

Briefing for Expert Review Panel, second meeting: prevention and relief duties

September 2022

Purpose of the briefing

This briefing is intended to lay the groundwork for the discussion of local authority prevention and relief duties at the second panel meeting. Please note that, while the briefing also covers the legal ‘tests’ of priority need, intentionality and local connection, which are most relevant at the ‘final duty’ stage (and which will be discussed in detail at the third panel meeting), **the core aim at our second meeting will be to reach specific recommendations for changes in the law surrounding the prevention and relief duties.** Please also note that we have held over discussions of evictions till the third meeting.

Content of the briefing

- 1) Overview of the changes introduced by Part 2 of the Housing (Wales) Act 2014
- 2) What are the strengths/weaknesses of 2014 framework? What has/hasn’t worked well?
- 3) To what extent do any weaknesses identified require legislative change (rather than improved implementation/policy change)?
- 4) What are the key changes in the law required?
- 5) Annex A: details of the changes introduced by the Act

1. Overview of the changes introduced by Part 2 of the Housing (Wales) Act 2014

The Housing (Wales) Act 2014 was introduced in answer to a Government-funded review of the existing homelessness legislation, published in 2012. The Act took on board the core recommendations of this review so that the emphasis was on earlier interventions and assistance tailored towards the specific needs of households who are ‘threatened with homelessness’ within 56 days. This assistance with prevention was made available to all eligible households who are homeless, or threatened with homelessness, regardless of priority need. Further, the Act required that for eligible households that were already homeless when they approached their local authority, or whose homelessness cannot be prevented, local authorities would have to take ‘reasonable steps’ to ‘relieve’ their homelessness, with the interventions that the local authorities ought to have available set out in the accompanying Code of Guidance.

If the ‘relief’ efforts to find alternative accommodation do not succeed, only households with priority need are then entitled to have housing secured by the local housing authority (either in the private rented sector or in social housing). Critically, applicants who ‘unreasonably fail to cooperate’ with the prevention or relief assistance, or refuse a suitable offer of accommodation, may not progress to this final statutory duty.¹

Until 2019, councils could choose whether or not they applied the intentionality test. From 2 December 2019, local authorities in Wales have a duty to provide accommodation for intentionally homeless families, young people aged under 21 or under 25 if they have been in care, unless they have previously been found to be intentionally homeless in the past five years.

¹ Davies, L. And Fitzpatrick, S (2021) *The ‘ideal’ homelessness law: balancing ‘rights-centred’ and ‘professional-centred’ social policy.* Heriot-Watt University.

A detailed outline of the duties that the Act introduced can be found in Annex A of this paper. Please find below a list of the ‘reasonable steps’ interventions that local authorities ought to have in place as a minimum set of available interventions²:

- Advice services
- Outreach
- Tenancy support
- Support services working with people to reduce the risk of homelessness, including Supporting People, Social Services and voluntary work
- Housing stock and programmes to increase availability of affordable accommodation where demand is not met
- Lettings schemes and their operation by social housing providers
- National and local mobility schemes
- Initiatives for maximising access to private rented accommodation
- Hostels and other emergency accommodation
- Programme of disabled facilities grant
- Housing renewal and regeneration schemes.

2. What are the strengths/weaknesses of the 2014 framework? What has/hasn’t worked?

Strengths

Increased prevention and relief of homelessness, particularly for single homeless households

Upon introduction, the Act was supported by both voluntary and statutory organisations, who welcomed the principles behind the Act, which was to focus on preventative approaches and introduce a level of assistance for all those approaching their local authority for homelessness assistance.

Following the implementation of the Act, it is clear the changes have resulted in improved responses from local authorities to tackling homelessness. The Welsh Government’s evaluation of the Act found evidence of increased prevention activity and improved outcomes for service users. It also found that ‘reasonable steps’ have been strategically embraced by local authorities and this has also resulted in better outcomes for people presenting as homeless or threatened with homelessness. The Act therefore, provides a framework within which it is possible to prevent and relieve homelessness for a wide range of people who would not have been included under the previous arrangements.³

This has included single homelessness people in particular, though there is variation in this across Wales. An independent evaluation carried out three years after implementation of the Act found there was a clearly improved response to single homeless people due to the prevention and relief duties that applied regardless of priority need.⁴ The evaluation also found overwhelming consensus

² See Para 2.13 Welsh Government (2020) [*Allocation of accommodation and homelessness: guidance for local authorities*](#).

