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|  | **Homelessness Strategy**  2018-2023 |
|  | Landscape-BlueonWhite |
|  | March 2018 |
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# Revisions to Source Document

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# Introduction

The Council of the Isles of Scilly (CIOS) Homelessness Strategy sets out the authorities plans for homelessness services for the period 2018-2023. The Homelessness Strategy includes housing options and support for residents who are threatened with homelessness. It replaces the Council’s previous Homelessness Strategy). As an authority, we understand the challenges faced by residents when it comes to securing a good quality and affordable home to live in. Concern around the supply and affordability of homes for our island residents is growing. There is increased demand for advice and temporary accommodation.

This Strategy reflects national housing policy is and is focused on preventing homelessness by providing assistance earlier.

The Homelessness Strategy focuses on four key housing priorities. These are:

The Homelessness Strategy sits under the Corporate Plan and compliments other strategic plans, such as the emerging Local Plan.

The evidence base for the Strategy includes the Strategic Housing Market Assessment (SHMA) which identifies the scale and mix of housing the Island residents need and the Local Plan.

Whilst the structure of the Strategy is unlikely to change over the course of its life, national policy changes require a degree of flexibility to respond. As such an action plan will be developed, based around the key themes of the Strategy.

# Objectives

The Homelessness Act 2002 introduced the requirement for local authorities to formulate and publish a Homelessness Strategy every five years based on the results of a Homelessness Review.

The Homelessness Reduction Act 2017 comes into effect on 3 April 2018 and increases the need for the Council to work to prevent and relieve homelessness and to provide support to people who are homeless, or at risk of becoming homeless, during the coming five years.

# National Context

Since the Council’s last Housing Strategy, the Government has made significant legislative changes including;

## **Homelessness Reduction Act 2017 (HRA)**

This new Act amends the Housing Act 1996 to place a greater emphasis on local authorities taking preventative measures, such as providing housing options to address homelessness, before it occurs and therefore reducing the need to provide temporary accommodation. The Act aims to strengthen the provisions for households not in priority need.

## **Housing White Paper 2017 – Fixing our Broken Housing Market**

Fixing our Broken Housing Market, released in February 2017 set out the Government’s proposals to encourage house building and create 200,000 new home owners by 2020.

## **Independent Review of Building Regulations and Fire Safety**

The investigation into the Grenfell Tower fire will also have ramifications for private registered providers, for example, in terms of retrofitting enhanced fire safety measures in their accommodation and the Council will consider carefully all recommendations coming out of this, both in relation to our own housing stock and any private sector rentals.

## **Housing and Planning Act 2016 and extension of Right to Buy**

The Housing and Planning Act 2016 brings a number of policy changes including the extension of the Right to Buy (RTB) to private registered providers, although not rolled out on Scilly as yet, measures to tackle rogue landlords in the private rented sector and regulations to streamline planning policies to increase the delivery of homes.

## **Houses in Multiple Occupation (HMO) and Residential Property Licensing reforms**

During 2015- 2016 the Government consulted on a review of HMO licensing, proposing changes to increase the number of properties subject to mandatory licensing by:

* removing the storey rule so all houses (regardless of how many floors) with five or more people from two or more households are included;
* extending mandatory licensing to flats above and below business premises (regardless of the number of storeys); and
* setting a minimum room size of 6.52sqm in line with the existing overcrowding standard (Housing Act 1985)

These changes are due to take effect from October 2018.

## **The Care Act 2014**

The Care Act 2014 extends the role of local authorities in providing assistance to people who have care needs. The Act defines housing as a “health-related service”, highlighting the need for integrating care and support provision. To meet these needs the local authority must provide a range of housing and support services, through residential care, supported housing and extra care housing.

## **Welfare Reforms**

The Welfare Reform Act 2012 introduced significant changes to the benefits system including new caps on Local Housing Allowance and Housing Benefit, the creation of Universal Credit and the reform of Council Tax Benefit and Disability Living Allowance. The Welfare Reform and Work Act entitlement for 18–21 year olds and the restriction of benefits for families with more than two children.

