

Homelessness legislation for third sector workers



MARK
PRICHARD
SOCIAL HOUSING CONSULTANT

07835 545 409
mark@markprichard.co.uk
markprichard.co.uk

Objectives

By completing the training we will:

- Understand the process by which homeless persons are assessed and helped by local authorities.
- Be able to identify persons who may be owed homelessness duties.
- Understand how key duties (e.g. to assess, secure interim TA etc) operate.
- Appreciate opportunities for third sector staff to intervene / contribute / challenge on client's behalf.

I'll attempt to:

- Give particular emphasis to our particular client groups
- Highlight opportunities for you to practically help clients



Focus on our typical customers

- Rough sleepers
- Sofa surfers
- Licensees facing exclusion, e.g. parental exclusions
- Private (assured shorthold) tenants who have received notice
- Supported housing project occupiers facing eviction
- Persons experiencing abuse

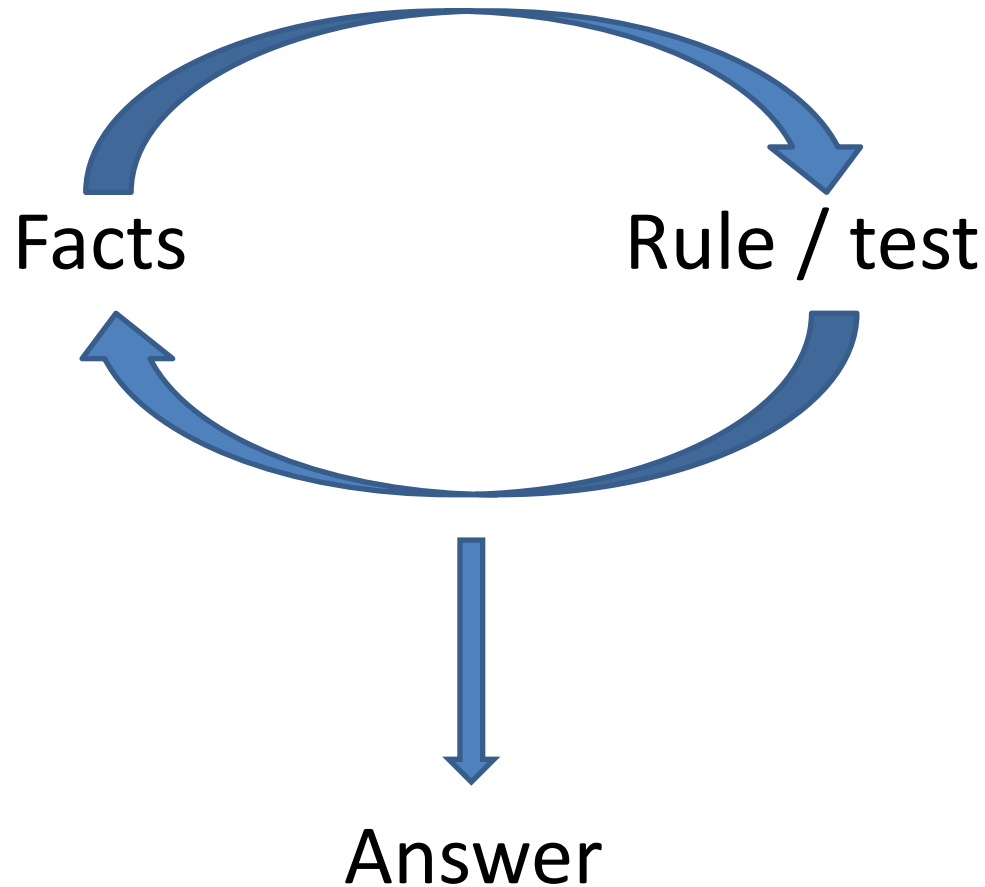


What is the homelessness legislation?

- The safety net for people who are homeless or at risk of homelessness.
- 'Lifeline of last resort'
- Contained in:
 - Housing Act 1996.
 - Regulations.
- Right (for some) to temporary accommodation.
- Not permanent social housing (via waiting list).



What are we doing...?

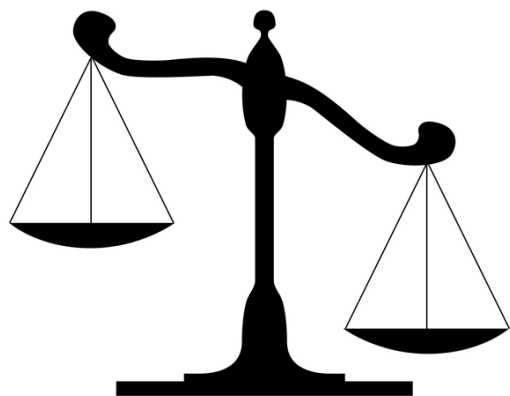


(does the Council have a duty to do something?)



Low threshold tests vs high threshold tests

Some **REASON TO BELIEVE** that the applicant **MAY BE...**



Council

Applicant

SATISFIED that the applicant **IS..**



Council

Applicant

Tests for initial duties:

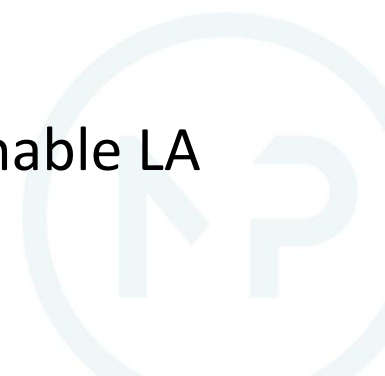
- conduct assessment
- providing temporary accommodation

Test for subsequent duties once assessment completed, eg:

- Whether applicant IS homeless or threatened with homelessness
- 'Relief' homelessness duty
- Ongoing accommodation duty when 56 days elapsed from homelessness

Challenging LA decisions

- LA entrusted by Act to be judge of fact
- Appeal / JR is on 'point of law', i.e. LA made error of law
- Public law errors:
 - Not applied correct legal test
 - Had regard to irrelevant matters
 - Not had regard to relevant matters
 - Not based decision on facts
 - Bad faith or dishonesty
 - Decision contrary to policy of Act
 - Procedural unfairness
 - Reached a conclusion that is irrational (no reasonable LA would have reached)



Tactics when supporting clients to apply

What steps might you want to take if you're suspect a LA may not take an application and/or arrange interim accommodation?

- Evidence application
- Set out facts – e.g. reasons why applicant is vulnerable
- Force LA to deal with specific facts / arguments
- Evidence (or help applicant secure evidence of) medical conditions, vulnerability etc.
- Urgent referral mechanism to local housing legal aid franchise
- Make clients aware of duty to co-operate

