

SOLIHULL ROUGH SLEEPER PROTOCOL

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1. BACKGROUND

- 1.1 Solihull’s Homelessness Strategy (2012 – 2015) contains a variety of actions that seek to prevent homelessness in Solihull and to support households with timely housing options advice and support, with a particular focus on early intervention and targeted support for vulnerable groups. As a result very few individuals should have to resort to sleeping rough before help and support is provided. The Rough Sleeper Protocol is therefore to be seen as a last resort for those who fall through the gaps in prevention and options services rather than a suggested pathway to access housing services. Those working with customers who may be at risk of homelessness should always make a referral to Solihull Community Housing (SCH) as early as possible so that SCH are able to work with households to prevent homelessness and rough sleeping.
- 1.2 Despite the safeguards in place there are a small number of rough sleepers in Solihull (estimated at 6 in November 2012). However those individuals who do sleep rough are arguably the most vulnerable group in society. A co-ordinated multi-agency approach is therefore required to ensure that anyone sleeping rough or at risk of sleeping rough in Solihull is aware of the services available and is able to access the necessary support to help them off the streets and to address the problems that led to their homelessness. In Solihull this approach is set out in this protocol document.
- 1.3 The Rough Sleeper Protocol was approved by the Solihull Partnership Governing Board in October 2011 and formalises the roles and responsibilities of all partner organisations involved in delivering services to, or responding to reports of, rough sleepers in Solihull.
- 1.4 Due to the small number of identified rough sleepers and lack of funding for rough sleeper services there is no proactive, outreach based service and no direct access hostel provision or specific supported accommodation for rough sleepers in Solihull.
- 1.5 Recognising that the lack of dedicated support and suitable accommodation options makes it difficult to provide comprehensive support for anyone identified as sleeping rough in the Borough, Solihull Council has been working with other Local Authorities in the West Midlands region to look at joint commissioning services that are able to provide dedicated outreach support and personalised housing options for entrenched rough sleepers in those areas that do not have the levels of demand or the funding in place to enable dedicated local services. Since April 2012 Midland Heart (who deliver the rough sleeper outreach service in Birmingham) have been working with local authorities covering the Birmingham, Solihull, Black Country and Warwickshire areas to pilot the delivery of personalisation based approaches to entrenched rough sleepers. This has given Solihull access to a dedicated resource to work with a small number of the more entrenched local rough sleepers.

- 1.6 Following the success of this shared service approach bids have been made to the Homelessness Transition Fund and to a further pot of regional funding, provided by the Department for Communities and Local Government (DCLG) to support the implementation of the No Second Night Out Standard, to provide a responsive rough sleeper outreach service for all those Local Authorities in the West Midlands Metropolitan County and Warwickshire sub regions who do not have the level of demand to warrant full time provision. This will ensure the provision of specialist support as part of the delivery of Solihull's Rough Sleeper Protocol. It is envisaged that this enhanced level of service for rough sleepers will be available during 2013 with timing depending on whether or not the Homelessness Transition Fund bid is successful. Solihull's Rough Sleeper Protocol will be updated to reflect any changed arrangements / enhanced level of service provision in time for the winter of 2013/14.
- 1.7 In September 2010 new guidance was published on '**Evaluating the Extent of Rough Sleeping**'. The guidance set out a new methodology for carrying out rough sleeper counts and providing estimates on the number of rough sleepers in Local Authority areas. It requires Local Authorities to submit annual estimates of rough sleepers in their area based on either a rough sleeper count (which will be verified by Homeless Link) or a robust estimate which should be informed through consultation with all agencies dealing with / coming into contact with rough sleepers. For 2010, 2011 and 2012 Solihull submitted estimates based on extensive consultation with local partner organisations. Unless there are any significant changes to the number, population or location of rough sleepers it is likely that Solihull will continue to submit estimates, rather than carry out street counts, on an annual basis. Annual figures from a count or estimate need to be provided to the DCLG on 15th December each year and should be based on work carried out to estimate the numbers sleeping rough on a 'typical' night between 1st October and 30th November each year.
- 1.8 In July 2011 the government published its "**Vision to End Rough Sleeping: No Second Night Out Nationwide**". Central to this vision is the governments pledge to roll out the principles of "No Second Night Out" which has been operating in London since 1st April 2011. "No Second Night Out" aims to ensure that anyone who does spend one night sleeping rough is immediately helped off the streets. The approach identifies where rough sleepers are coming from and improves prevention and recovery services in these areas. It also sits alongside reconnections policies which aim to reconnect rough sleepers with services and support networks in their home towns and cities.
- 1.9 The vision document encourages Local Authorities to develop rough sleeping services in line with the "No Second Night Out" principles which are:
- New rough sleepers should be identified and helped off the streets immediately so that they do not fall into a dangerous rough sleeping lifestyle
 - Members of the public should be able to play an active role by reporting and referring people sleeping rough
 - Rough sleepers should be helped to access a place of safety where their needs can be quickly assessed and they can receive advice on their options
 - They should be able to access emergency accommodation and other services, such as healthcare, if needed
 - If people have come from another area or country and find themselves sleeping rough, the aim should be to reconnect them back to their local community unless there is a good reason why they cannot return. There, they will be able to access housing and recovery services, and have support from family and friends.
- 1.10 As part of the national commitment to roll out the principles of No Second Night Out the **StreetLink** service was launched in December 2012. StreetLink is a national helpline and website that members of the public can use to report concerns about individuals who may be sleeping rough on the streets. StreetLink passes the information to the relevant local council, which will then notify local homelessness services. StreetLink will also

follow up with the council within ten days to find out what happened to the rough sleeper reported, and pass this information on to the member of the public who notified them, if they ask to be kept informed. The overall aim of the StreetLink service is to provide a level of public scrutiny and bottom up action to tackling rough sleeping. It will also allow the government to establish a national web-based system and database where rough sleeper reports, locations and outcomes are publicly and transparently (but anonymously) available.

- 1.11 This protocol sets out how rough sleepers will be identified and assisted in Solihull in line with “No Second Night Out” principles. It also provides a detailed description of how reports received either locally through partner organisations and residents or nationally through the StreetLink phone line or website will be responded to.

2. DEFINITIONS

- 2.1 The definition of what constitutes a rough sleeper for the official count or annual estimate as set out in the DCLG guidance is as follows:

“People sleeping, about to bed down (sitting on/in or standing next to their bedding) or actually bedded down in the open air (such as on the streets, in tents, doorways, parks, bus shelters or encampments). People in buildings or other places not designed for habitation (such as stairwells, barns, sheds, car parks, cars, derelict boats, stations, or “bashes”).

- 2.2 For the purposes of this protocol a rough sleeper is someone whose housing situation falls into one of the following categories:

- Rough sleeping on the streets
- Sleeping in tents, cars or other vehicles
- Sleeping in abandoned buildings / any other accommodation with no tenancy

The definition for referral based on the above will be more flexible than the definition set out in the official guidance (point 2.1) and if a partner agency or member of the public has “reason to believe” someone is sleeping rough in one of the above categories a referral should be made in line with the procedure set out in section 5.

- 2.3 This protocol deals specifically with rough sleepers **aged 18 and over**.

