

Appendix 2: Policy Framework and Legislative Background

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Legislative background

Homelessness Act 2002

The Homelessness Act 2002 requires every Local Authority to carry out a review of homelessness in their area and to develop and publish a Homelessness Strategy based on the review findings.

Under the Act, the Homelessness Strategy must seek to achieve the following objectives in the local housing authority's area:

1. The prevention of homelessness.
2. That suitable accommodation is and will be available for people who are or may experience homelessness.
3. That satisfactory support is available for people who are or may experience homelessness.

This Strategy has been developed in response to the findings of a data review across Derbyshire, which can be found in Appendix 1.

This Strategy has been developed following extensive consultation with a wide range of partners across Derbyshire.

Homelessness Reduction Act 2017

The Homelessness Reduction Act fundamentally reforms existing homelessness legislation, placing new duties on local authorities and public bodies. The Act introduced new prevention and relief duties, each of which last for 56 days – meaning local housing authorities must now take reasonable steps to try to prevent and/or relieve people experiencing homelessness if they are eligible.

The local housing authority must work with the applicant to develop a personalised housing plan. The plan identifies the reasonable steps that the applicant and the local housing authority will take to ensure the applicant has and is able to retain or obtain suitable accommodation. Any accommodation that they secure at prevention or relief stage must be available to the household for a period of at least six months.

The reforms brought in by the Act mean that:

- Support must be offered to all eligible people who are threatened with homelessness or who are experiencing homelessness, providing support to a greater number of people than before.
- There is a shift in the focus of services from crisis intervention to prevention, meaning that services must intervene earlier and help more people to avert crisis; and there is a stronger duty on local housing authorities to provide free advice and information designed to meet the needs of certain vulnerable groups, including those who are not eligible for further assistance.

Domestic Abuse Act 2021

The Domestic Abuse Act 2021 aims to raise awareness and understanding of domestic violence and abuse (DVA), improve the effectiveness of the justice system, and strengthen support for victims of abuse. Local authorities are required to have a strategy for preventing and tackling DVA.

From a homelessness perspective, eligible victims of domestic abuse are automatically considered a priority under homelessness legislation, and where a new tenancy is offered to someone moving as a result of domestic abuse, a lifetime tenancy should be offered if one was held previously.

Part 4 of the Domestic Abuse Act places a statutory duty on Tier One authorities for the delivery of support to victims of domestic abuse and their children in safe accommodation, who need it and provides clarity over governance and accountability. District and Borough Councils (Tier Two) are required to co-operate with Tier One authorities, in so far as is reasonably practicable.

Policy framework

National Context

This Homelessness Strategy has been developed in a time of continuing and new challenges, both locally and nationally. Homelessness has increased over the past several years nationally following a sustained period of government austerity coupled with a challenging, and increasingly unaffordable housing market for the main demographics of homelessness applicants. Welfare reform and legislative changes alongside these factors creates a difficult environment for Local Authorities to navigate in order to be effective in eliminating homelessness in their areas.

The Government's White Paper on housing, 'Fixing our broken housing market', in March 2018 acknowledged the scale of the problem in providing a range of housing that meets a cross-section of need. This imbalance in the market has led to a national increase in all forms of housing need, exhibiting itself in the most acute forms of housing need – homelessness and rough sleeping.

The Local Housing Allowance (LHA) has not kept pace with the market, resulting in an increasingly unaffordable private rented market for households on low incomes who are dependent either wholly or in part for assistance with their housing costs. At the same time, there has been an increase in the number of homelessness applications resulting from a loss of accommodation within the private rented sector.

It has been acknowledged that there have been unintended consequences from the various measures introduced through welfare reform. In February 2019, the Minister for the Department of Works and Pensions conceded challenges with the initial rollout of universal credit and that the difficulty in accessing money was "one of the causes" of the rise of food-banks.

These challenges have been compounded by on the ongoing Coronavirus Pandemic, which has demonstrated both the fragility of the world's economy but also the immense power of communities working together.

The impact of the pandemic on the economy and job market means that many people are currently

struggling to meet their housing costs, with increases in those threatened with homelessness likely.

