

REPORT TO: HOUSING COMMITTEE - 20 NOVEMBER 2006

REPORT ON: HOMELESSNESS POLICY

REPORT BY: DIRECTOR OF HOUSING

REPORT NO: 664-2006

1. PURPOSE OF REPORT

The purpose of this report is to set out the Council's statutory obligations with regard to the prevention and alleviation of homelessness in Dundee. It goes on to describe a Homeless Policy for the Council which takes account of these obligations.

2. RECOMMENDATIONS

- 2.1. The Homelessness Policy (*Appendix 1*) is agreed and adopted by the Council.
- 2.2. It is recommended that, subject to approval of the policy, a full equality impact assessment is progressed (see para 7.8).

3. FINANCIAL IMPLICATIONS

- 3.1. Legal compliance with the Housing (Scotland) Act 2001 and Homelessness etc (Scotland) Act 2003 has resulted in an increased demand for homeless services. By 2012 legislation requires that all homeless applications in Scotland will be classified as in "*Priority Need*". Any financial implications arising from this will be reflected in future revenue estimates.

4. SUSTAINABILITY POLICY IMPLICATIONS

- 4.1. This report contributes to the Council's anti-poverty principles through delivering specialised services to homeless people, and providing advice and information.
- 4.2. Homeless people are helped to obtain accommodation through representation, and advocacy.

5. EQUAL OPPORTUNITY IMPLICATIONS

- 5.1. Access to facilities, services, goods and people are accessible to all and every opportunity is taken to promote equal opportunities by publishing information and documentation in different languages and other formats such as large print, tape and Braille, as required.

6. BACKGROUND

- 6.1. The Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 sets 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.
- 6.2. Section 37(1) of the 1987 Act requires Local Authorities to have regard to the Code of Guidance issued by the Scottish Executive in the exercise of homeless functions. The guidance reflects legislative change, notably through the Housing (Scotland) Act 2001 and Homelessness etc (Scotland) Act 2003, as well as changes in practice.
- 6.3. In determining our Homelessness Policy we must also have regard to other relevant legislation including the Homeless Persons Advice and Assistance (Scotland) Regulations 2002, The Data Protection Act 1995 and the Children (Scotland) Act 1995.

7. THE HOMELESSNESS POLICY

- 7.1. The proposed Homelessness Policy sets out the Council's statutory obligations with regard to the prevention and alleviation of homelessness in Dundee.
- The overall aim of the policy is to take preventative action where possible to reduce the number of people in Dundee becoming homeless.
 - Where homelessness occurs, each application will be assessed fairly and sympathetically and where appropriate, suitable accommodation will be provided.
 - With good quality advice and information given to all those who make an enquiry.
- 7.2. This policy is in keeping with the following corporate aims set out in the Council Plan:
- Dundee offers real choice and opportunity in a City that is tackling the root causes of social and economic exclusion, creating a community which is healthy, safe, confident, educated and empowered.
- 7.3. It meets with the housing objective:
- Assisting people with a housing need.
 - To have informed and involved customers/staff.
- 7.4. The policy is consistent with achieving aims set out in Dundee City Council's Homeless Strategy 2003-2007. It takes account of the Scottish Executive's Code of Guidance on homelessness and meets Communities Scotland Performance Activity Standards relating to homelessness. The regulation and inspection process is built around the assessment of achievement against these performance standards.
- 7.5. The proposed new Homelessness Policy is consistent with the legal framework and current legislation as described above. The policy encompasses the activities and responsibilities of the Council in relation to homeless people, people threatened with homelessness and the prevention of homelessness in Dundee.
- 7.6. It attempts to ensure that all people have fair and open access to our homeless services and that the service will be sensitive to the needs of individual applicants by taking their own specific circumstances into account.
- 7.7. It is recommended that the Homelessness Policy (*at Appendix 1*) is agreed and adopted by the Council.

- 7.8. It is recommended that, subject to Committee approval to comply with the Council's Equalities Schemes, further consultation with expert and stakeholder groups is progressed. Should this impact assessment identify equality issues, a further report recommending remedial action will be brought forward.

8. **CONSULTATION**

- 8.1. The Chief Executive, the Depute Chief Executive (Support Services) and Depute Chief Executive (Finance) have been consulted on the contents of this report.
- 8.2. All Principal Officers of the Housing Department have been consulted on the contents of this policy.

9. **BACKGROUND**

- 9.1. None.

