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**JOINT WORKING PROTOCOL**

**FOR COMPLEX & VULNERABLE FAMILIES AND THOSE AT RISK OF INTENTIONAL HOMELESSNESS**

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# **Principles**

The aim of this protocol is to guide each relevant organisation on the approach to supporting complex and vulnerable families, and those who are risk of intentional homelessness, in an agreed and transparent way. The protocol is intended to minimise disputes and encourage open and respectful dialogue as well as promoting collaborative work and opportunities for joint work between the twelve local housing authorities across the county and Kent County Council and vulnerable families, and those who are risk of intentional homelessness, in an agreed and transparent way. The protocol is intended to minimise disputes and encourage open and respectful dialogue as well as promoting collaborative work and opportunities for joint work between the twelve local housing authorities across the county and Kent County Council.

**Principle 1:**

**We seek to identify vulnerable and complex families, and those at risk of being intentionally homeless early, to help them receive support.**

**Principle 2:**

**We will work together to support vulnerable and complex families, and those who are at risk of being intentionally homeless.**

**Principle 3:**

**We will work together to make sure that the family is supported to make informed decisions with access to facts and options and will include the identification of any additional needs and the appropriate action to mitigate or support these.**

*We value the privacy of the families. To know how personal data is used between statutory organisations, please refer to the Privacy Statement content within this protocol document, and those available on each of the websites of participating organisation.*

Agreed by:-Sharon Williams, Chair of Kent Housing Group

Kent County Council Lead

Parties to the agreement are:

|  |  |  |
| --- | --- | --- |
| [www.ashford.gov.uk](http://www.ashford.gov.uk) | [www.canterbury.gov.uk](http://www.canterbury.gov.uk) | [www.dartford.gov.uk](http://www.dartford.gov.uk) |
| [www.dover.gov.uk](http://www.dover.gov.uk) | [www.folkestoneandhythe.gov.uk](http://www.folkestoneandhythe.gov.uk) | [www.gravesham.gov.uk](http://www.gravesham.gov.uk) |
| [www.maidstone.gov.uk](http://www.maidstone.gov.uk) | [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) | [www.swale.gov.uk](http://www.swale.gov.uk) |
| [www.thanet.gov.uk](http://www.thanet.gov.uk) | [www.tmbc.gov.uk](http://www.tmbc.gov.uk) | [www.tunbridgewells.gov.uk](http://www.tunbridgewells.gov.uk) |
| [www.kent.gov.uk](http://www.kent.gov.uk) | [www.khg.org.uk](http://www.khg.org.uk) |  |

# **Objectives**

2.1 This joint protocol, for professionals, aims to provide clarity on roles and responsibilities to enable agencies to engage more effectively in joint working, leading to increased transparency and better outcomes for complex and vulnerable families, and those at risk of intentional homelessness. The aim of this protocol is to guide each relevant organisation on the approach to supporting complex and vulnerable families, and those who are risk of intentional homelessness in an agreed and transparent way. The protocol is intended to minimise disputes and encourage open and respectful dialogue as well as promoting collaborative work and opportunities for joint work between the twelve Local Housing Authorities across the County and Kent County Council.

The signatories of this protocol have agreed the following three key principles:

* We seek to identify vulnerable and complex families, and those at risk of being intentionally homeless early, to help them receive support.
* We will work together to support vulnerable and complex families who are at risk of being intentionally homelessness.
* We will work together to make sure that the family is supported to make informed decisions with access to facts and options and will include the identification of any additional needs and the appropriate action to mitigate or support these.

**Causation of Homelessness and impact on families**

2.2 Working Together 2018[[1]](#footnote-1) identifies the importance of agencies working together to provide early help to children and their families to promote the welfare of children and prevent further problems from arising. In Kent effective early help relies upon local organisations and agencies working together to:

• identify children and families who would benefit from early help

• undertake an assessment of the need for early help

• provide targeted early help services to address the assessed needs of a child and their family which focuses on activity to improve the outcomes for the children.

2.3 A parent’s homelessness or placement in temporary accommodation, often at a distance from previous support networks, can result in or be associated with transient lifestyles. There is a risk the family will fall through the net and become disengaged from health, education, and other support systems. There may also be a reduction in previously available family / community support.