The Country is now facing high increases to the cost of living, with inflation rising at its fastest rate for 30 years as fuel, energy, and food costs surge. This will place a huge strain on many households, and it is inevitable that many may struggle to meet their housing costs, leading to increases in homelessness.

National Rough Sleeping Strategy

The National Rough Sleeping Strategy¹ (August 2018) sets out Government plans to halve rough sleeping by 2022 and end it by 2027. It includes a range of commitments, intended both to help those who are sleeping rough currently or are at risk of doing so, and to lay the foundations for a system focused on prevention, early intervention, and a rapid rehousing approach to recovery.

The 2027 vision is to "prevent, intervene, and recover", recognising that if the Government is to minimise the considerable harm caused by rough sleeping, the most important thing is to prevent it from happening in the first place.

Key measures include:

- Embedding prevention across Government – £3.2 million per year for two years for a new range of pilots to help people leaving prison to find stable and sustainable accommodation, and new funding for intensive support for care leavers with complex needs.
- New measures to ensure the structures are in place to end rough sleeping. This includes a review of legislation around homelessness and rough sleeping, including the Vagrancy Act.
- Strengthening local homelessness strategies and introducing a new emphasis on rough sleeping.
- Looking at affordability in the private rented sector, to develop policy options for post-2020 when the current Local Housing Allowance freeze ends.

¹Ministry of Housing, Communities & Local Government (2018) *Rough Sleeping Strategy*. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733421/Rough-Sleeping-Strategy_WEB.pdf

- Up to £45 million to continue the work of the Rough Sleeping Initiative.
- Somewhere Safe to Stay Pilots – up to £17 million for work in approximately 15 areas to rapidly assess the needs of people at risk of rough sleeping and support them to get the right help.
- Funding for rough sleeping navigators, new specialists who will help people who sleep rough to access the appropriate local services, get off the streets and into settled accommodation.
- Funding mental health and substance misuse treatment.
- Up to £135 million of dormant accounts funds, the majority of which will be used to support innovative financing for homes for people who sleep rough or are at risk of rough sleeping.
- Move On Funding – a £50 million fund that will deliver a new supply of homes outside of London for people who are sleeping rough, as well as those who are ready to move on from hostels or refuges and might need additional support.
- Supported Lettings – up to £19 million of new funding to provide flexible support in homes provided for people with a history of rough sleeping.
- Local Lettings Agencies – new funding to help local areas grow enterprises to support vulnerable people into accommodation.
- £28 million of funding for Housing First pilots in Greater Manchester, the West Midlands, and the Liverpool City Region to support people with multiple complex needs. The Housing First model, which was first implemented in the US during the 1990's differs from the "staircase" model by adopting the principle that housing is an inalienable right and should not be used as a "carrot" to ensure engagement with support, but rather that other support needs should be – in theory, easier to address when someone is already living in stable housing. In the Housing First model, the independent accommodation is provided right at the outset of the process.

This has been updated by an announcement in December 2019 from the current Prime Minister to end rough sleeping by 2024.

Social Housing Regulation Bill

The Social Housing Regulation Bill sets out the following:

- Resident panel made up of 250 tenants across England who will scrutinise the various measures being put forward as part of the package of reforms.
- Naming and Shaming Landlords who are failing to meet the standards being brought in under the Bill.
- Legislative changes – the clauses largely relate to the expansion of the RSH's powers and focus on the government's ambition to improve the quality of landlord service and tackle non-decency in the social rented sector.

Levelling Up White Paper

The Government's Levelling Up White Paper sets out the following in relation to housing:

- Repurpose Homes England to regenerate towns & cities.
- Scrap the 80/20 funding rule that targets housing funding at "maximum affordability areas", i.e., London and South East areas.
- Private Sector Reform to include abolition of Section 21 'No Fault' evictions, introduction of a landlord's register and plans to crack down on rogue landlords, and all homes in the private rented sector to meet the Decent Homes Standard.
- Home Ownership - £1.5 billion levelling up home building fund with loans to SME'S to support regeneration.
- The Government will further commit to building more genuinely affordable social housing.
- Social housing regulation bill to deliver on post Grenfell commitments.
- London-style devolution deal for areas outside of London – Nine areas will be invited to agree new County deals and Ministers will seek to agree further mayoral combined authority deals for York and North Yorkshire. By 2030 every part of England that wishes to have a "London-style Devolution Deal" will have one.

