

# Adult Social Care and Health Directorate

## General Housing Information Practice Guidance

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# General Housing Information Practice Guidance–Adult Social Care and Health

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## References.

In addition, appendix 3 has hyperlinks to some voluntary and/or private sector information and advice resources.

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|---|
| <a href="#">The Care Act 2014</a>   |
| <a href="#">Section 21 of the Care Act</a> - not meet the needs for care and support of an adult to whom section 115 of the Immigration and Asylum Act 1999 care and support <i>arisen solely— because a) the adult is destitute, or (b)because of the physical effects, or anticipated physical effects, of being destitute.</i> |
| <a href="#">Section 23 of the Care Act (Exception for provision of housing etc</a>  |
| <a href="#">Care and Support Statutory Guidance issued with the Care Act</a>  |
| <a href="#">Housing Act 1996</a>  |
| <a href="#">Housing Act 1996 (s189)</a> - categories of households who have a <i>priority need</i> for accommodation if they become homeless  |
| <a href="#">Homelessness (priority Need for Accommodation (England) Order 2022</a>  |
| <a href="#">Homelessness code of guidance for local authorities Chapter 8: Priority need .</a>  |
| <a href="#">Homelessness code of guidance for local authorities Chapter 9: Chapter 9: Intentional homelessness</a>  |
| <a href="#">Homelessness Act 2002</a>   |
| <a href="#">Homelessness code of guidance for local authorities 2018.</a>   |
| <a href="#">Homelessness Reduction Act 2017</a>   |
| <a href="#">Accommodation under the Care Act: R (SG) v London Borough of Haringey [2015] -Community Care Inform Adults 2018 publication</a> - “High Court quashes council’s refusal to accommodate individual under Care Act 2014 provisions”   |
| <a href="https://guidance.nrpfnetwork.org.uk/reader/practice-guidance-adults/eligibility-for-care-and-support/">https://guidance.nrpfnetwork.org.uk/reader/practice-guidance-adults/eligibility-for-care-and-support/</a> No Recourse to Public Funds Network Guidance for local authorities                                      |
| <a href="#">Social services support for adults   NRPF (nrpfnetwork.org.uk)</a> : Accommodation and financial support for “adults” with no recourse to public funds who are destitute or at risk of homelessness.  |
| Unsuitable temporary accommodation - <a href="#">LGSCO report May 2023</a>  |
| <a href="#">Help with housing when you leave prison - Shelter England</a>   |

**Table of contents. Select each hyperlink to the location within this document.**

|   |           |
|---|-----------|
| <b>1. Introduction .....</b>  | <b>3</b>  |
| <b>2. Key Principles.....</b>   | <b>3</b>  |
| <b>3. Legislation and National Guidance.....</b>                                  | <b>4</b>  |
| <b>4. Practice Guidance .....</b>   | <b>5</b>  |
| 4.1 Housing and the Care Act 2014   |           |
| 4.2 Accommodations need   |           |
| 4.2.1 Need for accommodation only   |           |
| 4.3 Homelessness  |           |
| 4.3.1 Is the person intentionally homeless?                                       |           |
| 4.4 Housing options   |           |
| 4.4.1 Help with housing for a person leaving prison                               |           |
| 4.4.2 Accommodation for "adults" with no recourse to public funds                 |           |
| 4.5 Providing information   |           |
| 4.6 Recording with care   |           |
| <b>5. Monitoring.....</b>   | <b>12</b> |
| <b>6. Review of Practice Guidance.....</b>  | <b>12</b> |
| <b>Appendices .....</b>   | <b>14</b> |
| 1. Homelessness Reduction Act 2017 - Key elements of the legislation.....         | <b>14</b> |
| 2. Categories of housing applicants having a priority need for accommodation..... | <b>18</b> |
| 3. Voluntary and/or private sector information and advice resources.....          | <b>19</b> |

## 1. Introduction

A general duty under the Care Act 2014 to promote wellbeing makes reference to suitable accommodation. The setting in which a person lives, and its suitability to their specific needs, can have a major impact on the extent and means to which their care and support needs can be met, or prevented, over time. Where a person lives can impact on their health outcomes.

