



Isle of Man
Government

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Consultation: A framework for an Isle of Man Homelessness Prevention and Support Act

December 2025

Introduction and purpose

1. The Homelessness Strategy approved by Tynwald in December 2023 contained a commitment to the introduction of statutory requirements to prevent and address homelessness on the Isle of Man. This consultation is to help develop the specifics for the legislation.
2. In looking at legislation for the Isle of Man, we are using various Acts passed by the UK, Scottish and Welsh Parliaments as a base for the development of a Manx equivalent. This consultation seeks views on the various elements of the UK legislation and the distinctive differences with the Scottish and Welsh amendments since devolution and their applicability for the Isle of Man. The use of the UK nations' framework as a starting point should not be taken as an endorsement in full of the approach taken by those countries. They are simply a useful starting point in the assessment of the needs for the Isle of Man in our legislation.
3. The other Crown Dependencies do not have Homelessness Legislation so offer no comparison on this area.

Background

Nature of homelessness on the Island

4. Homelessness exists across the world. It is a complex social challenge that has profound implications for communities, services, organisations, governments, as well as the individuals at risk of or experiencing it. What has become the stereotypical image of individuals experiencing homelessness, is that of people sleeping on the streets. It is now widely understood that homelessness goes beyond this image and has many other forms. Homelessness can be hidden, such as sleeping on a friend's sofa, living in unsuitable or unsafe accommodation, or individuals facing eviction for example.
5. The Isle of Man is not exempt from having people who are facing homelessness within its community. In December 2023, the Island's first Homelessness Strategy 2023-2028, went before Tynwald and was approved. It is attached as appendix A.
6. The strategy is designed to address complex issues associated with homelessness and housing instability. It includes a set of coordinated actions aimed at preventing homelessness, providing immediate assistance to those experiencing it and offering long-term solutions for housing stability. This strategy involves a strong collaboration between government agencies, third sector organisations and individuals with lived experiences of homelessness. The strategy comprises five focus areas:
 - 1) **Clear Pathways** - Easy access to support services,
 - 2) **Legislation** - Long lasting statutory legacy,
 - 3) **Core Data** - Ensure core data to support provision to services,
 - 4) **Needs Assessment** - Process to review the needs of those who require support,
 - 5) **Prevention** - Evidence informed.

Progress of the Homelessness Strategy

7. Significant progress has been made during the first year of the Homelessness Strategy Action Plan and Implementation Plan and several actions within the plan have been completed.
8. Progress has been made standing up a dedicated Manx Care team. Two new Lead Practitioners for the Wellbeing Partnership's and four Community Support Workers commenced their roles in early 2025. The Community Support Workers commenced employment in January 2025 and the Partnership Leads in February 2025. Further work is needed for the service to have its greatest impact.
9. The focus for this year is embedding the work already completed and establishing a more **sustainable foundation** for the Homelessness Pathway and Emergency Accommodation Service. This includes determining the ongoing funding and placing the services on a statutory footing.

