

## **Appendix 1- Legal Duties and National Policies**

Part 7 of the Housing Act 1996 and the Homelessness Reduction Act (HRA) 2017 remain the foundation of homelessness legislation.

### **Housing Act 1996**

Part 7 the [Housing Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk) legally defines homelessness and provides the statutory framework for action to prevent and relieve homelessness.

### **Homelessness Reduction Act 2017**

The Homelessness Reduction Act 2017 was the most significant change to existing legislation in decades and placed new responsibilities on local authorities to tackle homelessness, including an enhanced prevention duty. It was a welcome development as it demonstrated commitment to tackle homelessness nationally. However, it has had significant resource implications. Councils must provide services for all those affected by homelessness and changes include:

- A duty to help people to secure accommodation 56 days before they are at risk of losing their current home.
- Anyone who has been served with a valid section 21 of the Housing Act 1988 notice that the landlord requires possession that expires in 56 days or less will now be classed as “threatened with homelessness”.
- A duty to help people for 56 days following homelessness occurring.
  - Specified public authorities will have to notify the Council of service users who are homeless or at risk of homelessness.
  - The duty to provide advisory services is expanded and should cater for different groups who are at more risk of homelessness.
- Councils will have to carry out needs assessments for all eligible applicants and agree personal plans to help them to secure accommodation.
- Councils will need to take reasonable steps to prevent homelessness for all eligible applicants
  - If people do not cooperate or refuse an offer of accommodation from the Council to relieve homelessness the main homelessness duty will not apply. If an applicant does not take reasonable steps agreed in their plan, this can also end the duty.
- New rights to review are also contained in the legislation.

### **Homelessness code of guidance for local authorities 2018**

The Code of Guidance for local authorities provides guidance on how local authorities should exercise their homelessness functions in accordance with the Homelessness Reduction Act 2017. This includes guidance on housing authority duties to carry out a homelessness review and publish a homelessness strategy.

[Section 1\(1\) of the 2002 Act](#) gives housing authorities the power to carry out a homelessness review for their district and formulate and publish a homelessness strategy based on the results of the review. Section 1(4) requires housing authorities undertake this process every 5 years.

Under section 3(1) of the 2002 Act a homelessness strategy means a strategy for:

- a. preventing homelessness in the district (see paragraphs 2.25-2.29 below);
- b. securing that sufficient accommodation is and will be available for people in the district who are or may become homeless (see paragraphs 2.30-2.56 below); and,
- c. securing the satisfactory provision of support for people in the district who are or may become homeless or who have been homeless and need support to prevent them becoming homeless again

### **Children's Act 1989**

Under the [Children Act 1989](#) a 'child' means any person under the age of 18 years (16 years if married).

If they are homeless then they will be a child in need and need assessing.

A Local Authority will have a duty to accommodate under the Children Act if:

- no one has Parental Responsibility for the child;
- the child is lost or abandoned;
- the person who has been caring for the child is unable to provide suitable care and accommodation; or
- the child is 16 or 17 years old and the Local Authority considers the child's welfare would be seriously threatened if it does not provide accommodation.

### **Care Act 2014**

Where a homeless applicant has care and support needs that cannot be met by Housing Solutions a referral can be made to social care for an assessment under the Care Act.

Where households that are ineligible for assistance, or there is no duty to house for another reason, contain a vulnerable adult; a referral is made to Social Care for an assessment under the Care Act.

Housing Solutions staff need to be aware of safeguarding issues and refer to adult social care where one is identified.

### **Domestic Abuse Act 2021:**

The most significant change to legislation for homelessness in the last five years has been the introduction of the Domestic Abuse Act 2021. This act reflects a national commitment to strengthen support to victims of domestic abuse. It amended part 7 of the Housing Act 1996 to update the definition of domestic abuse and extend the statutory rights of all eligible victims of domestic abuse who are homeless as a result of being a victim of domestic abuse by extending automatic 'priority need' to these victims.

DLUHC define Domestic abuse as any of the following behaviour:

- physical violence
- coercive control and 'gaslighting'
- economic abuse
- online abuse
- threats and intimidation
- emotional abuse
- sexual abuse

### **Equalities Act 2010**

The Equality Act is a law which protects people from discrimination. It means that discrimination or unfair treatment on the basis of certain personal characteristics, such as age, sex and sexual orientation. The Act now replaces all other discriminative acts.

It requires us to pay "due regard" to 3 areas: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

The Act makes it unlawful to discriminate against someone on the grounds of any of these characteristics:

- age
- disability
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion/belief
- sex (gender)
- sexual orientation.

These are known as the 9 Protected Characteristics.

The Equality Act 2010 includes the Public Sector Equality Duty (PSED), which applies to the Council including organisations who we contract with to deliver services on our behalf. We must therefore consider or think about how policies or decisions affect people who are protected. This includes our homelessness strategy and decisions.

## **National Policy-Rough Sleeping**

In September 2022 the Department for Levelling Up, Housing and Communities published a policy paper entitled 'Ending rough sleeping for good'.

The government's vision is to end rough sleeping for good. It defines rough sleeping as having ended when every local area ensures rough sleeping is 'prevented wherever possible and, where it cannot be prevented, it is a rare, brief and non-recurring experience'. In practice this means seeing more effective support to prevent rough sleeping from happening in the first place, and a tailored offer of support where it does, so people can build an independent life off the streets.

To achieve this vision, they have developed a 4-pronged approach to end rough sleeping which is supported by a programme of funding to support Local Authorities over the next 3 years.

- better prevention to reduce the number of people that reach the streets in the first place;
- swift and effective intervention for those who do sleep rough;
- additional targeted support for those that need it for their recovery (including specialist accommodation); and
- a more transparent and joined-up system to ensure everyone is working together effectively to end rough sleeping.

Sheffield City Council have worked closely with the Department for Levelling Up, Housing and Communities to successfully bid for funding to enable us to plan strategically over the next three years to eliminate rough sleeping in Sheffield.



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