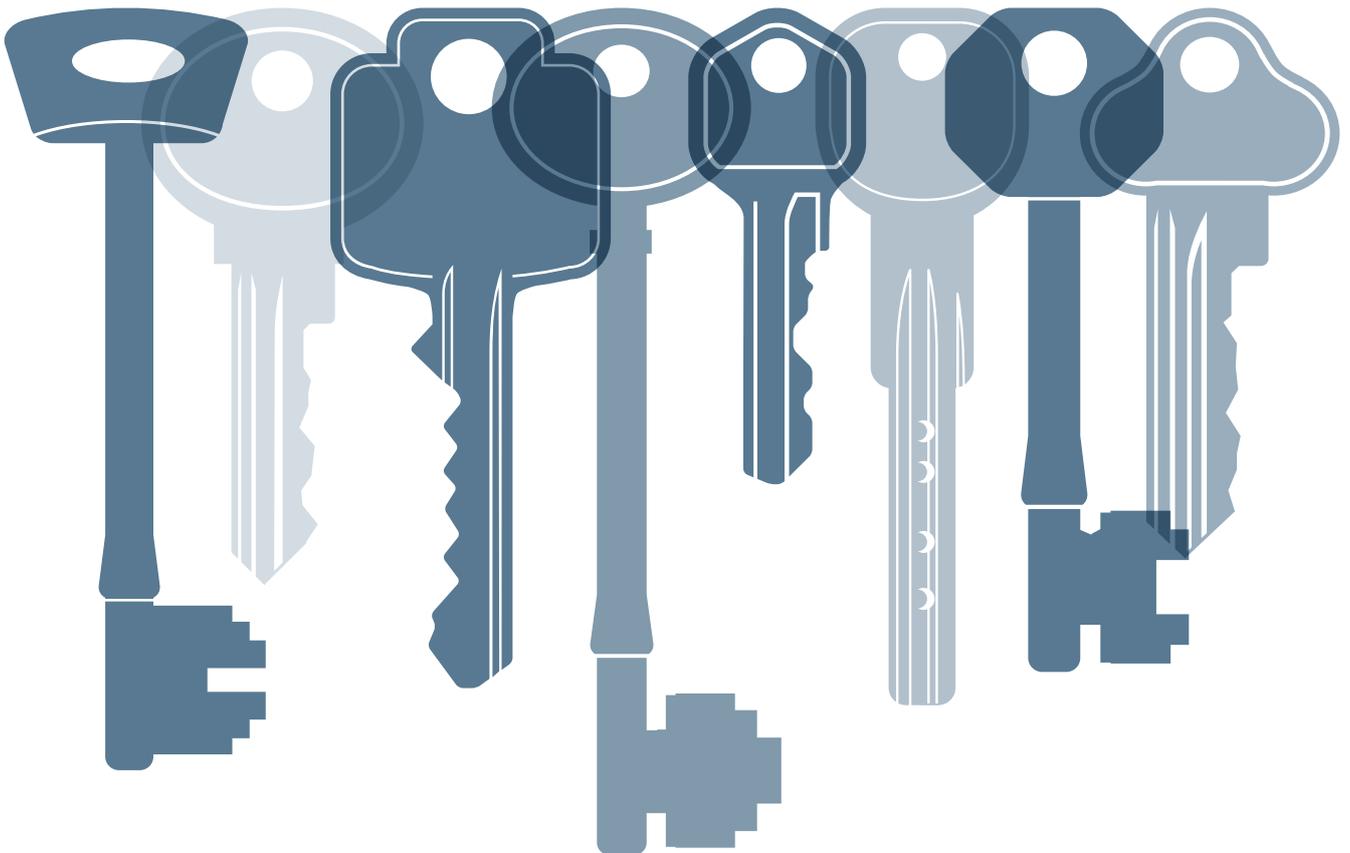


Home truths:

*how well are councils implementing
the Homelessness Reduction Act?*



Focus report: learning lessons from complaints

July 2020

www.lgo.org.uk

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Ombudsman's Foreword



Our latest focus report about councils' homelessness services draws together the key learning points so far from our investigations into the Homelessness Reduction Act.

The cases were completed before the Covid-19 pandemic. The emergency measures and legislative changes introduced in response to the crisis have had a broad impact on how councils provide housing and homelessness services.

The government introduced measures requiring councils to offer accommodation for all rough sleepers. The Coronavirus Act lengthened the notice period for evictions up to three months and housing possessions have been suspended.

The lasting effect of Covid-19 on councils' housing and homelessness services is yet to be fully felt. However, concerns have been raised about a potential surge in homelessness when many of the temporary measures come to an end.

So now is an opportune time to share our insight, and it could help councils deal with the post-Covid-19 focus on reducing homelessness. The report is based on our first 50 detailed investigations into complaints about the operation of the Homelessness Reduction Act.

