



BRIEFING PAPER

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Comparison of homelessness duties in England, Wales, Scotland and Northern Ireland

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Summary

This briefing paper explains and compares the legal duties on local authorities and the Northern Ireland Housing Executive (NIHE) to assist people presenting as homeless in England, Scotland, Wales and Northern Ireland.

Housing policy is a devolved matter and increasingly divergent approaches to homelessness are emerging. All four nations have legislated to introduce a legal duty to secure accommodation for certain homeless applicants, but the type of applicant covered and assistance offered differs in each of the nations.

In Scotland there is a statutory duty on local authorities to find permanent accommodation for all applicants who are unintentionally homeless or threatened with homelessness.

Wales has placed a statutory duty on local authorities to prevent homelessness for people threatened with homelessness, and to help to secure accommodation for all applicants assessed as homeless for a period of 56 days (this is known as the homelessness relief duty). After this period local authorities must secure accommodation for applicants who are unintentionally homeless and in priority need.

In England and Northern Ireland, the duty on local authorities and the NIHE is to secure accommodation for homeless households (and those threatened with homelessness) who are unintentionally homeless and in priority need.

New legislation set to come into force in 2018, the *Homelessness Reduction Act 2017*, will introduce prevention and relief duties for English local authorities similar to those currently in place in Wales.

1. Introduction

Broadly, homelessness legislation in England, Scotland, Wales and Northern Ireland places a duty on local authorities (or the Housing Executive in the case of Northern Ireland) to secure accommodation for an applicant if they meet the following criteria:

- they are eligible for assistance (mainly related to immigration status);
- they are homeless or threatened with homelessness;
- they are in 'priority need' (except in Scotland and to some extent in Wales); and
- they have not become homeless intentionally (with variations in Wales).

In addition to the duty to find accommodation for certain individuals, local authorities (and the Northern Ireland Housing Executive) also have a duty to produce homelessness strategies to prevent homelessness in their respective areas.¹

Aside from the requirement not to secure housing for ineligible applicants (e.g. certain individuals subject to immigration control) the approach to homelessness is a devolved matter. Both Scotland and Wales have taken the opportunity to legislate in this area with the result that:

- in Scotland local authorities have a duty towards all unintentionally homeless households irrespective of whether they are in priority need; and
- in Wales local authorities have a duty to help secure accommodation for *all* applicants assessed as homeless for a period of 56 days.² After this period there is a continuing duty to secure accommodation for unintentionally homeless households in priority need.
- New legislation has been passed in England that introduces a similar duty to help secure accommodation for 56 days as is currently in place in Wales. The legislation is expected to come into force in 2018.

There are now variations in the categories of priority need between England, Wales and Northern Ireland, and differing approaches to intentionality and local connection. This briefing paper provides an overview of the main differences in approach.

¹ *Homelessness Act 2002*, section 1; *Housing (Wales) Act 2014*, sections 50-51; *Housing (Scotland) Act 2001*, section 1; *Housing (Amendment) Act (Northern Ireland) 2010*, section 1

² This duty does not amount to a requirement on authorities to secure accommodation for homeless applicants.

2. England

The governing legislation for homelessness in England can be found in Part 7 of the [Housing Act 1996](#) (as amended). Where an applicant is eligible for assistance (mainly based on their immigration status), the Act sets out the local authority's duty depending on how many of the following three criteria they meet: homeless or threatened with homelessness³, in priority need, and not intentionally homeless.

A local authority in England will only have full rehousing duty if all three of these criteria are met. Further details on the criteria are provided in the [Homelessness Code of Guidance for Local Authorities](#), including the full list of circumstances in which an applicant will be deemed to be in priority need:

- a pregnant woman or a person with whom she resides or might reasonably be expected to reside;
- a person with whom dependent children reside or might reasonably be expected to reside;
- a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside ;
- a person aged 16 or 17 who is not a 'relevant child' or a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989;
- a person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18 (except a person who is a 'relevant student');
- a person aged 21 or more who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is a 'relevant student');
- a person who is vulnerable as a result of having been a member of Her Majesty's regular naval, military or air forces;
- a person who is vulnerable as a result of:
 - having served a custodial sentence,
 - having been committed for contempt of court or any other kindred offence, or
 - having been remanded in custody;
- a person who is vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out;
- a person who is vulnerable for any other special reason, or with whom such a person resides or might reasonably be expected to reside;

³ In England, threatened with homelessness means likely to become homeless within 28 days, as set out in section 175 of the *Housing Act 1996* (as amended)

- a person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster.⁴

Local authorities have an interim duty to secure accommodation for any homeless applicant who is likely to be in priority need pending the completion of an assessment of their personal circumstances.