Supporting people through the provision of good quality information and advice can help people make early choices about their housing options and related services in advance of a potential crisis.

The following guidance applies to an Adult Social Care practitioner (“the practitioner”) who may identify, or become aware of, a person with eligible care and support needs, who require general housing information and/or is experiencing a housing crisis.

The guidance also provides an overview of Kent Council Council’s (Adult Social Care) general responsibilities when a person is homeless or at risk of homelessness, or to be released from prison, or has no recourse to public funds.

It provides best practice how the practitioner should support the person in such circumstances, including signposting to appropriate housing experts as required. Appendix 3 has hyperlinks to some voluntary and/or private sector information and advice resources.

Reference to a person applies equally to their legal representative.

Reference to “housing authority” means a local government responsible for housing. In Kent this is one of the 12 District, Borough, or City Councils, not Kent County Council.

[Return To Contents](#)

## 2. Key Principles

When deciding how to respond to a person’s housing need/crisis, the following principles should be borne in mind.

- Recognise the urgency of a situation, presenting risks and respond appropriately in a timely manner.
- Consider if there a reason to believe the person is/will be homeless; if so, the practitioner has a duty (with the person’s consent) to refer under the Homelessness Reduction Act 2017.
- Provide timely, personalised, and accessible information that is relevant to the person, which includes available housing and housing-related support options.
- As appropriate, direct and support the person to access sources of housing information and advice, making sure their information and communication support needs are met.
- Make effective use of statutory, voluntary and / or private sector information and advice resources.
- Consider suitable living accommodation when looking at a person’s and carers’ support needs and desired outcomes.

- Enable the person to recognise their own skills, ambitions, and priorities, as well as developing their personal and community connections in relation to housing needs.
- Support the person to understand and weigh up the risks and benefits of different housing options when exercising choice.
- Work in co-operation with officers responsible for housing, given that housing and suitability of living accommodation play a significant role in supporting a person to meet their needs and can help to delay that person's deterioration.
- Quality record keeping supports the judgements, decisions and documentary evidence of the information, advice and support provided.

[Return To Contents](#)

### 3. Legislation and National Guidance

- 3.1 [The Care Act 2014](#) (the Act) is clear that one specific component of wellbeing is the suitability of living accommodation. Suitable accommodation can be one way of meeting care and supports needs.

However, the Act is also clear on the limits of responsibilities and relationship between care and support and housing legislation to ensure that there is no overlap or confusion. Section 23 of the Act clarifies the existing boundary in law between care and support relevant housing legislation, such as the Housing Act 1996.

[The Care and Support Statutory Guidance](#) issued with the Act states in sections 15.48:

*“Housing or suitable living accommodation is a place which is safe, healthy and suitable for the needs of a person, so as to contribute to promoting physical and emotional health and wellbeing and social connections”.*

15.58 *“A safe suitable home can contribute to physical and mental wellbeing and can provide control over day-to-day life and protection from abuse and neglect. A home or suitable living accommodation can enable participation in work or education, social interactions, and family relationships”.*

- 3.1.1 [Needs arising solely from destitution – person subject to immigration control](#)

Section 21 of the Act prevents a local authority from meeting needs under sections 18 or 19, or providing preventative assistance under section 2(1), when a person is 'subject to immigration control':

*(1) Kent County Council “may not meet the needs for care and support of an adult to whom section 115 of the Immigration and Asylum Act 1999 (“the 1999 Act”) (exclusion from benefits) applies and whose needs for care and support have arisen solely—*

*(a) because the adult is destitute, or*

*(b) because of the physical effects, or anticipated physical effects, of being destitute”.*

This exception only applies to people who are 'subject to immigration control' under section 115 of the Immigration and Asylum Act 1999. Reference [NRP Network: Assessing](#)

[and supporting adults who have no recourse to public funds \(England\) guidance](#) and [Social services support for adults | NRPF \(nrpfnetwork.org.uk\)](#)

The Home Office have a duty to provide accommodation when considering the application of immigration status when a person does not have eligible care and support needs. Where care and support provided would be effectively useless without person having accommodation, the local authority is likely to have a duty to provide accommodation under the Care Act.

