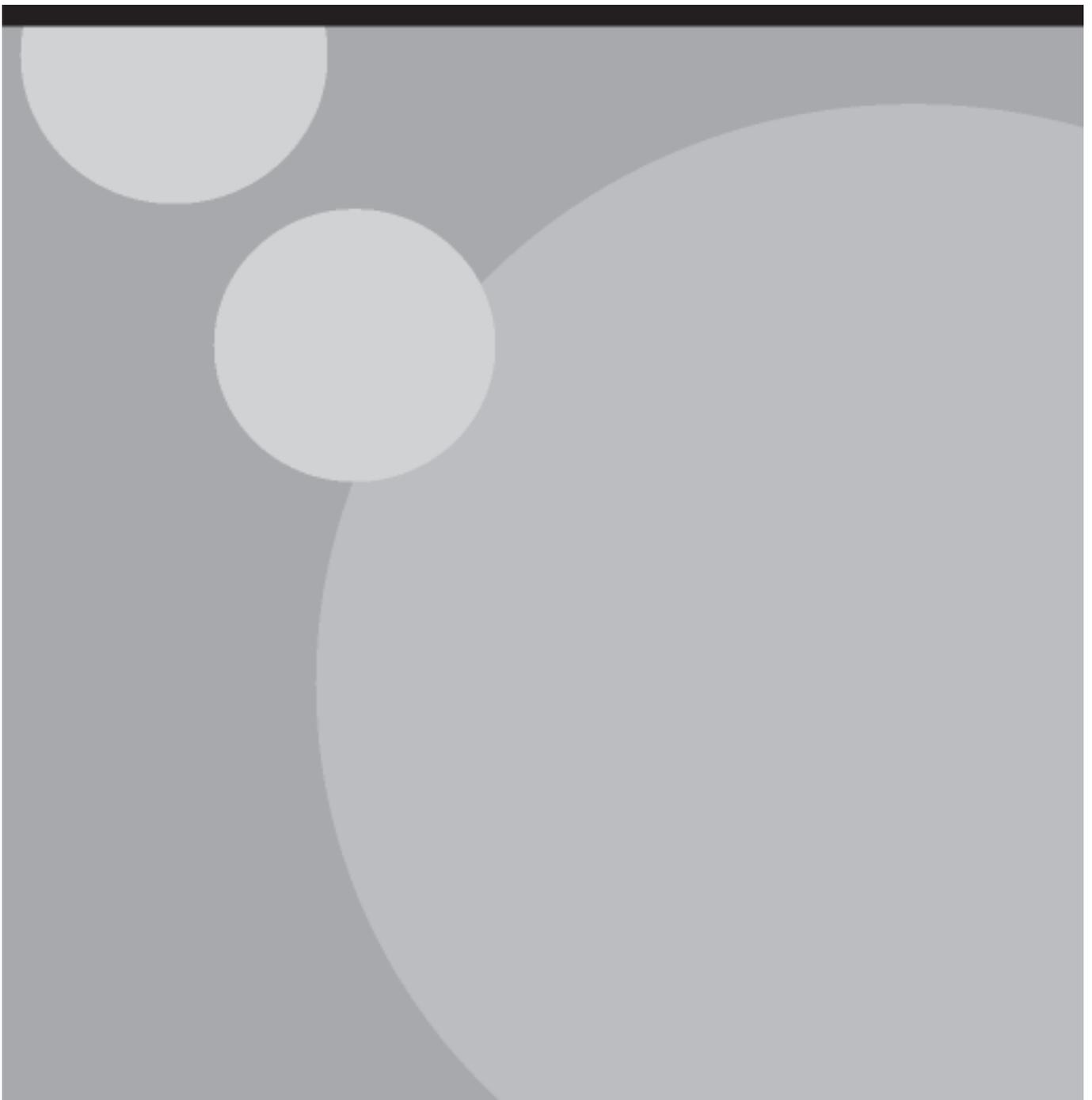




Recording Homelessness Prevention and Relief at E10 of the P1E Quarterly Return

Further guidance for local housing authorities



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Introduction

This note provides further non-statutory guidance for local housing authorities on how to record for the P1E quarterly return cases where homelessness is prevented or relieved. It supplements the guidance issued by Communities and Local Government (CLG) in April 2008, and has been produced to coincide with the publication of the first set of data on local authority performance on preventing and relieving homelessness, taken from the P1E returns. This guidance is also likely to be helpful for local authorities' partner organisations.