For an applicant who is homeless (or threatened with homelessness) and in priority need, but who is deemed to have made themselves intentionally homeless, a local authority has a duty to:

Secure that accommodation is available for his occupation for such period as they consider will give him a reasonable opportunity of securing accommodation for his occupation.⁵

For all other applicants, including those who are homeless (or threatened with homelessness) but not in priority need, a local authority need only provide advice and assistance. The advisory services must be provided, free of charge, to everyone in the district, even if they are not homeless or threatened with homelessness.

Since 2012 local authorities have been able to discharge their housing duty through suitable properties in the private rented sector with a tenancy of at least 12 months.⁶

A local authority may refer an applicant to another authority if they establish that they do not have a local connection with their area. Local connections are usually related to residence, work or family. Further details are provided in the Code of Guidance.

Should an applicant disagree with a local authority's decision on their eligibility for housing assistance, they are entitled to request a review under section 202 of the *Housing Act 1996* (as amended).

2.1 Homelessness Reduction Act 2017

The [Homelessness Reduction Act 2017](#), which received Royal Assent in April 2017, started as a Private Member's Bill introduced by Bob Blackman MP. The Act makes substantial changes to local authorities' homelessness duties under Part 7 of the *Housing Act 1996* (as amended).

The 2015-17 Communities and Local Government (CLG) Committee, of which Blackman was a member, recommended the passing of the Bill in its July 2016 report, [Homelessness](#). On 24 October 2016, the Government confirmed that it would also be supporting the Bill.⁷

The Act's provisions are not expected to come into force until 2018. The main changes the Act implements to local authorities' homelessness duties include:

⁴ Department for Communities and Local Government, [Homelessness Code of Guidance for Local Authorities](#), July 2006, para 10.2

⁵ *Housing Act 1996*, section 190(2)(a)

⁶ [Homelessness \(Suitability of Accommodation\) \(England\) Order 2012](#)

⁷ Department for Communities and Local Government, [Government to support new legislation to reduce homelessness](#), 24 October 2016

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- an extension of the period during which an applicant is considered 'threatened with homelessness' from 28 to 56 days;
- a new duty to assess all eligible applicants' cases (not just those unintentionally homeless and in priority need) and agree a plan;
- a new duty to prevent homelessness for all eligible applicants that are threatened with homelessness; and
- a new duty to relieve homelessness for all eligible applicants over a period of 56 days, during which time a local authority should take reasonable steps to help them find suitable accommodation (for a minimum period of six months).

These legislative changes are similar to some of those introduced in Wales under the *Housing (Wales) Act 2014* (see next section). The CLG Committee made clear reference to the Welsh Government's approach in its report on homelessness.⁸

Other duties introduced by the Act include a new duty on public authorities to refer potentially homeless applicants to the local housing authority.

Commentators such as Jon Sparkes, Chief Executive of Crisis, have particularly highlighted the impact the Act will have for single homeless people, who are often only entitled to advice under the current legal framework. During its passage through Parliament, Sparkes described the Bill as "undoubtedly... one of the most important developments in homelessness for 40 years."⁹

The 2015 Government committed £61 million to implement the Act, but concerns have been raised about whether this will be sufficient. These concerns were highlighted in a May 2017 report in *Inside Housing*.

The government has pledged £61m to cover the first two years of the legislation but the Association of Housing Advice Services has estimated the bill could cost £161m for London councils alone.

Opposition MPs have warned the laudable aims of the bill will be scuppered if the government doesn't make more funding available. But ministers have argued that the savings councils make by preventing homelessness, and therefore the less they spend on temporary accommodation, will cover the cost of the new duties.¹⁰

More information can be found in the Commons Library briefing papers, [Homelessness Reduction Bill 2016-17](#) and [Homelessness Reduction Bill 2016-17: Progress in the Commons and Lords](#).

⁸ Communities and Local Government Committee, [Homelessness](#), 18 July 2016, HC 40 2016-17, para 102-8

⁹ 'Jon Sparkes: Badger your MP to help get the homeless bill through the House', *Evening Standard*, 25 October 2016

¹⁰ 'The path to homelessness prevention', *Inside Housing*, 5 May 2017

3. Wales

Welsh homelessness legislation was also governed by the *Housing Act 1996* (as amended) until superseded by Part 2 of the [Housing \(Wales\) Act 2014](#), which obtained Royal Assent in September 2014. The homelessness provisions came into force on 27 April 2015 (with the exception of provisions on intentionality, which came into force on 1 July 2015).