Despite the relatively small body of evidence it's drawn from, we are in the unique position of being able to see, from a completely independent standpoint, how councils are delivering their new homelessness duties in practice and how that is experienced by service users.

By publishing these findings, we want to provide common-sense, practical advice to help all councils to avoid repeating the same mistakes.

The common issues we have found lie in three broad areas:

- > **Delay** - some councils have delayed helping people, meaning it has taken longer to find suitable accommodation. For example, some decisions have taken too long or they have not moved quickly enough to secure accommodation.



- > **Communication** - some councils have not communicated well with people. Examples include not providing written decisions in clear language, or updating people about their cases, or not telling them of their appeal rights. These situations leave people, already in crisis, at an unfair disadvantage when trying to navigate unfamiliar rules and procedures.
- > **Poor practice** - we have also seen some examples of councils simply not doing things properly. These are particularly around issuing and reviewing personalised housing plans (PHPs). These are important documents that set out what both the authority and homeless person agree to do in order to address the housing problem.

“not meeting the new duties... can significantly compound people’s problems, and leave them homeless for longer.”

The stories in this report give an insight into the very real impact that even small administrative failures can have on people. They suggest that, in isolation, not meeting the new duties does not directly cause people to become homeless. But doing so can significantly compound people’s problems, and leave them homeless for longer than they would have been, had requirements of the Act been met.

This report also reminds councils of the issues we continue to see from before the Homelessness Reduction Act came into force. The Act has not changed how councils must take homelessness applications, yet we still see delays in this area. These hinder councils’ ability to meet the prevention duty in a timely way.

In addition, we have seen some councils not providing interim accommodation while dealing with someone’s application, even when there were clear reasons to believe they were entitled to it.

We recognise that our evidence is just one piece in a bigger jigsaw, and, by very the nature of what we do, tends to shine a spotlight on problems rather than successes. To fully understand the impact of the Homelessness Reduction Act, more detailed studies will be required; ones that can review a wider scope than solely our investigations. But it is worth pointing out that cases coming to us – having gone through every stage of councils’ own complaints procedures first – often represent the tip of the iceberg in terms of the wider issues happening locally.

I acknowledge that homelessness is a key challenge for many local authorities, particularly in our major cities. But I hope councils will welcome this report in the spirit it is intended. By learning from these early public experiences, councils can reflect on the services they provide and identify whether there are practical changes they can make to improve the support they can give to people in crisis.



Michael King
Local Government and Social Care Ombudsman

July 2020



Complaints to the Ombudsman

We uphold an increasing proportion of complaints about homelessness. In the year 1 April 2018 to 31 March 2019, we upheld 73% of the 132 homelessness complaints we investigated in detail.

In the year 1 April 2019 to 31 March 2020, we upheld 75% of the 160 complaints we investigated in detail. This is significantly above the average uphold rate of 62% for complaints investigated in detail on all subjects (April 2019 to March 2020).

Legal context

The *Homelessness Reduction Act* ('the Act') was introduced on 3 April 2018. It gave people who are homeless, or threatened with homelessness, new rights to services from councils. The Act's aim was for councils to help more people earlier, to prevent homelessness as much as possible, and to help find accommodation for people who have become homeless.

The Act was a significant change for councils. It increased the range of people they are expected to help and the type of services they must provide. In particular, it introduced assessments of people who ask for help, and new duties to help people retain or find accommodation.

The Act is supported by the *Homelessness Code of Guidance for Local Authorities* ('the Code'), which set out how councils should carry out the new homelessness duties.

Other duties councils previously owed homelessness applicants still exist. These include:

- > The duty to make enquiries if a council has reason to believe an applicant may be homeless or threatened with homelessness (*Housing Act 1996, section 184*).

- > The duty to provide interim accommodation while dealing with someone's case if a council has reason to believe the person may be homeless, legally eligible for assistance and in priority need (*Housing Act 1996, section 188*).
- > The duty to secure suitable accommodation where a council is satisfied someone is unintentionally homeless, legally eligible for assistance and in priority need (*Housing Act 1996, section 193*). This is known as the main housing duty. Councils usually meet this duty by providing temporary accommodation until longer-term accommodation is arranged.

The Act has three main new duties:

1. The assessment duty

Where a council has reason to believe someone may be homeless or threatened with homelessness, it must make enquiries and decide whether they are legally eligible for assistance (this mainly relates to immigration status). If so, the council must also decide whether it owes the person any legal duty (*Housing Act 1996, section 184*).

If the council is satisfied someone is eligible for assistance and either homeless or threatened with homelessness, it must assess their situation. The council must then try to agree a personalised housing plan (PHP) with the applicant, setting out what both parties will do to try to resolve the housing problem. The council must review and update the assessment and the PHP as circumstances change (*Housing Act 1996, section 189A*).