## **Localism Act 2011 and Private Rented Sector Offers**

The Localism Act allowed private registered providers and local authorities more flexibility when managing and allocating accommodation, by providing them with the option to introduce flexible fixed-term tenancies, and giving greater flexibility when allocating social housing and operating waiting lists. The Council of the Isles of Scilly adopted 5 year flexible tenancies in 2012 which it now issues to all newly allocated social tenants.

The private registered providers present on the islands have not yet adopted flexible tenancies on their properties.

The Act also enabled local authorities to cease their homelessness duty through a Private Rental Sector Offer for those who applied after November 2012. This has already been applied to the Council of the Isles of Scilly and is used as our first and preferred options for the discharge of the homelessness duty.

# Local Context

The Council of the Isles of Scilly has no equivalent in terms of its geography, history, population and constitution. . The population is stable at approximately 2000 residents. The Council of the Isles of Scilly provides a comprehensive range of services and offers coordinated homelessness services with adult social care and children’s services.

Homelessness Legislation

The singular nature of the Islands is recognised by its special constitutional position, known as the “Isles of Scilly” clause. This means that all new legislation must be specially applied or exclude the Authority through an additional clause. This was established to ensure that all legislation applied to the Islands is appropriate to its size and character.

Separate legislation is, accordingly, applied to homelessness. The Homelessness (Isles of Scilly) Order 1997 modifies Part V11 of the Housing Act 1996 (homelessness). The Order’s eligibility is referred to first before any other local connection criteria, used nationally is assessed. The Order states:

**A person is not eligible for assistance in the Isles of Scilly if they have not been resident there for a period of two years and six months during the period of three years immediately before their application. Where a person is not excluded from assistance under that provision, they will have a local connection with the district of that authority.**

# Homelessness Duties, Powers and Obligations

Duty to Refer

The [Homelessness Reduction Act 2017](http://www.legislation.gov.uk/ukpga/2017/13/contents) introduced a duty on certain public authorities to refer service users who they think may be homeless or threatened with homelessness to a housing authority. The service user must give consent, and can choose which authority to be referred to. As a Housing Authority we have to incorporate the duty to refer into our homelessness strategy and establish effective partnerships and working arrangements with agencies to facilitate appropriate referrals.

Duty to Provide Advisory Services

The authority has a duty to provide advice and information about homelessness and the prevention of homelessness and the rights of homeless people (or those at risk of homelessness). We provide the following help which can be accessed via the Housing Team:

* Rights to benefits including assistance with making claims
* Assistance in completing Homelessness applications
* Landlord assistance in order to sustain your current tenancy agreement

The service has been designed to meet the needs of the Island community.

Application and Inquiries

As a Housing authority we must give proper consideration to all applications for housing assistance, and if we have reason to believe that an applicant may be homeless or threatened with homelessness, we must make inquiries to see whether they owe them any duty under [Part 7 of the 1996 Act](https://www.legislation.gov.uk/ukpga/1996/52/part/VII).

This assessment process is important in enabling us to identify the assistance which an applicant may need, either to prevent them from becoming homeless, or to help them to find another home. In each case, we will need to first decide whether the applicant is eligible for assistance and threatened with or actually homeless.

Certain applicants who are ‘persons from abroad’ and those who have not been resident on the islands for a period of two years and six months during the period of three years immediately before their application, as set in the Isles of Scilly Homelessness Order 1997, are not eligible for any assistance under Part 7 of the Housing Act 1996, except free advice and information about homelessness and the prevention of homelessness.

Broadly speaking, a person is threatened with homelessness if they are likely to become homeless within 56 days. An applicant who has been served with valid notice under [section 21 of the Housing Act 1988](https://www.legislation.gov.uk/ukpga/1988/50/section/21) to end their assured short hold tenancy is also threatened with homelessness, if the notice has expired or will expire within 56 days and is served in respect of the only accommodation that is available for them to occupy.

An applicant is to be considered homeless if they do not have accommodation that they have a legal right to occupy, which is accessible and physically available to them (and their household) and which it would be reasonable for them to continue to live in.