The 2014 Act introduced a duty on local authorities to provide housing advice and assistance to everyone within their local area, regardless of whether or not they are homeless or threatened with homelessness. These provisions are focused on getting local authorities, in partnership with other relevant bodies, to prevent and relieve homelessness wherever possible. The intention of the legislation, as set out by the Welsh Government, was to achieve:

- fewer households experiencing the trauma of homelessness
- better, more targeted, prevention work
- increased help, advice and information for households who receive limited assistance under the current legislation
- more focus on the service user, helping them to address the causes of homelessness and make informed decisions on finding solutions to their housing problem
- more effective use of the private rented sector as a solution to homelessness
- a stronger emphasis on co-operation and multi-agency working
- greater protection provided for children in households who are homeless or threatened with homelessness as well as additional help for children leaving care.¹¹

Lesley Griffiths, the then Minister for Communities and Tackling Poverty, described the legislation as a 'major milestone' in her speech to the Welsh housing conference TAI:

This legislation is a UK first and the most significant piece of homelessness law in well over 30 years. Its aim is to ensure people who are homeless or facing homelessness receive help as early as possible.¹²

The 2014 Act treats differently those assessed as homeless and those threatened with homelessness (likely to become homeless within 56 days). For applicants threatened with homelessness, the local authority has a duty to prevent them from becoming homeless under section 66.

Local authorities in Wales have a duty under section 73 to help to secure accommodation for all applicants assessed as homeless for a period of 56 days (or fewer if they feel reasonable steps to help to secure accommodation have been taken). Note that a local authority

¹¹ Welsh Government, [New homelessness legislation](#), 27 April 2015

¹² ['Minister to address housing profession as ground-breaking Welsh homelessness legislation begins'](#), *Chartered Institute of Housing press release*, 27 April 2015

helping to secure accommodation does not necessarily have to provide or source the accommodation itself. The section 73 duty is also known as the duty to provide relief from homelessness.

After this 56 day period, the local authority has a continuing duty under section 75 to secure accommodation (rather than to *help* to secure accommodation) for those in priority need who have not become homeless intentionally (where an authority chooses to apply a test of intentionality; see below).

There is also an interim duty to secure accommodation if an authority has reason to believe that an applicant is eligible, homeless and in priority need pending a full assessment of their circumstances.

Under section 78 of the *Housing (Wales) Act 2014*, individual local authorities have been given the power to decide whether or not to have regard to intentionality. An authority must inform the Welsh Government and publish a notice on whether it decides to apply an intentionality test to applicants.¹³

This measure was introduced as a starting point of the Welsh Government's long-term aim to remove the intentionality test completely.¹⁴ The test of intentionality can only be applied to applicants who are, or who are likely to be, in a priority need category. Most local authorities are continuing to apply the test to all priority need categories, although some localised tests have been drawn up. For example, Cardiff is applying the test to all priority need categories except 16 and 17 year olds, as "it is felt (they) cannot be deemed responsible for any loss of previous accommodation."¹⁵

The categories for priority need are listed in section 70 of the Act:

- a pregnant woman (or a person with whom she resides or might reasonably be expected to reside);
- a person with whom a dependent child resides or might reasonably be expected to reside;
- a person who is vulnerable as a result of some special reason - for example: old age, physical or mental illness or physical or mental disability (or a person with whom such a person resides or might reasonably be expected to reside);
- a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster (or a person with whom such a person resides or might reasonably be expected to reside);
- a person who is homeless as a result of being subject to domestic abuse (or a person with whom such a person resides or might reasonably be expected to reside);¹⁶
- a person who is aged 16 or 17 when the person applies to a local housing authority for accommodation or help in

¹³ [Homelessness \(Intentionality\) \(Specified Categories\) \(Wales\) Regulations 2015](#)

¹⁴ Welsh Government, [Consultation – summary of responses: Statutory instruments under Part 2 of the Housing \(Wales\) Act 2014](#), March 2015

¹⁵ City of Cardiff Council, [Cabinet reports pack: Agenda Item 7](#), 11 June 2015

¹⁶ This appears to be a narrower definition of priority need arising out of violence than that applied in England.

obtaining or retaining accommodation (or a person with whom such a person resides or might reasonably be expected to reside);

- a person who has attained the age of 18, when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 21, who is at particular risk of sexual or financial exploitation (or a person with whom such a person resides (other than an exploiter or potential exploiter) or might reasonably be expected to reside);
- a person who has attained the age of 18, when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 21, who was looked after, accommodated or fostered at any time while under the age of 18 (or a person with whom such a person resides or might reasonably be expected to reside);
- a person who has served in the regular armed forces of the Crown who has been homeless since leaving those forces (or a person with whom such a person resides or might reasonably be expected to reside);¹⁷
- a person who has a local connection with the area of the local housing authority and who is vulnerable as a result of one of the following reasons—
 - (i) having served a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000,
 - (ii) having been remanded in or committed to custody by an order of a court, or
 - (iii) having been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,
 - or a person with whom such a person resides or might reasonably be expected to reside.

Where an applicant does not have a local connection with an area, the local authority has a right to refer their application for housing assistance to another local authority (with some exceptions).

