.

In this respect, it is clear that the Act has so far failed to reduce homelessness. The number of households living in temporary accommodation remains high and has increased since the introduction of the Act. At the end of March 2018 there were 80,720 homeless households living in temporary accommodation. This has increased by 8% to reach 87,410 homeless households at the end of September 2019.⁷⁴

These increases in temporary accommodation have affected the majority of areas – almost two thirds (61%) of local authorities have seen increases in the number of people in temporary accommodation, including a fifth (21%) for whom these increases were significant.⁷⁵

Far from being a temporary fix, temporary accommodation is increasingly a longer-term housing offer, with little prospect of moving from there into a suitable social-rented home or affordable private rental. Temporary accommodation is effectively becoming the new social housing with some families having to watch their children grow up in it, with no idea when they might be able to access a stable and suitable home.

Furthermore, our service hubs report that most housing authorities are expecting an increase in the numbers in temporary accommodation, and are prioritising procurement, because of the chronic shortage of social-rented housing and inadequate rates of Local Housing Allowance making private rentals unaffordable. Research for Crisis bears this out, citing the “blockage” on outflow from the system [which] means that overall temporary accommodation placements continue on a rising trend’.⁷⁶

The length of time people spend in temporary accommodation has increased, with 60% of local authorities reporting longer stays. More than two-thirds (68%) of local authorities report that they are seeing households have longer stays in emergency accommodation since the implementation of the Act.⁷⁷

There is clear evidence that the Act has done little to ensure that people can be helped into accommodation within their home area, as the law requires.⁷⁸ While people might be helped into accommodation, this is increasingly in another local

⁷⁴ MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Households in temporary accommodation, Table TA1

⁷⁵ Local Government Association (2019) [Homelessness Reduction Act: Survey 2018 – Survey Report](#)

⁷⁶ Fitzpatrick, S., Pawson, H., Bramley, G., Wood, J., Watts, B., Stephens, M. & Blenkinsopp, J. (2019) [The Homelessness Monitor: England 2019](#). London: Crisis.

⁷⁷ Local Government Association (2019) [Homelessness Reduction Act: Survey 2018 – Survey Report](#)

⁷⁸ Housing Act 1996, section 208, requires, where reasonably practicable, that local housing must secure accommodation is available within their district.

authority area, pushing homeless households (many of whom are single parent households) away from informal and formal support, schools and employment.

The number of homeless households in temporary accommodation in another local authority area has continued to increase – by 9% since the introduction of the Act. At the end of September 2019, 24,030 households were accommodated in temporary accommodation in another area – this accounts for more than a quarter (27%) of all households.⁷⁹

Out-of-area accommodation may be unsuitable, for example because it necessitates long bus commutes to school and work, with the risk of disrupting children's education.⁸⁰

The growth in these placements is another sign that the Act is not resulting in families being able to access accommodation where they currently live because of the structural problems in accessing suitable accommodation in many localities.

⁷⁹ MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Households in temporary accommodation, Table TA1

⁸⁰ Garvey, K. and Pennington, J. (2016) [Home and Away: The rise in homeless families moved away from their local area](#), Shelter

WHAT ARE THE BARRIERS TO ACHIEVING OUTCOMES?

The Act has only been in force for two years, and local housing authorities have used a great deal of resource in recruiting and training staff, implementing new processes, and developing better partnership working. As the new duties and approach start to embed, hopefully further cultural change and innovation will follow.

However, there remain significant issues with the implementation of the Act. Although more people can access assistance, gatekeeping practices persist, and outcomes remain poor. Only a fifth (21%) of households threatened with homelessness are being helped to stay in their existing home⁸¹ and half (50%) of households who already homeless are not being helped to secure accommodation.⁸² Despite the intentions of the Act, the number of households living in temporary accommodation has continued to increase and people are staying there for longer.

