



## Item No: 16

Meeting Date: Wednesday 25<sup>th</sup> March 2020

### Glasgow City Integration Joint Board

**Report By:** Susanne Millar, Interim Chief Officer

**Contact:** Pat Togher, Assistant Chief Officer, Public Protection and Complex Needs

**Tel:** 0141 277 7651

#### REVISED HOMELESSNESS POLICY

<b>Purpose of Report:</b>	The report provides an update on revisions to the Council's Homelessness Policy.
<b>Background/Engagement:</b>	Internal discussions have taken place within the Council to identify the proposed policy position.
<b>Recommendations:</b>	The Integration Joint Board is asked to:  a) Note the contents of the report; b) Note the revised Homelessness Policy; c) Note the policy will be presented to the Council's City Administration Committee for approval; and d) Note that the Policy will be further reviewed in March 2023 or sooner if there are further legislative changes as a result of the Scottish Government's five year Ending Homelessness Together Action Plan.

#### Relevance to Integration Joint Board Strategic Plan:

The delivery of effective homelessness services supports a number of aspects of the IJBs vision, including:

- Supporting vulnerable people and promoting social well-being.
- People who use health and social care services have positive experiences of those services, and have their dignity respected.
- Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services.

**OFFICIAL**

**Implications for Health and Social Care Partnership:**

<b>Reference to National Health &amp; Wellbeing Outcome:</b>	The proposed developments relate to outcomes 3,4,7 and 9
<b>Personnel:</b>	There are no direct personnel implications as a consequence of the revision to the Homelessness Policy.
<b>Carers:</b>	There are no direct implication for carers as a consequence of the revision to the Homelessness Policy.
<b>Provider Organisations:</b>	There are no direct implication for provider organisations as a consequence of the revision to the Homelessness Policy.
<b>Equalities:</b>	Inequality, homelessness and human rights are inextricably linked. The implementation of the Homelessness Policy and the HSCP's strategy for the prevention and alleviation of homelessness is aimed at addressing inequalities.
<b>Fairer Scotland Compliance:</b>	The delivery of effective homelessness services supports the HSCP contributing to alleviating the socio-economic disadvantage experienced across the city.
<b>Financial:</b>	There are no direct financial implications as a consequence of the revision of the Council's Homelessness Policy.
<b>Legal:</b>	The proposed revisions to the Council's Homelessness Policy reflect the legislative changes implemented by the Scottish Government, the publication of the Code of Guidance on Homelessness (2019) and clarifications on local policy. The Council has had regard to the Code of Guidance on Homelessness (2019) in developing the revised Homelessness Policy.
<b>Economic Impact:</b>	There are no direct economic implications as a consequence of the revisions to the Council's Homelessness Policy.
<b>Sustainability:</b>	The Homelessness Service is funded through a combination of grant and rental income. There are no issues around the sustainability of the Homelessness Service as a consequence of the revisions to the Council's Homelessness Policy.
<b>Sustainable Procurement and Article 19:</b>	There are no implications for the commissioning of services as a consequence of the revisions to the Council's Homelessness Policy.

**OFFICIAL**

<b>Risk Implications:</b>	<p>The provision of the Council's Homelessness Service is regulated by the Scottish Housing Regulator. The SHR have a range of statutory powers to intervene in the delivery of homelessness services and housing functions. In particular they have the capacity to impose an order on the council to undertake specific tasks for example secure more housing stock. If Glasgow are unable to satisfy the order the SHR have an option to appoint a manager to assume responsibility over homelessness services in Glasgow however that manager would face the same problems as current management team.</p> <p>In addition non-compliance with housing legislation could incur legal costs for the council and/or reputational damage however such a matter remains unprecedented and would be based on a petition to court. If the petitioner is successful the court may order the council to undertake action to rectify the situation which in this case would likely involve securing emergency accommodation.</p>
---------------------------	--

<b>Implications for Glasgow City Council:</b>	The Council will be required to implement the revisions to the Homelessness Policy if agreed.
---	---

<b>Implications for NHS Greater Glasgow &amp; Clyde:</b>	None
--	------

<b>Direction Required to Council, Health Board or Both</b>	Direction to:	
	1. No Direction Required	✓
	2. Glasgow City Council	
	3. NHS Greater Glasgow & Clyde	
	4. Glasgow City Council and NHS Greater Glasgow & Clyde	

**1. Purpose**

1.1 The report provides an update on revisions to the Council's Homelessness Policy (Appendix 1).

**2. Background**

2.1 The Council has substantial legislative duties to people affected by homelessness. These duties are discharged through the Glasgow City Integration Joint Board.