Local authorities are able to discharge their housing duty through suitable properties in the private rented sector with tenancies of at least six months. This can be contrasted with England, Scotland and Northern Ireland where the minimum term of a private sector tenancy in these circumstances must be 12 months.

Under section 85 of the *Housing (Wales) Act 2014*, any applicant has the right to request a review of the local authority's decision if they do not agree with it.

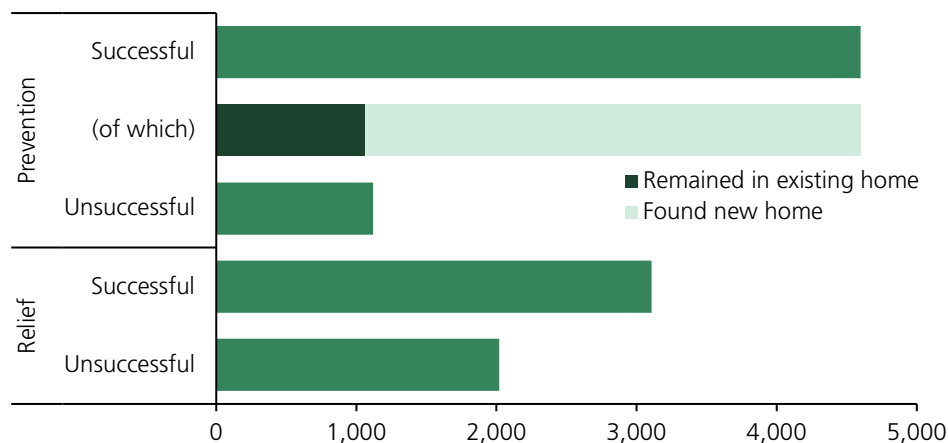
Additional information can be found in the Welsh [Code of Guidance for Local Authorities on the Allocation of Accommodation and](#)

¹⁷ This can be contrasted with the position in England where ex-members of the armed forces will only be in priority need if they are deemed to be vulnerable.

[Homelessness](#) (2015) and the [Ten Year Homelessness Plan for Wales 2009-2019](#).

The changes set out in the 2014 Act, particularly with regards to the prevention and relief duties, represented significant changes for local authorities. It is not possible to compare performance with previous years, as data from April 2015 onwards is recorded differently. However, the impact of the first year of these changes is explored below in **Chart 1**¹⁸:

Chart 1: Homelessness prevention and relief outcomes, Wales 2015-16



For successful outcomes under the prevention duty, around 77% have seen the applicant find new accommodation, and 23% have seen the applicant able to remain in their home.

The number of successful outcomes under the prevention (4,599) and relief (3,108) duties are higher than the number of discharged duties under section 75, the duty to secure accommodation for unintentionally homeless applicants in priority need (1,245), highlighting the impact of these new duties.¹⁹

Shelter Cymru's assessment of the Act after the first six months found that local authorities were adapting to the new focus on prevention, which took up two-thirds of local authority activity in the first quarter of 2015/16. However, concerns were raised in some areas, particularly over delays in assessing people before offering preventative assistance, and where local authorities were discharging their duties because they had deemed applicants to have been uncooperative.²⁰ For example, for Torfaen in 2015/16, 20% of prevention outcomes saw the applicant deemed uncooperative, whilst in Merthyr Tydfil the figure was one-third.²¹

¹⁸ Chart does not include data where applicants refused help or were denied assistance due to non-cooperation

¹⁹ StatsWales, [Households for which assistance has been provided by outcome and household type](#), 14 September 2016

²⁰ Shelter Cymru, [A brand new start: homelessness and the Housing \(Wales\) Act](#), December 2015

²¹ StatsWales, [Households for which assistance has been provided by outcome and household type](#), 14 September 2016

The [2016 National Rough Sleeping Count](#) in Wales recorded an increase on 2015. The 2016 estimate of the number of persons sleeping rough over a 2 week period in October was 313, compared to 240 in November 2015. The Bulletin notes that comparisons should be treated with care due to the use of different methodologies.

Given that the stronger prevention duties in the 2014 Act were aimed, in part, at reducing rough sleeping, the increase in 2016 prompted the sector to suggest that policy changes had led to more accurate counting.²²

In May 2017 Carl Sargeant, Communities and Children secretary for the Welsh Government, said that “significant strides” had been made in preventing homelessness in Wales but that young people were finding it harder to access affordable accommodation. He called for more innovative solutions to address the issue.²³

²² [‘Prevention duties defended despite Welsh rough sleeping rise’](#), *Inside Housing*, 13 February 2017

²³ [‘Welsh housing minister pledges to tackle rough sleeping’](#) *Inside Housing*, 24 May 2017

4. Scotland

The governing legislation for homelessness in Scotland is the [Housing \(Scotland\) Act 1987](#) (as amended). A major amendment in the [Homelessness etc. \(Scotland\) Act 2003](#) abolished the priority need criteria with effect from 31 December 2012.²⁴ As a result of the 2003 Act, local authorities in Scotland have a duty to find permanent accommodation for all applicants who are unintentionally homeless.