This note contains:

Part 1: Supplementary guidance

Part 2: Frequently asked questions

Part 3: Table showing when assistance is homelessness prevention or relief

Part 1: Supplementary guidance

Section E10 of the P1E quarterly return asks authorities to record the number of cases where, following an application for assistance from a household who considered themselves to be at risk of homelessness in the near future the authority and/or a partner organisation took positive action and:

- E10 (1A) homelessness was prevented and the household was able to remain in the existing home
- E10 (1B) homelessness was prevented or relieved through assistance to obtain alternative accommodation, or
- E10 (2) the positive action (intervention) was unsuccessful.

Broadly speaking, these cases concern households:

- who applied for housing assistance to a local housing authority (or a partner organisation of a local housing authority),
- who considered themselves to be at risk of homelessness in the near future, and
- for whom homelessness was either prevented or relieved as a result of casework intervention by the local authority and/or a partner organisation.

Cases where intervention was provided but was unsuccessful are also recorded.

Successful 'homelessness prevention' and 'homelessness relief' are defined as outcomes where positive action provided on a casework intervention basis has prevented or relieved homelessness and it is likely that the accommodation available to the applicant as a result of the intervention will be sustainable for a period of at least six months. For the case to be recorded as successful, there must be verification by a senior officer (or other adviser not directly involved in the case) that the accommodation secured as a result of the intervention is expected to subsist for a minimum of six months (see section 6 below).

Local authorities are reminded that where someone approaches a local housing authority for housing assistance the authority must by law consider whether they have 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 (the 1996 Act)) and, if so, must make inquiries to determine whether any duty is owed under Part 7 of the 1996 Act. Authorities cannot defer consideration of whether there is reason to believe while they arrange assistance to prevent homelessness - but they can take positive action to prevent homelessness in parallel with making Part 7 inquiries.

Further guidance on the following issues is provided below:

- (1) Which households are candidates **for homelessness prevention or relief?**
- (2) When should a case be recorded as **homelessness prevented?**
- (3) When should a case be recorded as **homelessness relieved?**
- (4) When should a case be recorded as **intervention unsuccessful?**
- (5) What is meant by '**casework intervention**'?
- (6) How to determine and monitor outcomes
- (7) What is meant by **partner agencies?**

Section 1: Which households are candidates for homelessness prevention or relief?

When someone (individual or household) applies to a local housing authority for housing or assistance in obtaining accommodation, the authority must by law consider whether they have reason to believe that the applicant may be actually homeless or likely to become homeless within 28 days.

Where the applicant is already homeless there is clearly no scope to prevent homelessness - but there may be scope to relieve homelessness (see (iii) below).

If the authority have reason to believe the applicant may be likely to become homeless within 28 days, the authority must make inquiries to determine whether any duty is owed under Part 7 - but there may be scope to prevent homelessness before those inquiries are completed. Such households are therefore potential candidates for intervention to prevent homelessness and, where intervention is successful can be included in the cases recorded at E10 of the P1E.

Where the authority does not have reason to believe the applicant may be homeless or likely to become homeless within 28 days, the applicant (or household) may nevertheless consider they are at risk of homelessness in the near future. Where this is the case, the household is a candidate for intervention to prevent homelessness.

Authorities are reminded that offers of intervention to prevent homelessness should not be restricted to only those applicants and households likely to fall within one of the priority need groups in Part 7. 'Households' may include both single person households (regardless of any potential vulnerability) and families with children. The Government encourages authorities to have policies in place that ensure that all forms of homelessness are prevented wherever possible.

