

Forcing homeless families out of London: London councils ending homeless duties with private rented accommodation (2023)

Report by Housing Action Southwark & Lambeth

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Hundreds of homeless households across London are being forced by their local council to accept private rented tenancies outside of London, away from their local schools, work, and communities. There is normally little chance of returning and families will often be permanently displaced from their original borough. If they refuse these offers, they face having their homeless duty ended, being evicted from temporary accommodation, offered little further assistance and being deemed intentionally homeless in the future.

A main cause of homelessness¹ is the ending of a private sector tenancy, and private sector evictions are “soaring out of control”². Yet our latest research shows how councils are more committed than ever to forcing thousands of households who have already endured homelessness right back to the insecure, poverty-fuelling private sector. We last conducted research across all London boroughs into local councils’ use of private sector discharge in 2017³. Our latest research shows that the general picture across London is that councils have more than doubled the rate at which they force households who have already endured homelessness right back to the private sector. This just

¹ https://england.shelter.org.uk/media/press_release/households_facing_homelessness_highest_since_records_began

² <https://www.theguardian.com/society/2023/nov/09/no-fault-evictions-in-england-soaring-out-of-control-say-campaigners>

³ <https://housingactionsouthwarkandlambeth.files.wordpress.com/2017/04/hasl-report-on-private-sector-discharge-final.pdf>

creates a cycle of homelessness, and results in children facing multiple evictions from both homes and communities throughout their childhood. With the costs of temporary accommodation rising, the use of private sector discharge exacerbates homelessness and potentially the costs to councils, as it increases the number of evictions and therefore the use of expensive emergency temporary accommodation. As the use of private sector discharges has soared, the transparency of the process has worsened since our previous research in 2017. More councils are not able to provide data on their use of these powers, and only two London councils have a policy that indicates how they select homeless households for this treatment.

However, the fact that a number of London councils do not use their powers to force homeless households into the private sector at all, while others use the powers minimally, demonstrates that this is a political choice by a few cruel local authorities. Alongside this report, the London Coalition Against Poverty (LCAP) are launching a campaign to end private sector discharge. The aim of this campaign is for all London councils to commit to no longer using this unnecessary and inhumane practice.

Notes: Councils gained the power to ‘discharge’ the main homeless duty through the offer of private sector tenancies under the Localism Act 2011, and further powers were introduced under the Homeless Reduction Act 2018. This research draws from Freedom of Information requests to all 33 London councils regarding their use of these powers in the last 12 months; however data was only provided by 29 councils. This research builds on previous research in 2017⁴ and 2015⁵

The main findings of the report are:

- In total, 2,063 homeless households were forced into the private rented sector by London Councils in the last 12 months. When compared with the answers from 2017, there is an increase across London of 159% (or over 1,000 extra households).
- 1,055 households were forced out of their home borough, and 319 of these households were forced out of London entirely. The number of families forced to the North East of England increased from 1 household in 2017, to 38 households in 2023.
- On average a fifth of offers were not accepted (21%), which means hundreds of families likely refused offers, causing further homelessness and suffering. The non-acceptance rates predictably soared the further the offer was from their home borough, with approximately 55% of out of London offers not being accepted, with this increasing to 77% not being accepting for offers in the North East of England. The worst council for refusals of offers was Enfield, with almost three quarters of their offers failing to be accepted (74%). This is likely because Enfield were the worst for trying to force families far out of London. 94% of Enfield’s offers were outside of London, and a total of 59% of their offers were in the North East of England.
- Forcing homeless households into the private rented sector and out of London is increasingly looking like a political choice by a number councils intent on social cleansing their borough of homeless families. While 10 London councils discharged over 100 homeless households into the private rented sector, 8 London councils made 1 offer or less (with 7 of these councils making no offers at all). 5 councils account for almost three quarters of all households forced into the private rented sector outside of London. These councils are Waltham Forest, Barnet, Redbridge, Enfield and Barking and Dagenham. More

⁴ <https://housingactionsouthwarkandlambeth.files.wordpress.com/2017/04/hasl-report-on-private-sector-discharge-final.pdf>

⁵ <https://novaramedia.com/2015/05/27/8-key-findings-into-council-administered-social-cleansing-in-london/>

than half of Waltham Forest Council's placements were outside London, and more than 4 out of every 5 placements by Enfield Council were outside of London. There is no just explanation for why Waltham Forest and Enfield try to force so many families outside of London, when so many other London councils keep homeless households in temporary accommodation and inside London.

- The increase in the use of private sector discharge is partly due to new powers introduced by the Homeless Reduction Act 2018. More than half of the mandatory private sector discharges (59%) occurred under the Relief Duty (a preliminary homeless duty). We also found that it is more likely that placements under the Relief Duty will not be in the home borough, when compared with placements under the Main Homeless Duty. This shows that the Homeless Reduction Act is not reducing homelessness, but instead forcing households out of their home area and into the private rented sector, where they will likely face further evictions.
- Forced moves to far away parts of England increasingly look punitive. The vast majority of private sector discharges (93%) were in London or the South East of England. This is consistent with established homeless law which requires councils to house homeless households as near as possible to their home borough. Therefore, it appears completely unnecessary that other households were ever forced further away, including the 38 households forced to move to the North East of England. This is especially the case as private sector discharge offers do not have to be made as urgently as temporary accommodation placements, and therefore councils have more time to obtain nearby accommodation. Forced moves outside of the South East of England were mainly done by a small number of councils (with only 5 councils making 5 or more placements outside of the South East), demonstrating that this behaviour is not necessary and housing closer to homeless people's communities can be found.
- Policies are important to ensure that the process of forcing homeless families into the private sector is "fair" (although we do not accept that forcing homeless households into the private sector can ever be fair) and transparent. This is especially the case as the vast majority of homeless households are not discharged into the private rented sector. However, of 25 London councils who potentially use private sector discharge powers, only 7 have policies explaining how these powers are used. And of these 7 London councils, only 2 councils explain in their policy how households are selected over others for private sector discharges. Without a clear policy people in temporary accommodation live in constant fear for years that they will be discharged into the private sector, and are too scared to report serious disrepair and even harassment out of fear that rehousing will involve a private sector discharge.
- Record keeping has significantly deteriorated since our 2015-2017 research. In 2017, 31 councils provided a substantial amount of information, however this time only 29 councils provided information regarding the number placements made. Of those 29 councils who provided information, only 21 councils had reliable information about the number of offers they had made. This means it is hard for us to know the true scale of how many people have potentially lost all homeless support as a result of refusing mandatory private offers.