- 2.4 People under the age of 18 who are sleeping rough can be referred as part of this protocol but there is a different process in place for responding to their needs once the initial referral has been received. Where someone under the age of 18 is sleeping rough the following processes will be followed:

- Homeless 16 & 17 year olds will be dealt with through the joint protocol between housing and children’s services. If a young person aged 16 or 17 is identified as sleeping rough during **office hours** a referral should be made to either SCH who can be contacted on 0121 717 1515 or Solihull Council’s 16+ team who can be contacted on 0121 788 4200. For **out of hours** reports referrals should be made through the Emergency Duty team on 0121 605 6060. The young person will then be provided with emergency accommodation, where they have nowhere else that is safe to stay, and their longer term accommodation and support needs will be assessed as part of the joint assessment process.
- Any young people of statutory school age¹ identified as sleeping rough should be reported to Children’s Social Work Services who can be contacted on 0121 788 4333. Out of hours the Emergency Duty Team (EDT) should be contacted on 0121 605 6060. Children’s Social Work Services will make arrangements for an initial assessment to be carried out so that the relevant team can determine what action will be taken. Any referral of a child / young person at risk made by another partner

¹ A child is of compulsory school age until the last Friday in June in the school year in which they turn 16.

organisation or team within the Council must be followed up with the completion of a 'Children and Families Inter-Agency Referral Form' which must be sent through within 48 hours of a telephone referral. The referral form and further information about reporting young people at risk can be found on the Council's website at the following link:

<http://www.solihull.gov.uk/staysafe/18809.htm>

The need to complete a referral form only applies to other statutory or voluntary sector partners. Members of the public can make telephone referrals without having to complete a referral form and do have the option to remain anonymous if they would prefer.

3. PURPOSE OF THE PROTOCOL

- 3.1 The purpose of this protocol is to set out the joint working arrangements that are in place to provide advice and assistance to any rough sleeper aged 18 and over identified in Solihull (as set out under point 2.4 there is a different approach in place for those aged under 18). The protocol formalises the agreements in place between partner organisations, sets out the process that the public or any organisation should take if they identify a rough sleeper in the Borough and clearly defines the responsibilities of each of the main signatory organisations.
- 3.2 The protocol sets out the detailed procedure that should be followed upon the identification of a rough sleeper in Solihull in line with the principles set out in "No Second Night Out".
- 3.3 It also provides detail of the approach that will be taken to ensure that rough sleepers are not at risk of harm or in the worst case of dying on the streets during cold weather (in line with the requirements of Severe Weather Emergency Protocols (SWEP))
- 3.4 Finally, the protocol sets out the approach that partners will take in Solihull where rough sleepers have come from another area or Country to reconnect them back to their local community (unless there is a good reason why they cannot return). It also sets out the response that will be provided to anyone sleeping rough in Solihull who is not eligible for assistance because they do not have recourse to public funds.

4. AIMS

- 4.1 The aims of this protocol are to:
 - Prevent rough sleeping in Solihull
 - Ensure that new rough sleepers are identified and helped off the street immediately so that they do not fall into a dangerous rough sleeping lifestyle (in line with the Government's aim for 'No Second Night Out')
 - Ensure that entrenched² and long term rough sleepers are aware of the services that are available to assist them, are referred to relevant support organisations and even where they choose to sleep rough and refuse access to housing options or other support are given the opportunity to access shelter if it is believed that they are at risk due to sleeping rough during periods of severe cold weather
 - Enable members of the public and any other local organisations who are likely to come into contact with rough sleepers to report and refer rough sleepers to the relevant local services

² **Entrenched rough sleepers** - is a term used to describe those individuals with a long history of rough sleeping who do not respond to the traditional models of resettlement. These individuals are likely to repeatedly reject homelessness service interventions, consistently returning to the streets. These individuals often face multiple exclusion from services and society and present complex needs including substance misuse and mental health issues, which are often undiagnosed and related to long-term life on the street and associated street culture. Entrenched rough sleepers can also present behaviors that are deemed anti social such as street drinking and begging, which also demands a strategic response.

- Assist identified rough sleepers to access a place of safety where their needs can be quickly assessed, they can receive advice on their options and are assisted to access other services such as healthcare, if needed
 - Reconnect those people who have come from another area or Country back to their local community (where it is safe and appropriate to do so)
- 4.2 It should be noted that there are a small number of individuals who regularly sleep rough in Solihull who fit the definition of an entrenched rough sleeper. Despite on-going attempts to engage with these individuals they have repeatedly refused offers of assistance to help them access suitable accommodation and meet wider support needs, instead choosing to live a street homeless lifestyle. In these cases and where there are concerns about safety and risk to either the rough sleeper or other members of the public or where the individual is triggering repeat calls to the emergency services / other partner organisations in the borough reports will be made to the Harm Reduction and Vulnerable Adults Forum. This multi-agency forum has the purpose of co-ordinating services in response to the identified needs of individuals in order to prevent, protect and address behaviour affecting the individuals and/or to address their needs. Making referrals to this forum will ensure that the individual needs of entrenched rough sleepers are discussed at a multi-agency level and that relevant interventions from other services are actioned as appropriate.
- 4.3 In cases where an individual has full capacity and chooses to sleep rough they cannot be forced to engage. In these circumstances partners can only continue to remind them of the offer of support available should they decide they would like to come off the streets.
- 4.4 Advice from Homeless Link³ does suggest that for rough sleepers who do pose a threat to themselves or others due to mental illness, sectioning should not be ruled out. Through this protocol and case conferencing through the Harm Reduction and Vulnerable Adults Forum all relevant partners and in particular, health, social services, the police and mental health staff, can ensure that this option is available in cases where it is deemed necessary.
- 4.5 In addition to those rough sleepers who refuse the offer of support available there may be individuals sleeping rough because they have no recourse to public funds e.g. 'over-stayers', failed asylum seekers, those waiting for a decision on their immigration status or European nationals who have not been employed in the UK for long enough or under the relevant conditions to be eligible for benefits. In these cases there is no entitlement to assistance with accommodation and action will be taken to reconnect the rough sleeper back to their home country, where they are agreeable to this. In cases where individuals refuse to return home a referral can be made to Adult Social Care (via a telephone report to the One Front Door service on 0121 704 8007) who may be able to provide support under Section 21 (1) of the National Assistance Act (1948)⁴. Further information on reconnections is set out under section 5.3 and eligibility at section 6.1.
- 4.6 Those who are not eligible for assistance **will be** provided with emergency accommodation if they are sleeping rough in Solihull during any period when SWEP procedures are activated (as per section 5.2).

³ Homeless Link (2008) Good Practice in Tackling Rough Sleeping through Street Outreach Services

⁴ Section 21 (1) of The National Assistance Act is a high and complex threshold and in order to meet the criteria for assistance the individual has to demonstrate an urgent need for 'care and attention' by reason of age, illness, disability or any other or a clear and demonstrable need to be 'looked after'. Destitution alone is not therefore sufficient for an individual to qualify for assistance under this Act.