ELAINE ZWIRLEIN
DIRECTOR OF HOUSING

OCTOBER 2006

APPENDIX 1

HOUSING DEPARTMENT POLICY



Homelessness

Approved by HDMT on			
Date Issued	Frequency of Review	Revision Date	Pages
	Every Two Years		
REVIEWED BY:			
Performance Standards			

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1. GENERAL PRINCIPLES AND AIMS

- 1.1. This policy sets out the Council's statutory obligations with regard to the prevention and alleviation of homelessness in its area.

- 1.2. The aims of the policy are consistent with achieving aims set out in Dundee City Council's Homeless Strategy 2003-07.
- 1.3. The overall aim of this policy is to take preventative action where possible to reduce the number of people in Dundee becoming homeless.
- 1.4. Where homelessness occurs, each application will be assessed fairly and sympathetically and where appropriate, suitable accommodation will be provided.
- 1.5. The service will be sensitive to the needs of all individual applicants by taking their own specific circumstances into account.
- 1.6. Good quality advice and information will be given to all those who make an enquiry.
- 1.7. Our general Allocations Policy will be sensitive to the needs of homeless people and will work towards preventing homelessness where possible.

2. CORPORATE AIMS/HOUSING OBJECTIVES/PERFORMANCE STANDARDS

- 2.1. This policy is in keeping with the following corporate aims set out in the Council Plan:
 - Dundee offers real choice and opportunity in a City that is tackling the root causes of social and economic exclusion, creating a community which is healthy, safe, confident, educated and empowered.
- 2.2. It meets with the housing objective:
 - Assisting people with a housing need.
 - To have informed and involved customers/staff.
- 2.3. It meets the following Communities Scotland Performance Activity Standards:
 - **AS4.1 Strategy.** We have published, and are following, an effective homelessness strategy for preventing and alleviating homelessness in our area. We monitor and review its implementation.
 - **AS4.2 Partnership Working.** We co-operate with other organisations, and within our own organisation, to ensure that the needs of homeless people are met quickly and appropriately.
 - **AS4.3 Access.** We ensure that people have fair and open access to our homeless services.
 - **AS4.4 Prevention.** We help to prevent homelessness arising in the first place, and its recurrence when it has occurred.
 - **AS4.5 Assessment Process.** We have a high quality assessment process, based on relevant legislation and the Code of Guidance. We make good decisions and offer appropriate solutions when considering applications from people seeking help on the grounds that they are homeless or threatened with homelessness.

- **AS4.6 Information and Advice.** We arrange free and effective information and advice services for homeless or potentially homeless people, based on the national standards for housing information and advice services.
 - **AS4.7 Appeals.** We make it clear that people can appeal against any of our decisions. We deal fairly and effectively with appeals.
 - **AS4.8 Quality of Accommodation.** When we arrange temporary or permanent accommodation, we treat homeless people fairly and appropriately in terms of tenancy provisions, quality of housing and location.
 - **AS4.9 Contract Compliance.** We comply with the terms of any contracts we have entered into, to fulfil our statutory homelessness duties.
- 2.4. Information relating to this policy forms part of our returns to the Scottish Executive on the profile of homeless applicants and outcomes.

3. **LEGISLATION AND GUIDANCE**

Dundee City Council will ensure that the policy complies with current legislation, promotes good practice and is in accordance with the Code of Guidance on Homelessness 2005. The Council's homelessness service complies with:

- The Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 which sets 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.
- Section 37 (1) of the 1987 Act, which requires Local Authorities to have regard to the Code of Guidance issued by the Scottish Executive in the exercise of homeless functions. The Guidance reflects legislative change, notably through the Housing (Scotland) Act 2001 and Homelessness etc. (Scotland) Act 2003, as well as changes in practice.
- Homeless Persons Advice and Assistance (Scotland) Regulations 2002.
- The Homelessness etc. (Scotland) Act 2003.
- Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004.
- The Data Protection Act 1998.
- The Children (Scotland) Act 1995.

4. **SCOPE OF THE POLICY**

This policy encompasses the activities and responsibilities of the Council in relation to homeless people, people threatened with homelessness and the prevention of homelessness in Dundee. Homelessness policy is defined as preventing, assessing and providing options together with support to people who present as homeless.

The scope of the policy incorporates the aims and objectives of the Council's Homelessness Strategy (2003-2006).

5. POLICY STATEMENT

This statement sets out the policy and practice of Dundee City Council in relation to homeless people, or people who are threatened with homelessness in Dundee, with a commitment to ensuring staff achieve accreditation to Communities Scotland's HomePoint "Scottish National Standards".

