

Briefing

**Implementing Section
11 of the
Homelessness
(Scotland) Act 2003**

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Section 11

Section 11 refers to the Homelessness (Scotland) Act 2003 and is due to be implemented on 1 April 2009. It is part of the commitment that, by 2012, all unintentionally homeless people will be entitled to a permanent home. The introduction of Section 11 should provide an additional tool, which, if used as a stepping stone to **increasing prevention of homelessness work**, will help local authorities (LAs) to reach the 2012 target.

It is accepted that the current economic downturn may result in the repossession and eviction rates increasing. In the absence of corrective action many more households will face the traumatic experience of becoming homeless. Section 11 will make a contribution to reducing evictions and repossessions, if it is used strategically and proactively by local authorities to prevent homelessness.

Section 11 should be seen as a building block, which is part of prevention strategies to reduce homelessness.

Mortgage lenders, private landlords and/or registered social landlords (RSLs) must inform the relevant LA when they initiate legal proceedings to repossess a property. The early warning that a Section 11 notification provides should allow for information and support to be provided to households, which will prevent homelessness occurring, or will allow a planned approach for suitable alternative accommodation to be found. The Scottish Government will be providing detailed guidance for LAs on implementing Section 11. The guidance is statutory and local authorities should have regard to the guidance when carrying out their legislative duties.¹

Framework for section 11

In early 2009 Shelter carried out a survey about Section 11 with LAs, to which 20 responded, and we have drawn on the responses to prepare this briefing.

Context and framework for setting up section 11

Section 11 should be part of LAs' prevention work; in order to successfully implement it LAs will need to ensure that there is corporate 'buy-in' from senior management. This is crucial, as it will ensure that at the operational level there will be resources available to carry out effective prevention work. This will include:

- at policy level, Section 11 being embedded in relevant homelessness strategies
- ensuring staffing levels are adequate
- providing a training budget for staff

¹ www.scotland.gov.uk/Resource/Doc/1125/0075655.doc

- developing partnership working with key internal and external stakeholders
- developing a framework for implementing Section 11 to carry out prevention activities.

Operational context

Once the framework has been set up and partnership working has been established the 'nuts and bolts' of implementing Section 11 will then have to be set out. This will include:

- who receives the notices and how they will receive them
- how the notices are logged and further action initiated to contact the households
- what further action will be taken as a result of the notice being received
- who will take forward further action – social work, homelessness team, prevention team
- how will information be shared between internal departments, for example social work, benefits office, homelessness teams, allocations teams etc
- signposting to other external services and organisations, for example money and legal advice services
- sanctions – how will landlords and creditors who do not comply be reported to the relevant regulatory bodies
- monitoring and evaluation – this will be key to understanding how Section 11 works in practice and what impact it has on the prevention of homelessness.

Corporate and strategic issues

In order to implement Section 11 effectively the survey illustrated that it is important to look at both corporate and operational levels. On the strategic/corporate side it will be useful to carry out an initial scoping exercise looking at current policy and practice and what resources are available.

Part of the scoping exercise could include reviewing:

- single outcome agreements
- homelessness strategies
- prevention strategies
- best practice such as tenancy sustainment statements
- current protocols and partnership working with RSLs and other key stakeholders.

It is important to have 'buy-in' from senior management/corporate level, as this will ensure that the council responds to potential homelessness in a rounded way, drawing on all of its resources, not just those located in the homelessness section. This should have an

impact at the operational level and will ensure that the Section 11 work is adequately funded, with training provided for staff to ensure a focus on prevention work.

Once current policy and practice has been identified, LAs can ensure that systems which are set up for Section 11 notices are integrated, and allow for preventative work to be carried out in partnership with internal and external departments and organisations.

Operational issues for implementing section 11

Receiving notices

The survey showed that the majority of LAs will have one central point of contact for receiving Section 11 notices. Once notices have been received LAs indicated that there were different systems being set up, to then refer cases on to for example: prevention teams, housing options officers and homelessness services in social work, who would then take on the casework. Collaborative partnership working between internal and external stakeholders such as: Social Work department, Housing Benefit, and money and advice services will be vital to ensure the household is supported to keep their home.

What happens after the notice is received?

There are a number of ways that the councils can provide support:

- Writing a letter to the household with relevant LA contact details once Section 11 notice is received. (Care should be taken to ensure the content and tone of the letter does not increase the levels of anxiety, as the client will already be in a vulnerable position.)
- Providing a fact sheet with up to date information and contact details about local and national services. This could include: Citizens Advice services, legal services, Shelter's advice services, mediation and advocacy services.
- Providing follow up support and advice through phone calls and meetings to help clients identify what the problems are and help the client to access the services they need. There will be a need to tailor responses for individuals depending on their circumstances and support needs. This will enable the LA and other services to effectively meet the needs of the client.