³ Welsh Government (2018) Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: <https://gov.wales/sites/default/files/statistics-and-research/2019-06/evaluation-of-homelessness-legislation-part-2-of-the-housing-act-wales-2014-final-report-summary.pdf>

⁴ Ibid

that the Act had introduced a more person-centred approach and had resulted in a reorientation of local authority homelessness services towards a more pro-active, preventative model.

The official statistical returns bear this out, with almost two-thirds of households threatened with homelessness having it prevented and two-fifths of homeless households being relieved of homelessness. This means the number of priority need households assisted under the final 'duty to secure accommodation' (see Annex A) has fallen to much lower levels than statutory homeless 'acceptance' levels prior to when the Act was implemented. The success of the prevention and relief models also means that the 'becoming homeless intentionally' test has become of far less significance than was previously the case, because it could only be applied to an applicant who has a priority need and where relief efforts have been unsuccessful.⁵

These successes were also reflected in the Homelessness Monitor Wales (2021), which reports that homelessness and housing options managers that undertook the survey to inform the report (17 of 22), saw the reforms introduced by the Act as beneficial in preventing and alleviating homelessness in their locality, though there were more mixed responses from rural authorities.⁶

Improved ways of working as a result of the Act

There is evidence that partnership working has increased between and within local authorities, and with RSLs and third sector service providers following the implementation of the Act. The Government's evaluation of the Act found that there is clear strategic support for partnership working among local authorities across Wales. However, there is much variation within and between local authorities.⁷

Further, the evaluation stated that Personal Housing Plans (PHPs) appear to be instrumental in promoting person-centred practice, and service providers were overwhelmingly positive about using them, despite the increased paperwork involved. However, PHPs do not seem to be benefiting service users, who report not finding them particularly useful, so more work is needed to optimise the benefits for service users.

Weaknesses

Groups that still face barriers to homelessness assistance, despite the Act

Despite the Act improving access to homelessness assistance overall, evidence also shows it has fallen short for some groups.

The Government's evaluation of the Act revealed universal recognition across local authorities and among service providers that people sleeping rough benefited least from the changes introduced by

⁵ Davies, L. And Fitzpatrick, S (2021) *The 'ideal' homelessness law: balancing 'rights-centred' and 'professional-centred' social policy*. Heriot-Watt University.

⁶ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

⁷ Welsh Government (2018) *Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014*: <https://gov.wales/sites/default/files/statistics-and-research/2019-06/evaluation-of-homelessness-legislation-part-2-of-the-housing-act-wales-2014-final-report-summary.pdf>

the Act, and there was growing recognition that something needs to be done to address this issue.⁸ This was especially highlighted in the years from the Act's implementation, and prior to the emergency action by government in response to the Covid-19 pandemic, when the numbers of people sleeping rough across Wales was increasing.

In stark terms, people who are rough sleeping cannot have their homelessness prevented and often do not meet, or are judged by the local authority to not meet, the vulnerability threshold to be considered as being in priority need. Therefore, they do not receive a rehousing duty at the final stage of the legislation. Additionally, often people have entrenched support needs, such as mental health issues and substance misuse, which are compounded by a lack of suitable accommodation.

This was also captured in responses to the Homelessness Monitor Wales (2021) survey, as the pandemic response to disapply priority need further made clear the barrier it presents to this group:

"...rough sleepers are the group that it failed the most, fails the most, because they are homeless and you've only got a duty to take reasonable steps to help the find somewhere, but at that time, you've got no duty to temporarily accommodate them, unless you think they're going to be in priority need." (Key informant, independent sector).⁹

The limitations of the prevention and relief duties in the Act

Responses to the Homelessness Monitor Wales (2021) also revealed that local authorities and services support people who are homeless felt the pandemic has also revealed the limitations of the Act with regards to prevention.

While the Act had undoubtedly increased local authority prevention responses to homelessness, and especially single homelessness, some respondents to the survey felt that the length of time for prevention activity (56 days), and who prevention duties applied, needed revisiting in order to support demand on the system now. In these responses it was mostly felt that further upstream prevention would be useful in terms of extending prevention duties beyond the current 56 days (note that in Scotland there is now a proposal to extend this period to six months). This was also raised in the context of the new private tenancy regime and the end of section 21 notices.

