



Department for
Communities and
Local Government

Homelessness Code of Guidance for Local Authorities

A consultation paper



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Scope of the consultation

Topic of this consultation:	This consultation seeks views on the Homelessness Code of Guidance for local authorities.
Scope of this consultation:	We are keen to hear the views of all parties with an interest in the Homelessness Code of Guidance.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	This consultation is seeking views on the draft Homelessness Code of Guidance and does not propose a course of action by Government. Therefore an impact assessment has not been produced.

Basic Information

To:	This is a public consultation.
Body/bodies responsible for the consultation:	This consultation is being run by the Housing Standards and Supply Directorate of the Department for Communities and Local Government.
Duration:	This consultation will last for 8 weeks from 16 October 2017 until 11 December 2017.
Enquiries:	For any enquiries about the consultation please contact H&SEnquiries@communities.gsi.gov.uk
How to respond:	<p>You may respond by completing an online survey at: https://www.surveymonkey.co.uk/r/homelessnesscode</p> <p>Alternatively you can email your response to the questions in this consultation to H&SEnquiries@communities.gsi.gov.uk</p> <p>Written responses should be sent to: Homelessness Division Department for Communities and Local Government Third Floor – Fry Building 2, Marsham Street London SW1P 4DF</p> <p>If you are responding in writing, please make it clear which questions you are responding to.</p> <p>When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official</p>

	<p>response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> - your name, - your position (if applicable), - the name of organisation (if applicable), - an address (including post-code), - an email address, and - a contact telephone number.
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Introduction

1. The Government supported the Homelessness Reduction Bill which was introduced to the House of Commons in summer 2016 by Bob Blackman MP, and progressed through Parliament with cross party support. The Act received Royal Assent on Thursday 27th April 2017.
2. The Act is designed to significantly reform England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness, irrespective of whether or not an applicant has 'priority need' or may be 'intentionally homeless'. The new duties include:
 - i) Providing free information and advice on preventing and relieving homelessness and the rights of homeless people, to all residents, to include information tailored to the needs of particularly vulnerable groups
 - ii) An enhanced prevention duty extends the period a household is threatened with homelessness from 28 days to 56 days, meaning that local authorities will intervene to prevent homelessness at an earlier stage.
 - iii) A new duty for those who are already homeless will mean that local authorities will work with them for 56 days to help secure accommodation to relieve their homelessness.
3. Following Royal Assent the Government is reviewing the statutory Homelessness Code of Guidance for Local Authorities, last updated in 2006, and associated supplementary guidance. **The Homelessness Code of Guidance provides direction on how local authorities should exercise their homelessness functions and apply the law in practice.** It also applies to local housing and social services authorities, who are required to have regard to the guidance in exercising their functions in relation to homelessness.
4. The Government worked with a guidance review group made up of local authority and charity representatives, as well as specialists relevant to particular issues, to inform the review of the Code of Guidance. The new draft Code brings together and updates existing guidance, as well as providing new guidance to cover the duties brought in by the Act. In doing so, it focuses more tightly on the legislation itself with less attention to general practice guidance and the wider policy context.
5. The current Homelessness Code of Guidance and supplementary guidance documents are available at the following link:
<https://www.gov.uk/government/collections/homelessness-guidance>
6. This consultation seeks views on the reform to the Code of Guidance and we would welcome feedback before it is finalised for publication in spring 2018.
7. This consultation applies to England only and asks specific questions on:
 - i) The Homelessness Code of Guidance
8. Responses should be submitted no later than midnight on 11 December 2017.

9. We encourage respondents to use the online survey available at:
<https://www.surveymonkey.co.uk/r/homelessnesscode>

Written responses can also be emailed to: H&SEnquiries@communities.gsi.gov.uk

or sent to;
Homelessness Division
Department for Communities and Local Government
Third Floor – Fry Building
2, Marsham Street
London
SW1P 4DF

10. A list of questions asked in this consultation can be found at Annex A.

Format and Content

The Government intends to streamline the Homelessness Code of Guidance to help make the legislation clearer and more accessible.