Section 1 – The data

A copy of the FOI request is provided in Appendix 1. The FOI request only asks for information in relation to discharges of the Main Homeless Duty and Relief Duty by way of mandatory private sector offers. No information was requested in relation to the Prevention duty, as we understand that the consequences for refusing private rented sector offers under the Prevention Duty are not as significant compared to the other two duties. We also did not request any information about voluntary acceptances of private rented sector accommodation under the Relief Duty (although this is frequent), as we understand that homeless applicants could reject such offers without the homeless duty being discharged. Shelter provide further information regarding offers of private rented accommodation⁶ during the homeless process.

In 2017 requests were sent to 32 London councils, and 31 responded with useful data. In winter 2023, requests were sent to 33 London councils (now including City of London), and only 29 provided useful data. A number of councils now state they do not hold the data in an accessible format, when they did provide data in 2017, including: Croydon, Hillingdon and Hounslow. Havering provided no reply in 2023.

In 2017, of those 31 councils that responded, only 3 did not provide data about how many offers they had made. In 2023, 8 councils that provided data did not provide reliable offer data:

- Camden, Greenwich, Hackney and Merton explicitly stated that they did not record the number of offers made in an accessible format.
- Bromley, Haringey, Lewisham and Tower Hamlets provided the exact same data for offers and acceptances, strongly implying that they did not distinguish between offers and acceptances. We reached this conclusion as all of these councils had more than 50 acceptances, therefore it is unlikely that there is a 100% acceptance rate. Note: Kingston and Ealing also recorded the same number of offers and acceptances, however as they had only 8 and 7 acceptances respectively, it is plausible that they did accurately record offers.

These data issues are important because it is clear from the data we have been able to collect that the use of private sector discharges has increased and become established in a significant number of London councils. Private sector discharges can have a devastating effect on a family, including permanently forcing a family far away from their community or making a family destitute if they refuse an offer. Therefore, there needs to be accurate data on the use of private sector discharge. The recent Court of Appeal judgment of *Zaman v London Borough of Waltham Forest* (2023) EWCA Civ 322 demonstrated how this exact information can be used to demonstrate unlawful behaviour by local authorities. If the councils do not record this information then they could be conducting widespread unlawful behaviour, and homeless applicants and their lawyers will not be able to discover or challenge this.

It is also important to have accurate offer data. Without the offer data, we do not know how many people are facing the withdrawal of homeless support. We are also not able to identify particularly poor practices by councils. As a result of the 2017 research we were able to identify that Brent council used one house in Telford, Shropshire, to make 11 families further homeless. Not one family accepted the house, but Brent council kept on offering the same property to other families regardless. Most of these families were in work and therefore such an out-of-London offer would likely have been deemed unsuitable by the Homelessness Order 2012 due to the significant

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https://england.shelter.org.uk/professional_resources/legal/homelessness_applications/ending_duties/offers_of_accommodation_in_homeless_applications

disruption to employment. The Guardian coverage of this finding can be found here⁷. One of the families brought a successful legal challenge against Brent⁸, after the council tried to use the Telford offer to discharge her homeless duty. If offer data is not provided, then none of Brent's 11 offers of the same property in Telford would have been discovered, as there were 0 acceptances.

It is important to note, that the information in this report is not requested by central government, and therefore is only obtainable by Freedom of Information request. If councils do not record the data in an accessible format then the use of private sector discharges cannot be monitored.

Due to the problems with the data, the following steps have been taken:

- When comparing the current data to 2017, we have had to exclude the councils from the 2017 data that did not provide data in 2023. This allows us to accurately compare how the use of private sector discharge has changed, without it being influenced by which particular councils responded each time. This is why the figures for 2017 cited in this report differ from our 2017 report.
- We have had to focus on acceptances rather than offers for most of our London wide analysis, as a significant number of the councils regularly using private sector discharges did not provide offer data. This decision is further supported by the fact that 11 of the 20 councils that did provide offer data recorded less than 20 acceptances, demonstrating that most offer data likely has not been provided.

Section 2 – The rate that homeless households are forced into the private rented sector has more than doubled

The Localism Act 2011 gave councils the power to discharge/end the homeless duty they had to homeless families and vulnerable individuals with mandatory offers of private rented sector accommodation. Before the Localism Act 2011 the council could only end their duty to these families with an offer of social housing – normally this would be after years waiting in temporary accommodation. This significant change means that homeless families can now be forced back into the insecure and increasingly expensive private rented sector and a cycle of homelessness. These powers were enhanced by the Homeless Reduction Act 2018, which allowed councils to discharge homeless duties with mandatory offers of private rented sector housing at the assessment stage of the homeless process.

The FOIs to London Councils found that 2,063 homeless households were forced into the private sector last year (Table 1). When compared to the 2017 responses from the exact same councils, there has only been a 16% increase in the total offers made. However, this is significantly distorted by the changes in Enfield council. Enfield council discharged 1,002 homeless households into the private rented sector in 2017 (more than half of the total 2017 placements in Table 2), however this has decreased by 95% to 52 placements last year. Therefore, we have analysed the change in placements since 2017 by excluding Enfield council from the data (see final line of Table 2). This is justified, as it is the only method to see how London Councils are behaving as a whole, without Enfield council's behaviour dominating the analysis.

By looking at all the councils except Enfield, we can see that there has been a significant increase in the use of private sector discharge since 2017 (Table 2). The amount of mandatory private sector placements has increased from 776 to 2011 (a 159% increase). This increase is due to the behaviour

⁷ <https://www.theguardian.com/society/2017/apr/14/london-councils-trying-to-force-homeless-families-outside-the-capital>

⁸ <https://nearlylegal.co.uk/2016/09/perversity-in-brent/>

of a small number of boroughs. Of the councils who responded with acceptance data in 2023, only two councils made more than 100 mandatory placements in 2017. Whereas, in 2023 a total of nine councils discharged more than 100 homeless households into the private rented sector. However, eight councils made no offers in 2017, and in 2023 a total of seven councils still refrained from using the powers.

The following four councils made mandatory offers in 2017 but had stopped using private sector discharge powers by 2023: Richmond (24 offers in 2017), Sutton (22 offers), Wandsworth (2 offers) and Westminster (4 offers). The following five councils made no offers in 2017, but had started making mandatory offers by 2023: Southwark (46 offers in 2023), Hackney (52 placements), Tower Hamlets (81 placements), Barking and Dagenham (218 offers), Bexley (179 offers).

The numbers of offers and acceptances show that although the number of councils using the powers has not significantly changed, those who have started using the powers are doing so on a much larger scale than the councils who stopped.

Comment

In summary, the more than doubling in the number of homeless households forced into the private is due to the behaviour of a small group of councils. While nine London councils discharged over 100 households into the private rented sector, the same number of councils made 1 offer or less. This demonstrates how discharging households into the private rented sector it is a political choice, and not a necessity.

