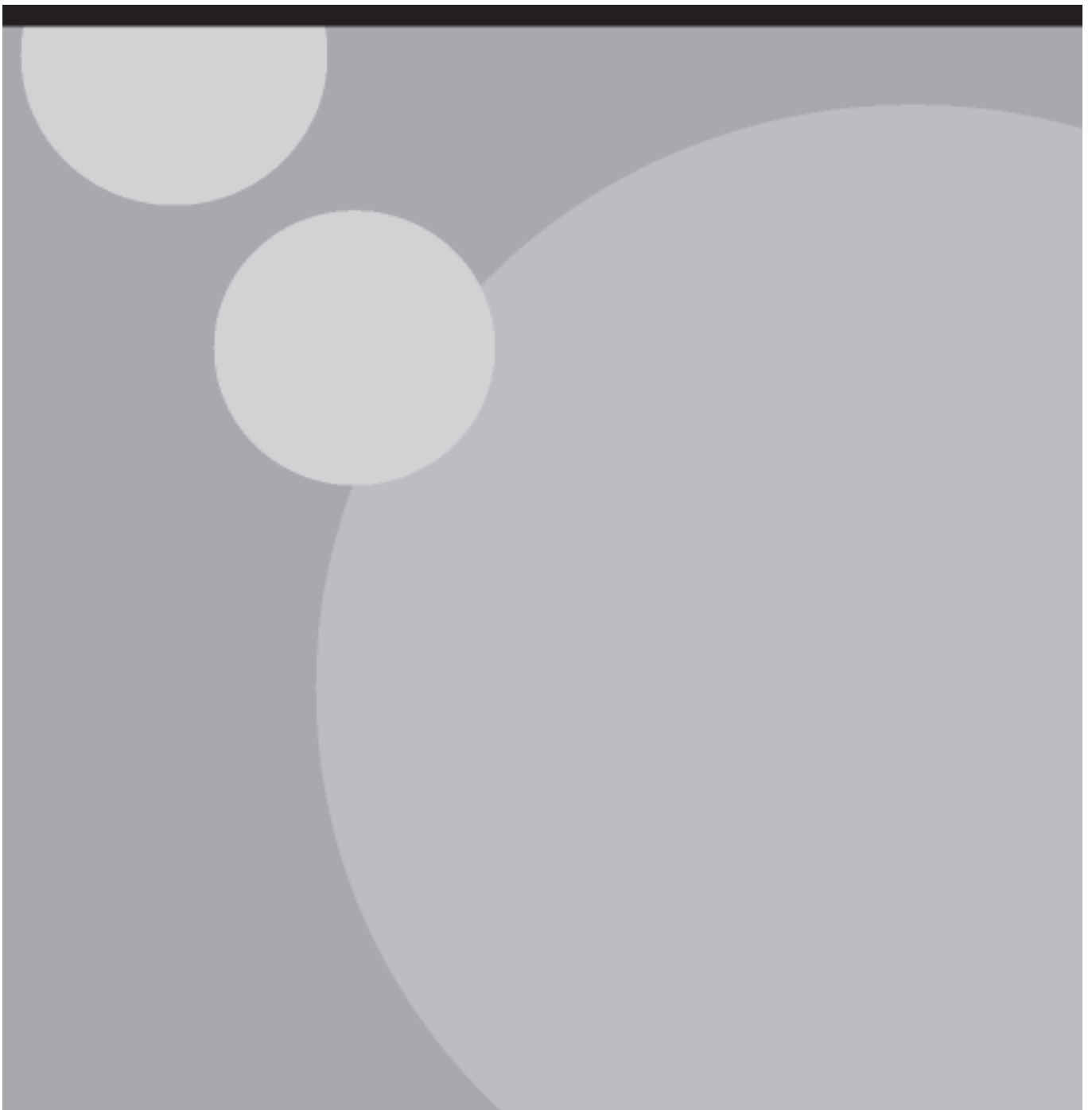




P1E Guidance: Homelessness Prevention and Relief

Recording cases where positive action is taken to prevent or relieve homelessness

(This guidance was first issued in April 2008)



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December 2009

ISBN: 978-1-4098-2116-8

Introduction

This note provides guidance for local housing authorities about recording cases where homelessness is prevented or relieved for the purpose of the P1E data return. It supersedes the guidance issued in July 2005 in respect of BVPI 213, which ceased to apply from April 2008. This guidance will also be of relevance to partner organisations who work with, or on behalf of, local authorities to prevent and relieve homelessness. The aim of this note is to assist local authorities in the completion of section 10 of the P1E, and it is non-statutory guidance.

