

# HOMELESSNESS

## A NATIONAL SCANDAL

### Introduction

We might all think we know what being homeless means, but in practice it is defined very differently in different parts of the world. Even within the UK, entitlement to help differs between the 4 countries and so this briefing concentrates on how homelessness is dealt with in England.

Although most people recognise "homelessness" as a single, generally unpleasant experience, the law in England does not. Instead, it frames several separate, though often overlapping, duties for local authorities to comply with. The result at local level can be a fragmented and hard-to-navigate system. In this briefing we will talk about all situations where people have no home to call their own.

Homelessness has also been a critical issue during the Covid-19 pandemic, and this is covered later in the paper.

### How is homelessness defined in England?

Homelessness is defined in law by the Housing Act 1996, which amended the Housing (Homeless Persons) Act 1977, the first piece of legislation to give the right to a long term home for any homeless people.

The legislation has been gradually amended, notably by the Labour Government's Homelessness Act 2002, and with the most recent (and most fundamental) changes coming in the Homelessness Reduction Act 2017.

### The five tests

To be owed a full duty, i.e. **to be entitled to be housed**, a person must pass several tests:

- They must be homeless within the legal definition under the Act: for example, with no

home they have the right to live in, or at risk of violence from someone living in that home, or it is unreasonable to expect them to live there, or at risk of homelessness within 56 days

- They must have the right to access UK public funds under immigration laws
- They must be in one of the **priority groups**: families with dependent children, pregnant women, young people under 18 or ex-care, people fleeing or at risk of domestic violence, and vulnerable people, as well as anyone who is homeless due to an emergency
- They should have a **local connection** to the area they have applied to (e.g. current or previous residence, family connections, or a job)
- They must have become **homeless unintentionally**

There is a good deal of debate about who should be considered to be vulnerable. The Homelessness Code of Guidance advises local authorities to use "evaluative judgement" to make their decision, and crucially, consider whether the applicant would be *significantly more vulnerable than an ordinary person would be if they became homeless*.

Having to prove that you are vulnerable is one of the main barriers to people getting the help they need to stop being homeless.

There is a good deal of inconsistency in how the law and guidance are applied, and councils spend time and money investigating priority need, resources that would be better used by helping people, rather than looking for reasons not to help them.

The Scottish Government has in effect removed the priority group restriction, and this is one of the main

areas that campaigners would like to see change in England.

## What help can be expected by people who are homeless?

**Full (or “main”) duty:** people who pass all the tests are entitled to:

- be accommodated temporarily if they are without anywhere to stay and in priority need
- have their homelessness prevented or relieved
- have suitable long term accommodation secured for them once all investigations are completed, if homelessness cannot be avoided. Such accommodation can be provided directly by the local authority or through another landlord, or by giving sufficient advice and assistance to secure accommodation.

**Other duties:** all applicants should be advised how to avoid becoming homeless and helped to find accommodation. They should have an assessment which leads to a personalised housing plan that prevents homelessness.

Local authorities must also have a **Homelessness Strategy**. (This duty was introduced by the Labour Government in the 2002 legislation, and was probably the most significant change to homelessness duties since 1977.)

**Many local authorities go above and beyond these duties, but others sometimes fulfil only the bare minimum, particularly for single homeless people who are not in priority need.**

## Who is not owed the full duty?

**People who do not fall into those priority groups** – single people and childless couples aged over 18, not leaving an institution, without poor health or other vulnerabilities – **are not owed the full duty to be found a long term home.**

However, they should be given advice and help to find accommodation and they are owed a duty to prevent them becoming homeless.

*People who are staying with friends or family but have not been asked to leave, and those living in a home as tenants or owners whose relationship has broken down but where there is no violence, are unlikely to be treated as homeless.*

In practice, the same often applies to people staying in a hostel, B&B or hotel, or in supported housing, where there is not an imminent threat of them becoming homeless.

People who sofa-surf – moving between friends or family – are also rarely treated as homeless.

