

The Highland Council

Housing and Property Service

Homelessness Policy

1. Objectives of the Homelessness Policy

- 1.1 To prevent homelessness and reduce its duration where it does occur.
- 1.2 To have regard to the Homelessness Code of Guidance and other national policy and regulatory guidance on homelessness.
- 1.3 To fulfill the Council's statutory duties in relation to homelessness.
- 1.4 To promote effective joint working with external and internal partners to achieve appropriate outcomes.
- 1.5 To ensure that housing solutions are sustainable through the provision of housing support.
- 1.6 To promote Equal Opportunities in accordance with the Council's Policy.

2. Prevention of Homelessness

- 2.1 The Council will take all reasonable steps to prevent people from becoming homeless.
- 2.2 Homelessness prevention will include the following activity:
 - Providing information and advice and making referrals for money advice or other specialist services for households at risk of homelessness.
 - Following up notifications from landlords and creditors under section 11 of the Homelessness etc. (Scotland) Act 2003 and taking all reasonable steps to ensure that people are able to remain in their current homes.
 - Carrying out home visits where appropriate to all young people presenting as homeless who are currently living at home or with relatives
 - Investigating the tenancy rights, including the application of the "Repairing Standard" of anyone being asked to leave privately rented accommodation and taking all reasonable steps to ensure that people are able to remain in their current homes.
 - Providing housing support where it is needed to avoid people becoming homeless.
 - Ensuring that housing management practices of the Council and other social landlords help to prevent the loss of social rented housing.
 - Promoting good practice, awareness raising and undertaking outreach / education work, including in schools, aimed at preventing youth homelessness.

3. Information and Advice

- 3.1 We will ensure that all households threatened with homelessness receive comprehensive advice and assistance.
- 3.2 The Council will produce easily understood advice leaflets on this policy. These will also be available on the Council's website and in other Council Offices.
- 3.3 The Council will provide advice and information on accommodation options available through its "Finding Housing in Highland" manual which is also available on the Council's website.
- 3.4 The Council will undertake a financial assessment of homeless applicants in order to determine whether it is reasonable for them to consider housing options outwith the social rented sector.
- 3.5 The Council will refer homeless or potentially homeless people to agencies that can offer independent financial or legal advice required.
- 3.6 To support the needs of applicants whose first language is not English, the Council will provide advice leaflets in different languages and appropriate access to translation and interpretation services when needed.

4. Handling Approaches

- 4.1 Everyone who contacts the Council regarding concerns about their security of tenure, potential or actual homelessness will be treated with respect, courtesy and in complete confidence.
- 4.2 All interviews will take place in a private interview room. Where possible applicants will be advised prior to interview that they have the right to be interviewed by a member of staff of the same sex and that they have a right to have a friend, relative or representative present at the interview.
- 4.3 All applicants will receive a clear and simple explanation of this policy and on the Council's procedures for handling homelessness applications.
- 4.4 An initial interview will be held with applicants to establish whether they are actually homeless and whether there is any preventative action that could be taken to allow them to remain in or return to their current accommodation. The definition of homelessness in relation to this policy is provided at Section 5.1 (below). Where possible this interview will be carried out on the same day as the approach to the Council.
- 4.5 In an emergency, out-with normal working hours, the Council will provide advice and assistance through the Council's Out of Hours Service.
- 4.6 Where it is established that someone is homeless discussion will take place on the need for temporary accommodation. Temporary accommodation will be provided in emergency circumstances where the applicant is unable to source alternative temporary accommodation. Arrangements for temporary accommodation are provided in section 9 (below)

5 Assessing Homelessness

- 5.1 For the purpose of this policy a person will be considered to be homeless if they have no accommodation in the United Kingdom or elsewhere which they (together with any person who normally resides with them as a family member, or in circumstances in which the Council considers it reasonable for that person to reside with the applicant) are entitled or permitted to occupy in one of the following ways:
- by virtue of an interest in it (for example as an owner or tenant) or by virtue of a court order;
 - by right or permission, or an implied right or permission, to occupy (for example as a lodger or as a member of an existing household); or
 - by virtue of some protection given by law.
- 5.2 The Council will investigate whether accommodation is available to the applicant and will ask the applicant to provide evidence depending on their situation.
- 5.3 An applicant will be assessed as being homeless if it is not reasonable for them to continue to live in their current accommodation, for example because it is below the tolerable standard, or due to a risk of violence
- 5.4 The Council will assess whether it is suitable for someone to remain in their current accommodation and may ask the applicant to provide evidence.
- 5.5 For the purpose of this Policy an applicant will be considered to be threatened with homelessness if they are likely to become homeless within two months. Every effort will be made to prevent actual homelessness occurring.