These poor outcomes can be explained by the lack of genuinely affordable homes. While we supported the Act, we argued from the outset that legislation alone cannot reduce high levels of homelessness. The Act's sponsor, Bob Blackman MP, also acknowledged this, stating: "The Bill does not deal with supply, but that is an important issue. It is clear that we need to increase the supply of affordable homes right across the country."⁸³

To understand why the Act is failing to deliver suitable outcomes, we looked at what councils and others feel is undermining the legislation. This enabled us to identify the barriers that both applicants and local authorities face when trying to prevent or relieve homelessness:

- Unable to access social-rented housing because of chronic shortages
- Unable to access a private rental because of inadequate Local Housing Allowance rates
- Unable to access a private rental because of 'No DSS' discrimination

The continued disinvestment in social housing and housing benefit has made it incredibly difficult to access genuinely affordable housing. Discrimination against housing benefit claimants is another barrier that applicants and local authorities face when trying to help someone find a home.

⁸¹ MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Statutory homelessness prevention duty outcomes, Table P1

⁸² We have included households for whom the 56 days have elapsed, households the council have lost contact with and households who refused the final accommodation. 40% of households were helped to secure a home and 9% of households were no longer owed a relief duty for various reasons. MHCLG, Live tables on homelessness, [Statutory homelessness live tables](#), Statutory homelessness relief duty outcomes, Table R1

⁸³ Hansard, [28 October 2016](#), Volume 616, Column 543

Chronic shortage of social housing

Research by the Local Government Association found that over three quarters (77%) of housing authorities identified that a lack of access to social housing affects their ability to meet their homelessness applicants' needs. This is one of the top issues selected.⁸⁴ Very few local authorities believe that existing social housing provision in their area is commensurate with homelessness needs.⁸⁵

This is an issue that local authorities wish to communicate as a key barrier to successfully helping homeless people. Many of the personalised housing plans (PHPs) we reviewed refer to the lack of social housing in the local authority area. For example, one housing authority managed expectations by telling a client that it will be virtually impossible to get a social home:

“Since there are so few available council houses in the borough, and there are strict criteria for eligibility, it is extremely unlikely that you will be able to move into a council house. Even for those who are eligible there are long waiting lists.”

London PHP

This is not only a problem in London. Local housing authorities across the country refer to the lack of social housing in their area:

“Due to the fact that there is so little social housing in the borough, and there are strict criteria for eligibility, it is highly unlikely that you will be able to move into social housing. Even for those who are eligible there are long waiting lists.”

East Midlands PHP

“Demand for social housing in [local authority area] is so high that even applicants with priority wait a long time to be offered accommodation.”

South East PHP

These findings are unsurprising in the context of current social house building. In 2018/19, only 6,287 new social rent homes were delivered. This is 84% fewer than the number of social homes delivered in 2010/11.⁸⁶ There has also been a decrease in the delivery of social housing as a proportion of all housing delivered. In 2010/11 social homes made up 29% of all new homes delivered. By 2018/19, this had dropped to just 3%.⁸⁷ There are now 1.15 million households on social housing waiting lists.⁸⁸

⁸⁴ Local Government Association (2019) [Homelessness Reduction Act: Survey 2018 – Survey Report](#)

⁸⁵ Fitzpatrick, S., Pawson, H., Bramley, G., Wood, J., Watts, B., Stephens, M. & Blenkinsopp, J. (2019) [The Homelessness Monitor: England 2019](#). London: Crisis.

⁸⁶ MHCLG, [Live tables on affordable housing supply](#), Table 1006C

⁸⁷ MHCLG, [Live tables on net supply of housing](#), Live table 122; MHCLG, [Live tables on affordable housing supply](#), Table 1006C

⁸⁸ MHCLG, [Local authority housing statistics 2018-19](#), Section C – Allocations

Year	Net additional housing supply	Additional social rent dwellings	Social rent as a % of all additional housing
2010/11	137,394	39,559	29%
2018/19	241,335	6,287	3%

Table 1 The reduction in social housing delivery as a proportion of all housing delivery

Far from there being an increase, there has actually been a reduction in the total number of social homes across the country. In 2018/19, sales and demolitions of social housing totalled 23,740 homes. This is a net loss of at least 17,000 social homes in a single year when compared with the 6,287 new social homes.⁸⁹ This is before we account for social rent homes converted to less affordable forms of renting.

