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**Love later life**

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# 1 Introduction

Homelessness has a wider meaning than rough sleeping. By law, you are homeless if you have no available accommodation or if you have accommodation but it is not reasonable for you to live there anymore.

This means you can be considered homeless if you are temporarily staying with friends or family, if your home is in a very poor condition, or if it is no longer suitable for you because of disability or illness.

You are considered *threatened with homelessness* if it is likely that you will become homeless within 56 days, or if you are an assured shorthold tenant and have received a valid *section 21* notice within 56 days (see section 2.1).

## Local authority duties

Authorities have a range of duties under homelessness law. They have a



## 2 Common causes of homelessness

Common causes of homelessness include a tenancy ending, relationship breakdown, or friends or family asking you to leave.

In all cases, seek advice as soon as you can. If possible, do not leave a property or terminate a tenancy without first seeking advice. If you later approach the local authority for help, they may say you made yourself *intentionally homeless* (point 4 of section 3.1).

This is also a risk if you are threatened with homelessness because of something you did or failed to do, or if you are homeless after leaving prison.

### 2.1 Tenancy ending

A tenancy ending is one of the most common causes of homelessness. In most cases, it is unlawful for a landlord to evict a tenant without a court order. Depending on the type of tenancy you have and the reason why the landlord is seeking to end it, the court may have discretion over whether it decides to grant an order.

This means you can argue it is not reasonable for the landlord to evict to



## 2.2 Mortgage repossession

Mortgage repossession is subject to a pre-action protocol setting out steps the lender and borrower should take to avoid court action. It states court action should be a last resort and happen only if all other reasonable attempts to resolve the situation have failed.

Your lender should treat you fairly, act reasonably and communicate with you clearly. If they are aware you may have difficulties with reading or comprehension, they should take reasonable steps to communicate in a way that works for you.

If you fall into arrears, your lender must advise you to make contact with your local authority or a debt advice agency such as StepChange or National Debtline. You should do this as soon as possible.

The lender must discuss the reasons for your arrears and consider if you would be able to pay them off in a reasonable time frame. They should consider other possibilities, such as changing the type of mortgage, extending the mortgage term or capitalising the arrears. If you fail to comply with a payment agreement, the lender must not start a possession claim without giving you the opportunity to remedy the breach within fifteen working days.

There are other circumstances in which a possession claim must not be started, for example if you have claimed mortgage interest payments from the Department for Work and Pensions. They are paid if you receive certain means-tested benefits, but in most cases only if you make your benefit claim after taking out the mortgage. They are based on a standard rate of interest, not your actual interest rate. They are a loan, not a benefit.

The lender must not start a possession claim if you can demonstrate you are in financial or other difficulty and need time to seek debt advice or have an appointment booked with a debt adviser. A debt adviser should be able to help you with options such as applying for interest relief.

If your lender has already started a possession claim, seek advice immediately. If the equity in your property is low enough, you may be able to obtain free legal advice and representation through legal aid. If you are over 60 and on certain benefits or on a low income, the legal aid means test is more generous, meaning you can have more equity in your home and still qualify.

### Cost of living protections

Mortgage lenders have been advised by the Financial Conduct Authority  
*tailored support*



## 2.3 Relationship breakdown

The law on the housing rights of separating couples is complicated. It is based on a mix of housing and family law. The broad principles are outlined here, but it is important to seek advice as every case is different.

If you and your partner cannot agree on your housing arrangements, in the short term, *occupation orders* make allowing or restricting access to the home. You may have rights you are not aware of and may need to act fast to enforce them. A specialist housing organisation like Shelter is a good place to start in exploring these.

In the long term, properties and tenancies can be transferred from one partner to the other as part of divorce or dissolution proceedings or for the benefit of children. Seek advice if you are not planning on getting a

**I live in my spouse or civil partner's property**





## 2.5 Asked to leave by friends or family

If you live

*licence*

*express*

made an agreement with them orally or in writing

*implied*

meaning there was an informal understanding that you could stay by you could stay 34.27-562010g DT/Al 1596201

Licensees do not have very strong rights. Some cannot be evicted

without a court order, but others 626(a)-5330ybu cou dot b

## 2.7 Unsuitable or unaffordable housing

You can be treated as being homeless if it is no longer reasonable for you to continue living in your property. This may be because the property is in a poor condition, overcrowded, or unaffordable. The local authority can use knowledge of the general housing circumstances in the area, for example levels of overcrowding and standards of maintenance, to decide if it is reasonable for you to stay.