"I think it's pretty clear that the prevention duties need upgrading and spreading across public services, lengthening the time that people are owed a prevention duty, and that area of lowering the barriers..." (Key informant, voluntary sector)

"...when the new tenancy regime comes in, potentially in spring next year, our notice period for what will replace Section 21, will go up to six months in the majority of circumstances...I think there's a lot of concern around people being handed a notice, going to their local authority, and their local authority saying, 'Well, we'll help you when you're within 56 days', and that being a bit, that being counterproductive and actually, almost taking the whole point of extending the notice period in the first place." (Key informant, statutory sector).¹⁰

⁸ Welsh Government (2018) Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: <https://gov.wales/sites/default/files/statistics-and-research/2019-06/evaluation-of-homelessness-legislation-part-2-of-the-housing-act-wales-2014-final-report-summary.pdf>

⁹ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) The Homelessness Monitor: Wales 2021. London: Crisis

¹⁰ Ibid

The limitation of prevention is also suggestive in the Welsh homelessness statistics capturing trends in the number and proportion of people receiving support through the prevention or relief duties as show in Table 1.

Meantime, a major limitation in the relief duty is that there is no duty to provide temporary accommodation to those (mainly single people) without priority need who may require it¹¹.

Table 1

2015/16	2016/17	2017/18	2018/19	2019/20
7,128 households threatened with homelessness (S66); 65% prevented	9,231 households threatened with homelessness (S66); 62% prevented	9,072 households threatened with homelessness (S66); 66% prevented	10,737 households threatened with homelessness (S66); 68% prevented	9,993 households threatened with homelessness (S66); 67% prevented
6,891 households assessed as homeless (S73); 45% relieved	10,908 households assessed as homeless (S73); 41% relieved	11,277 households assessed as homeless (S73); 41% relieved	11,715 households assessed as homeless (S73); 41% relieved	12,339 households assessed as homeless (S73); 41% relieved
• Subject to duty to assess (S75) 3,228 • 1,611 (50%) in priority need and unintentionality (S75); 1,284 (80%) successfully housed • 1,617 no duty owed (50%)	• Subject to duty to assess (S75) 3,459 • 2,073 (81%) in priority need and unintentionality (S75); 1,617 (78%) successfully housed • 1,386 (40%) no duty owed	• Subject to duty to assess (S75) 3,954 • 2,229 (56%) in priority need and unintentionality (S75); 1,746 (78%) successfully housed • 1,725 (44%) no duty owed	• Subject to duty to assess (S75) 4,491 • 2,631 (59%) in priority need and unintentionality (S75); 2,091 (79%) successfully housed • 1,860 (41%) no duty owed	• Subject to duty to assess (S75) 4,659 • 3,060 (66%) in priority need and unintentionality (S75); 2,388 (78%) successfully housed • 1,599 (34%) no duty owed

These statistics shows that the overall numbers of people approaching local authorities for prevention and relief duties have risen, and that local authorities are indeed helping more people under these duties with the rise in demand. However, the proportion of people helped under these duties have remained the same, which suggest limitations in the overall Act and tools provided to local authorities to prevent homelessness from happening in the first place.

Consistency and effectiveness of implementation by local authorities

The Welsh Government's evaluation of the Act found that there was significant variation across Wales and also within local authority areas regarding the extent to which the ethos of the new Act has been adopted and the effectiveness of prevention and reasonable steps. The evaluation also found evidence of variation in the interpretation of intentionality and local connection. Intentional homelessness was seen by a minority of service providers as a means of gatekeeping access to services; however, the majority felt it to be counter to the ethos of the Act and detrimental to achieving positive outcomes.

Successful implementation of the Act is contingent on a number of factors, including the skills, expertise and behaviour of staff delivering the service (particularly frontline, first point of contact staff); and also upon structural factors, for example the availability and affordability of housing in a particular area.

¹¹ Note that Shelter Cymru are seeking permission to share Oak-funded research by Lynne McMordie in 4 local authorities which sheds further light on these issues.

It is evident that not all local authority staff have fully committed to the ethos of the new Act since gatekeeping persists in some areas. It is also argued that Personal Housing Plans are sometimes being used in a punitive rather than supportive way to record steps taken by applicants and that these are used to evidence non-cooperation.