In summary, the main points to note are:

- (a) Applicant households do not need to fall within the statutory definition of being threatened with homelessness (i.e. likely to become homeless within 28 days) in order to be a candidate for positive action to prevent homelessness; the household must consider themselves to be at risk of homelessness within the near future.
- (b) Applicant households who do fall within the statutory definition of being threatened with homelessness (i.e. likely to become homeless within 28 days) are candidates for positive action to prevent homelessness (but this action must be taken in parallel with making statutory inquiries under s.184 of the 1996 Act).
- (c) Applicant households who are found to be intentionally homeless and/or not in priority need are candidates for positive action (that is, action beyond the level

of advice and assistance that must be required to discharge any statutory obligation owed to them) to relieve their homelessness.

Given (a) above, it follows that there can be no expectation that the number of cases recorded at E10 of the P1E (prevented, relieved or unsuccessful) will tally with the number of cases recorded at E1 (applicant households for whom decisions were made under Part 7) – because some cases where homelessness has been prevented will not have been subject to inquiries under s.184 and accepted as homeless (or not homeless) for the purposes of Part 7.

Section 2: When should a case be recorded as “homelessness prevented” (column (a) of E10)?

See also the table at Part 3, which sets out the scenarios where homelessness can be prevented or relieved.

The question of: “**what is homelessness prevention?**” is discussed in the guidance note issued in 2008.

Prevention by a local authority

There may be scope to prevent homelessness in a number of circumstances, including (a) where the applicant falls outside the statutory scheme (Part 7 of the 1996 Act); (b) where the applicant falls within the statutory scheme but is not owed any duty; and (c) where the applicant falls within the statutory scheme and is owed certain duties. In all of these circumstances, local authorities may wish to provide positive action to prevent homelessness on their own or in conjunction with partner organisations.

(a) Applicant falls outside the statutory scheme

This will apply where applicants seek assistance at an early stage. Where an applicant household seeks help before reaching the point where they are likely to become homeless within 28 days, the local authority would not have reason to believe the household was threatened with homelessness. Consequently, the authority would not be required to make statutory inquiries to determine whether a duty was owed under Part 7 of the 1996 Act (although it would need to keep the position under review). Early applications for assistance provide an extremely good opportunity to intervene and successfully prevent homelessness. There is no time limit on how far in advance of the possibility of homelessness an applicant may be helped to prevent homelessness.

(b) Applicant falls within the statutory scheme but is not owed any duty

This will apply where the application for assistance has been made at a later stage and the authority have reason to believe the applicant is likely to become homeless within 28 days. The authority must start making inquiries under s.184 of the 1996 Act but there would be scope to provide positive action to prevent homelessness while the inquiries are being made. However inquiries must not be delayed because of the positive action being taken to try to prevent homelessness. If homelessness can be prevented before inquiries are completed - either by helping the household to remain in their current home or find alternative accommodation - the case can be recorded as prevented. In these circumstances, the s.184 decision would be 'not homeless'.

Note, however, that this does not mean that all cases where the s.184 decision is 'not homeless' can be recorded as homelessness having been prevented. Only record those cases where successful casework intervention prevented the household from losing their current home or helped the household find alternative accommodation before a decision was reached on inquiries being made under s.184.

(c) Applicant falls within the statutory scheme and is owed one of the duties mentioned below

In some circumstances, there will be scope to provide positive action to prevent homelessness even though the authority have accepted a duty under Part 7. This would apply, for example, where the authority has accepted a duty under s.188(1) of the 1996 Act to secure interim accommodation, pending inquiries. This duty will have been accepted on the basis that the applicant may be homeless, but the authority is not yet satisfied that there is homelessness, that the applicant is eligible or in priority need. Therefore, there will still be an opportunity to ensure that the person has accommodation available which means they will be found 'not homeless' when inquiries are completed and a s.184 decision made.

