



## 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 duties on local authorities and the Northern Ireland Housing Executive (NIHE) to assist people presenting as homeless in England, Scotland, Wales and Northern Ireland. The paper also provides an overview of trends in homelessness in the four nations.

Housing policy is a devolved matter and the devolved administrations have used their powers to take divergent approaches to homelessness. 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 Northern Ireland, the duty on the NIHE is to secure accommodation for homeless households (and those threatened with homelessness) who are unintentionally homeless and in priority need. This is also the position in England, although the duty lies with local authorities. The *Homelessness Reduction Act 2017* came into force in England on 3 April 2018, meaning that authorities now have new prevention and relief duties along the same lines as those in operation in Wales.

### **Other relevant Library papers**

[Rough sleepers: access to services and support \(England\)](#)

[Rough Sleepers and Anti-Social Behaviour \(England\)](#)

[Statutory Homelessness in England](#)

[Households in temporary accommodation \(England\)](#)

[Rough sleeping \(England\)](#)

[Rough sleeping in England: Social Indicators page](#)

[Local Authority Homelessness Statistics \(England\)](#)

[Homelessness in England: Social Indicators page](#)

# 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.<sup>1</sup>

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. England, 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.
- In Wales, local authorities have a duty to help secure accommodation for all applicants assessed as homeless for a period of 56 days.<sup>2</sup> After this period there is a continuing duty to secure accommodation for unintentionally homeless households in priority need.
- On 3 April 2018 in England, authorities acquired a duty to prevent and relieve homelessness for a period of 56 days for all applicants.

There are 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.

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<sup>1</sup> *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

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

## 2. England

### 2.1 Pre-3 April 2018 duties

The pre-3 April 2018 duties remain in place but have been supplemented by the additional duties introduced by the *Homelessness Reduction Act 2017*.

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 homelessness<sup>3</sup>, 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](#) (2018) 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

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<sup>3</sup> In England, threatened with homelessness means likely to become homeless within 56 days, as set out in section 175 of the *Housing Act 1996* (as amended). It was previously 28 days but was extended with effect from 3 April 2018.

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

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.<sup>5</sup>

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.<sup>6</sup>

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. The Local Government Association (LGA) [consulted](#) on revised voluntary guidelines for referrals of homeless applicants to other local authorities between 13 February and 13 March 2018.<sup>7</sup>

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).

## 2.2 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. The Act makes substantial changes to local authorities' homelessness duties under Part 7 of the *Housing Act 1996* (as amended) – these duties came into force on 3 April 2018. Authorities' duties to secure housing for unintentionally homeless households who are in priority need have not changed as a result of this Act.

The 2015-17 Communities and Local Government (CLG) Committee, of which Blackman was a member, recommended the passing of the Bill in

<sup>4</sup> Ministry of Housing, Communities and Local Government, [Homelessness Code of Guidance for Local Authorities](#), February 2018, chapter 8

<sup>5</sup> *Housing Act 1996*, section 190(2)(a)

<sup>6</sup> [Homelessness \(Suitability of Accommodation\) \(England\) Order 2012](#)

<sup>7</sup> LGA, [Consultation on procedures for referrals of homeless applicants to another local authority](#), February 2018

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its July 2016 report, [Homelessness](#). On 24 October 2016, the Government confirmed that it would support the Bill.<sup>8</sup>

The main changes the Act has implemented to local authorities' homelessness duties include:

- a strengthened duty to provide advisory services, particularly in relation to certain groups who are most vulnerable to homelessness;
- 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 personalised housing 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). This duty stops short of requiring a local authority to provide accommodation for applicants not in priority need;
- a new duty on certain public bodies to refer service users who they think may be homeless or threatened with homelessness to a housing authority, subject to obtaining the person's consent.

These legislative changes are similar to 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.<sup>9</sup>

A revised [Homelessness Code of Guidance](#), incorporating the changes made by the 2017 Act, was published in February 2018 following consultation.