Assessment and Personalised Housing Plans

All housing authorities have a duty to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness. This will identify what has caused the homelessness or threat of homelessness, the housing needs of the applicant and any support they need in order to be able to secure and retain accommodation. Following this assessment, we are required to work with the person to develop a personalised housing plan which will include actions (or ‘reasonable steps’) to be taken by the authority and the applicant to try and prevent or relieve homelessness.

Prevention duty

We have a duty to take reasonable steps to help prevent any eligible person (regardless of priority need status and intentionality) who is threatened with homelessness from becoming homeless. This means either helping them to stay in their current accommodation or helping them to find a new place to live before they become actually homeless. The prevention duty continues for 56 days unless it is brought to an end by an event such as accommodation being secured for the person, or by their becoming homeless.

Relief Duty

If the applicant is already homeless, or becomes homeless despite activity during the prevention stage, the reasonable steps will be focused on helping the applicant to secure accommodation. This relief duty lasts for 56 days unless ended in another way. If we have reason to believe a homeless applicant may be eligible for assistance and have a priority need they must be provided with interim accommodation. This could take the form of bed and breakfast accommodation.

Main Housing Duty

If homelessness is not successfully prevented or relieved, as housing authority we will owe the main housing duty to applicants who are eligible, have a priority need for accommodation and are not homeless intentionally. Certain categories of household, such as pregnant women, families with children, and households that are homeless due to an emergency such as a fire or flood, have priority need if homeless. Other groups may be assessed as having priority need because they are vulnerable as a result of old age, mental ill health, physical disability, having been in prison or care or as a result of becoming homeless due to domestic abuse.

Under the main housing duty, we must ensure that suitable accommodation is available for the applicant and their household until the duty is brought to an end, usually through the offer of a settled home. The duty can also be brought to an end for other reasons, such as the applicant turning down a suitable offer of temporary accommodation or because they are no longer eligible for assistance. A suitable offer of a settled home (whether accepted or refused by the applicant) which would bring the main housing duty to an end includes an offer of a suitable secure or introductory tenancy with a local authority, an offer of accommodation through a private registered provider (also known as a housing association) or the offer of a suitable tenancy for at least 12 months from a private landlord made by arrangement with the local authority.

Intentional homelessness

A person would be homeless intentionally where homelessness was the consequence of a deliberate action or omission by that person. A deliberate act might be a decision to leave the previous accommodation even though it would have been reasonable for the person (and everyone in the person’s household) to continue to live there. A deliberate omission might be non-payment of rent that led to rent arrears and eviction despite the rent being affordable.

Where people have a priority need but are intentionally homeless as housing authority we must provide advice and assistance to help them find accommodation for themselves and secure suitable accommodation for them for a period that will give them a reasonable chance of doing so.

If, despite this assistance, homelessness persists, any children in the household could be in need under the [Children Act 1989](https://www.legislation.gov.uk/ukpga/1989/41/contents), and the family should be referred (with consent) to children’s services.

Local Connection and Referrals to Another Authority

Broadly speaking, for the purpose of the homelessness legislation, people may have a local connection with the district because of residence, employment or family associations in the district, or because of special circumstances. The Isles of Scilly is a slight exception to this due The Homelessness (Isles of Scilly) Order 1997 as mentioned above. Where applicants meet the criteria for the relief duty or for the main housing duty, and the authority considers that the applicant does not have a local connection with the district but does have one somewhere else, the housing authority dealing with the application can ask the housing authority in that other district to take responsibility for the case. However, applicants cannot be referred to another housing authority if they, or any member of their household, would be at risk of violence in the district of the other authority.

The definition of a ‘local connection’ for young people leaving care was amended by the [Homelessness Reduction Act 2017](http://www.legislation.gov.uk/ukpga/2017/13/contents) so that a young homeless care leaver has a local connection to the area of the local authority that looked after them. Additional provision is made for care leavers who have been placed in accommodation, under [section 22A of the Children Act 1989](https://www.legislation.gov.uk/ukpga/1989/41/section/22A), in a different district to that of the children’s services authority that owes them leaving care duties. If they have lived in the other district for at least 2 years, including some time before they turned 16, they will also have a local connection with that district until they are 21.