2.4 Temporary accommodation, such as bed and breakfast accommodation or women’s refuges, may present additional risks for example where other adults are also resident who may pose a risk to the child.

2.5 Families that move frequently can find it difficult to access the services they need. For those already socially excluded, moving frequently can worsen the effects of this exclusion and increase isolation. Some families in which children are harmed move home frequently to avoid contact with concerned agencies, so that no single agency has a complete picture of the family.

2.6 The following circumstances associated with some families with a transient lifestyle are a cause for additional concern:

* Child/ren not consistently registered with a GP;
* Child/ren attending hospital A&E departments frequently for treatment, rather than engaging with primary health services
* Child/ren missing from a school roll, or persistently not attending
* Information spread across a network of agencies with no single agency holding the whole picture of a family history.

2.7 Local authorities with Children’s Service responsibilities, under section 10 of the Children Act 2004, have a responsibility to promote inter-agency co-operation to improve the welfare of all children.

# **3. Definition of Intentional Homelessness**

3.1 Homelessness Code of Guidance[[2]](#footnote-2) Chapter 9.7 Section 191(1) provides that a person becomes homeless intentionally if **ALL** of the following apply:

 (a) they deliberately do or fail to do anything in consequence of which they cease to occupy accommodation; and,

 (b) the accommodation is available for their occupation; and,

 (c) it would have been reasonable for them to continue to occupy the accommodation.

However, for this purpose, an act or omission made in good faith by someone who was unaware of any relevant fact must not be treated as deliberate (see paragraph 9.23).

3.2 A person must be treated as homeless intentionally if:

* (a) The person enters into an arrangement under which they are required to cease to occupy accommodation which it would have been reasonable for the person to continue to occupy; and,
* (b) The purpose of the arrangement is to enable the person to become entitled to assistance under Part 7; and,
* (c) There is no other good reason why the person is homeless.

# **Relevant legislation**

4.1 The following legislation is relevant to supporting families who are or are at risk of intentionally homelessness. (Appendix 1 provides further detail.)

**i) Homeless Reduction Act 2017 -**

 • Homelessness Prevention Duty at 56 days or less.

 • Duty to provide advisory services.

 • Duty to access and agree a plan.

 • Relief duty – to provide interim accommodation whilst homelessness is being resolved.

 • Help to secure accommodation and suitability clauses.

 • Non-co-operation clause

**ii) Children Act 1989 (Section 17)**

 • General duty to safeguard and promote the welfare of children.

**iii) Children Act 2004 –**

 • Duty to promote inter-agency co-operation to improve the welfare of children (Section 10)

* Duty to safeguard and promote the welfare of children (Section 11)

**iv) Domestic Abuse Act 2021**

 • Definition of domestic abuse (Part 1)

 • Section 7. 78 Amends Part 7 of Housing Act 1996 to give priority need to a person as a result of domestic abuse

# **Housing Authorities’ responsibilities towards families with children**

5.1 Those in priority need who are assessed as intentionally homeless are entitled to advice and assistance and accommodation for such a period as the Housing Authority would consider will provide a reasonable opportunity of the applicant securing accommodation. Housing authority assistance could include: assistance in searching for available private rental properties; helping families access all the available financial help (including Discretionary Housing Payment) to support them in obtaining suitable and affordable housing; signposting families to relevant financial inclusion advice and support. Throughout this process, reference would be made to a person’s capacity to respond to these approaches and work with the housing authority to resolve their own homelessness.

5.2 If a household considered to have complex needs and vulnerabilities containing children under 18 is likely to be deemed intentionally homeless then, with the applicant’s consent, the Local Housing Authority must make a Request for Support from Kent Integrated Children’s Services at the earliest opportunity. This is because the Local Housing Authority has a duty to safeguard and promote the welfare of children under Section 11 of the Children’s Act 2004.

5.3 However, under the **Homelessness Code of Guidance, section 10.5,** there are circumstances where even if consent is withheld[[3]](#footnote-3), the housing department may disclose information to Integrated Children’s Services if they have reason to believe that a child may be at risk of significant harm.