Dundee's services to the homeless or potentially homeless are based on legislation, guidance and the national standards for housing information and advice services.

5.1. The Homelessness Service

Dundee City Council's Homeless Services Unit is based at the Lily Walker Centre, the main reception point for all homeless or potentially homeless people in Dundee. The Centre is a self contained unit, providing a 24 hour, 7 day a week service to any person who presents themselves as homeless or threatened with homelessness. The Centre houses staff who are trained to advise people about their rights and options. Temporary accommodation is available in the Centre with further dispersed accommodation available across the City, including supervised and furnished accommodation.

The homelessness service also works in partnership with other Council services, registered social landlords and voluntary organisations, working with homeless people, to offer a range of services and facilities which are tailored to meet the homeless person's needs, some of which include:

- Access through local Housing Offices.
- Other local Council services, e.g. Education or ACCESS Team, Social Work.
- Community Care Services.
- Other voluntary or statutory agencies.
- A range of temporary and permanent accommodation.
- Hostels to receive and support homeless people.
- Access to advocacy and welfare advice.
- Translation services.

5.2. Equalities

The purpose of this policy is to ensure that everyone who claims to be homeless or threatened with homelessness is treated fairly, consistently and with respect.

5.2.1. Our policy aims to promote equality and diversity, by eliminating discrimination between persons on grounds of race, colour, ethnic and national origins, marital status, domestic circumstances, gender, sexuality and transgender, age class, ethical or religious belief, basic skills, disability, trade union activity or long term unemployment.

5.2.2. All service users will be treated with dignity and in accordance with equalities legislation, the Council will arrange, if required:

- A same sex interviewer.
- Provision of translation services, at interviews, for those where English is not their first language.
- Documentation in other formats (i.e. Braille or large print)
- Home visits for those not able to access the Lily Walker Centre.

5.3. Accessing Homelessness Services

5.3.1. Rights of Individuals to Make Application

The homelessness service will ensure that no homeless applicant is refused the right to make a homeless application.

Care will be taken to ensure that receptionists or general enquiry staff at local Housing Offices do not carry out any informal 'screening' of applicants, either deliberately or unwittingly and that people are made aware of their legal right to apply.

Information leaflets publicising homeless services will be made available to ensure applicants know about the service.

5.3.2. Making Contact

Every person aged 16 years or over, who claims to be homeless or threatened with homelessness, will be offered an appointment with a Homeless Officer, where possible, the same day or next working day. Each applicant will:

- Be interviewed by a Homeless Officer, in a safe and confidential environment.
- Have the right to be accompanied at the interview.
- Have their wish to discuss their case with a Homeless Officer of the same sex respected.
- In the case of people from black or minority ethnic communities, have another member of that community to be present with them, or be provided with interpreting services free of charge.
- Be treated in a courteous and non-judgemental manner.
- Be advised of the confidentiality policy and;
- the process which will be followed in dealing with their case and the likely timescales involved.
- Be advised of the consequences of making false or misleading statements.
- Be advised of their right to request a review of any decisions made regarding their case.
- Give written consent to enable homeless services to share information with other parties.

5.3.3. Applicants Who Are 'Roofless'

Emergency admissions are accepted both during normal and outwith working hours. Where an applicant is 'roofless', access to temporary accommodation will be offered. If the applicant has presented themselves as homeless 'out of hours' and is 'roofless', suitable temporary accommodation will be offered and an interview with a Homeless Officer arranged for the next working day.

5.4. Prevention of Homelessness

5.4.1. Publicity

To ensure maximum accessibility to homeless services, the Council will work with the voluntary sector and publicise the homeless service through its own publications.

Public information will be available in appropriate formats and in a variety of ways, such as:

- At local Council offices.
- Independent Advice Agencies.
- Libraries and Community Centres.
- Health Centre, Hospital and GP reception areas.
- Premises such as rail and bus stations.

5.4.2. **Advice and Assistance**

Good quality advice and assistance plays a key role in preventing homelessness, alleviating it when it does occur and helping people to sustain their accommodation. Homeless services will provide information and advice in appropriate formats on options for housing in Dundee and will actively assist the service user to make contact with other housing providers to ensure that their needs are met quickly and appropriately.

Homeless Services will provide advice and signposting to other independent advisors of housing, financial or legal services and provide access to mediation services for family and neighbour disputes and harassment.

