



**Elmbridge**

**Borough Council**

*... bridging the communities ...*

# Homelessness policy

## Overall aims and objectives



# Elmbridge Borough Council

*... bridging the communities ...*

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## Teams within the Housing Options Unit

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The Housing Options Unit comprises of 3 teams:

Social and Supported Housing Team.

Private Rented Sector and Temporary Accommodation Team.

Homelessness Prevention and Advice Team

The work of the three teams is closely interlinked and together they work to assess and meet housing need wherever they can and to prevent homelessness or work to minimise the effects of homelessness if it happens.

This document sets out the high-level homelessness policy, legislative framework and the aims and objectives of the service for applicants who are homeless or threatened with homelessness.

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## Council's Legal Obligations

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The council has specific legal duties to assist those who are homeless or threatened with homelessness and these are to be carried out by officers within the Homelessness Prevention and Advice Team. This includes duties under the Housing Act 1996 as amended, the Localism Act 2011 and the Homelessness Reduction Act 2017, that came into force on 3 April 2018. In addition the council must have regard to the Homelessness Code of Guidance (most recently updated April 2019), supplementary guidance from Ministry of Communities, Housing and Local Government (MHCLG), regulations and caselaw. Other relevant legislation includes

- **Human Rights Act 1998** – to be considered in carrying out duties to those who are homeless or threatened with homelessness particularly with regard to Article 8 – right to respect for private and family life, their home and correspondence.
- **Equality Act 2010** This Act provides protection from unlawful discrimination in the provision of services and functions including housing in relation to protected characteristics which are - age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation. There is also a Public Sector Equality Duty which officers need to have regard to when managing applications and reaching decisions under homelessness legislation

Specifically, under section 149(1) Equality Act 2010, the service must have due regard to the need to:

1. (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
2. (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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## Overarching statement of the main aim of the Service

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The main aim of the Homelessness Prevention and Advice Service is to prevent homelessness wherever possible and where it can't be avoided to work to minimise its effect, formally assessing homeless applications in accordance with legislation, issuing decision letters advising as to what if any duty is owed, securing or helping to secure accommodation as appropriate and to provide advice on housing options.

The emphasis is to work with those who are threatened with homelessness to enable them to stay in their current home where it is reasonable for them to remain there. Where this is not possible we will look at the housing options available and will try and help secure alternative accommodation before actual homelessness. We will develop a Personal Housing Plan based upon a housing assessment taking into account:

- a) The circumstances that have caused applicants to be homeless or threatened with homelessness
- b) The housing needs and what would be suitable accommodation for applicants, their household and anybody who might reasonably be expected to reside with them
- c) The support that would be necessary for the applicant and anybody who will be living with them to have and sustain suitable accommodation.

In assessing homeless applications officers need to consider if the applicant is legally eligible for assistance in terms of their immigration status. If an applicant is ineligible there will be no ongoing duty to provide accommodation and a decision letter would be issued with the Right to Request a review.

If an applicant is eligible for assistance, has a priority need and becomes homeless we will secure interim or emergency accommodation if we have not been able to secure accommodation for the household prior to homelessness.

We will only place applicants in bed and breakfast accommodation or out of borough as a last resort and will move applicants to self-contained or in borough accommodation as soon as possible. This will normally be high quality self-contained temporary accommodation, private rented accommodation (often assisted by the

Rental Support scheme) or social housing and will depend upon the duty owed under homelessness legislation. We work to minimise the numbers of households in temporary accommodation and keep this regularly under review.

We work to maximise housing opportunities for all and work closely with partners to achieve this. This includes Registered Providers, Elmbridge Rentstart the latter of which who particularly assist single homeless households often into private rented, shared accommodation or lodgings.

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## Rough Sleepers

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The numbers of rough sleepers in Elmbridge have historically been quite low but the numbers have increased. We are committed to working with our partners to try and reduce the number of rough sleepers by early intervention with those new to street homelessness. More intensive outreach will be carried out with those who are more entrenched and we are providing funding for two outreach workers with Rentstart for this purpose. We are also supporting the provision of a day time hub for this client group where they can get a meal, shower, wash clothes and can engage with services to get the support they need to get them off the street. We are also facilitating the provision of two emergency assessment beds to provide a pathway of accommodation for rough sleepers to come off the streets. These initiatives fit in with the Government's Rough Sleeping Strategy. and we will monitor our success with partners.