**This means that many people who are homeless – most single homeless people in England – are not entitled to be offered either temporary or long term housing by the local council.**

## How is homelessness counted?

It is very difficult to say how many people are homeless at any one time:

- Many people do not apply for help to the local authority, so are not counted by them;
- Some people arrange their own temporary accommodation, and may not be counted by any official agency
- There is no count of the number of people who are sofa-surfing, squatting, or staying with friends or family on a temporary basis.

Until mid-2018, the Government asked local authorities to count the number of people who had applied for help as homeless *but only collected details for those who were owed a full duty*. **This led to a significant under-estimate of the total number of homeless people in the country.**

Since mid-2018, the number collected includes the details of those who ask for help, whether they are owed a full duty or not. *However, this still counts only those who seek help from their local authority services.*

## Rough sleeping

Rough sleeping is counted by the government through a street count or estimate, carried out by each local authority on a single ‘typical’ night in November.

**Street counts are notorious for under-estimating the scale of the problem, whereas estimates, which are usually carried out with the help of agencies working with homeless people, are often more reliable.**

Research carried out by the BBC reported in early 2020 that the Government figure of a snapshot of 4,677 on one particular night in late 2019 should be compared with a more realistic figure of around 25,000 people sleeping rough for at least one night during 2019<sup>i</sup>.

## How many people are currently thought to be homeless in England?

Shelter estimate<sup>ii</sup> that there were probably just over **280,000** people – adults and children – who were homeless in England at the end of March 2019.

This included:

<b>Estimate of number of homeless people in England at the end of March 2019</b>	
People in temporary accommodation (TA) arranged by the Council	236,610
People in self-arranged TA or "homeless at home"	18,317
People sleeping rough	4,266
Owed a statutory duty but not in TA	2,292
Living in an homeless hostel	14,684
Living in TA arranged by Social Services	3,937
<b>Total in England</b>	<b>280,517</b>

Between 2010 and 2019, the number of people accepted as being owed a full duty as homeless in England **increased by 28%**. In the same period, the number of households living in temporary accommodation **increased by 74%**, and rough sleeping in England **increased by 165%**.

**The Labour Government had successfully reduced these figures significantly between 1997 and 2010**, with a focus on reducing the harm that living in cramped temporary accommodation can do to children's health, and trying to address the poor health and high rate of mortality for people sleeping rough.

In 2018-19 councils spent almost £1.6b on homelessness.

## What are the most common causes of homelessness in the UK?

The causes can be **individual**, or **structural**, and often the real story is a combination of these factors.

Homelessness data counts the individual reasons, and the most common for those who apply to local authorities for help are:

- Loss of private tenancy (most often, the end of a short term tenancy)
- Relationship breakdown with family, partner, or friends
- Violence from someone within the home
- Leaving prison, hospital or care

Additional individual reasons include:

- Mental illness
- Addiction

The **structural problems** include:

- Lack of affordable housing, and particularly public housing and affordable private rented housing
- Tighter mortgage regulation and higher costs for first time buyers
- Unemployment and rising poverty levels
- Growing fragmentation of families
- Benefit cuts and cuts to service provision

**Big increases in homelessness in the last 10 years have been the result of benefit restrictions.** Local Housing Allowance (used to calculate HB rates) was for 4 years capped at far below real rent levels.

Combined with the introduction of the Bedroom Tax and Benefit Caps, and the widespread use of sanctions for people on benefits, the effect has been to reduce the number of affordable homes available to ordinary people.

- One in five of all households in England has a housing affordability issue and are living under housing stress<sup>iii</sup>
- 94% of rented homes are too expensive for families on housing benefit<sup>iv</sup>

## Homelessness during the Covid-19 crisis

Homelessness has been more of a risk for some groups during the crisis, particularly rough sleepers who would find it very hard to stay home, to socially isolate and to keep washing their hands. Shared accommodation also poses a risk.