Some LAs have developed a protocol to identify those households who are potentially at an increased risk of becoming homeless.

This protocol includes partnership working and information sharing with:

- Social Work
- Children's Services

- Housing Benefit department
- homelessness team to check for previous homelessness application(s).

Partnership working with external services and organisations will also be a key part of the Section 11 work. LAs will signpost clients on to relevant services once they have received the Section 11 notices.

External organisations could include:

- Citizens Advice
- advice and law centres
- Shelter advice services
- mediation and advocacy services.

Information Sharing

Arrangements should be made to facilitate the sharing of information with both internal and external departments and organisations, adhering to the guidelines which detail what information can be shared. Guidance from the Scottish Government outlines what information will be included in the Section 11 notices. Some LAs already have information management systems in place, which will allow for sharing of relevant information between social work and housing departments. Information sharing with external organisations will require different protocols, with client's permission required before sharing the information.

When the LAs carry out the follow up phone call and/or visit to provide support and find out what the issues are, it would also be good practice to find out if there are any issues preventing the client from engaging with relevant services. Staff should be aware that there could be barriers to accessing the support and information needed such as:

- literacy issues
- physical or mental health issues²
- language barriers
- fear and anxiety about contacting services.

² The Section 11 pilot evaluation report showed strong evidence of the positive impact of prevention work on clients health and subsequent savings to NHS. Prevention of Homelessness Partnership Evaluation Section 11 Homelessness etc. (Scotland) Act 2003 Pilot Project by Danny Phillips Associates.

Once the problems have been identified, signposting the client on to relevant support services will be crucial. The ability of the support services to respond in a timely manner is also key: if clients have to wait weeks for an appointment it will reduce their chances of being able to keep their homes. The cases are often complex and will need input from legal services, housing benefit sections and others.

A recent evaluation report 'Prevention of Homelessness Partnership Evaluation' looked at the Section 11 pilot project in the Glasgow area. The report has shown that by providing clients with support from services such as: the local law centre, social work, legal advice, money advice and health partners in a timely and co-ordinated manner, clients have been well supported to resolve their housing problems. This collaborative partnership working helped tenants and owner-occupiers to access help they needed to prevent homelessness or help with a move to more 'settled' accommodation. Clients also reported that they have had improved health as a result of the project intervention. Figures quoted in the report show that the Section 11 partnership saves the public purse up to £24,000 per client for the basic cases, up to £7,000 per client in NHS spending and up to £80,000 per client in the most complex cases³.

Sanctions for non-compliance

The lack of sanctions for non compliance was mentioned by several LAs. In the Government guidance on implementing Section 11 there is information on what sanctions can be applied through different organisations. Regular contact and setting up protocols with local landlord registration teams, the Council of Mortgage Lenders, Financial Services Authority and Scottish Housing Regulator would be useful. As LAs become aware of lenders and landlords who are not complying a notification should be sent through to landlord registration staff and other regulators, so that they can deal with the non-compliance. Whether this will happen in practice is still to be seen and monitoring how this works in practice would be useful.

Monitoring and evaluation of Section 11 work

The survey indicated that LAs have given thought to the monitoring of the number of notices they receive. It will also be important for LAs to look at the immediate and longer term impact of Section 11 prevention work. We suggest monitoring the medium term outcomes for households who have been notified to LAs through Section 11 and whether the early warning has been successful in preventing homelessness.

³ Prevention of Homelessness Partnership Evaluation Section 11 Homelessness etc. (Scotland) Act 2003 Pilot Project by Danny Phillips Associates

For partnership working with internal and external department and organisations it will be useful to monitor how the partnerships are working, plus it will be useful to know if the services LAs are signposting clients on to are coping with the workload.

Awareness raising about Section 11

The issue of awareness raising was raised in the survey and it will be important for LAs to ensure that there is access to Section 11 information on their website, and is also available to those who do not have access to computers. This will be useful for lenders, landlords and households. The Council of Mortgage Lenders is already aware of Section 11 and should be making their members aware of the implications for creditors.

The Scottish Government is carrying out national activity to raise awareness of the new duty for landlords and creditors; an A5 flier is already available. Information from the Scottish Government on Section 11 is available at

<http://www.scotland.gov.uk/Topics/Built-Environment/Housing/access/homeless/s11>

Further information on homelessness is available at: <http://scotland.shelter.org.uk/>

Email: policyscotland@shelter.org.uk

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