If someone disagrees with the council's proposed steps in the PHP, they have the right to request a review and then appeal to the county court on a point of law. There is no right to challenge the steps the council says an applicant should take.



2. The prevention duty

Someone is ‘threatened with homelessness’ if they are likely to become homeless within 56 days or, in some circumstances, if their landlord has served notice ending an assured shorthold tenancy. If a council is satisfied someone is threatened with homelessness and eligible for assistance, it must take reasonable steps to prevent them becoming homeless (***Housing Act 1996, section 195***). ‘Reasonable steps’ are based on the council’s assessment of the case.

The prevention duty normally lasts for up to 56 days. On occasion it can be longer, and it can also end sooner if, for example, the applicant becomes homeless, keeps or finds suitable accommodation or refuses an offer of suitable accommodation.

If a council ends the prevention duty, the applicant has a right to ask the council to review that decision and, after a review, they can appeal to the county court on a point of law.

3. The relief duty

If a council is satisfied someone is homeless and eligible for assistance, it must take reasonable steps to help them get suitable accommodation that will be available for at least six months (***Housing Act 1996, section 189B***).

Again, the council’s assessment will inform its decision on what the ‘reasonable steps’ are for each case. The relief duty also usually lasts for up to 56 days, and again, it can end sooner if, for example, the person finds suitable accommodation or refuses an offer of suitable accommodation. If a council ends the relief duty, the applicant has a right to ask the council to review that decision and, after a review, they can appeal to the county court on a point of law.

Some homeless people have ‘priority need.’ This includes pregnant women, those with dependent children and people who are vulnerable because of their age, mental health or disability.

Councils must provide interim accommodation while fulfilling the relief duty for people with priority need (***Housing Act 1996, section 188 and the Code, paragraph 13.3***).





Common issues

Delay

It is crucial councils act promptly in dealing with homelessness applications. Even short delays can have a huge impact on preventing people becoming homeless. Acting without delay avoids unnecessary distress and potentially saves councils time and resources.

Timeliness at the relief duty stage

A council owes the relief duty as soon as it is satisfied an applicant is homeless and eligible for assistance.

The most common delays we have seen are where councils take too long to accept the relief duty. This

also includes councils delaying telling people they have accepted the duty. Delays at this stage, for people already homeless, mean more time spent without stable accommodation.

On the other hand, we have seen only limited examples of councils being slow to accept their duty to help prevent someone becoming homeless.



Common issues

Chris's story: case reference [18006503](#)

Chris suffered a spinal cord injury that meant he would permanently have to use a wheelchair. He spent some months in hospital recovering after the injury and it became clear he would not be able to return to his previous home, which would not accommodate a wheelchair.

Chris contacted the council through its online portal and explained his circumstances. The council did not pass the information to the relevant officer for almost three weeks.

The council then met Chris and took more details. At that point, the council had enough information to accept the relief duty but did not decide to do so for another 10 days. The council then took another five weeks to tell Chris about its decision.

What we found

Our investigation found the council delayed acting on Chris's enquiry, accepting the relief duty, and telling him about it. We decided that, had the council acted properly, it would have accepted the relief duty around three weeks earlier. This delay put Chris through avoidable uncertainty and meant he had to remain in hospital around two weeks longer than necessary, until the council provided interim accommodation.

How we put things right

Individual remedy

The council agreed to:

- > apologise to Chris
- > pay a small amount to recognise the impact of the delays

Service improvements for all

The council agreed to:

- > make changes to procedures and train staff to avoid these problems recurring. The council went on to create a hospital outreach team, to deal more effectively with people who might become homeless from hospital





Paul's story: case reference [19003747](#)

Paul became homeless after an injury and losing his job. He was sleeping rough and in a hostel. The council did not interview Paul for a month after it knew about his situation.

The council then had enough information to decide it owed Paul the relief duty and the duty to provide interim accommodation. However, the council did not offer interim accommodation until a month after the interview and did not accept the relief duty for a further six days after that. Paul slept in a hostel until the council provided interim accommodation.

What we found

Our investigation found the council delayed arranging the interview and deciding what duties it owed. We decided the council could have offered interim accommodation and accepted the relief duty around a month to six weeks earlier.

How we put things right

Individual remedy

The council agreed to:

- > pay Paul a small sum to recognise the impact of the delays he suffered

Service improvements for all

The council agreed to:

- > review procedures to ensure it interviews homelessness applicants more quickly and decides whether to offer interim accommodation sooner



Common issues



Timeliness of Personalised Housing Plans (PHPs)

The Act and the Code do not specify a timescale for councils to send out PHPs. We believe councils should do this as soon as possible after assessing applicants. This enables people to quickly understand what they, and the council, should do to resolve their housing problem. It also avoids delaying people's ability to use their important legal right to challenge the council's proposed actions in the PHP. We will criticise councils for delaying issuing a PHP without good reason.