Agencies offering advice to homeless people play an important role by offering an alternative to Council-led services. In recognition of this the Council will assist and help co-ordinate the work of such agencies including funding where appropriate for independent homelessness advice services.

5.4.3. **Landlord Action and Court Orders**

The Council will take reasonable steps to work with landlords to ensure that evictions due to rent arrears are only carried out when all other alternatives have been explored, and will work with partner agencies to ensure access to independent advice and support for people threatened with eviction.

The Council will work with landlords to ensure that they comply with Section 11 of the Homelessness etc. (Scotland) Act 2003 by notifying the Council in the event of raising proceedings for repossession. In implementing this provision of the Act, the Council will work in partnership with other agencies to ensure appropriate advice and information is offered to those at risk of losing their rented accommodation.

5.4.4. **Harassment and/or Illegal Evictions**

The Council will take reasonable steps to attempt to prevent homelessness occurring through harassment or illegal eviction by landlords wherever possible. The Council will refer cases of illegal eviction or harassment by landlords to the Police.

5.4.5. **Anti-Social Behaviour**

The Council may provide a Short Scottish Secure Tenancy, together with appropriate support, as part of the conditions of let for applicants who have become homeless due to anti-social behaviour or unlawful activity. If there is no recurrence of antisocial behaviour or unlawful activity, the SSST will automatically convert to an SST after 12 months. If there has been bad behaviour the tenancy can be ended without recourse to court.

Alternatively, the applicant may be referred to the Dundee Families Project, where accommodation with support could be provided.

5.4.6. **Care Leavers**

The homelessness service will work closely with the Throughcare, Aftercare Team, SWD, to ensure that young people, leaving care, are provided with the appropriate accommodation and support to develop independent living and to help them sustain a tenancy.

5.4.7. **Private Rented Sector**

It has been acknowledged that the private rented sector can offer a solution to homelessness for some people, therefore, homeless services will work with landlords in the private rented sector to increase and improve opportunities for homeless people.

5.4.8. **Rent Deposit Guarantee Scheme**

The Rent Deposit Guarantee Scheme can prevent homelessness by providing a rent deposit or advance. Dundee City Council will continue to work with and support this worthwhile scheme.

5.4.9. **Education and Training**

The homelessness service is committed to preventing homelessness by working in partnership with Education Services, Community Services and other statutory and voluntary agencies to provide high quality information to young people to raise awareness of the issues surrounding homelessness.

A comprehensive package of homelessness awareness training is being jointly delivered to mainstream secondary school pupils and “off-site” pupils in conjunction with other agencies including Cyrenians, NCH Action for Children, Social Work Department Throughcare and Aftercare Team, NHS Health and Homelessness Team, Hillcrest, Home in Scotland and the Housing Department’s Anti-Social Behaviour Team. The education package covers general housing issues, homelessness and maintenance of tenancies.

Homelessness training has also been delivered to Community Education workers (Xplore youth workers), Social Work Degree University students and Registered Social Landlords. There is also an ongoing programme within the Housing Department to raise awareness of homelessness issues and legislation.

5.5. **Partnership Working**

5.5.1. **Accessing Services**

The Homeless Services Unit will work with other Council services, health services and the voluntary sector to ensure that an integrated package of support and care is available to homeless people. We will do this by:

- Involving other services and agencies.
- The joint assessment of vulnerable groups.
- Through joint future and single shared assessment.
- By monitoring progress and service delivery.

5.5.2. **Supported and Independent Living**

It is acknowledged that if underlying problems involving health, financial, family or social circumstances or behaviour, are not tackled, then repeat homelessness may occur. Homelessness services work with other services and agencies to develop a range of supported tenancy services. In particular support is provided to vulnerable groups including:

- Young people.
- Care leavers.
- People leaving long term Institutional care.
- People with physical and/or mental disabilities and chronic ill health.

The Council work with and continues to support projects that help to sustain tenancies and prevent homelessness, such as the Dundee Families Project or Dundee Community Mediation.

Where a need has been identified (i.e. mental health issue or disability) the Homeless Officer can refer the applicant to the ACCESS Team, Social Work Department. They will carry out a full assessment, which will enable them to target services from outside agencies, tailored to meet the needs of the service user.

The Council's Housing Support Team are also able to provide support to those service users with an identified need, residing in supervised temporary accommodation. This can be continued if necessary, after moving to permanent Council housing.

5.5.3. **Rough Sleepers**

The Council supports the Scottish Executive Rough Sleepers Initiative and will work through outreach services to support homeless people and eliminate the need for anyone in Dundee to sleep rough.