The guidance states it would not be reasonable for someone to continue to occupy accommodation if its physical characteristics make it unsuitable, for example, you are a wheelchair user and access is limited.

You can be treated as homeless if you are experiencing severe harassment at home or in the local area, for example from a neighbour.



You are also homeless if you have accommodation but:

you cannot secure entry to it (e.g. you have been illegally evicted)

it is a moveable structure (e.g. caravan or houseboat) and you do not have a pitch or mooring where you are entitled or permitted to place it and live in it

it is not reasonable for you to continue to live there.

You are threatened with homelessness if it is likely you will become homeless within 56 days.

If you have accommodation outside of the UK, for example you recently returned from living abroad but have been unable to sell your property there, you must show it was not reasonable for you to continue living in that property or country.

Reasons can include needing medical treatment that was not available there or needing to move back home to receive support from family or friends. Seek advice if you are in this position.

## 2 - Eligible for assistance

This means *eligible* by virtue of your immigration status. The rules are complicated and vary depending on whether you are a British Citizen, a European Economic Area (EEA) national or a non-EEA national.

You are eligible if you are a British Citizen, unless you recently returned from abroad

*Habitual Residence Test* This test decides if you normally live in the UK, the Channel Islands, the Republic of Ireland, or the Isle of Man.

There is no legal definition of what habitual residence actually is, nor how long you need to have been in the UK to establish habitual residence. For more see factsheet 25, *Returning from abroad*.

Other groups who are ineligible for assistance include:

EEA nationals living in the UK by 31 December 2020 who have not yet applied to the EU Settlement Scheme or similar

EEA nationals who have been granted pre-settled status, unless they *right to reside*

not, for example)

non-EEA nationals whose leave to remain is time limited or subject to a condition that th *public funds*

In addition, there are rules for households with both eligible and ineligible members, setting out when the needs and circumstances of the ineligible members can be taken into account.

Note, local authorities have certain powers and duties relating to public health and other emergencies, which they may rely on to provide temporary accommodation to ineligible people as a means of saving lives.





The guidance gives examples of acts or omissions that could be regarded as deliberate:

you chose to sell your home when you were not at risk of losing it







## Assessment and personalised plan

If you are homeless or threatened with homelessness and eligible, the local authority must assess and give you a written notification of:

the circumstances that caused you to be homeless or threatened,  
your housing needs, in particular what housing would be suitable for you and your household, and  
what support you and your household need to find and keep suitable housing.

The guidance recommends that in assessing your housing needs, the authority should consider issues such as the size, type, and location of the accommodation required, and specific requirements linked to disability or health.

The assessment process should be flexible to your needs, individual, and interactive. The authority should not require you to complete the assessment online and in most circumstances, should carry out at least one face-to-face interview.

If this is not possible, for example because you are in hospital or prison, or would find it difficult to attend an appointment, other options should be explored, such as completing the assessment via video link or with the help of an advice agency.

Following on from the assessment, the authority must work with you to develop a *relieving preventing* homelessness. It must try to agree with you:

any steps you must take in order to find and keep suitable housing, and the steps it is to take for the same purposes.

The authority must provide a written record of what you have agreed.  
*personalised plan*

If you cannot reach agreement, the authority must still produce a written record, setting out why you could not agree, the steps it will take to help you, and any steps it thinks you should take.

The personalised plan is very important – speak to an adviser if you do not understand any aspect of it. The steps the local authority records for







Tell the local authority if you think you will have difficulty securing a property yourself, even with advice and support. However, be aware that offers of housing made or arranged by the authority may be in the private rented sector and you may have less choice over the type of property and location.

If the authority is proposing to secure housing for you, let them know if the private rented sector would not meet your needs.

When deciding what accommodation to secure, the authority should consider whether you have support needs, as identified in your personalised plan, and any additional information provided by doctors, carers, or other agencies providing services to you.

Offers of accommodation made or arranged by the local authority must meet certain suitability standards, see section 9 for more information.

As your personalised plan must be kept under review, the reasonable steps taken by the authority may change. You can ask for your plan to be reviewed if your circumstances change, or you can request an *internal review* (see section 10).

### 5.3 Do I have to do anything?

Your personalised plan is likely to include steps you should take to relieve or prevent homelessness. These may be mandatory, meaning you must take the step, or recommended, meaning it is up to you. The plan must set out clearly which steps are mandatory and which are recommended.