5. PROCEDURE

5.1 No Second Night Out – Helping People off the Streets

- 5.1.1 Members of the public or partner organisations wishing to report a rough sleeper should contact SCH on 0121 717 1515. In office hours (8.45 – 5.20 on Mon to Thurs and 8.45 – 4.30 on Fri) reports should be put through to the Homelessness Prevention Team and outside of office hours callers will be put through to the Out of Hours Team who will be able to provide a response 24 hours a day, 365 days a year.
- 5.1.2 West Midlands Police will also respond to reports of identified rough sleepers outside of office hours. However where it is not an emergency⁵ SCH's out of hour's service should be the first point of contact / referral.
- 5.1.3 **Where a rough sleeper is reported to SCH during office hours** they will interview them on the same day to establish their situation and identify whether they do have anywhere to stay (this could include family or friends or in some cases reported rough sleepers may actually have accommodation available to them). If there is somewhere available for the rough sleeper to stay SCH will provide assistance to help them get there (e.g. pay for travel costs). If there is nowhere for the rough sleeper to stay emergency temporary accommodation will be arranged where there is reason to believe the rough sleeper is homeless and may be vulnerable⁶. Emergency temporary accommodation will be arranged at the discretion of the Housing Aid and Homelessness Manager based on a full assessment of the needs of the rough sleeper and the individual circumstances of their case.
- 5.1.4 **Where SCH receive a report of a rough sleeper out of hour's** the needs of the customer will be assessed over the phone. The response provided by the out of hour's officer will depend upon the individual circumstances of the case and where the rough sleeper has initially presented or which agency has made the referral. Where there is reason to believe that the rough sleeper is homeless and may be vulnerable, where there are no family or friends that they can safely stay with overnight and where the circumstances of the case appear straightforward the out of hours officer will arrange emergency temporary accommodation pending a full housing options interview which will be arranged for the next working day. Where necessary the out of hours officer will also book a taxi (which will be free of charge to the customer) to collect the rough sleeper and take them to the accommodation that has been arranged for them.
- 5.1.5 Where, having assessed the needs of the customer over the phone, the circumstances of the case appear to be more complex (e.g. there may be immigration issues involved) the out of hours officer will need arrange to go out and interview them. In some cases a rough sleeper may have directly reported to a Police Station themselves. However in other cases where an interview needs to be carried out in person the out of hour's officer will need to have regard to their own safety when arranging the interview location. For this reason it is likely that the officer will need to arrange for the rough sleeper to report to their nearest Police Station⁷. Where the rough sleeper is unable to get to the interview

⁵ For Police purposes an emergency is defined as an immediate threat to life or life changing injury or a crime threatened or in progress.

⁶ The legal definition of vulnerability in the context of the homelessness legislation means that a person would be more likely to suffer harm than an ordinary homeless person if they were to become homeless (as a result of a variety of reasons). To be accepted as vulnerable, you have to show that homelessness would have a greater detrimental impact than it would on an average homeless person. However in the case of this protocol "reason to believe" a person is vulnerable will be a much more flexible definition and will take into account any factors that are likely to make a person vulnerable (e.g. medical issues, physical or mental health needs, age, gender, substance abuse issues, whether a person is a care leaver, ex-offender or ex member of the armed forces etc).

⁷ In Solihull the only Police Station open 24/7 is Solihull (located in Solihull Town Centre, Homer Road, B91 3QL). Shirley (Stratford Road, B90 3AR) is open 9.00am-6.00pm Monday to Friday and 9.00am – 1.00pm Saturday. The sub-station for Chelmsley Wood is located at the Walk-In Centre (above Asda, Chelmsley Wood Shopping Centre, B37 5TS) and is open Monday, Tuesday, Thursday and Friday 9.00am – 5.00pm, Wednesday 10.00am-5.00pm and Saturday 9.00am – 1.00pm.

location the out of hours team are able to arrange a taxi service which will be free of charge to the customer. The out of hour's officer will interview the customer at the agreed location within 1 hour of speaking to them over the phone. Where the interview is carried out at a Police Station the Police will assist the out of hour's officer in terms of assessing and dealing with any risks posed by the rough sleeper. Where it is considered that the rough sleeper is a risk to themselves and that there may be safeguarding issues a referral will be made to Adult Social Care through their emergency duty team who can be contacted on 0121 605 6060. The customer will be interviewed and where there is a need will be placed in emergency temporary accommodation pending a full housing options interview which will be arranged for the next working day. Where the rough sleeper is unable to get to the temporary accommodation that has been arranged for them a taxi will be booked by the out of hour's officer at no charge to the customer.

5.1.6 In determining the availability of emergency temporary accommodation SCH will go through the following process:

- Where the rough sleeper is male, aged 18 or over and either has a history of offending behaviour or is at risk of offending SCH will contact Fry Housing Trust to establish whether they have any vacancies in their supported accommodation scheme for ex-offenders (Dormer House)⁸. Recognising that anyone sleeping rough is likely to be at risk of offending Fry have agreed to be flexible with the definition of "ex-offending / at risk of offending" although they will not be able to provide accommodation to anyone who would either put other clients at risk or would be at risk themselves by being placed in Dormer House. Where there are vacancies and the rough sleeper meets their access criteria Fry Housing will provide temporary accommodation and may be able to provide on-going supported accommodation once they have carried out their own assessment of the rough sleeper.
- There is no local provision for single females. Where a rough sleeper is female or is male but does not meet other criteria for Dormer House or where there are no vacancies at Dormer House SCH will establish whether there are any available direct access hostel places in neighbouring authorities. Where a vacancy is identified SCH will assist the rough sleeper to access the identified provision and where needed pay for transport to make sure they get there.
- If the rough sleeper does not meet the criteria for Fry Housing Trust, if there is no other hostel provision available in neighbouring authorities or **if the report occurs out of office hours** SCH will arrange for emergency bed and breakfast accommodation to be provided pending a full housing options assessment which will be carried out the next working day.

5.1.7 During their stay in emergency temporary accommodation rough sleepers will be required to access relevant housing advice and support as a condition of the continued provision of the accommodation. Where it has not been possible to carry out a Housing Options Assessment on the day the rough sleeper was identified it will be arranged for the next working day. The Housing Options Assessment will establish whether the rough sleeper is local (or whether they should be dealt with as per the reconnections policy), what housing options are available to them and whether they would like to make a homelessness application. During the assessment SCH will establish any other support needs they have and will discuss the possibility of referring them to any of the other partner organisations set out under point 5.1.12 for the relevant assistance. Where the housing options officer considers that the rough sleeper may be a risk to themselves or that there may be safeguarding issues a referral will be made to Adult Social Care. For adult social care assessments or to report safeguarding issues SCH should contact the 'One Front Door' service on 0121 704 8007.

⁸ It is hoped that work will commence on the refurbishment of Dormer House in October 2013 and the protocol will need to be revised at this point to determine whether temporary accommodation will continue to be available to this client group during the redevelopment period or whether alternative arrangements will need to be made.

- 5.1.8 Where the rough sleeper would like advice and assistance to access accommodation SCH will identify potential accommodation options as part of the housing options assessment. Housing options that may be able to assist rough sleepers include the Rent Deposit Guarantee Scheme, registering with Solihull Home Options, being referred to appropriate supported accommodation or making a homelessness application (although as **Appendix A** sets out there are various criteria that need to be met in order for someone to be accepted as statutory homeless).
- 5.1.9 **Temporary accommodation cannot be provided to rough sleepers on an on-going basis.** SCH will do all that is possible to help anyone sleeping rough in Solihull to find accommodation and access appropriate support. This will include providing help and advice to find accommodation in the private rented sector and to access hostel places in neighbouring authorities. However the Council is not under a legal duty to provide emergency accommodation for everyone who is sleeping rough. Unless there is reason to believe a rough sleeper is vulnerable and likely to have a priority need under the homelessness legislation (See **Appendix A** for further detail) the Council does not have a statutory responsibility to provide suitable temporary accommodation until permanent accommodation is found. In these circumstances the Council's duty is to provide advice and assistance only.
- 5.1.10 The length of time that a rough sleeper is able to stay in emergency temporary accommodation will be at the discretion of the Housing Aid and Homelessness Manager. In deciding the length of time that emergency temporary accommodation should be provided by SCH the Housing Aid and Homelessness Manager will take into account the individual circumstances of the rough sleeper along with the relevant legislation and Homelessness Code of Guidance and the information gathered through the Housing Options Interview. Where possible emergency temporary accommodation will be provided until more permanent accommodation can be secured. However it should be noted that it may take some time to secure suitable accommodation for those not owed a duty under the homelessness legislation and that the funding is not available to provide on-going emergency accommodation.
- 5.1.11 Where the rough sleeper does not have a local connection and has come from another area or Country SCH will make the relevant enquiries and attempt to reconnect them to their local community through the reconnections policy (as set out under section 5.3).
- 5.1.12 Local partner organisations have agreed to provide the following services to assist in identifying, reporting and providing support to rough sleepers in Solihull⁹:
- **West Midlands Police** will refer any reports of identified rough sleepers that come through to them via members of the public or other organisations to SCH (where the need for emergency accommodation is identified). Where a rough sleeper is reported to the Police or reports to a Police Station themselves **out of office hours** the Police will contact SCH through the out of hour's service. Where possible SCH will carry out an assessment and arrange an emergency temporary accommodation placement over the phone. However where there is a need to interview the rough sleeper in person prior to placing them in TA, SCH will arrange to interview them at the nearest place of safety. Where the rough sleeper has already reported to a Police Station the Police will allow them to remain there until the interviewing officer arrives. In addition in order to ensure personal safety of the interviewing officer it may be necessary to

