

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HOMELESSNESS REDUCTION BILL

Fifth Sitting

Wednesday 11 January 2017

CONTENTS

Sittings motion amended.

CLAUSES 10 and 11 agreed to, one with amendments.

CLAUSE 12 under consideration when the Committee adjourned till
Wednesday 18 January at half-past Nine o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 15 January 2017

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The Committee consisted of the following Members:

Chair: MR CHRISTOPHER CHOPE

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| † Betts, Mr Clive (<i>Sheffield South East</i>) (Lab) | † Monaghan, Dr Paul (<i>Caithness, Sutherland and Easter Ross</i>) (SNP) |
| † Blackman, Bob (<i>Harrow East</i>) (Con) | † Pow, Rebecca (<i>Taunton Deane</i>) (Con) |
| † Buck, Ms Karen (<i>Westminster North</i>) (Lab) | † Quince, Will (<i>Colchester</i>) (Con) |
| † Burrowes, Mr David (<i>Enfield, Southgate</i>) (Con) | Slaughter, Andy (<i>Hammersmith</i>) (Lab) |
| † Donelan, Michelle (<i>Chippenham</i>) (Con) | † Thewliss, Alison (<i>Glasgow Central</i>) (SNP) |
| † Drummond, Mrs Flick (<i>Portsmouth South</i>) (Con) | † Tomlinson, Michael (<i>Mid Dorset and North Poole</i>) (Con) |
| † Hayes, Helen (<i>Dulwich and West Norwood</i>) (Lab) | |
| † Jones, Mr Marcus (<i>Parliamentary Under-Secretary of State for Communities and Local Government</i>) | Glenn McKee, <i>Committee Clerk</i> |
| † Mackintosh, David (<i>Northampton South</i>) (Con) | |
| † Matheson, Christian (<i>City of Chester</i>) (Lab) | † attended the Committee |

Public Bill Committee

Wednesday 11 January 2017

[MR CHRISTOPHER CHOPE *in the Chair*]

Homelessness Reduction Bill

9.30 am

The Chair: The Minister may continue the speech that he started four weeks ago.

Mr Clive Betts (Sheffield South East) (Lab): Let's hope it's worth waiting for.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): That is a challenge, Mr Chope. I wish you and the rest of the Committee a happy new year.

Clause 10

DUTY OF PUBLIC AUTHORITY TO REFER CASES TO LOCAL HOUSING AUTHORITY

Amendment proposed (14 December 2016): 2, in clause 10, page 16, line 31, at end insert—

“(3A) Where the specified public authority makes a notification to the local housing authority the public authority must cooperate with the housing authority in meeting its duties under sections 179, 189A, 195, 189B and 199A of the Housing Act 1996.”—(*Mr Betts.*)

This amendment would ensure that where a public authority made a referral to a housing authority in respect of a person who is or may become homeless the public authority is under a duty to cooperate with the housing authority.

Question again proposed, That the amendment be made.

Mr Jones: Amendment 2, tabled by the hon. Member for Sheffield South East, would reintroduce a duty that was in the original draft of the Bill when my hon. Friend the Member for Harrow East first proposed it. We are concerned that the amendment would create burdensome and centrally imposed obligations on how local housing authorities interact with other public services. A one-size-fits-all obligation could create inefficiencies, potentially undoing some of the good work that is being carried out and developed naturally at local level.

In City of York Council's response to the Communities and Local Government Committee's call for evidence on the Bill, it highlighted the fact that local agencies in York already work together to prevent homelessness. That is just one example of effective arrangements being put in place locally that we would not want any new duties to cut across.

During our last sitting before Christmas, my hon. Friend the Member for Enfield, Southgate, spoke at some length about the national statement of expectations published by the Home Office at the start of December. That sets out what local areas need to put in place to ensure that their response to violence against women and girls is collaborative, robust and effective, so that all

victims and survivors receive the help that they need. We worked closely with the Home Office in developing it and our priorities for domestic abuse services.

Both the national statement of expectations and our priorities for domestic abuse services set out what local areas need to put in place to ensure that their response is as effective as it can be, so that all victims and survivors receive the help that they need. They were developed by working with commissioners and service providers, including third sector stakeholders, and they reinforce the importance of bringing local service providers together, understanding local need, developing a strategy to meet identified need, commissioning services accordingly and setting out clear leadership and joint accountability for delivery. That is a great example of how we can stimulate and encourage good work at local level. It underlines the importance of local flexibility and expertise, and supports local innovation.

The Government are supporting that innovation further, through our homelessness prevention programme. Just before Christmas, my right hon. Friend the Prime Minister announced £50 million of funding, including £20 million for new prevention trailblazer areas across the country. One aim of that programme is to identify innovation and best practice, and the funding will support projects working across different services. For example, Brighton will provide a jointly commissioned nurse to help people with both substance misuse and mental health needs to access the support that they require. Examples such as that will create the best practice from which the rest of the country can learn.

In addition to the funding programme, I chair the local authority working group for homelessness prevention, in which about 15 local authorities come together to discuss various topics. One theme to which we will return regularly is good practice and how central Government can support and disseminate it. I also chair the ministerial working group on homelessness. The existence of that group recognises the fact that homelessness rarely results from a housing crisis alone, and that underlying issues with employment, health and justice are often critical factors. One aim of the group is better to join up homelessness strategy across Government, which in turn will help to encourage public services to work together in their local areas to prevent and relieve homelessness.

Mr Betts: I am listening to what the Minister is saying about the various ways in which good practice can be disseminated. Will he give consideration to including something in the guidance that he will issue, after the Bill becomes an Act, to local authorities, public bodies and other agencies about the importance of working together and co-operating?

Mr Jones: The hon. Gentleman raises a good point, which I will take on board and think about. There will certainly be guidance relating to the substantive clause on the duty to refer. Whether that guidance will look further into collaboration in places that are doing a good job remains to be seen, but I will certainly look at the question, as he suggests.

Finally, we will also support councils through a network of advisers. That is possibly where the suggestion made by the hon. Gentleman, who is Chairman of the Select

Committee on Communities and Local Government, might apply. The advisers are experts who will work with local authorities to produce multi-agency homelessness strategies. They will also agree protocols and pathways between services in line with the good practice that already exists.

We believe that the initiatives I have set out are powerful ones that will help with best practice and encourage the delivery of local partnerships. I am not sure whether we are to have a clause stand part debate, but if we do, I shall be able to set out in more detail how the duty to refer will work. It will be an important step towards where we want to be; it will also be important for encouraging the sort of local collaboration that we want. For all those reasons, the Government believe that the amendment is unnecessary, and I ask the hon. Gentleman to withdraw it.

Bob Blackman (Harrow East) (Con): I echo the Minister in wishing everyone a happy new year, as we rush towards completion of our Committee sittings on this private Member's Bill.

The Minister is quite right that there was a similar clause on duty to co-operate in the original draft Bill, and he has set out the position on co-operation between service partners. Clearly, we shall have further discussion on that on clause stand part. This matters for defining how the relationship between service partners works. Service partners are co-operating in a number of innovative local operations, and the last thing that any of us wants is to stymie those local approaches. It is important to give them a chance to work, see what best practice is, and bring forward alternatives.

Legislation is only one tool in the box for helping to relieve homelessness. We are imposing a duty—we shall come on to this in clause stand part—to refer individuals from different public bodies. My real concern about the amendment tabled by the Chair of the Select Committee is that it would give carte blanche on the duty to co-operate, without specifying what such co-operation would look like. I have a lot of sympathy with the intention behind the amendment, but the general intention of the Bill is to drive through a culture change, and an element of that is wanting culture change—in local authorities, but also in all public bodies across the piece. It is important to create strong local working relationships, and on that basis I ask the hon. Gentleman to withdraw the amendment.