Although there are examples of positive partnership working arrangements, for example with Social Services, this is an area where significant improvements could be made, particularly in the partnership working with health and mental health services. In general, successful partnership working appears to develop as a result of individual relationships between service providers rather than strategically. Additional obstacles to developing and embedding partnership working include conflicting agendas/ priorities.

It has also been reported that Welsh local authorities are often conforming to a fairly typical set of limited actions to prevent and relieve homelessness – not the highly person-centred and tailored approach as envisioned by the legislation¹². It has been argued that the legislative duties to take reasonable steps could be expressed more definitively on both the face of the Act and in the accompanying guidance and this could improve the effectiveness and consistency of practice. Some have linked the relative weakness of the phrasing in both the legislation and the guidance to the fact that some local authorities have been very slow to introduce some relevant interventions, if at all. A lack of case law testing ‘reasonable steps’ has also been identified as a matter of concern¹³.

Another specific concern is that some local authorities are said to be placing local connection restrictions against certain interventions, e.g. access to bond schemes being tied to having local connection. This seems enabled by the fact the law doesn’t require them to have these interventions available to all applicants.

Increased bureaucracy

The Welsh Government’s evaluation of the Act also identified some challenges faced by service users, including difficulties navigating the new systems introduced by the Act. Service users highlighted that receiving multiple letters throughout the process could be confusing rather than helpful, and people also reported not finding the Personal Housing Plans particularly helpful.

Further, the Act resulted in increased paper-work due to the multi-stage application process. This has remained a challenge particularly with regard to service provision for people fleeing Domestic Violence and Abuse; outcomes appear to be contingent upon location, with some local authority areas being more responsive at the first point of contact than others.

Most local authorities who responded to the survey conducted as part of the Welsh Government’s evaluation of the Act reported significant challenges in implementing the Act. This included an increased administrative burden, more bureaucratic working arrangements and higher and more

¹² [MacKie, Peter K.](#), [Thomas, Ian](#) and Bibbings, Jennie 2017. Homelessness prevention: Reflecting on a year of pioneering Welsh legislation in practice. *European Journal of Homelessness* 11 (1) , pp. 81-107.

¹³ Shelter Cymru (2020) *Implementing the Housing (Wales) Act 2014: the role of homelessness reviews and litigation*.

complex workloads for Housing Solutions staff. This issue of resources was also raised as a significant challenge.¹⁴

Wider structural issues

A key barrier identified that impedes the success of the Act is the lack of affordable housing options. In the Government's evaluation of the Act, respondents to the local authority survey and service provider participants in the research accepted the role of the PRS in addressing homelessness however significant concerns were raised about how this works in practice. These concerns centred on the lack of available affordable accommodation – one bed properties in particular; insecurity of tenure; the poor condition of some properties; and the unwillingness of some private landlords to rehouse people in receipt of welfare benefits.

Welfare reform has also been highlighted as problematic and undermines the prevention/person-centred ethos of the Act. The gap between benefits levels and actual rents impacts on people's ability to afford private sector rents. There are also particular concerns about levels of benefits available to people under 35.

Finally, the structural causes of homelessness remain unaddressed by the Act. Increased demand for services since the introduction of the Act is compounded by a lack of available accommodation for people to move to. This impacts on local authorities' ability to effectively prevent and relieve homelessness.¹⁵

3. To what extent do any weaknesses identified require legislative change (rather than improved implementation/policy change)?

The post-implementation evaluation of the Housing Act (Wales) 2014, which looked at the implementation of the prevention and relief duties, identified a number of recommendations to improve the implementation of the new duties introduced by the Act and to address some of the limitations of the legislation.¹⁶ The majority of the recommendations focused on practice changes and covered a range of areas including making Personal Housing Plans more tailored to the circumstances of each individual, improving partnership working and increased training for staff to ensure they have the skill set required to successfully implement the Act.

The evaluation, which was published in 2018, also made medium to long-term recommendations for legislative changes that would help to address some of the limitations of the 2014 Act that had been identified. A number of these recommendations focused on the support available for non-priority households, and the potential to expand the priority need category. Recommendations included:

- Providing up to 21 days of temporary accommodation for people experiencing homelessness who were not in priority need to help prevent rough sleeping.