It is proposed that the revised Code of Guidance will be an easily accessible on-line manual with hyperlinks between different chapters. An example of guidance in this format can be accessed at this link: <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

In order to streamline and clarify guidance, the draft Code has few annexes and incorporates the related supplementary guidance which has been issued since the publication of the existing Code. For reference the following guidance documents are now included within the draft Code:

- Intentional homelessness: supplementary guidance.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78421304826.pdf
- Homelessness changes in the Localism Act 2011: supplementary guidance
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270376/130108_Supplementary_Guidance_on_the_Homelessness_changes_in_the_Localism_Act_2011_and_on_the_Homelessness_Order_2012.pdf
- Domestic abuse and homelessness: supplementary guidance.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/545312/Supplementary_guidance_on_domestic_abuse_and_homelessness.pdf

We propose retaining, and updating, separate guidance on the 'Provision of Accommodation for 16 and 17 year olds who may be homeless and/or require accommodation' which is jointly issued by the Secretary of State for Communities and Local Government and the Secretary of State for Education, and provides detailed guidance for children's services authorities and local authorities about their respective duties.

The proposed draft Code includes specific chapters covering assessment and casework considerations for particularly vulnerable groups. This is to ensure that the information on these groups is readily accessible to the reader rather than being dispersed throughout the guidance.

We would welcome any comments on proposed format, content and writing style of the Code overall or in relation to particular chapters.

Annex A: Consultation Questions

Personal Information

To help us analyse the consultation responses, we would ask you to answer the following questions:

Q1: Are you responding as (please tick one):

- ☐ A private individual?
- ☐ On behalf of an organisation?

Q2: If you are responding as a private individual, is your main interest as:

- ☐ A individual with experience of homelessness?
- ☐ An individual who delivers a homeless service?
- ☐ Other? (Please specify)

Q3: If you are responding on behalf of an organisation, is the interest of your organisation as (tick all that apply):

- ☐ A local authority?
- ☐ A private registered provider?
- ☐ A homelessness charity?
- ☐ A private landlord or organisation representing private landlords?
- ☐ An organisation providing legal services?
- ☐ A supplier of management and/or other services to local authorities?
- ☐ A health agency?
- ☐ A social care agency?
- ☐ A children's service?
- ☐ A criminal justice agency?
- ☐ Other (please specify)?

Q4: Please enter the first part of the postcode in England in which your activities (or your members' activities) are principally located (or specify areas in the box provided):

Responding to this Consultation

The revised Code provides guidance on homelessness legislation, including the new duties introduced through the Homelessness Reduction Act. Whilst we welcome consultation on any element of the revised Code that is of interest to you, the consultation questions below provide an outline of each section and some prompts for your response.

The draft Code incorporates guidance on new legislation to reflect the purpose and intention of the Homelessness Reduction Act. Within the consultation questions we have highlighted some aspects of the guidance where we recognise the issues are more challenging, and particularly encourage responses to these. It would be helpful if responses to the consultation focus on the content of the guidance, and the interpretation of the amended Act, rather than any concerns about the legislation itself.

Format of the Homelessness Code of Guidance

The following questions are specific questions on the format of the Homelessness Code of Guidance.

Q5: Do you agree that annexes should be removed from the guidance? If not, is there any specific information that you would suggest keeping in an annex and why?

- ☐ Yes
- ☐ No

Comment:

Q6: Do you agree with the recommendations for withdrawal of existing supplementary guidance documents? Are there specific, essential elements of current guidance material that should in your view be retained and considered for inclusion in the revised guidance?

Comment:

Q7: Do you agree that the revised Homelessness Code of Guidance should incorporate the additional supplementary guidance documents? If not, what other method or format would you suggest and why?

- ☐ Yes
- ☐ No

Comment:

Q8: Are there any other relevant caselaw updates that you think should be considered for inclusion in the revised guidance? If so, detail the case and which chapter of the Homelessness Code of Guidance the update should be included within.

Comment:

Q9: Do you have any comments on the drafting style and tone in the revised guidance, and are there some chapters that you find easier to understand than others?

Comment:

Content of the Homelessness Code of Guidance

The following questions are specific questions on the content of the Homelessness Code of Guidance.

Q10: To inform our public sector equality analysis further we are interested in your views on the likely impacts of the Homelessness Code of Guidance on groups with protected characteristics? Please let us have any examples, case studies, research or other types of evidence to support your views.

Comment:

Q11: Taking chapters 1-5 of the Homelessness Code of Guidance which describe strategic functions consider the following questions:

a) Having read these chapters are you clear what local authorities responsibilities are?

☐ Yes

☐ No

If no please provide further information:

b) Would you suggest any additions, deletions or changes to these chapters?

- ☐ Yes
☐ No

If yes please use the form below to detail the chapter and paragraph number of the Homelessness Code of Guidance where relevant. Please expand this table as required.