The guidance suggests a step should only be mandatory if the local authority thinks it is necessary to relieve or prevent homelessness. It gives little guidance on what form mandatory steps might take but implies they could include carrying out a property search and engaging with other support services.

You can potentially be required to look for accommodation outside your preferred area if there is little prospect of finding affordable housing there. You should not be required to engage with a service that does not exist in the local area.

The authority must try to agree mandatory steps with you before recording them in your plan. If you cannot agree, the authority can record the step anyway, but it must be satisfied the step is reasonable. Steps you agree to take do not have to be reasonable to be recorded.

*considers advisable*

may, for example, recommend that you engage with services to address your wider needs or increase your future housing options. This can include employment support.

### 5.3.1 'Deliberate and unreasonable' refusal to cooperate

The local authority can bring the relief or prevention duty to an end if it *deliberately and unreasonably* with a mandatory step. This is the case even if you did not agree to take the step. It cannot do this if you fail to take a recommended step.

The consequences of refusing to cooperate can be severe. If you are at the relief stage (i.e. if you are homeless and eligible), you will not get further help unless you are in priority need. Even then, you may get less help than if you had cooperated. See section 5.5 for more information.

For this reason, it is important to try and negotiate with the local authority if it is suggesting a mandatory step that you do not think you can or should comply with. Seek advice if you are in this position.

#### What is a 'deliberate and unreasonable' refusal?

*deliberate* *unreasonable* are defined in homelessness legislation *persistently failing to attend property viewings or appointments without good reason* *actively refusing to engage with activity required to help you secure accommodation*

However, authorities should be satisfied of the following before ending a duty on these grounds:

the steps in your plan are reasonable - a requirement for you to search for accommodation in a particular area may no longer be reasonable if you have exhausted all options there.

you understand what you are required to do, meaning your refusal can be considered deliberate.

refusal is not linked to an unmet health need or communication difficulty.

## Procedure in cases of non-cooperation

### *reasonable efforts*

including seeking to understand reasons for non-cooperation, before taking formal action. If you appear not to be cooperating, the authority should review its assessment of your case and the appropriateness of the steps in your plan. You should be advised of the consequences of non-cooperation before formal action is taken.

If you receive support from elsewhere, such as social services or the probation service, the authority should seek to involve them as soon as possible. If the authority wishes to take formal action, it must do the following:

give you a written warning explaining the consequences if you do not take the required step

### *reasonable period*

what is

reasonable should depend on your needs and circumstances

if you do not take the step in this period, serve you a formal notice of non-cooperation.

## Longer period

In most cases, the authority can choose to end its duty after 56 days, even if you are still homeless or threatened with homelessness. However, it is not obliged to do so. If efforts to help you relieve or prevent homelessness have been unsuccessful, it may continue helping you until you manage to find or keep a property.

It should not have a blanket policy of ending relief or prevention work after 56 days and should take your circumstances into account when deciding whether to extend. You have a right to a review if it decides not to extend, see section 10.

If the authority cannot end the prevention duty just because 56 days have passed, then under a duty to rehouse you, see section 8. *no fault tests*

## Shorter period

This is because a local authority can bring the relief or prevention duty to an end early in certain circumstances, including where they are satisfied you have:

suitable accommodation available for at least six months for example, you have accepted an offer of or found a property, or issues at your current property have been resolved, or your landlord is letting you stay.

refused an offer of suitable accommodation that would have been available for at least six months note that suitability can be challenged.

*deliberately and unreasonably* the plan drawn up by the authority.

become homeless intentionally from accommodation you have been provided with since making your application.

*eligible for assistance* withdrawn your application.

In most cases, the local authority must give you a formal written notice if it wants to end the relief or prevention duty early. This must tell you why and inform you of your right to a review of the decision. The exception is if *final offer*, see section 5.5.4.

## What happens next?

If the relief or prevention duty ends, either because 56 days have passed or for one of the reasons set out above, you may not get further help.

Section 5.5 sets out the main scenarios where you will get further help and those where support may, or will be, withdrawn, even if you are still homeless or threatened.

## 5.5 What happens if...

This section looks at what happens if the relief or prevention duty ends and whether you can expect further help after that point. Whether you get help and, if so, what kind, depends on the duty you were owed, why it was brought to an end, and which of the four tests you meet.

These are complex issues and the factsheet cannot cover every scenario and eventuality. Make sure you understand the consequences

If *full* when the relief duty ends, you get no further help, unless you are in priority need. If you are in priority need, *interim* and you should get some advice and assistance, see section 7.