5.5.4. **Institutional Discharge**

The Council will seek to prevent homelessness by targeting services at vulnerable groups and by the development of discharge protocols for people leaving hospital and prison.

5.5.5. **Other Local Authorities**

The Council will work with and provide assistance to other local authorities in line with national agreements and Council policy. In particular the Council will respond positively to cases of women fleeing domestic violence with no specific local connection.

5.5.6. **Housing Associations**

The Council will work with Housing Associations to widen choice and create opportunities for homeless people and will continue to develop this through the Council's Section 5 referral protocol (the statutory referral system that enables homeless people to access permanent accommodation).

5.5.7. **Private Landlords**

The Council will seek to work with landlords who are accredited through Dundee Landlord Accreditation to increase and improve opportunities for homeless people.

5.5.8. **Scottish Executive/Communities Scotland**

The Council will respond positively to initiatives from the Scottish Executive and Communities Scotland to increase investment and develop services to tackle homelessness.

5.6. **Enquiries into Homelessness**

5.6.1. **Members of a Homeless Person's Household**

People considered members of a homeless person's household are defined in legislation, under Section 83 of the 1987 Act, as amended. In addition the Council will regard a dependent foster child as part of the household. Depending on the circumstances, the Council will also consider carers, companions and housekeepers to be part of the household. Where an applicant has a child or children, account will be taken of any duty the Council may have toward a child under the Children (Scotland) Act 1995.

5.6.2. **Reasonableness of Occupation**

People are homeless if they have accommodation but it is unreasonable for them to continue to occupy it. The Council realises what may be reasonable for one person may not necessarily be reasonable for another.

In reaching a decision the Council will take account of legislation and guidance and will consider each case on its individual merits including:

- The health and safety of the household.
- Any other statutory duty the Council has towards the household.
- Overcrowding and condition of existing accommodation.
- Fear of domestic violence.

5.6.3. **Gypsy Travellers**

The Council recognises gypsy travellers as a distinct ethnic group covered by the Equality and Diversity Policy and will respect their traditions and culture. Gypsy Travellers will be assessed in terms of the homeless legislation if:

- Their moveable accommodation is unfit or;
- there is no opportunity to locate the accommodation on a recognised pitch or;
- they cannot live in their accommodation on a recognised pitch.

5.6.4. **Financial Difficulties including Rent Arrears and Mortgage Default**

The Homeless Service will ensure that applicants get appropriate money advice and support through debt counselling and where appropriate, will work in partnership with other outside agencies for this purpose.

In reaching a decision on homelessness the Council will:

- Require a valid notice to quit.

- Not necessarily require that an order or decree for repossession has been granted.
- Take into account income remaining after payment of housing costs and changes in household income.

5.6.5. **Tied Accommodation**

People in tied accommodation and in receipt of a notice to quit, will be encouraged to seek early advice and assistance from the housing service. Each case will be considered in the light of individual circumstances and in accordance with the Code of Guidance.

5.6.6. **Persons Subject to Immigration Control**

To assist in the prevention of discrimination, the Council will adopt the Model Screening Procedure in accordance with the Code of Guidance on Homelessness, for enquiries into homelessness claims. Temporary accommodation will be provided pending the outcome of enquiries into eligibility. Applicants will be assessed in accordance with the Code of Guidance on Homelessness for persons subject to immigration control.

5.7. **Assessing Priority Need**

The Council will assess applicants in accordance with legislation and the Code of Guidance on Homelessness when considering whether an applicant or any member of their household has a priority need for housing.

5.7.1. **Dependant Child(ren)**

For the purpose of assessing priority need a child is a dependant child if they would reasonably be expected to live with the applicant (and this could include a foster child), and if they are:

- Aged 15 years or less or;
- Aged 18 years or less receiving or about to begin, full time education or training or;
- Aged 18 years or less and unable to support themselves and currently resident with the homeless person or reasonably expected to reside with the homeless person as part of their household.

5.7.2. **Pregnancy**

A women accepted as having a priority need through pregnancy will continue to be considered to have a priority need following miscarriage or termination.

5.7.3. **Older People**

Homeless applicants aged 60 years or over will be considered vulnerable and in priority need.

5.7.4. **Young People**

The following groups of homeless young people will be considered vulnerable and in priority need:

- Those under the age of 18 years.