6 Assessing Priority Need

- 6.1 If an applicant is assessed as being homeless (or threatened with homelessness) the Council will determine whether under the terms of the homeless legislation it considers the applicant to be in priority need.
- 6.2 Households falling into the following categories will be awarded priority need status:
- Households where there are dependent children
 - Households where there is a pregnant woman
 - Applicants who are under 22 years of age
 - Households becoming homeless as a result of an emergency such as flood, fire or any other disaster
 - Vulnerable households
- 6.3 People in the following categories may be assessed as being vulnerable and will be awarded priority need status:
- Anyone under 25 years of age who has previously been in the care of the local authority at any time in their life
 - Any considered to be vulnerable because of old age

- Anyone suffering from a mental illness; personality disorder; learning disability; physical disability; chronic ill health; or having suffered a miscarriage or undergone an abortion;
- Anyone who seriously misuses alcohol or drugs (whether or not a controlled drug within the meaning of the Misuse of Drugs Act 1971 (c.38)) or any volatile substance.
- Anyone having been discharged from a hospital, a prison or any part of the regular UK armed forces;
- Anyone at risk of domestic abuse
- Anyone who by reason of their religion, sexual orientation, race, colour or ethnic or national origin runs the risk of violence, or is, or is likely to be, the victim of a course of conduct amounting to harassment
- Households who may have various low level concerns or issues in their lives but no one major reason for automatically being considered as being in priority need will be awarded priority need status
- other special reason

6.4 The Council recognises that areas of need and vulnerability can seriously compromise the sustainability of a tenancy particularly where these occur in combination. Where vulnerability has been identified during the homeless assessment the Council will investigate whether the applicant needs assistance to enable them to sustain a tenancy. (This is dealt with in more detail in Section 11 of this policy).

6.5 Where the Council's decision on a homelessness application is that the household is homeless but is not in priority need the Council will provide the household with advice and assistance in finding accommodation. During this period the household will be expected to make every effort to find alternative accommodation and may be asked to evidence what they have done in this respect.

6.6 If the household is in temporary accommodation they will be required to leave following a reasonable period of time. This may vary if there are special circumstances but normally the maximum period of time in temporary accommodation will be 28 days from the date of the homeless decision letter.

7 Assessing Intentionality

7.1 Where an applicant has been found to be homeless or threatened with homelessness and has been assessed as being in priority need, the Council will then assess whether they are intentionally homeless.

7.2 An applicant will normally be assessed as being intentionally homeless if they did or failed to do something which caused them to lose their accommodation. The following are examples of who may be considered in this category:

- Voluntary termination of property.
- Non payment of rent or mortgage.
- Failure to maintain and conduct a satisfactory tenancy.
- Voluntary relinquishment or sale of property without first ensuring that alternative permanent accommodation is available.

- Failure to follow reasonable advice which would have prevented homelessness.

7.3 An applicant will not normally be considered to be intentionally homeless if it would not have been reasonable for them to continue to occupy their previous accommodation.

7.4 The Council will investigate whether it considers applicants to be homeless intentionally and will ask the applicant to provide evidence depending on their situation.

7.5 Where the Council's decision is that a household is homeless and in priority need, but that it became homeless intentionally, the Council will provide the household with advice and guidance in finding accommodation. During this period the household will be expected to make every effort to find alternative accommodation and may be asked to evidence what they have done in this respect

7.6 If the household is in temporary accommodation they will be required to leave following a reasonable period of time. This may vary if there are special circumstances but normally the maximum period of time in temporary accommodation will be 28 days from the date of the homeless decision letter.