5.4 Under section **213A of the Homelessness Act**, if Integrated Children’s Services decide the child’s needs would be best met by helping the family to obtain accommodation, they can ask the housing authority for reasonable assistance in this, and the housing authority must respond. At this point the Local Housing Authority should advise the family of the range of housing options available to them. The Prevention Duty may apply, under which the Local Housing Authority might provide support, advice, and financial support to prevent homelessness. If the housing authority is unsuccessful in preventing homelessness and the family is effectively homeless/roofless, they will then be entitled to Interim Accommodation for a period of 56 days under the Relief Duty. At this stage the Local Housing Authority will still be providing support, advice, and under a duty to take reasonable steps to assist the family secure permanent, affordable and suitable housing.

5.5 Reasonable advice and assistance might include help with locating suitable accommodation and making inspection of a property to ensure it meets adequate standards of fitness and safety; however, the duty does not extend to a requirement on the housing authority to provide accommodation for the family.

5.6 Where a housing authority has been unable to relieve homelessness within the 56 day Relief Duty, the housing authority must make a decision on whether the applicant is owed the main housing duty. If the housing authority is satisfied that the main housing duty is not owed because the applicant is intentionally homelessness a referral to Integrated Children’s Services (ICS) may be appropriate however, it is recommended that where intentional homelessness seems likely, a Request for Support should be made at the earliest opportunity to enable the correct support to be identified in line with Kent’s Support Level Guidance.

5.7 Where the housing authority is satisfied the main housing duty is not owed, the authority does have the discretion to extend the Relief Duty beyond 56 days and the interim accommodation duty will continue to be owed until the Relief Duty is ended.

# **6. Integrated Children’s Services responsibilities towards families that include children, who are risk of intentional homelessness**

6.1 Those children who live in families at risk of intentionally homelessness and whose homelessness needs cannot be met by interventions from the housing authority may require support from ICS, under **Section 17 Children Act 1989** which defines support for children in need.

**Children in need are defined as:**

* those who are unlikely to achieve or maintain a reasonable standard of health and development, unless the local social services authority provides services
* those whose health and development is likely to be significantly impaired, unless the local social services authority provides services
* disabled children.

**6.2 Section 116 of the Adoption and Children Act 2002** amends Section 17 of the Children Act 1989 to make it clear that social services have the power (but not a duty) to provide housing assistance to homeless families with children in need when they have been found to be intentionally homeless.

6.3 If the child or children are in need solely as a result of intentional homelessness, ICS may consider whether the best way of meeting the need is to help the family via s17 of the Children Act 1989. This responsibility applies to children living or found in the local Children’s Services authority area and applies regardless of any decision taken by another authority[[4]](#footnote-4) within any other legislative framework.

# **7. Procedure**

7.1 As soon as a Local Housing Authority establishes/or has a valid and significant reason to believe a family are likely to be found intentionally homeless, with consent (unless a child is deemed to be at risk of significant harm), they will refer to Kent Integrated Children’s Services by completing a Request for Support using the Kent Children’s Portal which can be accessed via the Kelsi <https://kelsi.org.uk> or KSCMP <https://www.kscmp.org.uk/> websites. This referral should contain information regarding actions already undertaken by the housing authority to relieve and prevent homelessness.

7.2 The [Kent Support Levels Guidance](https://www.kscmp.org.uk/__data/assets/pdf_file/0019/115615/Support-Levels-Guidance-Sheet-2020-Final.pdf) may be particularly helpful in understanding what sort of help the family may need and how Kent Children’s Integrated Services may respond.

<https://www.kscmp.org.uk/__data/assets/pdf_file/0019/115615/SLG-Sheet-July-2021.pdf>

The referral will determine the level of support needed for the family. If the family require support from Integrated Children’s Services an assessment will be completed with the family. Within this assessment the Local Housing Authority will focus on the prevention or relief of homelessness whereas ICS will respond, as identified in Working Together 2018[[5]](#footnote-5), to any additional needs that the child/children may have.