Commentators such as Jon Sparkes, Chief Executive of Crisis, have particularly highlighted the impact the Act will have for single homeless people, who were only entitled to advice and assistance under the previous legal framework. During its passage through Parliament, Sparkes described the Bill as "undoubtedly... one of the most important developments in homelessness for 40 years."<sup>10</sup>

The Government has [committed £72.7 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.

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<sup>8</sup> Department for Communities and Local Government, [Government to support new legislation to reduce homelessness](#), 24 October 2016

<sup>9</sup> Communities and Local Government Committee, [Homelessness](#), 18 July 2016, HC 40 2016-17, para 102-8

<sup>10</sup> 'Jon Sparkes: Badger your MP to help get the homeless bill through the House', *Evening Standard*, 25 October 2016

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.<sup>11</sup>

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](#).

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<sup>11</sup> ['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.<sup>12</sup>

Lesley Griffiths, 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.<sup>13</sup>

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). A local authority helping to

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<sup>12</sup> Welsh Government, [New homelessness legislation](#), 27 April 2015

<sup>13</sup> ‘[Minister to address housing profession as ground-breaking Welsh homelessness legislation begins](#)’, *Chartered Institute of Housing press release*, 27 April 2015

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.<sup>14</sup>

This measure was introduced as a starting point of the Welsh Government's long-term aim to remove the intentionality test completely.<sup>15</sup> 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."<sup>16</sup>

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);<sup>17</sup>
- a person who is aged 16 or 17 when the person applies to a local housing authority for accommodation or help in

<sup>14</sup> [Homelessness \(Intentionality\) \(Specified Categories\) \(Wales\) Regulations 2015](#)

<sup>15</sup> Welsh Government, [Consultation – summary of responses: Statutory instruments under Part 2 of the Housing \(Wales\) Act 2014](#), March 2015

<sup>16</sup> City of Cardiff Council, [Cabinet reports pack: Agenda Item 7](#), 11 June 2015

<sup>17</sup> This appears to be a narrower definition of priority need arising out of violence than that applied in England.

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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);<sup>18</sup>
- 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.

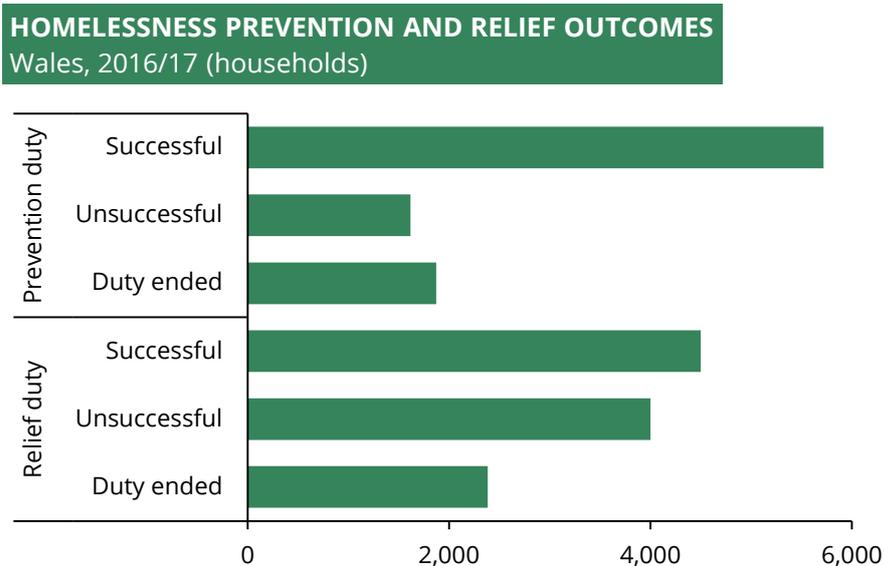
Additional information can be found in the Welsh [Code of Guidance for Local Authorities on the Allocation of Accommodation and](#)

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<sup>18</sup> 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. The chart below shows prevention and relief performance for 2016/17.