8 Local Connection

8.1 Where an applicant has been found to be homeless or threatened with homelessness, has been assessed as being in priority need, and as unintentionally homeless the Council will assess whether they have a local connection.

8.2 The Council will adopt the current legal definition of local connection, which is a connection which a person has with an area:

- because the household is or was in the past "normally resident" in it, and this residence was of his or her own choice; or
- because the household was employed in the area; or
- because the household has family associations in the area; or
- because of special circumstances

8.3 Normal residence is defined as residence for at least 6 months during the previous 12 months, or not less than 3 years during the previous 5 years. Periods of temporary residence of the applicant's own choice will be taken into account in this calculation.

8.4 The Council will undertake investigations into whether an applicant has settled accommodation elsewhere that it is reasonable for them to occupy when assessing local connection.

8.5 Residence in a local authority area because the applicant was in prison or mental health institution will not allow the applicant to establish a local connection. However, previous connection will be taken into account.

8.6 Where an applicant has been found to be homeless or threatened with homelessness, has been assessed as being in priority need, and as unintentionally homeless, but where there is no local connection within the Highland Council areas they will be referred to another local authority in Scotland, England or Wales where they may have a local connection. Where temporary accommodation is being provided this will be available pending the outcome of the referral. If the applicant refuses a referral then they will be required to leave temporary accommodation following a reasonable period, which would not normally be more than 28 days.

8.7 Where no local connection exists with any other authority, the Council will have a duty to help the household address its homelessness.

9 Provision of Temporary Accommodation

9.1 The Council will provide temporary accommodation on an emergency basis where necessary;

- While it carries out a full investigation into their homelessness and /or;
- Where it has assessed that the Council has a duty to secure accommodation for a household, but has not been able to make an offer of housing.

9.2 Temporary accommodation will not be provided where the Council does not have a housing or homeless duty to an applicant e.g. households who are subject to Immigration Control and require leave or permission to enter or remain in the country or European Economic Area nationals who have not established a right to reside in the country.

9.3 Every effort will be made to provide accommodation in a location which is suitable for the applicant, although this will be influenced by the availability of temporary accommodation

9.4 Temporary accommodation may be in the following types of properties:

- Rooms rented by the Council from third parties
- Council owned rooms
- Properties rented by the Council from third parties
- Council owned properties
- Bed and breakfast

9.5 All temporary accommodation and furnishings provided by the Council will meet reasonable standards of repair, fire safety regulations etc. The Council will inspect all temporary accommodation provided on a regular basis.

9.6 All properties rented by the Council will require to have all necessary licenses and registrations in place, eg House in Multiply Occupancy license and Landlords Registration Scheme.

9.7 The Council will not accommodate families with children or pregnant women in accommodation that breaches The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004.

- 9.8 Homeless people provided with temporary accommodation will be responsible for the payment of any rent and service charges that apply to the property for the duration of their occupancy. Where households have eligibility for Housing Benefit this can be claimed. It is the tenant's responsibility to complete the relevant forms and provide the documentation required to allow benefit to be calculated.
- 9.9 In bed and breakfast or leased rooms where breakfast and heating and lighting are provided, the charge for this is not eligible for benefit. Therefore it is the responsibility of the tenant to make regular payments to cover this charge.
- 9.10 Failure to make regular rent and service charge payments may result in the tenant being asked to leave the accommodation. This will not change the Council decision of their homeless assessment but further temporary accommodation will not be provided.
- 9.11 The Council expects that everyone should be able to have quiet enjoyment of their accommodation, without being abused or harassed or subject to noise or other nuisance caused by those around them. Any complaints of anti social behaviour in temporary accommodation will be investigated and may result in the applicant being asked to leave the accommodation. This will not change the Council decision of their homeless assessment but further temporary accommodation will not be provided.
- 9.12 The Council will inspect all temporary accommodation provided on a regular basis. The applicant will be billed for any willful damage caused to the property or related furniture and fixtures. The Council will also consider bringing criminal charges for any damage caused. Any willful damage to temporary accommodation will result in the applicant being asked to leave the accommodation. This will not change the Council decision of their homeless assessment but further temporary accommodation will not be provided.
- 9.13 The Council aims to minimise the time spent in temporary accommodation. It will do this by:
- Investigating homelessness applications as quickly as possible, and asking people to leave temporary accommodation as soon as possible where the Council does not have a duty to secure settled accommodation.
 - Making reasonable offers of secure settled accommodation as quickly as possible.

