

The Highland Council Homelessness Policy

1. Objectives and Policy Framework

1.1 Our objectives in delivering this policy are:

- To prevent homelessness and reduce its duration where it does occur.
- To have regard to the Homelessness Code of Guidance and other national policy and regulatory guidance on homelessness.
- To fulfil the Council's legal duties.
- To promote effective joint working with external and internal partners to achieve appropriate outcomes and tenancy sustainability.
- To make sure that housing solutions are sustainable through our approaches and the provision of housing support.
- To promote Equal Opportunities in accordance with the Council's Policy.

1.2 The Highland Council will comply with:

- The Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003. These set out the powers and duties of Local Authorities in dealing with applications from people seeking help on the grounds that they are homeless or threatened with homelessness
- Homeless Persons Advice and Assistance (Scotland) Regulations 2002
- Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004
- Housing Support Services (Homelessness) (Scotland) Regulations 2012
- The Data Protection Act 1998
- The Children (Scotland) Act 1995

1.3 It will promote good practice and have regard to guidance including:

- Code of Guidance on Homelessness 2005 (Code of Guidance)
- Meeting the Best Interests of Children Facing Homelessness Guidance (2008) and Getting It Right For Every Child
- Prevention of Homelessness Guidance (2009)
- Housing Options Guidance (2016)

1.4 The primary legislation relating to the provision of homelessness services is the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003. Part II of the Housing (Scotland) Act 1987 (as amended) places a duty on local authorities to secure accommodation for persons who are homeless and who did not become homeless intentionally.

- 1.5 Section 32B of the Housing (Scotland) Act 1987 (as amended by the Housing (Scotland) Act 2010) places a statutory duty on local authorities to assess the need for housing support services of every applicant assessed by the local authority as unintentionally homeless or threatened with homelessness and who the local authority has reason to believe would benefit from housing support services. If the local authority has reason to believe that the applicant may need the support, the local authority must assess others residing with the applicant. If it finds that support services are needed, it must ensure they are provided. If the applicant does not require support, but a local authority is aware that others residing with the applicant may have support needs, it is considered best practice to address these needs.
- 1.6 The Children (Scotland) Act 1995 requires the Council to assess the needs of young people formerly “looked after” by the authority, and provide housing and support solutions to enable them to move on to independent living.
- 1.7 The Council adheres to other relevant legislation, including the Matrimonial Homes (Family Protection) (Scotland) Act 1981, the Data Protection Act 1998, the Human Rights Act 1998 and the Equality Act 2010.
- 1.8 For the purposes of this policy, those who use the service, including customers, service users and households living in temporary accommodation will be referred to as customers.
- 1.9 This policy is concerned with creating equal opportunities for people who are excluded from a most basic human need – a home of their own. The Council recognises that the service deals with a diverse range of people including those who are vulnerable and in highly stressful personal circumstances. The Council will therefore:-
- ensure that all individuals and household are treated sympathetically and with courtesy and respect;
 - be sensitive and respond to the individual needs and circumstances of the people using the services; and
 - monitor services and the outcomes for people using them, to ensure that they are fair and responsive to needs.
- 1.10 To support the needs of customers whose first language is not English, the Council will provide translation and interpretation services when needed. The Council will ensure that information is accessible and available in other formats such as large print, tape and Braille, as required.
- 1.11 The Council will endeavour to ensure that no individual is discriminated against on grounds of sex or marital status, on racial grounds, or on grounds

of disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinions.

2. Prevention of Homelessness

2.1 There are a wide variety of reasons why people become homeless or are threatened with homelessness. The Council will take all reasonable steps to prevent people from becoming homeless.