The problem with this amendment in many ways is that because it includes a duty to co-operate overall, it runs the risk of creating a maelstrom across public services because of its uncosted and unbudgeted element, which would cause a problem in future. On that basis, I ask the hon. Gentleman to withdraw the amendment. I have a lot of sympathy with wanting to ensure that we have proper co-operation, but the first part of that is ensuing that public bodies refer homeless people to the local authority, so that they get expert help and advice.

Mr Betts: I wish everyone a happy new year and echo the sentiments of the Minister and the Bill's promoter. I will not press the amendment for reasons that I will explain, but I want to keep an eye on the issue, because I am not totally convinced by what the Minister said.

I recognise that the Minister and the Bill's promoter want public bodies to co-operate in all shapes and forms. I accept that that is their intention and take their comments at face value. However, I am not totally convinced that all Departments always want to engage in this way. There is a history of some Departments being less co-operative than others on some of these matters, and I think we all know that. That applies not just to Departments and Ministers, but down the line to local health bodies, for example, which in my experience are not always co-operative in every shape or form, though many are. That is the issue; it is not just about Departments, but about what happens in practice on the frontline. I listened to what the Minister said about guidance. I hope that he will reflect further on that and talk to his colleagues in other Departments about what can be done to get the message down the line about what is expected.

I thought there was a little conflict in what the Committee was told this morning. The Minister talked about a one-size-fits-all approach; a requirement on a public authority to co-operate in a very general sense cannot be described as a one-size-fits-all approach. It is a very general requirement. Indeed, the promoter of the Bill said that the amendment does not specify what co-operation looks like. If it does not specify that, it can hardly be described as a one-size-fits-all approach. The two do not quite sit together.

The Minister referred to York and Brighton, where good things are happening. That is right and is to be encouraged and commended. If authorities are co-operating anyway, this is hardly a new burden on them. My suspicion is that it is not happening everywhere. He gave examples of where it is happening, not where it is not, and there could be examples of where it is not. The amendment would require all authorities to come up to the standard of the best. It might impose a duty, but a duty that should be there anyway. I hope that, even if this requirement cannot be in the Bill, the Minister will reflect on the issue of guidance, and let us know what he intends to do about it. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Bob Blackman: I beg to move,

That the Order of the Committee of 23 November 2016, as amended on 30 November, be amended, by inserting at the end—
“and on 18 January when the Committee will meet at 2.00 pm as well as 9.30 am.”

By way of a brief explanation, this change would mean that the Committee would sit not only in the morning, but in the afternoon until we conclude our business. We have had a number of sittings during which we have had vigorous debate, which is absolutely right, but we need to move the Bill forward so that it returns to the Chamber on Report. My intention as the Bill's promoter is for Report and, hopefully, Third Reading to be on 27 January. That would obviously necessitate us concluding our debates and deliberations next Wednesday, by when we will have certainty about concluding proceedings and the Bill going back to the Chamber. We have important issues still to resolve, but I trust that Wednesday afternoon will give us sufficient time to debate and discuss vigorously those elements.

9.45 am

Ms Karen Buck (Westminster North) (Lab): It is a pleasure to serve under your chairmanship, Mr Chope. I apologise on behalf of my hon. Friend the Member for Hammersmith—I am standing in his place—who has family commitments and is unable to attend. I am perfectly happy to support the sittings motion. Obviously we are keen to conclude the Bill, but I have to say once again, as the Committee enters its second year of deliberations, that it is something of a surprise to Opposition Members that we still await clause 1, clause 7 and the money provisions.

When my hon. Friend said that he would not be able to attend this sitting, he was anxious that important elements of the Bill would be introduced today. I assured him that that was unlikely and that parliamentary draftspeople were burnishing and polishing the clauses through the night, as they had done throughout the recess, and that they would produce them in perfect form at the last possible moment. Expectations are very high for the quality of those clauses and the generosity of the financial provision that we look forward to the Minister offering us next week. When my hon. Friend returns next week, we will expect the quality of those substantive clauses to justify the unusual and extensive delay in producing them.

The Chair: Does the Minister want to comment?

Mr Jones *indicated dissent.*

The Chair: The reason I invite the Minister to comment is that if the motion is passed, it means that business will be completed next Wednesday. In order for that to happen, any amendments or new clauses that will be the subject of discussion next Wednesday will need to be tabled in sufficient time to enable Members to see them and perhaps table amendments to them. That has to be done before close of play on Friday. I was hoping that we might get some reassurance from the Minister on the timetable that he has in mind.

Mr Jones: Thank you, Mr Chope, for your kind invitation for me to set out the position. We are well aware that time is pressing and are keen to ensure that we get the clauses right. We anticipate tabling the various clauses by the deadline.

Question put and agreed to.

Question proposed, That the clause stand part of the Bill.

Bob Blackman: Clause 10 relates to what is commonly referred to as the duty to refer. It requires public authorities in England specified in the regulations to notify a local housing authority of service users who they think may be either homeless or at risk of becoming homeless. The safeguard is that the clause requires the public authority to get the individual's consent before referring them, and it allows the individual to choose the local housing authority to which they are referred. Specified English public authorities exercising functions in relation to any individual will have the duty to refer that person if they think that they may be either homeless or at risk of becoming homeless.

One reason that the clause is so important, as we have heard during our deliberations, is that the Bill names a large number of public authorities and the arrangements will be different. For example, I know from evidence presented to the Select Committee, and from visits that I have made up and down the country, that people in the health service do not routinely refer people who they think are homeless to their local authority, because they do not think that it has anything to do with them. One of the problems that then arises is that people who are rough sleeping go to hospital, get patched up and are then sent back on to the streets, and it becomes a cycle of despair, frankly, for those individuals. The clause will place a duty on hospitals to refer to the local housing authority those individuals who they think may be either homeless or at risk of becoming homeless, so that it can take action. That is absolutely right.

Given the time, I will not go through the details of the large number of other areas affected, but some of them are very important. For example, it is an outrage that we allow ex-offenders to leave prison on a Friday afternoon with £40 in their pockets and hope that they will not reoffend. They have nowhere to go for advice or help, but we are surprised when they gravitate back to their circle of friends who are probably involved in criminality. They then reoffend and end up back in prison. We have to break that cycle.

Michael Tomlinson (Mid Dorset and North Poole) (Con): On the subject of prisons, how does my hon. Friend see the interplay between the clause and the many excellent charities that already work with ex-offenders, such as the Footprints Project, which helps to mentor them? Is there any way that the duty to notify the local authority could be extended to include charities such as the Footprints Project?

Bob Blackman: My personal view, having looked at the issue in detail, is that workshops could be rolled out for people who are about to leave prison. That would allow them to be trained and assist them in living a normal life in society. We often forget that people who have been in prison for some time have lost touch with how society has moved on, what their duties are and how they can obtain help and advice. The Bill would require prison services to refer individuals to the housing authority, but I want to see a cultural change. We are giving prison governors far more power and responsibility. The last thing they should want to see is ex-offenders reoffending. If we can get people on to a straight and narrow way of life, that has to be a better way to proceed.

Alison Thewliss (Glasgow Central) (SNP): The hon. Gentleman is making an excellent point about people leaving prison. Does he agree that co-operation should start not when the person leaves prison, but with support in filling in application forms before they get to that stage? That process could start weeks, possibly months, before they leave.