¹⁴ Welsh Government (2018) Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: <https://gov.wales/sites/default/files/statistics-and-research/2019-06/evaluation-of-homelessness-legislation-part-2-of-the-housing-act-wales-2014-final-report-summary.pdf>

¹⁵ Welsh Government (2018) Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: <https://gov.wales/sites/default/files/statistics-and-research/2019-06/evaluation-of-homelessness-legislation-part-2-of-the-housing-act-wales-2014-final-report-summary.pdf>

¹⁶ A. Ahmed, M. Rogers, M. Wilding, A. Gibbons, K. Jones, I. Madoc-Jones (2018) *Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report*. Available at: <https://gov.wales/statistics-and-research/evaluation-homelessness-legislation/?lang=en>

- Explore the option to include rough sleeping as a priority need category.
- Reviewing the Code of Guidance with a view to establishing greater consistency and clarity around how vulnerability assessments are made, particularly with regard to age and mental health.

Since the publication of the evaluation in 2018 there has been growing support for the complete removal of priority need. This was a key recommendation of the Homelessness Action Group, and the survey of local authorities conducted to inform the Homelessness Monitor 2021 found clear support from local authorities for the removal of priority need. Fifteen out of the 22 Welsh local authorities surveyed favoured abolishing the priority need criterion, although some stressed that this was conditional on accompanying extra resources. The Monitor notes that: **“After its ‘suspension’ throughout the Covid-19 crisis, at least with regards to people sleeping rough, and following a Welsh Government funded independent review, the momentum for permanent abolition of the priority need criterion now seems unstoppable.”**¹⁷

The post-implementation evaluation of the Act also recommended that the Welsh Government give all priority need households deemed to be intentionally homelessness ‘a second chance’ and to work towards removing intentionality for all households in priority need. This was recommended to build on the changes that were implemented in 2019 that curtailed the applicable scope of intentionality. This means that with respect to most homeless families with children and young people under 21, Welsh local authorities can no longer apply the ‘intentionality’ test to restrict access to settled housing. The findings in the 2021 Homelessness Monitor show that local authority opinion on intentionality remains divided. Comments suggested this stemmed from the rarity of intentionally homeless decisions in practice, following the changes implemented in 2019. Those supportive of removing intentionality felt this would have little impact on outcomes because it is rarely used, whereas those wanting to keep intentionality in its current form argued it is useful as an incentive for good behaviour.¹⁸

There was consensus from local authorities responding to the Homelessness Monitor survey against the ending of local connection rules, with 19 out of 22 council representatives judging that such a move would not be beneficial. The removal of the rules was seen as being difficult in terms of implementation with fears from every type of local authority that such a change would increase demand in their area. However, key informants were more sympathetic to the removal of local connection, albeit with the understanding that the redistributive impact of demand on LAs would need to be considered.¹⁹ The post-implementation evaluation of the Act also identified local connection as area where further work was needed to understand what changes would be beneficial, recommending that further research be carried out around local connection with a view to establishing a national reconnection service across in Wales.²⁰

The evaluation did not make any recommendations about legal changes to place greater responsibility for homelessness prevention on public bodies in other sectors, however this could be a beneficial area to explore further to address some of the inconsistencies and challenges with partnership working that were identified. This could also be crucial for helping to increase the

¹⁷ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

¹⁸ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

¹⁹ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

²⁰ A. Ahmed, M. Rogers, M. Wilding, A. Gibbons, K. Jones, I. Madoc-Jones (2018) *Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report*. Available at: <https://gov.wales/statistics-and-research/evaluation-homelessness-legislation/?lang=en>

number of people whose homelessness can be successfully prevented, either because the risk of homelessness is identified earlier or because different sectors are working together more effectively to find the solutions needed to prevent a household's homelessness.

4. What are the key changes in the law required?

The Homelessness Action Group has recommended removing the legal barriers that stop people accessing housing and support, including the statutory priority need and intentionality. This would help to address the weaknesses identified in the Housing (Wales) Act 2014, which have meant that people who are rough sleeping as well as those with more complex needs have often not benefitted from the new duties and have remained homeless because they are not eligible for the full rehousing duty or temporary accommodation.

The Homelessness Action Group also recommended removing the local connection test. This currently does not have the support of local authorities in Wales, but should be considered in conjunction with the other changes recommended, to ensure any changes achieve the outcomes needed to improve homelessness prevention and relief.

Further consideration of the potential benefits of introducing new statutory duties on other sectors to help ensure issues that put people at risk of homelessness are identified and acted on at the earliest possible stage is also recommended so that fewer people ever get to the stage of needing support through the full homelessness duty. It is clear that the 'duty to cooperate' has not been felt sufficient by local authorities.