2.2 Part II of the Housing (Scotland) Act 1987 (as amended) (the 87 Act) 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.

## OFFICIAL

- 2.3 In November 2018 the Scottish Government and COSLA jointly published a five year Ending Homelessness Together Action Plan. A key element of the plan was to request Local Authorities to submit Rapid Rehousing Transition Plans by 31<sup>st</sup> December 2018.
- 2.4 Through their RRTPs Local Authorities were set out how they were going to transform their homeless systems in order to ensure that homelessness was prevented where possible and where it did occur households were accessing the right support in order that they resettled into permanent tenancies as quickly as possible. Glasgow was commended by the Scottish Government for the scope and ambition of its RRTP.
- 2.5 Section 37 of the act provides the relevant minister with the power to issue guidance to Local Authorities on the discharge of their homelessness functions (Section 37(1) of the Act sets out that Local Authorities must have regard to any guidance issued by the minister. In October 2019 the Scottish Government issued a revised Code of Guidance on Homelessness (2019). The code of guidance is available at <https://www.gov.scot/publications/code-guidance-homelessness-2/>
- 2.6 The 2019 Code of Guidance replaces the previous version published in 2005 and has been updated with the intention of accurately reflecting legislative changes since then, notably through the commencement of provisions in the Homelessness etc. (Scotland) Act 2003.

### 3. Proposed Policy Revisions

- 3.1 The proposed revisions to the Council's Homelessness Policy reflect the legislative changes implemented by the Scottish Government, the publication of the Code of Guidance on Homelessness (2019) and clarifications on local policy.
- 3.2 The revisions to the Homelessness Policy are:

- **Unsuitable Accommodation Order 2014**

In essence the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 prohibits the use of bed and breakfast type accommodation to accommodate families with children and pregnant women. In certain circumstances Councils can place families with children and pregnant women in bed and breakfast type accommodation for a maximum of 7 days. The 2014 order is available at <http://www.legislation.gov.uk/ssi/2014/243/made> . The revision to the policy sets out how the Council will work to implement the order.

- **Inquiries into Intentionality**

Prior to November 7<sup>th</sup> 2019 when an applicant was found to be homeless, or threatened with homelessness, the local authority had a duty to assess whether the applicant had become homeless or threatened with homelessness intentionally. As of this date the duty to investigate intentionality was revised by the Minister to become a power to do so.

OFFICIAL

## OFFICIAL

To be found to be intentionally homeless depends on the applicant having acted, or failed to act, deliberately, and being aware of all the relevant facts. A person is not intentionally homeless if it would not have been reasonable for them to continue to occupy their previous accommodation.

Local authorities are also required to have regard to all the circumstances of an applicant before considering whether to investigate or reaching a decision on intentionality, and each case should be decided on its merits.

The revised policy sets out how the Council will exercise its power to investigate intentionality. We will do so with regard to Code of Guidance on Homelessness (2019) and taking the individual circumstances of the household into account.

If the household is found to be intentionally homeless and they require emergency accommodation then it will be provided for a reasonable period while the council provides them with advice and assistance to help them source alternative accommodation.

- **Clarification of the Council's Rent Setting Process for Temporary Furnished Flats**

The proposed revised policy sets out the basis on which the Council sets charges for the provision of temporary furnished flats. The Council will set a revised set and charging structure each year. The appropriate Council Committee will set the rent and charges. The Council will have regard to Code of Guidance on Homelessness when setting the rent and charges for temporary furnished flats.

<http://www.glasgow.gov.uk/councillorsandcommittees/viewSelectedDocument.asp?c=P62AFQDN0GNTNTNT1>

- **Clarification of the holding of offers of settled accommodation**

When the Council has assessed an applicant as intentionally homeless with a local connection to Glasgow then the Council will make one offer of reasonable housing. The definition of 'reasonable' is contained in the Code of Guidance <https://www.gov.scot/publications/code-guidance-homelessness-2/> The Council will make referrals to the City's RSLs to help secure an offer of settled housing for the applicant. When a homeless applicant refuses the offer of a settled tenancy with a housing association the Council will discharge their duty if it upholds that the offer was reasonable. The applicant can appeal this decision within twenty-one days.