The abolition of the priority need criteria was described by Shelter as providing “the best homelessness law in Europe,”²⁵ but was also very ambitious and required 10 years of preparation between receiving Royal Assent in 2003 and coming into force at the end of 2012.

Following consultation, the 2005 [Ministerial Statement on Abolition of Priority Need by 2012](#) emphasised the need not only for increased supply of social housing, but also for greater development of a ‘housing options’ approach.²⁶ This meant increased ability of local authorities to offer support to maintain current tenancies, focusing on prevention of homelessness (similar to the Welsh approach). Additionally, for people assessed as unintentionally threatened with homelessness,²⁷ local authorities have a duty to ensure that accommodation does not cease to be available for occupation.

This focus on housing options was given legislative backing by the Scottish Parliament through secondary legislation providing local authorities with a statutory duty to assess the housing support needs of homeless applicants in some cases. This came into force on 1 June 2013.²⁸

The housing options approach also included increased offers of private sector accommodation. Since 2010, local authorities have had the option to discharge their duty using non-permanent accommodation in the private rented sector with tenancies of at least 12 months in certain circumstances.²⁹

An [Impact Assessment](#) argued that the housing options approach had led to fewer applicants presenting as homeless.³⁰ This allowed local authorities to meet the 2012 deadline, by phasing out priority need over a number of years, as shown in **Chart 2** below.³¹

²⁴ [Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012, SI 2012/330](#)

²⁵ “‘Best law in Europe’ must be matched with action”, *Inside Housing*, 11 March 2003

²⁶ Scottish Executive, [Helping Homeless People: Homelessness Statement - Ministerial Statement on Abolition of Priority Need by 2012](#), December 2005

²⁷ The Scottish definition of threatened with homelessness is, likely to become homeless within 2 months.

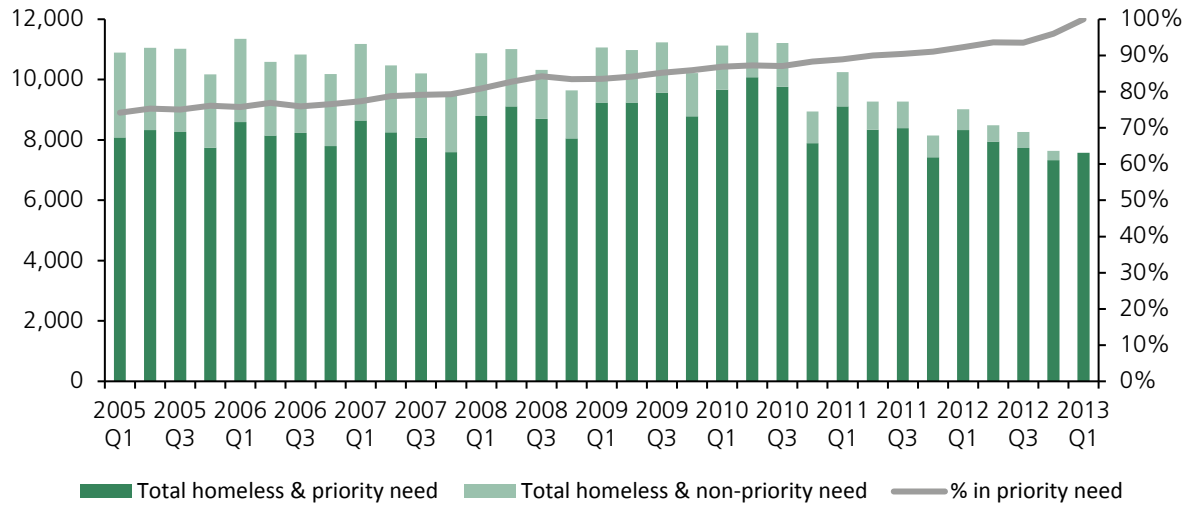
²⁸ [The Housing Support Services \(Homelessness\) \(Scotland\) Regulations 2012](#)

²⁹ [Homeless Persons \(Provision of Non-permanent Accommodation\) \(Scotland\) Regulations 2010, SSI 2010/2](#)

³⁰ Scottish Government, [Final Business and Regulatory Impact Assessment – The Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012](#), November 2012

³¹ Source: Scottish Government, [2012-13 Homelessness Statistics - Publication Charts](#), 17 July 2013

Chart 2: Decisions on eligibility for housing assistance, Scotland 2005-2013



Although the chart shows local authorities meeting the 2012 deadline, critics have argued this is in part due to homeless households spending longer in temporary accommodation.³² In addition, a 2014 report by the Scottish Housing Regulator noted that some local authorities had not been providing appropriate advice and assistance to people in accordance with homelessness legislation.³³

In Scotland, local authorities have an interim duty to secure accommodation whilst they assess whether or not an applicant is homeless.

