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Subject: Rough Sleeping Accommodation Placement Policy

Report to: ELT 22 June 2022
Housing and Neighbourhoods Committee 14 July 2022

Report by: Nicola Turner, Housing Director

SUBJECT MATTER/RECOMMENDATIONS

This report seeks approval of a new placement policy which sets out how the Council will use homes provided specifically to meet the needs of rough sleepers and those at risk of rough sleeping.

Recommendations:

That Housing and Neighbourhoods Committee:

- 1. Adopt the Rough Sleeping Accommodation Programme Placement Policy**

1. Introduction

- 1.1 On 30 July 2020, Council approved the Rough Sleeping Strategy and Action Plan 2020. The strategy and action plan set out the Council's approach to delivering a sustained reduction in rough sleeping across the borough. The action plan included an action in relation to the provision of additional supported housing for rough sleepers with low support needs or those at risk of rough sleeping who have never held a tenancy through the delivery of a Transitional Housing Scheme. A report seeking approval to deliver the Transitional Housing Scheme was considered by this Committee in May.
- 1.2 Subsequently to the development of the Rough Sleeping Strategy and Action Plan, the need for a scheme to meet the needs of rough sleepers with high/complex needs was identified and the Council successfully bid for capital and revenue funding via Homes England and the Department of Levelling Up, Housing and Communities (DLUHC) Rough Sleeping Accommodation Programme (RSAP) to deliver a Housing First scheme of five homes to meet this need. All five properties for this scheme have now been

acquired and the first two residents have moved in, with Access Community Trust managing the homes and delivering the support following a tender process.

- 1.2 Residents of the Housing First scheme and, if the bid is successful, the Transitional Housing Scheme will only remain for two years (three in exceptional circumstances) in their accommodation as part of their pathway to settled accommodation. The RSAP funded properties are held in the General Fund and form part of the Council's temporary accommodation provision. The properties are let using non-secure tenancies to relieve homelessness.
- 1.3 DLUHC guidance on the Rough Sleeping Accommodation Programme strongly encourages that where RSAP funded properties are let using non-secure tenancies there is a policy to set out how the properties will be offered to rough sleepers in the greatest need. The guidance identifies key areas such a policy should address. A Rough Sleeping Accommodation Programme Placement Policy has therefore been produced in accordance with the requirements of the guidance, the policy is attached.

2. Placement Policy

- 2.1 The Placement Policy sets out:

- Who is eligible for a RSAP funded property
- How decisions will be made between eligible individuals as to who will be offered a property

In making decisions as to which eligible individual will be offered a particular property a risk-based approach is used, (section 3.3 of the policy) reflecting an individual risk assessment for each property, the risk assessment of the individual which takes into account their needs for accommodation and any vulnerabilities they have and the impact of the placement on the individual and their immediate neighbours.

Decisions will be made by a panel of officers.

- 2.2 Appendix A of the placement policy provides the specific prioritisation criteria for the Housing First scheme reflecting the fact that the scheme is designed to meet the needs of individuals with complex/high needs. Appendix B provides the prioritisation criteria for the Transitional Housing Scheme should the RSAP grant bid be successful.

3. Financial Implications

- 3.1 There are no financial implications associated with the adoption of the Placement Policy.

4. Risk Implications

- 4.1 The Placement Policy sets out who is eligible for RSAP funded properties and how decisions will be made between eligible individuals for a specific property. It will ensure a consistent and fair approach to decision making. The policy has an appeal

process should an individual disagree with the decision not to offer them a particular property.

- 4.2 The policy ensures a risk-based approach reflecting both the location and type of property and any risk factors, vulnerabilities or accommodation requirements of the individual. This approach will ensure the effective management of the homes and also provide the individual placed in a RSAP property with the best opportunity to make a successful transition to settled accommodation.

5.1 Legal Implications

- 5.1 The Council has a statutory duty to both prevent and relieve homelessness in accordance with Part 7 of the Housing Act 1996 and the Homelessness Reduction Act 2017, these acts provide a range of duties and powers to secure accommodation to relieve homelessness.
- 5.2 The Placement Policy reflects the ability of the Council to use its powers to extend the relief duty beyond the 56 statutory days for those whom the Council would not have a statutory main homelessness duty. The use of this power ensures that all those accommodated in the RSAP properties can stay for up to two years (three in exceptional circumstances) irrespective of whether they are owed a full homeless duty.
- 5.3 An offer of a RSAP funded property is not an allocation of social housing under Part 6 of the Housing Act 1996 and therefore the occupation of these properties sits outside of the Council's Housing Allocation scheme.