The failure to build enough social housing and the loss of existing social homes has resulted in a chronic shortage of social housing. This is undermining the success of the Act.

⁸⁹ The net loss of social homes in the last year is calculated by comparing the 2018/19 number of social rent homes completed (6,287) with the 2018/19 number of social homes lost through sales (19,389) and demolitions (4,351). It is assumed that social housing sales and demolitions were previously let at social rent. This results in a net loss of 17,453 social homes. MHCLG, [Live tables on social housing sales](#), Table 678 and 684

Inadequate local housing allowance rates

As a result of the chronic shortage of social housing, the only alternative for applicants and local authorities is to turn to the private rental sector. Private rented housing is generally more expensive than social housing. Housing benefit is designed to address this lack of affordability and allow people to afford the bottom end of the private rental market.

The Act has been further undermined by the failure of housing benefit policy to allow households to find an affordable private rental. Rather than viewing housing benefit policy as a tool to allow people at risk of homelessness to self-serve and find their own rental, government restrictions to housing benefit have effectively priced low-income families out of the market, and left them having to fall back on much more costly state homelessness assistance, and extortionate temporary accommodation.

The large majority (86%) of councils said that the lack of affordable private rented housing affects their ability to respond to clients' needs – of which, almost two-thirds (64%) said this affects them to a great extent.⁹⁰

Cuts to LHA are responsible for much of this. Ten years ago, LHA rates covered the cost of an average home in any given area, giving homelessness services a good chance of finding applicants an affordable private rental, or help them claim housing benefit to help them stay in their own home during a period of low income.

However, since 2011, LHA rates have been subject to a range of cuts and changes. They were restricted to the bottom third (30th percentile) of local rents. They were then allowed to reduce further in value, and – from 2016 – frozen entirely. Meanwhile, rents in England increased by 15% since 2012⁹¹ and in some markets, have risen far faster than this.⁹²

This left large shortfalls between local rents and the housing benefit that households can receive. Consequently, in 2019/20 local housing allowance failed to cover the cost of a modest family home in 97% of areas in England.⁹³ This undermined claimants' ability to find their own private rental and restricted the options available to local housing authorities attempting to tackle homelessness.

Almost all (92%) local housing authorities identified welfare reform as a factor which has affected their ability to resolve people's homelessness.⁹⁴ Again, councils were keen to communicate to the Local Government Association that this was a major reason they would struggle to help people who approached them as homeless or threatened with homelessness.

Some PHPs we reviewed explicitly compare average private rents with LHA rates to illustrate to claimants the unaffordability of their local rental market. The

⁹⁰ Local Government Association (2019) [Homelessness Reduction Act: Survey 2018 – Survey Report](#)

⁹¹ ONS, [Index of Private Housing Rental Prices, UK: monthly estimates](#), Table 1

⁹² Kleynhans, S. Weekes, T. (2019) [From the Frontline: Universal Credit and the broken housing safety net](#), Shelter

⁹³ Kleynhans, S. Weekes, T. (2019) [From the Frontline: Universal Credit and the broken housing safety net](#), Shelter

⁹⁴ Local Government Association (2019) [Homelessness Reduction Act: Survey 2018 – Survey Report](#)

homelessness advice provided is effectively “you can’t afford to find a suitable home in this area”. One PHP suggested that the client should either move out of the local authority area or look for a smaller property, even though this would be unsuitable because it would leave their family overcrowded:

“It is difficult to find affordable accommodation in the borough because rents are high... and housing benefit may not cover the rent... You will increase your chances of finding affordable accommodation if you look for a home outside of [local authority area] or consider a property that has fewer rooms than the maximum number allowed under the housing benefit rules.”