⁹ Solihull does not currently have provision for an outreach response. The referring agency will either need to assist the rough sleeper to get to a place of safety (in office hours this could be a Solihull Connect Walk In Centre or Housing Office or out of hours a Police Station or other community venue) where a phone call can then be made to SCH or to ask for a contact number for the rough sleeper so that SCH can contact them directly. In most cases accommodation will be arranged over the phone and transport will be provided for them to get to the accommodation arranged. In the minority of cases where an officer is likely to need to meet the rough sleeper in person this will be done in the nearest place of safety and not at the location where a rough sleeper was spotted.

arrange for a rough sleeper to report to the nearest police station¹⁰ (where they are not there already). The out of hour's officer will interview the customer within 1 hour of speaking to them over the phone. Where an interview is carried out at a Police Station the Police will provide support to the out of hours officer in assessing and responding to any risk posed by the rough sleeper (e.g. threat of violence, any past offending history or threat of arson which may impact upon the emergency accommodation that can be secured for them). In addition during periods of severe weather (as per section 5.2) the Police will respond to any report of a rough sleeper as a priority. Where there is a need the Police, in partnership with SCH, will transport or arrange transportation to ensure that a rough sleeper is able to access any emergency temporary accommodation that is secured for them.

- **The Council's Neighbourhood Services & Town Centre Management Team** will ensure that they report any sightings of known or suspected rough sleepers to SCH and other appropriate services so that assistance can be provided to help the individual to access accommodation and support services. The teams will also share their local knowledge as part of the annual estimate. Where a member of the team has approached a rough sleeper directly (which should only be done in cases where an officer feels comfortable and assess it as safe to do so) and the rough sleeper has indicated that they do not want assistance a report will be made to SCH to advise that a potential rough sleeper has been identified (including any known details about the rough sleeper and the location they were found) and that having been informed of the services available does not want to take up the offer of assistance.
- **Solihull Council's Drug & Alcohol Action Team / Solihull Integrated Addiction Services (SIAS)** will ensure that organisations providing support to people with substance abuse issues are aware of the protocol and will identify and refer any rough sleepers to SCH to address their housing needs. In particular through the SIAS service at Middlewood House there are facilities to provide a shower and a change of clothes for any rough sleeper with substance abuse issues. Midland Heart also provide a housing related floating support service for people with drug and alcohol support needs that can be accessed through SIAS. In addition where rough sleepers have identified support needs in relation to drugs and / or alcohol SIAS services will provide support and treatment as necessary. A drop in service for drug users is provided on a daily basis at SIAS Services, Middlewood House, Chelmsley Wood. Where a rough sleeper who has drug or alcohol support needs is referred to SCH and is not already receiving support through SIAS they will be advised to attend one of the daily drop in sessions where they will receive a full assessment and support will be put in place to meet their needs.
- **Solihull Council's Adult Social Care Services including Adult Mental Health Social Work Teams** will respond to referrals of identified rough sleepers with suspected mental health issues (or for Adult Social Care Services other identified support or safeguarding needs) and carry out an assessment of their needs as a priority. Where necessary an assessment will be carried out on an outreach basis. Where an assessment identifies on-going support needs a package of support will be put in place and other partners to the protocol updated as necessary. Where it is felt that a rough sleeper poses a threat to themselves or others due to suspected mental illness, Adult Social Care will assess their capacity and respond as appropriate.
- **Staffordshire and West Midlands Probation Trust** will ensure that any clients they are working with who are particularly vulnerable to homelessness or rough sleeping or who have identified accommodation issues are referred to SCH at the earliest opportunity to prevent them sleeping rough. However there may be some cases where Probation staff are aware that their clients are sleeping rough and in these

¹⁰ In Solihull the only Police Station open 24/7 is Solihull. Chelmsley Wood is open between 7.00am and 10.00pm daily and Shirley is open 9.00-6.00pm Monday to Friday and 9.00am – 1.00pm Saturday.

circumstances they will alert SCH and make any other relevant referrals as appropriate. The Probation service will flag up any offenders who are assessed as 'High Risk of Harm to Others' and will support SCH to find an appropriate emergency placement; priority will be given to arranging temporary and longer term accommodation for this group given that the risks that they pose in the community and to identified victims could be significant. However it should be noted that the exact response and type of options available will depend on the individual circumstances of each case. Although the Probation Service does not support offenders with short sentences of less than 12 months (unless they are aged between 18 – 21 when they are supervised for a period of 3 months), where staff do become aware of a customer who is likely to be released without accommodation in place a referral will be made to SCH.

- **Fry Housing Trust** will provide temporary accommodation (where they have an available bed space) at their supported accommodation scheme for ex-offenders and people at risk of offending (Dormer House) to any rough sleeper who is male, 18 years of age or over and either an ex-offender or at risk of offending¹¹. Fry have agreed to be flexible with this definition in the case of severe weather and where rough sleepers need to be housed in an emergency situation. Accommodation will not however be provided to anyone who would either put other clients at risk or would be at risk themselves by being placed in Dormer House.

Fry will also provide floating support to anyone (female or male) identified as vulnerable / sleeping rough through this protocol. Support will be provided through Fry's floating support service for offenders, ex-offenders or those at risk of offending. Fry will be as flexible as possible with the definition, assuming that anyone identified as sleeping rough in the Borough is likely to be at risk of offending and therefore qualify to receive floating support through the service. Fry will be able to provide floating support to any identified rough sleeper for anywhere between a few weeks until accommodation is found or up to a maximum of 2 years if they chose to remain street homeless in Solihull or if they are placed in accommodation in Solihull and would benefit from longer term housing related support. Fry's floating support service can, however, only provide a service to people sleeping rough or living in Solihull. SCH will refer any rough sleeper in need of floating support who is sleeping rough or staying in accommodation in Solihull to this service.