Due to the pressure on the supply of social housing in the City the Council is not able to hold any offer of settled accommodation while the appeal is outstanding. If the household's appeal is successful a second offer of reasonable housing will be made. This is our current practice and the proposed revised policy makes this clear.

OFFICIAL

**OFFICIAL**

**4. Recommendations**

4.1 The Integration Joint Board is asked to:

- a) Note the contents of the report;
- b) Note the revised Homelessness Policy;
- c) Note the policy will be presented to the Council's City Administration Committee for approval; and
- d) Note that the Policy will be further reviewed in March 2023 or sooner if there are further legislative changes as a result of the Scottish Government's five year Ending Homelessness Together Action Plan.

**OFFICIAL**

**Glasgow City Council**  
**Homelessness Policy**

**1. Introduction**

- 1.1 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 Glasgow. The Homeless Service is aimed at preventing, assessing and providing options together with support to people who present as homeless. This policy takes account of the Code of Guidance on Homelessness issued in November 2019.
- 1.2 Glasgow City Council has an Equality and Diversity Policy which is committed to the principle that everyone has the right to be treated with dignity and respect. In relation to the homelessness service, this policy is consistent with the requirements of the Equality and Diversity Policy and ensures that the council acts fairly and lawfully in all that it does.
- 1.3 Glasgow City Council will 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.
- 1.4 The Council will be bound by any law or enactment which prohibits certain classes of individual from homelessness assistance.
- 1.5 This document will be used as a public record of the Council's homelessness policy. It will also be used for staff reference and training, the development of procedures and protocols, and to develop procedures for monitoring and reviewing approaches within the policy.

**2. Local Housing Strategy/Corporate Development Plan/Service Plan**

- 2.1 The Homelessness Policy will assist the Council to meet objectives within the Council's Strategic Plan, the Glasgow Housing Strategy, Glasgow Integrated Joint Board Plan and the Homelessness Strategy.
- 2.2 Through the Council's Homelessness Strategy and Rapid Rehousing Transition Plan, the Council, the HSCP and the voluntary sector are committed to a long term vision in which homelessness in Glasgow is prevented wherever possible. Where homelessness does occur it will be addressed in a way that seeks to minimise the personal, social and economic damage it can cause.

## OFFICIAL

### 3. Overall Aims and Objectives

3.1 The objectives and principles of this policy are for the Council to make reasonable endeavours to:

- prevent homelessness wherever this is possible;
- prevent the need to sleep rough;
- provide services that adhere to the Council's Equality Schemes
- ensure all people affected by homelessness are treated at all times with respect, dignity and compassion;
- give informed and realistic choices regarding the availability of accommodation that meets the clients housing and support needs;
- ensure that people have access, free of charge, to the information, advice and advocacy they need;
- work in partnership with a range of stakeholders to ensure that people have access to independent advice and assistance through a Housing Options approach;
- identify needs for care and support and ensure these are met in ways that prevent homelessness and the recurrence of homelessness;
- provide solutions to homelessness that are sustainable in the longer term;
- make opportunities for personal, social and economic inclusion available to everyone affected by homelessness in keeping with Glasgow financial inclusion strategy.
- make policy and planning processes and decisions open, inclusive and transparent so that they can be genuinely influenced by people affected by homelessness;
- ensure that all people who are at risk of homelessness have access to services, either from the Council or other agencies, that can help;
- provide a policy framework that allows best practice to be pursued in the fulfilment of the legal powers and duties imposed upon the Council by the homelessness legislation in force at the time;
- ensure staff training is provided and that staff are equipped to carry out the roles expected of them; work with a range of stakeholder agencies to prevent and alleviate homelessness.

### 4. Legal Framework

4.1 Glasgow City Council has used its best endeavours to ensure that this Policy complies with current legislation, promotes good practice and has regard to the Scottish Governments Code of Guidance on Homelessness 2019.

4.2 Glasgow City Council will comply with all the requirements of the GDPR. The Council will take reasonable steps to ensure that personal data is processed fairly and lawfully, that it is used for the purpose it was intended and that only relevant information is used. The Council will take reasonable steps to ensure that information held is accurate, and where necessary kept up to date and that appropriate measures are taken that prevent the unauthorised or unlawful use of any personal information given.

OFFICIAL



## OFFICIAL

4.3 Glasgow City Council will comply with the requirements of the Freedom of Information (Scotland) Act 2002 and will provide a right of access by the public to information that it holds. In terms of section 1 of the Act, the general entitlement is that a person who requests information from a Scottish Public Authority, is entitled to be given it by that authority, if it holds it. This is however subject to certain conditions of entitlement known under the Act as 'exemptions'. Information which a person is entitled to is the information held by the public authority at the time that the request is made. The Council will not disclose any personal data that will breach the Data Protection Act 1998.