Should an applicant be assessed to have become homeless or threatened with homelessness intentionally, a local authority has a duty to provide advice and assistance. They must also provide temporary accommodation for long enough to give the applicant a reasonable opportunity to find accommodation of their own.

Where an applicant disagrees with a local authority's decision on their eligibility for housing assistance, they are entitled to request a review under section 35A of the *Housing (Scotland) Act 1987*.

Local authorities currently have discretion to refer applicants to another authority if they do not have a local connection. However, under section 8 of the *Homelessness etc. (Scotland) Act 2003*, Scottish Ministers have the power to modify the local connection test. As part of a [2006 consultation](#) the Scottish Government set out its intention to suspend the local connection test completely.³⁴

To date, no steps towards suspension have been taken. Some local authorities with a limited supply of social housing were concerned that the removal of the test would have a detrimental effect, and in 2009

³² *Inside Housing*, 'Homelessness applications fall by 3% in Scotland', 13 January 2015

³³ Scottish Housing Regulator, *Housing Options in Scotland: A thematic inquiry*, May 2014, para 12

³⁴ Scottish Government, *Modifying local connection provisions in homelessness legislation*, September 2006, para 22

the Convention of Scottish Local Authorities (COSLA) formally withdrew its support for the proposed suspension.

The 2003 Act also provides for changes to the intentionality regime, including:

- changing the duty to investigate intentionality to a power to do so; and
- changing the duty owed to intentionally homeless households, requiring local authorities to grant a short Scottish secure Tenancy (SST) with housing support to these households. Where this short SST remains in place for a year then the household will be entitled to a full SST. If the short SST fails then the local authority will continue to have a duty to provide non-tenancy accommodation and support, but not to provide a tenancy (although it may do so if it wishes). Similarly, where the applicant is intentionally homeless but also subject to an ASBO or has been evicted for anti-social behaviour in the last 3 years, the local authority is not required to grant a short SST with support but must still provide non-tenancy accommodation and such support as it considers appropriate.³⁵

As with section 8, these provisions have not yet been brought into force.

³⁵ Scottish Government, [*Guidance on legislation, policies and practices to prevent and resolve homelessness*](#), 2005, chapter 7

5. Northern Ireland

The governing legislation for homelessness in Northern Ireland is the [*Housing \(Northern Ireland\) Order 1988*](#) (as amended). Unlike the other three UK nations, housing is allocated by the Northern Ireland Housing Executive (NIHE), which covers the whole of Northern Ireland, rather than by local authorities.

In addition to the three tests of homelessness or threatened with homelessness³⁶, intentionality and priority need, Northern Ireland has an extended test of eligibility for assistance. As well as covering matters related to the applicant's immigration status, the NIHE can deem someone to be ineligible as a result of 'unacceptable behaviour' in a previously held NIHE tenancy.

An applicant for housing assistance is considered as having priority need if they meet any of the following criteria set out in the 1988 Order:

- a pregnant woman or a person with whom a pregnant woman resides or might reasonably be expected to reside;
- a person with whom dependent children reside or might reasonably be expected to reside;
- a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;
- a person who is homeless or threatened with homelessness as a result of an emergency such as a flood, fire or other disaster;
- a person without dependent children who satisfies the Executive that he has been subject to violence and is at risk of violent pursuit or, if he returns home, is at risk of further violence;
- a young person who satisfies the Executive that he is at risk of sexual or financial exploitation.

The definition of priority need in Northern Ireland has not been extended, as it has in England and Wales, to encompass additional groups such as vulnerable ex-service personnel and ex-offenders.

Prior to an assessment being completed, local authorities have an interim duty to secure accommodation for any applicant likely to be in priority need.

An eligible applicant with priority need who has become homeless or threatened with homelessness intentionally is entitled to temporary accommodation for long enough to give the applicant a reasonable opportunity to find accommodation of their own, as well as being entitled to advice and assistance.

³⁶ In Northern Ireland, threatened with homelessness means likely to become homeless within 28 days, set out in Article 3 of the *Housing (Northern Ireland) Order 1988* (as amended)

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Should an applicant be assessed as not having priority need, or not eligible for housing assistance, the NIHE only has a duty to provide advice. The advisory services must be provided free of charge to everyone in Northern Ireland, even if they are not homeless or threatened with homelessness.

Where an applicant meets all four of the tests set out in the 1988 Order, they are classified as a Full Duty Applicant (FDA), and the NIHE has a duty to find them accommodation. The NIHE's housing duty can also be met through provision of suitable private rented sector housing with a tenancy of at least 12 months.