- **Sustain** will ensure that, through their network of information, advice and guidance provided to the voluntary and community sector (VCS) in Solihull, organisations will be made aware of the rough sleeper protocol. This will include making sure member organisations know how to report sightings of known or suspected rough sleepers to SCH and other appropriate services and being aware of the services available so that where they do feel comfortable approaching / liaising directly with a rough sleeper they are able to explain the process for accessing accommodation and support in Solihull. Where a VCS organisation has liaised directly with a rough sleeper and the rough sleeper has indicated that they do not want assistance a report will be made to SCH to advise that a potential rough sleeper has been identified (including any known details about the rough sleeper and the location they were found) and that having been informed of the services available does not want to take up the offer of assistance. In addition VCS organisations will share any information or knowledge that they hold about rough sleepers with the Council in order to inform local responses and assist with the annual estimates / return to the DCLG.
- **Solihull Churches Action on Homelessness (SCAH)** will ensure that churches and faith based organisations in the Borough are aware of the rough sleeper protocol,

¹¹ It is hoped that work will commence on the refurbishment of Dormer House in October 2013 and the protocol will need to be revised at this point to determine whether temporary accommodation will continue to be available to this client group during the redevelopment period or whether alternative arrangements will need to be made.

know how to report any actual or potential rough sleepers and feel able to share the information and knowledge that they hold regarding rough sleeping in Solihull with the Council in order to inform local responses and to assist with the annual estimate / return to DCLG. SCAH will also provide a starter pack to any rough sleeper housed in Solihull through the protocol and will consider any requests for tailored packs for those sleeping rough who do not want to engage with services but who have a need for warm clothes, bedding and any other items that would help to keep them safe and warm on the streets.

- **NHS Solihull Clinical Commissioning Group** will ensure that identified rough sleepers have access to the relevant assessments to identify their healthcare needs and that they receive treatment to address any immediate needs identified, with appropriate follow up services offered. Anyone sleeping rough in Solihull will be able to access primary health care services via Solihull Healthcare and Walk-In Centre. The centre will also sign post to other services where appropriate. Public Health England will be consulted where advice is needed on how best to support the needs of individual rough sleepers who have long term conditions that require on-going treatment (e.g. TB).
- 5.1.13 All of the delivery partners identified in this protocol will ensure that staff and volunteers working within their organisation are aware of the arrangements for identifying, reporting and responding to the accommodation and support needs of rough sleepers as set out above. **Appendix B** sets out the operational contacts within each of the partner organisations who should be contacted regarding any operational / procedural issues involved with implementing the protocol.
- 5.1.14 In addition to the delivery partners listed at 5.1.12 there are a range of other partner organisations and teams within the Council that will need to be made aware of the arrangements for reporting rough sleepers and that will be asked to comply with the protocol by identifying actual and potential rough sleepers in the Borough, sharing their local knowledge as part of the annual estimate and ensuring that they refer any identified rough sleepers to SCH and other appropriate services (See **Appendix C** for these additional partner organisations / service areas).
- 5.1.15 Solihull Council's Housing Team will ensure that the protocol is circulated to all relevant teams within the Council and partner organisations. There is also a section on homelessness help and advice on the Council's website at the following link <http://www.solihull.gov.uk/housing/23729.htm>. This page sets out the process for contacting SCH to report a rough sleeper.

5.2 Severe Weather Emergency Protocol (SWEP)

- 5.2.1 The DCLG encourages all Local Authorities to have arrangements in place through SWEPs to avoid unnecessary deaths and ensure that people sleeping rough are not at risk of dying or serious harm on the streets during cold weather.
- 5.2.2 Official guidance for SWEP and extended cold weather provision sets out a minimum requirement that arrangements should be triggered when the night time temperature is predicted to be zero degrees or below for three consecutive nights (with SWEP plans being implemented on the first night of the forecast). However Local Authorities are encouraged to consider factors such as wind chill, snow coverage, flood alerts and duration of the cold / severe weather when looking at provision and ensure that everything possible is done to prevent harm to individuals.
- 5.2.3 In Solihull the requirement for triggering SWEP arrangements will be more generous than the minimum requirement set out in the official guidance. SWEP arrangements will be in place during any period of cold or severe weather through from the beginning of October to the end of March every year. Periods of cold or severe weather for the purposes of this protocol will be defined as any time during which the night time temperature is predicted to reach zero degrees Celsius or below for one night or when there are sustained periods

of snow, ice and any other inclement weather conditions which are likely to put the lives of people sleeping rough on the streets at risk. It will be up to the Council's Housing Team in consultation with the Housing Aid and Homelessness Manager at SCH to determine when the conditions have been met to operate SWEP.

- 5.2.4 During the months that SWEP could be activated (between October through to March) the five day weather forecast will be checked every day between 12.00pm and 2.00pm. Daily forecasts produced by MeteoGroup for all West Midlands Local Authorities will be used to inform decisions about when to activate SWEP. MeteoGroup is used by Highway Services to provide detailed and up-to-the minute weather information for specific locations across the highways network and informs decisions made by Local Authorities about when to treat local road networks during the winter months. The SWEP activation process will therefore be in line with the cold weather alerts and subsequent actions taken by the Council's Highways Service.
- 5.2.5 All partners signed up to this protocol will be advised when SWEP arrangements are in place. Correspondence will be sent to the main delivery partners set out under section 10 of this protocol and the operational contacts set out in **Appendix B**. The Housing Team will also work with the Council's Communications Team to link information about identifying and reporting rough sleepers to other key messages / information about severe weather on the Council's website and to raise awareness of the issue via other communication tools.
- 5.2.6 During SWEP arrangements the procedure for reporting rough sleepers will be the same as set out under section 5.1. Any partner organisation or member of the public who identify a rough sleeper / potential rough sleeper should contact SCH on 0121 717 1515 (which offers a 24 hour service)¹² or in an emergency¹³ the Police and other emergency services as appropriate.
- 5.2.7 West Midlands Police will treat any call they receive concerning a rough sleeper during the SWEP period as a priority. They will investigate the report and where it is verified will contact SCH. During office hours the rough sleeper should be assisted to access SCH offices to attend an emergency homelessness interview. Where a report is received **outside of office hours** the Police should arrange for the rough sleeper to report to the nearest place of warmth and safety (where they have not already reported directly to a Police Station) before contacting SCH through the out of hours service. Wherever possible SCH will carry out an assessment of the rough sleeper's circumstances over the phone and arrange emergency temporary accommodation as well as booking a taxi to make sure that the rough sleeper is able to access the accommodation that is arranged for them. In cases where it is deemed that an interview is required before a rough sleeper is placed in TA¹⁴ the Police will support SCH in assessing and responding to any risk posed by the rough sleeper. Where necessary the Police will work in partnership with SCH to ensure that the rough sleeper is able to access any emergency temporary accommodation that is secured for them.
- 5.2.8 During SWEP periods SCH will arrange emergency temporary accommodation for anyone identified as sleeping rough in line with the procedure set out under 5.1 to get them off the streets and will use the opportunity to try and engage them with accommodation and other support services.

¹² Solihull does not currently have provision for an outreach response. The referring agency will either need to assist the rough sleeper to get to a place of safety (in office hours this could be a Solihull Connect Walk In Centre or Housing Office or out of hours a Police Station or other community venue) where a phone call can then be made to SCH or to ask for a contact number for the rough sleeper so that SCH can contact them directly. In most cases accommodation will be arranged over the phone and transport will be provided for them to get to the accommodation arranged. In the minority of cases where an officer is likely to need to meet the rough sleeper in person this will be done in the nearest place of safety and not at the location where a rough sleeper was spotted.

¹³ For Police purposes an emergency is defined as an immediate threat to life or life changing injury or a crime threatened or in progress.

¹⁴ Due to the nature and purpose of the SWEP the number of cases where an interviewing officer will need to go out in person to interview the rough sleeper will be minimal.