6. Conclusion

- 6.1 The Council has been successful in obtaining capital and revenue funding from the Rough Sleeping Accommodation Programme to deliver the Housing First Scheme to meet the needs of rough sleepers and individuals at risk of rough sleeping with complex/high needs. A further bid to the programme will, if successful, deliver a Transitional Housing Scheme to meet the needs of rough sleepers and those at risk of rough sleeping with low/medium needs.

The Rough Sleeping Accommodation Programme Placement Policy identifies who will be eligible for homes funded through the programme as well as how decisions will be made between eligible individuals for a particular property using a risk-based approach.

7. Background Papers

- Rough Sleeping Strategy and Action Plan 2020 – Policy and Resources Committee 28 July 2020
- Acquisition of Property for Transitional Housing - Policy and Resources Committee 22 September 2020 and Council 29 September 2020
- Acquisition of Property for Transitional Housing Scheme – Housing and Neighbourhoods Committee 8 November 2021 (confidential report)

- Rough Sleeping Accommodation Programme Bid – Transitional Housing Scheme – Housing and Neighbourhoods Committee 19 May 2022 and Council 23 June 2022
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Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Via ELT
Section 151 Officer Consultation:	Via ELT
Existing Council Policies:	<ul style="list-style-type: none"> • Preventing Homelessness and Rough Sleeping Strategy 2018-2023 • Rough Sleeping Strategy and Action Plan 2020 • Safeguarding Policy
Financial Implications (including VAT and tax):	None
Legal Implications (including human rights):	Discussed in report
Risk Implications:	Discussed in report
Equality Issues/EQIA assessment:	The needs of individuals who are rough sleepers or at risk of rough sleeping with protected characteristics have been considered in the development of the placement policy.
Crime & Disorder:	None in relation to the adoption of the policy.
Every Child Matters:	Not applicable



Rough Sleeper Accommodation Programme (RSAP) Placement Policy

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Document Status	Draft

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1. Introduction

- 1.1 Great Yarmouth Borough Council's current Allocation Scheme was approved in November 2018. A new Housing Allocation Scheme has been produced and will be implemented during 2022.
- 1.2 This policy sets out how homes within schemes provided with funding through the Rough Sleeping Accommodation Programme (RSAP) which is funded by Homes England and the Department of Levelling Up, Housing and Communities will be allocated.
- 1.3 The homes delivered through RSAP funding will be held within the General Fund and occupied using Non-Secure Tenancies as the accommodation forms part of the Council's temporary accommodation portfolio. The placement of an individual in one of the homes does not constitute an allocation under Part 6 of the Housing Act 1996. This policy therefore sits outside of the Council's Housing Allocations Policy and explains how decisions will be made as to who is eligible to be offered a non-secure tenancy of one of the RSAP funded homes.

2. RSAP Properties

- 2.1 The RSAP programme provides capital funding to deliver bespoke accommodation which will be available for up to two years (three in exceptional circumstances) for: Rough sleepers or those at risk of rough sleeping and homelessness.

The Council has received capital grant funding to provide the RSAP properties and revenue funding up to 31 March 2025 (subject to a satisfactory review which extends the revenue funding from 1 April 2024) to provide a dedicated support service to RSAP properties to enable the residents to address their support needs and prepare them for independent and settled accommodation as part of a pathway approach.

- 2.2 The Council will offer non-secure tenancies to residents of RSAP properties in accordance with the discharge of its homeless duties under Part 7 of the Housing Act

1996 as amended by the Homelessness Reduction Act 2017. Individuals will be placed into RSAP properties as part of the Council's duties to relieve homelessness, with this accommodation being provided for longer than the 56 days of a relief duty where there would be no main duty owed to the individual (not priority need or who are considered intentionally homeless) as well as individuals owed the main duty. In most cases, a placement will be in accordance with the relief duties upon the Council, however, the RSAP properties will also be used to prevent homelessness for an individual who has previously been a rough sleeper or is at risk of homelessness and rough sleeping through the provision of temporary accommodation.