The NIHE allocates housing according to an applicant's point score on a waiting list, and an FDA is worth 70 points. This is the second highest point-scoring criterion after intimidation, which is worth 200 points. The full points schedule is published in the [Housing Selection Scheme Rules](#).

The scheme rules have a statutory basis in the *Housing (Northern Ireland) Order 1981*, and the current rules also require applicants to have a connection with Northern Ireland.³⁷

Since 2010, applicants have had the right to appeal the decision of the NIHE with regards to any of the four tests for housing assistance.³⁸

³⁷ Northern Ireland Housing Executive, [Housing Selection Scheme Rules](#), January 2014, rule 14

³⁸ Article 11A of the *Housing (Northern Ireland) Order 1988*, as amended by section 5 of the [Housing \(Amendment\) Act \(Northern Ireland\) 2010](#)

6. Homelessness trends

Given the significant differences in homelessness legislation in the four UK nations, it is worth exploring recent trends in homelessness, and whether these have been affected by respective statutory changes. The most recent available annual data is for 2015/16. The sections below only consider data on statutory homelessness – rough sleeping and levels of ‘hidden homelessness’ are not considered.

Box 1: Statistical comparisons of homelessness trends

Each of the four UK nations report their homelessness statistics slightly differently. In order to more accurately compare trends, percentages in this section have been calculated only from applicants where a decision on eligibility for housing assistance has been made.

This means that other outcomes, such as ‘ineligible for assistance’ or ‘lost contact before assessment decision’, have not been included as the approach to recording these outcomes varies by nation.

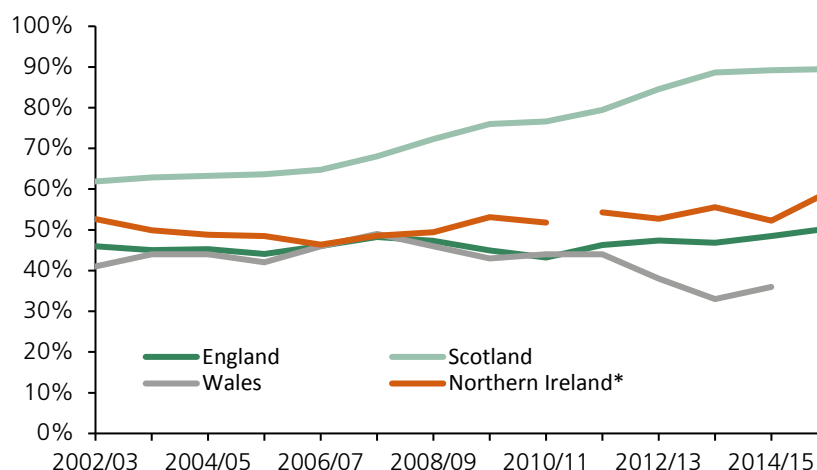
Due to the reforms to the Welsh homelessness system from 1 July 2015, no Welsh data is included for 2015/16, as this is not comparable to previous years or other nations. Some statistical analysis of the new system for 2015/16 is set out in section 3.

Data is from: Department for Communities and Local Government (DCLG), [Statutory homelessness live tables](#); StatsWales, [Homelessness statistics](#); Scottish Government, [Homelessness statistics](#); Department for Social Development (DSD), [Northern Ireland housing statistics](#); DCLG, [2014-based live tables on household projections](#).

6.1 Applicants accepted as eligible for housing assistance

Over the past decade, the percentage of homelessness applicants accepted as eligible for housing assistance has varied widely across the four UK nations.

Chart 3: Applicants accepted as eligible for housing assistance



*Northern Ireland’s reporting changed in 2011/12, and figures before and after this date may not be directly comparable.

Even prior to the passing of the *Homelessness etc (Scotland) Act 2003* which introduced the phased removal of the priority needs test, Scotland was accepting the highest proportion of applicants. This continued to rise up to a high of 89.5% in 2015/16. The upward trend since 2003 is largely to be expected, as Scottish local authorities have fewer reasons to determine someone as ineligible for housing assistance.

Figures for England have remained reasonably constant at around 45%, although the 50% figure for 2015/16 is the highest over the period since 2002/03. Wales had maintained a very similar level up until 2012/13 when the percentages of acceptances began to decline, to a low of 33% in 2013/14.