**Outcome of Referral**

7.3 If the outcome from the Front Door Service is that the information in the Request for Support does not indicate a need for Level 3 Intensive Early Help or Children’s Social Work Services, the referrer will be informed of this, advised of the services available at level 2 and that a district conversation with the local Early Help Open Access Service may be appropriate to consider the family’s needs. This conversation will be to fully understand their homelessness, or potential homelessness, and the impact, or potential impact, this may have on the child/children and what support may be available to the family.

7.4 If the decision is that the level of support required meets the criteria for Intensive Early Help, an Early help assessment will be undertaken which will identify what support may be available.

7.5 If the decision is that the level of support required meets the criteria for intervention and support by Children’s Social Work Services a Children and Families assessment will be undertaken which will identify what support may be offered.

**Housing Outcomes**

7.6 Throughout this process the Local Housing Authority would continue to work with the family and ICS to prevent and relieve homelessness or anticipated homelessness, using all approaches available including those listed above. (cross reference)

# **8. Resolution of disputes and professional escalation policy**

8.1 Differences in opinion over the responsibility and proposed actions undertaken should be dealt with by the caseworker in each team/service. If the issue cannot be resolved at this level the matter should be referred jointly to the next tier of management for resolution. All dispute resolution and resulting decisions will be taken in the spirit of this protocol and recognising the need for effective interagency working.

# **9. Governance arrangements and monitoring**

9.1 This protocol will be subject to an operational review and evaluation process which will be overseen by the Kent Housing Options Group, subgroup of the Kent Housing Group. The impact of the protocol will be regularly monitored by ICS and the responsibility sits with the KCC lead who will ensure collaboration across ICS. Updates on the protocol will be agreed through:

 ● Kent Housing Group & relevant sub groups

 ● Joint Kent and Medway Chief Executives Group

 ● Appropriate management groups within partner organisations

Lead responsibility Kent Housing Group and (ICS AD to be determined) and the following will also be accountable for contributing to the annual review:

 ● Kent Housing Group and relevant sub groups

 ● Kent Domestic Abuse Local Partnership Board

9.2 This protocol will be subject to revision as a result of requirements arising from further national legislative change and, as appropriate, response to the Covid-19 pandemic.

# **10. Information sharing governance**

10.1 All parties will adhere to the Government guidance ‘Information Sharing, Advice for practitioners providing safeguarding services to children, young people, parents and carers’. This guidance was updated since the 2015 publication to reflect the General Data Protection Regulation (GDPR) and Data Protection Act 2018, which can be viewed using the following link: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf>

**Data Sharing**

10.2 In line with the General Data Protection Regulation GDPR and the Data Protection Act 2018 all partners will only share personal information where, there is an explicit, legitimate reason to share and use personal information, and only share that information relevant to and adequate to that purpose; individuals have been informed why and how their information will be share, including identifying the lawful basis for sharing the information; personal information will only be held for the minimum time necessary for the purposes for which the information was obtained; appropriate technical and organisational measures are taken to prevent loss of or damage to the personal information; and good governance and record keeping procedures concerning the processing of personal information is in place.

**Privacy Notices**

10.3 Kent County Council (KCC) have a detailed Privacy Notice which is found on their website <https://www.kent.gov.uk/about-the-council/information-and-data/access-to-information/gdpr-privacy-notices> and this notice explains what personal data (information) is held by KCC about the individual, how it is collected, how it is used by KCC and how they may share information about the individual. KCC are required to give the individual this information under the Data Protection law.

10.4 All partners subject to this protocol will have their own Privacy Notices that are published on their individual websites, these notices, as with the afore mentioned set out what personal data is held and collected and how it is used and shared to enable the administration of housing services, both landlord and tenant services.

# **11. Review**

11.1 The protocol will become effective following official sign off by the relevant organisations and the protocol will be reviewed periodically to ensure that it is up to date and appropriate.

**Appendices**

**Appendix 1**

# **Relevant Legislation**

**Housing Legislation**

Housing Authorities follow statutory duties under the **Housing Act 1996 (as amended)**. The Homeless Reduction Act 2017 came into force in April 2018 and sees significant amendments to the existing homeless legislation. The Act introduces several new statutory duties to ensure that Local Housing Authorities take steps to prevent or relieve homelessness.