4.4 Glasgow City Council has a clear statutory duty to prevent homelessness and to discharge its responsibilities under the Housing (Scotland) Act 1987 as amended. The Council has a corporate duty to prevent and alleviate homelessness.

4.5 Legislation relevant to this Policy includes:

- The Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001
- The Homelessness etc. (Scotland) Act 2003
- The Housing (Scotland) Act 2014

4.6 The Council will review this policy to respond to any legislative changes as required.

## 5. Regulatory Framework

5.1 Homelessness is one of the activities regulated in both local authorities and housing associations by the Scottish Housing Regulator.

5.2 In planning and delivering homelessness services, the council will observe the requirements of the Scottish Housing Regulator as set out in the Statement on Performance of Functions.

5.3 The council's performance in meeting these standards will be routinely assessed by the Scottish Housing Regulator.

5.4 Further information of the role of the Scottish Housing Regulator can be found on its website at <https://www.housingregulator.gov.scot/for-landlords/regulatory-framework#>

5.5 The SHR requires that an Annual Assurance Statement setting out the Council's performance in relation to our regulatory requirements are being met. SHR requires that the assurance statement for local authorities is approved by the appropriate committee.

## 6. Homelessness Services in Glasgow

6.1 At present, Glasgow's Homelessness Services are delivered through three Community Homeless Services, two specialist Casework Teams for Refugees and Prisoners and the Out of Hours Service.

OFFICIAL

## OFFICIAL

6.2 In providing homelessness services the Council may undertake the following (but not exclusively)

- Prevention work
- Advice, information and assistance
- Securing settled and temporary accommodation
- Tenancy support
- Working in partnership with other agencies
- Referral to an appropriate health care service
- Referrals to Employability services

### 6.3 Service Standards

6.3.1 The Council has the following standards and targets for the Homelessness Service relating to interviews, timescales, service quality and the action to be taken.

When conducting an interview the officer will work to ensure that an applicant has a private interview at a time convenient both for the applicant and their personal representative should they have one and.

Where an applicant's first language is not English this service will work to ensure that an interpreter is available.

An applicant can request an interview with an officer of the same sex and will be treated in a courteous and non-judgemental manner.

In some circumstances, interviews can be arranged outwith the casework office e.g. someone who is in hospital. The interview could take place in hospital or at another convenient place.

Applicants will be offered a Housing Options Service during office hours aimed at offering advice and assistance in order that they can make decisions about their housing situation.

Applicants who are threatened with homelessness will be interviewed within five working days of approaching the service and applicants who are homeless will be interviewed on the day of their approach or the next working day.

Applicants will be encouraged to disclose all relevant information to assist in the assessment of an application. Any information provided will be assessed in accordance with the legal requirements.

Applicants will be advised at the initial interview verbally and in writing of:-

- the process and general timescale which will be followed in dealing with their case;
- their right to make formal complaints and to have decisions reviewed;
- the consequences of making misleading or false statements.

OFFICIAL

## OFFICIAL

6.3.2 Where the general timescale has not been met a further letter will be sent to the applicant updating them on the status of their application.

### 7. Responding to applications from homeless people

7.1 Accessibility - Access to a Homelessness Assessment will be made available to all households who present as homeless. The Homelessness Service will avoid the screening of applicants and ensure that no homeless applicant is refused the right to make a homeless application. Care will be taken to ensure receptionists or general enquiry staff do not carry out any informal 'first screening' of applicants, either deliberately or unwittingly. Screening is defined as preventing, deterring or discouraging applicants from making an application. Staff will be given appropriate training. People will be made aware of their legal right to make a homeless application through publicity, posters and the Council website

7.2 Initial approach - Any person aged 16 or over that wishes to make a homeless application has the right to do so. The Council will ensure that information about this right is clearly visible in all offices where homeless people are likely to present and in other locations across the City. The Council has a duty to accept applications from people who are currently homeless or who are threatened with homelessness i.e. within 2 months (but may also accept applications outside this timescale if the circumstances are appropriate).

7.2.1 Assistance with homelessness can be made and advice can be obtained from any of the Community/Specialist Casework Teams located across the City, through the Out of Hours Standby Service Allan Centre.