Under sections 1 and 3 of the *Homelessness Act 2002*, local housing authorities must have a strategy for preventing homelessness in their district. The strategy must apply to everyone at risk of homelessness, not just people who may fall within a priority need group for the purposes of Part 7 of the Housing Act 1996.

The BVPI 213 guidance restricted homelessness prevention cases to those where a person seeks assistance from a local housing authority. For the purpose of recording on P1E, the scope has been broadened to include cases where a person applies directly to a partner organisation which is funded by a local housing authority to assist in the prevention or relief of homelessness and cases where a local authority refer clients for assistance to help prevent that person becoming homeless.

Communities and Local Government (CLG) encourages local authorities to offer prevention assistance to everyone who seeks housing assistance and considers they are at risk of homelessness in the near future, including single person households and others who may not appear to the authority to fall within a priority need category. However, it is for individual authorities to determine the scope of their homelessness prevention scheme. All persons who fall within the authority's scheme and for whom positive assistance was provided during the quarterly period (either by the authority or a partner organisation) should be recorded on the P1E.

Additionally, authorities are encouraged to take steps to relieve homelessness and record these cases where someone has been accepted as homeless but is not owed a duty to secure accommodation under the homelessness legislation (Part 7 of the Housing Act 1996). These are cases where someone is found to be homeless but not in priority need and cases where someone is found to be intentionally homeless.

Authorities should note that, in any given quarterly period, the number of recorded cases where assistance was provided to prevent homelessness (whether successful or not) will not necessarily correlate with the number of total decisions made on homelessness applications. This is because not all cases will necessarily have been treated as a statutory homeless application (for the purposes of section 183 of the 1996 Act), for example, because the authority did not have reason to believe that the person may have been homeless or likely to become homeless within 28 days. This is also because the definition for the Prevention section of the P1E is where a household, not the local authority, consider themselves at risk of homelessness. This may be beyond 28 days.

Cases where positive action has been provided to prevent homelessness from occurring should be recorded on the P1E separately from cases where positive action has been provided to relieve homelessness which relates to positive actions following a household becoming homeless.

Successful cases should be recorded on the P1E form in section 10, as follows:

- Cases that have had their risk of homelessness prevented and remain in their existing home should be recorded in Section A, column a.
- Cases that have had their risk of homelessness prevented through assistance in obtaining alternative accommodation (available for a minimum of six months before homelessness occurs) should be recorded in Section B, column a.
- Cases that have become homeless but have had their homelessness relieved through assistance in securing accommodation (available for a minimum of six months) should be recorded in Section B, column b. These would be non-priority or intentionally homeless households, found to be homeless but not accepted as owed a main duty to secure suitable accommodation under the homelessness legislation (for the purpose of this data collection).

What is 'homelessness prevention'?

In its broadest terms, 'homelessness prevention' is where a local authority takes positive action to provide housing assistance to someone who considers him or herself to be at risk of homelessness in the near future, and as a result the person is able to either remain in his or her existing accommodation or obtain alternative accommodation, providing a solution for at least the next six months. The key points are:

- the person has sought assistance from the local authority or a partner organisation (partner organisation is defined below)
- the person considers him or herself to be at risk of homelessness
- the local authority may or may not have reason to believe the person is homeless or likely to become homeless within 28 days
- the positive action is not being provided to discharge a duty to secure accommodation under the homelessness legislation
- the positive action is provided by:
 - the local authority
 - a partner organisation, or
 - a combination of the local authority and one or more partner organisations working together.

- the local authority or partner organisation consider that the positive action provided will prevent homelessness for at least the next six months.

What is 'positive action'?