2.2 Homelessness prevention will include the following :

- Delivering our Housing Options Policy and Standards¹. This Policy is a partner document and should be read alongside this Homelessness Policy.
- Encouraging and supporting early intervention to sustain tenancies, avert crisis and ensure people are able to remain in their current homes.
- Encouraging people to approach us for help as soon as a risk to their current housing is identified.
- Helping to source and access a wide range of tenure options.
- Carrying out home visits where appropriate to all young people presenting as homeless who are currently living at home or with relatives.
- Using discharge protocols and liaison mechanisms to make sure that homelessness due to leaving institutions (hospital, prison, the armed forces, local authority care or interim supported accommodation) is minimised. Advance planning and appropriate assessments will be carried out in a timely manner.
- Actively referring households to money advice, welfare support, or other specialist services and co-ordinating assistance from partner agencies and services.
- Providing or arranging conflict resolution services.
- Investigating the tenancy rights, and supporting the application of the "Repairing Standard" of anyone in or being asked to leave privately rented accommodation. Providing advice on these rights and taking all reasonable steps to ensure that people are able to remain in their current homes including liaising and negotiating with private landlords.
- Providing housing support where it is needed to avoid people becoming homeless now or in the future.
- Ensuring that housing management practices of the Council and other social landlords help to prevent the loss of social rented housing.
- Working jointly and in partnership with other services to make sure that people get the right help at the right time so that they can sustain tenancies or remain in their homes.
- Supporting those at risk of repossession and eviction and taking all reasonable steps to ensure that they are able to remain in their current

¹ The Housing Options Policy is available at www.highland.gov.uk

homes (including following up notifications under section 11 of the Homelessness etc. (Scotland) Act 2003).

- Promoting good practice, awareness raising and undertaking outreach / education work, including in schools, aimed at preventing youth homelessness.

3. Information, Advice and Options Assistance

- 3.1 The key approach we will take in Highland to address homelessness is housing options. The process starts with the provision of housing information and advice when someone approaches the Council with a housing problem. This approach explores all possible tenure options, including social housing, the private rented sector and owner occupation. Trained officers will examine and assess an individual's options and choices in the widest sense. By providing comprehensive advice and information, we will help people assess all their options, make informed realistic decisions and resolve their issues in a way which suits them.
- 3.2 We will ensure that all households threatened with or, who are, homeless receive comprehensive person-centred advice and assistance in line with our Housing Options Policy and Standards.
- 3.3 We will support the statutory rights of people who are homeless or potentially homeless by helping them achieve sustainable housing solutions whilst ensuring that public resources are used effectively and efficiently as possible and in a way that ensures statutory rights are maintained.
- 3.4 We will provide everyone with their Personal Housing Options Action Plan, ensure that the content is fully explained and that they understand what they need to do next. And will support them with their options.
- 3.5 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.
- 3.6 The Council will produce easily understood written information and advice on this Policy. This will also be available on the Council's website and in other Council Offices.
- 3.7 The Council will refer homeless or potentially homeless people to agencies that can offer independent financial or legal advice required.
- 3.8 To support the needs of applicants whose first language is not English, the Council will provide 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 customers will receive a clear and simple explanation of this Policy and the Council's procedures for handling homelessness applications.
- 4.4 An initial housing options discussion will be held with customers to establish their circumstances; whether there is any preventative action that could be taken to allow them to remain in or return to their current accommodation and to identify and consider their options. The definition of homelessness in relation to this policy is provided at Section 5.1 (below). Where possible this discussion will be carried out on the same day as the approach to the Council. In an emergency, out-with normal working hours, the Council will provide advice and emergency assistance through the Council's Out of Hours Service.
- 4.5 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 8 (below).
- 4.6 The rights of non-UK nationals to housing and homelessness provisions are a complex area. The Council will ensure that applications received from non-UK nationals are processed in accordance with legislation.

5 Inquiries into Decision Making

- 5.1 In accordance with Section 24 of the Housing (Scotland) Act 1987 (as amended), 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)
- 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.

52 The Council will investigate whether accommodation is available to the applicant and will ask the applicant to provide evidence depending on their situation.

53 An applicant will be assessed as being homeless if it is not reasonable for them to continue to live in their current accommodation.

54 The Council will assess whether it is suitable for someone to remain in their current accommodation.

55 Where necessary, the Council may request information to support an applicant's case and to assist in reaching a decision on homelessness. Examples of such information include:

- a valid notice to quit (but will not necessarily require that an order or decree for repossession has been obtained); and
- financial information to confirm income remaining after payment of housing costs and any changes in household income.

56 The Council will never seek information from an alleged perpetrator of abuse, nor will the Council insist that "proof" must be provided by a third party where there is alleged domestic abuse. Officers will work with Social Work or other specialist agencies, where appropriate, to assist investigations and to support the applicant in such cases.

57 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 Intentionality

61 Where an applicant has been found to be homeless or threatened with homelessness, the Council will then assess whether they are intentionally homeless.