Bob Blackman: There are a series of two-hour workshops that can be taken off the shelf and used in prisons. They put at the participant's disposal the means by which to secure a tenancy; inform them of how to claim benefits, if they are entitled to them, and how to secure a job;

and provide a variety of different exercises. That would take four two-hour sessions and I do not think that that is unreasonable when people are being prepared to leave prison. They can leave prison with all that in their pocket, as it were, knowing what they have to do and how to do it. That would be a good start in the process.

Will Quince (Colchester) (Con): I can refer anecdotally to the situation at the moment. Certain prison governors and officers will refer those whom they suspect will face homelessness to towns that they know have excellent charitable provision, such as Colchester, when the individual has no connection to that town. Does my hon. Friend think that by identifying such individuals early and making that referral, the new duty will ensure a more even spread? That would also ensure that individuals are referred to a place that is most appropriate for them, not just the place that has the most appropriate provision.

Bob Blackman: Clearly, we do not want to be in a position of pot luck where ex-offenders get referred to particular areas where charities are very good at providing help and assistance. It should be the responsibility of local authorities. Whether they choose to outsource that responsibility to a third sector organisation is up to them. What matters is that people should be referred to local authorities so that they can get housing assistance. Often, it may help to take them out of the comfort zone in which they may previously have existed.

I have cited two examples of particular public services, and a third is the armed services. Often, people leave the armed services with specific requirements. It is very important to prepare them for life outside the armed services. The duty to refer those people will be extremely helpful. Members of the Committee will have dealt with people who have had to secure accommodation after leaving the armed forces. I have dealt with constituents who, sadly, are traumatised or injured as a result of serving their country and who have specialist needs.

Finally, the police will also have a duty to refer people. Often, our police force end up being almost a substitute for the health service and for many other public services. I have seen personally the amount of work that police put in for people with mental health problems.

David Mackintosh (Northampton South) (Con): I am sure that my hon. Friend will agree that people go to work in those public services because of a sense of vocation and a desire to help. Does he also agree that, while the duty to refer will help them do their jobs and carry out their vocation, some training will need to be put in place to make people aware of the new duty?

Bob Blackman: The clause makes a major change to the duties that we place on all public authorities. We intend for people who work in public services to spot those who are either homeless or at risk of homelessness and to refer them to specialists who can deal with the problem. That is a sea change and a cultural change, and it will take place across the public services. It clearly requires training and assistance so that people do not slip through the net, which is a clear concern. An important part of the process is that all public bodies will have to look at what training their frontline staff

need and how they can ensure that they assist and spot people who are at risk of being homeless. Homeless rough sleepers are easier to spot, but those who are at risk are less easy to spot, so there will have to be training in that regard.

I intend, through the Bill, to ensure that a person's housing need is assessed in any contact with public authorities. The measure will help to achieve that. Clearly, we will need to monitor it and work together with service partners to identify at an earlier stage those households that are at risk. That means that prevention activities can take place earlier, with the ultimate goal of relieving or preventing someone's homelessness.

In conclusion, on schools and education facilities, children are often vulnerable. It is possible for teachers, headteachers and support staff to spot the signs of homelessness, so those in the profession will need to be trained so that they can be assisted in spotting such problems before they arise.

Ms Buck: Obviously, Opposition Members support the general thrust of the clause. It is right that housing authorities are able to draw on information from all the other agencies with which people at risk of homelessness engage.

Quite rightly, you will not let me, Mr Chope, rehearse the spirit of the amendment that we just discussed, but the task here is to ensure that the referral process leads to meaningful engagement and supplies the information necessary for a local authority to make an informed housing decision. I am afraid to say that, as my hon. Friend the Member for Sheffield South East said, if the co-operation were working as well as the Minister implies, we would not have many of our current problems.

On Second Reading, I raised the worrying statistic about ex-offenders, to which the hon. Member for Harrow East has alluded and which provides a classic illustration. My own local authority, Westminster, is the frontline of rough sleeping. Nearly one in three of all rough sleepers in our borough have been through the prison system. Something is going badly wrong when people who are highly vulnerable and, as has been said, with almost no resources to their name, leave prison, fall through the net and end up on the streets.

10 am

I suggest that referral is not always the problem. Although we need to do a great deal better to encourage agencies—I will touch on them in a minute—to flag up concerns that someone is at risk of homelessness, local housing authorities, and particularly those in high-demand areas, are absolutely flooded by referrals and notifications of people who are at risk of homelessness and do not deal with them. One reason is that the format in which information is passed over is often inconsistent with the allocations procedures and so forth of the local authority.

In many cases, there are good intentions on the part of the referring authority, whether it is a GP, mental health services, probation services or prisons. However, the referral takes the form of a letter saying, "This person is at risk of homelessness," which is given to someone to take to the housing department. The housing department then looks at the letter and says, "Well, that doesn't tell me anything. It isn't compatible with our allocations processes. It doesn't necessarily meet the

local connection criteria.” One question that I am keen to have answered, either by the Minister or the hon. Member for Harrow East, is how the referral that allows an individual to nominate where they seek to be housed will be consistent with local connection criteria and the requirements that local housing authorities put on individuals.

In practice, local authorities including mine—I am sure it is not an isolated case—will simply either not take proper cognisance of the form of the referral being made by the local authority, or will simply seek to send the person away to get other, more appropriate sources of information.

I have another concern that the Minister might pick up. In my experience, in many local authorities a common source of referral is the GP with whom the person at risk of homelessness has engagement—that applies particularly to the most vulnerable people. However, GPs will not provide letters or referrals because the local authorities will take it only if they have requested medical information. In some cases, the problem then arises that GPs charge for that information. I do not know how that will be got around. I have sadly seen examples of GPs charging more than £100 for a letter for someone to take to the housing department, whether it is because of medical priority or risk of homelessness. That needs to be worked through with local authorities, so that there is a consistent approach to how referrals are handled and what information is sought.

Training was mentioned. We need training for the referral agencies. We also need serious work, within a code of guidance, on, for example, templates for information so that a local authority’s requirement to make an informed decision about a homelessness application is consistent with the information that is culturally embedded in a different organisation. What is coming through from a GP or a school will simply not necessarily match up with the requirements of a housing authority.

If referrals are to work and if we are to turn referral into co-ordinated working, even if not explicitly in line with the amendment, it will not be good enough to leave the duty simply at “refer”. I fear that there will be a deluge of new referrals. Those new referrals will not deal with the requirements of the housing authority. That will increase frustration and cost and leave individuals, and sometimes highly vulnerable individuals, seeking representations from agencies that charge for them.

The Government need to make absolutely sure that there is a consistent line of response to all those issues before the clause is put into effect.

Mrs Flick Drummond (Portsmouth South) (Con): I am pleased to support the clause, which will require public authorities to notify a local housing authority of people they think are or may be homeless or at risk of becoming so. Many vulnerable people do not know where to turn to. The clause makes it clear that there is a duty to refer on all public services, and it allows local authorities to innovate and create a workable solution.

In Portsmouth, the local council works closely with local charities such as the Roberts Centre, which works closely with vulnerable families to put them on the right track by helping them to budget, to learn how to keep a home and to pay rent. I want to raise awareness also of the Hampshire and Isle of Wight Community Rehabilitation Company, which identifies service personnel

in the court system and assigns them a caseworker. The caseworker follows them through the process and through prison and is there at the gate when they come out to look after them, including by organising accommodation, which, as my hon. Friend the Member for Harrow East said, is a big issue for offenders. Perhaps the Prison Service can learn from that project. We hope to see it throughout the country, because it is working incredibly well in Hampshire and the Isle of Wight. Those are examples of why we should not over-prescribe. I hope good practice such as that will be shared throughout the country.