- 5.2.9 Once a decision has been taken to activate SWEP it will apply until the following days check. The weather forecast will be checked daily before 2.00pm by the Council's Housing Team in consultation with SCH. The operation of SWEP arrangements will be reviewed on a daily basis with a decision being made by 3.00pm as to whether arrangements will be in place for a further night. SWEP arrangements will normally be deactivated when the minimum night time temperature is predicted to rise above zero degrees Celsius for two or more consecutive nights or when inclemental weather conditions have ceased. Once SWEP arrangements have been deactivated emergency temporary accommodation will no longer be provided.
- 5.2.10 When SWEP has been deactivated the rough sleeper will be offered housing options and advice assistance to deal with their longer term issues of homelessness and other related issues. Relevant referrals to local accommodation and support services in line with identified need will be made or where appropriate SCH will support them to move back to their local community in line with the reconnections policy set out at section 5.3.
- 5.2.11 If any incidents of anti-social behaviour or unacceptable behaviour occur during the time that emergency accommodation is being provided to a rough sleeper the Police will be contacted (if appropriate) along with other signatory organisations that will be able to carry out the relevant assessments and / or provide further support. The Housing Aid and Homelessness Manager at SCH will review the assistance being provided to see if there are any alternative ways to prevent rough sleeping during the SWEP whilst at the same time managing the presenting risks. In rare incidences SWEP clients may have to be barred from provision if the risk is unmanageable.

5.3 Reconnections Policy

- 5.3.1 Where SCH have provided temporary accommodation for a rough sleeper in line with the procedure set out under 5.1 or as part of SWEP arrangements set out under 5.2 they will offer housing options assistance as set out at point 5.1.7 and 5.1.8. As part of this assessment SCH will determine whether the rough sleeper has a local connection with the Borough of Solihull. A local connection will be defined in line with the Council's allocations policy which sets out that a local connection will be established if the applicant or a member of their household:

- a) is currently resident in the borough;
- b) has lived in the borough of Solihull for at for at least three of the last five years in accommodation that was of their own choice;
- c) has close relatives who have been living in the borough for at least five years (close relatives would normally refer to parents, adult children or brothers and sisters);
- d) has permanent employment in the borough i.e. actual physical place of work rather than, for example, the location of the employer's head office;
- e) the applicant has been discharged from the British Armed Forces and either the applicant or their partner was previously resident in the borough;
- f) the applicant is a current tenant of SMBC or one of the partner housing associations allocating their properties through the Solihull Home Options scheme;
- g) special circumstances – a local connection established on these grounds is likely to be exceptional e.g. the need to be near special medical or support services which are available only in the Solihull area.

For the purposes of the reconnections policy sleeping rough, living in tents, squats, cars or other arrangements not intended for residential occupation or having spent time in Solihull in detox, treatment or rehabilitation where placed by an agency outside of the Borough will not be considered as having 'lived' in the Borough for the purposes of establishing a local connection.

- 5.3.2 It is acknowledged that there will be exceptions to the local connections criteria and these cases will be determined on an individual basis by the Housing Aid and Homelessness Manager who will decide, in consultation with the relevant partner and

support organisations, whether the circumstances of the rough sleeper are deemed appropriate to constitute an exception. Whilst not an exhaustive list the following could be examples of when an exception might be considered:

- Those who have no identifiable area elsewhere to which they can safely return
- Where it is considered unsafe for a rough sleeper to return to an area where they have a connection. For example it would not be safe for them to return to an area if it is probable that they will be at risk of violence
- Where a rough sleeper is considered too vulnerable to return to their identifiable area of connection
- The needs of ex-offenders will be considered as possible grounds to warrant an exception and could take into account:
 - Offenders managed under Multi Agency Public Protection arrangements (MAPPA)
 - Where conditions of a licence or order, imposed by the court, prevents the rough sleeper from living in the area to which they have a local connection (i.e. to prevent further contact with the victim and / or their family, for the offenders own protection or to prevent re-offending).

Evidence to explain why Solihull is the most suitable area of placement will be required. A lack of suitable accommodation in other areas outside of Solihull will not be deemed a justifiable reason to constitute a placement in Solihull under exceptional circumstances.

- 5.3.3 Where it is established that a rough sleeper does have a local connection SCH will work with them as set out under points 5.1.7 and 5.1.8 to provide advice and assistance on the housing options available to them.
- 5.3.4 Where a rough sleeper does not have a local connection to the Borough of Solihull, their circumstances have been assessed as not meeting the exceptions to the local connections criteria and they have a proven link to another area or Country to which they can safely be expected to return SCH will make an assessment of the rough sleepers reconnection needs. This assessment will include consultation with any other local organisations that are involved in the case and are providing support to the rough sleeper. This will ensure that all of the rough sleepers needs are established as part of the reconnections process.
- 5.3.5 The assessment of the housing and support needs of the rough sleeper as part of the reconnections process will enable SCH and the rough sleeper to agree geographic locations and accommodation types for reconnection.
- 5.3.6 Once SCH have established the geographic area or Country for reconnection they will contact the relevant Local Authority to encourage them to address their duty to the individual and seek to ensure that an appointment will be made (and accommodation secured if possible) for the rough sleeper on their arrival. This is to prevent rough sleeping when they arrive back in their home area.
- 5.3.7 SCH will fund and arrange the necessary travel arrangements for the rough sleeper to return to their local area and where possible will check with the relevant Local Authority / receiving Country that the rough sleeper has arrived successfully.

6. ELIGIBILITY CRITERIA

6.1 Rough Sleepers

- 6.1.1 All rough sleepers reported to SCH will be offered a housing options assessment to determine their accommodation needs and consider the housing options available to them. As part of this assessment SCH will need to determine whether the rough sleeper is eligible for assistance in line with the criteria set out in the Housing Act 1996 (as amended by the Homelessness Act 2002).

- 6.1.2 If the rough sleeper is eligible for assistance SCH will provide advice and assistance on their housing options as set out at points 5.1.7 and 5.1.8. However it should be noted that whilst there is a statutory responsibility to provide advice and assistance to all homeless people the Local Authority does not have a legal responsibility to accommodate all rough sleepers, even if they are eligible for assistance. See **Appendix A** which sets out the criteria that would need to be met under the homelessness legislation in order for the Local Authority to have a statutory duty to offer temporary and permanent accommodation to a homeless person / household.
- 6.1.3 If the rough sleeper is not eligible for assistance and SWEP procedures are not in operation they will not be entitled to access accommodation. In these circumstances SCH will contact the relevant organisation (s) (e.g. the UK Borders Agency or the Home Office) to discuss reconnecting the rough sleeper to their home country and to establish if and where government funded emergency provision is available.
- 6.1.4 In cases where individuals refuse to return home a referral can be made to Adult Social Care (via a telephone report to the One Front Door Service on 0121 704 8007) who may be able to provide support under Section 21 (1) of the National Assistance Act (1948)¹⁵. The support available under these provisions is restricted to certain groups of vulnerable adults and is unlikely to be long-term. In order to qualify for support there must be an urgent and specific need for care and attention i.e. the client requires someone to do something for them such as household tasks or personal care that they are unable to do for themselves due to age, illness or disability.
- 6.1.5 Where a rough sleeper is not eligible for assistance and refuses reconnection it may also be necessary to make a referral to the UK Borders Agency to explore the options for forced removal from the Country.