Reviews and Appeals

As a Housing authority we must provide written notifications to applicants when we reach certain decisions about their case, and the reasons behind any decisions that are against the applicant’s interests. Applicants can ask us to review most aspects of their decisions. The appeal will be considered by a Senior Officer and, if still dissatisfied, the applicant can appeal to the county court on a point of law.

Housing authorities have the power to accommodate applicants pending a review or appeal to the county court. When an applicant who is being provided with interim accommodation requests a review of the suitability of accommodation offered to end the relief duty, the authority has a duty to continue to accommodate them pending a review.

Our Objectives

Our objectives are to:

•   To ensure that the new duties and obligations as listed above are embedded through a ‘whole authority partnership’ approach to support

•   To develop a Personal Housing Plan for applicants. These will be adjusted to suit each applicant and their individual needs on a case by case basis

•  Work with partner agencies to move from reactive to preventative upstream homelessness prevention work

•  Building on existing links with landlords in the private rented sector with the aim of working together to prevent homelessness and increase housing options

Why is this important?

The new duties contained in the HRA place additional, ambitious and time-intensive duties upon the Council. The Council must consider how best to align existing resources including staffing to ensure that there is an effective housing service available to all those who need it before they become homeless. Partnership working with local authority business units such as Children’s Social Care, Adults Social Care and external partners is essential to fulfilling this and is reinforced by the Act which introduces a new duty on public bodies to refer clients to local authorities where they are threatened with homelessness or are homeless.

The HRA includes a strengthened duty on councils to prevent homelessness and take reasonable steps to help a homeless person ensure that accommodation remains available to them. The intention is to support the local authorities to engage, and wherever possible to intervene at an earlier point, with the aim of preventing homelessness for all households, regardless of any longer term statutory duty that may subsequently be accepted.

The HRA will provide added impetus to prevent homelessness including finding alternative accommodation options before homelessness arises. During 2017/18 three households were placed into temporary accommodation and accepted as homeless, our ambition is to reduce numbers further through effective prevention.

As an authority we are aware that one reason for homelessness is the end of an assured short hold tenancy. Prevention in these cases is not always possible as tenants with an assured short hold tenancy are required to vacate a property providing the landlord has completed the correct legal process to gain possession. This is particularly pertinent with residents who accept winter lets for a short period before they are transferred back into the holiday market for the season.

What We Plan to Do

**Successfully implement the Homelessness Reduction Act 2017 (HRA) from April 2018. To ensure that the new duties are bedded in across the Housing Service, developing a ‘whole authority partnership’ approach to support making the aims of the Act a success locally**

The HRA provides local authorities with the legislative framework to develop effective homelessness services which are focused on prevention and/ or relief of homelessness for all affected people including those who are intentionally homeless. Single people who may not be owed the full rehousing duty will be entitled to enhanced levels of advice and/or assistance to sustain their current accommodation or if this is not possible to secure alternative accommodation.

The Council is supportive of this opportunity to shift the focus to effective homelessness prevention, to work with households to remain in their home, reduce the use of temporary accommodation and the costs involved in providing such accommodation and to reinvest savings into the preventative services.

The Councils Housing Service will review all financial resources to consider how best to implement the HRA and ensure it can meet new statutory duties.

Discretionary Housing Payment arrangements will be to considered where such funding can support preventative activities and enable households to take up alternative housing options.

The Government has estimated that the HRA presents an overall increase in workload for local authorities of 27%, including a 50% increase in the number of homelessness related reviews requested. The Council have two full time staff members to deliver the whole housing function including homelessness advice and assistance around prevention. Clear strategic direction will help ensure that this limited resource is used effectively to meet the needs of the most vulnerable.

**Develop and adopt the personalised housing plans and process**

Under the new legislation authorities are required to develop and adopt personal housing plans to applicants showing the reasonable steps to be taken by both the authority and the applicant to help secure accommodation. These housing plans will be adjusted to suit each applicant on a case by case basis.

Personal housing plans are used to aid the Council and applicants to work together to identify appropriate actions to prevent or relieve an applicant’s homelessness. We will adopt a positive and collaborative approach toward applicants, taking account of their particular needs and making all reasonable efforts to engage their cooperation in performing these duties.