London PHP

Other London PHPs suggest that applicants should look for a private rental outside of the capital:

“It is really difficult – almost impossible – to find accommodation in [local authority area] that can be covered by Housing Benefit; the rents are too high... Your Housing Benefit will go much further outside London and we can help you work out what you can afford.”

London PHP

With 97% of areas of England unaffordable to local housing allowance claimants at the 30th percentile in 2019/20⁹⁵, this is not just a problem in London, but across the entire country:

“Remember that you must be realistic about what you can afford. Your Housing Officer will let you know what rate you are entitled to on the Local Housing Allowance.”

South West PHP

When the proportion of the local market accessible to claimants shrinks to these levels, moving to another area is unlikely to relieve homelessness – because it is unlikely that the applicant will find a genuinely affordable home in any area.

In cases where some accommodation could be found within the LHA rate, our service hubs report that the few affordable properties have very poor space standards, are in a state of disrepair⁹⁶ or are in undesirable areas poorly serviced by public transport and with few employment prospects.

There’s no doubt that LHA has impacted on homelessness and local authorities’ ability to relieve homelessness. Not only has it pushed people towards eviction and homelessness in the first place, but it is then difficult for local authorities to help families into safe, suitable and affordable homes. In 2017, almost 9 in 10 local authorities in England (89%) reported difficulty in preventing or resolving

⁹⁵ Kleynhans, S. Weekes, T. (2019) [From the Frontline: Universal Credit and the broken housing safety net](#), Shelter

⁹⁶ In 2017/18 14% of LHA claiming households were overcrowded, compared to just 8% of those in the private rented sector overall. In 2016/17 a third (33%) of renters in receipt of LHA lived in non-decent accommodation compared to just over one in five (22%) private renters who do not receive LHA. Shelter analysis of the English Housing Survey.

homelessness through accessing the private rental sector as a result of the inadequate LHA rates.⁹⁷ This is likely to have remained as high or even got worse since the implementation of the Act due to the growing gap between LHA rates and private rents.

As a result of the outbreak of COVID-19, the government announced that the LHA rate would be restored to cover the 30th percentile of rents in each area. **This is a very welcome announcement that will help millions of people in need of a suitable home or worrying about how they will continue to pay their rent during this period.**

We also warmly welcome the government's announcement to halt all possession proceedings for at least 90 days. This should mean that no one is evicted by the courts during the COVID-19 pandemic.

Bringing the rates back up to cover at least the bottom 30% of each local rental market was a necessary step – with or without the pandemic. It was necessary to ensure millions of people already relying on benefits were able to stay in their homes and afford their rent, and were not pushed into homelessness due to rent arrears soon after the outbreak.

However, with the current unprecedented nature of the COVID-19 pandemic, there will be huge numbers of people needing to claim LHA for the first time in order to cover their rent. We are already hearing from many people who have lost their job and we expect this to continue. Many households paying median rents and above will lose their jobs. Unable to access the government job retention schemes, they will need help to see them through the financial shock of the pandemic. With LHA rates only covering the bottom 30% of the market, these people will be unable to pay their rent and will likely face huge rent arrears and debt, which means that when the temporary ban on evictions is lifted, they will be at immediate risk of homelessness. This is why the rates need to be brought up to at least the 50th percentile as an emergency measure for the pandemic.

Recommendation 6:

As a priority, MHCLG must issue clear guidance on what constitutes 'affordable' accommodation, specifically that applicants should not be expected to use subsistence benefits (including the Universal Credit (UC) standard allowance, Income Support and Job Seeker's Allowance) and child benefits to cover housing costs. This is what housing benefit, including the housing element of UC, is designed to do. Subsistence benefits are considered the minimum amount that people receive in order to subsist and child benefit is to feed and clothe children.