62 Decisions regarding intentionality will be based on the law, and will have regard to the Code of Guidance. A decision of intentionality will only be made where there is clear evidence that:

- a person has become homeless, or threatened with homelessness, because they have deliberately done something, or failed to do something, while being aware of all of the relevant facts, that resulted in the loss of their

secure accommodation;

- they were aware of the consequences of his/her actions; and
- it would have been reasonable for the person to have continued to occupy their previous or current accommodation.

63 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:

- Ending a tenancy or selling a property which it would have been reasonable for them to continue living in.
- 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.
- Loss of tenancy through tenancy breaches including criminal activity.

64 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.

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

66 There will be no automatic presumption of intentionality. The specific circumstances associated with each individual case will be taken into account. Consideration will also be given to reasons which may have contributed to the customer's homelessness.

67 Where the Council's decision is that a household is homeless 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.

68 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 Local Connection

- 7.1 The Council will only investigate local connection where:
- a customer has been assessed as homeless, and not intentionally homeless; and
 - there are reasons to suggest that the customer does not have a local connection with Highland.
- 7.2 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 has genuine and effective employment in the area; or
 - because the household has family associations in the area; or
 - because of special circumstances (e.g. where the applicant has no local connection with anywhere in the United Kingdom).
- 7.3 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.
- 7.4 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.
- 7.5 Residence in a local authority area because the applicant was temporarily accommodated in for example, prison, a mental health institution or supported accommodation will not allow the applicant to establish a local connection. However, previous connection will be taken into account.
- 7.6 In accordance with Section 27 of the [Housing \(Scotland\) Act 1987](#) (as amended by Section 156 of the [Housing \(Scotland\) 2010](#), any person who is serving in the armed forces (and those who live with them) will form a local connection with the area they have lived or worked in.
- 7.7 Where an applicant has been found to be homeless or threatened with homelessness, and is 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 Provision of Temporary Accommodation

- 81 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.
- 82 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.
- 83 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.
- 84 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
 - Shared Accommodation
- 85 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.
- 86 All properties rented by the Council will require to have all necessary licenses and registrations in place, e.g. House in Multiple Occupancy license and Landlords Registration Scheme.
- 87 The Council will not accommodate families with children or pregnant women in accommodation that breaches The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017.
- 88 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 benefits to cover housing costs 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.

- 8.9 In bed and breakfast, rented 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. These are called service charges.
- 8.10 The Council will work proactively with applicants to manage any arrears. 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.
- 8.11 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 may not be provided. The Council's Promoting Positive Behaviour in Temporary Accommodation Policy will be followed. It aims to support applicants to manage their behaviour appropriately and balance The Council's need to meet its statutory homeless duties alongside its need to meet its health and safety duties.
- 8.12 The Council will inspect all temporary accommodation provided on a regular basis. The applicant will be re-charged for any willful damage caused to the property or related furniture and fixtures by them, anyone living with them or someone visiting them. 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.
- 8.13 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.

9 Protection of belongings and storage

9.1 Where a customer is unable to do so themselves, the Council will protect the property of those who it believes may be homeless and who have been provided with temporary accommodation. If there are any moveable possessions that cannot be taken into temporary accommodation, and no other suitable arrangements can be made, then the Council will arrange storage for the possessions.

9.2 Any removals and storage of belongings will be arranged and recharged to the customer. A repayment plan for the total amount of removals and storage will be agreed with the customer. When the Council's duty to provide temporary accommodation ends its duty to protect belongings also ends. The Council will inform the customer of this when they are initially provided with temporary accommodation.

10 Provision of Settled Accommodation

10.1 Where, following an assessment (described in sections 5 to 8 above), an applicant is homeless; 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 Residential Tenancy (including Mid Market Rent)
- 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)
- 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 homelessness priority. A reasonable offer of permanent accommodation is one which meets the applicant's housing need, but it may not be the type of accommodation or in the location (either community or area) that the applicant has indicated they would prefer. This accommodation will be a tenancy with the Council or a Housing Association (Registered Social Landlord), or with a private, mid-market or other type of landlord, should such options be realistic for you.