Helen Hayes (Dulwich and West Norwood) (Lab): It is a pleasure to serve under your chairmanship again, Mr Chope. May I extend my best wishes to you and to the rest of the Committee for 2017?

I welcome the clause and the duty that it places on anyone working at the frontline in the public sector to take account of the risk of homelessness and to behave responsibly in order that people who are at risk of homelessness can get access to the support that they need. However, I want to flag some complexity in relation to the implementation of parts of the clause, and to make a plea for the Minister to consider additional guidance when the Bill becomes an Act.

The complexity arises in particular in relation to proposed new section 213B of the Housing Act 1996. Subsection (3)(b) states:

“If the person...identifies a local housing authority in England to which the person would like the notification to be made”.

In my experience, there is a lot of complexity around the question of which housing authority should pick up the responsibility for people who are at risk of homelessness. I want to flag just three examples of where I have known that to be the case and where there is some concern.

The first example involves people of no fixed abode who have a mental health crisis and find themselves being held under the Mental Health Act 1983, and who are taken to a place of safety. In my area of London, the place-of-safety provision for five boroughs is being consolidated on to a single premises in the London Borough of Southwark. The health authority involved has worked with the local authorities on protocols for discharge, but there is great concern that, under the clause, someone who has reached crisis point and been admitted to hospital but who has no local authority that has clear housing responsibility for them may be discharged again and again into the same local authority. That local authority already has very significant housing pressure on it. Guidance and protocols need to be put in place so that the additional burden of people with very high levels of need does not fall automatically on one local authority. There should be a firm responsibility on other local authorities to help out in those circumstances. That is worthy of further consideration.

The second issue relates to ex-offenders, who have been discussed. People in prison often lose their tenancy or home. They may also lose connection with friends and family as a consequence of their incarceration. People who are released from prison often use their £40 to buy a train ticket—that train ticket is often to a place a long way from London. I know from work that I have done in the past that coastal towns, for example,

often have very high concentrations of ex-offenders living in a very small area. There is no necessary reason why an area should have to pick up responsibility for high numbers of ex-offenders simply because the cost of private housing there is low.

My main concern is that that outcome is not necessarily in the interest of getting those ex-offenders back on track and enabling them to make a fresh start. Advice on the protocols that should apply to the housing authorities that should pick up responsibility for ex-offenders on release from prison would be welcome and helpful. It would help to achieve the kind of outcomes that we want as a consequence of introducing the clause.

My final point concerns a situation I have seen time and again as a local councillor and Member of Parliament: a dispute between local authorities over which should take responsibility for somebody—it might be somebody whose last permanent address was in one local authority but they have been sofa-surfing with family members for a time in another. The family might have broken up. The resident might be arguing that they need to be a distance from where they used to live due to domestic violence or other reasons.

Whatever the reason, there is a dispute between local authorities over which should take responsibility and it is the individual who ends up suffering and falling between the cracks. The clause would provide too much scope for those poor outcomes that either place undue pressure on local authorities that are already under great pressure, or it could mean that individuals are not easily able to access the support they need. There is too much scope for that if the clause is left as it is without further additional guidance on the protocols that need to apply in practice. I ask the Minister to take that into account in his response and to pick it up as the Bill progresses.

Michael Tomlinson: It is a pleasure to serve under your chairmanship once again, Mr Chope, for the first time in 2017. I welcome the clause and support it as drafted. I believe there is an opportunity to rise to the good practice that appears in Westminster and elsewhere and raise the standard across the whole country. We all like to think there is good practice in our areas. I have three local authorities in my constituency: Purbeck East, Dorset and Poole, and Dorset County Council. I strongly believe the duty to refer will encourage other authorities to follow suit.

I agree with the hon. Member for Westminster North that the duty to refer is not the complete answer. That is absolutely right. It is not the complete answer but it is a good step along the way and will help to show what proper good practice should be.

Every hon. Member who has spoken so far has mentioned prisons. Perhaps that shows the important link between release from prison and the streets. It is no different on the streets of Poole, Bournemouth and Dorset from in Westminster, London and elsewhere.

My hon. Friend the Member for Portsmouth South mentioned what is happening in Hampshire and the Isle of Wight. The Footprints Project operates in Dorset, Hampshire and Somerset. It is a charitable organisation that helps ex-offenders in a through-the-gate service, offering mentoring and help to get into work.

I believe the clause provides an opportunity to work with local authorities and charitable organisations. Charities are already performing good works in preventing reoffending and trying to get people on the straight and narrow. There is a great opportunity for local authorities to work more closely together. I was heartened to hear my hon. Friend the Member for Harrow East speak of local authorities choosing to outsource some of those services and work closely alongside charitable organisations that are doing a good job, which can only be a good thing.

Hospitals have not been mentioned as much as prisons. I will return to what will be in the regulations in due course, but we all hate the term “bed blocking”. It is a completely inappropriate term for unfortunate people who find themselves in hospital through no fault of their own and have nowhere to go. I strongly believe that the duty to refer will help in that regard. Perhaps the Committee could come up with a better phrase for “bed blocking” because it is very distasteful indeed. I strongly believe that the clause, with a duty to refer and co-operate with hospitals, other organisations and local authorities, will help in that regard.

10.15 am

The hon. Member for Dulwich and West Norwood touched on proposed new subsection (3)(b), but proposed new subsection (3)(a) is important because it shows that the intention in the Bill is not to impose anything or to dictate. It applies only when a person agrees to the specified public authority making a notification. That is an important first step and may in part answer her concern about proposed new subsection (3)(b).

Proposed new subsection (3)(b) picks up what my hon. Friend the Member for Colchester mentioned about certain local authorities such as Colchester having a great attraction when people leave prison because of their excellent services. There is an opportunity for an individual first to agree under proposed new subsection (3)(a) and then to identify a local authority, whether Colchester, Dulwich, Westminster, Dorset or wherever. The juxtaposition of the two may help to allay some fears, although I understand what the hon. Lady said about proposed new subsection (3)(b).

Finally, I have seen some draft regulations that were published with the original Bill on the sorts of public authorities that my hon. Friend the Member for Harrow East was thinking about initially. I understand that no final regulations have been published, but we have discussed prisons, hospitals, the police and perhaps one or two other things that I have forgotten. I would be grateful if the Minister could indicate the sorts of other areas and authorities that he believes will in due course come under the regulations and when he intends finally to publish them.

Mr Jones: The Government welcome the clause, which is commonly referred to as the duty to refer. We believe it will help to extend the good practice that already exists in many local areas across England. In those areas, public services are already working with local housing authority teams to identify as part of their normal daily work households that are at risk of homelessness or who are currently homeless. The measure will ensure that this good practice becomes a legal duty, so that all local housing authorities can intervene much earlier and have more time to work with those at risk.

[Mr Marcus Jones]

In addition, the clause is important in helping to raise awareness that there are many varied and sometimes complex reasons behind a person's homelessness. We believe a person's housing situation should be considered when they come into contact with those wider public services. The measure will help to achieve that. English public authorities exercising functions in relation to an individual will have a duty to notify a local housing authority if they think that person may be homeless or at risk of becoming homeless. The public authority must have consent from the individual before referring them and allow the individual to choose which local housing authority they are referred to.

The hon. Members for Westminster North and for Dulwich and West Norwood made a point about which local authority the person will be referred to. The public authority must ask a person for their consent. That person will then identify the local authority to which they want to be referred. That mirrors the judgment that an applicant would make in other circumstances when applying for help independently. It avoids, for example, public authorities having to make a judgment with someone in hospital A&E about where their local connection is, which could be complex and difficult to achieve. Effectively, the normal local rules on local connection will apply once an individual has applied to that particular housing authority.