Section 3 – Over 1000 homeless households were forced out of their community in 2023

Over half of the forced placements into the private rented sector are outside of the homeless households' home borough and therefore likely displacing people from their vital support networks and community. In total 1,055 households were forced out of their home borough, with 319 households forced into private tenancies outside of London (see Table 1).

For the vast majority of these households there will be no right of return to their communities. The effect of private sector discharges is that unless these families receive Section 21 eviction notices within 2 years from their new private landlord, then they likely have no right of return to their original local authority area and community as they lose their “local connection” for the purpose of homeless applications. Most councils who discharge homeless duties into the private rented sector also immediately remove the household from the council housing waiting list. This can lead to a cycle of repeated permanent displacement, as for example, a homeless family could be discharged by force by Barking and Dagenham Council into Waltham Forest (as 6 households were last year), and then when they are again evicted by the private landlord two years later they could then be forced from Waltham Forest to Stoke on Trent (as 3 households were last year). We have already seen a case in the courts of a family facing repeated private sector discharges⁹.

When excluding Enfield, the absolute numbers show a large increase in displaced households when compared to the 2017 data (Table 2) out of borough (but in London) placements more than tripled and there was a 50% increase in the out of London placements. However, as a percentage of the total placements made each year, then the proportion of placements that are out of London have decreased from 24% in 2017 to 14% in 2023 (excluding Enfield).

⁹ [https://nearlylegal.co.uk/2019/10/dishonourable-discharge/#:~:text=This%20was%20a%20judicial%20review,193\(7AA\)](https://nearlylegal.co.uk/2019/10/dishonourable-discharge/#:~:text=This%20was%20a%20judicial%20review,193(7AA))

Also, the out of London placements that have happened are now more concentrated in the South East, which now accounts for 57% of all out of London placements (up from 27% in 2017). In 2017 there were 93 total placements from all councils in the West Midlands, but by 2023 this had dropped to 56 total placements; despite the total number of placements more than doubling. The number of total placements in the South East increased from 52 to 182. However, the furthest placements have significantly increased. The placements in the North East increased from only 1 in 2017, to 38 in 2023.

Comment:

Due to the soaring use of private sector discharge powers, over 1,000 households were forced out of their community in 2023, and they likely have no right of return to their communities. As part of this, we are also seeing more homeless households forced out of London than ever before, and the number of families forced to the North East of England increased from 1 household, to 38 households.

However, at the same time, most councils are appearing to find more local private sector accommodation than before, and overall, the placements far from London appear to have decreased. As the private rented sector in London in 2023 was far worse than in 2017, this is likely due to greater effort on the part of councils to find private rented housing closer to the home borough. This is unlikely to be an act of philanthropy, but could be due to resistance by homeless families themselves.

As we demonstrated in the 2017 report and Section 4 below, homeless households were much more likely to refuse private sector offers the further away the offer is from their home borough. Although the effects of refusal on homeless households can be severe, it also inevitably puts pressure on councils still. For example, councils will likely still have to assist the homeless households with housing through social services departments, and homeless households will be more likely to challenge the offer through the courts due to the desperation of their situation. There have been a number of court cases since 2017 that have successfully challenged the forced displacement of homeless families to the Midlands¹⁰. These cases have reinforced the rights of homeless families, and made it more difficult for councils to try and force homeless people to distant private accommodation, without looking for housing which is nearer to their community.

Section 4 – Refusals

Households who have refused a private sector offer will likely be deemed ‘intentionally homeless’ by the council. This means they will either have to rely on friends and family for accommodation or they will have to go to social services for help. The housing support from social services is notoriously bad with whole families staying in one room of a hostel indefinitely¹¹. Families are also sometimes threatened with forced separation from their children when they try to access housing support from social services¹². If these households want to legally challenge the council’s private sector discharge offer that they have refused, then they will likely have to do this either whilst dealing with threats by the council to evict them from temporary accommodation or while living in social services accommodation.

¹⁰ Example 1: <https://nearlylegal.co.uk/2016/09/perversity-in-brent/>

Example 2: <https://nearlylegal.co.uk/2022/02/suitability-and-affordability-court-of-appeal-on-assessing-affordability/>

Example 3: <https://nearlylegal.co.uk/2023/04/location-location-location-and-getting-discharge-of-duty-right/>

Example 4: <https://www.bailii.org/ew/cases/EWHC/Admin/2024/654.html>

¹¹ <https://www.hcl.org.uk/wp-content/uploads/2015/12/A-Place-To-Call-Home-Electronic-Report1.pdf>

¹² <https://www.insidehousing.co.uk/news/one-in-three-councils-took-children-into-care-due-to-homelessness-48690>

Table 3 shows that the rate at which offers are not accepted varies significantly between councils. Barking and Dagenham had only 1% of their offers refused, while Enfield council had 74% of their offers refused.

In the 2017 report we found that the location of the offer was a major factor in determining the likelihood of the offer being accepted or refused. Unfortunately, we could not perform the same analysis for all councils this time as a number of major councils did not provide offer data (see Section 2). Therefore, we focused on the six councils who made more than 100 offers and also provided offer data. The results are included in Table 5.

The average non-acceptance rate increases from 7% for in borough offers to 55% for offers that are out of London. Offers in the North East of England had the highest refusal rate, with more than three quarters of the offers being refused (77%).

Enfield council is an example of this principle in practice. They had the highest refusal rate of any council, while at the same time making more than half of their private sector discharge offers in the North East of England.

Comment

The consequences of refusing a private sector discharge offer are very serious and have long-lasting effects, especially on the children affected. Our research now and in 2017 has shown what is obvious, that homeless people will resist being moved across the country and torn from their communities. The harm and distress caused by private sector discharge can be significantly reduced by ensuring that offers are made in or close to the home borough.

Section 5 – The worst councils for social cleansing

As shown in Section 2, the increase in the use of private sector discharge powers is due to a small number of councils. However, even amongst the ten councils making more than 100 mandatory private sector discharge offers a year, a few councils stand out for the distance that they force homeless families away from their community.

For example, almost three-quarters of all out of London placements (74%) were made by only five councils (Table 1). These councils are:

1. Waltham Forest – 21% of all out of London placements
2. Barnet - 14% of all out of London placements
3. Barking and Dagenham - 13% of all out of London placements
4. Redbridge - 13% of all out of London placements
5. Enfield – 13% of all out of London placements

This can be compared to others making more than 100 placements/offers, who manage to make many of their placements in borough. For example, Newham and Brent both made 84% of their placements in borough (Table 1). This is particularly revealing, as they were the two worst councils for mandatory out of London placements in 2017 (Table 2). For example, in 2017 Brent made 71% of their placements out of borough, and 27% of their total placements were out of London. Both Newham and Brent have reduced their out of London placements by 75% or more.