The primary homelessness legislation – that is, Part 7 of the Housing Act 1996 – provides the statutory under-pinning for action to prevent homelessness and provide assistance to people threatened with or actually homeless.

In 2002, the Government amended the homelessness legislation through the Homelessness Act 2002 and the Homelessness (Priority Need for Accommodation) (England) Order 2002 to:

a. ensure a more strategic approach to tackling and preventing homelessness, in particular by requiring a homelessness strategy for every housing authority district; and,

b. strengthen the assistance available to people who are homeless or threatened with homelessness by extending the priority need categories to homeless 16 and 17year olds; care leavers aged 18, 19 and 20; people who are vulnerable as a result of time spent in care, the armed forces, prison or custody, and people who are vulnerable because they have fled their home because of violence.

The Homelessness Reduction Act 2017 significantly reformed England’s homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have ‘priority need.’ These include:

a. an enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage;

and,

b. a new duty for those who are already homeless so that housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation.

Prevention and Relief Duties

New duties towards people that are homeless or threatened with homelessness were incorporated within Part 7 of the Housing Act 1996 by the Homelessness Reduction Act

2017. These include duties to:

a) Undertake assessments;

b) Develop personalised housing plans; and

c) Take reasonable steps to prevent homelessness (for applicants who are threatened with homelessness) or relieve homelessness (for applicants who are already homeless).

Ending the prevention and relief duties

The guidance on how the (section 195) prevention and (section 189B) relief duties come to an end is set out in full in chapter 14 of the Homelessness Code of Guidance and include the following:

a) The housing authority is satisfied that the applicant has suitable accommodation available for occupation and a reasonable prospect of suitable accommodation being available for at least 6 months from the date of the notice.

Duties might end in this way if the young person is accommodated under section 20 and/or within a supported housing pathway, and the housing authority is satisfied that suitable accommodation will be available for occupation for at least six months.

b) The Local Housing Authority has complied with the prevention or relief duty and 56 days have passed (regardless of whether the applicant is still threatened with homelessness in the case of the prevention duty or whether they have secured accommodation in the case of the relief duty) (sections 195 (8)(b) and 189B (7)(b)).

If the relief duty ends after 56 days without homelessness having been relieved, the Local Housing Authority will be required to reach a decision on whether the (section 193(2)) housing duty is owed (see Main Duty).

c) The applicant has refused an offer of suitable accommodation and, on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for the minimum prescribed period (sections 195(8) (d) and 189B (7) (c)).

d) The applicant has become homeless intentionally from any accommodation that has been made available to them as a result of reasonable steps taken by the housing authority during the prevention or relief duty, whichever is relevant (sections 195(8)(e) and 189B(7)(d)).

e) The applicant is no longer eligible for assistance (sections 195(8) (f) and 189B (7)(e)).

f) The applicant has deliberately and unreasonably refused to co-operate (sections 195(10) and 189B (9) (b)).

Duty to Refer

The Housing Act 1996 also places a duty on specified public bodies to refer service users that may be homeless or threatened with homelessness to a Local Housing Authority. Under Section 213B public authorities specified in regulations are required to notify a housing authority of service users they consider may be homeless or threatened with homelessness (i.e. it is likely they will become homeless within 56 days). These specified public bodies include social services authorities; youth offender institutions; young offending teams; secure training centres and secure colleges among others.

Before making a referral, a [[6]](#footnote-6)public authority must:

(a) Have consent to the referral from the individual;

(b) Allow the individual to identify the housing authority in England which they would like the notification to be made to;

 (c) Have consent from the individual that their contact details can be supplied so the housing authority can contact them regarding the referral.

The duty to refer only applies to public authorities in England and individuals can only be referred to housing authorities in England. There is no specified method to for public bodies to make a referral under the Duty to Refer and local arrangements are essential. Within Kent and Medway a Duty to Refer protocol has been developed <https://www.kenthousinggroup.org.uk/protocols/kent-and-medway-duty-to-refer-protocol/>

**Children’s Legislation**

**Children Act 1989 (Section 17)**

Provision of services for children in need, their families and others.