7.2.2 All requests for assistance under Part II of the Housing (Scotland) Act 1987 will be recorded through the HL1 returns to the Scottish Government.

7.2.3 Assessment - Where a household approaches the Council for assistance under homeless legislation it has a duty to assess whether or not that household is homeless or potentially homeless or threatened with homelessness.

7.3. Inquiries into Homelessness or Threatened with Homelessness;

- In cases where the applicant presents as homeless the Council will determine whether the applicant and other people that usually live with the applicant currently have no accommodation which is reasonable to occupy.
- In cases where the applicant will have no accommodation which is reasonable to occupy within the next two months, the applicant will be considered as threatened with homelessness.
- Applications outwith the two month timescale may be accepted as indicating a threat of homelessness depending on the circumstances. A person will also be treated as homeless in cases where he has accommodation but cannot secure entry to it; if it is probable that continued occupation of it will lead to abuse from some other person residing in the accommodation or from someone who previously resided with the

OFFICIAL

## OFFICIAL

applicant; if the current accommodation is a moveable structure, vehicle or boat or if the accommodation is overcrowded and a danger to health. In determining if accommodation is reasonable to continue to occupy regard may be had to the general circumstances prevailing in the area of application.

- Where an applicant has been found to be homeless or threatened with homelessness the Council has a power, rather than a duty to investigate whether they are intentionally homeless. The council has decided that it will use the power to investigate whether a person is intentionally homeless.

7.3.1 Inquiries into Intentionality - Where an applicant has been found to be homeless or threatened with homelessness, the Council will assess whether they are intentionally homeless. The assessment will consider whether the applicant did or failed to do something which caused him/her to lose his/her accommodation. Officers investigating intentionality should have regard to all of the circumstances of an applicant before reaching a decision on intentionality, and each case should be decided on its merits.

An applicant found to be intentionally homeless will be provided with advice and assistance and temporary accommodation for a reasonable period thereafter so that the applicant can find alternative accommodation. Consideration will be given to the applicant's circumstances when determining what is a reasonable period.

7.4 Local Connection - In situations where an applicant has been found homeless and unintentionally homeless the Council has a power, rather than a duty to investigate local connection.

In Glasgow this means that the applicant will have had some connection with Glasgow, because of their usual residence, because of employment, they have family connections or any other special circumstances in accordance with the legislation and Code of Guidance. Where applicants have been assessed as unintentionally homeless but do not have a local connection with Glasgow but do with another local authority a referral can be made to that local authority.

7.5 The Council will undertake a wider assessment of household's health and social care needs.

7.6 Protection of property of homeless applicants - If the Council has a duty to provide temporary accommodation to a person it will also take steps to protect the household's belongings if there is a prospect of them being lost or stolen. If there are any moveable possessions that cannot be taken into the temporary accommodation, and no other suitable arrangements can be made, then the Council will arrange storage for the possessions. At that point, applicants will be required to sign a document confirming that they agree that when the Council's duty to provide temporary accommodation ends, so does the duty to store same. The document will confirm that the applicant has 28 days to uplift belongings, after which they may be disposed of.

OFFICIAL

## OFFICIAL

- 7.7 The Council can, if it so chooses, exercise its right to place a charge on households for collecting and storing household belongings. All households will be informed of the Council's charging policy and rates prior to the individual agreeing to the Council collecting and storing the household's belongings.
- 7.8 Any charging policy will be on a cost recovery basis and will be set by Council Committee. Committee will have regard to the Homelessness Code of Guidance 2019 when setting the terms of any charging policy.
- 7.9 Disposal of property - Where contact is lost with the applicant or they do not claim their property, it will be disposed of after 28 days.