Furthermore, the above five councils were the main cause of placements far away from London, accounting for 88% of all placements outside of the South East. These five councils were the only councils to make more than 5 placements outside of the South East and London (Table 5).

Waltham Forest Council and Enfield also stand out in particular for their rate and location of out of London placements and offers.

Waltham Forest - Over half of their placements were out of London (52%), and they account for a quarter (25%) of all placements made outside of the South East (Table 5). This is a dramatic increase, with Waltham Forest making 22 times the out of London placements that they made in 2017 (Table 2). In 2023 the council tried to force 81 families to the West Midlands, but only 25 placements were accepted (Table 4). They also tried to force 14 families as far away as the North East, but only 2 households accepted.

Enfield – Although they are the 13th London Council for total number of accepted mandatory private sector placements, this is due to having the highest non-acceptance rate in London (74%; Table 3). Of 200 mandatory offers made by Enfield, only 52 were accepted. This is likely due to the location of the offers. In total, 189 of Enfield's 200 mandatory offers were located outside of London (95%; Table 4). Of these 189 out of London offers, only 6 were in the South East. A total of 118 offers were made to the North East of England. For an example of the distances and scale, 37 offers were made to Hartlepool and 55 offers were made to Durham, both towns are approximately 250 miles from Enfield. Although the vast majority of these offers were refused, likely resulting in further homelessness, Enfield still managed to force a total of 21 households to the North East, and 9 households to the West Midlands (Table 5).

Comment:

The fact there are five London Councils who are regularly forcing homeless households out of London (likely permanently), when others do not do this at all, demonstrates how using private sector discharge powers is a political choice. Brent (a neighbour of Barnet) and Newham were able to dramatically improve the location of their private sector discharge placements between 2017 to 2023, during a period where it has become increasingly difficult to find affordable private rented housing in London as rents have soared.

This shows that the behaviour of the current worst five councils is not inevitable, and can improve. The effect of our 2017 report¹³ and court cases brought by homeless people¹⁴, shone a light on Brent's behaviour and likely helped bring about the change. Newham were subject to determined campaigning by Focus E15 mothers, as they resisted threats to use private sector discharge to force them far out of London¹⁵. By highlighting and challenging the behaviour of the worst five councils we can improve the treatment of London's homeless families.

Waltham Forest have not just used the private sector discharge powers in a punitive and cruel manner, but they have also most frequently gone to court to defend their behaviour and to undermine hard-won homeless rights. The data shows that they were the worst for forcing households out of London, accounting for more than 1 in 5 of all households forced out of London last year. The fact that no other council is close to this level of social cleansing demonstrates that this is a conscious plan made by the council and pursued with intent. The fact the council have

¹³ <https://www.theguardian.com/society/2017/apr/14/london-councils-trying-to-force-homeless-families-outside-the-capital>

¹⁴ <https://nearlylegal.co.uk/2016/09/perversity-in-brent/>

¹⁵ <https://focuse15.org/about/>

repeatedly gone to the courts to defend their use of private sector discharges¹⁶ supports our claim that this is a political choice. Waltham Forest Council not only want to force homeless families far from their communities, but want to create a legal system where other councils can conduct the same behaviour with the full support of the law. Thankfully, and due to the determination of homeless families, a number of important cases have gone against Waltham Forest. For example, in the case of *Zaman v London Borough of Waltham Forest* (2023) EWCA Civ 322 the Court of Appeal ruled that the large number of placements the council had been making to Stoke in 2019-2021 were unlawful as it was obvious from the data that they could have tried harder to find nearer accommodation¹⁷.

Enfield are the only council to have made over 100 homeless households make the painful “choice” of moving 200 miles from their community, or facing further homelessness. The distance from London of the majority of Enfield’s private sector discharge offers is truly shocking, with over 50% of their offers being located in the North East of England. This is clearly why almost three quarters of their offers were not accepted. Furthermore, Enfield’s behaviour has to be unlawful. In the case of *Zaman* the Court of Appeal found that the high number of placements over 100 miles away in Stoke on Trent showed that the council had acted unlawfully by not finding the nearest accommodation possible (as required). The fact that Enfield’s default location of their mandatory private offers is the North East, is an even more extreme example of the behaviour that the Court of Appeal found to be unlawful.

The fact Enfield have not obviously been in the courts for their behaviour (in contrast to Waltham Forest) can only be because of either, or a mix, of the following two reasons:

- 1) the council withdraws offers as soon as someone challenges the lawfulness with the help of a legal aid lawyer
- 2) there is a lack of high-quality housing legal aid providers in the area, and therefore the offers and discharges of homeless duties goes unchallenged. There are serious questions about the quality of legal advice in Enfield. We were disappointed to read that Citizens Advice Enfield recently stated that due to Enfield council housing homeless applicants anywhere in the country, voluntary organisations should “support and empower residents” to find their own private housing¹⁸. We do not know why Enfield Citizens Advice have decided on this approach instead of helping homeless people to challenge the council’s likely unlawful behaviour and enforce their homeless rights.

In any event, it means the most vulnerable who find it hardest to access legal advice will suffer the most. It also allows Enfield council to avoid their legal duties to homeless people.

The future that Waltham Forest and Enfield are trying to forge for some of the boroughs most vulnerable homeless residents is one of social cleansing and suffering. The actions of these two boroughs also seeks to undermine and reduce hard-won homeless rights for all homeless people. We send our solidarity to all homeless people who are resisting private sectors discharges made by

¹⁶ Example 1: [https://nearlylegal.co.uk/2019/10/dishonourable-discharge/#:~:text=This%20was%20a%20judicial%20review,193\(7AA\)](https://nearlylegal.co.uk/2019/10/dishonourable-discharge/#:~:text=This%20was%20a%20judicial%20review,193(7AA)).

Example 2: <https://nearlylegal.co.uk/2021/11/reasonable-evidence-of-in-reasonable-condition-private-sector-discharge/>

Example 3: <https://nearlylegal.co.uk/2022/02/suitability-and-affordability-court-of-appeal-on-assessing-affordability/>

Example 4: <https://nearlylegal.co.uk/2022/10/understanding-the-risk-of-discharge-of-duty/>

Example 5: <https://nearlylegal.co.uk/2023/04/location-location-location-and-getting-discharge-of-duty-right/>

Example 6: <https://nearlylegal.co.uk/2023/08/distance-affordability-suitability/>

Example 7: <https://www.bailii.org/ew/cases/EWHC/Admin/2024/654.html>

¹⁷ <https://www.bailii.org/ew/cases/EWCA/Civ/2023/322.html>

¹⁸ <https://enfielddispatch.co.uk/enfield-council-sending-local-homeless-families-to-live-in-hartlepool-and-durham/>

Waltham Forest and Enfield councils, as they are fighting to preserve and improve the rights of all homeless people. As we've seen from our research looking at Newham and Brent, legal action and campaigning has likely had a significant impact on reducing their use of private sector discharge.