In instances where councils could do something immediately to prevent or relieve someone's homelessness, they should act at once, even if they have not yet written up and issued the assessment and PHP (*the Code, paragraph 11.25*).

The Code encourages councils to have timescales for reviewing PHPs. These will vary

according to individual needs and circumstances (*the Code, paragraph 11.32*).

In some of our investigations, delays in issuing PHPs have led to opportunities being missed to help prevent or relieve homelessness.

We have also seen councils delaying taking steps to prevent homelessness, which had been agreed in PHPs. These include:

- > contacting the landlord to negotiate the person's tenancy
- > contacting the council's benefits department to help improve the person's financial circumstances
- > telling the applicant when a suitable property became available



Common issues

Freya's story - case reference [19000068](#)

Freya, a young adult, was living with her family when her father said she had to move out. She went to the council's offices and asked for help to find somewhere to live, as she would otherwise be left homeless. The council negotiated with her father so that Freya could stay in the family home for longer. It arranged an appointment with her two weeks later to agree steps to prevent her becoming homeless.

At the appointment two weeks later, the council agreed steps with Freya and issued her PHP. However, Freya's father then made her leave sooner than expected. This meant there wasn't enough time for the council and Freya to take the agreed steps, and she became homeless.

What we found

Our investigation found the council's delay in assessing Freya and issuing her PHP was fault. The two-week delay was significant enough in Freya's case to mean there was not enough time to prevent her becoming homeless. This delay added to Freya's already significant stress and anxiety. It did not, on its own, cause her to become homeless but it began a chain of events that led to Freya sofa-surfing and then being placed in unsuitable temporary accommodation. She ended up, at one point, having to sleep on the hard floor of an unfurnished property, while pregnant.

How we put things right

An individual remedy

The council agreed to:

- > apologise to Freya
- > pay Freya a financial remedy to recognise the impact of the delay

Service improvements for all

The council agreed to:

- > consider whether it needed to increase its resources and make changes to its housing service, because it told us severe staff shortages caused the problems



Common issues

Communication

Clearly, homelessness applicants usually have far less knowledge and experience of the system than council officers. Applicants may be at an unfair disadvantage if councils do not properly inform and update them about their rights and what is happening. Effective communication by councils is vital.

Councils must communicate certain information to homelessness applicants, often in writing.

The most frequent faults we have seen are councils referring to the wrong legal duty and not notifying applicants when ending duties.

Referring to the wrong duty

After assessing a person's circumstances, a council must give them a written record of the assessment (*Housing Act 1996, section 189A(3)*). That should include stating whether the council believes it owes the prevention or relief duty. Councils must also give applicants a written copy of the PHP (*Housing Act 1996, section 189A(8)*). Councils often combine these two notifications, which can make things clearer for applicants.

If a council's assessment of a person's situation has changed or if the council considers particular steps in the PHP are no longer appropriate, the council must tell them in writing (*Housing Act 1996, sections 189A(10) and (11)*).

Explaining these points properly is important because, unless people are told what the duties owed to them mean in practical terms, they will not understand what help they are entitled to, what the council will do, and what they can expect to happen next. This is essential to help people effectively navigate the homelessness system at what is inevitably a stressful and uncertain time.

We have seen councils in some investigations telling people they were owed the wrong duty. Most commonly, councils told people they were owed the prevention duty instead of the relief duty, when they were already homeless. This can happen when a council fails to appreciate someone is already homeless, for example when the person has an address but it is not reasonable to remain there.

While referring to the wrong duty may be confusing, it will have a negligible impact on someone's homelessness journey if the resulting action relates to their real circumstances. But taking the wrong action, such as concentrating on homelessness prevention steps when the applicant is already homeless, will delay the person getting the help they need.





Maria's story: case reference [18017049](#)

Maria fled domestic violence and went to a women's refuge. The council accepted Maria was homeless and told her it owed her the relief duty.

However, when the council later provided interim accommodation, it wrote to Maria saying its prevention duty had now ended because Maria had become homeless so the council now owed the relief duty. The council later told us it had initially accepted the prevention duty, not the relief duty, because Maria was staying at the refuge.

What we found

Our investigation found the council had, in fact, accepted the relief duty at the outset. This was the correct thing to do because Maria was homeless, given it was not reasonable for her to remain at her previous home and the refuge was not settled accommodation. We found the council was wrong when it later claimed it had initially owed the prevention duty. This contradiction added to Maria's confusion and uncertainty.