Scale of homelessness on the Island

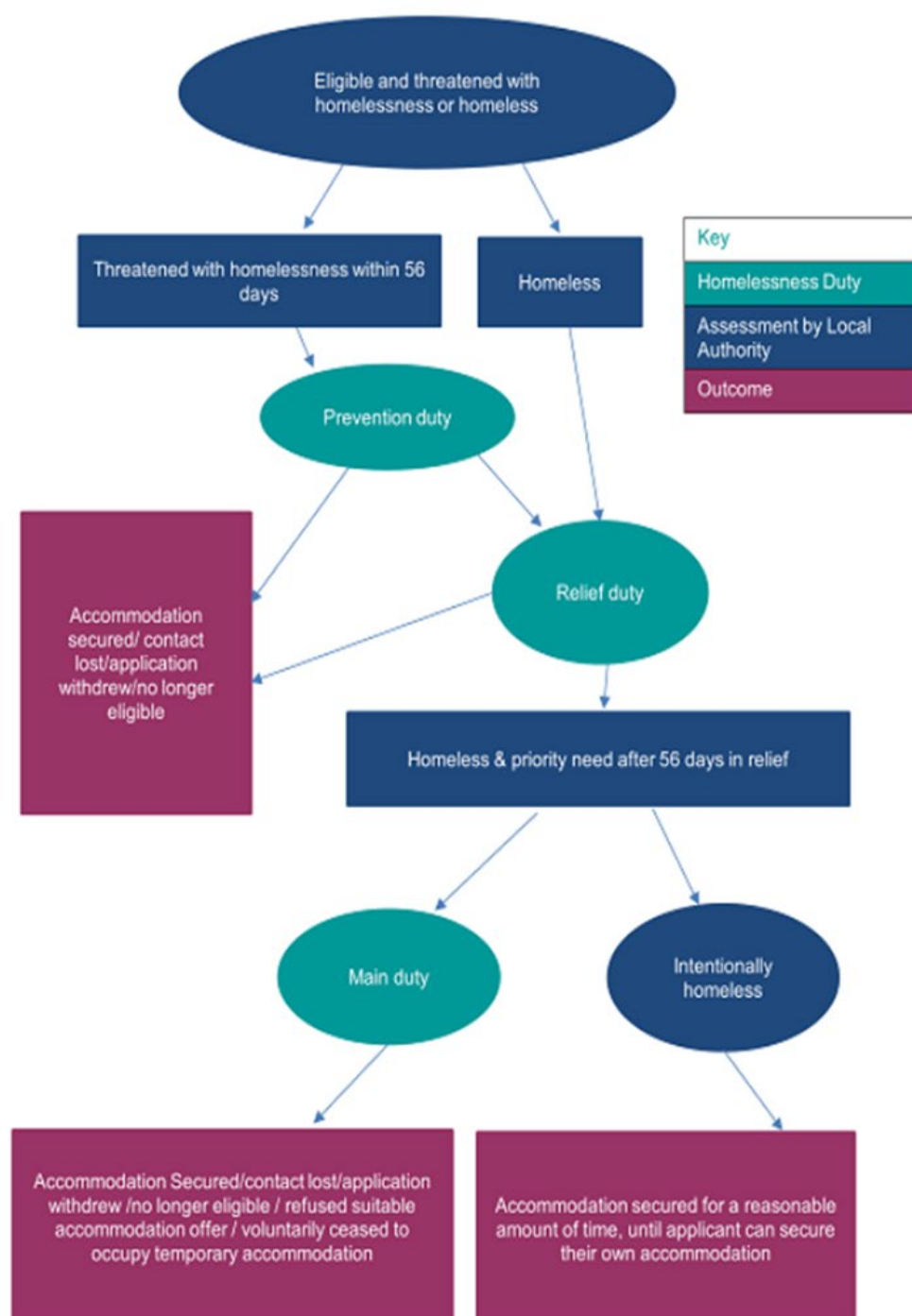
10. It is hard to determine the exact scale of homelessness on the Island. However, the Homelessness Pathway delivered by Manx Care and funded by the Housing and Communities Board via Cabinet Office provides some insights.
11. From July 2024 to June 2025, Manx Care provided 9,139 bed nights in temporary accommodation to people presenting as homeless. There were on average 23 individual clients per month, new and recurring.

Framework in the UK legislation

How does the UK homeless process work?

12. The process begins when an individual is either threatened with homelessness within 56 days or is already homeless. At this stage, the local authority assesses the situation to determine the appropriate duty that the local authority owes to that person. If the person is threatened with homelessness, the **Prevention Duty** applies, which focuses on helping them retain their current accommodation or secure alternative housing before they become homeless. If the person is already homeless, the **Relief Duty** applies, aiming to help them find suitable accommodation as quickly as possible. The Relief Duty being owed does not mean automatically that emergency accommodation will be provided. Only those with priority need will receive accommodation.
13. During these duties, several outcomes can occur. The individual may secure accommodation, lose contact with the authority, withdraw their application, or become ineligible for assistance. If none of these outcomes occur and the person remains homeless after 56 days under the Relief Duty, the next step depends on their circumstances. If they have a priority need, the **Main Duty** applies, requiring the authority to provide longer-term housing. If they are found to be intentionally homeless, the assistance provided will be limited.