Section 6 – The use of the Relief Duty

In 2018 the Homeless Reduction Act was introduced which brought in new preliminary homeless duties. This allowed for mandatory private sector offers to be made at the Relief Duty, before the council makes a decision about whether the Main Housing Duty is owed. The private sector offers under the Relief Duty are serious because if you refuse a final offer, then the council normally does not award the applicant the Main Housing Duty and they can close the homeless application. These powers were not available in 2017, at that time, mandatory private offers could only be made after the Main Housing duty was accepted.

In 2023, more than half of the private sector discharges occurred under the Relief Duty (see Table 6). It is also more likely that placements under the Relief Duty will be outside the homeless applicants' home borough, than under the Main Housing Duty. Under the Main Housing Duty 59% of placements were in the home borough, but this fell to 45% for placements under the Relief Duty.

Comment:

This shows clearly that the Homeless Reduction Act is not reducing homelessness, but is being used as a tool to force homeless people back into the insecure private rented sector (which they likely just became homeless from), and also force them out of their community.

Section 7 – Policies

Councils normally have a number of different policies to guide housing officers on how to undertake various parts of the council's homeless duties. For example, there is normally a policy for procuring temporary accommodation, and another policy for allocating temporary accommodation. Both of these policies were recommended by the Supreme Court¹⁹ as the best way for councils to ensure that they lawfully provide temporary accommodation. The temporary accommodation allocation policies detail how the council decides to allocate the temporary accommodation they have available to different people, for example prioritising local temporary accommodation for those in employment, or with children studying GCSEs.

Similarly, it seems sensible that councils would also have a policy to decide who to select for private sector discharges. This is because the effect of a private sector discharge is serious and life-changing, as they effectively decide who is ultimately able to access social housing. Those who are not discharged in the private rented sector, and remain in temporary accommodation, will maintain a preference on the housing waiting list and therefore normally have significantly better chances of obtaining social housing. Also, the private sector is more unsuitable for certain households, for example because household members have disabilities or they would be affected by the Benefit Cap.

Policies are especially important when it is taken into account that only a small number of homeless households are discharged into the private rented sector. Statistics collated by Trust for London show how many households were in temporary accommodation in each council area in the third

¹⁹ <https://nearlylegal.co.uk/2015/04/on-the-road-again/>

quarter of 2023²⁰. Table 7 uses this data to provide an approximation of the proportion of those in temporary accommodation who were discharged into the private rented sector in 2023. Across London, only 4% of the temporary accommodation population was discharged into the private rented sector. This means it would take 20 years for the current households in temporary accommodation to be forced into private housing. For example, although Newham Council discharged 138 households into the private rented sector, this is only 2% of the total households in temporary accommodation. This shows that private sector discharge still has a relatively small role in housing homeless households and therefore it is important for local councils to be transparent about who they select for private sector discharge.

We requested that every council provides the following: *“If you make mandatory private rented sector offers to discharge your full housing duty or the relief duty, can I please have the guidance your housing officers follow when making these offers?”*. Table 8 summaries the results to this question.

Out of 25 councils who use (or potentially use) their powers to discharge homeless duties into the private sector, only 7 have a policy for when and who they select for private sector discharges of the relief or main housing duty. Of these 7 councils, only 2 councils provided factors to be used to determine which households should be prioritised. These 2 councils are Waltham Forest Council and Hillingdon Council.

Comment:

If councils are going to use their powers to force homeless households into the private rented sector, then this process should be clear and transparent. This is particularly important considering only 4% of those in temporary accommodation in London are discharged into the private rented sector each year. Homeless households need to know the likelihood of being selected for a discharge offer, and the policy deciding this.

Unfortunately, councils are failing to provide this clarity, and homeless households in certain boroughs end up having to live in constant fear, worried about whether they will be selected. Firstly, this gives housing officers a high amount of discretion, which in some instances will likely be used to bully and discriminate against the most vulnerable. Secondly, this means homeless people will be less likely to report problems with their temporary accommodation out of fear that they will be discharged into the private rented sector if they ask the council to move them. We have had members of HASL refuse to report serious disrepair and even harassment from the private agencies who rent out the temporary accommodation, out of fear the council’s homeless team will then force them into the private rented sector.

Although, the only way to completely resolve these issues is with a large expansion of social housing and an end to private sector discharge, the implementation of private sector discharge prioritisation policies will provide much needed confidence and security to homeless households.

Conclusion

This latest report came after we noticed an increase in members coming to our group who were being affected by private sector discharge. Private sector discharge is one part of the broader

²⁰ [https://trustforlondon.org.uk/data/temporary-accommodation-borough/#:~:text=Temporary%20accommodation%20by%20borough&text=Newham%20has%20by%20far%20the%20\(26.05%20per%201%2C000%20households\)](https://trustforlondon.org.uk/data/temporary-accommodation-borough/#:~:text=Temporary%20accommodation%20by%20borough&text=Newham%20has%20by%20far%20the%20(26.05%20per%201%2C000%20households))

²¹ Note: Most families in temporary accommodation will be owed either the Relief Duty for the Main Housing Duty as they are nearly all legally homeless, and therefore they could potentially be discharged into the private sector.

homelessness system that is failing hundreds of thousands of people across the country including over 140,000 children. This particular policy targets some of the most vulnerable homeless households pushing them into destitution, a cycle of homelessness and tearing them away from vital support networks. We know that the only solution to the homeless crisis is a council housing revolution with a huge expansion in 3, 4, 5 bed council homes at its heart. HASL and other grassroots housing groups have been campaigning for years for the mass investment in council housing that we need alongside daily organising in our communities of mutual support, protests and campaigns, alongside legal action to fight together for our homeless rights here and now.

We hope that this latest report will be a useful tool in building the campaign to end private sector discharge.