## 8. Homelessness Decisions and Reviews

- 8.1 All applicants found to be homeless or threatened with homelessness and unintentionally homeless are owed the full re-housing duty. They will be offered temporary accommodation until settled accommodation can be secured. The Council accepts that the obligation to find settled accommodation continues throughout this period.
- 8.2 All applicants found to be intentionally homeless will be offered advice and assistance to assist them in securing accommodation and support to meet their needs. The Council will make accommodation available for such a period as will give applicants a reasonable opportunity to find alternative accommodation.
- 8.3 Applicants presenting from outwith the United Kingdom will be subject to the legislation contained within the Immigration and Asylum Acts and EU Law.
- 8.4 The Council will make all reasonable endeavours to provide all homeless applicants with a written decision on their case within 28 days of presenting as homeless. On completion of the assessment a decision letter will be issued. The decision letter will meet the requirements of the homelessness legislation and have regard to the Code of Guidance on Homelessness 2019. The decision letter will explain how and why the decision has been reached, give advice on what happens next, and include contact details of the Officer dealing with the application. Details will also be given on how to request a review of the decision, list sources of independent advice and advise on the availability of temporary accommodation.
- 8.5 Applicants have the right to request a review of the decision made about their case. A request to review a decision must be made within 21 days of notification of the decision. An officer senior to the decision-maker who has had no involvement in making the decision will carry out the review. This officer will also be responsible for informing the applicant of the outcome of the review and the reasons for the decision reached in writing. The number of reviews and their outcome will be monitored. In such circumstances when a review is requested, the Council has a duty to accommodate the individual or household if necessary until the review is completed.

OFFICIAL

## OFFICIAL

8.6 An applicant may also have recourse to the Public Sector Ombudsman or obtain independent advice on judicial review.

8.7 Leaflets about the Council's complaint procedure are available in each of the Homelessness Services delivery points.

### 9. Prevention of Homelessness

9.1 The Council, working with landlords and where appropriate financial institutions and other mortgage lenders will seek to maintain potentially homeless households in their accommodation for as long as possible. This will be achieved we will work with other key stakeholders to ensure that service users have access to a range of services that allow them to make informed decisions about their circumstances and sustain their tenancy where possible.

9.2 Advice and information - The Council will ensure (as required by Section 2 of the Housing (Scotland) 2001 Act) that advice and information is provided, free of charge, to anyone in the authority area about:

- homelessness and the prevention of homelessness;
- any service which may assist a homeless person or assist in the prevention of homelessness.

9.3 Information on what to do if someone is homeless or threatened with homelessness is available on the Council's website and in leaflets which are widely available. Face-to-face/telephone information and advice is available from Community Homelessness Services and our two specialist casework services and from other key independent housing information and advice agencies across the City. Details of these are available on the Council web site, in local publicity material and the Council's extensive Housing Options Guide [www.glasgow.gov.uk/housingoptions](http://www.glasgow.gov.uk/housingoptions). This will include the availability of information in large print, Braille and appropriate ethnic minority languages as is reasonably required.

9.4 Prevention of Homelessness Duties - The Council will take reasonable steps to try and secure that accommodation does not cease to be available for occupation by any homeless applicant where the Council is:

- satisfied that an applicant is threatened with homelessness (i.e. likely to become homeless within 2 months) but will also accept applications outside this timescale in exceptional circumstances
- satisfied that he or she did not become threatened with homelessness intentionally.

This action will not be taken in relation to any applicant who is living in accommodation that:

- is overcrowded in terms of the legislation;
- is a danger to their health;
- does not meet any special needs of the household;

OFFICIAL

## OFFICIAL

- is otherwise not reasonable for the applicant to occupy.

9.5 The Council will provide people threatened with homelessness with advice and assistance that will support attempts by the applicant and others to ensure that accommodation does not cease to be available for his or her occupation.

9.6 Leaving Institutions - The Council will ensure that homelessness due to households or individuals leaving institutions (hospital, prison, the armed forces, local authority care) is minimised by:

- having appropriate discharge protocols and liaison mechanisms in place;
- advance planning for discharge from an institution.

9.7 In October 2019, the Council took a policy position to oppose evictions from settled accommodation, especially during the winter months. In order to prevent the need for evictions we will continue to work positively with RSLs and other stakeholders to offer assistance to people at risk of losing their accommodation. The Council and its partners will also continue to work constructively to influence best practice statements and debt management policies of housing associations and other landlords to minimise the need for evictions.

Landlord action and court orders - The Council will take reasonable steps to work with landlords so that evictions due to rent arrears are minimised 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 (Scotland) Act 2003 by notifying the Council in the event of raising proceedings for possession. 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.

9.8 Rent arrears - The Council will take reasonable steps to work with Glasgow Housing Association, other housing associations working in the city and partner agencies to prevent rent arrears wherever possible to minimise and reduce these when they occur to the extent that landlords do not seek to evict tenants in this situation. In particular, the Council will encourage all social and private sector landlords across the city to refer tenants in arrears to money advice agencies before taking action for recovery of possession.

9.9 Anti-social behaviour - The Council will take reasonable steps to work with partner organisations to prevent anti-social behaviour and to ensure that homeless households, where anti-social behaviour has been an issue in the past, receive appropriate support to manage a tenancy.