In the light of the Supreme Court's judgment in the case of *Samuels v Birmingham CC*⁹⁸, we strongly recommend MHCLG amend the Code of Guidance to replicate the wording of in the previous Code, making it clear to housing authorities that they should regard accommodation as being unaffordable if the applicant would be left with a residual income which would be less than the level of UC standard allowance, income support or income-based jobseekers allowance applicable to the applicant.

⁹⁷ Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S., Watts, B., Wood, J., (2018) [The homelessness monitor: England 2018](#), London: Crisis

⁹⁸ Supreme Court, 12 June 2019, *Samuels (Appellant) v Birmingham City Council (Respondent)* [2019] UKSC28

'No DSS' discrimination

Discrimination in the housing market is another barrier that is undermining the effectiveness of the Act.

Housing benefit claimants have always faced discrimination in the rental market. But persistent restrictions to LHA, resulting in such low rates, have exacerbated the reluctance of landlords and letting agents to let to LHA claimants, because there is a strong risk they will be neither be able to cover shortfalls nor sustain rent increases, fall into arrears and have to be evicted. Our service hubs report that there is even greater discrimination towards Universal Credit claimants because of the added risk of the 5-week wait of payment and steep deductions.

This means that, even where an affordable private rental can be secured, the letting agent or landlord may refuse to let to the claimant. Evidence from our services suggests that discrimination against housing benefit claimants makes it even harder for local housing authorities to find homes for homeless households.

Some of the PHPs we received referred to the prevalence of 'no DSS' discrimination. One plan suggested that the applicant should move out of the local authority to try to avoid this discrimination.

"The further away you look from [local authority area] the more likely you are of securing suitable affordable property where a Landlord will accept the rent element within Universal Credit."

South East PHP

Another local housing authority advised the applicant to find a job so that their income is not solely from benefits:

"Landlords are often reluctant to let to someone whose only income is from Benefits. Getting even a part-time job will increase your chances massively."

South West PHP

Shelter research with private landlords confirms this widespread prejudice – showing that six in ten landlords would prefer not to rent to tenants on housing benefit, and four in ten landlords operate an outright ban.⁹⁹ Over half (54%) of private renters in England who receive housing benefit say they have been unable to rent a home because the property was advertised as 'No DSS'.¹⁰⁰ This equates to around 820,000 people.

Without building more social housing, ensuring that LHA covers people's rents, and putting an end to discrimination against housing benefit claimants, outcomes for homeless households are likely to remain poor. Legislation alone cannot solve homelessness. Homelessness will only be reduced with the provision of genuinely affordable homes.

⁹⁹ YouGov, survey of 1,137 private landlords in the UK, online, Jul–Aug 2017

¹⁰⁰ YouGov, survey of 3,995 private renters in England, 828 of whom were claiming HB, online, weighted to be representative of private renters claiming HB in England using official statistics, 18+, Aug-Sept 2019

CONCLUSIONS AND RECOMMENDATIONS

The Homelessness Reduction Act is one of the biggest changes to the rights of homeless people in England for 15 years. We supported the legislation on the basis that more people would be entitled to help at an earlier stage, assistance would be more personalised and joint-working between statutory agencies would be encouraged.

Our research found that the implementation of the Act has mainly been very much focussed on processes rather than outcomes.

It is certainly true that more people who are homeless, or threatened with homelessness, are being seen and assessed (i.e. processed) by local housing authorities as a result of the Act. This is particularly the case for 'single homeless' people, and 'intentionally homeless' families, who were previously turned away because they weren't entitled to rehousing. There is also evidence that some councils have placed a greater emphasis on the prevention of homelessness.

However, evidence is patchy and in too many areas, people who approach the housing authority for assistance continue to be turned away without help, even though they now have rights to receive assistance. There is also evidence that the help provided to homeless households hasn't really changed. This includes assistance not being adequately responsive to households' needs.

More importantly, the Act is not having the desired intention of reducing homelessness. This is because homelessness cannot be reduced without access to suitable homes in the areas where they are needed. This is resulting in homeless families and single people being caught in the Act's processes, rather than being helped into a suitable home.