- 3.2** [The Homelessness \(Review Procedure etc.\) Regulations 2018](#) (Regulation 10 Duty to refer) made under the [Homelessness Reduction Act 2017](#) introduced a **duty** on certain public authorities, (including a County Council), to refer a person in England who is thought to be homeless or threatened with homelessness to a *housing authority* within 56 days.

[See Appendix 1 “Policy Fact Sheet: Duty to refer specified public authorities”.](#)

- 3.3** The [Homelessness \(priority Need for Accommodation \(England\) Order 2022](#) and The [Homelessness code of guidance for local authorities Chapter 8: Priority need](#) provides guidance on the categories of applicant who have a priority need for accommodation under the homelessness legislation. Persons who are homeless or threatened with homelessness may apply to a local housing authority for accommodation under Part 7 of the Housing Act 1996. In considering what duty (if any) is owed to applicants, housing authorities have to reach decisions on whether applicants have a priority need for accommodation. Section 189(1) of the 1996 Act and Homelessness (Priority Need for Accommodation) (England) Order 2002 provide the categories of applicants having a priority need for accommodation.

[See Appendix 2 for the priority need category list.](#)

[Return To Contents](#)

## 4. Practice Guidance

Kent has two-tiers of local government (a County Council **and** District, Borough, or City Council). This means Kent County Council is not responsible for housing or all services.

Other parts of the country have one (unitary) tier of local government providing all services, including housing.

In Kent, housing, provided under housing legislation, is the responsibility of one of the 12 District, Borough, or City Councils.

Here are the contact details for each. <https://www.kent.gov.uk/about-the-council/how-the-council-works/district-councils#tab-8,11>

## 4.1 Housing and the Care Act 2014

The practitioner must not arrange accommodation where the person is eligible for housing assistance from the relevant housing authority under housing legislation.

Reference: Section 23 of the Care Act (Exception for provision of housing etc) or other regulations (for example section 115 of the Immigration and Asylum Act 1999 -person is destitute).

However, *R (SG) v London Borough of Haringey* [2015], judgment confirmed it is possible under section 23, to provide accommodation under the Care Act, but those powers are limited. The most likely circumstances when a local authority can exercise this power is where the care and support to be provided would be “*effectively useless*” if for example a person was homeless and sleeping on the street.

*“The High Court’s decision supports the argument that the duty to provide services to meet eligible needs can only be met if accommodation is provided. A failure to consider whether services need to be provided in a home environment may make an authority’s needs assessment and/or care and support plan liable to being quashed in judicial review”.*  
*proceedings.*

Reference: Community Care Inform: Point of Practice. Rebecca Stickler, Barrister, Guildhall Chambers.

[Return To Contents](#)

## 4.2 Accommodation need

When the practitioner is deciding how to respond to a person’s housing need/crisis, it may be necessary to review their care and support plan. If a revision of the plan is required, the practitioner must undertake a proportionate reassessment of needs and update the care and support plan.

If the situation appears urgent, Kent County Council may exercise its discretion under Section 19(3) of the Care Act to arrange emergency accommodation whilst the practitioner carries out the needs assessment.

If the meeting of a person’s care and support needs require the provision of a type of accommodation as specified in [The Care and Support and Aftercare \(Choice of accommodation\) Regulations 2014](#), this must be arranged by the practitioner.

The practitioner must follow the usual processes for authorisation, which includes a referral to the Purchasing Team, the Client Financial Services for a financial assessment (due to a change in person’s circumstance), following the relevant policies and providing and explaining all relevant information pertaining to the circumstance to the person.

If the person requires accommodation only and is homeless or will soon be homeless, is leaving prison or has no recourse to public funds, please refer to the following sections for further information.

[Return To Contents](#)

## 4.2.1 A need for accommodation only

A need for accommodation **alone** does not amount to a need for care and support under the Care Act. However, it does not prevent local authorities in the care and support role from providing more specific services such as housing adaptations or from working jointly with housing authorities.

The need for accommodation only will be the responsibility of the relevant housing authority under the Housing Act 1996, subject to the housing authority's consideration if the person is "intentionally homeless" as a consequence of a deliberate action or omission by that person. See section 4.3.1 *Is the person intentionally homeless* for further details.