### Note

If you are owed the relief duty, the local authority must provide genuine help for the 56-day period even if you are unlikely to be entitled to help after that point. *must not limit or reduce the assistance they provide during the relief duty for this reason*

### 5.5.3 I refuse to cooperate?

If you are homeless, whether you get further help depends on your circumstances. If you meet all four tests, the authority has a duty to rehouse you, *full*

You are likely to be offered a six-month tenancy in the private rented sector. The offer must be suitable and suitability can be challenged.

If you do not meet all four tests, you get no further help, unless you are in priority need. If you are in priority need *interim* should continue for a reasonable period and you should get advice and assistance, see section 7.

If you are threatened with homelessness, refusing to cooperate means the authority can end the prevention duty but if you then become homeless, the relief duty applies.

Section 5.3.1 explains the procedure a local authority must follow if it wants to end the prevention or relief duty on the grounds of your *deliberate and unreasonable*

### 5.5.4 I refuse an offer of accommodation?

If you are homeless (and therefore owed the relief duty), make sure you understand whether any offer of accommodation *final*  
*final Part 6 offer*  
*final accommodation offer*

If an offer is a final offer, the consequences of turning it down are more severe. The relief duty ends automatically and you will not get any further help, except an extension of your interim placement and some advice and assistance *priority need* (section 7).

You must be informed of the consequences of refusal and your right to request a review of the suitability of the offer. You can request a review whether you accept the offer or not, so in most cases it is advisable to accept and then seek to challenge suitability (see section 9).



Family associations normally arise if you or a member of your household have parents, adult children, brothers or sisters who have been resident in the area for at least five years at the date of the decision. A referral can only be made on the basis of family associations if you indicate a wish to be near those family members.

For a referral to be made, your household must have a connection to the second authority area and no connection whatsoever to the first. This

*normally resident*

it should accept responsibility for your case, even if your connection to the second authority area is stronger.

Your case cannot be referred if you or a member of your household would be at risk of domestic abuse in the second authority area, or have experienced another type of violence in that area and would likely experience further violence if forced to return. Violence includes threats of violence likely to be carried out.

If you do not have a local connection anywhere, for example if you have spent many years in prison, you can get help from any local authority. If you are street homeless or sofa surfing, the guidance states a different type of inquiry is



At the relief stage, the rules are different. The second authority can reach a different decision to the first on whether you are homeless, eligible for assistance or intentionally homeless, but only if your circumstances have changed or further significant information has come to light. Seek advice if you are in this position.

At *reasonable steps* help you, once it tells you it is planning to refer or has referred your case. However, it should take steps to help you before this point, even if it thinks a referral is likely. It should assess your circumstances and needs and try to agree a personalised plan. If the second authority accepts the referral, the first authority must provide a copy of your assessment and should provide a copy of your plan, if made, as quickly as possible.

A referral cannot be made at the prevention stage - if the first authority is satisfied that you are threatened with homelessness and eligible, it must help you regardless of local connection.

### **Note**

Different rules may apply if you have been homeless before and were placed in the first local authority area by another authority. Seek advice if you are in this position.

## **7 Interim accommodation**

It may be provided until you receive a decision on your case, for example, a decision that the relief duty is not owed. However, it may be provided for longer, for example until the relief duty ends. Speak to an adviser if you are unsure.

If you receive a negative decision on your case, or the authority is seeking to withdraw help, you generally have the right to an internal review (see section 10).

In most cases, the authority has

The authority may register you on its waiting list for council and housing  
*housing register*

accommodation while you wait for a suitable property to become available. Alternatively, they may let you stay where you are currently living, for example with friends and family, while you wait.

If you were already on the waiting list, they should adjust your priority level to account for your new status as a homeless person. For more information, see factsheet 8, *Council and housing association housing*.

The duty also ends if you refuse an offer of suitable accommodation.

This can be:

temporary accommodation

*final offer*

waiting list

a *private rented sector offer* this means a fixed-term assured shorthold tenancy of at least one year with a private landlord.

The authority must inform you of the possible consequences of refusing or accepting the offer, and your right to request an internal review of the suitability of the accommodation. You can request a review whether you accept an offer or not, so in most cases it is advisable to accept and then seek to challenge suitability. This way you have a safety net if the review is unsuccessful.

The duty ends if your immigration status changes, meaning you are no longer eligible for help. It ends if you become homeless intentionally from accommodation provided by the authority. It does not end if you lose your priority need status.