Changes to Private Rented Tenancies

The Government's Levelling Up White Paper sets out plans to end so-called "no-fault" evictions by repealing Section 21 of the Housing Act 1988. Under the new framework, a tenant could not be evicted from their home without good reason. The end of assured shorthold tenancies is one of the main causes of homelessness nationally. It is hoped that this would provide tenants with more stability, protecting them from having to make frequent moves at short notice, and enabling them to put down roots and plan for the future.

Under the proposals, landlords would have to issue a Section 8 notice which can be implemented when a tenant has fallen into rent arrears, has been involved in criminal or antisocial behaviour, or has broken the terms of the rent agreement – such as damaging the property. The Government has proposed to amend Section 8 also to include circumstances where a landlord wishes to regain their property should they wish to sell it or move into it themselves.

While these proposals are positive in responding to one of the main causes of homelessness, concerns have been expressed that the proposed changes may have a detrimental impact on the number of landlords wishing to continue to either rent their property or leading to landlords becoming increasingly selective as to who they rent to, with the likely impact being felt most by vulnerable groups and those dependent on benefits.

Leaving the European Union

In the national referendum on 23rd June 2016 the United Kingdom voted to leave the European Union, and officially left on 31st January 2020. The ramifications for housing-related areas (such as the housing market, the labour market, forecasted and actual population growth, the economy, financing programmes and procurement rules) are as yet unknown.

Regional context

Derbyshire operates under a two tier Local Authority System, made up of Derbyshire County Council, Amber Valley Borough Council, Bolsover District Council, Chesterfield Borough Council, Derby City Council, Derbyshire Dales District Council, Erewash Borough Council, High Peak Borough Council, North East Derbyshire District Council and South Derbyshire District Council.

Derbyshire County Council: Specialist Accommodation and Support Strategy 2019 – 2024

The Strategy's vision is "that by 2024 more adults with complex needs in Derbyshire will have access to lifetime tenancies, supported housing and targeted community support to enable them to sustain their own home and live independent and fulfilling lives".

The strategic vision acknowledges the emergence of place-based approaches to health, wellbeing, care, and support that will present new opportunities to enable people to live well and independently in their own home. The County's strategic vision is that people will:

- Be supported to live in their own homes in the community with support from local services.
- Be supported to live independently with the right support to meet their specific needs and preferred outcomes. Be offered a choice of housing that is right for them and enable them to maintain contact with family and friends.
- Have a choice about who they live with and the location and community in which they live.
- Be able to remain in their home where possible, even if their care and support needs change.
- Have settled accommodation that works for them and meets their needs, so people report that they feel happy and safe in their own home.

The Strategy sets out the following 10 priorities:

1. Service developments – increase the supply of suitable, well located, well designed supported accommodation, most notably in South Derbyshire, High Peak, Ashbourne and Dronfield. Develop step-down/step-up/move on facilities across Derbyshire.
2. Develop more integrated community support provision, including crisis and forensic support, to prevent admissions of people into hospital settings.
3. Develop a co-ordinated approach to sourcing good quality housing provision and support in order to move people out of hospital into the community and reduce reliance on inpatient settings.
4. Develop and implement robust transition procedures, that include early identification of accommodation and support needs for this cohort of people.
5. Work with existing independent organisations to develop bespoke accommodation requirements for this cohort of people.
6. Ensure that the Specialist Accommodation and Support Strategy is reflected in each Local Authority wider Housing Strategies.
7. Develop and publish Market Position Statements for Learning Disability, Mental Health, and Autism and ensure they clearly articulate this area of focus.
8. Ensure the Joined Up Care Derbyshire workforce plan incorporates the workforce requirements that will enable the effective support of our individuals.
9. Engagement and Co-production – continued dialogue with key stakeholders, including people using services, their carers and families.
10. Smarter utilisation of assistive technology and adaptations to support people to live more independently in their own home.