Under s.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 an applicant 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.

In all of the above scenarios, where homelessness is prevented through intervention and positive action, it can be recorded at E10 of the P1E.

Prevention by a partner organisation

Partner organisations will not be under the statutory obligations imposed by Part 7 of the 1996 Act, and will not be required to make statutory inquiries, or consider whether any duty is owed, in response to applications for housing assistance. This means that homelessness can be recorded as prevented in any case where a household has applied for help because they consider they are at risk of homelessness in the near future, and the partner organisation has taken positive action on a casework intervention basis which has successfully prevented homelessness for at least six months.

Section 3: When should a case be recorded as homelessness relieved (column (b) at E10)?

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

Local authorities are encouraged to take positive action to ensure that applicants who have been accepted as homeless but are not owed a duty to secure accommodation under Part 7 of the 1996 Act are helped to secure accommodation. These are cases where someone has been found to be homeless but not in priority need and/or intentionally homeless.

Where accommodation is secured by a local authority to discharge a duty under Part 7 of the 1996 Act, this should not be recorded on P1E as “homelessness relief”. In order to be recorded as positive action that relieved homelessness the action must be over and above any advice and assistance provided to discharge a duty owed to someone who is homeless (e.g. under sections 190 or 192 of the 1996 Act)

Guidance on when positive action can be taken to relieve homelessness is set out in the 2008 guidance. See also the table in Part 3 of this note.

Guidance on when successful cases should be recorded on the P1E form in Section 10 is also set out in the 2008 guidance.

Section 4: When should a case be recorded as unsuccessful?

Cases where positive action was provided but was unsuccessful are defined as where:

- (a) a household applied to a local housing authority or a partner organisation for assistance with accommodation because they considered they were homeless or at risk of homelessness in the near future, and
- (b) positive action was taken through casework intervention but was unsuccessful in preventing or relieving homelessness.

This would include all cases where the applicant remains homeless despite positive action having been taken to prevent and/or relieve homelessness.

It also includes cases where accommodation is secured but it is not considered likely that the accommodation will be sustainable for at least six months.

Section 5: What does 'casework intervention' mean?

An authority should record cases as 'prevented', 'relieved' or 'unsuccessful' only where positive action through **casework intervention** has taken place with the aim of preventing or relieving homelessness. If casework intervention has not taken place cases should not be recorded on the P1E.

Casework intervention is assistance provided on a casework basis over and above general advice and information and - in the case of applicants who have been accepted as homeless but not in priority need and/or homeless intentionally - over and above advice and assistance provided to discharge a duty under Part 7.

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.

The following does not count as casework intervention:

- action taken to discharge a duty to secure accommodation

- action taken to discharge a duty to secure that an applicant is provided with advice and assistance in any attempts he may make to secure that accommodation becomes available for his occupation
- where assistance is limited to the provision of generic advice provided on an ad hoc basis - for example, via a reception desk or telephone service - or where the local authority simply provide an information leaflet and advise the applicant to approach another agency.

Section 6: How to determine and monitor outcomes

The success of casework intervention should be measured through a system of

- (a) the caseworker objectively assessing the potential for the accommodation to be sustained by the applicant for a minimum of 6 months (see below) and
- (b) the caseworker's assessment being scrutinised and confirmed (or otherwise) by a fellow caseworker who has not previously been involved with the case.

Wherever possible, the confirming caseworker should be senior to the initial caseworker (and never subordinate).

There is no requirement for the local authority to set up audit or checking systems with partners covering the recording of their case outcomes although over time as these partnerships develop such systems may be sensibly agreed. Nor is there a need for an information sharing protocol (but again in time this might be something both parties agree is sensible).

Each local authority is advised to meet with all of its prevention partners and conduct joint training on this guidance, the recording of outcomes and how often partner figures will be provided to the local authority. These meetings also provide an opportunity to feed back on successes and challenges that emerge from the publication of the national set of homeless prevention figures which is broken down by local authority and by each type of prevention activity.