Diagram 1: Flow Chart of the UK Homelessness process



UK definitions of homelessness, threatened homelessness, priority need, vulnerability

14. The UK Act makes several definitions that determine who the duties apply to in the UK system. The definitions are important elements of the assessment process for people who are homeless.

Definition of Homelessness and threatened homelessness¹

(1) A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he—

(a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,

(b) has an express or implied licence to occupy, or

(c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.

(2) A person is also homeless if he has accommodation but—

(a) he cannot secure entry to it, or

(b) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.

(3) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

(4) A person is threatened with homelessness if it is likely that he will become homeless within 56 days.

(5) A person is also threatened with homelessness if—

(a) a valid notice has been given to the person under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) in respect of the only accommodation the person has that is available for the person's occupation, and

(b) that notice will expire within 56 days

15. The definition of homelessness is wider than someone sleeping rough and may depending on the circumstances include:

- People staying temporarily with friends or family or have been asked to leave.
- Sofa surfers.
- Those in unaffordable or overcrowded accommodation.
- Those in refuges or other short-term accommodation.

¹ S175 Housing Act 1996

16. However, this definition does not appear to be as comprehensive as the working definition adopted by the Housing and Communities Board. The interim working definition is attached in **Appendix B**.

Intentionality

17. Intentionality is a key element of the UK homelessness legislation. If someone is intentionally homeless and does not have priority need the main housing duty does not apply to them (no requirement to offer emergency accommodation). Housing authorities are legally required to determine intentionality.

Becoming homeless intentionally²

(1) A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.

(1A) But a person does not become homeless intentionally if—

- (a) the accommodation the person ceases to occupy is supported exempt accommodation,*
- (b) the person's reason for ceasing to occupy the accommodation relates to the standard of the accommodation, or the standard of care, support or supervision provided there, and*
- (c) the accommodation, or the care, support or supervision provided there, does not meet National Supported Housing Standards.*

"Supported exempt accommodation" has the meaning given by section 12 of the Supported Housing (Regulatory Oversight) Act 2023.

(2) For the purposes of subsection (1) an act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate.

(3) A person shall be treated as becoming homeless intentionally if—

- (a) he enters into an arrangement under which he is required to cease to occupy accommodation which it would have been reasonable for him to continue to occupy, and*
 - (b) the purpose of the arrangement is to enable him to become entitled to assistance under this Part,*
- and there is no other good reason why he is homeless*

18. Shelter Scotland provides several illustrations to help explain what this means in practice³:

you could be unintentionally homeless if you:

² S191 Housing Act 1996

³ https://scotland.shelter.org.uk/housing_advice/homeless/decisions/intentionally_homeless

- *had to leave your home because of abuse or harassment, including domestic abuse*
- *were evicted through no fault of your own*
- *were forced to leave by family you lived with*
- *could not afford to pay your rent or mortgage without going into significant debt*
- *did not know that your partner or a joint tenant had stopped paying rent*
- *did not know you had the right to stay in your home*

You could be found intentionally homeless if you:

- *voluntarily gave up a home that you could have stayed in*
- *were evicted for something you did deliberately*
- *ignored advice that could have helped you keep your home*

Priority need

19. Priority need is a key element of the UK homelessness legislation. If someone is intentionally homeless and does not have priority need, the main housing duty does not apply to them.

Priority need for accommodation⁴.

(1)The following have a priority need for accommodation—

(a)a pregnant woman or a person with whom she resides or might reasonably be expected to reside;

(b)a person with whom dependent children reside or might reasonably be expected to reside;

(c)a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;

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

(e)a person who is homeless as a result of that person being a victim of domestic abuse.

(2)The Secretary of State may by order—

(a) specify further descriptions of persons as having a priority need for accommodation, and

(b) amend or repeal any part of subsection (1).

(3)Before making such an order the Secretary of State shall consult such associations representing relevant authorities, and such other persons, as he considers appropriate.