How we put things right

An individual remedy

The council agreed to:

- > apologise to Maria for the uncertainty caused
- > pay Maria a small amount to recognise this

Service improvements for all

The council agreed to:

- > write an action plan setting out what it learned from this complaint and what it would do to avoid similar errors in future



Not notifying applicants when ending duties

Councils must tell applicants in writing when the prevention duty ends and, in most circumstances, when the relief duty ends. This must give the reasons for ending the duty and explain the right to ask for a review (*Housing Act 1996, sections 189B(6) and 195(7) and the Code, paragraph 14.3*).

If someone uses the review right, the council must put its review decision in writing. That notice must also explain the person's right to appeal to the county court, on a point of law, and the time limit for this (*Housing Act 1996, section 203*).

It is important to explain appeal and review procedures clearly in writing. Not doing so risks people believing the council's decision is always final.

If a council has told the applicant of their review and appeal rights, we will not usually pursue a complaint if we believe it was reasonable for the person to use them. We will find fault if a council fails to tell an applicant of those rights.

In our investigations we have seen examples where councils have not notified applicants when ending their prevention and relief duties. This can cause significant injustice, because these notifications include information about the person's right to challenge the decision, and so may remove their ability to change what will happen to them. In addition, not telling someone a duty has ended could leave them confused about whether the council will take further action to help them find accommodation.

To a lesser extent, we have seen councils not notifying people when beginning their prevention and relief duties. However, this fault does not bring with it the same risk of injustice as, being a decision in the person's favour, there is no right of review.



Common issues

David's story: case reference [18012241](#)

David was a private tenant. His landlord served notice saying David would have to move out. The council accepted the prevention duty as David was threatened with becoming homeless. The council told David this.

David was later evicted and the council provided interim accommodation. This meant David was now homeless rather than threatened with homelessness. The council therefore ended the prevention duty and accepted the relief duty. However, the council did not tell David about this change.

What we found

Our investigation found the council was at fault for not giving David written notice the prevention duty had ended. This fault contributed to David feeling uninformed. It was also part of a wider failure to properly manage David's expectations for the amount of contact he would receive in light of his mental health needs. David found new accommodation during the relief duty period.

How we put things right

An individual remedy

The council agreed to:

- > apologise to David

Service improvements for all

The council agreed to:

- > remind staff of the need to notify applicants about duties beginning and ending

Good communication

We have also seen examples of good communication with applicants. This includes well-written PHPs that clearly state who will do what, letters beginning and ending duties that explain what the duty means, why it is beginning or ending, and how the applicant can challenge the decision.





Not taking action

In our investigations we have noticed several themes to do with councils not taking the action they should.

Issuing a Personalised Housing Plan (PHP)

Councils must give every applicant a written copy of their PHP setting out the reasonable steps each party should take (*Housing Act 1996, section 189A(8) and the Code, paragraph 11.24*).

We have seen examples, though to a lesser extent, of PHPs not being issued at all during

applicants' journeys. PHPs are not optional. They set out what is expected of people, or what people could do to improve their own chances of finding accommodation.

They also make clear what applicants can expect the council to do to help them. They are the basis upon which people can challenge a council if they do not believe it is taking enough action to help them. Where no PHP has been agreed or issued at all, this could lead to significant injustice.



Common issues

Rachel's story: case reference [18004076](#)

Rachel worked part-time and received benefits, but she struggled to pay for her private rented accommodation. Rachel owed rent to her landlord. The landlord began eviction proceedings, leaving Rachel and her daughter at risk of becoming homeless.

Rachel asked the council for help to avoid her becoming homeless. The council started work on writing up Rachel's PHP. It recorded steps the council and Rachel had agreed to take. For example, the council agreed to discuss the issue with the landlord and consider providing financial help to sustain Rachel's tenancy, while Rachel would look for other accommodation. However, Rachel became agitated and upset during the appointment and the council never completed her PHP.

What we found

Our investigation found the council was at fault as it did not complete Rachel's PHP and send it to her. Rachel was confused about what steps she should take, and what steps the council would take, to prevent her and her daughter becoming homeless. Rachel had physical and mental health conditions that were made worse by stress, and the council's fault left Rachel feeling anxious and unsupported.

How we put things right

An individual remedy

The council agreed to:

- > apologise to Rachel
- > pay her a small financial remedy to recognise the distress it caused

Service improvements for all

The council agreed to:

- > issue a briefing to remind its housing staff of their duties



Common issues

Reviewing the PHP

Councils must keep assessments and PHPs under review throughout the prevention and relief duties. They must tell applicants about any changes to the assessment or PHP (***Housing Act 1996, section 189A(9) to (11) and the Code, paragraph 11.32***). Councils should ensure they act promptly on any changes of circumstances that could affect the duties they owe, or the steps a PHP should contain. These points matter because carrying out the steps in the PHP gives the best chance of preventing or resolving someone's homelessness.