9.10 Harassment/illegal eviction - 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. Where necessary the Council will advise the Private Landlord Registration Unit of concerns.

OFFICIAL

## OFFICIAL

- 9.11 Mortgage to Rent - The Council will, where appropriate, make use of the Mortgage to Rent scheme in cases where a mortgage lender is taking legal action to repossess a property and where the owner is eligible under the scheme. The Council will offer a referral to an appropriate legal/money advice agency where there are mortgage arrears in order that mediation with the lender can be provided on behalf of the household in mortgage difficulties.
- 9.12 Financial Difficulties including Rent Arrears & Mortgage Default - The Council will ensure such applicants receive appropriate advice from debt counselling services. As defined in the Code of Guidance, in reaching a decision on homelessness, the Council will:-
- Require a valid notice to quit (but will not necessarily require that an order or decree for repossession has been obtained)
  - Take into account income remaining after payment of housing costs and changes in household income
  - The Council will offer a referral to an appropriate legal/money advice agency where there are mortgage arrears in order that mediation with the lender can be provided on behalf of the household in mortgage difficulties.
- 9.13 Tied Accommodation - The Code of Guidance on Homelessness states “*a person who becomes homeless or threatened with homelessness as a result of losing tied accommodation including loss of accommodation on retirement should not normally be considered as intentionally homeless*”. The Council will therefore consider any homeless application made by a person who may become homeless or threatened with homelessness in these circumstances and carry out the appropriate enquiries to determine duty.

## 10. Accommodation

- 10.1 Homeless households who have been assessed unintentionally homeless may initially require temporary accommodation whilst waiting for an offer of settled housing.
- 10.2 Temporary Accommodation -
- 10.2.1 The Council provides a variety of different types and sizes of temporary accommodation throughout Glasgow. The Council works with a range of partners to provide temporary accommodation and support to homeless households. This includes temporary furnished flats and a range of staffed accommodation projects.
- 10.2.2 The Council has a supply of temporary furnished flats which are used to provide temporary accommodation where settled accommodation is being secured a reasonable period of time has been given for applicants to obtain accommodation where duty has been discharged.
- 10.2.3 The flats are provided to the Council by housing associations, particularly Glasgow Housing Association. In making the offer of a temporary furnished flat the Council will take into consideration individual circumstances in relation to geographical location, any other circumstances and the needs of any children

OFFICIAL



## OFFICIAL

which include those affected by domestic violence. Because the flats are scattered across the city, the Council cannot guarantee to provide a choice of location, but will make reasonable endeavours to do so.

- 10.2.4 Where the Council is providing temporary accommodation under a tenancy rather than an occupancy agreement it will provide a tenancy under Schedule 1 of the Housing Scotland Act 2001.
- 10.2.5 In terms of section 35(2) of the Housing (Scotland) Act 1987 the Council is permitted to require a person to pay such reasonable charges or amount as it may determine for temporary accommodation. The Council where providing emergency and temporary accommodation will make a reasonable charge for such accommodation and will require the payment of a reasonable amount for accommodation made available by another person. The charge will be agreed annually by Council Committee. When setting the charge the Council will have regard to the Homeless Code of Guidance 2019. However, the guiding principle in setting the charge per unit will be to set a charge which reflects the cost to the council in providing interim accommodation.
- 10.3 Bed & Breakfast
- 10.3.1 The use of B&B will be kept to a minimum and will only be used when no other temporary accommodation option is available. The use of B&B accommodation for families and pregnant woman is being phased out by Glasgow but it may be used for up to 7 days when no other accommodation is available.
- 10.3.2 The Council's use of emergency accommodation will comply with the requirements of the Unsuitable Accommodation (Scotland) Order 2014.
- 10.4 Homeless people with pets can play an important role in people's lives. There are restrictions on pets within most temporary accommodation. The Council will use its best endeavours to enable applicants to have access to their pets whilst in temporary accommodation.
- 10.5 Interim Accommodation
- 10.5.1 The Council has access to a range of accommodation to meet the specific support and care needs of homeless households who are not ready to maintain a tenancy. All homelessness supported accommodation is based on a resettlement model with the exception of Buchanan Lodge which is a specialist care home. The pathway into supported services is through a comprehensive assessment of need so that households are placed into appropriate interim accommodation. Care Managers work closely with these households to provide them with the necessary support they require to overcome their various needs and provide a structured care plan for these households to move on to more appropriate and settled accommodation.

