

# Report

## Cabinet Member for Adult and Community Services

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### Part 1

Date: 15 June 2015

Item No: 1

**Subject** **Housing (Wales) Act 2015 – Test of Intentionality (Homelessness)**

**Purpose** To seek approval from Cabinet Member to continue to apply the test of intentionality to all household groups presenting as homeless to the Council in line with requirements of the Housing (Wales) Act 2015.

**Author** Regeneration, Housing and Property Manager

**Ward** All

**Summary** The Housing (Wales) Act 2015 requires the Council to consider and subsequently decide which household groups will continue to be assessed as being intentionally homeless where applicable in line with legislative requirements.

N.B.The Homeless Intentionality decision made in March, 2015 on the basis of this report was in advance of the power being made available under legislation, this being due to delays on implementation with the Welsh Government. This decision now needed to be reconfirmed with the current date. There were no other amendments to this report required, simply reconfirmation of the decision.

**Proposal** **The proposal is to retain the Council’s right to apply the test of intentionality to all household groups presenting as homeless.**

**Action by** Regeneration, Housing and Property Manager

**Timetable** Immediate

This report was prepared after consultation with:

- Head of Law and Regulations
- Head of Finance
- Head of People and Business Change

**Signed**

## 1. Background

1.1 The Housing (Wales) Act 2015 places a requirement on the Council to provide a formal public statement on which household groups the Council will continue to assess as being intentionally homeless where an individual household contributes to their homelessness through either a deliberate act or lack of action on the part of the household which subsequently results in their accommodation being lost for no good reason.

1.2 There are a number of groups that the Council must consider. These are:

- Households with dependent children or a pregnant woman
- Households vulnerable due to old age
- Households vulnerable to physical disabilities or mental illness / learning disability
- Households vulnerable due to being a care leaver / or a young person at particular risk of sexual or financial exploitation (18-20 year olds)
- Households vulnerable due to being a 16 or 17 year old
- Households vulnerable due to fleeing domestic violence / abuse or threatened violence
- Households vulnerable due to leaving the armed forces
- Households vulnerable due to other reasons
- Households homeless upon release from leaving prison and considered vulnerable as a result

1.3 The number of households found to be intentionally homeless by the Council is limited the details of decisions made are outlined below for the last 5 years.

<b>Decision</b>	<b>2009/2010</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>
Not eligible	6	5	15	0	0
Not Homeless	274	280	335	295	300
Not in Priority Need	105	160	225	160	265
Full Housing Duty	455	505	505	475	370
Intentionally Homeless	43	50	65	70	60
Total Decisions	883	1000	1145	1000	995

1.4 This represents approximately 6% of the decisions made in the main each year for the last 5 years. Steps are taken to assist in securing alternative accommodation, usually either within the private rented sector or within supported housing, for households where they effectively engage with services. This practice is established within the Council's prevention policy and process which has recently been reviewed and will be the core of service delivery when other changes contained with the Housing (Wales) Act 2015 come into effect in 2015. In short, whilst households are found to have contributed to their homelessness, services are available to assist with securing alternative housing where individuals engage with services and the Council continue to assist in the provision of accommodation, practical support and advice as appropriate.

1.5 The Council is required to take a decision on which groups are to have the test of intentionality applied and this requires the approval of Cabinet Member. The decision must be communicated to the Welsh Government and details must be made public in order to ensure that both agencies and residents are aware of the Council's policy and decision on this matter.

## **2. Options Available**

2.1 There are a number of options to consider:

1. To continue to assess intentionality as part of the homeless assessment process for all household groups identified.
2. To cease to assess intentionality for all household groups
3. To cease to assess intentionality for specific groups

## **3. Preferred Option and Why**

- 3.1 The preferred option is to continue to assess intentionality as part of the homeless assessment process for all house homelessness and offer additional assistance and services to all households either homeless or at risk of being made homeless within the 56 days. The reason for this decision is that there are already significant changes being brought into effect under the Housing (Wales) act 2015 placing additional burdens upon the Council in terms of seeking to prevent homelessness and find solutions for households.
- 3.2 These changes will place a greater level of pressure on services and will also require a change in working practice which will inevitably be an additional pressure on staff to deliver the key fundamental changes contained within the new legislation. The added pressure of changing the process around the assessment of intentionality would only serve to add additional complications and provide additional pressures on services at a time of significant change. The removal of the assessment of intentionality could potentially have a detrimental effect on this approach as this will clearly require a period of time to become embedded in services and to provide further alterations to process could have a negative effect on this approach.
- 3.3 In addition, there is also a risk that by changing the requirement to not find the above groups to be intentionally homeless then there is a real financial risk on the Council in the continued provision of accommodation where individuals are failing to engage with services and to not take responsibility for their actions which is also a core part of the changes within the Housing (Wales) Act 2015 surrounding the prevention of homelessness. It is therefore essential that households are provided with services aimed at preventing homelessness where practicable to do so and to seek to build services around individuals so that they are able to develop the necessary skills to sustain accommodation in the long term, thereby reducing the overall impact on services.
- 3.4 In summary, it is recommended that the intentionality test is retained for all household groups, with this being reviewed after the legislation has been in place for 2 years which will allow for a more comprehensive assessment of the position and the impact of the legislation to be better examined and evaluated. This may then lead to further recommendations being made in terms of removing the test for certain groups.

## **4. Comments of Chief Financial Officer**

- 4.1 Homelessness currently contributes to a financial pressure in the region of £20k (Housing Needs Unit) within the Regeneration, Investment and Housing portfolio. A decision to change the requirement to not find the above groups to be intentionally homeless would create further financial risk for the Council as there would be a requirement to continue to provide accommodation where individuals are failing to engage with services and to not take responsibility for their actions. This proposal is consistent with the changes within the Housing (Wales) Act 2015 surrounding the prevention of homelessness.

## **5. Comments of Monitoring Officer**

- 5.1 In accordance with Section 78 of the Housing (Wales) Act 2014 and Regulations made thereunder, the Council must determine whether to have regard to the test of intentionality when considering homelessness applications from certain prescribed categories of households and it must publicise this policy decision. The Council can disapply the test altogether or retain it for all or some of the various household categories. If the Council did not apply the test to all or any of these homelessness cases, then no account would be taken of any conduct on the part of the members of the household and a full re-housing duty would be owed, even where they had become homeless intentionally as a consequence of their own actions. This would have significant resource implications for the Council, particularly in view of the increased duties under the legislation to take early preventative action to deal with people threatened with homelessness. Therefore, until the full effects of the new legislation and homelessness duties can be properly assessed, it would be advisable to maintain the current status quo and continue to apply the intentionality test to all categories of homeless households.

## **6. Staffing Implications: Comments of Head of People and Business Change**

- 6.1 The report proposes the continuation of the current process of assessing all groups resenting as homeless so there are, therefore, no staffing implications. The report also details work undertaken to prevent homelessness and the Authorities obligations to do so and this is in line with the aspirations of the Single Integrated Plan and Corporate Plan.

## **7. Comments of Cabinet Member**

- 7.1 Cabinet Member happy to support.

## **8 Comments of Non Executive Members**

- 8.1 None received.

## **9 Children and Families (Wales) Measure**

- 9.1 None

## **10 Consultation**

- 10.1 None

## **11 Background Papers**

- 11.1 None

Dated: 15 June 2015