In our investigations we have found councils not reviewing and updating PHPs at significant points in the homelessness journey. Reviews are important because the agreed steps will inevitably need to be amended as applicants' circumstances change. Where previously agreed steps are completed, but no new steps are added to the PHP when something significant

changes, applicants may be left worried and confused about what will happen next. Failure to update PHPs also leaves applicants without their legal right to challenge any steps the council then chooses to take.

Altering PHPs is particularly important when someone threatened with homelessness becomes homeless. The PHP must then shift in focus from preventing to relieving their homelessness.

When investigating, we often ask to see different versions of an applicant's PHP so we can understand how matters evolved as the applicant's circumstances changed. Some councils have been unable to provide earlier versions due to the way their systems work. When earlier versions of a plan are not available, councils find it harder to evidence the work they have undertaken.



Common issues

Freya's story: case reference [19000068](#)

Freya, whose story we started earlier in this report, became homeless when her father told her she had to leave the family home. The steps the council agreed with Freya in her PHP were no longer relevant as her circumstances had changed. The council didn't carry out a review so no reasonable steps were agreed between Freya and the council to relieve her homelessness.

The council gave Freya interim accommodation when she found out she was pregnant. Freya searched for accommodation and sent details of several private rented properties to the council. It told Freya it couldn't give her any financial support until she provided evidence she was pregnant. It told her the properties she found were not affordable but it did not help her search for alternatives. It didn't consider whether a discretionary housing payment might make the properties affordable in the meantime, until her benefits changed with the birth of her child.

What we found

Our investigation found, by not reviewing the PHP, the council did not take sufficient steps to try to relieve Freya's homelessness. The council was wrong to tell Freya it couldn't help her financially, because this was an option it should have considered. It had confused its relief duty with the main housing duty (which it had not yet accepted, and which depended on Freya being pregnant – unlike the relief duty, which did not). At one point, Freya ended up sleeping on the hard floor of an unfurnished property while pregnant.

We decided the council's delay in considering what support it could provide led to Freya missing out on at least two offers of private rented accommodation. Freya had borrowed money from a friend so she could move into more suitable accommodation as she

approached her due date, but she couldn't afford the rent without help.

How we put things right

An individual remedy

The council agreed to:

- > apologise to Freya
- > consider options to support Freya financially. This led to it paying a discretionary housing payment to help her stay in the accommodation she had found, and reimbursing the deposit so Freya could repay the debt to her friend
- > pay Freya a financial remedy to recognise three months in unsuitable temporary accommodation and the associated distress this caused.

Service improvements for all

The council agreed to:

- > consider whether it needed to increase its resources and make changes to its housing service, because it told us severe staff shortages caused the problems





Taking steps to deal with homelessness or threatened homelessness

After assessing each applicant's case and agreeing the PHP, we expect councils to take the reasonable steps they have committed to within the agreed timescales.

The Secretary of State expects the type of reasonable steps a housing authority might take to prevent or relieve homeless to include, but not be limited to:

- > attempting mediation/conciliation where someone is threatened with parent/family exclusion;
- > assessing whether people with rent arrears might be entitled to Discretionary Housing Payments;
- > providing support to people, whether financial or otherwise, to access private rented accommodation;
- > assisting people at risk of violence and abuse wishing to stay safely in their home through provision of 'sanctuary' or other measures;

- > helping to secure or securing an immediate safe place to stay for people who are sleeping rough or at high risk of sleeping rough.

(The Code, paragraph 11.23)

Our investigations have found several examples of fault where councils have not taken steps towards preventing and relieving homelessness, after having listed those steps in applicants' PHPs. Examples include councils not looking for accommodation on behalf of applicants and not negotiating with people's landlords about their tenancies. Where a council does not take the steps it has committed to, it can cause significant frustration, and crucially, may lead to lost opportunities to successfully prevent or relieve someone's homelessness.



Common issues

Haleema's story: case reference

[18009601](#)

Haleema fled domestic violence and stayed in a women's refuge. The refuge gave her notice to leave when it decided she was ready to move on to independent living, and she asked the council for help to find somewhere to live.

The council issued her PHP, in which it agreed it would work with her to look for private rented accommodation, refer her for financial advice and give her information about a national housing scheme.

What we found

Our investigation found inadequate evidence the council took the steps it agreed it would. The council had removed Haleema's high priority on its housing register when she turned down a suitable offer of accommodation. But after we became involved, it reinstated her higher priority.