Ms Buck: Can the Minister give us a worked example? If someone is in hospital or has come out of prison and chooses to nominate an authority where they have a family member or a personal connection but where they had not recently lived, would the referring authority be under an obligation to establish whether that was an appropriate referral? Is there not a risk that, if the authority does not refer, the person could end up putting themselves into a lengthy and difficult process of applying to a local authority that will have no duty to them?

Mr Jones: It is sensible to have a system that mirrors the current system. It is clear that it is up to the individual to present at a particular authority, at which point the authority will confirm whether there is a local connection. The hon. Lady gave examples of particular organisations such as prisons or hospitals. If we made them try to interpret and second-guess the rules, we would be layering in significant complexity and risk that they may get that judgment wrong. An individual's decision may be overridden by the advice they get from that public body, which certainly would not be expert in housing law and local authority housing matters.

The Government will set out in regulations which public authorities will be subject to the duty. In response to my hon. Friend the Member for Mid Dorset and North Poole, the list is likely to be wide-ranging and include service providers such as GPs, schools and the police. As I mentioned GPs, I will pick up on the concerns expressed by the hon. Member for Westminster North around GP referrals. I agree that more work needs to be done on how various agencies, and not just GPs, work together. The advantage of the duty is that people at risk of homelessness will become known to housing authorities earlier, providing more time for the necessary work to assess and address the needs, including work between public services.

Ms Buck: Will the Minister assure me that no agency—obviously GPs have the greatest risk of this occurring—will be allowed to charge for any letter? Will he clarify the difference between a referral and a letter that provides support or additional medical information that the person at risk of homelessness may wish to take with them to a local authority?

Mr Jones: The organisation involved will have a duty to refer somebody who is either homeless or at risk of becoming homeless to a local housing authority. I say to the hon. Lady that it is a process to refer somebody, and not necessarily a process to set out verbatim somebody's circumstances. The thinking behind the measure is that referring somebody to the local housing authority will mean that they get the help they need, particularly given the other measures in the Bill that will ensure that councils provide more assistance to people than they currently do. The measure is an important step in ensuring that that referral process takes place. It currently takes place in some areas, but it does not take place in many. She has highlighted some of the challenges.

In my experience, GPs' letters to constituents are often not about referring somebody to a housing authority, but about making a case why an individual needs a bigger home or has special needs, or why they are in priority need rather than not. I am not dismissing the issue that the hon. Lady raised—it is extremely important and pertinent in the wider sense—but there is a difference between a duty to refer and somebody seeking assistance in explaining that they have special circumstances. In the course of the work I undertake, particularly on the ministerial working group, we could certainly look at how that works and see how things can be improved.

We also hope that the measure will encourage all those involved in the process to build stronger relationships based on local needs and circumstances in order to produce the best outcomes possible. Service partners should decide how this will work in each local area because they are best placed to decide what working relationship they should have and what it should look like. In the longer term, we expect the duty to refer to help change the culture necessary to deliver earlier prevention of homelessness.

Local authorities such as our homelessness prevention trailblazer early adopters—Newcastle, Southwark and Greater Manchester—have very good relations with wider public services. To pick up the good point that my hon. Friend the Member for Mid Dorset and North Poole made about charities working with local authorities on preventing homelessness, he will be glad to know that, within the bids for prevention trailblazers, a number of local authority areas are working with charities, church organisations and so on to supplement the work they do in preventing homelessness.

Southwark in London and Trafford in Greater Manchester, for example, have protocols set up with local hospitals in the form of release agreements. The protocols mean that the local housing authority is notified when a patient who is homeless or threatened with homelessness is getting ready for discharge. It is always important to point out that, in such an initial situation, it is in the local authority's interest to act at that point rather than pick up a more difficult situation further down the track. That is the type of culture change to which the measure will lead. Early notification allows

local housing authorities more time to put plans in place with the aim of avoiding people becoming homeless and the additional costs I mentioned. We would certainly like public services throughout England to use the initial contact created by the duty to refer to develop further relationships.

A number of colleagues mentioned co-operation with the criminal justice system—my hon. Friends the Members for Colchester and for Harrow East mentioned it, as did the hon. Member for Westminster North on the Opposition Front Bench. Co-operation with the criminal justice service is obviously extremely important. We recently published the prison reform White Paper, which provides far more freedom for prison governors to provide training on housing, managing money and other skills that people may need when they leave prison. It is extremely important in this context that we do everything we can to ensure that people coming out of prison are in a far better position in terms of their housing. We all know that housing issues are one of the major drivers that lead people, and particularly those who have been on very short-term sentences, on to a path back into prison after a short time.

10.30 am

The hon. Member for Dulwich and West Norwood mentioned concerns about how local authorities work together in relation to the duty to refer. Some very good work is already going on in places such as Greater Manchester, where there is a combined authority and strong working across local authorities. She and other hon. Members made good points about how the duty will work in practice and what will be in the code of guidance. We will reflect on that as we prepare the code of guidance and in the wider local authority working group that I chair, and consider how we can disseminate the best practice that is going on in certain areas and ensure it happens across the country.

I believe that this is a first step to a more co-operative and effective relationship between local housing authorities and public sector partners. That is why the Government are extremely happy to support the clause.

Question put and agreed to.

Clause 10 accordingly ordered to stand part of the Bill.

Clause 11

CODES OF PRACTICE

Mr Jones: I beg to move amendment 13, in clause 11, page 17, line 20, at end insert—

“(3A) The Secretary of State may issue a code of practice under this section only in accordance with subsections (3B) and (3C).”

(3B) Before issuing the code of practice, the Secretary of State must lay a draft of the code before Parliament.

(3C) If—

(a) the Secretary of State lays a draft of the code before Parliament, and

(b) no negative resolution is made within the 40-day period,

the Secretary of State may issue the code in the form of the draft.

(3D) For the purposes of subsection (3C)—

(a) a “negative resolution” means a resolution of either House of Parliament not to approve the draft of the code, and

(b) “the 40-day period” means the period of 40 days beginning with the day on which the draft of the code is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).

(3E) In calculating the 40-day period, no account is to be taken of any period during which—

(a) Parliament is dissolved or prorogued, or

(b) both Houses are adjourned for more than four days.”

This amendment provides that a code of practice under new section 214A of the Housing Act 1996 inserted by clause 11 must be laid before Parliament before being issued and that the code may not be issued if either House of Parliament resolves not to approve the code within the period of 40 days from the day it is laid.

The Chair: With this it will be convenient to discuss Government amendment 14, in clause 11, page 17, line 24, at end insert—

“() Subsections (3A) to (3C) do not apply to the reissue of a code of practice under this section.”

This amendment clarifies that the procedure for issuing a code of practice inserted by amendment 13 does not apply to the reissue of a code.

Mr Jones: I recognise that my hon. Friend the Member for Harrow East and other Members will wish to see and consider draft codes of practice before they are introduced. That is why I have tabled amendments 13 and 14, which require that a draft code of practice be subject to the negative procedure. Amendment 13 provides for that procedure to apply. Amendment 14 clarifies that the procedure for issuing a code of practice that amendment 13 inserts does not apply to reissuing a code. I hope that the Committee will accept both amendments.

Mr David Burrowes (Enfield, Southgate) (Con): We are talking about the implementation of what we all want to achieve. The codes of practice are obviously important and the amendments set out that the statutory instrument will be subject to the negative procedure.