[The Homelessness Code of Practice Chapter 9](#) provides an act or omission made in good faith by someone who was unaware of any relevant fact **must not** be treated as deliberate.

*9.23 Acts or omissions made by the applicant in good faith where they were genuinely unaware of a relevant fact must not be regarded as deliberate.*

*Provided that the applicant has acted in good faith, there is no requirement that ignorance of the relevant fact be reasonable."*

Section 23 of the Care Act, headed: "exception for the provision of housing etc." provides that an authority: "may not meet needs under ss. 18-20 by doing anything which it or another local authority is required to do under – (a) The Housing Act 1996, or..."

The housing authority will consider if the person is intentionally homeless and their local connection to the area.

Where it is satisfied that the person is homeless, eligible, priority need, unintentionally homeless and with local connection to the area, it **MUST** accept the application and provide suitable long-term housing from council stock, housing association or private sector tenancy (reference section 193 in homeless code of practice).

**If the housing authority finds someone to be intentionally homeless and in priority need it will only have to house them temporarily (section 190 of the Housing Act).**

Where housing, provided by the housing authority, forms part of the solution to meeting a person's needs for care and support, the practitioner may include this in the care and support plan even though the housing element itself is provided under housing legislation. Any care or support needed to supplement housing is covered by the Care Act.

[Return To Contents](#)

## 4.3 Homelessness

Homelessness becomes an Adult Social Care issue where the person is assessed as having eligible care and support needs under the Care Act or receiving aftercare services for the



purposes of meeting needs from or related directly to their mental disorder and reducing the risk of deterioration of the person's mental condition under Section 117 of the Mental Health Act 1983 (Amended 2007).

If the practitioner considers that a person may be homeless or threatened with becoming homeless within 56 days, or if the person positively discloses this information, the practitioner will be required to ask the person if they would like to be referred to a housing authority of their choice (not necessarily a housing authority in Kent) on the grounds that they are homeless or at risk of being so.

If the person consented to the referral, the practitioner will be required to make the referral, notifying the identified housing authority of the reason for the referral and how the person may be contacted. The person may prefer to refer themselves.

If the person does not consent to the referral, or the person prefers to refer themselves to the housing authority, the practitioner should direct and support the person to access sources of housing information and advice, making sure their information and communication support needs are met. Further details in 4.5 below

Below are the contact details to all Kent's 12 District, Borough, and City Council housing authorities. <https://www.kent.gov.uk/about-the-council/how-the-council-works/district-councils#tab-8,11>

See section 4.4.2 below for information about accommodation for "adults" with no recourse to public funds who are destitute or at risk of homelessness.

[Return To Contents](#)

### **4.3.1 Is the person intentionally homeless?**

If the housing authority believes an applicant is homeless, eligible for assistance and in priority need, it must make sure that they have somewhere to live whilst it makes its enquiries into their application.

Normally only at this stage will it consider why the applicant became homeless. If it finds that becoming homeless was their fault, it can decide the applicant is intentionally homeless. It may decide this, for example, if it believes that:

- They chose to leave a home they could have stayed in.
- They did not pay the rent or pay the mortgage when they could have afforded to.
- They arranged to be made homeless to take advantage of the system.

The housing authority should not say someone is intentionally homeless if, for example:

- They could not afford to live in their home unless they went without food or heating.
- They left home because of violence or fear of violence.
- They were incapable of managing their affairs due to age, mental illness, or disability.
- Caused by limited mental capacity or a temporary aberration/s caused by mental illness, frailty, or an assessed substance abuse problem.

## General Housing Information Practice Guidance–Adult Social Care and Health

- They lost their home because of rent or mortgage arrears, which built up because of circumstances beyond their control, for example, job loss, wage cut or problems with benefits.
- Their home went with the job, and they lost their job through no fault of their own.
- It wasn't reasonable for them to remain in their home.