How we put things right

An individual remedy

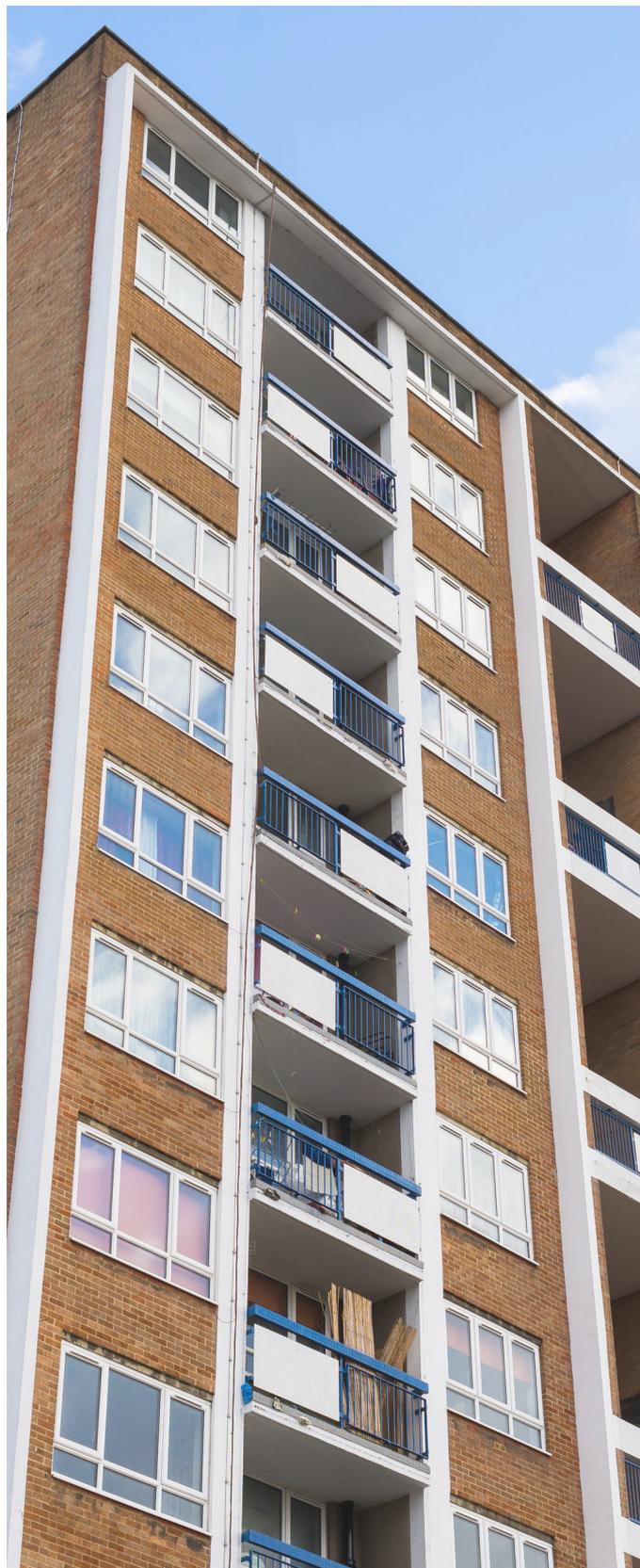
The council agreed to:

- > apologise to the Haleema

Service improvements for all

The council agreed to:

- > make sure, in the future, housing officers took the steps recorded in PHPs and kept records to evidence it



Continuing issues

Gatekeeping and interim accommodation

In this report we have concentrated on learning from our early investigations about the Homelessness Reduction Act. However, we continue to find fault in other aspects of homelessness complaints, relating to duties that existed before the Act came into force. We have included the following to remind councils of their duties that remain unchanged.

We still regularly see problems with councils 'gatekeeping' access to homelessness services by delaying taking, or not taking, homelessness applications.

The Act has not changed how councils' must take homelessness applications. They do not need to be in any specific format, or in writing. As long as the council has reason to believe someone seeking help about accommodation may be homeless or threatened with homelessness, it constitutes a homelessness application (*the Code, paragraphs 18.5 and 18.6*).

Delay in taking a homelessness application has a knock-on effect on councils' ability to accept the prevention or relief duty in a timely way, and to provide interim accommodation to people who are already homeless.

Councils should be mindful of whether applicants are eligible for interim accommodation.

We have seen examples of councils not providing interim accommodation when there was reason to believe an applicant may be homeless, eligible for assistance and in priority need. This might happen when the council does not properly appreciate that someone is already legally homeless, for example, if they cannot reasonably remain at their current accommodation or if a friend or relative has allowed them to stay temporarily because they have nowhere else to go. Councils might also overlook the need to consider interim accommodation when someone previously threatened with homelessness becomes homeless.