- 2.3 An offer of a non-secure tenancy of a RSAP property is not a final offer of accommodation and cannot be used to discharge any final duty owed to an individual in accordance with homelessness legislation.
- 2.4 Where an individual has been placed into a RSAP property under the relief duty, if they are not owed a main duty at the end of 56 days, prior to the expiry of the 56-day relief duty they shall be notified that the Council is extending the relief duty for the period of their occupancy of the RSAP property.
- 2.5 Throughout the individual's occupation of the RSAP property, there will be a regular review and updating of the individual's Personalised Housing Plan as part of their ongoing support.
- 2.6 As part of the occupation of the RSAP properties, support workers will work with residents to identify their pathway to settled independent accommodation at the end of their two year stay. Where a resident has been in a RSAP property for 20 months but is not ready to move on, it will be considered as to whether it is appropriate for their stay in the property to be extended. Exceptional reasons for extending the period of occupation include, but are not limited to:
 - The resident has a number of support needs which can only continue to be met through remaining in their current accommodation and should they leave, they will be unable to sustain the occupation of their new home
 - A suitable property which meets the needs of the individual is in short supply within the housing stock (social or private rented homes) and an extension is required to ensure only one move is made into suitable accommodation which is affordable and sustainable for the individual.
- 2.7 In accordance with Part 6 of the Housing Act 1996, residents of RSAP properties who are homeless, have a priority need, a local connection and who are not intentionally homeless, will be entitled to reasonable preference for rehousing through the Council's Housing Allocations Scheme where they qualify to join the Council's list.
- 2.8 Where an individual moves to another RSAP property, the offer of an alternative non-secure tenancy of a RSAP property will not bring the relief duty to an end.
- 2.9 The relief duty will end if:
 - The individual is made a Part 6 offer of accommodation in accordance with the Council's Housing Allocations Scheme and that offer is considered a

suitable offer of accommodation in accordance with Part 7 of the Housing Act 1996.

- The individual is made an offer of suitable accommodation in accordance with Part 7 of the Housing Act 1996 – with such offer being a private rented tenancy of at least 12 months.
- It is determined that the individual is no longer homeless as they have secured alternative accommodation.

2.10 Where an individual's non-secure tenancy is ended by the individual either providing notice to end their tenancy or abandoning the property, the Council shall determine whether or not the Council's relief duty to that individual has ended, this will be based on the individual circumstances of the case. The Council will make all reasonable efforts to contact the individual to advise as to the status of the Council's relief duty to them.

2.11 Where an individual's non-secure tenancy is ended by the Council due to a breach of the terms of the non-secure tenancy, the Council shall separately determine where or not the Council's relief duty to that individual has ended, this will be based on the individual circumstances of the case.

3. Prioritisation Process

3.1 Each RSAP accommodation scheme will have an individual prioritisation criteria which will set out which individuals will be prioritised for RSAP properties within that scheme. See Appendices A and B for more details.

3.2 Only the following individuals will be able to be accommodated in a RSAP property:

- Individuals who have made a homeless application to the Council as they are:
 - A rough sleeper
 - Are homeless and are at risk of rough sleeping
 - Are at risk of homelessness and rough sleeping
 - Are a former rough sleeper or individual at risk of rough sleeping who are currently residing in supported housing but need to move to access an alternative form of supported housing which better meets their needs and will be at risk of homelessness if they are not accommodated
 - Have a local connection to Great Yarmouth¹ or no local connection to another area

3.3 At least 15 days before a RSAP property is available for occupation, the RSAP panel will meet to allocate the RSAP property. The RSAP panel will consist of the Rough Sleeping and Pathway Coordinator, Housing Options Service Manager and Communities Manager. The RSAP panel are responsible for all decisions as to who will be allocated a RSAP property from a list of all eligible individuals (see 3.2). In deciding who will be offered a vacancy, the panel will have reference to the

¹ Local Connection in accordance with Section 199 of the Housing Act 1996 is residence of 6 months out of the previous 12 months, 3 years out of the previous 5 years, employment within the borough, family connections (family member has been resident for 5 years) or special circumstances

applicable scheme prioritisation criteria set out at Appendices A and B and will also consider:

- The Risk Assessment for the property
- The individual's Risk Assessment and any vulnerability of the individual
- The type and size of the property
- The location of the property
- Current demographics of the immediate neighbourhood
- Known anti-social behaviour issues in the immediate neighbourhood
- Impact of the placement on the individual and their immediate neighbours

Following consideration of the above, if the panel consider that an individual cannot be accommodated within the current vacancy, the individual will be deemed to be non-eligible and the property shall be offered to the next individual in priority order who it is determined can be accommodated within the property. A record of all decisions and the reason for the decision as to which individual has been/has not been offered a property will be kept.