10 Provision of Settled Accommodation

- 10.1 Where, following an assessment (described in sections 5 to 8 above), an applicant is homeless; in priority need; is not homeless intentionally and has a local connection to the Highland Council area, the Council will discharge its duty in any of the following ways:

- Offer of a Local Authority or Registered Social Landlord Scottish Secure Tenancy
 - Offer of a Private Sector Assured Tenancy
 - Offer of a short Scottish Secure Tenancy with support
 - Offer of Section 7 tenancy (Hostel or non tenancy type accommodation in line with section 7 of the Housing (Scotland) Act 2001, with housing support)
 - Private rented sector accommodation under the terms of Section 32a of the Housing (Scotland) Act 1987
 - Accessing other housing options
- 10.2 Homeless applicants will be awarded appropriate priority in accordance with the Highland Housing Register allocations policy.
- 10.3 In relation to the offer of a Scottish Secure Tenancy, applicants with homelessness priority will be made **one** reasonable offer of accommodation with homeless priority.
- 10.4 A reasonable offer of permanent accommodation is one which meets the applicant's housing need, but it may not be the type or in the location of accommodation that the applicant has indicated they would prefer. The offer can come from either Highland Council or a Registered Social Landlord.
- 10.5 In order to respond to homelessness as quickly as possible and to minimise the time spent in temporary accommodation the Council will make the best offer possible from within the housing stock it has available, taking account of the applicant's needs. This will involve an assessment of reasonable travel distances and time by public transport in relation to local geography, to established social networks. We will also consider proximity to existing schools if a family member is at a critical stage in their education e.g. about to sit standard/higher grade examinations.
- 10.6 If a reasonable offer of accommodation is refused the Council will consider that it has discharged its homelessness duty. In these circumstances the household's housing application will be dealt with according to the general allocations policy, but without homeless priority. The applicant will be given notice to vacate any temporary accommodation provided.
- 10.7 Section 5 of the Housing (Scotland) Act 2001 places a duty on Registered Social Landlords (RSLs) to assist local authorities in discharging their duty to secure permanent accommodation for homeless applicants. The RSL is required to accept referrals nominated by the local authority unless there is very good reason not to as described by the Act.
- 10.8 The Council will make Section 5 referrals to Registered Social Landlords for accommodation in the Highland area when necessary in order to assist in meeting its homelessness duties. This may include when a household needs to be in a specific area or requires a specific type of property.
- 10.9 The Council will work with applicants to identify whether there are other ways in which they can resolve their homelessness. This will include undertaking a financial assessment of the household's ability to access other housing

options and offering advice and assistance to do so. Where appropriate and where it is financially viable applicants will be expected to consider other alternatives to social rented housing.

- 10.10 The Council will advise applicants that in order to alleviate their homelessness that we may discharge our duty to them under Sector 32a of the Housing (Scotland) Act 1987, by sourcing settled accommodation in the private rented sector. This will be following discussion and agreement with the applicant household. The applicant household will be able to access independent advice and information prior to making a decision about accepting a tenancy in the private rented sector.
- 10.11 If an applicant feels that an offer of housing made to them is unreasonable they can ask for a review of this. Any request for a review of an offer must be submitted in writing within 7 calendar days of receipt of the offer, and **must** state the reason why the applicant feels the offer is not reasonable. The offer will be reviewed by the Area Housing and Property Manager in relation to sections 10.4 and 10.5 of this policy.