- A person aged between 18 and 20 and either, living in circumstances which put them at risk of sexual or financial exploitation or misuse of alcohol or drugs, or who was at the time that they ceased to be of school age (or at any subsequent time) looked after by a local authority and is no longer looked after.
- Those under 25 years of age if it is felt that they are likely to be at risk of sexual or financial exploitation.
- Those leaving care.

If appropriate to the circumstances, Housing staff and Social Work Services will undertake a joint assessment, to determine whether, besides dealing with the homelessness, the Council has other statutory responsibilities towards young applicants.

Housing and Social Work Services together with others, will offer appropriate support and care to enable young homeless applicants to live independently and sustain a tenancy.

5.7.5. Mental Ill Health, Personality Disorders or Learning Difficulties

Homeless people with mental ill health, personality disorder or learning difficulties will be considered vulnerable and in priority need. In such circumstances staff will seek advice and support from health service practitioners to ensure any offer of accommodation is suitable to the needs of the applicant.

With the agreement of applicants, staff will liaise with Social Work Services, landlords and other statutory or voluntary agencies to ensure the provision of support and care appropriate to the needs of the applicant.

5.7.6. Physical Disability and Serious Chronic Ill Health

A homeless person with a physical disability or suffering from chronic ill health will be considered vulnerable and in priority need.

The homeless service will liaise closely with Social Work Services and Health Service Agencies to determine the size and type of accommodation, which is most suitable for the needs of the applicant and their carers.

5.7.7. Institutional Discharge

A person who presents themselves as homeless on leaving or following recent discharge from hospital, prison or the armed forces and having no other means of support may be vulnerable and in priority need. In making an assessment the following will be considered:

- Whether the applicant has support and care needs.
- There is a risk of returning to institutional care, including re-offending should permanent accommodation not be provided.

The Council will seek to prevent homelessness by working closely with institutions and with Social Work Services, through the development of discharge protocols, to ensure the appropriate type and location of any temporary or permanent accommodation is provided, along with the provision of any necessary support in order to sustain a tenancy.

5.7.8. **Violence and Harassment**

A person fleeing domestic violence or abuse will be considered homeless, vulnerable and in priority need. The homeless service will not:

- Regard an applicant who is the victim of domestic violence or abuse as intentionally homeless.
- Require medical evidence.
- Contact the perpetrator.

The homeless service will seek to provide support and assistance including encouragement for women to contact Women's Aid.

An applicant whose gender, religion, sexuality, race, colour, ethnic or national origins mean that they run the risk of violence or harassment, or is likely to suffer harassment, will be considered to be in priority need.

5.7.9. **Other Reasons**

In reaching a view on whether an applicant is homeless, vulnerable and in priority need, consideration will be given to whether the applicant is at risk of physical or psychological harm, lacks capability, or whether any action or inaction by the Council may result in further disadvantage. Advice will be sought from other agencies, e.g. health and social work when determining vulnerability.

5.7.10. **Assessing an Application**

The responsibility for assessing applications and for making the decision on priority need rests with the Homeless Officer dealing with the case. Consideration will be given to individual circumstances of each applicant including any underlying reasons for the applicant presenting as homeless.

Each case will be considered on its own merits and blanket policies will not be applied.

5.8. **Enquiries into Intentionality**

Where an applicant has been found to be homeless or threatened with homelessness and in priority need, the Council will then assess whether they are intentionally homeless. Intentionality depends on the person having acted, or failed to act deliberately, and being aware of all the relevant facts. The assessment will consider whether the applicant did or failed to do something which caused him or her to lose his or her accommodation. A person is not intentionally homeless if it would not have been reasonable for him or her to continue to occupy their previous accommodation.

A person shall not be considered intentionally homeless until investigations are complete. The following are examples only of who may be considered in this category:

- Voluntary termination of property.
- Wilful refusal to pay rent or mortgage or withholding of rent.
- Unjustifiable failure to maintain and conduct a satisfactory tenancy.
- Voluntary relinquishment or sale of property without first ensuring that permanent accommodation is available.

- Wilful failure to heed local authority advice.

5.8.1. **Special Cases**

Someone who has left home because of domestic abuse will not be regarded as having become homeless intentionally, as it would not have been reasonable for them to have stayed at home. Consideration will also be given to those who have fled because of external violence or threats (e.g. racial attacks or anti-social behaviour).