**Source:** Welsh Government, [Homelessness 2016-17](#), 14 December 2017

**Notes:** 'Duty ended' includes cases where the application was withdrawn or assistance was refused.

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 the new duties.<sup>19</sup>

The Welsh Government has commissioned a longitudinal post-implementation evaluation of the new homelessness duties which focuses on both process and impact. An [interim report](#), providing detailed findings on the first wave of fieldwork, was published in August 2017.<sup>20</sup>

Wales has seen an increase in rough sleeping as identified by annual counts (see section 6.2), prompting the Welsh Government to announce additional funding to tackle youth homelessness and rough sleeping.<sup>21</sup>

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

<sup>20</sup> Welsh Government, [Social Research Number 46/2017](#), 8 August 2017

<sup>21</sup> Welsh Government, [£2.6m to help rough sleepers and increase the capacity of emergency night provision](#), 28 September 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.<sup>22</sup> 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,”<sup>23</sup> 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 an increased supply of social housing, but also for greater development of a ‘housing options’ approach.<sup>24</sup> 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,<sup>25</sup> 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.<sup>26</sup>

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.<sup>27</sup>

An [Impact Assessment](#) argued that the housing options approach had led to fewer applicants presenting as homeless.<sup>28</sup> This allowed local authorities to meet the 2012 deadline, by phasing out priority need over several years, as shown in the chart overleaf.

<sup>22</sup> [Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012, SI 2012/330](#)

<sup>23</sup> “‘Best law in Europe’ must be matched with action”, *Inside Housing*, 11 March 2003

<sup>24</sup> Scottish Executive, [Helping Homeless People: Homelessness Statement - Ministerial Statement on Abolition of Priority Need by 2012](#), December 2005

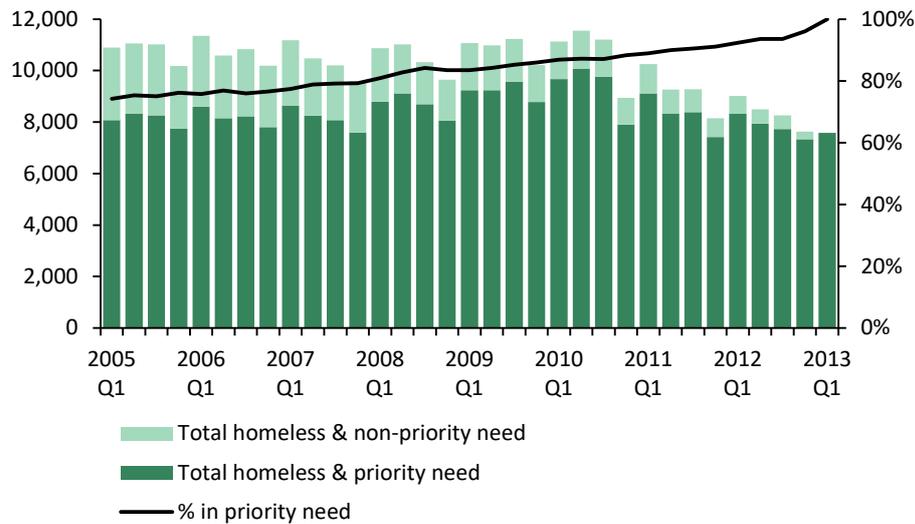
<sup>25</sup> The Scottish definition of threatened with homelessness is, likely to become homeless within 2 months.

<sup>26</sup> [The Housing Support Services \(Homelessness\) \(Scotland\) Regulations 2012](#)

<sup>27</sup> [Homeless Persons \(Provision of Non-permanent Accommodation\) \(Scotland\) Regulations 2010, SSI 2010/2](#)

<sup>28</sup> Scottish Government, [Final Business and Regulatory Impact Assessment – The Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012](#), November 2012

### DECISIONS ON ELIGIBILITY FOR HOUSING ASSISTANCE, SCOTLAND 2005-13



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

Although the chart shows local authorities meeting the 2012 deadline, critics argued that this happened, in part, due to homeless households spending longer in temporary accommodation.<sup>29</sup> 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.<sup>30</sup>