These are all points that we will return to in future meetings. For this second meeting, the key questions to be answered are:

- a) **What key changes in the law are required on the prevention and relief duties?**
- b) **what would their intended effect be?**
- c) **what unintended consequences might need to be avoided?**

5. Annex A

Detail of the changes introduced by the Housing (Wales) Act 2014

Part 2 of the Housing (Wales) Act 2014 contains key duties to assist homeless applicants. These are the:

- Duty to assess (s62)
Help to secure duty (s65)
- Help to prevent duty (s66)
- Interim accommodation duty (s68)
- Duty to help to secure accommodation for homeless applicants (s73)
- Final duty (s75)

Duty to assess (s62): A local authority in Wales has a duty to assess any applicant who applies to the authority for accommodation, or help in retaining or obtaining accommodation, where they appear to the authority to be homeless or threatened with homelessness within 56 days.

Securing or helping to secure the availability of accommodation (S64(2)) The following are examples given in the legislation of what may be provided or arranged to secure or help to secure that suitable accommodation is available, or does not cease to be available, for occupation by an applicant—

- (a) mediation;
- (b) payments by way of grant or loan;
- (c) guarantees that payments will be made;
- (d) support in managing debt, mortgage arrears or rent arrears;
- (e) security measures for applicants at risk of abuse;
- (f) advocacy or other representation;
- (g) accommodation;
- (h) information and advice;
- (i) other services, goods or facilities.

Help to secure duty (s65): Unless a local connection referral is made, a local authority must help to secure that suitable accommodation is available for the applicant and their household if it is satisfied that the applicant is homeless, and eligible for help.

Help to Prevent or 'Prevention' Duty (s66): A local authority in Wales must work with households who are threatened with homelessness in the next 56 days to take reasonable steps to prevent that homelessness.

Ahead of the Section 66 duty to help prevent there is also the Section 60 of HWA 2014 provides that advice provided by local authorities about homelessness and its prevention must be made available free of charge to any person in its area. The services offered must include:

- (a) the publication of information and advice on the system and how the system operates;
- (b) whether any help for people who are homeless, or may become homeless, is available in the authority's area; and
- (c) how to access the help that is available.

S60(4) specifies:

The local housing authority must, in particular by working with other public authorities, voluntary organisations and other persons, ensure that the service is designed to meet the needs of groups at particular risk of homelessness, including in particular —

- (a) people leaving prison or youth detention accommodation,
- (b) young people leaving care,
- (c) people leaving the regular armed forces of the Crown,
- (d) people leaving hospital after medical treatment for mental disorder as an inpatient, and
- (e) people receiving mental health services in the community.

This specific duty should serve to help prevent and relive homelessness at an early stage.

Interim accommodation duty (s68): A local authority must secure that suitable interim accommodation is available for an applicant and their household if it has reason to believe that the applicant may be homeless eligible for help, and have a priority need for accommodation.

Authorities are reminded that 'having reason to believe' is a lower test than 'being satisfied'. If the Authority is in any doubt about whether or not the applicant meets any of these criteria, then it must accept an interim duty to accommodate pending completion of its enquiries into whether a person is homeless and eligible (R (on the application of IA) v City of Westminster Council [2013] EWHC 1273 (QB)).^{[\[1\]](#)}

Duty to help to secure accommodation for homeless applicants or 'Relief' duty (s73): A local housing authority must help to secure that suitable accommodation is available for occupation by an applicant, if the authority is satisfied that the applicant is homeless, and eligible for help.

Duty to secure accommodation for applicants in priority need when the duty in section 73 ends or 'Final' duty (s75): Under the final duty, a local authority must secure that suitable accommodation is available for the applicant and their household, if satisfied that the applicant does not have suitable accommodation available for occupation for at least six months from the date that they received the notice of end of the help to secure duty, is eligible for help has a priority need for accommodation, and is unintentionally homeless.

The duty can be ended under the following circumstances:

- Becomes homeless intentionally from suitable temporary accommodation.
- Voluntarily ceases to occupy suitable temporary accommodation as their only or principal home.
- Becomes ineligible for help.
- Is notified that a mistake of fact led to the duty arising in the first place.
- Withdraws the application.
- Unreasonably fails to co-operate with the authority.