### Housing, Homelessness and Rough Sleeping Strategy

The Council is required to have a Housing, Homelessness and Rough Sleeping Strategy and this covers the period 2020- 24. The homelessness-related objectives contained within it are set out below and this is supported by a detailed Action Plan that will be subject to monitoring and review. The strategy is available from:

<https://www.elmbridge.gov.uk/housing/housing-strategies-and-policies/>

**Objective 1:** Preventing homelessness through the provision of effective support and advice to meet local need

**Objective 2:** Maximising supply and choice for temporary or longer-term accommodation for homeless people

**Objective 3:** Identifying and responding to rough sleeping through provision of services and accommodation

**Objective 4:** Managing the effects of homelessness where it cannot be prevented

**Objective 5:** Tackling homelessness through partnership working.

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## Summary of assessment process for those who are homeless or threatened with homelessness

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If there is reason to believe an applicant/ person is homeless or threatened with

homelessness within 56 days a homeless application will be triggered.

This means officers will need to make enquiries to establish:

- Whether the applicant is eligible for assistance in terms of e.g immigration status / recourse to public funds
- If eligible whether they are homeless or threatened with homelessness within 56 days
- **Prevention duties** are owed to a person threatened with homelessness within 56 days - this is to work to prevent homelessness and includes the need to develop Personal Housing Plans for the applicant and issuing decision letters. This duty applies regardless of whether the applicant has a local connection or has a priority need and will continue for 56 days. (unless any Section 21 notice on an assured shorthold tenancy expires before then). If the applicant can't remain in their existing home we will try and help them to secure alternative accommodation in a planned way.
- **Relief duties** are owed as the applicant is actually homeless on approach or becomes homeless after prevention actions have failed. Under the relief duty there is also the need to develop or review Personal Housing Plans for the applicant and to issue decision letters.
- A decision will also be reached on whether the applicant has a priority need as if this applies and they are homeless interim accommodation will need to be secured. If there is no priority need the council does not have to provide interim accommodation but should take reasonable steps to help the applicant to secure accommodation that has a reasonable prospect of being available for 6 months.
- If there is a local connection to Elmbridge or the applicant has no local connection elsewhere the relief duty is to be met by Elmbridge and this duty lasts for 56 days. If there is a safe local connection elsewhere a referral may be made by the team to another housing authority to perform the duties as appropriate.
- If prevention or relief duties are not successful in securing accommodation (and a referral has not been made to another housing authority) and the applicant remains homeless at the end of the relief duty, a decision will need to be issued as to whether a main housing duty is owed or for example the applicant is intentionally homeless. This is where a person has done or failed to do something in consequence of which they lost accommodation that was available to them and reasonable for them to have continued to occupy.
- Duties to relieve homelessness and secure alternative accommodation will be carried out concurrently with enquiries into priority need and intentional homelessness by the Homelessness Prevention and Advice team.

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## Priority Need

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Priority need is important as it affects whether the council has a duty to directly secure accommodation at the relief stage. However, the council has a duty to try and prevent

or relieve homelessness for all applicants who are eligible for assistance and are homeless or threatened with homelessness, irrespective of whether or not they may have a priority need for accommodation.

The following are the main priority need categories but if you want to see the full list please see the Homelessness (Priority Need for Accommodation) (England) Order 2002 which includes those who might be vulnerable due to their previous background/ history e.g, a person who is vulnerable as a result of having been a member of Her Majesty's regular naval, military or air forces

1. a pregnant woman or a person with whom she resides or might reasonably be expected to reside
2. a person with whom dependent children reside or might reasonably be expected to reside
3. a person who is vulnerable as a result of old age, mental illness, learning disability or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside
4. a person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster

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## Personal Housing Plans

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The Homelessness Prevention and Advice Team as part of the prevention and relief duties need to look at the circumstances that have caused a person to be homeless, or threatened with homelessness within 56 days, to assess their housing needs and what accommodation would be suitable for them as well as the support that would be necessary for them to have and sustain suitable accommodation.

Officers are required to develop Personal Housing Plans (PHPs) setting out the reasonable steps they/ the Council it will take, as well as the applicant, to prevent or relieve homelessness. The PHP'S are to be reviewed to ensure they are still relevant. Where an applicant is homeless and has a priority need there will be a duty to secure accommodation in most cases by directly securing accommodation, but otherwise the duty is to take reasonable steps to help an applicant secure suitable accommodation.