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.<sup>31</sup>

<sup>29</sup> *Inside Housing*, 'Homelessness applications fall by 3% in Scotland', 13 January 2015

<sup>30</sup> Scottish Housing Regulator, *Housing Options in Scotland: A thematic inquiry*, May 2014, para 12

<sup>31</sup> Scottish Government, *Modifying local connection provisions in homelessness legislation*, September 2006, para 22

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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 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.<sup>32</sup>

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

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<sup>32</sup> 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 homelessness<sup>33</sup>, 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.

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<sup>33</sup> 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.<sup>34</sup>

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.<sup>35</sup>

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<sup>34</sup> Northern Ireland Housing Executive, [Housing Selection Scheme Rules](#), January 2014, rule 14

<sup>35</sup> Article 11A of the *Housing (Northern Ireland) Order 1988*, as amended by section 5 of the [Housing \(Amendment\) Act \(Northern Ireland\) 2010](#)

## 6. Homelessness statistics

### 6.1 Applications and acceptances

Given the different duties owed to homeless households across the UK, direct statistical comparisons are difficult.

The first table overleaf shows the number of decisions taken on households applying for homelessness assistance in each UK nation, and the key outcomes from those decisions. It also shows the rate of applications per 1,000 households in that country's population. The chart shows the proportion of decisions that result in a homeless household being owed a main duty to secure accommodation.

The figures for England show decisions on households applying for statutory homelessness assistance – they don't include households helped through prevention and relief activity. The figures for Wales show initial decisions on all households applying as homeless or at risk, including those helped through prevention or relief rather than being owed a main duty. Because of this, Wales has a higher rate of applications, and a lower proportion of these applications result in the household being owed a main duty to secure accommodation.

In Scotland, the number of decisions taken per thousand households was higher than in England and Wales. It also had the highest proportion of decisions leading to the applicant being owed a main duty (73%). This is to be expected following the removal of the priority need test; Scottish local authorities have fewer reasons to deem someone to be ineligible for housing assistance.

The rate of decisions taken per thousand households was highest in Northern Ireland, and a relatively high proportion of these were accepted (64%). Crisis' [Northern Ireland Homelessness Monitor 2016](#) suggested that Northern Ireland's relatively high rate of homelessness could be due to the fact that, unlike in the rest of the UK, Northern Ireland has yet to implement a 'housing options' model of homelessness prevention.<sup>36</sup>

The second table overleaf shows the number of households in temporary accommodation at the end of March 2017 in England, Wales and Scotland (data is not available for Northern Ireland). In all three countries, the number of households in temporary accommodation has grown since March 2016. Scotland has the highest rate of households in temporary accommodation compared to its population, and Wales has the lowest.

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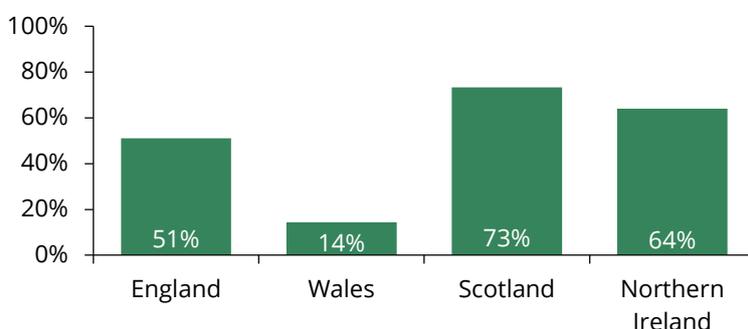
<sup>36</sup> Crisis (2016). [The homelessness monitor: Northern Ireland 2016](#).