It is important to reflect on the concerns expressed in the Communities and Local Government Committee. For example, the London Borough of Wandsworth is concerned about the codes of practice being so woolly as to be meaningless or being so prescriptive as to be unworkable. We need to ensure the codes of practice are the focused tools that we want them to be and are based on collaboration and co-operation, so that they are not seen simply to impose a diktat or central command.

As we know, once a statutory instrument is before Parliament, particularly with the negative procedure, there is very little we can do to scrutinise it. Indeed, at an earlier stage, during the formal processes of consultation that will take place and eventually lead to the instrument's being laid before Parliament, it will probably be too late, in many ways, to achieve the co-operation and collaboration that local authorities have suggested.

Shelter raised in the Select Committee the need for proper co-operation. Indeed, Salford has suggested a co-production and oversight of codes of practice, which I suggest should happen way before the formal process under amendments 13 and 14 and the formal consultation process that normally applies to statutory instruments. Will the Minister assure us that there will be the collaboration and consensus we see in the Welsh example,

[*Mr David Burrowes*]

which we often pray in aid? The point is that it was a cultural change as much as an administrative one. That cultural change was about a consensual and collaborative approach that we have seen in this Committee and during the passage of the Bill. I pay tribute to my hon. Friend the Member for Harrow East for the way he has enabled that to happen. It is important that that continues into the implementation, not least of these very important tools, the codes of practice.

I seek assurance from the Minister that that approach is part of the process set out in amendments 13 and 14, because plainly when the statutory instrument comes before Parliament we might ask questions about co-operation and consultation but it will be too late. I look forward to the Minister's response. Perhaps he could also tell us whether the assurance on compliance will form part of the statutory instruments. It is one thing to get a code of practice out there but another to ensure appropriate monitoring of local authorities that are not complying, with consequences for inaction.

Ms Buck: I want to reinforce those points. The code of practice is important as something to which local authorities can properly refer. We know from the Select Committee report that when housing charities undertook mystery shopping in local authorities they found extraordinary variation in practice.

We know there is very good practice and that local authorities are working under extraordinary stress, with staff on the frontline invariably seeking to do their best. At the same time, under the sheer scale of housing pressure, especially in high needs areas, hon. Members will know from their own experience with homeless households and the charities' work on mystery shopping that there are also examples of very poor practice.

Individuals have told me, quite plausibly, some of the things they have been told in a harsh gatekeeping environment. They have been told that if they make a homelessness application they will be sent to another local authority, sent out of London or, in some cases, have their children taken into care. They have been told that it would be better for them not to make a homelessness application because it would be easier to house them outside the legislation, even though that is not what they want. We know there are examples of such poor practice.

I know that local authorities are anxious to ensure that a code of practice is of use. None the less, it is important that we have an opportunity to scrutinise that code of practice and are able to satisfy ourselves that it will be valuable, sharp and focused. I hope the Minister will be able to give us that assurance.

Bob Blackman: I welcome the Minister's amendments. When we come to discuss the codes of practice in full I will have much more to say. The key point is that any proposed code of practice will be subject, I trust, to full consultation with all public bodies before being laid before Parliament. It will then be subject to negative procedure, which means that Members of Parliament will be able to scrutinise the final outcome of the deliberations following that consultation. That will allow us to implement the code.

As the hon. Member for Westminster North and my hon. Friend the Member for Enfield, Southgate pointed out, local authorities will want to have their say and ensure that the codes of practice are clear, not woolly or over-prescriptive. We will then be in a position to get the results we desire rather than implementing something that will not work.

The other point is that the provision does not apply to the reissue of any codes. If the Minister or the Secretary of State believes that things are not working, action can be taken more quickly, which is to be welcomed. I welcome the amendments and trust that we can agree to them.

Mr Jones: Hon. Members have made very good points. We all believe that the Bill is a good tool for enabling culture change, and that it will drive different thinking and different behaviour among local authorities. We have heard from the various charities that have done mystery shopper exercises. The Bill has been driven by a concern about the need for more consistency in how the current legislation and statutory guidance are implemented locally and how assistance is received by people who go to a local authority for it.

The clause is very much a process whereby we will enable further parliamentary scrutiny of the decisions that the Secretary of State will make on creating and bringing into force codes of practice. There is obviously the issue of reissuing guidance, or reissuing under the code of practice things that are already dealt with in guidance. As my hon. Friend the Member for Harrow East said, that will sometimes need to be done quickly and, therefore, the procedure will not apply. If we see that local authorities are not responding properly to the guidance that is currently issued, we will be able to beef up our approach quickly if necessary.

Mr Betts: The Minister's proposal is very welcome. Thinking off the top of my head, almost, I am wondering whether, given that we have been setting precedents in our approach to this legislation and subject, there might be a role for the Select Committee to have a brief hearing on the draft code of practice to consider whether it really does deal with the problems that the Committee has identified.

Mr Jones: That is certainly an innovative suggestion, which I would need to take away and think about further. However, I see where the hon. Gentleman is coming from. I accept that we have dealt with the Bill very much in the spirit of co-operation, as we want to get the right outcome for the people we all represent. I have heard what the hon. Gentleman said, and I will take it into account.

On other codes of practice that may stem from the changes made by the Bill and other statutory guidance that is issued, it is extremely important that we enable parliamentary colleagues to be consulted on measures in the code of guidance. Although the measures will not be voted on as such, there will be a procedure whereby Members can bring a debate to the House and potentially pray against any code of guidance that they did not think was right. However, given the spirit in which we have approached this matter, rather than taking safeguards away, in most cases we would look to add further

safeguards to help people. I therefore hope hon. Members are reassured that this is a positive tool with which we can enhance the situation for the people that we are trying to help through the Bill.

Amendment 13 agreed to.

Amendment made: 14, in clause 11, page 17, line 24, at end insert—

“() Subsections (3A) to (3C) do not apply to the reissue of a code of practice under this section.” —(*Mr Marcus Jones.*)

This amendment clarifies that the procedure for issuing a code of practice inserted by amendment 13 does not apply to the reissue of a code.

10.45 am

Question proposed, That the clause, as amended, stand part of the Bill.

Bob Blackman: I support clause 11, which will allow the Secretary of State to introduce statutory codes of practice that provide guidance on how local authorities should deliver their duties relating to homelessness and homelessness prevention. When the Communities and Local Government Committee investigated homelessness, we heard repeatedly that the quality of service provided to non-vulnerable households, if a service is provided at all, is completely inconsistent across the board. It is a complete postcode lottery.

Clearly, the Bill's intention is to change not only the law but the culture of local authorities. In the Select Committee's evidence sessions and in private hearings that I attended in preparation for the Bill, I heard about individuals repeatedly meeting dismissive and discriminatory treatment when seeking support for their housing needs. Members who had the chance to have a look at that video before Christmas will remember that it demonstrates that this is a wide-ranging problem across a number of local authorities. The Select Committee has called for a code of practice that

“outlines clearly the levels of service that local authorities must provide and encourages regular training of staff to ensure a sympathetic and sensitive service. Services should put users first with a compassionate approach that gives individuals an element of choice and autonomy.”

It is important that we do not stifle local authorities that are coming up with innovative schemes. I would be the last person to want to prevent such schemes, but I do not believe that this measure will do that. I am keen to ensure that services are compassionate, fair and open and work well with other services. I believe that codes of practice will effectively give the Government a stick, so that they can impose prescriptive measures on local authorities that are not acting in the spirit of the Bill. That will help with improving standards and sharing best practice across the country, which is what we all want. Everyone should experience the best standard of help rather than the minimum.