(4)No such order shall be made unless a draft of it has been approved by resolution of each House of Parliament.

⁴ S189 Housing Act 1996

(5)In this section "domestic abuse" has the meaning given by section 1 of the Domestic Abuse Act 2021.]

The duties

20. The UK legislation applies several duties to UK housing authorities. They ensure that all homeless persons have a certain minimum level of support and assistance written into statute. The Isle of Man needs to determine which of these duties should apply in the equivalent Manx legislation.

Advice and information duty⁵

21. Housing authorities have a duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness, free of charge. These services form part of the offer to applicants who are also owed other duties under the legislation, for example the prevention and relief duties. They must also be available to any other person in their district, including people who are not eligible for further homelessness services because of their immigration status.

Prevention duty⁶

22. Housing authorities have a duty to take reasonable steps to help prevent any eligible person (regardless of priority need status, intentionality and whether they have a local connection) who is threatened with homelessness from becoming homeless. This means either helping them to stay in their current accommodation or helping them to find a new place to live before they become homeless. The prevention duty continues for 56 days unless it is ended by an event such as accommodation being secured for the person, or by their becoming homeless.

Relief duty⁷

23. If the applicant is already homeless, or becomes homeless despite activity during the prevention stage, the reasonable steps will be focused on helping the applicant to secure accommodation. This relief duty lasts for 56 days unless ended in another way. If the housing authority has reason to believe a homeless applicant may be eligible for assistance and have a priority need, they must be provided with emergency accommodation. Those who do not have priority need are not entitled to emergency accommodation.

Main housing duty⁸

24. If homelessness is not successfully prevented or relieved, a housing authority owes the main housing duty to applicants who are eligible, have a priority need for accommodation and are not homeless intentionally. Certain categories of household have priority need if homeless, such as pregnant women, families with children, and those who are homeless because of being a victim of domestic abuse or due to an

⁵ S179 Housing Act 1996

⁶ S195 Housing Act 1996

⁷ 189B(1) Housing Act 1996

⁸ 188 Housing Act 1996

emergency such as a fire or flood. Other groups may be assessed as having priority need because they are vulnerable as a result of old age, mental ill health, physical disability, having been in prison or care or because of becoming homeless due to violence.

25. Under the main housing duty, housing authorities must ensure that suitable accommodation is available for the applicant and their household until the duty is ended, usually through the offer of a settled home. The duty can also be ended for other reasons, such as the applicant turning down a suitable offer of temporary accommodation or because they are no longer eligible for assistance. A suitable offer of a settled home (whether accepted or refused by the applicant) which would bring the main housing duty to an end includes an offer of a suitable secure or introductory tenancy with a local authority, an offer of accommodation through a private registered provider (also known as a housing association) or the offer of a suitable tenancy for at least 12 months from a private landlord made by arrangement with the local authority.

Duty to assess every eligible applicant's case and agree a plan⁹

26. Housing authorities have a duty to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness. This identifies what has caused the homelessness or threat of homelessness, the housing needs of the applicant and any support they need to be able to secure and retain accommodation. Following this assessment, the housing authority must work with the person to develop a personalised housing plan which will include actions (or 'reasonable steps') to be taken by the authority and the applicant to try and prevent or relieve homelessness.

Duty to refer¹⁰

27. Since 1st October 2018, duty to refer has required specified public bodies to refer, with consent, users of their service who they think may be homeless or be threatened with homelessness to a local housing authority of the individual's choice. These bodies are set by secondary legislation and include:
- prisons
 - young offender institutions
 - secure training centres
 - secure colleges
 - youth offending teams
 - probation services (including community rehabilitation companies)
 - Jobcentres
 - social service authorities (both adult and children's)
 - emergency departments
 - urgent treatment centres
 - hospitals in their function of providing inpatient care
 - Secretary of State for defence in relation to members of the regular armed forces

⁹ s189a Housing Act 1996

¹⁰ 213A of the Housing Act 1996

The evolution of the UK legislation in Scotland and Wales since devolution

28. The UK legislation at one time applied to all the UK (using various identical acts and orders). But since devolution, Scotland and Wales have amended the legislation to match the needs of their communities. This has resulted in differences, based on the differences in policy approach of the Governments and Parliaments of the UK, Scotland and Wales.