Personalised housing plans may include steps that the authority considers advisable for the applicant to take (‘recommended steps’, such as seeking budgeting and financial support), but which the applicant is not required to take if they choose not to do so ([section 189A(7)](https://www.legislation.gov.uk/ukpga/2017/13/section/3#section-3-1)), as well as steps which they are required to take (‘mandatory steps’ such as registering an interest in available properties with private landlords). As a housing authority we do not have to directly secure accommodation, though we can do where appropriate.

The relevant duty (prevention or relief) cannot be ended for failure to co-operate with recommended steps.

The use of recommended steps might enable the authority to provide or refer the applicant to a broader range of advice and support, for example to address wider needs or to help increase their housing options in the future through employment support.

Mandatory steps should be limited to those which the housing authority considers are required in order to prevent or relieve homelessness. All plans must set out clearly which steps are mandatory and which are recommended.

Personalised housing plans will be kept under review throughout the prevention and relief stages, and any amendments notified to the applicant. We will establish timescales for reviewing plans, and these will vary according to individual needs and circumstances. Some applicants will need more intensive housing authority involvement to achieve a successful outcome than others, and the timescales for regular contact and reviews will reflect this. Personalised housing plans agreed during the prevention stage will need to be reviewed if an applicant subsequently becomes homelessness, enabling the authority and applicants to focus on steps required to help secure accommodation.

**Establish improved links with landlords in the private rented sector with the aim of working together to prevent homelessness and increase housing options**

Homelessness arising from tenants leaving the private rented sector remains a significant cause for concern on the Isles of Scilly. Welfare reforms including the local housing allowance caps and freeze, the benefit cap and universal credit have led to private landlords withdrawing from letting their accommodation to households on lower incomes where housing benefit might be claimed and payments delayed, the switch to universal credit has the potential to make the situation worse. The date of full roll out of universal credit on the Isles of Scilly is 14th March 2018.

The Council will explore a new offer to landlords which provides enhanced incentives to working with the Council to rehouse residents or prevent eviction in the first place such as using discretionary housing payments, deposits and guarantees to secure private rented homes. Experience has shown that landlords are not necessarily incentivised by financial awards alone, with many preferring other services, such as vetting of tenants and an ongoing tenancy sustainment service as being more important to encouraging them to let to households facing homelessness.

Maintaining strong links with local landlords will ensure that they are kept well-informed of legislative and policy changes which affect their tenants and how we can work together to meet housing needs on the Islands. The Council will rebuild links with landlord’s organisations such as the National Landlords Association and Residential Landlords Association, attending their forums and webinars to rebuild relationships.

**Improve our homelessness signposting, advice and support services provided in relation to homelessness**

Many people concerned about a risk of homelessness are seeking practical advice and assistance to help them remain in their home or to secure alternative accommodation.

We will develop relations with external bodies, such as Shelter and Citizens Advice Bureau, and provide internal advice where possible in relation to homelessness.

We will develop further areas of advice for tenants including:

* Tenants’ rights and rights of occupation
* What to do about harassment and threats of illegal eviction
* Rent and mortgage arrears
* How to manage debt
* Help available to people at risk of abuse and violence
* How to obtain accommodation in the private rented sector – e.g. details of landlords and letting agents
* Assistance in applying for social housing

# Providing Appropriate Suitable Accommodation

Suitable Accommodation

Housing authorities have various powers and duties to secure accommodation for homeless applicants, either on an interim basis, to prevent or relieve homelessness, to meet the main housing duty or as a settled home. Accommodation must always be ‘suitable’ and there are particular standards set when private rented accommodation is secured for households which have priority need.

Under the [Homelessness (Suitability of Accommodation) (England) Order 2003](http://www.legislation.gov.uk/uksi/2003/3326/contents/made), bed and breakfast accommodation is not considered suitable for families with children and households that include a pregnant woman, except where there is no other accommodation available, and then only for a maximum of 6 weeks. The Secretary of State considers that bed and breakfast accommodation is unsuitable for 16 and 17 year olds.