When should outcomes be recorded on P1E?

The point where a case should be recorded for P1E purposes as prevented, relieved or unsuccessful is the point where a decision has been taken that the client's accommodation has been secured and is likely to be sustainable for at least six months, and that decision has been confirmed by the second caseworker. The decision taken is therefore looking at the prospect of success; caseworkers should not defer recording outcomes until it is clear whether the accommodation has actually been sustained for six months. Nor is there any requirement to review outcomes at the six month period to check whether the accommodation has actually been sustained.

However, it would be good practice to monitor the success of interventions where resources permit, and local authorities and partner organisations are encouraged to carry out spot checks to assess whether clients who have been assisted have been able to sustain their accommodation six months later. This would also provide an opportunity to assess whether any further assistance may be required to ensure they continue to have accommodation available.

How to determine whether an outcome is likely to be sustainable for at least six months

There will be a range of factors that need to be taken into account and these will depend on the circumstances of the case. However, the core factors that should be considered in all cases will include:

- the tenure
- the property condition
- affordability/eligibility for benefits/need for discretionary housing benefit payments
- debt/risk of debt
- risk of relationship breakdown
- need for support.

Section 7: What is a partner organisation?

As set out in the 2008 guidance, 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.

Partner organisations can include:

- independent housing advice agencies funded by the local authority to assist them in discharging the duty under s.179(1) of the 1996 Act to ensure that information and advice is available free of charge (for example, Shelter)
- generalist advice agencies funded by the local authority where part of the agency's work includes assistance with housing matters

- agencies (whether funded by the local authority or not) to which the local authority refer applicants who consider themselves at risk of homelessness and the agency provide casework intervention to prevent homelessness (either alone or in partnership with the authority). This could include referral to a mediation service, a debt/money advice agency, or a court advocacy service, where the agency's casework enables the applicant to remain in their home.

In some individual cases there may be a number of partner organisations working to deliver effective interventions to prevent or relieve homelessness. Where casework interventions are delivered by more than one organisation, these should be combined and recorded as a single outcome.

Typically, recorded outcomes might include casework interventions carried out by:

(within the local authority)

- a housing options team
- a dedicated team providing advice and information to discharge the duty under section 179(1)
- interventions carried out by other services to which a referral has been made, for example Environmental Health or Private Sector Housing Enforcement Team to improve an applicant's housing conditions (where the applicant is at risk of homelessness because of those conditions).

(external to the local authority)

- independent housing advice services (such as CAB or Shelter) funded by the local authority to help discharge its section 179(1) duty to ensure advice and information is available; and
- partner organisations (whether or not funded by the local authority) providing services such as mediation, debt advice, court advocacy, crisis intervention support, and Sanctuary schemes to which the local authority refer applicant households who consider they are at risk of homelessness.

This will ensure that a local authority is able to record the full range of casework activity to prevent and relieve homelessness that is undertaken within its district – either by itself (alone or in partnership) or by partner organisations.

Part 2: Frequently asked questions

Q: In attempting to prevent homelessness in a particular case, a local authority or partner organisation may try a number of different approaches or initiatives before achieving success. Should the unsuccessful interventions be recorded as well as the successful intervention?

A: No, it is the overall outcome of each individual case that should be recorded, not the success or failure of particular interventions that may have been attempted.

In any particular case, it is for the local authority or partner organisation to determine whether the point has been reached that the positive action has been successful or unsuccessful (e.g. because there is nothing further that can be done to prevent or relieve the homelessness). At this point the outcome should be recorded as prevented, relieved or unsuccessful.

The only circumstance where more than one outcome might be recorded for a particular household is where the household make more than one approach for assistance. However, each new approach by the same applicant should be treated as a new case (and also be considered under s.183 of the 1996 Act)

Q: Is there a time limit on the period between a household seeking assistance and the local authority or partner organisation having to decide whether interventions to prevent or relieve homelessness have been successful or unsuccessful?