'Positive action' is assistance provided over and above general advice and information about homelessness and the prevention of homelessness provided under section 179(1) of the 1996 Act. The assistance must be provided to an individual, on a casework basis, with the specific aim of ensuring that the individual and his or her household will be able to either remain in their existing accommodation or obtain alternative accommodation. There must be file-based case recording, with outcomes confirmed at the point of recording that outcome through a system of quality checking and control.

What is not 'positive action'?

The provision of advice and information alone, with no assistance or intervention to actively help the person to remain in his or her current accommodation or secure alternative accommodation will not amount to 'positive action'.

Securing accommodation to discharge a duty under the homelessness legislation (Part 7 of the *Housing Act 1996*) should not be recorded as 'positive action' for the purpose of this data collection, which is concerned with action taken over and above the main statutory duties. These are the 188(1), 190(2), 193(2) duties.

Exercising a power to secure accommodation under section 188(3) of the 1996 Act (pending a section 202 review) or section 204(4) (pending appeal to the county court) is not 'positive action' to prevent or relieve homelessness.

When can positive action be taken to prevent homelessness?

Local authorities are reminded that where someone approaches a local housing authority for housing assistance the authority must consider whether it has reason to believe that the person may be homeless or likely to become homeless within 28 days (see section 183 of the Housing act 1996) and, if so, it must make inquiries to determine whether it owes them any duty under Part 7 of the 1996 Act. Authorities cannot defer consideration of whether there is reason to believe while they provide assistance to prevent homelessness - but they can take positive action to prevent homelessness in parallel with making inquiries.

No reason to believe

The authority and/or partner organisations can take positive action to prevent homelessness where the authority do not have reason to believe the person is homeless or likely to become homeless within 28 days (but the person considers him or herself at risk of homelessness).

Reason to believe

The authority and/or partner organisations can also take positive action to prevent homelessness where the authority have reason to believe the person is homeless or likely to become homeless within 28 days. This can be done in parallel with making inquiries under section 184 of the 1996 Act. However enquiries must not be delayed because of proposed action. If steps can be taken with the cooperation of the applicant to ensure that the person has accommodation available before inquiries are completed, the authority will be able to make a section 184 decision of 'not homeless'.

Interim duty accepted (s.188(1))

The authority and/or partner organisations can also take positive action to prevent homelessness where the authority have accepted an interim duty to accommodate under section 188(1) of the 1996 Act. This duty will have been accepted on the basis that the person *may* be homeless, but the authority will not yet be *satisfied* that he or she is homeless. Therefore, there will still be an opportunity to take positive action to ensure that the person has alternative accommodation available and is 'not homeless' before completing inquiries and making a section 184 decision.

Section 195(2) duty accepted (threatened with homelessness)

Under section 195(2) of the 1996 Act, local authorities have a duty to take reasonable steps to ensure that accommodation does not cease to be available for applicants whom the local authority is satisfied are eligible for assistance, unintentionally threatened with homelessness and in priority need. Where this duty has been accepted, successful steps taken to ensure that the applicant can remain in the current accommodation can be recorded as 'positive action' to prevent homelessness.

When can positive action be taken to relieve homelessness?

Positive action to prevent homelessness cannot be taken once the authority is satisfied that someone has become homeless (for example, the authority has notified the person of a decision under section 184 that they are homeless).

However, following the notification under section 184 that an applicant is homeless positive action to relieve homelessness can be taken in the following circumstances:

- where the authority has accepted a duty under **section 192** that the person is unintentionally homeless and not in priority need. In this case, the positive action could include the authority exercising its power under section 192(3) to secure accommodation through a rent guarantee BOND, subject to the accommodation being made available for at least six months
- where the authority has accepted a duty under **section 190(3)** that the person is intentionally homeless and not in priority need
- where the authority has accepted a duty under **section 190(2)** that the person is intentionally homeless and in priority need. The authority will have a duty to secure accommodation for long enough to give the person a reasonable opportunity to secure accommodation for him or herself. However, positive action to relieve homelessness could be taken through offering for example a rent in advance payment to enable the person to secure accommodation for him or herself.

In all these circumstances, the local authority will have a duty to ensure that the applicants are provided with advice and assistance in any attempts they make to secure accommodation for themselves (and the applicant's housing needs must be assessed before such advice and assistance is given: section 190(4) and 192(4)). However, it would be open to the authority and/or partner organisations to take action to ensure that applicants secure one of the types of accommodation set out in the Annex (as appropriate). This would be positive action over and above the statutory obligation to provide advice and assistance and can be recorded as successful action to relieve homelessness.