11 Housing Support and vulnerable households

- 11.1 The Council recognises that homelessness is often linked to other issues affecting individuals or families. For example mental health, drug and alcohol problems can make people more likely to become homeless and their homelessness more difficult to resolve.
- 11.2 Where this is the case the Council will aim to work with other services and agencies to ensure housing support needs are met as part of a tailored package of support to enable the individual to address any underlying issues contributing to their homelessness.
- 11.3 The Council has developed a housing support assessment tool and multi-agency arrangements in order to assess and deliver appropriate services and support in these circumstances.
- 11.4 The initial assessment of people presenting as homeless will aim to identify where people have general low level housing support needs or where there are more complex and/or multiple needs.
- 11.5 Where people have low level needs we will try to meet these through housing support services provided either by our own staff or through externally commissioned housing support providers. A housing support plan will be produced in all cases.
- 11.6 For clients with more complex needs we will work collaboratively to develop and implement a multi-agency plan aimed to help people address the issues that are contributing to their homelessness or risk of homelessness.
- 11.7 With the agreement of the applicant we will notify the Social Work Services of any homeless presentation from a household including anyone under 16 years of age.

- 11.8 Where a household with children is found to be homeless intentionally, a case conference will be convened within 7 days of the homeless decision being made and will involve Social Work Services and other appropriate services. The case conference will consider what support will be required. The household will be given one reasonable offer of housing which may not be within their preferred areas of choice and they will be issued with a short Scottish Secure Tenancy. Failure to engage with support or if other issues arise during the short SST will mean that the tenancy will not be converted to a Scottish Secure Tenancy.
- 11.8 We will seek permission from the applicant to notify Social Work Services of any homeless presentation from anyone under 25 years of age who was previously a care leaver.

12. Transitional Accommodation

- 12.1 In some cases peoples' housing support needs will mean that they are unable to sustain a permanent housing option immediately. The Council may provide transitional accommodation where a housing support assessment for an applicant has concluded that the applicant or any other person residing with that applicant requires housing support services which cannot reasonably be provided within permanent accommodation. This support can be provided in any of the temporary accommodation property types described in section 9.4.
- 12.2 The type and level of support provided will be assessed as described in section 11 (above). The effectiveness of the support will be reviewed and an applicant will not be offered a permanent housing solution until the Council considers that they are able to sustain a tenancy successfully, with any required low level support.
- 12.3 Clients are expected to engage in any agreed action plan devised to combat their homelessness or potential homelessness. The Council will be sensitive to the levels of insight, vulnerabilities and capacity of households concerned and will be informed by other agencies views as to these issues. Failure to engage may result in the applicant being asked to leave their accommodation and to the Council discharging its homelessness duty.

13 Review and Appeal Arrangements – homeless decisions

- 13.1 All decisions made in relation to homelessness applications will be notified in writing and will contain details of the reasons for the decision made.
- 13.2 Any homelessness applicant who is unhappy with the decision made in relation to their case will have a right to have their case reviewed.
- 13.3 All applicants will be advised of their right to have their case reviewed when they are notified of the assessment decision on their application.
- 13.4 All applicants will be advised of where they can get independent advice should they wish to discuss the decision made in relation to their homelessness application and for help should they wish to have their case reviewed.

- 13.5 Any request for a review of a decision should be submitted in writing within 21 calendar days of the homelessness decisions being notified to the applicant, and **must** state the reason why the applicant disagrees with the original assessment decision.
- 13.6 The case review process will have 2 stages.
- 13.7 Stage 1 will involve a full case review by the Housing Policy Officer with responsibility for homelessness. The Housing Policy Officer will consult with appropriate staff from Legal and Social Work Services in reviewing the case.
- 13.8 The review will establish whether the original decision was reasonable with respect to:
- Legal tests for homelessness
 - Evidence considered in arriving at the decision
 - Related Council policies and joint protocols – eg Protocol on Children’s Act Assessments or Looked after Children.
- 13.9 Applicants will be notified of the decision reached, within 7 calendar days of making a request for a review, including the reasons for the decision, and right of 2nd stage review.
- 13.10 Any request for a 2nd stage review of a decision should be submitted in writing within 7 calendar days of the decision on a 1st stage review being notified to the applicant and **must** include the reasons why the applicant disagrees with the previous decision.
- 13.11 A Stage 2 review will involve an appeal to a Homelessness Appeals Panel, consisting of:
- A Member of the Council’s Housing and Social Work Committee (who will act as Chair);
 - Director of Housing and Property, Head of Housing or Area Housing and Property Manager;
 - Council Solicitor.
- 13.12 A 2nd stage review panel will be called within 7 calendar days of a request for review. Where possible the Panel will meet in a location suitable for the applicant.
- 13.13 The applicant will be entitled to appear in person and can be represented at the review. If the applicant is being represented it is expected that the applicant will also attend.
- 13.14 Where there is information available in relation to Social Work Service involvement in the case this will be made available to the Panel and a Head of Service or Manager from the Social Work Service may be asked to attend the panel to provide an assessment in cases involving children or vulnerable adults.