The Homelessness Code of Guidance provides, ([paragraph 9.17](#)) “an act or omission should not be considered deliberate where for example:

*“(a) the act or omission was non-payment of rent or mortgage costs which arose from financial difficulties which were beyond the applicant’s control, or were the result of Housing Benefit or Universal Credit delays;*

*(b) the housing authority has reason to believe the applicant is incapable of managing their affairs, for example, by reason of age, mental illness, or disability;*

*(c) the act or omission was the result of limited mental capacity; or a temporary aberration or aberrations caused by mental illness, frailty, or an assessed substance misuse problem;*

*(d) the act or omission was made when the applicant was under duress;*

*(e) imprudence or lack of foresight on the part of an applicant led to homelessness but the act or omission was in good faith”.*

**If the housing authority finds someone to be intentionally homeless and in priority need it will only have to house them temporarily (section 190 of the Housing Act).**

Categories of applicants having a priority need for accommodation includes people who are “vulnerable” as a result of old age, mental ill health, physical disability, having been in prison or care or as a result of becoming homeless due to violence.

[Appendix 2 provides the full category list.](#)

[Return To Contents](#)

### 4.4 Housing options

When the practitioner is looking at a person’s support needs and desired outcomes, if living in their home is no longer possible (either temporarily or permanently), the following alternative housing options should be discussed with the person as *possible* suitable living solutions relevant to the person, subject to Kent County Council Adult Social Care authorisation process.

The practitioner must ensure the person understands their eligibility for each option and the related charging implications/costs/impact on their welfare benefits (if any). The practitioner should support the person to obtain the help required.

Select the hyperlink below for further details.

- [Supported Housing](#) - for 18 - 55-year-olds who find living at home difficult but don't need full time care.
- [Long term residential placements for older people](#)
- [Sharing a home - Shared Lives scheme](#) - sharing a home with a host family.
- [Extra care housing \(single people or couples 55 and over\)](#)
- [Temporary accommodation in a care home](#) - person whose need to stay in a care home is intended to last for a limited period of time (unlikely to exceed 52 weeks) and where there is a plan to return home.
- [Contacting a Kent City/Borough/District Council](#) if at risk of homelessness. See section 4.3 above for further details about homelessness.

Further details

<https://www.kent.gov.uk/social-care-and-health/adult-social-care/housing-and-care-homes>

[Return To Contents](#)

### 4.4.1 Help with housing for a person leaving prison

The prison or probation service must refer the person to the relevant housing authority if the person is:

- homeless already or likely to be homeless in the next 8 weeks
- being released in the next 8 weeks with nowhere suitable to stay
- staying in probation or bail accommodation with nowhere to go next

The prison or probation service will need the person's permission to do this. The person can also self-refer to a housing authority of their choice, not necessarily in Kent. The person might be referred to a different housing authority if the person has a local connection there, for example, has close family or work in the area, has lived in the area for 3 out of the last 5 years or have lived in the area for 6 out of the last 12 months.

**Being in prison does not count as a local connection.**

Further details:

[https://england.shelter.org.uk/housing\\_advice/homelessness/help\\_if\\_youre\\_homeless\\_ex\\_prisoners](https://england.shelter.org.uk/housing_advice/homelessness/help_if_youre_homeless_ex_prisoners)

[Return To Contents](#)

### 4.4.2 Accommodation for “adults” (person) with no recourse to public funds - destitute or at risk of homelessness.

A person who is subject to the 'no recourse to public funds' condition, or who does not have any current immigration permission, will not be eligible for homelessness assistance or a housing allocation from a housing authority.

Housing authorities have a duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness, to any person in their district, including people who are not eligible for further homelessness services as a result of their immigration status. This could include, for example, signposting to information about local

immigration advisers or Home Office asylum support, or a referral to Kent County Council if they have children or care needs.

The Home Office provides support to destitute asylum seekers, and in some cases, appeal rights exhausted (ARE) asylum seekers.

In the majority of cases, the Home Office will be responsible for providing support to people who have claimed asylum.

Instances when asylum seekers and ARE asylum seekers **may** be provided with residential care accommodation and financial support by Kent County Council Adult Social Care instead of the Home Office, is when the person has been assessed as having care and support needs, or whilst assessments are being carried out.

If the eligibility criteria under the Care Act is not met, but the person remains vulnerable because of wider concerns relating to their ill-health or disability, or if they are at risk of exploitation or harm, Kent County Council Adult Social Care may use the power under section 19(1) of the Care Act to meet care and support needs that do not meet the eligibility criteria.