Scotland

Priority need

29. In Scotland, there is no requirement for priority need to access the main housing duty and in temporary accommodation. In practice this means that everyone who is homeless through no fault of their own is entitled to emergency accommodation¹¹. The Homelessness etc. (Scotland) Act 2003, provided a pathway for the development of an automatic right to accommodation if you are unintentionally homeless. It was not implemented until 2012 when it was brought into force by statutory instrument.
30. This is a significant departure from the scheme in the UK legislation which only provides an automatic right to temporary accommodation for those in priority need. In particular, Shelter notes that this difference means a substantial increase in the support available to single people and has caused a reduction in the number for rough sleepers in Scotland¹².
31. There is an open question for the Isle of Man in terms of which approach is best suited to our needs. The Isle of Man may well have differing cultural expectations regarding the nature of the support given to those who are homelessness. This is also relevant given the vision set out in the Tynwald approved Homelessness Strategy which sets a vision that:
- "Everyone has access to the right service, the right housing, at the right place & at the right time, whatever the situation, cause or need"¹³.*
32. We seek views specifically on the role of priority need in any future Isle of Man legislation. Essentially, should all persons not intentionally homelessness be entitled to temporary accommodation or should only certain groups be eligible.

Intentionality

33. In Scotland, a housing authority is no longer compelled to investigate whether an applicant is intentionally homeless, but they may do so if they think fit. This allows Councils to use discretion on a case-by-case basis¹⁴.

¹¹ S 2 Homelessness etc. (Scotland) Act 2003

¹² [Homelessness legislation | The Plan To End Homelessness](#)

¹³ https://www.gov.im/media/1381706/gd-2023-0119-uploaded-120124_compressed.pdf

¹⁴ [The Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012](#)

34. We are interested in views regarding the applicability of this provision for the Isle of Man. There is a balance to be struck between personal responsibility and ensuring a housing first approach. That is to say people do have a responsibility to prevent themselves from becoming homeless. But it is possible that intentionality is applied harshly on some occasions.

Wales

Priority need

35. Wales has a wider definition of priority need that includes those who are street sleeping. The intent of this is to provide accommodation to those whose only option is to sleep rough. This excludes those who can stay with friends or family but are still classified as homeless¹⁵. This appears to be a halfway point between the UK (English) and Scottish positions and seeks to ensure no one sleeps rough.

Intentionality

36. A similar position exists in Wales, but the decision is made by the housing authority in general and is applied day to day to all applicants¹⁶. This is unlikely to work in an Isle of Man context given our size and government structure.

Summary of differences between England, Scotland and Wales

Country	Intentionality	Advice and information duty	Prevention duty	Relief duty	Main Housing Duty (requirement to provide emergency accommodation)	Duty to assess every eligible applicant's case and agree a plan	Duty to refer
England	Yes	Yes	Yes	Yes	Priority need only	Yes	Yes
Wales	Optional (Council by Council decision)	Yes	Yes	Yes	Priority need only including rough sleepers	Yes	Yes
Scotland	Optional (Council by Council decision)	Yes	Yes	Yes	Applies to all	Yes	Yes

Initial Assessment of the UK legislation

37. It is difficult to reach full conclusions on the UK legislation without views from stakeholders. But there are several topics that need further consideration before final decisions are made:

¹⁵ *ibid*

¹⁶ s78 Housing (Wales) Act 2014

- a. The impact of applying intentionality and priority need, which may leave some people without emergency accommodation.
- b. The cost of providing the duties outlined in the legislation should be considered.
- c. The complexity of the legislation and the ease of implementation.

Eligibility criteria

38. To be eligible for Manx Care's support on the homelessness pathway you must meet the residency criteria for Income Support. Which are:

To be entitled to Income Support you normally must satisfy the Isle of Man residential condition.