5.9. **Local Connection**

5.9.1. **Defining Local Connection**

In accordance with the Code of Guidance an applicant has a local connection if the following applies:

- He or she is or was normally resident in the area of his/her own volition (6 out of the last 12 months or 3 from the last 5 years should be used as a broad test), or
- He or she is employed in the area, or
- He or she has family associations, or
- There are other special circumstances (i.e. health treatment, education or armed forces personnel).

5.9.2. **Connection to More Than One Authority**

An applicant may have a connection with Dundee and also to another authority. The applicant will be advised that they may be formally referred to the other authority, if they wish. The Homeless Officer will make the referral in accordance with good practice and the Code of Guidance on Homelessness 2005.

5.9.3. **Temporary Accommodation**

Applicants will be provided with temporary accommodation and any possessions remain in storage whilst enquiries are made, pending referral and acceptance by the other authority.

5.9.4. **No Local Connection**

If there is no local connection with any other local authority in the United Kingdom, the responsibility to provide for the applicant resides with the authority to which they have presented as homeless.

If an applicant has no local connection with Dundee but has a local connection with another local authority and is unintentionally homeless and in priority need, they may be referred to that authority.

Any referrals made will be in accordance with any protocols agreed with UK local authorities.

Applicants considered intentionally homeless will not normally referred to another local authority.

Irrespective of local connection, all applicants will receive homelessness services, advice and information and where appropriate, temporary accommodation at the point of contact.

5.9.5. **Circumstances in Which a Referral Should Not Be Made**

A referral should not be made if the applicant or a person who might reasonably be expected to reside with him/her will run the risk of domestic abuse (abuse includes violence, harassment, threatening conduct, and any other conduct giving rise, or likely to give rise to physical or mental injury, fear, alarm or distress) in that other local authority's district.

5.10. **Provision of Temporary Accommodation**

When arranging temporary accommodation, the homeless service will ensure that wherever reasonably practical:

- Accommodation is appropriate to the applicant's needs, taking into account, factors such as social and household needs, support networks, disabilities, education etc..
- When providing temporary accommodation for families with children, the Council will endeavour to comply with the requirements of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004.
- The applicant understands the basis and conditions under which temporary accommodation has been provided or arranged by the Council.

Once in temporary accommodation the Council will ensure that:

- Contact is maintained.
- Moves to alternative temporary accommodation are kept to a minimum.
- Assistance is offered with health and education registration.
- Time spent in temporary accommodation is as short as is practical, taking into account the availability of permanent accommodation and any support required by the individual.

5.10.1. **Bed and Breakfast**

The Council will seek to minimise the use of bed and breakfast establishments for temporary accommodation.

For families with children, B & B accommodation will only be used in the event of an emergency and where there is no other suitable temporary accommodation to meet their needs. The Council will comply with the unsuitable temporary accommodation order and ensure that for families with children, the length of stay in such accommodation will not exceed 14 days and that alternative accommodation will be found.

5.11. **Notification**

The Council aims to reach a final decision on each application within 28 days of receiving it, subject to relevant information and contact being maintained. This period allows staff the opportunity to make reasonable enquiries into all the circumstances of the case.

The applicant will be notified in writing of the decision along with the applicant's right to a review of the decision should they disagree with it. Where the Council has repeatedly tried to contact an applicant with regard to their homeless application, by telephone, personal visit or formal letter and no response has been received, or no contact made by the applicant for 28 days, their application will be considered cancelled.

5.12. **Non-Priority Status**

When an assessment has been carried out and non-priority status has been awarded, the service user will receive enhanced advice and information as detailed in the Housing (Scotland) Act 2001 and the Code of Guidance on Homelessness 2005. The case will be passed to the Homeless Advice and Development Officer who will contact the service user to arrange an interview.

Temporary accommodation will be made available for a period of up to 28 days to give the applicant a reasonable opportunity to find alternative accommodation for themselves.

5.13. **Permanent Accommodation**

Where an applicant is assessed as unintentionally homeless and in priority need the Council will seek to provide or secure permanent accommodation:

- By allocating a tenancy from its own housing stock.
- Through referral arrangements with housing associations and other registered social landlords.
- By arrangement with voluntary and private sector providers.

The Council will normally make three reasonable offers of housing. Every effort will be made to match the applicant to suitable property that meets their needs, at the earliest opportunity.

An offer of housing will take account of:

- The housing needs of the applicant, e.g. size of accommodation required.
- Any special educational or health requirements.
- Any family or other support reasons.
- Location in terms of accessibility of healthcare, employment, education and training and support provision.
- Other reasons, e.g. an area away from violence, harassment etc, proximity to family and friends.