Chapter	Page and paragraph number	Change/add/remove	Comment

Q12: Taking chapters 6-10 of the Homelessness Code of Guidance which provide guidance on definitions to help inform decisions on the areas of statutory duty.

a) Having read these chapters are you clear what local authorities responsibilities are?

- ☐ Yes
☐ No

If no please provide further information:

b) Would you suggest any additions, deletions or changes to these chapters?

- ☐ Yes
☐ No

If yes please use the form below to detail the chapter and paragraph number of the Homelessness Code of Guidance where relevant. Please expand this table as required.

Chapter	Page and paragraph number	Change/add/remove	Comment

c) When considering '*Chapter 6: Homelessness and Threatened with Homelessness*' is the guidance on whether it is 'reasonable to occupy' helpful? We are particularly interested in your views on how the guidance should help housing authorities assess when it is no longer reasonable for a tenant to occupy following expiry of a valid section 21 notice

- ☐ Yes
☐ No

d) When considering '*Chapter 10: Local Connection*' does the guidance provide sufficient clarity about when and how a referral can be made? Please note if there is anything more you think could be provided to help housing authorities interpret the legislation

- ☐ Yes
☐ No

Q13: Taking chapters 11-14 of the Homelessness Code of Guidance which focus on the prevention and relief duties consider the following questions:

a) Having read these chapters are you clear what local authorities responsibilities are?

- ☐ Yes
☐ No

If no please provide further information:

b) Would you suggest any additions, deletions or changes to these chapters?

- ☐ Yes
☐ No

If yes please use the form below to detail the chapter and paragraph number of the Homelessness Code of Guidance where relevant. Please expand this table as required.

Chapter	Page and paragraph number	Change/add/remove	Comment

c) When considering '*Chapter 11: Assessments and Personalised Plans*' do you consider the guidance on 'reasonable steps' is sufficient, and is helpful?

- ☐ Yes
☐ No

Comments:

d) When considering '*Chapter 14: Ending the Prevention and Relief duty*' would any additional information on applicants who deliberately and unreasonable refuse to cooperate be helpful?

- ☐ Yes
☐ No

Comments:

Q14: Taking chapters 15-17 of the Homelessness Code of Guidance which focus on accommodation duties and powers consider the following questions:

a) Having read these chapters are you clear what local authorities responsibilities are?

- ☐ Yes
☐ No

If no please provide further information:

b) Would you suggest any additions, deletions or changes to these chapters?

- ☐ Yes
☐ No

If yes please use the form below to detail the chapter and paragraph number of the Homelessness Code of Guidance where relevant. Please expand this table as required.

Chapter	Page and paragraph number	Change/add/remove	Comment

c) When considering *Chapter 16: Helping to secure and securing accommodation* are you clear what local authorities responsibilities are in helping to secure or securing accommodation?

- ☐ Yes
☐ No

Comments:

c) When considering *Chapter 17: Suitability of Accommodation* are you clear what local authorities responsibilities are? Is there any further guidance required to help housing authorities assess affordability of accommodation, or the suitability of accommodation out of district?

☐ Yes

☐ No

Comments:

Q15: Taking chapters 18-20 of the Homelessness Code of Guidance which focus on casework administration consider the following questions:

a) Having read these chapters are you clear what local authorities responsibilities are?

☐ Yes

☐ No

If no please provide further information:

b) Would you suggest any additions, deletions or changes to these chapters?

☐ Yes

☐ No

If yes please use the form below to detail the chapter and paragraph number of the Homelessness Code of Guidance where relevant. Please expand this table as required.

Chapter	Page and paragraph number	Change/add/remove	Comment

c) When considering *Chapter 18: Applications, inquiries, decisions and notifications* would any additional information on issuing notifications and decisions be helpful?

☐ Yes

☐ No

Comments:

Q16: Taking chapters 21-25 of the Homelessness Code of Guidance which focus on particular client groups consider the following questions:

a) Having read these chapters are you clear what local authorities responsibilities are?

- ☐ Yes
☐ No

If no please provide further information:

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b) Would you suggest any additions, deletions or changes to these chapters?

- ☐ Yes
☐ No

If yes please use the form below to detail the chapter and paragraph number of the Homelessness Code of Guidance where relevant. Please expand this table as required.

Chapter	Page and paragraph number	Change/add/remove	Comment

Q17: Are there any other comments that you would like to make on the Homelessness Code of Guidance?

Comments:

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Annex B: About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).