A: No, there is no time limit, although once the applicant is likely to become homeless within 28 days a local authority would need to begin statutory inquiries under s.184.

Q. How should the case be recorded if the casework intervention begins in one P1E reporting quarter and ends in another?

A. It is the point at which the casework intervention is determined to be successful or unsuccessful that the outcome should be recorded for P1E purposes. For example, if that point is reached during quarter 3, it should be recorded in the return for quarter 3, even if the casework intervention that was undertaken also spanned previous quarters.

Q: Where a case has been recorded as successful and the household make a subsequent application for assistance which indicates that the previous intervention was not in fact successful, does the previous recording of that case in the P1E need to be revised?

A: No, there is no requirement to amend the P1E returns retrospectively. This would not be administratively practical. However, it would be good

practice for local authorities to record such cases for their own monitoring purposes - and review the reasons for the failure - to help assess the effectiveness of their preventative casework interventions.

Q: What about cases where a household is unwilling to cooperate with preventative interventions that are offered and who become homeless. Should these cases be recorded as unsuccessful prevention cases?

A. No, only cases where positive action through casework intervention has actually been taken should be recorded. Cases where intervention has been offered but declined should not be reported.

Q: What about cases where the household seek assistance so late there is no time to provide casework intervention to prevent or relieve their homelessness because they are already homeless or homelessness is imminent. Should these cases be recorded as unsuccessful?

A: As above, only cases where positive action through casework intervention has actually been taken should be recorded. However, even where households seek help at a late stage and homelessness cannot be prevented, there may still be scope to relieve homelessness if they are not accepted as owed the main homelessness duty.

Q: If cases where no intervention action has been taken do not need to be recorded in P1E, does this provide an incentive for some local authorities not to undertake preventative casework?

A: Under the *Homelessness Act 2002*, all local housing authorities must have a strategy for, among other things, preventing homelessness in their district. And, in CLG's view, all local housing authorities in England are committed to trying to prevent homelessness as a core part of their housing service. Recording prevention activity on the P1E provides an opportunity for authorities' and their partner's significant success in this area to be identified. The fact that not all individual interventions may be successful does not detract from that overall success. If, perversely, an authority decided not to undertake prevention casework at all that would be clear from the P1E.

Q: Where help is sought and preventative casework is commenced but the household fails to maintain contact with the authority or partner organisation (e.g. fails to respond to letters or phone calls), should the case be recorded as unsuccessful?

A: Cases where the outcome of the casework intervention is unknown should not be recorded in P1E. This includes cases where the outcome is unknown because the household ceased to maintain contact.

Q: Where a household is owed the main homelessness duty to secure accommodation (section 193(2)) can any action that a local authority or partner organisation take to ensure that the household have accommodation (e.g. arranging a Qualifying Offer of an assured shorthold tenancy) be recorded in the P1E as 'homelessness relief'?

A: No, action taken to discharge a duty to secure accommodation cannot be recorded as homelessness prevention or relief. Refer to the guidance and the table at Part 3 of this note. While a local authority owe someone a duty to secure accommodation, any assistance provided by the authority or a partner organisation to ensure that person has accommodation available must be considered to be discharging that duty.

Q: How can the risk of double counting by a local authority and a partner organisation be reduced where they are both undertaking casework on the same case?

A: In most cases, the casework is likely to be carried out by a single organisation, so the issue of double counting should not arise. However, where more than one organisation is providing casework intervention in respect of the same case, it is important to avoid double counting, so far as possible. Joint working could occur, for example, where the local authority has intervened to tackle the risk of homelessness and a partner organisation providing money advice has followed up by negotiating with creditors to stabilise a debt that led to the risk of homelessness. Such cases should be recorded as one case of homelessness prevention

Good partnership working between local authorities and their partner organisations is essential to minimise the risk of double counting cases. It is recommended that, wherever possible, local authorities and partner agencies consider adopting a data sharing protocol for use when recording clients who have been assisted. (Use of client initials or date of birth may assist in maintaining confidentiality but local authorities are reminded that they must ensure they comply with the Data Protection Act.)