 (1) It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part)—

(a) to safeguard and promote the welfare of children within their area who are in need; and

 (b) so far as is consistent with that duty, to promote the upbringing of such children by their families,

by providing a range and level of services appropriate to those children’s needs.

(2) For the purpose principally of facilitating the discharge of their general duty under this section, every local authority shall have the specific duties and powers set out in Part 1 of Schedule 2.

(3) Any service provided by an authority in the exercise of functions conferred on them by this section may be provided for the family of a particular child in need or for any member of his family, if it is provided with a view to safeguarding or promoting the child’s welfare

**Children Act 2004** (Section 10)

Co-operation to improve well-being

(1)Each **[**[**F1**](https://www.legislation.gov.uk/ukpga/2004/31/section/10#commentary-c20903701)local authority**]** in England must make arrangements to promote co-operation between—

* (a) the authority;
* (b) each of the authority’s relevant partners; and
* (c) such other persons or bodies as the authority consider appropriate, being persons or bodies of any nature who exercise functions or are engaged in activities in relation to children in the authority’s area.

(2) The arrangements are to be made with a view to improving the well-being of children in the authority’s area so far as relating to—

* (a) physical and mental health and emotional well-being;
* (b) protection from harm and neglect;
* (c) education, training and recreation;
* (d) the contribution made by them to society;
* (e) social and economic well-being.

(3) In making arrangements under this section a **[**[**F1**](https://www.legislation.gov.uk/ukpga/2004/31/section/10#commentary-c20903701)local authority**]** in England must have regard to the importance of parents and other persons caring for children in improving the well-being of children.

(4)For the purposes of this section each of the following is a relevant partner of a **[**[**F1**](https://www.legislation.gov.uk/ukpga/2004/31/section/10#commentary-c20903701)local authority**]** in England—

* (a)where the authority is a county council for an area for which there is also a district council, the district council;

(5)The relevant partners of a **[**[**F1**](https://www.legislation.gov.uk/ukpga/2004/31/section/10#commentary-c20903701)local authority**]** in England must co-operate with the authority in the making of arrangements under this section.

**Domestic Abuse Legislation**

**Domestic Abuse Act 2021**

Definition of domestic abuse (Part 1)

**Homelessness: victims of domestic abuse**

**Domestic Abuse [[7]](#footnote-7)**

A person who is homeless as a result of being a victim of domestic abuse has a priority need as set out in [section 189 of the 1996 Housing Act](https://www.legislation.gov.uk/ukpga/1996/52/section/189). [Section 193(2) of the 1996 Housing Act](https://www.legislation.gov.uk/ukpga/1996/52/section/193) requires housing authorities to secure that accommodation is available for occupation for applicants who have a priority need for accommodation, and as set out in [section 176 of the 1996 Housing Act](https://www.legislation.gov.uk/ukpga/1996/52/section/176), the accommodation must be available for occupation by the applicant together with any other person who normally resides with them as a member of the family, or might reasonably be expected to reside with them.

**Definition of Domestic Abuse**

The 2021 Domestic Abuse Act definition is set out below.

For the purpose of the legal definition “A” is referred to as the perpetrator and “B” is referred to as the victim.

* Behaviour of a person “A” towards another person “B” is domestic abuse if “A” and “B” are each aged 16 years, or over, are “personally connected” to each other and the behaviour is abusive. A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child). Behaviour is “abusive” if it consists of any of the following:

(a) **physical or sexual abuse**

(b) **violent or threatening behaviour**

(c) **controlling or coercive behaviour** – controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

(d) **economic abuse** – economic abuse means any behaviour that has a substantial adverse effect on B’s ability to - (a) acquire, use or maintain money or other property, or (b) obtain goods or services.

(e) **psychological, emotional or other abuse**

For examples of abusive behaviour outlined above please refer to the [Domestic abuse guidance framework](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/896640/Draft_statutory_guidance_July_2020.pdf)[[footnote 3]](https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-21-domestic-abuse#fn:3). Please note that the guidance framework does not seek to be exhaustive and that housing authorities must use their judgement as to whether a behaviour constitutes domestic abuse.