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

DECISIONS TAKEN ON HOMELESSNESS APPLICANTS: UK, 2016/17		
	Number	Rate per thousand households
<b>England</b>		
Decisions taken	115,590	5.0
Unintentionally homeless and in priority need*	59,110	2.5
<b>Wales</b>		
Initial decisions taken	14,409	10.8
Successfully prevented	5,718	4.3
Successfully relieved	4,500	3.4
Unintentionally homeless and in priority need*	2,067	1.5
<b>Scotland</b>		
Decisions taken	34,267	13.9
Unintentionally homeless*	25,123	10.2
<b>Northern Ireland</b>		
Decisions taken	18,573	25.6
Accepted as full duty applicants*	11,889	16.4

\* = applicants owed a full duty to secure accommodation

### PROPORTION OF INITIAL DECISIONS RESULTING IN FULL DUTY OWED



NUMBER OF HOUSEHOLDS IN TEMPORARY ACCOMMODATION AT 31 MARCH 2017			
	Number of households	% change on 2016	Rate per thousand households
England	78,170	7%	3.4
Wales	2,013	7%	1.5
Scotland	10,873	3%	4.4

#### Sources:

Homelessness: MHCLG, [Homelessness live table 770](#); Scottish Government, [Homelessness in Scotland 2016-17](#); Welsh Government, [Homelessness in Wales 2016-17](#); Department for Communities, [Northern Ireland Housing Statistics 2016-17, Table 3.10](#)

Household population: MHCLG, [Household population live table 401](#); StatsWales, [2014-based household projections by local authority and year](#)

## 6.2 Rough sleeping

The number of rough sleepers is difficult to measure directly, and methods for producing estimates vary between nations. In nations with annual data on rough sleeping – England, Wales and Scotland – there has been a rise in the numbers recorded.

### England

In England, local authorities are required to make an annual count of rough sleepers or an estimate based on contact with local organisations. The estimate is intended to reflect the number of people sleeping rough on a single night in autumn. The autumn 2017 estimate put the number of rough sleepers at 4,751, up 15% from the 2016 estimate.<sup>37</sup>

The Greater London Authority also funds a database that records individual rough sleepers in contact with homelessness services. In total, 8,108 people were seen sleeping rough in Greater London across the whole of 2016/17. This is similar to the number seen in 2015/16.<sup>38</sup>

### Wales

Wales also carries out an annual exercise to estimate the number of rough sleepers. This involves local authorities making an estimate of the number of people sleeping rough over a two-week period in October, as well as carrying out a count of the number of people sleeping rough on a specific night in November.

The 2017 exercise produced an estimate of 345 people sleeping rough across Wales over two weeks in October, up by 10% on the 2016 estimate. The one-night count recorded 188 individuals sleeping rough, 33% more than in 2016.<sup>39</sup>

### Scotland

There is no regular rough sleeper count in Scotland, but the Scottish Government does record the number of applications where a household member slept rough the night before approaching their local authority for support. In 2017, 1,500 applicants (4% of the total) had slept rough the night before applying for assistance, up 10% from 2015/16. The number of applicants who had slept rough at least once during the last three months is also recorded. 2,621 applicant households had done so in 2016/17, up 8% from 2016/17.<sup>40</sup>

### Northern Ireland

There are no annual rough sleeping statistics for Northern Ireland. The Northern Ireland Housing Executive (NIHE) commissioned research published in early 2016, the *Belfast Street Needs Audit*. The audit was based on observations of rough sleeping, 'street drinking' and begging over a 12-week period. A total of 361 individuals were observed, of which 125 (35%) were observed sleeping rough.<sup>41</sup>

<sup>37</sup> MHCLG (2018). [Rough sleeping statistics, Autumn 2017, England \(revised\)](#).

<sup>38</sup> Greater London Authority (2017). [CHAIN annual report: Greater London 2016-17](#).

<sup>39</sup> Welsh Government (2018). [National rough sleeper count, November 2017](#).

<sup>40</sup> Scottish Government (2017). [Homelessness in Scotland: 2016-17](#), Table 2

<sup>41</sup> NIHE, Welcome Organisation and Depaul Belfast City Centre Management (2016). [Belfast Street Needs Audit: Final report](#).

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