Table 1 - Acceptances of private sector discharge by borough and whether offer is in the borough or London (2023)

Council	Accepted	In Borough	%	In London (but out of borough)	%	Out of London	%	% of all Out of London placements
Barking and Dagenham	215	78	36%	97	45%	40	19%	13%
Barnet	347	185	53%	116	33%	46	13%	14%
Bexley	129	70	54%	46	36%	13	10%	4%
Brent	170	143	84%	15	9%	12	7%	4%
Bromley	50	25	50%	21	42%	4	8%	1%
Camden	117	52	44%	60	51%	5	4%	2%
Croydon								
Ealing	7	3	43%	3	43%	1	14%	0%
Enfield	52	10	19%	0	0%	42	81%	13%
Greenwich	181	71	39%	98	54%	12	7%	4%
Hackney	52	21	40%	26	50%	5	10%	2%
Hammersmith and Fulham	0	0	n/a	0	n/a	0	n/a	0%
Haringey	121	72	60%	46	38%	3	2%	1%
Harrow	15	9	60%	2	13%	4	27%	1%
Havering								
Hillingdon								
Hounslow								
Islington	0	0	n/a	0	n/a	0	n/a	0%
Kensington and Chelsea	3	0	0%	2	67%	1	33%	0%
Kingston upon Thames	8	0	0%	0	0%	8	100%	3%
Lambeth	0	0	n/a	0	n/a	0	n/a	0%
Lewisham	68	39	57%	26	38%	3	4%	1%
Merton	10	4	40%	6	60%	0	0%	0%
Newham	138	116	84%	13	9%	9	7%	3%
Redbridge*	152	46	30%	63	41%	40	26%	13%
Richmond upon Thames	0	0	n/a	0	n/a	0	n/a	0%
Southwark	16	2	13%	10	63%	4	25%	1%
Sutton	0	0	n/a	0	n/a	0	n/a	0%

Tower Hamlets	81	34	42%	47	58%	0	0%	0%
Waltham Forest	130	24	18%	39	30%	67	52%	21%
Wandsworth	0	0	n/a	0	n/a	0	n/a	0%
Westminster	0	0	n/a	0	n/a	0	n/a	0%
City of London	1	0	0%	0	0%	0	0%	0%
Total	2063	1004	49%	736	36%	319	15%	n/a

Note: the unlabelled percentage columns are the percentage of that location (eg. “out of London”) as a total of all acceptances by that council. Therefore the percentages of those columns add up horizontally to 100%.

* Location of 3 of Redbridge council’s acceptance of PRSO under the relief duty are not known.

Table 2 – Percentage change of acceptances of private sector discharge by borough compared to 2017 research

Council	2017 Acceptances				% change since 2017			
	Total	In Borough	In London (out of borough)	Out of London	Total	In Borough	In London (out of borough)	Out of London
Barking and Dagenham	0	0	0	0	Start	Start	Start	Start
Barnet	4	0	0	4	8575%	Start	Start	1050%
Bexley	0	0	0	0	Start	Start	Start	Start
Brent	255	75	82	98	-33%	91%	-82%	-88%
Bromley	32	20	7	5	56%	25%	200%	-20%
Camden	25	18	6	1	368%	189%	900%	400%
Croydon								
Ealing								
Enfield	1002	942	32	28	-95%	-99%	Stop	50%
Greenwich	10	9	1	0	1710%	689%	9700%	Start
Hackney	0	0	0	0	Start	Start	Start	Start
Hammersmith and Fulham								
Haringey	64	37	25	2	89%	95%	84%	50%
Harrow	17	12	2	3	-12%	-25%	0%	33%
Havering								
Hillingdon								
Hounslow								
Islington	0	0	0	0	0%	0%	0%	0%
Kensington and Chelsea	8	0	8	0	-63%	0%	-75%	Start
Kingston upon Thames	1	1	0	0	700%	Stop	0%	Start
Lambeth	0	0	0	0	0%	0%	0%	0%
Lewisham	5	3	0	2	1260%	1200%	Start	50%

Merton	12	6	3	3	-17%	-33%	100%	0%
Newham	185	76	53	56	-25%	53%	-75%	-84%
Redbridge	48	27	14	7	217%	70%	350%	471%
Richmond upon Thames	24	18	2	4	Stop	Stop	Stop	Stop
Southwark	0	0	0	0	Start	Start	Start	Start
Sutton	22	22	0	0	Stop	Stop	0%	0%
Tower Hamlets	0	0	0	0	Start	Start	Start	Start
Waltham Forest	58	36	19	3	124%	-33%	205%	2133%
Wandsworth	2	0	2	0	Stop	0%	Stop	0%
Westminster	4	0	3	1	Stop	0%	Stop	Stop
City of London								
Total	1778	1302	259	217	16%	-23%	184%	48%
Total - Enfield*	776	360	227	189	159%	176%	224%	48%

Note: positive percentages are where 2023 saw an increase compared to 2017; and negative percentages are where 2023 saw a decrease compared to 2017. As there is no simple numerical means to present scenarios where a council had zero acceptances in 2017 or 2023, then these have been displayed as “stops” (had no acceptances in 2023, but did in 2017) and “starts” (had no acceptances in 2017, but did in 2023). *This is the total excluding Enfield figures, as they are an outlier in terms of 2017-2023 changes, and they heavily distort the London wide picture.

Table 3 – Non-acceptance rate of mandatory private sector offers (2023)

Council	Total offered	Accepted	Not accepted	Not accepted (%)
Barking and Dagenham	218	215	3	1%
Barnet	378	347	31	8%
Bexley	179	129	50	28%
Brent	185	170	15	8%
Bromley	50	50	0	0%
Ealing	7	7	0	0%
Enfield	200	52	148	74%
Haringey	121	121	0	0%
Harrow	17	15	2	12%
Kensington and Chelsea	6	3	3	50%
Kingston upon Thames	8	8	0	0%
Lewisham	68	68	0	0%
Newham	182	138	44	24%
Redbridge	160	152	8	5%
Southwark	46	16	30	65%
Tower Hamlets	81	81	0	0%
Waltham Forest	240	130	110	46%
City of London	1	1	0	0%
Total	2147	1703	444	21%

Note: the above table only includes councils who provided offer and acceptance data and made offers. This includes a number of councils who provided the exact same number of offers and

acceptances (eg. Tower Hamlets), which is likely to be inaccurate. Therefore the non-acceptance rate is likely to be an underestimate.