Derbyshire County Council: Housing and Accommodation for an Ageing Population Vision for Derbyshire to 2035

The document sets out Derbyshire's vision as "a place that meets the housing needs and aspirations of older people by working in partnership across organisations. This is so that older people can make informed choices and decisions about their homes and housing options to support their independence and enable them to live in a safe, accessible and warm home for as long as they wish, with support and adaptations as required. A range of housing options will be available, including support services and specialist housing".

Derbyshire County Council: Older People's Housing, Accommodation, and Support Strategy

The Strategy seeks to achieve the following by 2035:

- Increase the range of housing for older people in Derbyshire that meets their needs via a range of downsizer housing and more specialised care and support.
- Increase independence of older people at home and in local communities.
- Decrease the number of people who are admitted to residential and nursing care.
- Help more people stay at home 91 days after discharge from hospital.
- Policy Framework and Legislative Background Appendix 2
- Ensure that independent living options support health and social care integration.
- People are able to live in their own home for longer.
- There is a range of specialised residential and nursing care provision that supports people with more complex health and care needs.

Our Lives, Our Health: Derbyshire Health and Wellbeing Strategy 2018 – 2023

The Strategy sets out its vision "to reduce health inequalities and improve health and wellbeing across all stages of life by working in partnership with our communities" through the following five priorities:

1. Enable people in Derbyshire to live healthy lives.
2. Work to lower levels of air pollution.
3. Build mental health and wellbeing across the life course.
4. Support our vulnerable populations to live in well-planned and health homes.
5. Strengthen opportunities for quality employment and lifelong learning.

Derby and Derbyshire Domestic Abuse and Sexual Violence Strategy 2018 – 2021

The Derbyshire Domestic Abuse and Sexual Violence Strategy is to provide a framework for statutory and voluntary agencies to work together.

The ambition for Derby and Derbyshire is that everyone can live safe lives, without the threat or experience of domestic abuse or sexual violence because it is not tolerated by our residents or our organisations.

The three main outcomes are:

1. Prevention: Engaging and raising awareness with victims, perpetrators, professionals and communities to identify and prevent domestic abuse and sexual violence.
2. Protection: Victims of domestic abuse and sexual violence are protected.
3. Provision: Meet the needs of victims by providing high quality and consistent services and at a local level on a risk based approach.

Derby and Derbyshire Domestic Abuse in Accommodation Strategy 2021 – 2024

The Strategy's objectives are:

- Undertake early intervention, before the point of crisis, to give people choices – including support in short term emergency accommodation.
- Provide domestic abuse support in a range of safe accommodation, so that family make-up, individual needs and complexities are not barriers to accessing the help that victims require.
- Address the needs of all communities accessing our services and invest in support that reflects their characteristics, so that their experience is an inclusive one.
- Support victims and their families who wish to build a life within our communities, when they are ready to move on from intensive support in safe accommodation.
- Ensure services are accessible and provide up-to-date information about what is available so that victims and professionals know how to access services and the support available.
- Increasing our understanding and support for children as victims of domestic abuse in their own right.
- Work with sanctuary schemes and target hardening providers to provide support to enable people to remain safely in their own homes.

Place Board and Alliance

'Place' involves commissioners, community services providers, local authorities, primary care, the voluntary and community sector, and the public working together to meet the needs of local people.

There are eight 'Place Alliances' across Derbyshire. Place is all about empowering people to live a healthy

life for as long as possible through joining up health, care, and community support for citizens and individual communities.