Through our Rapid Rehousing Transition Plan we will look to rebalance provision away from interim accommodation within communal living settings to a

OFFICIAL

## OFFICIAL

presumption that people will access support so that they can access mainstream tenancies.

### 10.6 Settled Accommodation

- 10.6.1 When the Council makes a positive statutory decision in relation to a homeless application, it will either arrange for Section 5 referrals under the Housing (Scotland) 2001 Act to be made to the appropriate housing association or it discharge duty through the offer of settled accommodation within the Private Rented Sector.
- 10.6.2 The statutory duty to secure settled accommodation to homeless households owed a full re-housing duty is to provide one offer of accommodation.
- 10.6.3 Glasgow City Council will make one offer of reasonable settled accommodation to households owed a full re-housing duty.
- 10.6.4 In making any offer of settled housing the Council will take into account the particular circumstances and needs of the applicant and their household, including children and the sustainability of the accommodation for the particular applicant.
- 10.6.5 If an applicant refuses an offer of settled housing, as per 10.6.4, deemed to be reasonable the Council's duty to secure settled accommodation is discharged.
- 10.6.6 Applicants can request a review of the reasonableness of any offer of housing. Requests for reviews should be lodged within twenty-one days from the date the offer was declined by the applicant.
- 10.6.7 An offer of settled accommodation will be held for two working days in order to allow the applicant the opportunity to make a decision on its suitability. If the offer is refused by the applicant it will not be held beyond two days. Offered accommodation does not belong to the Council and the Council cannot therefore keep it open beyond what the accommodation provider permits. The accommodation provider will need the accommodation to accommodate other homeless persons referred to the provider and persons waiting on the provider's housing list. If the applicant is successful upon review, a further offer of permanent accommodation will be made.
- 10.6.8 Through the operation of Section 5 referrals we aim to secure offers of accommodation within 6 weeks from housing associations in line with the protocol and ministerial guidance.
- 10.6.9 Regulations relating to Section 32a of the Housing (Scotland) Act 1987 changed on the 25th of February 2010. This allows local authorities to make greater use of the private rented sector when complying with their duties to unintentionally homeless households in priority need. The guidance that accompanied the change in the regulations outlined specific requirements in relation to the use of the private rented sector within this context. These refer to the length of the tenancy agreement, affordability of the tenancy, a Housing Support Assessment and the provision of independent advice and information.

OFFICIAL

## OFFICIAL

### 11. Housing Support Services

- 11.1 Section 32(b) of the Housing (Scotland) Act 1987 (as amended) requires Local Authorities to assess a household for housing support services where it has a reason to believe that the household may require the services set out within the Housing Support Regulations. Where a Council assesses the household as requiring the prescribed services then they must provide them. The provision of Housing Support Services is available to all homeless households assessed as requiring support.
- 11.2 The aim of this floating support service is to plan and provide support in a flexible way to assist households to sustain temporary or settled accommodation. The Council will aim to ensure that Housing Support Services are available and suitable to the needs of homeless households.
- 11.3 In line with Section 32b of the Housing (Scotland) Act 1987 the level of housing support is assessed at the initial presentation stage and reviewed thereafter every six weeks.

### 12. Homelessness Health Services

- 12.1 People affected by homelessness have been shown to be at higher risk of ill-health than the general population. They are more likely to suffer from mental health problems and alcohol and drug misuse. They can often find it difficult to prioritise accessing health care facilities. Homelessness Services will refer to specialist and mainstream health services to ensure that our service users can access the appropriate health care to meet their needs.

### 13. Performance Monitoring

- 13.1 The Council will collect information on the operation of the homelessness services including;
- Total number of applications registered
  - Number of households in breach of the unsuitable accommodation order
  - Number of applicants requesting a review of the decision reached on their application
  - Time taken to process applications
  - Demand for Temporary Accommodation and the Council's response
  - Length of time households spend in temporary accommodation
  - Number of households allocated settled housing
  - Other management information required from time to time for management and planning purposes

OFFICIAL

**14. Policy Review**

- 14.1 This policy provides a basis for ensuring the Council delivers homelessness services in a way that is sensitive to the needs of homeless people and is also clear and consistent in its decision making. Homelessness Services will regularly review and evaluate this policy.
- 14.2 The Council will review the operation of this policy by March 2023 or earlier if required by legislative or other change in the law.

Policy Agreed: \_\_\_\_\_

Policy Review date: \_\_\_\_\_

DRAFT