

Homelessness and at risk of homelessness

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Introduction

The term homelessness and at risk of homelessness covers a broad range of situations including, for example:

Homelessness

- rough sleeping
- living in a hostel, B&B or other temporary accommodation
- bedding down on the floors or sofas of family and friends
- inadequate or inappropriate dwelling conditions
- unsafe, unsuitable or overcrowded living conditions

At risk of homelessness

- in rent arrears or mortgage arrears
- risk of eviction or eviction notice
- debt problems
- family/relationship breakdown
- mental health issues and other health problems
- alcohol and/or drug dependency
- victim of domestic abuse

Legal definitions of homelessness, including rough sleeping and at risk of homelessness

Definition of homelessness

Legal definition of homelessness in England and Wales

Legal definition of homelessness in Scotland

Legal definition of Rough Sleeping

People sleeping, about to bed down (sitting on/in or standing next to their bedding) or actually bedded down in the open air (such as on the streets, in tents, doorways, parks, bus shelters or encampments). People in buildings or other places not designed for habitation (such as stairwells, barns, sheds, car parks, cars, derelict boats, stations, or “bashes” which are makeshift shelters, often comprised of cardboard boxes). The definition does not include people in hostels or shelters, people in campsites or other sites used for recreational purposes or organised protest, squatters or travellers.

Definition of ‘at risk of homelessness’

A person is at risk of homelessness if they are at risk of losing their accommodation. Risk factors include: threat of eviction/repossession; rent/mortgage arrears; debt problems; mental health issues or other health problems; drug and/or alcohol dependency (this list is not exhaustive). For a full list see legal definitions.

Support for homeless claimants or those at risk of homelessness

There is a range of support to help homeless claimants or those at risk of homelessness. Support includes:

For those who are homeless:

- support to help homeless claimants, particularly rough sleepers, make their claim to Universal Credit through Help to Claim.
- domestic emergency easements for homelessness or other appropriate easements, such as domestic abuse easement
- voluntary early access to the Work and Health Programme
- access to the Jobcentre Plus employment offer with individual tailoring
- Duty to refer
- money guidance/debt advice for help with budgeting advice and debt problems

For more information see Complex Needs

For those who are at risk of homelessness

- domestic emergency easements for those at risk of homelessness
- Alternative payment arrangements - including housing costs paid direct to the landlord or Universal Credit payments paid more frequently than monthly

- Money guidance and alternative payment arrangements for help with budgeting advice and debt problems
- access to the Jobcentre Plus employment offer with individual tailoring
- Duty to refer

Duty to refer to local authorities – Jobcentres in England

Work coaches in jobcentres in England must offer a voluntary referral to claimants they think may be homeless, or at risk of homelessness, to the local authority of the claimant's choice (in England) – with their consent. The referral is voluntary for the claimant and there is no impact on their Universal Credit claim if they do not consent to the referral.

Work search and availability requirements

The individual circumstances and capability of a claimant who is homeless or at risk of becoming homeless must be taken into account. Work related requirements to meet their needs must be considered and agreed and set out in their claimant commitment.

The way in which the claimant's current circumstances and lack of stable, permanent accommodation prevents them from having a realistic chance of finding and keeping work must be considered.

Work coaches should use their discretion to make sure the personal needs of the claimant are met.

When drafting or reviewing the commitment think about:

- whether homelessness or the risk of homelessness affects the claimant's ability to meet their work search or availability requirements
- how the type of homelessness- for example rough sleeping, sofa surfing, hostel, bed and breakfast- affects the steps that are reasonable for the claimant to take in any week to find work
- whether it is unreasonable for a claimant to comply with work search or work availability requirements when dealing with temporary circumstances

Note: it is important to review the commitment at each intervention for claimants who are homeless or at risk of homelessness

When a claimant is experiencing homeless or is at risk of being homeless, it may be appropriate to temporarily switch off work search and availability requirements while a claimant finds a place to stay or stabilises their housing situation.

Switching off requirements (easement) can be extended where needed to allow the claimant more time to resolve their housing situation. Where a claimant is not

taking reasonable actions to resolve their accommodation issues, the switch off (easement) should be removed and either normal work search requirements resumed or be tailored.

Where a claimant who is homeless or at risk of becoming homeless can still take some steps to find work, the claimant commitment should be **tailored** to reflect these circumstances.

Consider switching off work search and availability requirements

Do not use the term switching off when talking to claimants, use easement.

Switching off requirements (easements) has several purposes:

- to give the claimant time to focus on looking for and taking all reasonable steps to find suitable accommodation
- to allow a claimant time to take any necessary steps to keep existing accommodation
- to enable a claimant to settle in to new accommodation
- to prevent inadvertently applying sanctions

Switching off requirements recognises that claimants can't focus on their housing situation and meet all normal conditionality requirements at the same time.