Table 4 – Non-acceptance rate of mandatory private sector offers by location of offer (2023)

Acceptances											
Council	Total	In Borough	In London (out of borough)	Out of London	West midlands	East Midlands	South East	South West	North East	North West	East
Barnet	347	185	116	46	2	1	24	1	9	3	6
Bexley	129	70	46	13	0	0	13	0	0	0	0
Brent	170	143	15	12	3	0	8	0	1	0	0
Enfield	52	10	0	42	9	4	3	0	21	3	2
Redbridge	152	46	63	40	9	0	26	0	2	0	3
Waltham Forest	130	24	39	67	25	5	33	0	2	0	2
Total	980	478	279	220	48	10	107	1	35	6	13
Offers											
Barnet	378	192	128	58	2	1	27	1	13	6	8
Bexley	179	87	66	26	0	0	26	0	0	0	0
Brent	185	143	23	19	7	0	10	0	2	0	0
Enfield	200	11	0	189	31	12	6	0	118	11	11
Redbridge	160	47	67	43	10	1	27	0	2	0	3
Waltham Forest	240	33	53	154	81	9	44	0	14	0	6
Total	1342	513	337	489	131	23	140	1	149	17	28
Number of offers that were not accepted											
Barnet	31	7	12	12	0	0	3	0	4	3	2
Bexley	50	17	20	13	0	0	13	0	0	0	0
Brent	15	0	8	7	4	0	2	0	1	0	0
Enfield	148	1	0	147	22	8	3	0	97	8	9
Redbridge	8	1	4	3	1	1	1	0	0	0	0
Waltham Forest	110	9	14	87	56	4	11	0	12	0	4
Total	362	35	58	269	83	13	33	0	114	11	15
Percentage of offers that were not accepted											
Barnet	8%	4%	9%	21%	0%	0%	11%	0%	31%	50%	25%
Bexley	28%	20%	30%	50%	n/a	n/a	50%	n/a	n/a	n/a	n/a
Brent	8%	0%	35%	37%	57%	0%	20%	n/a	50%	n/a	n/a
Enfield	74%	9%	n/a	78%	71%	67%	50%	n/a	82%	73%	82%
Redbridge	5%	2%	6%	7%	10%	100%	4%	n/a	0%	n/a	0%
Waltham Forest	46%	27%	26%	56%	69%	44%	25%	n/a	86%	n/a	67%
Total	27%	7%	17%	55%	63%	57%	24%	0%	77%	65%	54%

Note: These 6 boroughs were selected as they were the only boroughs that had made more than 100 offers, and had recorded the location of both their offers and acceptances.

Table 5 – Location of placements outside of London

Council	West Midlands	East Midlands	South East	South West	North East	North West	East	Percentage outside South East (>5 placements)*
Barking and Dagenham	3	1	28	0	0	5	3	30%
Barnet	2	1	24	1	9	3	6	48%
Bexley	0	0	13	0	0	0	0	0%
Brent	3	0	8	0	1	0	0	33%
Bromley	0	0	4	0	0	0	0	n/a
Camden	1	0	2	0	0	2	0	n/a
Croydon								
Ealing	0	0	0	0	1	0	0	n/a
Enfield	9	4	3	0	21	3	2	93%
Greenwich	0	0	12	0	0	0	0	0%
Hackney	0	0	5	0	0	0	0	n/a
Hammersmith and Fulham	0	0	0	0	0	0	0	n/a
Haringey	0	0	3	0	0	0	0	n/a
Harrow	0	0	3	0	1	0	0	n/a
Havering								
Hillingdon								
Hounslow								
Islington	0	0	0	0	0	0	0	n/a
Kensington and Chelsea	1	0	0	0	0	0	0	n/a
Kingston upon Thames	0	0	6	0	0	2	0	25%
Lambeth	0	0	0	0	0	0	0	n/a
Lewisham	0	0	3	0	0	0	0	n/a
Merton	0	0	0	0	0	0	0	n/a
Newham	0	0	8	0	1	0	0	11%
Redbridge	9	0	26	0	2	0	3	35%
Richmond upon Thames	0	0	0	0	0	0	0	n/a
Southwark	3	0	1	0	0	0	0	n/a
Sutton	0	0	0	0	0	0	0	n/a
Tower Hamlets	0	0	0	0	0	0	0	n/a
Waltham Forest	25	5	33	0	2	0	2	51%
Wandsworth	0	0	0	0	0	0	0	n/a
Westminster	0	0	0	0	0	0	0	n/a
City of London	0	0	0	0	0	0	0	n/a
Total	56	11	182	1	38	15	16	43%
% of total out of London acceptances	18%	3%	57%	0%	12%	5%	5%	

*This column states for each council the percentage of their out of London placements that are outside the South East. Only calculated for councils with more than 5 out of London placements.

Table 6 – Acceptances broken down by the homeless duty under which the mandatory offer was made. Summary: Main Housing Duty Vs. Relief Duty

	Total			In borough			In London (out of borough)			Out of London		
Council	MD	RD	%RD	MD	RD	%RD	MD	RD	%RD	MD	RD	%RD
Barking and Dagenham	7	208	97%	3	75	96%	1	96	99%	3	37	93%
Barnet	44	303	87%	17	168	91%	22	94	81%	5	41	89%
Bexley	46	83	64%	29	41	59%	8	38	83%	9	4	31%
Brent	170	0	0%	143	0	0%	15	0	0%	12	0	0%
Bromley	18	32	64%	7	18	72%	7	14	67%	4	0	0%
Camden	12	105	90%	5	47	90%	7	53	88%	0	5	100%
Croydon												
Ealing	7	0	0%	3	0	0%	3	0	0%	1	0	0%
Enfield	25	27	52%	5	5	50%	0	0		20	22	52%
Greenwich	70	111	61%	33	38	54%	27	71	72%	10	2	17%
Hackney	12	40	77%	4	17	81%	7	19	73%	1	4	80%
Hammersmith and Fulham	0	0		0	0		0	0		0	0	
Haringey	55	66	55%	42	30	42%	12	34	74%	1	2	67%
Harrow	13	2	13%	8	1	11%	1	1	50%	4	0	0%
Havering												
Hillingdon												
Hounslow												
Islington	0	0		0	0		0	0		0	0	
Kensington and Chelsea	0	3	100%	0	0		0	2	100%	0	1	100%
Kingston upon Thames	4	4	50%	0	0		0	0		4	4	50%
Lambeth	0	0		0	0		0	0		0	0	
Lewisham	30	38	56%	20	19	49%	10	16	62%	0	3	100%
Merton	0	10	100%	0	4	100%	0	6	100%	0	0	
Newham	138	0	0%	116	0	0%	13	0	0%	9	0	0%
Redbridge	56	96	63%	15	31	67%	24	39	62%	17	23	58%
Richmond upon Thames	0	0		0	0		0	0		0	0	
Southwark	11	5	31%	0	2	100%	7	3	30%	4	0	0%
Sutton	0	0		0	0		0	0		0	0	
Tower Hamlets	28	53	65%	22	12	35%	6	41	87%	0	0	
Waltham Forest	91	39	30%	20	4	17%	29	10	26%	42	25	37%
Wandsworth	0	0		0	0		0	0		0	0	
Westminster	0	0		0	0		0	0		0	0	
City of London	0	1	100%	0	0		0	0		0	0	
Total	837	1226	59%	492	512	51%	199	537	73%	146	173	54%

Note: MD = Main Housing Duty. RD = Relief Duty.