6.2 SWEP

- 6.2.1 SCH will not apply Part VII Housing Act 1996 criteria (as amend by the Homelessness Act 2002) that governs access to housing when deciding whether to assist a person sleeping rough during any period that the SWEP is in operation. This means any people identified sleeping rough during periods of severe weather will not be required to demonstrate eligibility for assistance (including whether they have recourse to public funds), priority need, intentionality or local connection. Emergency temporary accommodation will however only be provided to those who are not eligible whilst SWEP arrangements are in place. As soon as SWEP is deactivated emergency accommodation will no longer be provided.
- 6.2.2 The only conditions any identified rough sleeper must meet in order to qualify for assistance through SWEP are:
- They must be at risk if they continue to sleep rough during the course of the severe weather
 - They must have nowhere available to them to sleep indoors during the course of the severe weather (indoors does not include cars, shed or garages)
 - They must agree to assistance under the SWEP procedure
- 6.2.3 Many entrenched rough sleepers are likely to be wary of services and less likely to engage. Because severe cold and inclement weather increases the risk of death, serious illness and harm to people who sleep rough a refusal to accept assistance in such circumstances may be grounds to trigger referrals to others services, such as Adult Social Care. Individuals should be provided with information about the risks of cold weather on their health (and the particular impacts if they are using substances) and if

¹⁵ Section 21 (1) of The National Assistance Act is a high and complex threshold and in order to meet the criteria for assistance the individual has to demonstrate an urgent need for 'care and attention' by reason of age, illness, disability or any other or a clear and demonstrable need to be 'looked after'. Destitution alone is not therefore sufficient for an individual to qualify for assistance under this Act.

someone continues to refuse help a referral will be made to Adult Social Care (through the Adult Mental Health Social Work Teams) to determine whether they are vulnerable and whether they should be assessed under the Mental Capacity Act (2005) because they are a threat to themselves. As set out under point 4.2 a multi-agency response to entrenched rough sleepers who refuse to engage and pose a risk to themselves or others will be facilitated through the Harm Reduction and Vulnerable Adults Forum.

7. THE ROLE OF PARTNER ORGANISATIONS

- 7.1 Those partners who are involved in the delivery of this protocol are set out at point 5.1.12 and listed under section 10. Operational contact details are also included at **Appendix B**. All partners agree to implement the protocol in a coordinated and consistent approach.
- 7.2 All partners will ensure that frontline staff and/or volunteers within their organisation are aware of the protocol and know the procedure to follow upon the identification of a rough sleeper and/or upon receipt of a referral for services relating to a rough sleeper.
- 7.3 All partners will ensure that they raise awareness of the protocol amongst the customers and partner organisations that they work with.
- 7.4 All partners are encouraged to work in the spirit of this protocol to actively discourage rough sleeping and implement the principles set out in 'No Second Night Out' in Solihull.
- 7.5 The Council and SCH will work closely with neighbouring Local Authorities on rough sleeping and reconnections. This will require co-operation between colleagues from neighbouring Local Housing Authorities.

8. FINANCIAL IMPLICATIONS

- 8.1 The cost of providing emergency temporary accommodation for rough sleepers and of covering the cost of transport so that they are able to access any accommodation arranged or to return to their home areas under the reconnections policy will be covered by funding awarded to Solihull from the DCLG under the Ending Rough Sleeping Small Grants Programme.
- 8.2 This fund is managed by SCH and its primary purpose is to enable SCH to assist people at risk of sleeping rough to access accommodation in the private rented sector. However as part of this protocol its use will be extended to enable the Council and SCH to implement the principles set out in the Governments 'No Second Night Out' Strategy.
- 8.3 This funding was a one off payment from DCLG and usage will therefore need to be monitored so that when it is no longer available an alternative funding source can be agreed between the Council and SCH.
- 8.4 Based on use during 2011/12 it is predicted that the funding available will be sufficient to meet need up to 31st March 2013. However provision of services and accommodation for rough sleepers will need to be part of the discussion between the Council and SCH when agreeing the funding envelope for the homelessness service up to the end of March 2015.

9. MONITORING & REVIEW

- 9.1 The following information will be recorded by SCH and reported to the Council on a quarterly basis so that partners are able to monitor the extent of rough sleeping in the Borough:
 - The number and composition of rough sleeper households
 - The number of nights accommodated for each household
 - The cost of emergency accommodation per night for each household
 - The cost of travel and transport to enable rough sleepers to get to emergency accommodation arranged for them

- The number of rough sleepers assisted to move back to their home areas under the reconnections policy and any costs associated with assisting rough sleepers to travel back to their local communities
 - Outcomes / follow up information for the rough sleepers that have been assisted (where this is known)
- 9.2 The protocol will be reviewed on an annual basis by all of the main delivery partners. As part of the annual review process which will take place in September each year the protocol will be updated where necessary and authorised by the relevant person in each organisation. This will ensure that the protocol remains up to date and that the most appropriate representative in each signatory organisation is aware of the protocol, the implications it has for their organisation and their responsibilities for ensuring that the protocol is followed by their organisation.
- 9.3 In addition to the annual review the protocol will be monitored through Solihull's Multi-Agency Homelessness Forum (MAHF) which meets on a quarterly basis. MAHF will receive updates on how well the protocol is being implemented, review information about the extent of rough sleeping in Solihull and take into account and agree responses to any newly emerging issues / trends in relation to rough sleeping.

10. ROUGH SLEEPER PROTOCOL: DELIVERY PARTNERS

- **Solihull Council – People Directorate (Public Health and Adult Social Care)**
- **Solihull Council – Places Directorate (Policy & Spatial Planning & Neighbourhood Services)**
- **Solihull Community Housing**
- **West Midlands Police**
- **Staffordshire and West Midlands Probation Trust**
- **SUSTAIN**
- **Solihull Integrated Addiction Services (SIAS)**
- **Fry Housing Trust**
- **Solihull Churches Action on Homelessness (SCAH)**
- **NHS Solihull Clinical Commissioning Group**

HOMELESSNESS LEGISLATIVE FRAMEWORK

1.1 Outline

There is a 5 stage test authorities use when someone applies as homeless.

Is the applicant:

- Eligible
- Homeless
- In Priority Need
- Intentionally Homeless?

Do they have a:

- Local Connection?

The tests are assessed in order. For instance, if the applicant is not eligible, the LA need not make a judgement about whether they are in priority need.

1.2 The five tests in detail

1. The local authority must first decide if the person is **eligible for assistance**. The only persons who are ineligible are some people from abroad or returning from abroad.

2. Is the person homeless / threatened with homelessness?

A person is homeless if they have no accommodation anywhere in the world (other than temporary crisis accommodation e.g. women's refuge) available for their occupation.

A person is also homeless if they have accommodation but-

- they cannot secure entry to it, or
- it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it, or
- it would not be **reasonable for the person to continue to occupy it,**

Accommodation does not have to be settled or permanent. Other relevant matters to be considered in relation to whether it is **reasonable for a person to continue to occupy** accommodation include:

- Location;
- Physical conditions;
- Overcrowding;
- Legal conditions (e.g. status of tenancy agreement);
- Financial conditions (affordability); and
- Employment.

In addition, **it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence or other violence against him/her or against-**

- a) a person who normally resides with him as a member of his family, or
- b) any other person who might reasonably be expected to reside with him

When is a person **threatened with homelessness**?

A local authority has to undertake the same enquiries for someone who is threatened with homelessness as someone who is actually homeless. Someone is threatened with homelessness when they will be homeless within 28 days, e.g. when an order for possession of their property has been made and it expires within 28 days. If the local authority does not think the person will actually be homeless e.g. because they believe they can do something to prevent the homelessness (for instance mediate to prevent eviction by relatives), they may not take an application.

3. Is the person in priority need?

The law only requires local authorities to provide accommodation for certain groups of homeless people, who are defined as having a “priority need for accommodation”.