In the context of defining domestic abuse, the Domestic Abuse Act 2021 states that two people are ‘personally connected’ to each other if any of the following applies:

(a) they are, or have been, married to each other;

(b) they are, or have been, civil partners of each other;

(c) they have agreed to marry one another (whether or not the agreement has been terminated);

(d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);

(e) they are, or have been, in an intimate personal relationship with each other;

(f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child;

(g) they are relatives.

For the purposes of subsection (f) a person has a parental relationship in relation to a child if (a) the person is a parent of the child, or (b) the person has parental responsibility for the child.

In this section “child” means a person under the age of 18 years; “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004; “parental responsibility” has the same meaning as in the Children Act 1989; “relative” has the meaning given by section 63(1) of the Family Law Act 1996.

So-called ‘Honour-based’ abuse (HBA) is a crime or incident which has or may have been committed to protect or defend the perceived honour of the family and/or community, or when individuals try to break from constraining ’norms’ of behaviour that their community is trying to impose. HBA can cover a range of circumstances, not all of which represent domestic abuse, for example if the victim and perpetrator are not personally connected. However, HBA will typically be carried out by a member or members of the family and is likely to involve behaviours specified in the statutory definition of domestic abuse.

An important factor in ensuring that an authority develops a strong and appropriate response to domestic abuse is understanding what domestic abuse is, the context in which it takes place in and what the impacts are on victims; as well as how the impacts may be different on different groups of people. Specialist training for staff and managers will help them to provide a more sensitive response and to identify, with applicants, housing options which are safe and appropriate to their needs. Housing authorities may consider training delivered by specialist domestic abuse organisations and are strongly encouraged to provide risk assessment training to support staff and managers with responsibility for assessing applications from victims of domestic abuse.

**For the legal definition of Domestic Abuse see Section X above**

(1) Part 7 of the Housing Act 1996 (homelessness: England) is amended as follows.

(2) In section 177 (whether it is reasonable to continue to occupy accommodation)—

* (a)in subsection (1), for “domestic violence or other violence” substitute “violence or domestic abuse”;
* (b)for subsection (1A) substitute—
* “(1A) For this purpose— (a)“domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021;
* (b)“violence” means—

(i) violence from another person; or

(ii) threats of violence from another person which are likely to be carried out.”

(3) Omit section 178 (meaning of associated person).

(4) In section 179 (duty of Local Housing Authority in England to provide advisory services), in subsection (5)—

 (a)for the definition of “domestic abuse” substitute—

““domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021;”;

 (b)omit the definition of “financial abuse”.

(5) In section 189 (priority need for accommodation)—

(a)in subsection (1), after paragraph (d) insert—

“(e)a person who is homeless as a result of that person being a victim of domestic abuse.”;

(b)after subsection (4) insert—

“(5)In this section “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021.”

(6)In section 198 (referral of case to another Local Housing Authority)—

 (a)in subsection (2), in paragraph (c), for “domestic violence” substitute “domestic abuse”;

 (b)in subsection (2ZA), in paragraph (b), for “domestic violence” substitute “domestic abuse”;

 (c)in subsection (2A), in paragraph (a), for “domestic violence” substitute “violence that is domestic abuse”;

 (d)for subsection (3) substitute—

“(3)For the purposes of subsections (2), (2ZA) and (2A)—

 (a)“domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021;

 (b)“violence” means—

 (i)violence from another person; or

 (ii)threats of violence from another person which are likely to be carried out.”

(7) In section 218 (index of defined expressions: Part 7), in the table, omit the entry relating to section 178.

(8) In article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002 ([S.I. 2002/2051](https://www.legislation.gov.uk/id/uksi/2002/2051)) (vulnerability: fleeing violence or threats of violence)—

* (a)the existing text becomes paragraph (1);
* (b)after that paragraph insert—

“(2) For the purposes of this article—

* (a)“violence” does not include violence that is domestic abuse;
* (b)“domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021.”

(9) In consequence of the repeal made by subsection (3), omit the following provisions—

* (a)in Schedule 8 to the Civil Partnership Act 2004, paragraph 61;
* (b)in Schedule 3 to the Adoption and Children Act 2002, paragraphs 89 to 92.