You will satisfy this condition if you–

- *were born in the Isle of Man;*
- *have been ordinarily resident in the Isle of Man for a continuous period of at least 5 years at any time; or*
- *have been ordinarily resident in the Isle of Man for 3 or more separate periods which, when added together, amount to at least 10 years.*

Or you are -

- *the husband, wife or civil partner of a person who satisfies any of the conditions listed above;*
- *the widow, widower or surviving civil partner of a person who satisfies any of the conditions listed above;*
- *the former husband, wife or civil partner of a person who satisfies any of the conditions listed above; or*
- *the child of a person who satisfies any of the conditions listed above and that person was (or their spouse or civil partner was) serving in HM Forces when they were born*

39. Discretion is retained by Manx Care to support someone who does not meet these criteria, if on a case-by-case basis a situation is considered to be one of "grave need". This matches the discretion provided for in s6 of the Social Services Act 2011.

UK eligibility

40. The UK eligibility rules are complex but are based on citizenship and residence. It is focused on those with British and Irish citizenship who are habitually resident in the Common Travel Area.
41. The proposed eligibility for the Isle of Man, is stricter in terms of residency requirements compared to the UK requirements. For example, someone arriving on the Island with no connection to the Isle of Man would not ordinarily be eligible for services. However, a Manx person moving to the UK would be eligible as they are "habitually resident in the Common Travel Area" based on their previous residency on the Isle of Man.

Comparison to the current Isle of Man position / status quo

42. Most of the duties are already applied in the Homelessness Pathway in some form. Primarily by operational practice and by the criteria approved by the Housing and Communities Board in May 2025. However, there may be a need to embed these in legislation. Specifically:
- a. No Manx legislation applies a duty of care or assistance to homeless persons. This means the pathway relies on the goodwill of the agencies involved. In a time of prioritisation, this may place the pathway at risk, leaving vulnerable people without support.
 - b. The actions of the agencies may lack the necessary vires for the work being undertaken on the pathway. While it is unlikely that a legal challenge to this would be forthcoming, agencies are in a vulnerable position regarding the decisions they make.
 - c. There is no requirement for agencies to share information and make referrals. We understand this happens as a matter of operational practice, but it is possible that some people are missed without a clear legal requirement.
 - d. There is no specific duty to prevent homelessness, potentially resulting in larger issues developing for people due to the lack of quick preventive action.

The criteria applied by Manx Care in the homelessness pathway are attached as **Appendix C**.

Is there a problem?

43. At a high level, the current situation, whilst helping to alleviate a need, requires a longer-term plan. The pathway has no formal basis in legislation and relies on operational practice goodwill and, up until now, funding provided by the Housing and Communities Board and the Cabinet Office. This stands in contrast to other elements of social service which have a clear statutory basis, such as:
1. Mental health services
 2. Care of children
 3. Adult social care
44. The criteria currently being used may also not cover those that we wish to be covered by the support services on offer.

Who would the duties apply to (who will run the process under the legislation)?

- 45 This will be a critical call for Tynwald to make, and no position will be taken by Ministers on this until decisions are made in response to this consultation. This will allow space for a considered discussion on who is best placed to provide the services required by the legislation and how best to fund them. Possible options include:
- a. Manx Care
 - b. Housing Agency/DOI
 - c. Local Authorities

Appendices

Appendix A: Homelessness Strategy 2023-2028

Appendix B: Interim working definition of Homelessness in the Isle of Man

Appendix C: Homelessness Pathway Assistance Policy and Criteria

Further information and reading:

1. English Homelessness Code of Guidance: [Homelessness code of guidance for local authorities - Overview of the homelessness legislation - Guidance - GOV.UK](#)
2. Scottish Homelessness Code of Guidance: [Homelessness: code of guidance - gov.scot](#)
3. Welsh Homelessness Guidance: [allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf](#)
4. [Homelessness advice - Shelter England](#)
5. [Homeless, sofa surfing, or nowhere safe to stay - Shelter Scotland](#)
6. [Evaluation of the Implementation of the Homelessness Reduction Act: Final Report](#)