

Appendix 2 - Proposed Response to Consultation

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):

On behalf of an organisation

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

Not applicable

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

A local authority

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):

BB9

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

Comment:

Encompassing relevant 'Annex' information within the main Code of Guidance appears to help the flow of the document and make it easier to understand and therefore adhere to.

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:

See Q7 - Bringing together all existing guidance within a new Code of Guidance will help it easier to follow.

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

Comment:

Bringing together existing guidance, thus withdrawing existing supplementary guidance documents, will help to make the Code easier to follow.

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:

No

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:

All Chapters appear relatively easy to understand in terms of style and tone. There do not appear to be any chapters that have been found to be easier to understand than others.

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:

Although a full detailed analysis of the draft Code of Guidance has not been undertaken by the Council in relation to its impact on groups with protected characteristics, broadly there does not appear to be any areas where there would be any major impacts.

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, the chapters below clearly explain local authority responsibilities

Chapter 1 - Introduction

Chapter 2 – Homelessness strategies and reviews

Chapter 3 – Advice and information about homelessness and the prevention of homelessness

Chapter 4 – The duty to refer cases in England to housing authorities

Chapter 5 – Contracting out homelessness functions

If no please provide further information:

Not applicable

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

☐ 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
n/a			

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, the chapters below clearly explain local authority responsibilities

Chapter 6 – Homelessness or threatened with homelessness

Chapter 7 – Eligibility for assistance

Chapter 8 – Priority Need

Chapter 9 – Intentional homelessness

Chapter 10 – Local connection and referrals to another housing authority

If no please provide further information:

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

☐ 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
n/a			

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

The section on 'reasonable to occupy' is helpful and will aid decision-making. In relation to guidance in helping authorities assess when it is no longer reasonable for a tenant to occupy following expiry of a valid section 21 notice, considerable leeway has been made to allow for a case by case approach. There can be many reasons why a s21 notice is served and the guidance, in allowing a broadly case by case approach will aid better decision-making, taking into account all the relevant factors of the case.

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, the guidance appears robust in helping authorities interpret the legislation

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, the chapters below clearly explain local authority responsibilities

Chapter 11 – Assessments and personal plans

Chapter 12 – Duty to cases of threatened with homelessness (the prevention duty)

Chapter 13 – Relief Duty

Chapter 14 – Ending the prevention and relief duties

If no please provide further information:

Not applicable

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

☐ 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
N/a			

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

☐ Yes

Comments:

The 'reasonable steps' guidance helps clarify the type of reasonable steps which may be taken by a local authority.

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?

☐ No

Comments:

This particular issue could quite possibly prove difficult and contentious to implement in that housing authorities that wish to end a duty in this way, will need to evidence in a letter exactly how an applicant has deliberately and unreasonably refused to co-operate. However, in terms of additional information, the guidance appears sufficient.

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, the chapters below clearly explain local authority responsibilities

Chapter 15 – Accommodation Duties and Powers

Chapter 16 – Securing accommodation
Chapter 17 – Suitability of accommodation

If no please provide further information:

Not applicable

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

☐ *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
<i>n/a</i>			

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*

Comments:

No particular comment to make

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*

Comments:

No further guidance required

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, the chapters below clearly explain local authority responsibilities

Chapter 18 – Applications, decisions and notifications

Chapter 19 – Review of decisions and appeals to the County Court

Chapter 20 – Protection of personal property

If no please provide further information:

Not applicable

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

☐ *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
<i>n/a</i>			

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

☐ *No*

Comments:

No particular comment to make

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, the chapters below clearly explain local authority responsibilities

Chapter 21 – Domestic abuse

Chapter 22 – Care leavers

Chapter 23 – People with an offending history

Chapter 24 – Former members of the armed forces

Chapter 25 – Modern slavery and trafficking

If no please provide further information:

Not applicable

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

☐ 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
n/a			

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

Comments:

No