If a person has been detained under the Mental Health Act 1983, accommodation may be available to them as part of their aftercare package.

**A person with no recourse to public funds, who is homeless and who does not have any care needs under the Care Act, will not be eligible for accommodation from Kent County Council Adult Social Care.**

The Home Office can provide accommodation and financial support to a person who is subject to immigration bail under Schedule 10 of the Immigration Act 2016. This may apply to a person on release from immigration detention or whilst a person is living in the community.

For people who do not qualify for statutory support from their housing authority or Home Office, some Voluntary and Community Sector organisations provide housing for destitute asylum seekers, refugees, and people with no recourse to public funds, such as through hosting schemes or accommodation projects.

Further details about Voluntary and Community Sector housing and hosting schemes:  
<https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/support-options-for-people-with-nrpf/voluntary-and-community-sector-support>

Further details about support options for people with no recourse to public funds:  
<https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/support-options-for-people-with-nrpf/social-services-support-for-adults>

[Return To Contents](#)

### 4.5 Providing information

In some circumstances, the person may just require general housing information, not necessary the provision of services arranged by the practitioner. This includes directing and

# General Housing Information Practice Guidance–Adult Social Care and Health

supporting the person to access sources of housing information and advice, making sure their information and communication support needs are met.

The practitioner must provide timely, personalised, and accessible information that is relevant to the person, which includes available housing and housing-related support options.

[Appendix 3 has hyperlinks to some voluntary and/or private sector information and advice resources.](#)

[Return To Contents](#)

## 4.6 Recording with care

It is the responsibility of the practitioner to ensure the person's record is up to date and practice adheres to the standards in the [Recording with Care Practice Guidance](#) on Tr-ix.

Records must be a complete and comprehensive record of all interventions, decision-making and information used to inform decisions. The views of people we support must be evident on their file and actively encouraged.

[Return To Contents](#)

## 5. Monitoring.

### 5.1 Required outcomes

This practice guidance seeks to ensure that:

- All Adult Social Care practitioners are fully aware of their roles and responsibilities when identifying or becoming aware of a person with eligible care and support needs who requires general housing information and/or is experiencing a housing crisis.
- The practitioner will be clear on their limits of responsibility and the relationship between accommodation-based care and support under the Care Act and housing legislation.
- The practitioner will know when and how to appropriately support the person in certain circumstances, including when to signpost the person to appropriate housing experts as required.

[Return To Contents](#)

## 6. Review of Practice Guidance

6.1 A member of the Policy and Quality Assurance Team will review the guidance two years from the publication.

## General Housing Information Practice Guidance–Adult Social Care and Health

- 6.2 They will check that all contents are still relevant, engage with key stakeholders to look at practice issues, incorporate recommendations and rewrite or amend contents as appropriate.
- 6.3 The amended guidance will be presented to the Senior Management Team for approval if the amendments warrant this step.

## Appendices

### Appendix 1

#### **Homelessness Reduction Act 2017 - Key elements of the legislation**

The Homelessness Reduction Act 2017 (The Act) contains 13 clauses that amend many of the existing duties of Housing Authorities and brings a range of new responsibilities. The main points of the legislation are outlined below.

##### **Definition of homelessness and threatened with homelessness**

The new definition of homelessness that will trigger Housing Authorities services requires that a person should be treated as homeless from 56 days before actual homelessness is likely to take place. At this point a person is entitled to all the relevant provision of the Act.

##### **Duty of Local Housing Authority to provide advice**

This clause strengthens and extends the general advice duty, requiring Housing Authorities to design a service that meets the needs of certain groups at risk of homelessness including care leavers, those released from Prison or offender institutions, former members of the armed forces, victims of domestic abuse, person's leaving hospital, those who have mental impairment or mental illness and any other group, in the local area, identified as being at particular risk of homelessness. The service should include advice about preventing homelessness, securing accommodation and the rights of individuals likely to be threatened with homelessness or be homeless. Overall these requirements extend the availability, scope and targeting of the advice that housing authorities currently provide.