Part 3: Table showing when assistance is homelessness prevention or homelessness relief

Generally, casework intervention can be recorded as **homelessness prevention** or **homelessness relief** only in circumstances where the positive action taken is not discharging a statutory duty.

Local authorities are reminded that in all cases where someone applies to them for accommodation or assistance in obtaining accommodation, they must consider whether they have reason to believe the applicant may be homeless or likely to become homeless within 28 days (sections 183 and 184 of the Housing Act 1996 (“the 1996 Act”)).

If the authority have reason to believe an applicant may be homeless or likely to become homeless within 28 days they must make inquiries to determine whether any duty is owed under Part 7 of the 1996 Act, and must notify the applicant of their decision on completion of the inquiries (s.184).

Additionally, if the authority have reason to believe an applicant may be homeless, eligible for assistance and in priority need, they must secure interim accommodation (section 188(1)). The duty to secure interim accommodation ends when the local authority notifies the applicant of their decision under section 184 (section 188(3)).

Local authorities are also reminded that they must not defer meeting their statutory obligations (e.g. to make inquiries and notify the applicant of their decision) while they try to prevent homelessness.

The following table sets out the circumstances when positive interventions by a local authority can and cannot be recorded as **homelessness prevention** or **homelessness relief**.

Applicant's circumstances	Duty owed under Part 7 1996 Act?	Prevention or Relief?
Applicant <u>not likely to become homeless within 28 days</u> but considers himself at risk of homelessness in near future	No	Prevention
Applicant <u>likely to become homeless within 28 days</u>	Must make inquiries (s.184)	Prevention (if intervention successful before inquiries completed)
Applicant <u>may be homeless</u> (but not reason to believe may be eligible and/or in priority need)	Must make inquiries (s.184) No duty to secure interim accommodation	Prevention (if intervention successful before inquiries completed)
Applicant <u>may be homeless</u> , eligible and in priority need	Must make inquiries (s.184) Must secure interim accommodation (s.188(1))	Prevention (if intervention successful before inquiries completed)
Applicant is eligible, unintentionally <u>threatened with homelessness</u> and in priority need	Must take reasonable steps to secure that accommodation does not cease to be available (s.195(2))	Prevention - but only where intervention enables applicant to remain in own home No – where alternative accommodation is secured
Applicant is eligible, unintentionally <u>threatened with homelessness</u> and not in priority need	Must ensure advice and assistance is provided in any attempts the applicant makes to secure that accommodation does not cease to be available for his occupation (s.195(5)) Power to take reasonable steps to secure that accommodation does not cease to be available (s.195(9))	Prevention

Applicant's circumstances	Duty owed under Part 7 1996 Act?	Prevention or Relief?
Applicant is eligible, unintentionally <u>homeless</u> and in priority need	Must secure accommodation (<i>the main homelessness duty</i>) (s.193(2))	No
Applicant is eligible, unintentionally <u>homeless</u> and not in priority need	Must ensure advice and assistance is provided in any attempts the applicant makes to secure that accommodation becomes available for his occupation (s.192(2))	Relief
Applicant is eligible, intentionally <u>homeless</u> and in priority need	<p>Must secure accommodation for long enough to provide applicant with reasonable opportunity to secure own accommodation (s.190(2)(a))</p> <p>Must ensure advice and assistance is provided in any attempts the applicant makes to secure that accommodation becomes available for his occupation (s.190(2)(b))</p>	Relief – where positive action ensures applicant continues to have accommodation when the s.190(2)(a) duty ends
Applicant is eligible, intentionally <u>homeless</u> and not in priority need	Must ensure advice and assistance is provided in any attempts the applicant makes to secure that accommodation becomes available for his occupation (s.190(3))	Relief