The failure of national housing policy to improve access to homes for those most at risk of homelessness has meant that many local housing authorities have been unable to find suitable, affordable accommodation for people to live in. Despite the Act's attempts to widen access, provide more preventative and personalised support and encourage partnership working, outcomes remain poor.

The government must explain to housing authorities and those at risk of homelessness where they expect people to live if they can't access social housing or an affordable private rental. No amount of homelessness assistance, innovation or pots of funding can overcome the structural cause of homelessness because housing authorities cannot be expected to help people secure housing which simply doesn't exist.

The government will only meet its commitment to "end the blight of rough sleeping"¹⁰¹ by 2024 if it ensures that people who can't afford their local housing market can access suitable homes, either by improving investment in, and

¹⁰¹ The Conservative and Unionist Party, [Manifesto 2019](#), page 30

access to, cheaper social-rented housing or by closing shortfalls between local housing allowance and private rents.

For example, the success of the PAAVO Housing First programme¹⁰² in Finland was not brought about by legislation, but by the building of around 2,500 new homes. Similarly, the 1990-97 Conservative Government's Rough Sleepers Initiative¹⁰³ was successful in reducing street homelessness in London because it built almost 4,000 accommodation units.

We strongly recommend that MHCLG investigate why:

- prevention assistance is not keeping the vast majority of households in their existing homes and
- relief assistance is not helping half of households to find suitable alternative accommodation,

and set out how this will be addressed.

In our view, the government will only reduce homelessness in all its forms by implementing the following recommendations:

Reducing homelessness

Social housing

- The government must commit to building much more social rent housing to provide an affordable, secure home for those who are homeless and others who need it.

Local Housing Allowance

- During the COVID-19 pandemic, Local Housing Allowance (LHA) rates must be lifted, as an emergency measure, to cover average rents (the 50th percentile) across every local market to ensure people do not feel they have to take an unsafe step to move to a cheaper home during the pandemic, and can cover their rents for this period.
- LHA must continue to be recognised as a vital tool to prevent homelessness. Rates must be kept in line with at least the bottom 30th percentile of local rents in every area in perpetuity.
- There needs to be a robust mechanism to keep LHA rates in line with at least the 30th percentile of local rents, regardless of fluctuations in private rents.

Universal Credit

- The government must abolish the Universal Credit five-week wait to avoid rent arrears and the risk of eviction and homelessness.

¹⁰² <https://housingfirsteurope.eu/countries/finland/>

¹⁰³ Wilson, W., (2015) *The Rough Sleepers Initiative (RSI) 1990-99*, House of Commons Library

Improving the implementation of the legislation

The government must also take steps to ensure the Act is implemented in the spirit in which it was intended by:

- Strengthening the Homelessness Code of Guidance so that there is an expectation that the authority to which the applicant applies should still carry out an assessment and provide a brief, initial plan detailing this and what steps will be taken next, before referring back to the authority where there is a local connection.
- Strengthening the Homelessness Code of Guidance to recommend that it is not satisfactory for an authority to restrict access to its homelessness services, for example, by the use of an online portal. A face-to-face service, or at the very least a telephone service, for applications should always be available.
- Extending the duty to refer to additional key agencies, such as GPs, the police and school and colleges, which tend to pick up early whether people are homeless or at risk of homelessness.
- Requiring the NHS to provide training on the Act to staff, including receptionists, and that the duty to refer is included within their staff objectives and data collection. If objectives are set, there is much more likelihood that local protocols will be developed.
- Introducing statutory regulations to confirm that it is unreasonable to continue to occupy accommodation beyond the expiry of a valid Section 21 notice. This is now needed to finally put an end to the practice of housing authorities expecting families to remain until they have an eviction date.
- Issuing clear guidance on what constitutes 'affordable' accommodation, specifically that applicants should not be expected to use subsistence benefits (including the Universal Credit standard allowance, Income Support and Job Seeker's Allowance) and child benefits to cover housing costs.
- As a priority, and in the light of the Supreme Court's judgment in the case of *Samuels v Birmingham CC*¹⁰⁴, amending the Homelessness Code of Guidance (paragraph 17.46) in line with previous guidance (paragraph 17.40) to confirm that accommodation should not be regarded as affordable if the applicant has to use subsistence benefits to make up housing benefit shortfalls.