# **Glossary of terms and useful information**

|  |  |
| --- | --- |
| Children Act 1989 | The Children Act 1989 manages what local authorities, courts, parents, and other agencies in the UK are doing to ensure that children are safeguarded. |
| Data Protection Act 1998 | The Data Protection Act (DPA) controls how personal information can be used and your rights to ask for information about yourself. |
| Discretionary Housing Payment | A discretionary housing payment (DHP) is an additional payment made by local housing authorities if in situation where the family are unable to pay the rent. The application does not need to repay a DHP. DHP can be useful when preventing an eviction from taking place e.g. rent arrears |
| Domestic Abuse Act 2021 | Legislation to create a statutory definition of domestic abuse and modernise the response to victims and perpetrators across UK institutions and public bodies including the judiciary.  |
| Duty to Refer | A duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams, effective from the 1st October 2018. |
| Homelessness Reduction Act 2017 | Legislation that sets out the statutory responsibility of local authorities for assisting homeless households. |
| Housing Benefit | Housing Benefit is a means tested social security benefit in the United Kingdom that is intended to help meet housing costs for rented accommodation. |
| KCC Integrated Front Door Service | The new Integrated [Front Door](https://www.kscmp.org.uk/__data/assets/pdf_file/0019/115615/Support-Levels-Guidance-Sheet-2020-Final.pdf) is operational from Monday 1 October 2018 to access support for children, young people and families requiring intensive or specialist support at levels 3 and 4.  |
| Integrated Children’s Services  |  |
| Intentionally Homeless | Being 'intentionally homeless' means that your homelessness, or threatened homelessness, was caused by something that you deliberately did or failed to do. |
| Interim Accommodation | Interim accommodation is another term for emergency accommodation and it should only last for a short time. |
| Local Housing Authority | Authorities with direct responsibility for delivery housing within their areas, in Kent this is the district and boroughs and Medway Unitary Authority. |
| DLUHC | DLUHC (Department for Levelling Up, Housing and Communities) is a ministerial department, supported by 13 agencies and public bodies. |
| Personal Housing Plan | Local Housing Authorities will conduct an assessment with all eligible applicants who are homeless or threatened with homelessness and develop a personalised housing plan with them. The assessment of an applicant's support needs should be holistic and comprehensive. |
| Prevention Duty | A duty on local housing authorities to work with people who are threatened with homelessness within 56 days to help prevent them from becoming homelessness. |
| Priority Need | Is a test, which a homeless person needs to pass for the Council to decide what help with housing that they might be entitled to. |
| Relief Duty | The relief duty applies when a Local Housing Authority is satisfied that an applicant is homeless and eligible for assistance. |
| Temporary Accommodation |  |
| Universal Credit | Universal Credit is a payment to help with living costs, it is paid monthly and to be eligible you need to be on a low income or out of work. |

**Useful Documents**

[Homelessness Code of Guidance for Local Authorities](https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities)

[Working together 2018](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2)

[Domestic Abuse Draft Statutory Guidance](https://www.gov.uk/government/consultations/domestic-abuse-act-statutory-guidance)

1. Working Together 2018

https://www.gov.uk/government/publications/working-together-to-safeguard-children--2 [↑](#footnote-ref-1)
2. Ministry of Housing, Communities & Local Government, ‘Homelessness Code of Guidance for Local Authorities’, February 2018 - <https://assets.publishing.service.gov.uk/media/5ef9d8613a6f4023cf12fc67/Current_Homelessness_Code_of_Guidance.pdf> [↑](#footnote-ref-2)
3. See Children Act 1989 re children at Risk of significant harm and KSCMP Support Level Guidance [↑](#footnote-ref-3)
4. Authority” here refers to any statutory authority: for example, housing, police, NHS, etc [↑](#footnote-ref-4)
5. Working Together 2018 Chapter 1 Assessing need and providing help. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/942454/Working\_together\_to\_safeguard\_children\_inter\_agency\_guidance.pdf [↑](#footnote-ref-5)
6. Public authorities are : [↑](#footnote-ref-6)
7. See Chapter 21 of The Homelessness code of guidance (Update 5th July 2021)

https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-21-domestic-abuse [↑](#footnote-ref-7)