You should also consider alternative easements that may be applicable to the claimant:

- if the claimant is in a direct-access hostel
- if the claimant is a rough sleeper
- if the claimant is at risk of being homeless
- if the claimant has recently lost their accommodation and/or has been made homeless
- if the claimant's current housing circumstances will affect their ability to complete their current work search activity
- if the claimant has accommodation of any kind
- if the claimant has access to essentials such as food and clean clothing
- if the claimant has a reliable means of contact to receive notification of job interviews or work offers
- if the claimant's temporary circumstances make it unreasonable to expect them to comply with a work search and work availability requirement

If the claimant has recently become homeless, do they have challenging circumstances due to the type of homelessness, for example:

- bed and breakfast accommodation

- sleeping on family and friends' sofas (sofa surfing) and/or floors
- living in squats
- rough sleeping
- other temporary accommodation
- supported accommodation

Switching off (easement) is required

If a period of switching off requirements (easement) is to be applied to work search and availability requirements, it should be temporary (normally for up to a month) and is intended to allow the claimant the chance to resolve their accommodation issues. This should be reviewed regularly to check the claimant is still taking all reasonable steps to find suitable accommodation.

Depending on the individual circumstances the period for the easement may need to be longer than a month. Domestic emergency easements are flexible and can be applied as appropriate according to the claimant's need.

The claimant commitment is amended to include the steps that the claimant has agreed to take to look for and obtain accommodation, whilst the easement is in place. Any steps to be taken to find accommodation included in the claimant commitment are voluntary and if not completed should not automatically lead to sanction action being taken.

The actions agreed will depend on the claimant's circumstances and can include:

- registration with the local authority as homeless
- registration with an agency supporting homeless people
- registration with services offering emergency accommodation
- visit a homeless day centre to request support
- visit a local advice centre to request support
- visit or make an appointment with the local authority housing department to request advice and assistance
- meet with the local street outreach team to request support
- request support offered from a hostel
- contact the local rent in advance scheme
- mediation through referral to Family Intervention Projects
- making contact with local/national homeless organisations for example Crisis

See claimant commitment - Switching off work availability and work related activities.

Switching off (easement) period and future review

An initial period for switching off must be agreed and must be reviewed at each contact to check that the claimant is taking reasonable steps to resolve their accommodation issues.

The claimant must be advised that at the review meeting that they are expected to produce any evidence they may have of the actions they have taken to find stable living accommodation. This could include:

- registration letters/information issued by support agencies to the claimant
- confirmation of application to a scheme supporting access to private rented accommodation
- confirmation of an application to the 'Rental in Advance' scheme
- a copy of the license or tenancy agreement if the claimant has moved into a hostel
- an appointment letter or card
- a letter describing the support that an agency will give to the claimant

A claimant may not be able to provide evidence of all the steps they have taken to find accommodation but lack of evidence doesn't mean they have not been taking steps. If the claimant fails to provide evidence they could reasonably be expected to supply, the work coach must have a conversation with the claimant to establish what steps they have taken to find suitable accommodation. If the claimant hasn't taken any steps the work coach must discuss this to find out why and consider if the easement still applies. If it does, no sanction action can be taken.

Switching off (easement) review

During the interview identify if the claimant's homelessness or risk of homelessness continues to impact their work-related requirements. Ensure the actions detailed on their claimant commitment are still reasonable and suit their current circumstances.

As appropriate discuss with the claimant:

- whether they are still at risk of homelessness
- whether they are still homeless
- whether they currently have any access to washing and laundry facilities
- what actions they have taken to find accommodation
- how much longer they see this lasting for

If the claimant is no longer homeless or at risk of homelessness remove the current switch off (easement) and review their availability and work-related requirements. See claimant commitment.

Note: consider if another easement is appropriate as the claimant may have other complex needs. See Complex needs.

Using the evidence provided by the claimant, check if they have completed the steps detailed on their claimant commitment or have taken other reasonable steps to secure accommodation.

If the claimant has completed all the actions in their claimant commitment, decide if it is still unreasonable to impose any work search or work availability requirements on the claimant. Consider if any of the points in '[Consider switching off work search and availability requirements](#)' are appropriate.

If a switch off (easement) is still required, inform the claimant the easement will continue and set another review date.

If after consideration of the claimant's evidence, actions and responses a switch off (easement) is not required, review their availability and work-related requirements
See claimant commitment.

Switching off (easement) is not required

If a temporary switch off (easement) is not appropriate and the claimant can still carry out some work search and work availability requirements, the claimant's existing commitment must be reviewed and tailored/adjusted where appropriate. For example, if a claimant stays with various friends or relatives, it is likely they will spend time deciding where they will stay from day to day. They may also spend time trying to secure more permanent accommodation. This may restrict the number of activities on the claimant's commitment. See claimant commitment.

Complex needs

Homelessness or being at risk of homelessness is complex and the circumstances that are likely to have led to their current situation must be considered.

The claimant may have other barriers together with homelessness or being at risk of homelessness that mean that they have complex needs, for example:

- drug and alcohol dependency
- mental health condition
- debt
- family breakdown
- history of offending
- domestic abuse

This is not a complete list.

If there are other complex needs linked to the claimant's homelessness, these also need to be considered. For further information see the following guidance:

Domestic violence and abuse

Drug and alcohol dependency

Prisoners/Prison leavers

Claimant suicide or self-harm

Care leavers

Examples of support for people with health conditions

Death and bereavement

Refugees and asylum seekers

This is not a complete list.

When considering the claimant's circumstances, note that additional support is available, for example for financial advice or online self-service help. For further information see:

Money guidance and alternative payment arrangements

Assisted Digital overview

Advances on the Complex needs section