Table 7 – Comparison of private sector discharge with temporary accommodation population

Council	Accepted	Temporary Accommodation Population	% of temporary accommodation population discharged in 2023
Barking and Dagenham	215	1280	17%
Barnet (actually Barnet Homes)	347	2120	16%
Bexley	129	580	22%
Brent	170	1660	10%
Bromley	50	1550	3%
Camden	117	620	19%
Croydon		1920	0%
Ealing	7	2520	0%
Enfield	52	3090	2%
Greenwich	181	1600	11%
Hackney	52	3030	2%
Hammersmith and Fulham	0	1170	0%
Haringey	121	2520	5%
Harrow	15	1060	1%
Havering		1050	0%
Hillingdon		910	0%
Hounslow		n/a	
Islington	0	1030	0%
Kensington and Chelsea	3	1900	0%
Kingston upon Thames	8	910	1%
Lambeth	0	n/a	
Lewisham	68	2670	3%
Merton	10	360	3%
Newham	138	5940	2%
Redbridge	152	2970	5%
Richmond upon Thames	0	510	0%
Southwark	16	3560	0%
Sutton	0	900	0%
Tower Hamlets	81	2730	3%
Waltham Forest	130	910	14%
Wandsworth	0	3240	0%
Westminster	0	3000	0%
City of London	1	30	3%
total	2063	57340	4%

Note: The data for column 3 is taken from the Trust for London data for the third quarter of 2023²², and confirms how many households are in temporary accommodation at that moment. Column 4 is an approximate indication of the proportion of the temporary accommodation population that the

²² [https://trustforlondon.org.uk/data/temporary-accommodation-borough/#:~:text=Temporary%20accommodation%20by%20borough&text=Newham%20has%20by%20far%20the%20\(26.05%20per%201%2C000%20households](https://trustforlondon.org.uk/data/temporary-accommodation-borough/#:~:text=Temporary%20accommodation%20by%20borough&text=Newham%20has%20by%20far%20the%20(26.05%20per%201%2C000%20households)

council discharged into the private rented sector in 2023. There was no data for Lambeth and Hounslow.

Table 8 – Private sector discharge policies

Council	Policy for use of PRSO	Notes
Barking and Dagenham	No	No policy provided. Council refers to the Homeless Code of Guidance (“Code”).
Barnet	No	No policy provided. Council refers to list of law and guidance, including the Code.
Bexley	No	No answer provided. Could not find a policy on the council’s website.
Brent	No	Only provided the council’s general placement policy.
Bromley	No	No answer provided. Could not find a policy on the council’s website.
Camden	Yes	States the policy for making PRSOs at different stages of the homeless process.. No guidance regarding prioritisation of households for PRSO.
Croydon	No	No answer provided. Could not find a policy on the council’s website.
Ealing	No	Only provided the council’s temporary accommodation procurement policy.
Enfield	No	No policy provided. Council refers to the Code.
Greenwich	No	Provided the council’s: private sector procurement policy, a template discharge letter, suitability checklist and affordability calculator. However, none of these documents were policy/guidance of when and how households are selected for PRSOs.
Hackney	No	Only provided the council’s temporary accommodation procurement policy and the Code.
Hammersmith and Fulham	N/A	Does not use PRSO.
Haringey	No	Provided a procedure of how to make an offer, however, this is not policy/guidance of when and how households are selected for PRSOs.
Harrow	No	No policy provided. Council refers to the Localism Act guidance

Havering		No response to any part of the FOI.
Hillingdon	Yes	Policy states PRSO considered as option in all cases, however not appropriate in all. Council must consider if making a PRSO is suitable, and then prioritisation factors are listed to determine which households to prioritise.
Hounslow	No	No policy provided. Council refers to list of law and guidance, including the Code.
Islington	N/A	Does not use PRSO.
Kensington and Chelsea	Yes	Policy states who is excluded from PRSO (as not suitable). No guidance regarding prioritisation of households for PRSO.
Kingston upon Thames	No	No policy provided. Council refers to the Code and temporary accommodation placement policy. The council stated that they are reviewing the process for PRSO.
Lambeth	N/A	The council stated that they do not use PRSO.
Lewisham	No	No policy provided. The council stated that suitability assessments and checks are conducted.
Merton	No	No policy provided. Council refers to the Code.
Newham	Yes	The policy states that they have to assess whether PRSO is suitable for a household. No guidance regarding prioritisation of households for PRSO.
Redbridge	No	
Richmond upon Thames	N/A	Does not use PRSO.
Southwark	Yes	The policy states that the council have to assess whether PRSO is suitable for a household. No guidance regarding prioritisation of households for PRSO.
Sutton	N/A	Does not use PRSO.
Tower Hamlets	Yes	The policy states that the council have to assess whether PRSO is suitable for a household. No guidance regarding prioritisation of households for PRSO.
Waltham Forest	Yes	The policy states that the council have to assess whether PRSO is suitable for each a household. Paragraph 3.2

		appears to provide factors for prioritisation of certain households.
Wandsworth	N/A	Does not use PRSO.
Westminster	N/A	Does not use PRSO.
City of London	No	No policy provided. Council refers to the Code.

Note: "PRSO" above refers to the use of private sector discharge of the Relief or Main Housing Duty. Councils who could not provide data for the amount of offers/acceptances were included as (potential) users of private sector discharge, as the issue was solely that they do not record the data in an easy to access form. This includes: Croydon, Enfield, Hillingdon and Hounslow.

Appendix 1 – Template FOI used in this research

Dear Sir/Madam,

Could I please have the following information for the last 12 months:

Question 1 - main homeless duty

1a) The number of households given a mandatory private rented sector offer to discharge your full housing duty under Section 193 7AA-7AC 1996 Housing Act.

1b) The number to 1a broken down for each local authority area into which they were offered housing (eg. 5 to Luton).

1c) The number of households of 1a who actually accepted the private sector offer.

1d) The number to 1c broken down for each local authority area into which they accepted the offer of housing (eg. 3 to Luton).

Question 2 - relief duty

2a) The number of households for whom you owed the homeless relief duty to and this was discharged through a mandatory "final offer" of a private rented sector tenancy (note: "final offer" is defined at s. 193A(4) Housing Act 1996)

2b) The number to 2a broken down for each local authority area into which they were offered housing (eg. 5 to Luton).

2c) The number of households of 2a who actually accepted the private sector offer.

2d) The number to 2c broken down for each local authority area into which they accepted the offer of housing (eg. 3 to Luton).

Question 3

If you make mandatory private rented sector offers to discharge your full housing duty or the relief duty, can I please have the guidance your housing officers follow when making these offers?

Question 4

Please confirm the exact dates of the 12 months that the above information covers. For example, "the information provided is from 1st November 2022 to 31st October 2023".

Yours faithfully,