I have seen elements of good practice throughout the country that we do not want to stifle. Equally, Government and Opposition Members will have seen local authorities that failed to help people who are homeless through no fault of their own. Under clause 11, the codes of practice—there may be more than one—will not come into operation on the day on which the Act is passed, but guidance will be issued with a statutory basis, so that local authorities know what they are supposed to do.

We already know that many local authorities are currently ignoring some of their legal responsibilities. Ensuring that clause 11 stands part of the Bill will mean that local authorities are put on notice that if they come up to the standard of the best, the Secretary of State will not need to take any action, but that if they fail to do that, a code of practice could follow quite quickly, to force them to do what we all want them to do.

This legislation comes 40 years after the previous legislation that dealt with these problems. We do not get the chance to change legislation very often, so I am very keen on this provision, because we should not have to wait another 40 years. We have a hook that gives the Secretary of State an opportunity to introduce and change codes of practice, so that we can ensure that best practice is shared and that local authorities come up to the standard of the best.

The measure plays an important role not only in ensuring that, after the Bill becomes law, local authorities will change their culture and way of operation, but in giving us an opportunity as Members of Parliament to make sure that the Secretary of State, whoever he or she may be, can introduce further measures to ensure that the best standards are implemented right across the board.

Ms Buck: As I indicated in responding to the Minister's amendments, I, too, welcome this approach. I very much want to see a culture change in local authorities. The examples of gatekeeping that I referred to were applied to people in priority need. These are people who really should be navigated through the system because they have children, have disabilities, are elderly or have severe health problems. Even in those circumstances there are examples of gatekeeping that is so harsh that those people are effectively turned away or deterred from making an application.

On non-priority groups—the type of groups for which the Bill is particularly keen to see some form of service provided—we know that even some best practice involves little more than giving somebody a list of telephone numbers and telling them that they may be able to access accommodation in a hostel. My own local authority has a bundle of papers that runs to 40 or 50-plus pages of phone numbers. I have spent some afternoons doing my own mystery shopping, sitting and ringing the phone numbers, trying to find out whether they exist or will take people on benefits and so forth. I find, almost invariably, that someone will spend hours, and a lot of money, on a telephone, not being able to get through. We absolutely know that the gatekeeping process is very harsh, and sometimes even worse, because of the nature of the experience that an individual will have when they are in a housing option service. Local authorities need to work within statutory guidance and do not always do that.

The critical point for me is accountability. We need to have a form of measuring what local authorities are doing and a way to hold them to account. That should not be excessively bureaucratic—we do not want to add too much to the monitoring workload of already very stressed local authorities—but we cannot measure the success of the code of practice and the way that the cultural element of the Bill is working just through another mystery shopper operation later and by anecdotal evidence from charities or from our own casework.

[Ms Buck]

At the absolute minimum, local authorities should provide a written statement of the advice and options that they give to everybody in non-priority need, which those people could then take away to whatever advocacy and representation they can access in this post-Legal Aid, Sentencing and Punishment of Offenders Act 2012 world—some of it is still there—and which would demonstrate to that outside organisation, whether it is a councillor, a Member of Parliament or a charity, what the local authority has said is available and the advice that the local authority has given to that person. That would not be a set of actions that they have to take, but a summary of what the local authority is going to be able to do.

I do not know whether the Minister will commit to that, but we need a means of holding local authority performance to account, in a simple and consistent way that applies to Wandsworth, Hull, Blackpool and everywhere in the country. If we do not have that, further down the line we will find that there is good practice and some cultural change on the back of the Bill, but if all the other pressures continue to mount—we know further cuts in housing benefit are coming down the line, there is a pressure on affordability and a continuing crisis in housing supply—we will find that, despite the best efforts, we end up with a number of very vulnerable individuals still not receiving consistent advice. There will be a need for the code of practice further down the line, but ideally we do not want to have that. We want to make sure that the Bill's provisions are implemented from day one. We need to know how we can measure that and hold local authorities to account.

The Minister mentioned earlier that where there were examples of local authorities not employing best practice, he would “beef up” his response. I am not quite sure what beef up means in this context. It would be helpful to turn that into something in language that we can understand and monitor. Will the Minister tell us a little bit more about what will happen to local authorities if they are judged as such down the line—as I think some will be, even if the best of all outcomes is achieved—and what he will do to those authorities to make sure that best practice is adhered to?

Michelle Donelan (Chippenham) (Con): I rise to support clause 11. As discussed, it seeks to create a basic standard in the form of a code of practice. That will ensure that local housing authorities have guidance on how to deliver homelessness prevention functions. The guidance will offer councils a reference to check against, to ensure that the level of service offered is equal to the best currently seen in the UK.

The clause speaks to the essence of what we have been talking about over the last few weeks. Up and down the country, services are being provided at a different level. Those people who are deemed vulnerable but not in priority need are often those who fall between the gaps and do not receive the service that they should. We have all agreed on that, which is why the clause is so important: it seeks to ensure that those people receive the best service throughout the UK, and indeed, to end the existing postcode lottery.

In many ways, the clause is not only about improving and equalising services, but about giving local housing authorities more guidance and steering—although it will not replace the existing code of guidance. It will enable the Secretary of State and all of us to raise the standards of homelessness support services across the country, so that the minimum level of service—equal to what is currently the best—is delivered. That minimum level will be one of the Bill's supreme achievements.

Helen Hayes: I, too, support the introduction of a code of practice. Does the hon. Lady agree that the capacity of local authorities to implement good practice depends not only on a code of practice, but on the resourcing they need to deliver a meaningful service? If so, does she therefore, with me, await with eager anticipation the Government's committing to properly resourcing local authorities to implement meaningful support for homeless people?

Michelle Donelan: The entirety of the Bill depends on resource, which is why it is crucial that the Government have already dedicated and allocated funds to it. It is important to remember that some councils are currently offering this level of service; if one council can do it, surely it is only right that every council should do it. It is also wrong that a postcode lottery exists in the UK, and that taxpayers paying the same tax throughout the country experience a different level of service from one another.

It is also crucial to consult and work with stakeholders to develop the code of practice. The clause seeks to equalise standards, as well as to ensure joined-up and collaborative working, and I therefore support it.

Mr Jones: The Government support the clause and welcome the opportunity to ensure that the quality of homelessness prevention and relief support that people can access is improved across the country. We know that local circumstances differ, and therefore that local solutions and approaches will sometimes differ, but we want to make sure that service provision is fairer for everyone.

We believe that this approach, if and where required, will allow us to give local housing authorities greater clarity, alongside targeted guidance, to spread best practice and raise overall standards. That will sit well alongside the work the Government have already put in place to raise standards in local authority homelessness services—for example, with the launch of the Homelessness Prevention Trailblazers programme, which will share £20 million of funding in areas across the country that are best able to innovate and deliver a significant shift towards greater preventive activity.

The aim is to help encourage innovation and drive the cultural change that we want, putting prevention at the core of activity and building on the work of the best local authorities. We will work with local authorities to keep practice and standards across local authorities in England under review, and to identify strong examples of best practice. When deciding where a code of practice is required, we will look at evidence on whether local authorities are raising service standards via other non-legislative means. Where it is clear that, despite all other endeavours, standards have not been raised to an acceptable level, we will consider whether further improvements can be driven through such a code.