Susan's story: case reference

[18008810](#)

Susan had already had some dealings with the council about her housing situation. The landlord had ended the tenancy of her previous property. Susan approached the council as homeless when she and her child were staying on her sister's sofa. The council told Susan it would not accept a homelessness application until it did an unannounced home visit to confirm Susan's sister was making her leave.

The council negotiated with Susan's sister to allow Susan to stay until it could visit the next week. During the next week, Susan told the council multiple times her sister would not let her stay. The council told Susan her sister was being unreasonable in making her leave, and she had the right to stay at her sister's home until the council could secure her alternative accommodation. The council later told us Susan's sister had only given Susan one week's notice, and it would normally expect more notice than this.

The council visited Susan's sister's home after 10 days. It then decided Susan was homeless, accepted the relief duty and provided interim accommodation.

What we found

Our investigation found the council requiring a home visit before accepting a homelessness application was not practical in all circumstances and was not in line with the legal requirements. Susan had no right to remain at her sister's home without her sister's permission and her sister did not have to give Susan any notice.

It is common for councils to try and prevent homelessness by negotiating. However, it was clear Susan's sister had only agreed to let Susan stay for a short time and did not want her there any longer. The council only had to consider

whether it had reason to believe Susan may have been homeless, for it to treat the matter as a homelessness application. Instead, the council applied a higher threshold than the law allows and failed to take a homelessness application at the earliest opportunity.

The council should have taken a new homelessness application ten days before it did. This led to the already tense relationship between Susan and her sister becoming worse. It also delayed the relief duty – and the council providing interim accommodation for Susan – by 10 days.

How we put things right:

An individual remedy

The council agreed to:

- > pay Susan financial remedy to recognise this fault and some others we identified
- > pay Susan's sister a small sum

Service improvements for all

The council agreed to:

- > produce a written policy or procedure setting out when home visits will be carried out for people asking for housing assistance. This would clearly explain the council cannot delay fulfilling its legal duties in order to carry out a home visit

The council later accepted the main housing duty to Susan and provided temporary accommodation pending an offer of longer-term accommodation.





Getting things right

The following suggestions distil the key learning points from our investigations since the Homelessness Reduction Act came into force. We hope they are useful to councils.

- > **Ensure staff understand what constitutes a homelessness application**, and other council departments know when to contact, or refer to, the housing department
- > **Consider thoroughly whether applicants may already be legally homeless**. Even if they have a roof over their heads, they may be owed the relief duty rather than the prevention duty
- > **Ensure officers understand the thresholds for duties** including the prevention, relief and interim accommodation duties
- > **Issue Personalised Housing Plans (PHPs) as soon as practicably possible**. The Act does not give a maximum timescale, so we will consider each case on its merits. We may decide even a short delay amounts to maladministration in the context of a duty only lasting 56 days
- > **Tailor PHPs to the individual**. Steps listed in PHPs should be specific to the person's needs and circumstances. Take caution using standard templates and make sure standard steps are removed if they do not apply to the person
- > **Issue all decisions in writing**. Give clear and sufficient information about accepted duties, and reasons for not accepting, or ending, duties. Make sure people are well-informed about their review and appeal rights
- > **Ensure the council takes the steps it says it will**, or amend the steps in PHPs if they are no longer relevant
- > **Give sufficient priority to PHP reviews**, and update PHPs promptly because circumstances can quickly change. Make sure agreed steps remain appropriate
- > **Keep copies of different versions of a person's PHP**. This helps to evidence, in retrospect, what steps were agreed at different stages
- > **Acknowledge things do sometimes go wrong**. Where a mistake has been made, acknowledge it and try to put it right as soon as possible. Our [Guidance on Remedies](#) may help when considering actions to remedy faults



Encouraging local accountability

We want to share lessons from our complaints with locally elected councillors who have the democratic mandate to scrutinise the way councils carry out their functions and hold them to account.

We believe complaints raised by the public can be an important tool to help councillors identify issues affecting local people. Complaints can therefore play a key part in supporting local public service scrutiny.

Our experience has highlighted several key questions councillors could ask officers when scrutinising homelessness services.

- > Does the council have a homelessness strategy and how is its implementation being assessed by senior officers?
- > Does the council have enough suitably trained and skilled officers to deal with the volume of homelessness applications it receives? If not, what is it doing to address this?
- > What does the council do to assist people to whom it owes the prevention and relief duties? How does the council measure how effective those actions are?
- > Does the council learn lessons from complaints received, including identifying any systemic issues that may affect others? How has the council improved its homelessness services as a result of complaints?

We encourage councillors to look at the issues highlighted in this report, as well as complaints raised locally, to ensure homelessness services are receiving proper and effective scrutiny and are accountable to local people.



We now publish our complaints data for each council on an [interactive map](#) which helps to encourage further local accountability.



We also publish weekly alerts for the latest housing decisions, which anyone can [sign up to receive](#).



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