- 13.15 The role of the Panel will be to decide whether the decision made in the case was reasonable under the terms of the legislation and Code of Guidance on Homelessness.
- 13.16 In notifying applicants of the outcome of a 2nd stage review applicants will be advised of their right to seek judicial review of the Council's decision on their case.
- 13.17 Temporary accommodation will be provided where needed until the outcome of the Council review is known. If the outcome of the Council review is that the original decision is upheld the applicant will be given a maximum of 28 days notice to leave their accommodation.

14 Staff Roles and Responsibilities

- 14.1 The Council is committed to high standards of customer service and will ensure that staff have the skills and knowledge necessary to deliver a professional and effective homeless service.
- 14.2 Staff training and development needs will be assessed and reviewed and training provided to ensure that staff are able to deliver services sensitively and effectively in line with this policy.
- 14.3 It is recognised that some homeless clients can exhibit challenging behaviour, and staff will be supported and well trained to enable them to deal with challenging behaviour.
- 14.4 Where evidence of risk to vulnerable applicants, staff or others exists, the Council will take reasonable steps to ensure their safety. Measures will be based on reliable information from statutory agencies or as disclosed by the applicant household.

15 Recording Data and Communications

- 15.1 All relevant information and details of each case will be accurately recorded, dated and agreed by the applicant(s) involved and held on a case file and the Council's IT system.
- 15.2 Information held will be subject to normal data protection policies and procedures of the Council. The information supplied will be used for the purpose for which it was provided and any relevant procedures following from this.
- 15.3 Applicants will be asked to sign a consent form to allow the Council to obtain information from other organisations / agencies.
- 15.4 Applicants will be asked to sign a declaration that information they provide is accurate and that they will disclose any change in their circumstances which might also effect their application and/or its outcome. Failure/Refusal to sign the forms or provide required information may result in the Council not having enough information to allow an assessment of their housing situation to be

done – in such circumstances the Council will have no further duty to the applicant.

- 15.5 It is an offence to provide false / misleading information. Where subsequent investigations indicate that an applicant has provided false / misleading information the Council will cancel the homeless application and will have no further duty to the applicant. If temporary accommodation is provided the applicant will be given up to 28 days notice to leave the accommodation.
- 15.6 Where necessary the Council will work with other relevant agencies to complete a risk assessment and any appropriate risk management plan in relation to individual clients. A risk assessment would be used to decide on appropriate temporary, interim or permanent accommodation offered as well as the nature of contact with the client. Relevant information will be shared with the accommodation provider.
- 15.7 All decisions made in relation to homelessness applications will be notified in writing and will contain details of the reasons for the decision made and the implications for the applicant.
- 15.8 The Council will seek to advise the applicant in writing of their homeless decision within 28 days of the date of application.
- 15.9 Where temporary accommodation is being withdrawn letters will be clear on the date on which accommodation will cease to be provided.
- 15.10 Where offers of permanent accommodation are being made letters will clearly state the implications for the applicant in refusing the offer.
- 15.12 Homeless applicants will be contacted in person or by telephone at least every 2 weeks to discuss their case and the actions needed to resolve their homelessness.

16 Performance Monitoring

- 16.1 We will gather and report statistics to help us assess the impact of this policy and to assist in policy review. Key measures will include:
- 16.2 We will compile quarterly reports on homelessness trends and performance indicators, including:
 - Case numbers and timescales
 - Prevention actions
 - Temporary accommodation use
 - Housing support
 - Case outcomes
 - Appeals
- 16.3 These reports will be publicly available.

- 16.4 We will obtain feedback from clients on their experience of our homelessness service through consultation with service user forums (where they exist) and through customer questionnaires / surveys.
- 16.5 The Council will review its approach to Priority Need annually with a view to stopping the assessment of priority need by 2012.

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