11 am

Where a code of practice is required, we believe strongly that it must be developed in consultation with local government. My hon. Friend the Member for Harrow East mentioned that. We will work closely with local authorities in that sense to develop any codes of practice to ensure that they are realistic, fair and built on consensus. As I said, my amendment will ensure that any new code will be laid before Parliament and subject to the negative resolution procedure. It is also worth clarifying that we do not see codes of practice as completely replacing the current code of guidance, which has a vital role in guiding the activity of local service delivery every day. We will be reviewing the code of guidance to incorporate the changes arising from the Bill. Any codes of practice will be complementary to that core document.

The hon. Member for Westminster North mentioned maintaining gatekeeping best practice. As we have discussed, a number of key provisions in the Bill allow people to get help earlier, but we are taking wider measures. I mentioned the prevention trailblazers, and we are reviewing how data are collected. As she said, it has often been the case that we know where things are going wrong because surveys have been done by charities and so on and so forth. We want to have a better method of data collection so that we, and particularly local authorities, have a far better idea of the people at whom they need to aim their help. We want more data transparency. As I mentioned, we are putting in place an expert adviser team to work directly with local authority areas. We will be looking through that to see exactly what a local authority's strategy is so that we can get assurances that local authorities are doing the things that we want them to do. On that basis, I will end my remarks by saying that the Government fully support clause 11.

Question put and agreed to.

Clause 11, as amended, accordingly ordered to stand part of the Bill.

Clause 12

SUITABILITY OF PRIVATE RENTED SECTOR ACCOMMODATION

Question proposed, That the clause stand part of the Bill.

Bob Blackman: Under the clause local authorities, under their part 7 functions relating to homelessness and prevention of homelessness, have a duty that requires the housing authority to be satisfied that accommodation provided by them is suitable for the applicant and his or her household, or that private rented accommodation that they secure or assist with securing is suitable. In considering suitability, authorities must by law consider whether the accommodation is affordable for the applicant, as well as whether its size, condition, accessibility and location are suitable. In addition to those factors, when securing accommodation in the private rented sector for those in priority need under the main homelessness duty, suitability requires that local authorities check a number of other things relating to the safety, physical condition and management of the property.

The measure extends the requirement and means that local housing authorities will be required to carry out those additional checks when they secure accommodation

for vulnerable persons in the private rented sector under the prevention and relief duties in the Bill. That means that a number of vulnerable people will be assisted in a way that they are not at the moment. By "vulnerable" we mean as a result of old age, mental illness, handicap or other special reason, or someone with whom such a person resides or might reasonably be expected to reside.

The measure broadens the scope quite considerably and the additional checks and requirements are set out in article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012, which we have referred to in previous meetings of this Committee. Many of those are already legal requirements. They include, for example, whether there is a valid energy performance certificate; whether adequate precautions have been taken to guard against carbon monoxide poisoning; and whether the landlord is a fit and proper person to act in the capacity of landlord. The landlord will need to provide the local housing authority with a written tenancy agreement that the local housing authority considers to be adequate.

A key objective of the Bill is to increase the effectiveness of local authority prevention and relief efforts. The private rented sector will inevitably play a key part in delivering that and enabling local authorities to fulfil their duties. The Bill will ensure that where property is for vulnerable people, it is in good condition and managed properly.

Clearly, there is an issue with checks being made of all households. That would require a significant additional burden on local authorities. Many tenants are capable of carrying out those inquiries themselves. We do not want to be in a position where individuals find a property, have it allocated to them and then find it is not suitable. One issue that has to be resolved in guidance is how that process works. As the hon. Member for Westminster North pointed out, many people already find private rented accommodation for themselves without local authorities carrying out any checks on their behalf. That is a concern in many parts of London in particular.

A range of protections exist for those in the private rented sector. For example, local authorities have strong powers to deal with health and safety hazards through the housing health and safety rating system. Requirements for smoke and carbon monoxide alarms have been introduced relatively recently. The Government are taking action against rogue landlords, including through a range of measures included in the Housing and Planning Act 2016. That strong framework already provides protection for all tenants in the private rented sector, and not only those allocated by a local authority.

The approach in the clause is therefore a proportionate one that provides additional protection where it is most needed for those who are vulnerable, and imposes new duties on local authorities to ensure not only that they provide help and assistance and an offer of accommodation, but that the accommodation for vulnerable people is both suitable and safe.

Ms Buck: Obviously, any steps towards ensuring that properties in which particularly vulnerable people reside are fit and proper are to be welcomed. The clause amends article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012, on circumstances in which accommodation is not to be regarded as suitable

[Ms Buck]

for a person. When a local housing authority is securing accommodation under the Bill's new duties whether for a homeless household or to prevent homelessness, the accommodation must meet the same requirements for suitability as private rented sector offers made under a discharge of duty under the Housing Act 1996.

We know very well that, as the private sector has extended significantly, a minority, but a catastrophic minority, of private sector provision is deeply substandard. Indeed, that is one reason why the Government have introduced measures to tackle rogue landlords. Such provision is partly because of the rogue behaviour of landlords who are not fit and proper persons, and partly because of accidental landlords who are not able to manage their property as well as we would like. As a consequence, many people are living in accommodation that is well below what we require to be decent.

One reason that I introduced my private Member's Bill last year—I was not as fortunate as the hon. Member for Harrow East—was to ensure that individuals can seek legal redress if a property is not regarded as fit for human habitation. As he said, local authorities can intervene using the powers available to them under the housing health and safety rating system, but practice is highly varied between local authorities, which in a way mirrors the discussions we have had about homelessness legislation. That is partly driven by the lack of resources for local authorities, but in some cases it is cultural change.

As an underpinning for the legislation, it would be very helpful if the Government collected information on what local authorities are doing under the housing health and safety rating system, so that we have a better and clearer idea of where substandard accommodation is being investigated and what action local authorities are taking. At the moment, that information does not exist and the only way in which we can collect it is through a freedom of information request, such as I have done.

Those are all relevant issues, but the central issue as far as the clause is concerned is that its scope—it applies to vulnerable individuals set out under the priority needs group—means that the same standards do not apply to either pregnant women or women with children. It therefore simply does not cover everyone who falls within the category of priority needs. The effect is that

pregnant women and children could be offered private rented accommodation under the prevention and relief duties without checks necessarily having to be made as to whether the landlord has convictions for violent or sexual offences, or whether the accommodation is safe from serious hazards and is being let in a professional manner.

I am sure that will be done in many cases, and certainly when a local authority is acting properly and investigating the accommodation for which it is making provision, but it does not have to be done. I am afraid that, again, given the extreme pressure on local authority resources, in some cases it simply will not be done.

The Opposition are concerned that that could place pregnant women and children at a serious risk of harm. We know that 28% of private rentals fail the decent homes standard and that one in seven contains a category one hazard under the housing health and safety rating system. I am sure all members of the Committee will have experienced cases in which individuals have found themselves accommodation that is seriously substandard. We need to ensure that there is a proper legislative framework to ensure that that does not happen. In the past few weeks alone, I have had to take a case in which a nine-month pregnant woman was left sharing a hotel bedroom with two young siblings, and another in which a mother of premature triplets with lung disorders was moved to a second property by a local authority that was plagued by damp and mould. We know that that is a real and current problem.

The pressure on accommodation, whether for discharge of duty, temporary accommodation or prevention, is so acute in high-stress areas such as London, the seaside towns and others, and the capacity to inspect and maintain such housing is so variable and so under-resourced that, without this robust legal protection, we are worried that children and pregnant women will be left at risk. The key question for the Minister to answer is: why have those two categories been left out of provision in the Bill? Will he undertake to introduce an amendment on Report to ensure that they are not excluded?

Ordered, That the debate be now adjourned.—
(*Mr Burrowes.*)

11.12 am

Adjourned till Wednesday 18 January at half-past Nine o'clock.