Several key changes have been made to homelessness laws and provision during the crisis:

- Rough sleepers have been placed in hotels (the *Everyone In* policy)
- Private tenants have been protected from eviction – currently extended to the end of August 2020
- Priority need groups have been extended to people with underlying health conditions who are at greater risk from Coronavirus
- People with no recourse to public funds have been able to be accommodated
- Reducing the degree of sharing in TA: in some places, people from different households sharing a room were likely to be offered

separate rooms, but not families living all in 1 room; in other places, people were moved to reduce the number sharing common areas

- Increasing the Local Housing Allowance rate to the bottom 30th percentile of local rents

### **The end of *Everyone In* and of special funding for this provision is a major concern.**

On 24<sup>th</sup> June, the Conservative Government finally announced funding to fast-track the delivery of new housing units for rough sleepers in the next 12 months. Additional money was promised to support rough sleepers and those at risk of homelessness into tenancies of their own, including help with deposits and securing alternatives such as student accommodation.

However, there is still grave concern about the risk of eviction as a result of the Covid-19 lockdown, particularly for those who cannot pay rents or mortgages due to redundancy or the end of furloughed wages.

### **What are the Labour Party's policies on homelessness?**

#### **The 2019 General Election Manifesto pledged to tackle the root causes of rising homelessness.**

This would entail building more affordable homes, providing stronger rights for renters, increasing the value of Housing Benefit to match local rents and earmarking an additional £1 billion a year for councils' homelessness services. Former Shadow Secretary of State for Housing, John Healey, pledged to make available at least 8,000 additional homes for people with a history of rough sleeping.

Labour also committed to repealing the Vagrancy Act and amending anti-social behaviour legislation to stop the law being used against homeless people, as well as funding more support and emergency provision.

Since the current pandemic started, Labour has been clear that all rough sleepers should be helped off the streets for good, including those with *No Recourse to Public Funds*.

### **What does LHG say about homelessness?**

Homelessness, especially rough sleeping, is a mark of an unhealthy society and we need government to provide the means to end this scandal. This means:

- Building public rented homes
- Restoring security of tenure to the private rented sector and improving the physical condition / management of accommodation
- Ending benefit sanctions, the 5 week wait for Universal Credit, the Bedroom Tax, benefit caps, limits to allowances for rent, and the shared accommodation rate for under 35s
- Providing proper help for all homeless people by getting rid of the priority group distinction
- Ending the *No Recourse to Public Funds* rule
- Requiring all public bodies to work together to prevent and tackle homelessness
- Ensuring no one leaves prison, hospital or care without a decent and affordable home to go to, and the support to manage their new home
- A greater focus on preventing domestic abuse and violence
- A proper exit plan post Covid-19 arrangements

#### Where to find out more

Shelter's website has pages for people at risk of homelessness, and for professionals:  
[https://england.shelter.org.uk/housing\\_advice/homelessness\\_or](https://england.shelter.org.uk/housing_advice/homelessness_or)  
[https://england.shelter.org.uk/legal/homelessness\\_applications](https://england.shelter.org.uk/legal/homelessness_applications)

#### Notes

<sup>i</sup> <https://www.bbc.co.uk/news/uk-england-51398425>

<sup>ii</sup> [https://england.shelter.org.uk/media/press\\_releases/articles/280,000\\_people\\_in\\_england\\_are\\_homeless,\\_with\\_thousands\\_more\\_at\\_risk](https://england.shelter.org.uk/media/press_releases/articles/280,000_people_in_england_are_homeless,_with_thousands_more_at_risk)

<sup>iii</sup> <https://www.affordablehousingcommission.org/news/2020/3/23/making-housing-affordable-again-rebalancing-the-nations-housing-system-the-final-report-of-the-affordable-housing-commission>

<sup>iv</sup> <https://www.thebureauinvestigates.com/stories/2019-10-04/locked-out-how-britain-keeps-people-homeless>

More at <https://tinyurl.com/LHGBriefings>.  
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#### **WHAT IS THE LABOUR HOUSING GROUP?**

**The Labour Housing Group is a lobbying group that is affiliated to the Labour Party and dedicated to the development of a socialist housing policy.**

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<https://labourhousing.org/contact/>

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