Our Objectives

Our objectives are to:

•  Provide enhanced housing solutions for homeless households and those at risk of homelessness

•  Improve the Council’s supply of temporary accommodation

•  Provide suitable temporary accommodation that meets the needs of households and vulnerable groups, including rough sleepers

Why is this important?

The scarcity of temporary accommodation and social housing means that alternative housing options such as facilitating a move into the private rented sector is one that the authority had to adopt. However, there is increased demand and limited supply of private rented housing available on the islands. Finding solutions requires a review of all available options.

What We Plan to Do

**Provide enhanced housing solutions as identified on the applicant personal housing plan for homeless households and those at risk of homelessness**

**We know that homelessness prevention has become more difficult and that, despite additional resources and a stronger focus, prevention will not always be possible.**

**As part of efforts to maintain access to the private rented sector and improve the supply of temporary accommodation and long-term secure tenancies, the Council will explore options of the Rent Deposit Scheme.**

**Provide suitable accommodation that meets the needs of households living in temporary accommodation and vulnerable groups, including any rough sleepers**

The Council will continue to ensure appropriate accommodation for other vulnerable groups, including care leavers, ex-offenders and people with mental health problems is available. Supporting the needs of vulnerable residents, working with care and support services to provide quality housing options.

# Supporting Vulnerable Groups, Including Rough Sleepers

Our Objectives

Our objectives are to:

•  Enhance support services for homeless people and those at risk of homelessness

•  Maintain and where possible enhance rough sleeper services to reduce rough sleeping through the ongoing provision of effective outreach services

•  Ensure vulnerable groups have access to support to maintain their tenancy

•  Keep under review protocols relating to youth homelessness

Why is this important?

A whole systems approach is necessary to address homelessness, particularly for vulnerable people with additional needs that often require collaborative work across various services. Homelessness is not only a housing issue but can be as a result of relationship breakdown, domestic violence and abuse, poor mental health, substance misuse and lack of employment etc. The Council recognises that a robust service can only be achieved through effective collaboration with a range of partners.

Complex and multiple needs mean that rough sleepers and other vulnerable groups require intensive and personalised support to achieve settled accommodation and that factors contributing to their homelessness must be addressed so where possible repeat homelessness is avoided. A joint working protocol between housing and the social care teams has developed ensuring ongoing effective collaborative working.

What We Plan to Do

**Enhance support services for homeless people and those at risk of homelessness**

The Council will continue to improve links with statutory and voluntary agencies working across the islands to ensure that the complex needs of vulnerable homeless people are met. This will include drawing on established collaborative working relationships that have been developed and ensuring we meet regularly to address issues in relation to tackling homelessness and rough sleeping.

The mental health of rough sleepers has emerged as a particular concern nationally and the Council will ensure that effective protocols are in place to ensure a joined-up response to provide the best support possible when such cases arise.

The Council will build on the existing coordinated approach working collaboratively with council business units and external partners to identify funding opportunities, secure additional resources and promote innovation in our homelessness services.

**Ensure vulnerable groups have access to support to maintain their tenancy**

The Council’s Housing Service provides support to prevent homelessness from their current accommodation. This includes assisting people to complete benefit claims, set up utilities, prepare budgeting plans and access additional services as required. The Council will review the team’s scope and consider how best to strengthen the service in light of new duties brought about by the HRA, including the potential to provide support across both social and private sector rented housing.

**Keep under review protocols relating to youth homelessness**

The importance of an effective collaborative approach to addressing homelessness amongst 16/17 year olds was highlighted previously in 2016/17.

The Housing Service worked with children’s social care to address this and redeveloped the protocol and procedures for approaching the assistance given to, and safe guarding 16-17 year old persons wo are or threatened with homelessness. This is something we will look to review regularly with Children’s Social Care.

# Monitoring Our Strategy

We will monitor our strategy and action plan in a timely manner so that the actions we take towards delivery of the priorities are responded to appropriately and are relevant to the changing needs of our community and any changes in national and local policy. We will review our action plan annually and each quarter we will monitor the progress of any actions that have been set out. Progress and any changes will be regularly presented to Members and published on the housing pages of the Council’s website.