##### **Homelessness prevention duties**

There are new duties for housing authorities in regard to the prevention of homelessness including the duty to carry out an assessment; co-design and agree a Personal Housing Plan; help prevent homelessness and help to secure accommodation for all eligible applicants, regardless of priority need.

##### **Duty owed to those who are homeless**

This amendment to the 1996 Housing Act places a duty on Housing Authorities to help those who are homeless, regardless of 'priority need' as defined by previous legislation, to secure accommodation. The duty lasts for 56 day and includes the provision of general advice as identified above. Those who have reoccurring need are able to re-present unless it can be evidenced that they have refused to co-operate with the plans for preventing their homelessness or securing accommodation.

##### **Review of decisions**

The Act affords applicants additional rights of review in relation to the new duties in regard of the provision of advice, prevention of homelessness and support to homeless persons.

##### **Local Connection of a Care Leaver**

Under the provisions of the new legislation, Care Leavers will be able to prove a "local connection" if they have lived in an area continuously for a period of at least two years and some of that time occurred before they were 16 years of age. At 21years of age, this provision ceases, however, the general conditions of a local connection will still apply.

## **Co-operation between authorities and others**

The legislation places a new duty on specified public authorities (including County Councils) to refer any person they consider may be homeless or at risk of homelessness to that individual's Housing Authority of choice.

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## **Policy Fact Sheet: Duty to refer - specified public authorities**

Reference :Ministry of Housing, Communities & Local Government published [Policy Fact Sheet Review of local housing authority decisions under section 202](#)

Note: Some words substituted to align to Kent County Council Adult Social Care person centred language, i.e. "person" instead of customer/service user.

### ***“Introduction***

*The Homelessness (Review Procedure etc.) Regulations 2018 have been made under the Homelessness Reduction Act 2017 (“HRA”) and will be brought into force at the same time as the Act on 3<sup>rd</sup> April 2018. Regulation 10 specifies that public authorities set out in the schedule to the regulations will have a duty to refer people in England they consider may be homeless or threatened with becoming homeless within 56 days to local housing authorities (“LHAs”).*

### ***What is the duty to refer?***

*The HRA introduces a new duty to refer requiring specified public authorities in England to notify LHAs of persons they think may be homeless or threatened with becoming homeless in 56 days. The public authority must have consent from the individual before referring them and the individual should identify which LHA they would like to be referred to, as they would if approaching a housing authority directly.*

### ***Which public authorities have the duty to refer?***

*The following services will be required to refer a person they consider may be homeless or at risk from October 2018:*

- *Prisons (public and private);*
- *Youth offender institutions;*
- *Secure training centres;*
- *Secure colleges;*
- *Youth offending teams;*
- *Probation services (community rehabilitation companies and national probation service);*
- *Jobcentre Plus;*
- *Accident and emergency services provided in a hospital;*
- *Urgent treatment centres<sup>1</sup>;*
- *Hospitals in their capacity of providing in-patient treatment<sup>2</sup>; and*

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<sup>1</sup> Urgent treatment centres include services locally designated as such, and all other providers of community and primary urgent care, including services locally designated as urgent care centres, minor injury units, minor injury services and walk in centres.

<sup>2</sup> Inpatient care means persons who are receiving medical or other treatment as inpatients (admitted patients) in a hospital.



- **Social service authorities.**

*The Secretary of State for Defence is also subject to the duty to refer in relation to members of the regular forces. The regular forces are the Royal Navy, the Royal Marines, the regular army, and the Royal Air Force.*

### **What are the specified public authorities required to do under the duty?**

*If a public authority considers that a person may be homeless or threatened with becoming homeless within 56 days, or if a person positively discloses this information, the public authority will be required to ask the person if they would like to be referred to an LHA of their choice on the grounds that they are homeless or at risk.*

*If the person consented to a referral, the public authority will be required to make the referral, notifying the identified LHA of the reason for the referral and how the individual may be contacted.*

### **What does the duty seek to achieve?**

*There are varied and sometimes complex reasons behind a person's homelessness, and we know that many people come into contact with a range of public services before reaching a homelessness crisis or approaching an LHA for advice. The duty to refer is intended to help people get access to homelessness services as soon as possible so their homelessness can be prevented or relieved in a timely manner.*