¹⁰⁴ Supreme Court, 12 June 2019, *Samuels (Appellant) v Birmingham City Council (Respondent)* [2019] UKSC28

APPENDIX I: METHODOLOGY

This report shares the findings of a six-month multi-method research programme on the operation of the Homelessness Reduction Act (HRA) conducted by Shelter. It includes research with Shelter's frontline services, interviews and focus groups with people who have experience of the Act, and analysis of case notes, audit reports and government data.

Client journeys

We carried out analysis of two sets of cases to produce client journeys. Client journeys are maps of clients' experiences whilst they are being supported by Shelter. We reviewed a total of 40 cases – 20 in November 2018 and the remaining 20 in August and September 2019. These cases were selected using a sample frame which took into consideration household type, location, gender, age and homelessness status. We used a framework to analyse the selected cases. The framework enabled us to explore the role that Shelter and the local housing authority played in helping the client to achieve their desired outcomes, and any barriers to achieving these. By repeating the exercise in August and September 2019 we were able to explore whether there were any differences in people's experiences of the Act. We used these client journeys to develop case studies.

Focus groups and interviews

Shelter commissioned the independent research agency Groundswell to carry out focus groups and interviews with people who received assistance through the HRA in September 2019. The aim of the research was to understand the experiences of single people and families, including the assessment of circumstances and needs and whether people feel they received a person-centred approach. We talked to 18 people across five locations (London, South West, West Midlands, North East and Yorkshire and the Humber), including 13 single people and four families with children. We recruited people through existing services, including emergency accommodation providers and day centres.

Personalised housing plans

Shelter has been collecting anonymised personalised housing plans (PHPs) from advisers since the introduction of the HRA. Our advisers collect PHPs from clients if it is relevant to the case. We reviewed 36 PHPs from 25 different local authorities across six regions (East of England, London, North West, South East, South West and the West Midlands).

Audits of homelessness services

Shelter Consultancy services carried out six audits of housing authorities' homelessness services from April to September 2019. The audits were carried out in London, the South East, the East Midlands and the North West. These audits include a combination of file assessments, mystery shopping and stakeholder workshops. A set of standards from Shelter's quality assurance framework are applied to each assessment area, based on statutory requirements, the Code of Guidance and Shelter's policy and practice briefings.

The evaluations focus on the quality and effectiveness of the authority's homelessness services in meeting the new prevention and relief duties.

Service hub manager interviews

We carried out interviews with the twelve Shelter Service hub managers. These provided insight into how the Act is being implemented across the country in cities and more rural areas. Hub managers understand the key issues that our clients face, have good local and regional knowledge and are able to reflect on the impact of the Act in their area.

Shelter frontline services survey

We carried out a survey with staff working in Shelter's services to explore their experiences of the implementation of the HRA, including the new duties and whether these have had an impact on client outcomes. The survey was sent to all services staff, including the National Homelessness Advice Service (NHAS) Consultancy and helpline teams. It was carried out online between December 2018 and February 2019. We received 63 survey responses from services staff. The majority (48%) of advisers said they advise people who approached the housing authority for homelessness help every day. The most common job roles of survey respondents were helpline adviser (29%), advice, support and guidance (ASG) worker (25%) and support or resettlement worker (19%).

Government statistics

We analysed various sources of government data, drawing heavily on MHCLG's homelessness statistics. Although these are still classed as experimental statistics, it is the most useful dataset we have to understand the scale of homelessness and the impact of the HRA on homeless households.