These groups are:

- A pregnant woman or a person with whom she resides or might reasonable be expected to reside
- A person with whom dependent children reside or might reasonably be expected to reside
- A person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonable be expected to reside
- A person who is threatened with homelessness as a result of an emergency such as flood, fire or other disaster

Additional Priority Need Categories (extended through the 2002 Act) are:

- 16 & 17 year olds other than those that social services are responsible for accommodating
- Care leavers under the age of 21 who were looked after by social services when they were 16 or 17 (some exceptions apply)
- People who are vulnerable as a result of violence or threats of violence
- People who are vulnerable as a result of a prison, armed forces or care background

Where applicants have a ‘priority need’ for accommodation the Council is under a duty to provide suitable temporary accommodation. For homeless people not in priority need (i.e. ‘non-priority’), there is no duty to provide accommodation but the Council must still provide advice and assistance.

4. When is someone intentionally homeless?

A person becomes homeless intentionally if:

“he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable to continue to occupy.”

This means that a person is intentionally homeless if he deliberately did or failed to do something as a result of which he became homeless. The initial intention to

become homeless does not need to be proven just that a deliberate action or failure to carry out an action directly resulted in homelessness.

If the authority is satisfied that the applicant is intentionally homeless there is no long term housing duty.

5. When does someone have a local connection?

Most authorities consider whether the applicant has a local connection with their area. If the applicant does not have such a connection the LA can refer the client to be housed by another LA where they do have a local connection. If the applicant does not have a local connection elsewhere, the LA to whom they made the application will house them.

A person may have a local connection with the district of a local housing authority based on one of the four grounds:

- a) because he is, or in the past was, normally resident there, and that residence is or was of his own choice;
- b) because he is employed there;
- c) because of family associations, or
- d) because of special circumstances

Family associations do not usually extend beyond parents, adult children and brothers and sisters.

1.3 The Local Authority's Duties and Powers

Pending enquiries

If someone is homeless and in priority need they will be housed in temporary accommodation pending enquiries into the rest of their circumstances.

Unintentionally homeless

Duty to secure accommodation

Unintentionally threatened with homelessness

Duty to take reasonable steps to ensure that accommodation does not cease to be available

Intentionally homeless

Duty to provide advice and assistance and secure accommodation for such period as will give applicant a reasonable period to secure accommodation for him/herself

Intentionally threatened with homelessness

Duty to provide advice and assistance.

APPENDIX B

Operational Contacts

Organisation	Named Contact & Role	Telephone	Email
SCH	Kim Holmes, Housing Aid & Homelessness Manager	0121 779 8919	kholmes@solihullcommunityhousing.org.uk
	Julie Cheshire, Homeless Prevention Manager	0121 779 8943	jcheshire@solihullcommunityhousing.org.uk
	Stephen O'Neill, Homeless Team Manager	0121 779 8823	Stephenoneill@solihullcommunityhousing.org.uk
	Sharon O'Grady, Temporary Accommodation Support Officer	0121 779 8947	sogrady@solihullcommunityhousing.org.uk
	Mark Pinnell, Maintenance Team Manager (manages out of hours service)	0121 717 1621	mpinnell@solihullcommunityhousing.org.uk
Solihull Council, Housing Team, Places Directorate	Gemma Thompson, Housing Strategy Officer,	0121 704 8144	gemma.thompson@solihull.gov.uk
	John Pitcher, Senior Housing Strategy Officer	0121 704 8143	jpitcher@solihull.gov.uk
Solihull Council, Neighbourhood Management Team, Places Directorate	Caroline Naven, Head of Neighbourhood Services	0121 704 8753	cnaven@solihull.gov.uk
	Kath Hemmings, Neighbourhood Manager,	0121 704 6358	kathrynhemmings@solihull.gov.uk
	Alison Lush, Neighbourhood Manager	0121 704 8031	alisonlush@solihull.gov.uk
Solihull Council, Drug & Alcohol Action Team	Chris Clarke, Joint Commissioning Manager, Places Directorate	0121 704 6715	cfclarke@solihull.gov.uk
SIAS	Joanne Mackinnon Chief Officer, Welcome on behalf of SIAS	0121 678 4730	JoanneMackinnon@welcome-solihull.co.uk
West Midlands Police	Chief Inspector Kevin Doyle, Solihull Local Policing	0345 113 5000 (ext. 7921 6105)	k.d.doyle@west-midlands.pnn.police.uk
	Inspector Keith Portman (Meriden Constituency)	0345 113 5000 ext 7922 6520	k.portman@west-midlands.pnn.police.uk
	Inspector Darren Wilson (Solihull Constituency)	0345 113 5000 ext 7921 6568	d.wilson@west-midlands.pnn.police.uk
	Inspector Paul Farley, Contact Centre Manager	0345 113 5000 (ext: 7921 6300)	p.farley@west-midlands.pnn.police.uk
		07974 255570 (mobile)	
Staffordshire & West Midlands Probation Trist (Solihull)	Stephen Mills, Probation Officer	0121 248 6849 (6874)	Stephen.Mills@swm.probation.gsi.gov.uk
Solihull Council, Adult Social Care Services	All Adult Social Care referrals (including safeguarding concerns) to go through the One Front Door service	0121 704 8007	ccadults@solihull.gov.uk
	Issues re: strategic overview and operation of policy and procedure through: Sharon Bailey, Service Director, Adult Social Services	0121 704 6451	sbailey@solihull.gov.uk

Final Version – Agreed & Last Amended January 2013

Organisation	Named Contact & Role	Telephone	Email
Solihull Council, Adult Social Care (Mental Health Services) and Birmingham & Solihull Mental Health Foundation Trust	Patrick Finnegan, Team Manager, Adult Social Services, Birmingham & Solihull Mental Health Foundation Trust Mike Strauss / Veena Kanda, Manager, Mental Health Team for Older People	0121 678 4998 07733015285 (mobile) 0121 704 6100 / 0121 704 8111	patrick.finnegan@bsmht.nhs.uk mike.strauss@solihull.gov.uk / veena.kanda@solihull.gov.uk
Fry Housing Trust	Steve Watts, Scheme Manager Claire Mawby, Senior Floating Support Worker	0121 706 0900 0121 788 4517	Steve.watts@fryha.org.uk smbell@fryha.org.uk
Sustain	Charles Rapson, Operations and Enterprise Manager, Solihull SUSTAIN & Colebridge Trust	0121 770 8222	charlesr@colebridge.org / charlesr@solihull-sustain.org.uk
Solihull Churches Action on Homelessness (SCAH)	Reverend Mark Fisher, Chairperson of SCAH Rosemary Owens	07950399615 0121 705 3925 / 0121 705 1866	mjf.urb@me.com rno@btinternet.com
NHS Solihull Clinical Commissioning Group	Katy Stewart, Urgent Care Commissioning Manager	0121 713 8849	katy.stewart@nhs.net
Public Health	Sangeeta Leahy, Senior Public Health Specialist/Senior Manager	0121 704 6797	sangeeta.leahy@nhs.net

APPENDIX C

Partner organisations / services that are not main delivery partners but will need to be aware of and comply with the procedure set out in the Rough Sleeper Protocol

- Age UK
- Birmingham and Solihull Women's Aid
- Citizens Advice Solihull Borough
- Chelmsley Wood Town Centre Management
- Heart of England, NHS Foundation Trust (Local Accident & Emergency Services / Hospitals)
- Helping Hands (provision of emergency food parcels)
- Job Centre Plus
- Parish Councils
- Public Health England
- Registered Providers / Housing Associations
- Solihull BID (town centre management covering Central Solihull)
- Solihull Council Children's Services (includes 16+ team, Youth Services, Connexions & Youth Offending Team)
- Solihull Council's contact & walk-in centres
- Solihull Council, communications
- Solihull Council, Streetscene Section (includes neighbourhood co-ordinators and park rangers)
- SCH– Contact Centre & Customer Services
- Solihull MIND
- Transport Providers
- West Midlands Fire Service