The eight Place Alliances were agreed by the Joined Up Care Derbyshire Board following engagement with partners and members, which include clinicians,

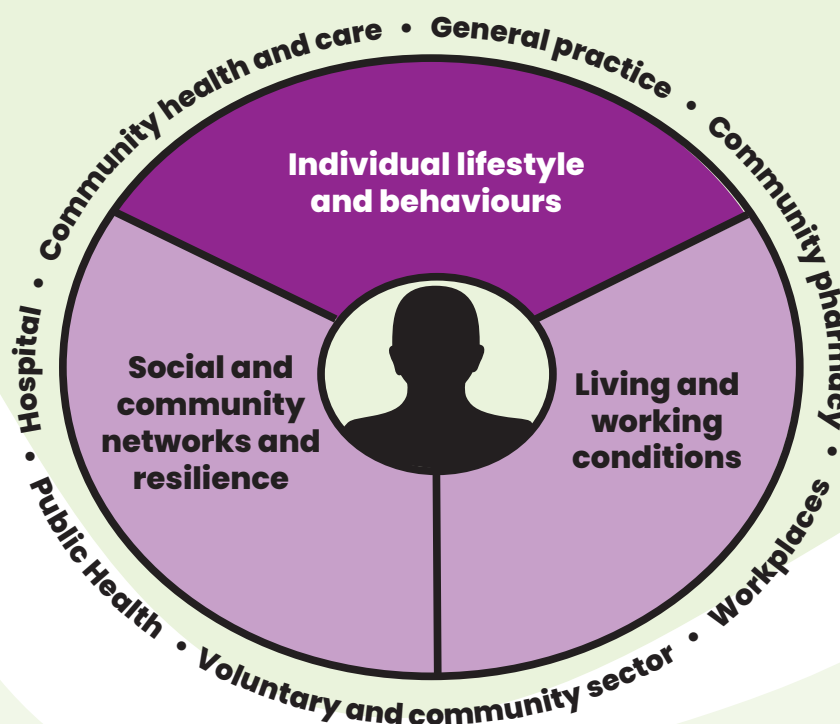
Council members, the voluntary sector and many other people from across Derbyshire.

Each Place Alliance has a group of key decision-makers, from health, care and local organisations, the public and patients. This will ensure the plans reflect the views of local people.

A 'Place Board' sets the framework for the Place Alliances. The Board is responsible for using the available resources to make sure there are equitable services for people living and working in the city and county.

Priorities:

- All Place Alliances will focus on supporting people to stay well for longer through a consistent set of work areas which include frailty, falls, care homes and supporting people to die well.
- In addition each Place Alliance will focus on what local people need in that area as regards their health and wellbeing.



District and Borough context

North Derbyshire Homelessness and Rough Sleeping Strategy 2021 – 2023

The North Derbyshire rough Sleeper Strategy has been developed in partnership by Bolsover council, Chesterfield Council, and North East Derbyshire Council, and has three clear strands of prevention, intervention, and recovery.

Amber Valley

Amber Valley Corporate Plan 2020 – 2023

Amber Valley's Corporate Plan's vision is "a Borough where people want to live, work, play, and invest", and is made up of the following priorities:

- A prosperous and healthy Amber Valley.
- A good quality environment.
- Responsive value for money services.

Amber Valley Homelessness Strategy 2019

The Homelessness Strategy is made up of the following priorities:

- To ensure there is effective partnership working that will prevent homelessness.
- To provide effective and accessible homelessness prevention advice.
- To provide a range of options that can effectively prevent or relieve homelessness.
- Minimise the use of bed and breakfast accommodation.
- Provide an effective service that will prevent/relieve rough sleeping.

Bolsover

Bolsover District Council Plan 2020 – 2024

The Plan's vision is to become a dynamic, self-sufficient, and flexible Council that delivers excellent services, whilst adapting to local aspirations and acting as the economic and environmental driver for Bolsover District.

The priorities are:

- Increasing customer satisfaction with our services.

Policy Framework and Legislative Background Appendix 2

- Improving customer contact and access to information.
- Actively engaging with partners to benefit our customers.
- Promoting equality and diversity and supporting vulnerable and disadvantaged people.
- Providing good quality council housing where people choose to live.
- Improving health and wellbeing and increasing participation in sport and leisure activities.
- Transforming services through the use of technology.

Chesterfield

Chesterfield Council Plan 2019 – 2023

The Council Plan is made up of the following priorities:

- Making Chesterfield a thriving borough.
- Improving quality for life for local people.
- Providing value for money services.

Derbyshire Dales

Derbyshire Dales Corporate Plan 2020 – 2024

The corporate plan contains the following priorities:

- Providing you with a high quality customer experience.
- Keeping the Derbyshire Dales clean, green and safe.
- Supporting better homes and jobs for you.