What is a partner organisation?

A partner organisation is any organisation which is assisting the local authority in tackling and preventing homelessness and is either:

- funded by the local authority to assist it in tackling and preventing homelessness, or
- is an organisation to which the local authority refers clients for assistance to help prevent that person becoming homeless.

Referral by a local authority to a partner organisation

Where someone who considers him or herself at risk of homelessness seeks help from a local authority, the authority may refer him or her to a partner organisation for positive action. Examples could include:

- referral to an external mediation service where their mediation enables the person to remain in the existing home and prevents homelessness
- referral to a specialist debt and money advice service, where the advice enables homelessness to be prevented, or
- referral to a court advocacy service, where that agency's casework enables the person to remain in the home.

Local authority working jointly with partner organisations

Where positive action to prevent or relieve homelessness is provided by more than one organisation or service, the results can be combined in assessing the overall number of positive actions in the local authority district.

Typically a local authority might record positive action carried out jointly by in-house teams such as:

- the Housing Options team
- the Homelessness team
- the Housing Allocation team
- the Environmental Health or Private Sector Housing Enforcement service.

Together with partner organisations such as CAB or Shelter, providing independent housing advice, and other organisations it refers clients at risk of homelessness to for positive action including services such as:

- mediation
- debt advice
- Court advocacy services
- crisis intervention support
- Sanctuary schemes

Outcomes

All cases where positive action is taken to prevent or relieve homelessness (and which meet the acceptable criteria) should be recorded. They will be recorded on the P1E as either homelessness prevented; homelessness relieved; or unsuccessful positive action

Cases should not be recorded as either successful or unsuccessful where no positive assistance to try and prevent or relieve homelessness has been provided (either by the authority or a partner organisation).

Successful outcomes

For positive action to be recorded as successful, the authority or partner organisation taking the action must be satisfied that the intervention is likely to result in homelessness being prevented or relieved for at least six months.

Cases should be recorded in the P1E return for the quarterly period when the positive action was actually provided. It is at this point where the case has been checked and signed off by a senior officer or other officer not directly involved in the case that it should be recorded as a 'prevention'; 'homelessness relieved' or a 'positive action unsuccessful' case and recorded as such. Recording should not be delayed until success or failure can be confirmed six months later.

Decisions that positive action taken in a particular case is likely to be successful should be verified by a senior officer or other officer not directly involved in the case before being recorded on the P1E. Authorities will need to put in place a system of objectively checking and verifying decisions about the likely outcome of each case

In cases where the positive action is taken by partner organisation, decisions about likely success should be taken by a senior officer (or other adviser not directly involved in the case) of that organisation before being recorded as a successful case of homelessness prevention or relief.

It is good practice for a sample of cases where positive action was judged to be successful to be monitored - to provide quality assurance of the assistance provided and the decisions made about the prospects of success. However, it is not proposed that monitoring results should be recorded on the P1E form. Nor is the local authority or partner organisation obliged to go back over the six month period to check that homelessness is still being prevented, as such a process is considered to be too time consuming and would divert valuable resources away from direct homelessness prevention and options work.

As a matter of good practice local authorities and partners are encouraged to carry out spot-checks to assess whether prevention or relief has been successful. Ongoing monitoring of cases will also provide an early warning of any change in circumstances which could lead to a further risk of homelessness.

Unsuccessful outcomes

Cases where positive action was unsuccessful are defined as where:

- (1) A household approaches the local housing authority or partner organisation for help because they consider they are homeless or at risk of homelessness (a partner organisation is one that is funded by the council to help prevent homelessness)

AND

- (2) Positive action took place but was unsuccessful in preventing or relieving that risk (this would include cases where a local authority refers a case for assistance to help prevent that person becoming homeless to a partner organisation) and they became homeless, and were either owed a main homelessness duty under section 193 (2).

OR

- (3) They were found to be homeless but not owed a main duty (as they were found to be intentionally homeless or not in priority need), and options were offered to help relieve their homelessness but were unsuccessful in assisting the applicant to obtain accommodation.