At the time of the allocation, the applicant will be advised in writing of the procedure for appealing against decisions. This includes the process in the event of a decision to refuse a particular property.

Following the refusal of three reasonable offers of accommodation, which have been formally made by us in writing, the Council will have deemed to have fulfilled their duty in terms of the homeless legislation. The applicant will be provided with temporary accommodation for a reasonable period of time (normally 28 days) and provided with advice and assistance to enable them to secure alternative accommodation.

5.14. Appeals and Complaints

5.14.1. Review of Decisions (appeals)

The Council has a statutory duty to notify the applicant that there is a right to a review of the decision, the time within which a request for a review should be made and of any advice or assistance that is available to the applicant in connection to the review. If the applicant disagrees with any decision made during the homeless process, they have 21 days from the date that they receive the decision letter to appeal. This includes any decision that is made. Examples include:

- A decision as to whether the applicant is not homeless or not in priority need.
- The decision that temporary accommodation should be ended.
- A decision that an offer of permanent accommodation is suitable.

If the applicant wishes to appeal they should do so in writing, indicating why they feel the decision is wrong, giving reasons for their dispute. They will have the option of attending a hearing of their appeal or the appeal can be decided based on the information contained in the appeal letter. The applicant must clearly request a hearing if they so desire. If they are to attend a hearing, they can have a family member, friend or advisor present for support and advice. Translation services can be arranged for those applicants whose first language is not English.

The Council aims to provide a final decision carried out by the Director of Housing or other appropriate person independent of the case.

All applicants will be informed in writing of the appeal decision as soon as possible and normally within seven days of receipt of the letter disputing the original decision. The letter will advise the applicant that they have the right to go to the Scottish Public Services Ombudsman if they are still dissatisfied with the way in which their case has been handled after all internal procedures have been exhausted.

The applicant will have the right to remain in, or be provided with temporary accommodation and their goods remain in storage until the appeal is heard and the outcome notified to the applicant.

5.14.2. Complaints

If the applicant is unhappy with the level of service received, they can use the Housing Department Complaint Form, or via the corporate complaints process, to make a formal complaint. Alternatively, they can write in to advise Homeless Services of why they are dissatisfied with the service. The complaint will be investigated by a more senior member of staff than the one from which they received the original service.

The complainer will be advised in writing, normally within ten working days, the outcome of investigations into the complaint. If still unhappy with the outcome, a further complaint can be made to the Director of Housing. Alternatively, the complainer can seek independent advice from outside agencies such as Citizens Advice Bureau.

5.15. **Storage of Property**

The Council will protect the property of those service users who it believes to be registered as homeless and has provided temporary accommodation for if:

- There is a danger of loss or damage to, the service users moveable property because of his or her inability to protect and deal with it; and
- No other suitable arrangements have been or are being made to protect it.

Homeless Officers will check whether there is a need to protect the property of service users. If there is, and this need is not being met, the service user will be advised of the service the Council can provide and that the service is free of charge, to those registered as homeless.

5.15.1. **Withdrawal of Service**

When the Council's duty to provide temporary accommodation ends, the Council will tell the service user that the duty to protect belongings also ends.

The duty to protect/store property ceases when:

- There is no longer any risk of loss or damage to it.
- The service user has recovered from illness.
- They have found somewhere to put the property or obtained employment which enabled them to take on the storage costs.

Service users will be warned in advance of the fact the Council no longer has a duty or power to protect his or her property, and the reason for believing the risk of loss or damage has disappeared. However, discretion will be used when continuing to keep items in storage.

5.16. **Performance Monitoring**

The Council currently monitors its performance in relation to homelessness and reports these performance indicators to Housing Department Management Team on a monthly basis.

The Council will set performance standards in relation to its Homelessness Policy and will monitor its achievements of these standards. This will include:

- Total number of applications registered.
- Breakdown of applicant by type, family size etc.
- Total number of repeat homeless cases.
- Total number of homeless priority decisions made.
- Total number of referrals.
- Time taken to assess application.
- Total number provided with temporary accommodation, by type of accommodation provided.
- Length of stay in temporary accommodation.
- Total number of applicants requesting a review.
- Total number of complaints and outcomes.
- Monitoring of equalities groups.

Further performance indicators will be developed over a period of time to reflect the requirements resulting from the continued implementation of the Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003.

In addition, the Council will seek views directly from homeless people and wider stakeholders on service quality and performance. Feedback from this will be considered and taken into account in planning future service developments and improvements.