- 104 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 within Highland, taking account of the applicant's needs.
- 105 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. The household's housing application will then be based on the situation the household is living in (i.e. without 70 homeless points) and only **one** further offer of housing will be made. If this were to be refused the housing application will be suspended in accordance with the Highland Housing Register Allocations Policy
- 106 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. 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.
- 107 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.
- 108 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 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.
- 109 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 21 calendar days of receipt of the offer, and **must** state the reason why the applicant feels the offer is not reasonable. If it is

agreed that grounds for a review exist, the offer will be reviewed by the Area Manager / designated senior officer in relation to sections 10.3 and 10.4 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 an assessment tool and multi- agency arrangements in order to assess and deliver appropriate services and support in these circumstances. The assessment of people presenting as, or who are, homeless will aim to identify where people have general low level housing support needs or where there are multiple needs requiring a more complex response from a range of services.
- 11.4 Where people have lower 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.
- 11.5 For clients with more challenging 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.
- 11.6 With the agreement of the applicant we will notify the Social Work Service of any homeless presentation from a household including anyone under 16 years of age to ensure they get any help and support they might need.
- 11.7 Where a household which has been deemed vulnerable and has 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.

- 118 With the aim of improving the applicant's outcomes by accessing services and support, we will seek permission from the applicant to notify Social Work Services of any homeless presentation from anyone under 26 years of age who was previously a care leaver. We will advise anyone under 26 who was Looked After at their 16th birthday about their rights to an assessment and for any eligible needs to be met.

12. Transitional Accommodation

- 121 In some cases, high or multiple support needs may mean that an applicant is unlikely to be unable to successfully sustain a permanent housing option (with or without support) at that time. In such cases, The Council may provide transitional accommodation where an assessment 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.

- 122 The type and level of support provided will be assessed as described in section 11 (above). The applicant's progress with this support will be reviewed and they may not be offered a permanent housing solution until the Council considers that they are able to sustain a tenancy successfully - with support if it is required.

- 123 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 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 or receipt of offer and **must** state the reason why the applicant disagrees with the original assessment decision or the reasonableness of the offer of accommodation.
- 13.6 The case review process will have 2 stages.
- 13.7 Stage 1 will involve a full case review by the Area Manager / designated senior officer. They will have regard to the legislation and the Code of Guidance on homelessness and consider issues around vulnerability and will consult with appropriate staff from Legal, Social Work Services and Health and Social Care 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 – e.g. Protocol on Children’s Act Assessments or Looked after Children.
- 13.9 If the reviewing officer agrees there are grounds for a review, the review will be undertaken within 14 days. Applicants will then be notified of the decision reached 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 Review Panel, consisting of:
- Director of Community Services; Head of Housing or Area Community Services Manager (with no previous involvement in the case).
 - Council Solicitor.
 - A senior manager from Care & Learning Services with no previous involvement in the case (where there are children in the household).
 - An Elected Member of the Highland Council’s Person’s Committee (who will act as Chair);

- 13.12 If an Elected Member is unable to attend the hearing will still go ahead.
- 13.13 If the Panel agree that grounds for a review exist and there is merit in hearing a case (for example, if the letter provides new evidence, information on why the previous decision may be wrong or relevant case law), a 2nd stage review panel will be called within 14 calendar days of the notification of the outcome of the stage 1 review. Where possible the Panel will meet in a location suitable for the applicant.
- 13.14 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. .
- 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 Where possible The Council will advise the applicant in writing of their

homeless decision within 28 days of the date of their application. Where the decision will take some time because special inquiries have to be carried out or if alternative options are being pursued, we will send an interim reply, explaining fully the reasons for the delay.

- 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.
- 15.11 Applicants will be contacted at least every 2 weeks to discuss their case review their circumstances and the actions needed to resolve their homelessness and progress their Housing Options.

16 Quality Assurance and Performance Monitoring

- 16.1 A random sample of 10% of all cases will be quality assured retrospectively (after the decision has been made) by the Principal or Senior Housing Officer.
- 16.2 We will gather statistics and information to help us assess the impact of this policy and to assist in policy review. We will obtain feedback from clients on their experience of our homelessness service and temporary accommodation through consultation with service user forums (where they exist) and through customer questionnaires / surveys. Key measures may include:
- Case numbers and timescales
 - Prevention actions
 - Temporary accommodation use and time in temporary accommodation
 - Housing support
 - Case decisions and outcomes
 - Appeals

Date: 21/12/2010

Reviewed 20/12/2012 - following changes to legislation to abolish the Priority Need Test

Updated 12/08/2017 – following changes to appeals, audits, service names, housing options and for clarity

Updated 02/07/18 - para. 10.3 & 10.4 re. reasonable offer considerations; and permanent offer to Private Residential Tenancy (para 10.1)