In considering suitability, where there are shared areas within a scheme or there are a number of RSAP properties in the same/adjoining buildings, this shall be taken into account.

The panel shall be quorate if two of the three members are in attendance. Any panel member can designate an alternate to attend in their absence.

The support worker for the RSAP scheme will identify prior to the panel meeting if there are any particular sensitivities relating to the mix of residents (where there is more than one property in the building) which the panel should take into account.

4. Right of Appeal

- 4.1 Where more than one individual is being considered for a RSAP property, all eligible individuals will be notified of the vacancy. Unsuccessful applicants will be advised of the reason they were not offered the property. Where an individual is not offered a vacancy which is available, they can request an appeal of the decision
- 4.2 All appeal requests must be made within 5 working days of the panel meeting, setting out the reason(s) the individual does not agree with the need for the scheme. Individuals upon request will be supported by the Rough Sleeping Team to make an appeal request.
- 4.3 Appeal requests will be considered by the RSAP Panel within 5 working days and the individual notified of the outcome of their appeal in writing within 1 working day of the appeal being considered.

5. Review and Monitoring

- 5.1 This policy will be reviewed after 12 months or earlier if required. The number of placements made in accordance with this policy and the priority of each individual placed in a RSAP accommodation scheme property will be monitored. This information will be used to review the effectiveness of this policy. The initial review shall take place after 12 months.

Appendix A – Housing Led Support Scheme (Housing First Scheme)

This RSAP scheme provides access to self-contained properties for identified individuals with multiple, co-existing or additional needs, including a history of rough sleeping. Their needs are such that routine and available housing pathways have already failed or are unavailable due to individuals' identified risks and/or needs.

This scheme has one full time equivalent support worker to support five residents of the properties reflecting their high support need.

Eligible individuals must meet the criteria in Section 3 of this policy. Individuals will be prioritised for the scheme if they have a history of rough sleeping and a minimum of two of the following:

- a) Challenging behaviour
- b) A client risk assessment that prevents them from accessing existing housing provision
- c) Chronic mental illness
- d) Recurrent use of alcohol and/or abuse of drugs which significantly impacts on their ability to access existing housing provision.

In deciding between two individuals who both meet the above criteria the deciding factor will be, in order of priority:

1. The willingness of the individual to engage with the support worker
2. The complexity of their needs
3. The period of time they have been rough sleeping now or previously.

In exceptional cases where an individual meets two or more of the above criteria but who does not have a history of rough sleeping and where otherwise a property will remain empty, any individual who has a support need and who meets the criteria at section 3.2 can be accommodated.

Appendix B - Transitional Housing Scheme

This RSAP scheme provides access to self-contained homes for identified individuals with low to medium support needs, including a history of rough sleeping/homelessness. Their needs are such that they would not currently be able to sustain a tenancy without additional tailored support and require accommodation where they can develop and build the necessary skills to do this. As part of the support, residents will be supported to identify barriers to employment – paid or unpaid/voluntary.

This scheme has a support worker during office hours only to support the residents of the scheme.

Eligible individuals must meet the criteria in Section 3 of this policy. Individuals will be prioritised for the scheme if they have a history of rough sleeping or are at risk of rough sleeping and have:

- a) a client risk assessment which identifies them as having low to medium support needs
- b) stable mental health, whether that be medicated or supported in the community with the appropriate services
- c) no alcohol or drug misuse issues which significantly impact on their ability to engage with services and support
- d) the ability to move towards a settled home with the appropriate package of tenancy readiness

In deciding between two individuals who both meet the above criteria the deciding factor will be, in order of priority:

1. The individual is currently rough sleeping
2. The individual is at risk of rough sleeping
3. The willingness of the individual to engage with the support worker.