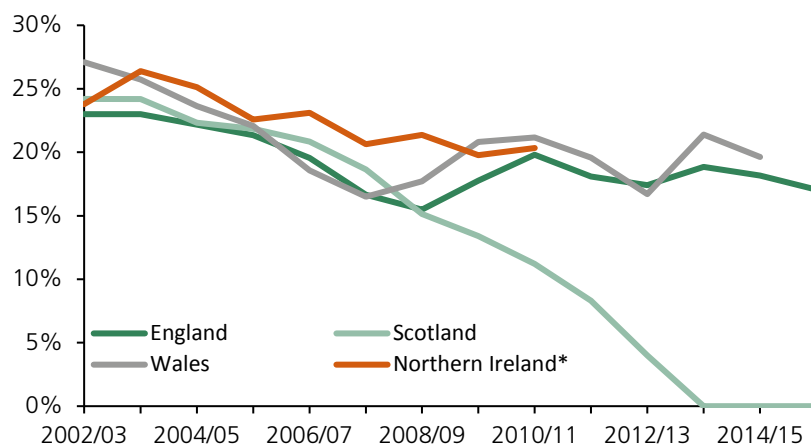
The decline in Welsh acceptances was in part due to an increase in local authorities determining applicants to be 'not homeless.' Crisis' [2015 Wales Homelessness Monitor](#) suggests that this could have been due to local authorities "gearing up" for the implementation of the *Housing (Wales) Act 2014*, with its greater focus on homelessness prevention.³⁹

Northern Ireland's percentage of acceptances has also remained fairly constant throughout this period, but at a higher level than England and Wales, at around 50%. Crisis' [2013 Northern Ireland Homelessness Monitor](#) suggested that this could be a result of England and Wales adopting a Housing Options policy focusing on prevention over the period, which Northern Ireland had only recently seriously engaged with.⁴⁰ Its 2015/16 figure of 59% is the highest over the period.

6.2 Applicants accepted as homeless but not in priority need

A comparison of the proportion of applicants deemed to be homeless but not in priority need only shows a clear, explicable trend for Scotland.

Chart 4: Applicants accepted as homeless but not in priority need



³⁹ Crisis, [The homelessness monitor: Wales 2015](#), August 2015

⁴⁰ Crisis, [The homelessness monitor: Northern Ireland 2013](#), May 2014

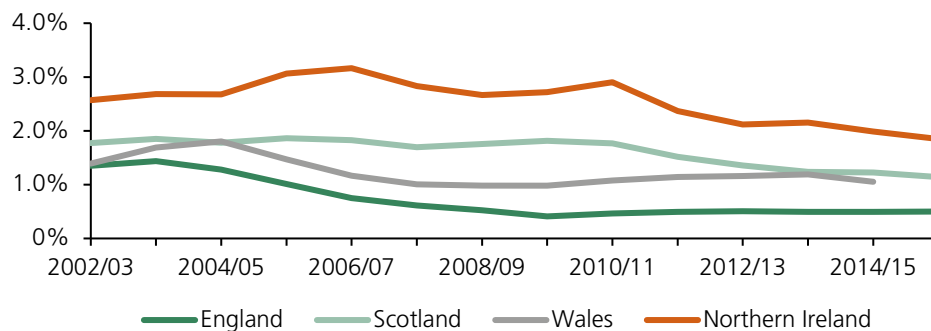
*Northern Ireland ceased publication of the reasons for determining applicants as ineligible for housing assistance after 2010/11.

Scotland's decline to 0% not in priority need is a clear consequence of legislative changes that removed the priority need category. 2015/16 figures for England are 6% lower respectively than for 2002/03, and for Wales the 2014/15 figure is 7% lower than 2002/03. However, there has not been a consistent downward trend throughout the period. The proportion of homeless applicants in Northern Ireland deemed not to be in priority need declined consistently from 2003/04 until the DSD stopped publishing the relevant data in 2010/11.

6.3 Percentage of households presenting as homeless

Chart 5 (below) shows the differing proportions of national population presenting to their local authority or the NIHE as homeless. As noted in box 1 (above), the four UK nations record different outcomes in their homelessness statistics. To account for this, outcomes not related to a decision, such as "lost contact before assessment decision" are excluded. Consequently, the results in chart 5 (below) may be lower than the actual proportion of households presenting as homeless to their local authority or the NIHE.

Chart 5: Number of decisions taken as a percentage of total number of households



Total number of households for NI from 2002/03 – 2007/08 are not available. Figures used are estimates on assumed consistent growth from 2001/02 - 2008/09.

Throughout the period from 2002/03 the highest proportion of the population presenting as homeless has been in Northern Ireland, with the lowest in England. The number of applicants presenting as homeless in England has fallen by 164,000 (59%) between 2002/03 and 2015/16.

Shelter note that in 2005, a Best Value Performance Indicator was introduced for local authorities in England, where homelessness was prevented through the provision of housing advice. This is argued to have contributed to the significant fall in number of applicants and acceptances, as applicants may have been offered alternative options prior to formally presenting as homeless.⁴¹

⁴¹ Shelter, [Policy briefing: homelessness prevention](#), August 2007

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