If the duty ends because you refuse a suitable offer, become ineligible or homeless intentionally, t

The criteria the authority should consider when assessing suitability include:

your physical, medical, and social needs an offer of accommodation may be considered unsuitable if it provides more or less support than you require

the condition of the property and whether it is, or would be, overcrowded. This may require an assessment under the Housing Health and Safety Rating System (HHSRS). For more information on HHSRS, see factsheet 67, *Home improvements and repairs*

affordability - the local authority should consider your financial resources, the costs of the accommodation, any maintenance and child support payments and reasonable living expenses

location

risk of violence, including racial violence.

An objectively suitable property may be unsuitable in your particular case. In reviewing suitability, the authority should consider subjective factors such as personal characteristics, needs, hopes and fears.

### **Location of the accommodation**

When deciding whether an offer is suitable for a household, the local authority must consider its location. For most households, this includes:

significance of any disruption to work, caring responsibilities or education

proximity and accessibility of medical or other support currently provided and essential to wellbeing

proximity and accessibility of local services, amenities and transport.

The courts have confirmed location is relevant even where accommodation is provided as an interim measure.

As far as reasonably practicable, authorities must make offers of accommodation within their own areas. Under the guidance, accommodation should generally be provided as close as possible to where you were previously living. If an authority offers accommodation in another area *out-of-area offer* must consider how far away it is.

The guidance states an out-of-area offer is unlikely to be appropriate if suitable and affordable accommodation is available closer to the area. It states that authorities should avoid placing households in isolated accommodation away from public transport, shops, and other facilities.

If you or a member of your household needs medical or other support, the authority should consider whether this is available near the accommodation offered and, if so, whether you would have difficulties accessing it that you do not have now. Other support may include essential support from relatives or support groups.



You have 21 days from the date you receive an offer letter to submit a review request. The date of receipt is included in the calculation. It is only the review request that must be made within the time limit. You can submit full representations and evidence at a later stage, so long as this

If you wish to request a review, seek advice as soon as possible from Shelter or a local advice agency or Law Centre. You may be able to get free legal advice and representation through legal aid if you

## Other options

Decisions that do not carry a right of internal review by the local authority include refusals to:

accept your homelessness application

provide interim accommodation

provide interim accommodation while a review is carried out, where the authority has discretion to do this

review a decision that has already been reviewed

extend the time limit within which a review should have been requested.

In addition, there is no right to an internal review of the findings of the

under *personalised plan* steps you do not agree to take  
*reasonable* to be included in your plan

The facts of the case may be different in each complaint, so if they find the authority has done something wrong, they will carefully consider what would be the most appropriate remedy to recommend.

They may recommend that the authority reviews your application and corrects their mistakes, pays you compensation if you suffer hardship because of their mistake, or reviews their policies and procedures and trains staff to avoid similar problems reoccurring.

The LGO do not normally consider a complaint about a local authority before you have completed its internal complaints procedure. If this takes too long, for example if you have not received a final decision within 12 weeks, you can go straight to the LGO.

You should normally complain to them within 12 months of the problem coming to your attention.



## Useful organisations

### **Citizens Advice**

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Telephone 0800 144 8848

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

### **Equality Advisory Support Service**

[www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

Telephone 0808 800 0082

The Equality Advisory Support Service helpline provides information and advice about discrimination and human rights issues. Contact them if you want to [StF1.12.Tf1.0.7eq0@equalityadvisoryservice.com](mailto:StF1.12.Tf1.0.7eq0@equalityadvisoryservice.com)

**National Debtline**

[www.nationaldebtline.org/](http://www.nationaldebtline.org/)

Telephone 0808 808 4000

A charity providing free, impartial and confidential debt advice.

**National Domestic Abuse Helpline**

[www.nationaldahelpline.org.uk/](http://www.nationaldahelpline.org.uk/)

Telephone

## Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice or Age Cymru Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

### Age UK Advice

[www.ageuk.org.uk](http://www.ageuk.org.uk)

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

### In Wales contact

#### Age Cymru Advice

[www.agecymru.org.uk](http://www.agecymru.org.uk)

0300 303 4498

### In Northern Ireland contact

#### Age NI

[www.ageni.org](http://www.ageni.org)

0808 808 7575

### In Scotland contact

#### Age Scotland

[www.agescotland.org.uk](http://www.agescotland.org.uk)

0800 124 4222

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## Next update July 2025

The evidence sources used to create this factsheet are available on request. Contact [resources@ageuk.org.uk](mailto:resources@ageuk.org.uk)

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