## **Key questions and answers**

### **What constitutes a referral?**

*A referral should include, at a minimum, the individual's contact details, consent, and the agreed reason for the referral (i.e. that they are homeless or threatened with homelessness).*

*The Homelessness Code of Guidance encourages LHAs to establish simple procedures such as a single point of contact for referrals. LHAs and service partners will work together to design the referral process in each local area and may determine that in certain circumstances it will be beneficial for the referral information to build on the basic requirements.*

### **When will the duty to refer come into force?**

*The duty to refer will commence after the other provisions in the HRA, on 1<sup>st</sup> October 2018. This will allow time for local authorities' new service offer to be well established and for local protocols to be developed with referring agencies.*

### **Does a referral trigger an application?**

*Applicants must still make an application in the usual way following a referral. However, we have set our expectation in the Homelessness Code of Guidance that local authorities should always respond to referrals by making contact with the individual.*

### **Can other public authorities be added and removed from the list in the future?**

*The public authorities interacting with those who are homeless or at risk of homelessness may change or new public authorities may be established. We will be able to update the*

## General Housing Information Practice Guidance—Adult Social Care and Health

*schedule of specified public authorities to add or replace a new public authority or description when appropriate”*

[Return To Contents](#)

**Appendix 2 : Categories of housing applicants having a priority need for accommodation**

Section 189(1) of the 1996 Act and Homelessness (Priority Need for Accommodation) (England) Order 2002 provide the following categories of applicants have a priority need for accommodation:

- “a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;*
- (b) a person with whom dependent children reside or might reasonably be expected to reside;*
- (c) a person who is homeless as a result of that person being a victim of domestic abuse;*
- (d) a person who is vulnerable as a result of old age, mental illness, learning disability or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;*
- (e) a person aged 16 or 17 who is not a ‘relevant child’ or a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989;*
- (f) a person under 21 who was (but is no longer) looked after, accommodated, or fostered between the ages of 16 and 18 (except a person who is a ‘relevant student’);*
- (g) a person aged 21 or more who is vulnerable as a result of having been looked after, accommodated, or fostered (except a person who is a ‘relevant student’);*
- (h) a person who is vulnerable as a result of having been a member of His Majesty’s regular naval, military or air forces;*
- (i) a person who is vulnerable as a result of:*
  - (i) having served a custodial sentence;*
  - (ii) having been committed for contempt of court or any other kindred offence; or,*
  - (iii) having been remanded in custody;*
- (j) a person who is vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out*
- (k) a person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire, or other disaster”.* [Return To Contents](#)

### Appendix 3 Useful resources (not an exhaustive list)

[Kent County Council Adult Social Care – Housing and Care Homes.](#)

<https://kent.connecttosupport.org/information-and-advice/housing/> Kent County Council Information and Advice- Housing (Council Homes; Homelessness; Private Rented Housing)

[Citizens advice - Check if you can apply for homeless help](#)

[Citizens Advice – Housing](#) On these pages you can find information about how to go about renting or buying a home or just finding somewhere to live. You can also find advice on handling problems with your landlord and help to avoid losing your home.

[Porchlight. How to get help if you face losing your home](#)

[Shelter – Housing advice: get help from the council](#)

[Shelter- who is legally homeless](#)

[Shelter -Intentional homelessness definition](#)

[Help with housing when you leave prison - Shelter England](#)

[Social services support for adults | NRPF \(nrpfnetwork.org.uk\)](#)

[National Organisations with dedicated Information and Advice Helplines](#)

[National Contacts for Key Agencies and Organisations](#)

[Local Government and Social Care Ombudsman – homelessness applications.](#) This fact sheet is aimed primarily at people who are, or may become, homeless and may be considering making a complaint to the Ombudsman.

[Voluntary and community sector support](#)- Some Voluntary and Community Sector (VCS) organisations provide housing for destitute asylum seekers, refugees, and people with no recourse to public funds, such as through hosting schemes or accommodation projects for people who do not qualify for statutory support from their council or Home Office.

[Return To Contents](#)

If you know of other useful resources, please email the link to  
[aschpolicityandqualityassurance@kent.gov.uk](mailto:aschpolicityandqualityassurance@kent.gov.uk)

Thank you.