Derbyshire Dales Homelessness Strategy 2017 - 2021

The Strategy is made up of the following priorities:

- The prevention of homelessness.
- Ensuring there is sufficient accommodation available for people who are, or who may experience homelessness.
- Ensuring there is sufficient support available for people who are, or who may experience homelessness.

Erewash

Erewash Corporate Plan 2021 - 2023

The four strategic themes which will drive service delivery include:

1. A welcoming borough, that is clean and safe.
2. Support our communities.
3. Planning for the future.
4. A well run, efficient council.

Erewash Homelessness Strategy 2020 - 2023

The Strategy contains the vision that no one should experience homelessness or fear homelessness, and is made up of the following priorities:

- To identify homeless triggers earlier and to understand the issues which may eventually lead to homelessness as early as possible.
- Enable people to prevent their own homelessness - to ensure people have the information, resources and options to resolve their housing situation and avoid homelessness. To identify and assist those people who need more support to avoid homelessness.
- Reduce rough sleeping in Erewash - to have fewer people sleeping in Erewash by 2022 with the ambition that no-one is rough sleeping by 2027.

High Peak

High Peak Corporate Plan 2019 - 2023

The Corporate plan contains the following aims:

- Supporting our communities to create a healthier, safer, cleaner High Peak.
- A responsive, smart, financially resilient and forward thinking Council.
- Protect and create jobs by supporting economic growth, development and regeneration.
- Protect and improve the environment including responding to the climate emergency.

High Peak and Staffordshire Moorlands Homelessness Strategy 2018 - 2022

The strategy is made up of the following priorities:

- Preventing homelessness through a comprehensive range of services.
- Ensure suitable accommodation is available to address and prevent homelessness.
- Improve the private rented sector offer.
- Ensure sufficient support is available to address and prevent homelessness.

North East Derbyshire

North East Derbyshire Council Plan 2019 - 2023

North East Derbyshire's vision for the District is:

- Clean and attractive.
- A place where people are proud to live and work.
- A place where people will prosper.
- A place where people will feel safe, happy and healthy.

The aims are:

- Enhancing our residents' quality of life.
- Protecting and promoting the character of our district.
- Delivering high quality cost-effective services by engaging with our residents, our partners and our staff.
- Growing our local economy and being a business friendly District.

South Derbyshire

South Derbyshire Corporate Plan 2020 – 2024

South Derbyshire's Corporate Plan's vision is "to make South Derbyshire a great place to live, visit, and invest". The key aims are:

- Keeping a clean, green District for future generations.
 - Improve the environment of the District
 - Tackle climate change
 - Enhance the attractiveness of South Derbyshire
- Working with communities and meeting the future needs of the District.
 - Engage with our communities
 - Supporting and safeguarding the most vulnerable
 - Deliver excellent services
- Growing our District and our skills base.
 - Develop skills and careers
 - Support economic growth and infrastructure
 - Transforming the Council

South Derbyshire Homelessness Strategy 2021 - 2026

The Vision – "Ending Homelessness Together". Working together we will intervene early to prevent homelessness and rough sleeping. We will provide tailored solutions and support based upon the individual client's needs. We will empower our clients to achieve their future goals.

The Strategy contains the following priorities:

- Deliver an effective Housing Solutions Service designed to meet the needs of customers.
- Develop a joined up approach to homeless prevention and early intervention.
- Ensure an adequate supply of temporary accommodation to meet the needs of customers and reduce the use of B&B.
- Meet the complex needs of customers to prevent rough sleeping and repeat homelessness.
- Develop and improve access to a wide range of settled and supported accommodation solutions.

What we do

Homeless Link is the national membership charity for frontline homelessness services. We work to improve services through research, guidance and learning, and campaign for policy change that will ensure everyone has a place to call home and the support they need to keep it.



Homeless Link

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www.homeless.org.uk
@HomelessLink



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Derbyshire
District Council

We speak your language

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Mówimy Twoim językiem

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Vorbim limba dumneavoastră

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我们会说你的语言

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